## T

### 1NC

#### Targeted killings are strikes carried about against pre-meditated, individually designated targets-signature strikes are distinct

**Anderson, Washington law professor, 2011**

(Kenneth, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters”, 8-29, <http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/>)

From the US standpoint, it is partly that it does not depend as much as it did on Pakistan’s intelligence. But it is also partly, as a couple of well-publicized incidents a few months ago made clear, that sharing targeting decisions with Pakistan’s military and ISI runs a very considerable possibility of having the targets tipped off (as even The Onion has observed). The article notes in this regard, the U.S. worries that “if they tell the Pakistanis that a drone strike is coming someone within Pakistani intelligence could tip off the intended target.” However, the Journal’s reporting goes from there to emphasize an aspect of targeted killing and drone warfare that is not sufficiently appreciated in public discussions trying to assess such issues as civilian collateral damage, strategic value and uses, and the uses of drones in counterterrorism and counterinsurgency as distinct activities. The article explains: The CIA carries out two different types of drone strikes in the tribal areas of Pakistan—those against so-called high-value targets, including Mr. Rahman, and “signature” strikes targeting Taliban foot-soldiers who criss-cross the border with Afghanistan to fight U.S. forces there. High-value targets are added to a classified list that the CIA maintains and updates. The agency often doesn’t know the names of the signature targets, but it tracks their movements and activities for hours or days before striking them, U.S. officials say. Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency. (I discuss this in the opening sections of this draft chapter on SSRN.) This analytic point affects how one sees the levels of drone attacks going up or down over the years. Neither the total numbers of fighters killed nor the total number of drone strikes – going up or down over months – tells the whole story. Total numbers do not distinguish between the high value targets, being targeted as part of the top down dismantling of Al Qaeda as a transnational terrorist organization, on the one hand, and ordinary Taliban being killed in much larger numbers as part of counterinsurgency activities essentially part of the ground war in Afghanistan, on the other. Yet the distinction is crucial insofar as the two activities are, at the level of truly grand strategy, in support of each other – the war in Afghanistan and the global counterterrorism war both in support of the AUMF and US national security broadly – but at the level of ordinary strategic concerns, quite distinct in their requirements and conduct. If targeted killing against AQ leadership goes well in Pakistan, those might diminish at some point in the future; what happens in the war against the Afghan Taliban is distinct and has its own rhythm, and in that effort, drones are simply another form of air weapon, an alternative to manned aircraft in an overt, conventional war. Rising or falling numbers of drone strikes in the aggregate will not tell one very much without knowing what mission is at issue.

#### Vote neg --- signature strikes and targeted killings are distinct operations with entirely separate lit bases and advantages---they kill precision and limits

**Anderson, Washington law professor, 2011**

(Kenneth, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters”, 8-29, <http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/>)

Although targeted killing and drone warfare are often closely connected, they are not the same and are not always associated with each other. We need to disaggregate the practices of targeted killing from the technologies of drone warfare. Targeted killing consists of using deadly force, characterized by the identification of and then strike against an individual marked to be killed. It is distinguished, among other things, by making an individualized determination of a person to be killed, rather than simply identifying, for example, a mass of enemy combatants to attack as a whole. Since it is a practice that involves the determination of an identified person, rather than a mass of armed and obvious combatants, it is a use of force that is by its function integrated with intelligence work, whether the intelligence actors involved are uniformed military or a civilian agency such as the CIA. Targeted killing might (and does) take place in the course of conventional warfare, through special operations or other mechanisms that narrowly focus operations through intelligence. But it might also take place outside of a conventional conflict, or perhaps far from the conventional battlefields of that conflict, sufficiently so operationally to best be understood as its own operational category of the use of force – “intelligence-driven,” often covert, and sometimes non-military intelligence agency use of force, typically aimed at “high value” targets in global counterterrorism operations. It might be covert or it might not – but it will be driven by intelligence, because of necessity it must identify and justify the choice of target (on operational, because resources are limited; or legal grounds; or, in practice, both). Targeted killing might use a variety of tactical methods by which to carry out the attack. The method might be by drones firing missiles – the focus of discussion here. But targeted killing – assassination, generically – is a very old method for using force and drones are new. Targeted killing in current military and CIA doctrine might, and often does, take place with covert civilian intelligence agents or military special operations forces – a human team carrying out the attack, rather than a drone aircraft operated from a distance. The Bin Laden raid exemplifies the human team-conducted targeted killing, of course, and in today’s tactical environment, the US often uses combined operations that have available both human teams and drones, to be deployed according to circumstances. Targeted killing is thus a tactic that might be carried out either by drones or human teams. If there are two ways to do targeted killing, there are also two functions for the use of drones – targeted killing as part of an “intelligence-driven” discrete use of force, on the one hand, and a role (really, roles) in conventional warfare. Drones have a role in an ever-increasing range of military operations that have no connection to “targeted killing.” For many reasons ranging from cost-effectiveness to mission-effectiveness, drones are becoming more ramified in their uses in military operations, and will certainly become more so. This is true starting with their fundamental use in surveillance, but is also true when used as weapons platforms. From the standpoint of conventional military operations and ordinary battlefields, drones are seen by the military as simply an alternative air weapons platform. One might use an over-the-horizon manned aircraft – or, depending on circumstances, one might instead use a drone as the weapons platform. It might be a missile launched from a drone by an operator, whether sitting in a vehicle near the fighting or farther away; it might be a weapon fired from a helicopter twenty miles away, but invisible to the fighters; it might be a missile fired from a US Navy vessel hundreds of miles away by personnel sitting at a console deep inside the ship. Future air-to-air fighter aircraft systems are very likely to be remotely piloted, in order to take advantage of superior maneuverability and greater stresses endurable without a human pilot. Remotely-piloted aircraft are the future of much military and, for that matter, civil aviation; this is a technological revolution that is taking place for reasons having less to do with military aviation than general changes in aviation technology. Missiles fired from a remotely-piloted standoff platform present the same legal issues as any other weapons system – the law of war categories of necessity and proportionality in targeting. To military professionals, therefore, the emphasis placed on “remoteness” from violence of drone weapons operators, and presumed psychological differences in operators versus pilots, is misplaced and indeed mystifying. Navy personnel firing missiles from ships are typically just as remote from the fighting, and yet one does not hear complaints about their indifference to violence and their “Playstation,” push-button approach to war. Air Force pilots more often than not fire from remote aircraft; pilots involved in the bombing campaign over Serbia in the Kosovo war sometimes flew in bombers taking off from the United States; bomber crews dropped their loads from high altitudes, guided by computer, with little connection to the “battlefield” and little conception of what they – what their targeting computers - were aiming at. Some of the crews in interviews described spending the flights of many hours at a time, flying from the Midwest and back, as a good chance to study for graduate school classes they were taking – not Playstation, but study hall. In many respects, the development of new sensor technologies make the pilots, targeters, and the now-extensive staff involved in a decision to fire a weapon from a drone far more aware of what is taking place at the target than other forms of remote targeting, from Navy ships or high altitude bombing. Very few of the actors on a technologically advanced battlefield are personally present in a way that makes the destruction and killing truly personal – and that is part of the point. Fighting up close and personal, on the critics’ psychological theories, seems to mean that it has greater significance to the actors and therefore leads to greater restraint. That is extremely unlikely and contrary to the experience of US warfighters. Lawful kinetic violence is more likely to increase when force protection is an issue, and overuse of force is more likely to increase when forces are under personal pressure and risk. The US military has known since Vietnam at least that increased safety for fighting personnel allows them greater latitude in using force, encourages and permits greater willingness to consider the least damaging alternatives, and that putting violence at a remove reduces the passions and fears of war and allows a coolly professional consideration of what kinds, and how much, violence is required to accomplish a lawful military mission. Remote weapon systems, whether robotic or simply missiles launched from a safe distance, in US doctrine are more than just a means for reducing risk to forces – they are an integral part of the means of allowing more time to consider less-harmful alternatives. This is an important point, given that drones today are being used for tasks that involve much greater uses of force than individualized targeted killing. Drones are used today, and with increasing frequency, to kill whole masses of enemy columns of Taliban fighters on the Pakistan border – in a way that would otherwise be carried out by manned attack aircraft. This is not targeted killing; this is conventional war operations. It is most easily framed in terms of the abstract strategic division of counterinsurgency from counterterrorism (though in practice the two are not so distinct as all that). In particular, drones are being deployed in the AfPak conflict as a counterinsurgency means of going after Taliban in their safe haven camps on the Pakistan side of the border. A fundamental tenet of counterinsurgency is that the safe havens have to be ended, and this has meant targeting much larger contingents of Taliban fighters than previously understood in the “targeted killing” deployment. This could be – and in some circumstances today is – being done by the military; it is also done by the CIA under orders of the President partly because of purely political concerns; much of it today seems to be a combined operation of military and CIA. Whoever conducts it and whatever legal issues it might raise, the point is that this activity is fundamentally counterinsurgency. The fighters are targeted in much larger numbers in the camps than would be the case in “targeted killing,” and this is a good instance of how targeted killing and drone warfare need to be differentiated. The targets are not individuated, either in the act of targeting or in the decision of who and where to target: this is simply an alternative air platform for doing what might otherwise be done with helicopters, fixed wing aircraft, or ground attack, in the course of conventional counterinsurgency operations. But it also means that the numbers killed in such operations are much larger, and consist often of ordinary fighters who would otherwise pile into trucks and cross back into Afghanistan, rather than individualized “high value” targets, whether Taliban or Al Qaeda.

### 2NC AT: We Meet

#### 2. The producers are completely different-this distinction matters

**Anderson, Washington College of law professor, 2013**

(Kenneth, “The Case for Drones”, 5-24, http://dyn.realclearpolitics.com/printpage/?url=http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548-full.html accessed 9-13-13, CMM)

Are drone technology and targeted killing really so strategically valuable? The answer depends in great part not on drone technology, but on the quality of the intelligence that leads to a particular target in the first place. The drone strike is the final kinetic act in a process of intelligence-gathering and analysis. The success—and it is remarkable success—of the CIA in disrupting al-Qaeda in Pakistan has come about not because of drones alone, but because the CIA managed to establish, over years of effort, its own ground-level, human-intelligence networks that have allowed it to identify targets independent of information fed to it by Pakistan’s intelligence services. The quality of drone-targeted killing depends fundamentally on that intelligence, for a drone is not much use unless pointed toward surveillance of a particular village, area, or person. It can be used for a different kind of targeting altogether: against groups of fighters with their weapons on trucks headed toward the Afghan border. But these so-called signature strikes are not, as sometimes represented, a relaxed form of targeted killing in which groups are crudely blown up because nothing is known about individual members. Intelligence assessments are made, including behavioral signatures such as organized groups of men carrying weapons, suggesting strongly that they are “hostile forces” (in the legal meaning of that term in the U.S. military’s Standing Rules of Engagement). That is the norm in conventional war. Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities—but much of the drone’s contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

#### 3. The government also draws a distinction between the two

**Zenko, CFR Douglas Dillon Fellow, 2012**

(Micah, “Targeted Killings and Signature Strikes”, 7-16, <http://blogs.cfr.org/zenko/2012/07/16/targeted-killings-and-signature-strikes/>, ldg)

Although signature strikes have been known as a U.S. counterterrorism tactic for over four years, no administration official has acknowledged or defended them on-the-record. Instead, officials emphasize that targeted killings with drones (the official term is “targeted strikes”) are only carried out against specific individuals, which are usually lumped with terms like “senior” and “al-Qaeda.” Harold Koh: “The United States has the authority under international law, and the responsibility to its citizens, to use force, including lethal force, to defend itself, including by targeting persons such as high-level al-Qaeda leaders who are planning attacks.” John Brennan: “This Administration’s counterterrorism efforts outside of Afghanistan and Iraq are focused on those individuals who are a threat to the United States.” Jeh Johnson: “In an armed conflict, lethal force against known, individual members of the enemy is a long-standing and long-legal practice.” Eric Holder: “Target specific senior operational leaders of al Qaeda and associated forces.” In April, Brennan was asked, “If you could address the issue of signature strikes, which I guess aren’t necessarily targeted against specific individuals?” He replied: “You make reference to signature strikes that are frequently reported in the press. I was speaking here specifically about targeted strikes against individuals who are involved.” Shortly thereafter, when the White House spokesperson was asked about drone strikes, he simply stated: “I am not going to get into the specifics of the process by which these decisions are made.”

## K

### Law K

#### Insisting on law to constrain executive violence ignores the role it plays in constructing exceptionalism; this depolitisization of war powers can only be resisted by rejecting the politics of security

Neocleous 8 (Mark Professor of the Critique of Political Economy at Brunel University (“Critique of Security”, McGill-Queen’s University, pp. 72-75, Published 2008))

But there is a wider argument to be made, one with political implications. The idea that the permanent emergency involves a suspension of the law encourages the idea that resistance must involve a 'return to legality', a return to the 'normal' mode of governing through the rule of law. This involves a serious misjudgement in which it is simply assumed that legal procedures - both international and domestic are designed to protect human rights from state violence. 'Law' are comes to appear largely unproblematic and the rule of law 'an unqualified human good'." What this amounts to is what I have elsewhere called a form of legal fetishism, in which Law becomes a mystical answer to the problems posed by power. In the process, the problems inherent in Law are ignored. Law is treated as an 'indepen- dent' or 'autonomous' reality, explained according to its own dynamics, a Subject in itself whose very existence requires that individuals and institutions 'objectify' themselves before it. This produces the illusion that Law has a life of its own, abstracting the rule of law from its origins in class domination, ignoring the ways in which the rule of law is deployed as a political strategy, and obscuring the ideological mystification of these processes in the liberal trumpeting of the rule of law. To demand the return to the 'rule of law' is to seriously misread the history of the relation between the rule of law and emergency powers and, consequently, to get sucked into a less-than-radical politics in dealing with state violence. Part of what I am suggesting is that emergency measures are part of the everyday exercise of powers, working alongside rather than against the rule of law as part of a unified political strategy in the fabrication of social order. The question to ask, then, is less 'how can we bring law to bear on violence?' and much more 'what is it that the law permits emergency measures to accomplish?"' This question - the question that Schmitt, with his fetish for the decision cannot understand/'° which is also why contemporary Left Schmittianism is such a dead loss - disposes of any supposed juxtaposition between legality and emergency and allows us to recognise instead the extent to which the concept of emergency is deeply inscribed within the law and the legal condition of the modem state, and a central part of liberalism's authoritarian moment: the iron fist in the velvet glove of liberal constitutionalism. Far from suspending law or bracketing off the juridical, emergency powers lie firmly within the legal domain. How could they not, since they are so obviously central to state power and the political technology of government - part of the deployment of law, rather than its abandonment? Once this is recognised, the supposed problematic of violence disappears completely, for it can then be seen that emergency powers are deployed for the exercise of a violence necessary for the permanent refashioning of order - the violence of law, not violence contra law. Liberalism struggles with this, and thus presents it as an exceptional moment; fascism recognises it for what it is, and aestheticises the moment. As David Dyzenhaus points out, while the stripping of liberties in the name of emergency the denial of rights on the grounds of necessity and the suspension of freedoms through the exercise of prerogative might appear quite minor compared to what happens in fascist regimes, the fact that the stripping, denial and suspension does happen under the guise of emergency and in full view of the courts brings the legal order of liberal democracies far closer to the legal order of fascism than liberals would care to admit. But in a wonderful ideological loop, the rule of law is also its own ideological obfuscation of that fact The political implications of this are enormous. For if emergency powers are part and parcel of the exercise of law and violence (that is, law as violence), and if historically they have been aimed at the oppressed - in advanced capitalist states against the proletariat and its various struggles, in reactionary regimes against genuine politicisation of the people, in colonial systems against popular mobilisation - then they need to be fought not by demanding a return to the 'normal' rule of law, but in what Benjamin calls a real state of emergency, on the grounds that only this will improve our position in the struggle against the fascism of our time. And this is a task which requires violence, not the rule of law. As Benjamin saw, the law's claim to a monopoly of violence is explained not by the intention of preserving some mythical 'legal end' such as security or normality but, rather, for 'the intention of preserving the law itself'. But violence not in the hands of the law threatens it by its mere existence outside the law. A violence exercised not by the state, but used for very different political ends. For 'if the existence of violence outside the law, as pure immediate violence, is assured, [then] this furnishes proof that revolutionary violence ... is possible'."' That this possibility of and necessity for revolutionary violence is so often omitted when emergency powers are discussed is indicative of the extent to which much of the Left has given up any talk of political violence for the far more comfortable world of the rule of law, regardless of how little the latter has achieved in just the last few years. But if the history of emergency powers tells us anything it is that the least effective response to state violence is to simply insist on the rule of law. Rather than aiming to counter state violence with a demand for legality, then, what is needed is a counter-politics: against the permanent emergency by all means, but also against the 'normality' of everyday class power and the bourgeois world of the rule of law. And since the logic of emergency is so deeply embedded in the rhetorical structure of liberalism's concept of security this means being against the politics of security. For the very posing of political questions through the trope of emergency is always already on the side of security. To grasp why, we need to now refocus our attention more specifically on security as a political technology.

#### The 1AC’s securitization and obsession with American military dominance create a form of social relations that make extinction inevitable. Their knowledge production has been bankrupted by this system; and their epistemological underpinnings should be evaluated prior to the advantages.

Willson 13 (Brain, is a Ph.D New College San Fransisco, Humanities, JD, American University, “Developing Nonviolent Bioregional Revolutionary Strategies,” http://www.brianwillson.com/developing-nonviolent-bioregional-revolutionary-strategies/)

Industrial civilization is on a collision course with life itself. Facilitating its collapse is a deserved and welcomed correction, long overdue. Collapse is inevitable whether we seek to facilitate it or not. Nonetheless, whatever we do, industrial civilization, based as it is on mining and burning finite and polluting fossil fuels, cannot last because it is destroying the ecosystem and the basis of local, cooperative life itself. It knows no limits in a physically finite world and thus is unsustainable. And the numbers of our human species on earth, which have proliferated from 1.6 billion in 1900 to 7 billion today, is the consequence of mindlessly eating oil – tractors, fertilizers, pesticides, herbicides – while destroying human culture in the process. Our food system itself is not sustainable. Dramatic die-off is part of the inevitable correction in the very near future, whether we like it or not. Human and political culture has become totally subservient to a near religion of economics and market forces. Technologies are never neutral, with some being seriously detrimental. Technologies come with an intrinsic character representing the purposes and values of the prevailing political economy that births it. The Industrialism process itself is traumatic. It is likely that only when we experience an apprenticeship in nature can we be trusted with machines, especially when they capital intensive & complicated. The nation-state, intertwined more than ever with corporate industrialism, will always come to its aid and rescue. Withdrawal of popular support enables new imagination and energy for re-creating local human food sufficient communities conforming with bioregional limits. II. The United States of America is irredeemable and unreformable, a Pretend Society. The USA as a nation state, as a recent culture, is irredeemable, unreformable, an anti-democratic, vertical, over-sized imperial unmanageable monster, sustained by the obedience and cooperation, even if reluctant, of the vast majority of its non-autonomous population. Virtually all of us are complicit in this imperial plunder even as many of us are increasingly repulsed by it and speak out against it. Lofty rhetoric has conditioned us to believe in our national exceptionalism, despite it being dramatically at odds with the empirically revealed pattern of our plundering cultural behavior totally dependent upon outsourcing the pain and suffering elsewhere. We cling to living a life based on the social myth of US America being committed to justice for all, even as we increasingly know this has always served as a cover for the social secret that the US is committed to prosperity for a minority thru expansion at ANY cost. Our Eurocentric origins have been built on an extraordinary and forceful but rationalized dispossession of hundreds of Indigenous nations (a genocide) assuring acquisition of free land, murdering millions with total impunity. This still unaddressed crime against humanity assured that our eyes themselves are the wool. Our addiction to the comfort and convenience brought to us by centuries of forceful theft of land, labor, and resources is very difficult to break, as with any addiction. However, our survival, and healing, requires a commitment to recovery of our humanity, ceasing our obedience to the national state. This is the (r)evolution begging us. Original wool is in our eyes: Eurocentric values were established with the invasion by Columbus: Cruelty never before seen, nor heard of, nor read of – Bartolome de las Casas describing the behavior of the Spaniards inflicted on the Indigenous of the West Indies in the 1500s. In fact the Indigenous had no vocabulary words to describe the behavior inflicted on them (A Short Account of the Destruction of the Indies, 1552). Eurocentric racism (hatred driven by fear) and arrogant religious ethnocentrism (self-righteous superiority) have never been honestly addressed or overcome. Thus, our foundational values and behaviors, if not radically transformed from arrogance to caring, will prove fatal to our modern species. Wool has remained uncleansed from our eyes: I personally discovered the continued vigorous U.S. application of the “Columbus Enterprise” in Viet Nam, discovering that Viet Nam was no aberration after learning of more than 500 previous US military interventions beginning in the late 1790s. Our business is killing, and business is good was a slogan painted on the front of a 9th Infantry Division helicopter in Viet Nam’s Mekong Delta in 1969. We, not the Indigenous, were and remain the savages. The US has been built on three genocides: violent and arrogant dispossession of hundreds of Indigenous nations in North America (Genocide #1), and in Africa (Genocide #2), stealing land and labor, respectively, with total impunity, murdering and maiming millions, amounting to genocide. It is morally unsustainable, now ecologically, politically, economically, and socially unsustainable as well. Further, in the 20th Century, the Republic of the US intervened several hundred times in well over a hundred nations stealing resources and labor, while imposing US-friendly markets, killing millions, impoverishing perhaps billions (Genocide #3). Since 1798, the US military forces have militarily intervened over 560 times in dozens of nations, nearly 400 of which have occurred since World War II. And since WWII, the US has bombed 28 countries, while covertly intervening thousands of times in the majority of nations on the earth. It is not helpful to continue believing in the social myth that the USA is a society committed to justice for all , in fact a convenient mask (since our origins) of our social secret being a society committed to prosperity for a few through expansion at ANY cost. (See William Appleman Williams). Always possessing oligarchic tendencies, it is now an outright corrupt corporatocracy owned lock stock and barrel by big money made obscenely rich from war making with our consent, even if reluctant. The Cold War and its nuclear and conventional arms race with the exaggerated “red menace”, was an insidious cover for a war preserving the Haves from the Have-Nots, in effect, ironically preserving a western, consumptive way of life that itself is killing us. Pretty amazing! Our way of life has produced so much carbon in the water, soil, and atmosphere, that it may in the end be equivalent to having caused nuclear winter. The war OF wholesale terror on retail terror has replaced the “red menace” as the rhetorical justification for the continued imperial plunder of the earth and the riches it brings to the military-industrial-intelligence-congressional-executive-information complex. Our cooperation with and addiction to the American Way Of Life provides the political energy that guarantees continuation of U.S. polices of imperial plunder. III. The American Way Of Life (AWOL), and the Western Way of Life in general, is the most dangerous force that exists on the earth. Our insatiable consumption patterns on a finite earth, enabled by but a one-century blip in burning energy efficient liquid fossil fuels, have made virtually all of us addicted to our way of life as we have been conditioned to be in denial about the egregious consequences outsourced outside our view or feeling fields. Of course, this trend began 2 centuries earlier with the advent of the industrial revolution. With 4.6% of the world’s population, we consume anywhere from 25% to nearly half the world’s resources. This kind of theft can only occur by force or its threat, justifying it with noble sounding rhetoric, over and over and over. Our insatiable individual and collective human demands for energy inputs originating from outside our bioregions, furnish the political-economic profit motives for the energy extractors, which in turn own the political process obsessed with preserving “national (in)security”, e.g., maintaining a very class-based life of affluence and comfort for a minority of the world’s people. This, in turn, requires a huge military to assure control of resources for our use, protecting corporate plunder, and to eliminate perceived threats from competing political agendas. The U.S. War department’s policy of “full spectrum dominance” is intended to control the world’s seas, airspaces, land bases, outer spaces, our “inner” mental spaces, and cyberspaces. Resources everywhere are constantly needed to supply our delusional modern life demands on a finite planet as the system seeks to dumb us down ever more. Thus, we are terribly complicit in the current severe dilemmas coming to a head due to (1) climate instability largely caused by mindless human activities; (2) from our dependence upon national currencies; and (3) dependence upon rapidly depleting finite resources. We have become addicts in a classical sense. Recovery requires a deep psychological, spiritual, and physical commitment to break our addiction to materialism, as we embark on a radical healing journey, individually and collectively, where less and local becomes a mantra, as does sharing and caring, I call it the Neolithic or Indigenous model. Sharing and caring replace individualism and competition. Therefore, A Radical Prescription Understanding these facts requires a radical paradigmatic shift in our thinking and behavior, equivalent to an evolutionary shift in our epistemology where our knowledge/thinking framework shifts: arrogant separateness from and domination over nature (ending a post-Ice Age 10,000 year cycle of thought structure among moderns) morphs to integration with nature, i.e., an eco-consciousness felt deeply in the viscera, more powerful than a cognitive idea. Thus, we re-discover ancient, archetypal Indigenous thought patterns. It requires creative disobedience to and strategic noncooperation with the prevailing political economy, while re-constructing locally reliant communities patterned on instructive models of historic Indigenous and Neolithic villages.

#### Nonviolence is the only political act—the aff is worse than the conservative status quo they critique because they actively empower it—try or die for an ethics of equality

May 7 (Todd May is Professor of Philosophy at Clemson University. He is the author of seven books of philosophy, most recently Gilles Deleuze: An Introduction (Cambridge, 2005) and The Philosophy of Foucault (Acumen, 2006), “Jacques Rancière and the Ethics of Equality,” Project Muse)

In political action, the tapestry of this weaving together of cognitive and affective elements around the presupposition of equality has a name, although that name is rarely reflected upon. It is solidarity. Political solidarity is nothing other than the operation of the presupposition of equality internal to the collective subject of political action. It arises in the ethical character of that collective subject, a subject that itself arises only on the basis of its action. When one joins a picket line, or speaks publicly about the oppression of the Palestinians or the Tibetans or the Chechnyans, or attends a meeting whose goal is to organize around issues of fair housing, or brings one's bicycle to a ride with Critical Mass, one is not—if one is engaged in what Rancière calls politics—doing so from a position above or outside those alongside whom one struggles. Rather, one joins the creation of a political subject (which does not mean sacrificing one's own being to it). One acts, in concert with others, on the presupposition of the equality of any and every speaking being. And here is where the justificatory character of the ethics of political action lies. It cannot lie, as we have seen, in an ethical framework that possesses an ultimate foundation. It lies instead in a principle—the presupposition of equality—that can ground and justify political action only to the extent to which it is accepted by those alongside whom and [End Page 33] against whom one struggles. It is, in that sense, an optional ethical principle. But, as we have also seen, this does not mean that it is an arbitrary one. In our world, the presupposition of equality is embedded deep within the ethical framework of most societies. Even when it is honored in the breach, it remains honored. Political action consists in narrowing the breach. There remain two questions to ask about this ethics. The first one is interpretive and can be answered quickly: What is the relationship of this ethics to a vision of contemporary anarchism? The second is normative, and can only be responded to, at least at this moment, with a theoretical gesture: What, if any, implications for the specifics of political action does this ethical framework have? The interpretive question concerns the relation of the ethics of Rancière's politics to anarchism. I hope that the bond between the two will be obvious to those who have either studied or acted within the framework of anarchism. Anarchism's rejection of an avant-garde politics, its concern with the process of political action, its sensitivity to various forms of domination both in society at large and in political communities themselves, and its orientation toward radical equality, are all accounted for in the ethics and politics of the presupposition of equality. What Rancière's work does politically and implies ethically is of a piece with the deepest concerns of much of contemporary anarchism. Moreover, he offers a coherent way to frame those concerns and to bring them forward theoretically. Unlike traditional Marxism, anarchism, in its concern for equality, has often been reluctant to engage in theoretical reflection. If what has been said here is correct, that reluctance is unwarranted. There is much to be understood in politics, and many who can contribute to that understanding. Among what is to be understood is the second question alluded to above: what, if anything, do the ethics of political action imply for the character of political action itself? I would suggest that the pre-supposition of equality among those who act cannot remain limited to those alongside whom one acts. It must also apply to one's adversaries. If those who have no part are to see themselves as equal to those who have a part, then they must also see those who have a part as equal to them. This has implications for political action. I would suggest that such a presupposition of equality among all parties must orient political action toward non-violent means. One must, insofar as possible, refrain from treating those against whom one struggles as beneath consideration, as open game, or as what Kant would call solely a means to one's own ends. This requires political action to be more than just a struggle for [End Page 34] suppression of the adversary, even where the adversary engages in cynical domination. It must be creative in its expression of the presupposition of equality. Nonviolence in politics is often confused with passivity. This is not the place to explain the nature and possibilities of nonviolent action,7 however it must be understood that nonviolence often lies at the opposite pole from political passivity, further away from it than violent resistance. Violent resistance remains in many cases the norm. One is dominated, so one dominates; one is oppressed, so one oppresses. In that sense, violence is always the easy political option. It reverses the power in a relationship. What nonviolence can achieve is something else: not a reversal of power, but an effacing of the terms in which a context of power has been conceived. In the framework of a political orientation whose task is to declassify, nonviolent action carries with it more radical possibilities for declassification than the simple inversion that is the standard consequence of violent resistance. If this line of thinking is right, or even if it is wrong in a fruitful way, then the perspective that Rancière has opened for us is not so much a framework within which we can fit our political thinking as it is a door through which we must walk in order better to reflect upon that thinking. The presupposition of equality opens political thought to new vistas—vistas that, given the history of the last century, should appear more attractive to us now than they might once have done. In this sense, anarchism lies before us rather than behind us, as a political task to be thought and engaged rather than as a historical footnote to be buried alongside other challenges to the pervasive and multifarious dominations of our world.

### AT: Framework (Fashing)

#### The roll of the ballot is create an ethical basis for civil society, the question of how we relate to others must come prior, the affirmatives knee jerk reaction to separate from them and become autonomous risks nuclear apocalypse and defeats the purpose of living in the first place, starting with interconnectedness is key to reign in the worst violence

Darrell J. Fasching-prof religious studies, University of South Florida-93, Professor of Religious Studies of the University of South Florida in Tampa, holds a joint appointment in Special Education, has served as Associate Dean for Faculty Development in the College of Arts and Sciences and as Chair of the Department of Religious Studies, “The Ethical Challenge of Auschwitz and Hiroshima: Apocalypse or Utopia?” p. 1-7

Now the whole earth had one language and the same words. And as they migrated from the east, they came upon a plain in the land of Shinar and settled there. And they said to one another, "Come, let us make bricks, and burn them thoroughly." And they had brick for stone, and bitumen for mortar. Then they said, "Come, let us build ourselves a city, and a tower with its top in the heavens, and let us make a name for ourselves; otherwise we shall be scattered abroad upon the face of the whole earth." The Lord came down to see the city and the tower which mortals had built. And the Lord said, ''Look, they are one people, and they have all one language; and this is only the beginning of what they will do; nothing that they propose to do will now be impossible for them. Come, let us go down, and confuse their language there, so that they will not understand one another's speech." So the Lord scattered them abroad from there over the face of all the earth, and they left off building the city. Therefore it was called Babel, because there the Lord confused the language of all the earth; and from there the Lord scattered them abroad over the face of all the earth. Genesis 11:19 1 The story of Babel is a tale for our times. It is a parable through which we might come to understand our situation. The citizens of Babel, it seems, sought to build a perfect city, a utopia whose technological prowess would make their name known throughout the earth. These citizens, we are told, sought to seize control of transcendence through the ideology of a single language and the common technological project of building a tower to heaven. God, however, upset their efforts by confusing their tongues, so that they could not understand each other. They became strangers to one another and so could not complete their task. They had to abandon all "final solutions" and settle for an unfinished city. The popular interpretation of this story is that the confusion of tongues was a curse and a punishment for the Page 2 human sin of pride. But I am convinced that this is a serious misunderstanding of its meaning. For this story must be interpreted within the tradition of stories that make up the canon of the Tanakh (Old Testament), where the command to welcome the stranger appears more often than any other commandment. 2 In the light of that emphasis, I would suggest that the point of the story is that human beings misunderstood where transcendence lay, and God simply redirected them to the true experience of transcendence, which can occur only when there are strangers to be welcomed into our lives. The moral of this story, as I read it, is that utopian transcendence is to be found not in a "finished world" of technological and ideological conformity but in an "unfinished world" of diversity, a world that offers us the opportunity to welcome the stranger. Indeed, our attempts to define a world through technological prowess and ideological uniformity have led us, more than once, to the brink of MAD-ness (mutually assured destruction) the brink of an apocalyptic nuclear annihilation. Our hope lies in seeing the utopian possibilities of a world of diversity the latent possibilities that can be actualized through an ethic of welcoming the stranger. This book follows upon and expands the argument of my previous book, Narrative Theology After Auschwitz: From Alienation to Ethics (Fortress, 1992). It is intended to be an experiment in theology of culture as an approach to comparative religious ethics through narrative. In Narrative Theology After Auschwitz I attempted to restructure the Christian narrative tradition in the light of Auschwitz through a dialogue with that strand of post- Holocaust Jewish theology and ethics that draws on the Jewish narrative tradition of chutzpah.3 That volume culminated in an ethic of personal and professional responsibility proposed as a strategy for restraining the human capacity for the demonic. This volume, The Ethical Challenge of Auschwitz and Hiroshima: Apocalypse or Utopia? continues the narrative ethics approach but extends the ethical focus of the discussion to encompass religion, technology, and public policy in a cross-cultural perspective. In this work, I attempt to do what narrative ethicists have said cannot be done; namely, construct a cross-cultural ethic of human dignity, human rights, and human liberation that is rooted in and respects the diversity of narrative traditions. Moreover, I have tried to do this without succumbing to either ethical relativism or ethical absolutism, even as I seek to directly confront the dominant narrative of our technological civilization. That narrative, I am convinced, is the Janus-faced myth of "Apocalypse or Utopia." This mythic narrative tends to render us Page 3 ethically impotent, for, mesmerized by the power of technology, we become trapped in the manic-depressive rhythms of a sacral awe; that is, of fascination and dread. When we are caught up in the utopian euphoria created by the marvelous promises of technology we do not wish to change anything. And when, in our darker moments, we fear that this same technology is out of control and leading us to our own apocalyptic self-destruction, we feel overwhelmed and unable to do anything. The paradox is that the very strength of our literal utopian euphoria sends us careening toward some literal apocalyptic "final solution." In Narrative Theology After Auschwitz I argued that the demonic narrative theme that dominated Auschwitz was "killing in order to heal." In this book I argue that this theme became globalized when it was incorporated into the Janus-faced technological mythos that emerged out of Hiroshima. This mythic narrative underlies and structures much of public policy in our nuclear age. In response to this demonic narrative, I propose a cross-cultural coalition for an ethic of human dignity, human rights, and human liberation at the intersection of those holy communities whose narrative traditions emphasize the importance of welcoming the stranger. My goal is to construct a bridge not only over the abyss between religions, East and West, but also between religious and secular ethics. The total project, then, is about religion, ethics, and public policy after Auschwitz and Hiroshima. It is about (a) rethinking the meaning of civilization and public order in an emerging pluralistic world civilization as we approach the end of a millenniumthe year 2000 C.E.; (b) the need for a cross-cultural ethic in a world wracked by ethical relativism and ideological conflict; and (c) sacred and secular public narratives in a technological civilization and the appropriate role for religion in the shaping of public values in a "secular" world. The perspective from which this book is written is that of theology. However, it is not "Christian" theology, although it is most certainly theology written by a Christian. It is not "confessional theology," but theology understood as an academic discipline within the humanities, whose purpose is the illumination of the human experience (individual and communal) of transcendence as self-transcendence. Needless to say, the same subject matter would be treated differently had this project been written by a Buddhist or some other more "secular" a-theist, 4 or by a Hindu, Jew, or Muslim rather than a Christian. And yet I intend it to be a theology that has something to say not only to Christians but also to Jews, Buddhists, and otherseven to ''secular" humanistic a-theists. What I am engaged in is "theology of culture," a discipline first Page 4 introduced by Paul Tillich in his 1920 essay, "On the Idea of a Theology of Culture," with which he inaugurated his career. 5 Theology of culture is an appropriate discipline for the "secular" university in an emerging world civilization. For, as Tillich insists, the theologian of culture is no ''confessional theologian" but rather a "free agent" who takes as his or her task the identification and elucidation of the relationship between religion and culture in all its diversity. Theology of culture could equally be called "philosophy of religion," provided that discipline were able to break free of its nearly exclusive bias as a tradition of commentary on the logic of Western theism rather than on religion as a transcultural human phenomenon. Theology of culture, as I understand it, exists at the intersection of philosophy and the history of religions, as a form of comparative religious ethics. It separates itself from some forms of comparative religious ethics in that it goes beyond description to prescription. Its task is nothing less than a total critique of culture. Doing ethics requires not just philosophical reflection but also historical, sociological, and psychological reflection. Tillich's proposal for a theology of culture draws these diverse elements into a unified whole that replaces traditional ethics with the new and uniquely modern task of the critique of culture. The critique of culture "as a whole" presents a unique problem. For if we live, move, and have our being within culturehow is it possible to transcend it so as to critique it? From what vantage point can we "stand outside it" so to speak? Such a critique presupposes the identification of values that, in some sense, transcend the cultures in which they are embodied. I believe such values can be identified. However, they do not exist in a vacuum. They are embodied in particular types of narrative carried by specific types of communal traditions that, in some sense, stand apart from the cultures in which they find themselves. The ultimate goal of theology of culture is to identify those religious experiences, forms of religious community and narrative traditions that have transcended the historical epoch and cultural milieu of their origin to influence other times and places. For these narrative traditions will have proven themselves culturally transcendent allies and therefore may offer possible norms for the critique of both religions and cultures. Although I attempt to identify the positive and negative value of several types of religious experience in this book, I do not pretend to have written it from some neutral Archimedean vantage point. As Tillich insisted, no theologian of culture can escape his or her own religious and cultural history. Indeed, every scholar in the social sciences and humanities is a "participant observer" in the human condition Page 5 being studied. There is no neutral vantage point from which to begin. As Alasdair MacIntyre and Stanley Hauerwas have both argued, no scholar lives in a storyless world, not even the Enlightenment rationalist who pretends to. One must acknowledge one's starting position and work outward from there. This is as true for the psychologist or anthropologist as it is for the political scientist, philosopher, and theologian. If we wish to speak of (or to) other storied worlds we must find a way to stretch our own narrative worlds to make a place for their otherness. That is in fact what I shall attempt to do. My own starting point is that of an alienated Christian, alienated from my own narrative traditions by my encounter with the Holocaust and the history of anti-Judaism that paved the way to it and by the processes of secularization in a technical civilization that led not only to Auschwitz but also Hiroshima. Confessionally, my stand in Christianity, like Tillich's, is that of a Lutheran. But like Tillich, I seek to be an objective scholar, making philosophically fair statements and evaluations about a wide diversity of religious and cultural phenomenon in order to construct a social ethic that can sustain a total critique of modern culture. Nevertheless, I am only too aware how vulnerable are the arguments and methodologies that I use in this book. Many specialists will no doubt have serious questions about my grasp of materials that touch upon their areas. I too have such questions. But I see no point in playing it safe, I mean to provoke discussion, and I hope the dialogue that follows shall enrich and correct my perspective. Moreover, I confess my own perspective and its limitations at the outset because I believe that after Auschwitz and Hiroshima it is dangerous to write in the third person, as if no one in particular were having these thoughts. In our world we each need to take responsibility for our thoughts and their social consequences. I reflect further on these matters in the Epilogue, and some may find it helpful to read that concluding essay immediately after reading this Prologue to understand more clearly what I am attempting to do in the body of the text itself. The best way to describe the "style" of the theology of culture proposed in these books is to suggest that it is a "decentered" or "alienated theology." Alienated theology is the opposite of apologetic theology. Apologetic theology typically seeks to defend the "truth" and ''superiority" of one's own tradition against the "false," "inferior," and "alien" views of other traditions. Alienated theology, by contrast, is theology done "as if" one were a stranger to one's own narrative traditions, seeing and critiquing one's own traditions from Page 6 the vantage point of the other's narrative traditions. It is my conviction that alienated theology is the appropriate mode for theology in an emerging world civilizationa civilization tottering in the balance between apocalypse and utopia. There are two ways to enter world history, according to the contemporary author John Dunne: you can be dragged in by way of world war or you can walk in by way of mutual understanding. By the first path, global civilization emerges as a totalitarian project of dominance that risks escalating into a nuclear apocalypse. By the second path, we prevent the first, creating global civilization through an expansion of our understanding of what it means to be human. This occurs when we pass over to an other's religion and culture and come back with new insight into our own. Gandhi is an example, passing over to the Sermon on the Mount and coming back to the Hindu Bhagavad Gita to gain new insight into it as a scripture of nonviolence. Gandhi never seriously considered becoming a Christian but his Hinduism was radically altered by his encounter with Christianity. One could say the same (reversing the directions) for Martin Luther King Jr., who was deeply influenced by Gandhi's understanding of nonviolent resistance in the Gita. When we pass over (whether through travel, friendship, or disciplined study and imagination) we become "strangers in a strange land" as well as strangers to ourselves, seeing ourselves through the eyes of another. Assuming the perspective of a stranger is an occasion for insight and the sharing of insight. Such crosscultural interactions build bridges of understanding and action between persons and cultures that make cooperation possible and conquest unnecessary. "Passing over" short circuits apocalyptic confrontation and inaugurates utopian new beginningsnew beginnings for the "post-modern'' world of the coming third millennium. Gandhi and King are symbols of a possible style for a postmodern alienated theology. To be an alien is to be a stranger. To be alienated is to be a stranger to oneself. We live in a world of ideological conflict in which far too many individuals (whether theists or a-theists) practice a "centered theology" in which they are too sure of who they are and what they must do. Such a world has far too many answers and not nearly enough questions and selfquestioning. A world divided by its answers is headed for an inevitable apocalyptic destiny. However, when we are willing to become strangers to ourselves (or when we unwillingly become so), new possibilities open up where before everything was closed and hopeless. At the heart of my position is the conviction that the kairos of our time calls forth the badly neglected Page 7 ethic of "welcoming the stranger" that underlies the biblical tradition and analogously "welcoming the outcast" that underlies the Buddhist tradition. This care for the stranger and the outcast, I shall argue, provides the critical norm for identifying authentic transcendence as self-transcendence. Centered theologies, whether sacred or secular, theist or a-theist, are ethnocentric theologies that can tolerate the alien or other, if at all, only as a potential candidate for conversion to sameness. Centered theologies are exercises in narcissism that inevitably lead down apocalyptic paths like those that led to Auschwitz and Hiroshima. Why? Because such theologies, whether sacred or "secular," cannot permit there to be others in the world whose way of being might, by sheer contrast, cause self-doubt and self-questioning. When as a student I read Paul Tillich, I found it hard to believe him when he said that the questions were more important than the answers. I was so taken with his answers that I was sure he was just trying to be modest. What really mattered were the answers. Since then, I have come to realize that answers always seem more important and more certain to those who have come by them without wrestling with the questions. I know now that Tillich was quite serious and quite rightthe questions are indeed more important. I have come to find a fullness in the doubts and questions of my life, which I once thought could be found only in the answers. After Auschwitz and Hiroshima, I distrust all final answersall final solutions. Mercifully, doubts and questions have come to be so fulfilling that I find myself suspicious of answers, not because they are necessarily false or irrelevant, but because even when relevant and true they are, and can be, only partial. It is doubt and questioning that always lures me on to broader horizons and deeper insights through an openness to the infinite that leaves me contentedly discontent. Alienated theology understands doubt and the questions that arise from it as our most fundamental experience of the infinite. For, our unending questions keep us open to the infinite, continually inviting us to transcend our present horizon of understanding. In a like manner, the presence of the stranger continuously calls us into question and invites us to transcend the present horizon of the egocentric and ethnocentric answers that structure our personal and cultural identities. An alienated theology understands that only a faith which requires one to welcome the alien or stranger is truly a utopian faith capable of transforming us into "new beings" who are capable of creating a new world of pluralistic human interdependence.

2.) War power policy can only be related to symbolically---the representations and justifications that are used to promote policy shape its implementation, specifically the affirmatives narrative of correcting the rule of law and bringing America back to its once found glory smacks of American exceptionalism and turns the case

Margulies and Metcalf 11 (Joseph Margulies is a Clinical Professor, Northwestern University School of Law Hope Metcalf is a Lecturer, Yale Law School. Metcalf is co-counsel for the plaintiffs/petitioners in Padilla v. Rumsfeld, Padilla v. Yoo, Jeppesen v. Mohammed, and Maqaleh v. Obama, “Terrorizing Academia,” http://www.swlaw.edu/pdfs/jle/jle603jmarguilies.pdf)

But this apparent consensus, like the “consensus” against capital punishment in 1972, is likely to be a mile wide but an inch deep. For the vast majority of Americans, counter-terror policy is distant and opaque, operating in a world set apart from their daily existence and beyond their power to control. They have no direct access to the relevant information and cannot assess which of the many contested claims are true. Are the prisoners at Guantánamo innocent men, wrongly detained and horribly mistreated? Or coddled terrorists committed to destruction and mayhem? Can they be put on trial in federal court or paroled into the United States? Or would they overwhelm our courts and disappear into the shadows? The great majority of Americans cannot answer these questions for themselves, so they look to cues and messages from trusted insiders who they believe have access to the facts they lack. And because the debate touches on the essential symbols of American national identity, they listen in particular to those who affirm their vision of America. President Obama’s speech on national security May 21, 2009 at the National Archives is a case study in symbolic reassurance. As a number of observers have noted, despite Obama’s campaign promises, his post-9/11 counter-terror policies are most striking for their similarity to Bush’s, rather than their differences, which are mostly modest and incremental.130 Yet in his only major speech on national security, Obama—invoking the mythical power of the Constitution, the Declaration of Independence, and the Bill of Rights— said the Bush Administration “went off course” when it made a series of “hasty decisions” that “established an ad hoc legal approach for fighting terrorism… that failed to rely on our legal traditions and time-tested institutions, and that failed to use our values as a compass.” To correct these mistakes, Obama said he had made “dramatic changes” that represented “a new direction from the last eight years,” and that his approach to terrorism, unlike that of his predecessor, was faithful to “our most fundamental values…[to] liberty and justice in this country, and a light that shines for all who seek freedom, fairness, equality, and dignity around the world.” These changes, he vowed, would allow us to resume our timeless “American journey…toward a more perfect union.”131 This rhetoric built on both the anti-Bush narrative of indifference to the rule of law and Obama’s campaign promise of change. The speech left a powerful impression that the Obama Administration had reclaimed America’s moral standing, ending the abuses of a shameful past, and returning to our foundational principles. At least for those who are inclined to look to Obama as a trusted voice, his speech provided all the reassurance they could possibly want that change had finally come, and that the democratic process worked. Obama had reaffirmed their vision of American identity as a law-abiding and honorable nation, committed to a set of ideals that had been cast aside in the madness after 9/11. Lost in the comforting rhetoric, however, were the policy details, which included—for the first time in U.S. history—support for a preventive detention regime, something even the Bush Administration had not proposed.132 Among opponents to Bush-era policies, Obama’s remarks produced quiescence and calm, a sense that the nation had finally “recovered” and that attention could safely be devoted to more pressing matters like the economy. But immediately after Obama’s speech, the cameras shifted to former Vice President Cheney, who offered a vigorous defense of Bush-era counter-terror policies, including in particular Guantánamo and the use of “enhanced interrogation techniques.” Relying on his position as an insider with presumed access to secrets unknown to most Americans, Cheney hinted darkly of the dangers that would befall Americans now that President Obama was carving holes in the security net carefully woven by the Bush Administration.133 Republicans have hammered on this theme throughout Obama’s Administration (just as, it must be acknowledged, Democrats hammered on the theme of lawlessness and incompetence throughout the Bush Administration).134 Both speeches presented powerful narratives that appealed to particular audiences. But where Obama’s speech produced quiescence, Cheney’s produced the far more potent sense of threat. Once again, the nation was dangerously at risk and no more pressing matter faced the country than to thwart Obama’s recklessness.135 In reflecting on the relative impact of these two speeches, it is worth recalling the nature of counter-terror policy in the American imagination. It exists only as a collection of evocative images and ideas—black sites, torture, Guantánamo, terrorists—all of which are entwined with the most powerful political symbols in American life: race, national security, and the most elusive of all, “American values.” This intimate connection not only to our perceived safety but to our most potent national symbols means that Americans can be roused to attach inordinate significance to the debates, creating the appearance of a cultural consensus. But at the same time, their attachments will be superficial and easily changed, perhaps with bewildering rapidity.136 For the moment, it seems that the success of Obama’s narrative produced quiescence on the Left and alarm on the Right. Conservatives were invigorated and mobilized just as the Left was abandoning the public square. The result has been a counter-mobilization against Obama and his national security policies that was much more vitriolic and effective than anything during the campaign.137

## XO CP

### Executive CP Text

#### Text: The United States President, through an executive order, should restrict the use of signature strikes by the President of the United States including the following:

#### -executive authorities should conduct an independent, impartial, prompt, and public investigation to enforce the mandates of the executive order,

#### -following up any alleged signature strikes with an independent, intra-executive investigation regarding the precision of the identification of the target and the circumstances of the attack if accused of violating the order,

#### -a private cause of action to enforce the mandates of the order,

#### -an accompanying Fact Sheet explaining the administration’s willingness to embrace aspects of the law of armed conflict on signature strikes.

#### Executive orders avoid politics, have the force of law, and are rarely overturned

Cooper-prof public administration Portland State- 2 [Phillip, By Order of the President: The Use and Abuse of Executive Direct Action” p.59

Executive orders are often used because they are quick, convenient, and relatively easy mechanisms for moving significant policy initiatives. Though itis certainly true that executive orders are employed for symbolic purposes, enough has been said by now to demonstrate that they are also used for serious policymaking or to lay the basis for important actions to be taken by executive branch agencies under the authority of the orders. Unfortunately, as is true of legislation, it is not always possible to know from the title of orders which are significant and which are not, particularly since presidents will often use an existing order as a base for action and then change it in ways that make it far more significant than its predecessors.¶ The relative ease of the use of an order does not merely arise from the fact that presidents may employ one to avoid the cumbersome and time consuming legislative process. They may also use this device to avoid some times equally time-consuming administrative procedures, particularly the rulemaking processes required by the Administrative Procedure Act.84 Because those procedural requirements do not apply to the president, it is tempting for executive branch agencies to seek assistance from the White House to enact by executive order that which might be difficult for the agency itself to move through the process. Moreover, there is the added plus from the agency's perspective that it can be considerably more difficult for potential adversaries to obtain standing to launch a legal challenge to the president's order than it is to move an agency rule to judicial review. There is nothing new about the practice of generating executive orders outside the White House. President Kennedy's executive order on that process specifically pro­vides for orders generated elsewhere

#### Solves the case-Executive procedures swamps their solvency deficits

Murphy and Radsan-prof law Texas Tech, William Michell-9 32 Cardozo L. Rev. 405

ARTICLE: DUE PROCESS AND TARGETED KILLING OF TERRORISTS

B. Due Process and Intra-Executive Control of Targeted Killing Realistically, the role we have just identified for the courts in monitoring targeted killings is vanishingly small. This makes it all the more important for the executive to develop its own rational, fair procedures for controlling targeted killing. Recall that Boumediene is best understood as an embodiment of Justice Harlan's argument that due process extends worldwide to everyone, but the form this protection takes depends on a pragmatic inquiry. 224 This pragmatic inquiry can lead to the conclusion that a particular constitutional provision - such as the right to jury trial - should not apply overseas because to do so would be "impracticable or anomalous" under local conditions. 225 More broadly, it can convince courts not to hear constitutional claims from overseas where judicial interference with executive action would likely do more harm than good. 226 It should never be impracticable or anomalous, however, for the executive branch to follow its own views of what is fair and reasonable for due process. Our conclusion flows from a simple, definitional point: By determining that a procedure is fair and reasonable, the executive necessarily concludes that the procedure is not impracticable or anomalous. Therefore, the executive's obligation to provide due process must follow it everywhere without any functionalist excuses. For this reason, FBI Director Mueller could not have been more wrong when, responding to concerns that the United States was using illegal interrogation techniques overseas, he quipped, "I'm not concerned about due process abroad." 227 The executive, like the courts, cannot practicably offer suspected terrorists full-blown notice and an opportunity to be heard before an attempted targeted killing. The CIA, before firing a missile, need not [\*446] and should not invite Osama bin Laden or his lawyer to a hearing to contest whether he is, in fact, a committed member of al Qaeda. But if due process for a targeted killing should not take the form of pre-deprivation notice and an opportunity to be heard, what form should it take? Many systems might be devised under a Mathews v. Eldridge analysis. 228 Rather than discuss the merits and demerits of imaginary systems, however, here we highlight one procedural requirement that two foreign courts have already imposed: After using deadly force in counterterrorism operations, executive authorities should conduct an independent, impartial, prompt, and (presumptively) public investigation of its legality. 229 The Supreme Court of Israel's decision in PCATI is again informative. 230 As noted above, the Court regarded the Israeli-Palestinian conflict as subject to the law of international armed conflict. 231 It categorized the Palestinian targets as "civilians" who could be targeted only when directly participating in hostilities. 232 This decision did not put security forces in a straitjacket, though, because the Court also adopted a generous interpretation of what it means to "directly participate" in hostilities. 233 The Court recognized that this generous interpretation increased the risk of improper targeting of peaceful civilians. It therefore crafted a set of legal limits to curb errors and abuses, citing customary international law, human rights case law, and a raft of secondary authorities. 234 The checks include: (a) thorough verification "regarding the identity and activity of the civilian who is allegedly taking part in the hostilities"; (b) forbidding deadly attacks if other means, such as arrest, can be used without imposing too great a risk on security forces or others; and (c) following up an attack on a civilian by an independent, intra-executive investigation "regarding the precision of the identification of the target and the circumstances of the attack." 235 [\*447] For good measure, the Court said the internal investigation should be subject to judicial review. 236 In fashioning these limits, the Israeli Court relied on, among other sources, human rights law developed by the European Court of Human Rights. For example, in McKerr v. United Kingdom, that court addressed the legality of shooting three suspected IRA terrorists after they ran a police roadblock at high-speed. 237 After years of inquests, criminal investigations, and civil litigation, the son of one of the decedents, McKerr, filed an application with the European Court of Human Rights. In this filing, McKerr claimed that the state had not satisfied its duty under Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). This provision declares that "everyone's right to life shall be protected by law," but that a killing does not violate this right if it results from the "use of force which is no more than absolutely necessary ... in defence of any person from unlawful violence ... [or] to effect a lawful arrest." 238 The European Court has repeatedly held that, by implication, protection of this right to life "requires that there should be some form of effective official investigation when individuals have been killed as a result of the use of force by ... agents of the State." 239 Responding to McKerr's petition, the Court elaborated that Article 2's purpose "is to secure the effective implementation of the domestic laws which protect the right to life and, in those cases involving State agents or bodies, to ensure their accountability for deaths occurring under their responsibility." 240 To perform this function adequately: (a) the state must initiate an investigation promptly and not rely on the next-of-kin to initiate action; (b) the persons "responsible for and carrying out the investigation" should be "independent from those implicated in the events"; (c) the investigation should be designed to determine whether the use of deadly force was justified and should lead to identification and punishment of those responsible if the use of force was illegal; and (d) there must be "a sufficient element of public scrutiny of the investigation or its results to secure accountability in practice as well as in theory." 241 In both PCATI and McKerr, the courts rooted the duty to investigate in an express right to life. In the United States, this right to life finds a home in the doctrine of substantive due process. 242 A [\*448] Mathews-style balancing suggests that to protect this right to life, the United States, too, has a duty to conduct intra-executive review of the use of deadly force through targeted killing. Of course, one can imagine situations in which an investigation that satisfied everything spelled out by the Israeli or European courts would be unwise. For instance, official acknowledgment of the United States' role in a fully public investigation of a Predator strike might cause diplomatic repercussions with countries that had helped us or had looked the other way. Further, the executive might not be able to explain its targeting decision without compromising intelligence sources and methods. 243 Internal investigations, however, do not always pose a plausible threat to national security. Consider the Predator program. Within the CIA, the task of investigating the legality of its actions is entrusted to the CIA's Inspector General (IG). He holds an office created by statute, is subject to Senate confirmation, and can only be removed by the President. 244 Where the IG's investigation finds evidence of criminality, he or she refers the matter to the Department of Justice for further investigation and possible prosecution. 245 One could easily impose a categorical requirement that all CIA targeted killings be subject to IG review. To support the IG, review teams could be established within the CIA's Clandestine Service or existing "accountability boards" could be used. The CIA's Office of General Counsel could also play a role. And the National Security Council, a link between the CIA and the White House, could coordinate the internal oversight. Review within the CIA ensures the proper handling of classified information. Plus, internal review protects private interests by encouraging careful, sparing use of targeted killing and by ensuring some accountability when mistakes or abuses do occur. The increasing accountability on Predator strikes, in turn, serves an even broader interest in the legitimacy and fairness of deadly government action. Thus, the Mathews balance favors an intra-executive review at least as intrusive as IG review. One might object that the investigatory program just sketched for Predator strikes does not go far enough to protect the right to life. Taking a page from the McKerr case, one might contend: (a) that the [\*449] IG's independence from political influence upon the CIA is questionable; 246 and (b) that internal investigations cannot generate accountability unless they are made public. 247 There are many responses to such objections. First, investigations of targeted killings could be made public except when it is clear that publicity would cause substantial harm to national security. Second, some judicial review could be included. 248 To alleviate security concerns while honoring accountability, judicial review might take place in a special national security court designed along the lines of the Foreign Intelligence Surveillance Court. 249 To the degree these (and other) moves toward openness might threaten intelligence sources or otherwise compromise security, they present closer calls under Mathews. To stress, our argument for serious intra-executive review of targeted killings, after the fact, does not preclude other types of controls - some of which due process might also require. Many such requirements may already be in place. We assume, for instance, the CIA corroborates its intelligence before anyone is targeted; a human's eyes on the target may be part of the CIA's procedures. More generally, we hope the CIA has developed pre-mission controls on targeting that draw on Department of Defense procedures. 250 Further, the legislative branch plays a role in light of the executive's statutory obligation to keep the Intelligence Committees of the House and Senate apprised of "covert actions" and other "intelligence activities" - which, under either label, include targeted killing by the CIA. 251 Congress, after all, controls the purse on the Predator program. No matter the variations between internal and external oversight, we stand by our central point: Under the Due Process Clause, the executive must conduct some kind of serious investigation of any targeted killing. In keeping with the purpose and the pragmatism of Mathews v. Eldridge, this investigation should be as thorough, independent, and public as possible without damage to national security. [\*450] Striking the balance between openness and security requires nuance. Even so, failing to develop any investigatory program for Predator strikes is not an option under law. Since executive officials swear to uphold the Constitution, they should - if they have not done so already - develop a solid review of the Predator program without waiting for a court order which is unlikely to come. Conclusion This Article has explored the implications of the due process model that the Supreme Court developed in Hamdi v. Rumsfeld 252 and Boumediene v. Bush 253 for targeted killing - particularly Predator strikes by the CIA. Contrary to Justice Thomas's charge, 254 this model does not break down in the extreme context of targeted killing but, instead, suggests useful means to control this practice and heighten accountability. One modest control is for appropriate plaintiffs to bring Bivens-style actions to challenge the legality of targeted killings, no matter where they may have occurred in the world. Resolution of any such action that surmounted all the practical and legal obstacles in its way - including the state-secrets privilege and qualified immunity - would enhance accountability without causing substantial risk to national security. Yet as a practical matter, this role for the courts is vanishingly small. It is therefore all the more important that the executive branch itself develop fair, rational procedures for its use of targeted killing. Under Boumediene, it has a constitutional obligation to do so. To implement this duty, the executive should, following the lead of the Supreme Court of Israel and the European Court of Human Rights, require an independent, intra-executive investigation of targeted killing by the CIA. Even in a war on terror, due process demands at least this level of accountability for the power to kill suspected terrorists.

### AT: Links to Politics

#### Legislation is the link—has to pass too many hurdles—the president has nothing to do with it

Paul Light, Founder of the Brookings Institution Center for Public Service, 1999 (The President’s Agenda, p53-4)

Congressional Limits. Presidents face several structural limits on agenda size, but the congressional calendar involves the greatest institutional restrictions. Though Congress can act quickly during a crisis, most legislation must pass through a series of decision points en route to enactment. According to John Kennedy, the process contains a number of hurdles: It is very easy to defeat a bill in the Congress. It is much more difficult to pass one. To go through a subcommittee… and get a majority vote, the full committee and get a majority vote, go to the Rules Committee and get a rule, go to the Floor of the House and get a majority, start all over in the Senate, subcommittee and full committee, and in the Senate there is unlimited debate, so you can never bring a matter to a vote if there is enough determination on the part of the opponents, even if they are a minority, to go through the Senate with the bill. And then unanimously get a conference between the House and Senate to adjust the bill, or if one member objects, to have it go back through the Rules Committee, back through the Congress, and have this done on a controversial piece of legislation where powerful groups are opposing it, that is an extremely difficult task (transcript of television interview, in *Public Papers of The Presidents, 1963*, pp 892, 894) Kennedy’s complaint came long before the rise of subcommittee government and the increased complexity within the legislative process. Past Presidents and their staffs generally have been sensitive to the demands of the congressional process. “The liaison office always walks a tight line,” one Nixon officer suggested. “If you press too hard, you’re likely to anger the committees. They have a heavy work load and won’t take too much White House pressure. But if you don’t press hard enough , the Congress will put your agenda on the back burner.”

#### Only Congressional moves to reclaim war power authority triggers the DA

**Howell, Chicago American politics professor, 9-3-13**

(William, “All Syria Policy Is Local”, [www.foreignpolicy.com/articles/2013/09/03/all\_syria\_policy\_is\_local\_obama\_congress?page=full](http://www.foreignpolicy.com/articles/2013/09/03/all_syria_policy_is_local_obama_congress?page=full), ldg)

From a political standpoint, seeking congressional approval for a limited military strike against the Syrian regime, as President Barack Obama on Saturday announced he would do, made lots of sense. And let's be clear, this call has everything to do with political considerations, and close to nothing to do with a newfound commitment to constitutional fidelity. The first reason is eminently local. Obama has proved perfectly willing to exercise military force without an express authorization, as he did in Libya -just as he has expanded and drawn down military forces in Afghanistan, withdrawn from Iraq, significantly expanded the use of drone strikes, and waged a largely clandestine war on terrorism with little congressional involvement. The totality of Obama's record, which future presidents may selectively cite as precedent, hardly aligns with a plain reading of the war powers described in the first two articles of the constitution. Obama isn't new in this regard. Not since World War II has Congress declared a formal war. And since at least the Korean War, which President Harry Truman conveniently called a "police action," commanders-in-chief have waged all sorts of wars -small and large -without Congress's prior approval. Contemporary debates about Congress's constitutional obligations on matters involving war have lost a good deal of their luster. Constitutional law professors continue to rail against the gross imbalances of power that characterize our politics, and members of whichever party happens to be in opposition can be counted on to decry the abuses of war powers propagated by the president. But these criticisms -no matter their interpretative validity -rarely gain serious political traction. Too often they appear as arguments of convenience, duly cited in the lead-up to war, but serving primarily as footnotes rather than banner headlines in the larger case against military action. Obama's recent decision to seek congressional approval is not going to upend a half-century of practice that has shifted the grounds of military decision-making decisively in the president's favor, any more than it is going to imbue the ample war powers outlined in Article I with newfound relevance and meaning. For that to happen, Congress itself must claim for itself its constitutional powers regarding war. Obama did not seek Congress's approval because on that Friday stroll on the White House lawn he suddenly remembered his Con Law teaching notes from his University of Chicago days. He did so for political reasons. Or more exactly, he did so to force members of Congress to go on the record today in order to mute their criticisms tomorrow. And let's be clear, Congress -for all its dysfunction and gridlock -still has the capacity to kick up a good dust storm over the human and financial costs of military operations. Constitutional musings from Capitol Hill -of the sort a handful of Democrats and Republicans engaged in this past week -rarely back the president into a political corner. The mere prospect of members of Congress casting a bright light on the human tolls of war, however, will catch any president's attention. Through hearings, public speeches, investigations, and floor debates, members of Congress can fix the media's attention -and with it, the public's -on the costs of war, which can have political repercussions both at home and abroad. Think, then, about the stated reasons for some kind of military action in Syria. No one is under the illusion that a short, targeted strike is going to overturn the Assad regime and promptly restore some semblance of peace in the region. In the short term, the strike might actually exacerbate and prolong the conflict, making the eventual outcome even more uncertain. And even the best-planned, most-considered military action won't go exactly according to plan. Mishaps can occur, innocent lives may be lost, terrorists may be emboldened, and anti-American protests in the region will likely flare even hotter than they currently are. The core argument for a military strike, however, centers on the importance of strengthening international norms and laws on chemical and biological weapons, with the hope of deterring their future deployment. The Assad regime must be punished for having used chemical weapons, the argument goes, lest the next autocrat in power considering a similar course of action think he can do so with impunity. But herein lies the quandary. The most significant reasons for military action are abstract, largely hidden, and temporally distant. The potential downsides, though, are tangible, visible, and immediate. And in a domestic political world driven by visual imagery and the shortest of time horizons, it is reckless to pursue this sort of military action without some kind of political cover. Were Obama to proceed without congressional authorization, he would invite House Republicans to make all sorts of hay about his misguided, reckless foreign policy. But by putting the issue before Congress, these same Republicans either must explain why the use of chemical weapons against one's people does not warrant some kind of military intervention; or they must concede that some form of exacting punishment is needed. Both options present many of the same risks for members of Congress as they do for the president. But crucially, if they come around to supporting some form of military action -and they just might -members of Congress will have an awfully difficult time criticizing the president for the fallout. Will the decision on Saturday hamstring the president in the final few years of his term? I doubt it. Having gone to Congress on this crisis, must he do so on every future one? No. Consistency is hardly the hallmark of modern presidents in any policy domain, and certainly not military affairs. Sometimes presidents seek Congress's approval for military action, other times they request support for a military action that is already up and running, and occasionally they reject the need for any congressional consent at all. And for good or ill, it is virtually impossible to discern any clear principle that justifies their choices. The particulars of every specific crisis -its urgency, perceived threat to national interests, connection to related foreign policy developments, and what not -can be expected to furnish the president with ample justification for pursuing whichever route he would like. Like jurists who find in the facts of a particular dispute all the reasons they need for ignoring inconvenient prior case law, presidents can characterize contemporary military challenges in ways that render past ones largely irrelevant. Partisans and political commentators will point out the inconsistencies, but their objections are likely to be drowned out in rush to war. Obama's decision does not usher in a new era of presidential power, nor does it permanently remake the way we as a nation go to war. It reflects a temporary political calculation -and in my view, the right one -of a president in a particularly tough spot. Faced with a larger war he doesn't want, an immediate crisis with few good options, and yet a moral responsibility to act, he is justifiably expanding the circle of decision-makers. But don't count on it to remain open for especially long.

#### Executive action avoids politics and are fast

Sovacool-Research Fellow Public Policy, University of Singapore-9

Dr. Benjamin K. Sovacool 2009 is a Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization., Kelly E. Sovacool is a Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of SingaporeArticle: Preventing National Electricity-Water Crisis Areas in the United States, Columbia Journal of Environmental Law 2009 34 Colum. J. Envtl. L. 333,

¶ Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save ¶ ¶ presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horsetrading and compromise such legislative activity entails.¶ ¶ 292¶ ¶ Speediness of implementation can be especially important when challenges require rapid and decisive action. After the September ¶ ¶ 11, 2001 attacks on the Pentagon and World Trade Center, for ¶ ¶ instance, the Bush Administration almost immediately passed ¶ ¶ Executive Orders forcing airlines to reinforce cockpit doors and ¶ ¶ freezing the U.S. based assets of individuals and organizations ¶ ¶ involved with terrorist groups.¶ ¶ 293¶ ¶ These actions took Congress ¶ ¶ nearly four months to debate and subsequently endorse with ¶ ¶ legislation. Executive Orders therefore enable presidents to ¶ ¶ rapidly change law without having to wait for congressional action ¶ ¶ or agency regulatory rulemaking.

### 2NC ILaw/Norms Solvency

#### Executive support and compliance with international norms solves international credibility

Nachbar-prof law Virginia-11

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1967217>

Executive Order 13567: Executive Branch Policy Meets International Law in the Evolution of the Domestic Law of Detention

Conclusion Neither the Order nor the accompanying Fact Sheet will have a major impact on U.S. detention operations. The Order applies only to a small group of detainees, all of whom have been subjected to similar procedures in the recent past. The Fact Sheet’s signaling of compliance with Article 75 is not technically applicable to the current conflict, and ratification of AP II is still beyond the horizon. Moreover, the procedures contained in the Order (which do not differ dramatically from the procedures they replace) arguably conform with Article 75 and APII, neither of which contain robust procedures with regard to detention, except perhaps with regard to the use of classified information (an area in which states are likely to receive considerable leeway given the vague requirements of Article 75) and the continued detention of detainees identified for release but for whom the U.S. is unable to locate an acceptable non-U.S. destination. The procedures and substantive standards contained in the Order do not dramatically change the landscape of U.S. detention policy and practice, but that does not mean that the Order and the Fact Sheet are of no moment. The U.S. has previously been careful to maintain a strong approach to the lex specialis conception of LOAC, but Article 75 and AP II represent an approach to LOAC that more closely tracks human rights protections than earlier instruments, like the GCs themselves. It is often the executive branch that argues most strongly for the U.S.- exceptionalist view of international law; if the Fact Sheet signals a shift by the executive branch, it is likely to be followed by a shift by courts as well. In many times, the content of the international law of armed conflict has been mostly a matter of academic interest in the U.S., but today, many cases applying domestic law turn directly on the content of the law of armed conflict, which means that the content of international human rights law as implicated by a shifting approach to LOAC may soon find itself in domestic law, binding by U.S. federal courts on the conduct of the current armed conflict. Even those changes are, for the moment, hypothetical. The policy announced by the Fact Sheet – the administration’s willingness to embrace aspects of the law of armed conflict closely tied with international human rights law – has the potential for substantially altering the evolution of U.S. detention law and policy by providing even more space to incorporate international legal norms into U.S. domestic law. Of course, the most important implication of the Fact Sheet’s embrace of Article 75 and AP II is one for diplomats, not lawyers—at least not yet. By finally saying in a public forum that the U.S. will apply Article 75 in IAC out of a sense of legal obligation and that the administration will pursue ratification of AP II, the Obama administration is signaling future engagement with the international community on matters relating to armed conflict. Doing so likely changes the diplomatic landscape more than it does the legal landscape in the near term, although the impact over the long term may be more profound than the recognition of any particular rule or the ratification of any particular treaty. I leave it to the diplomats to debate whether that change should be welcomed.198

### Zenko = Neg Solvency

#### That the CP is justified by complying with international norms on armed conflict means their 1ac Zenko card is a CP solvency card- it says even non-legally codified restrictions still set norms- no take backs (green is the 1ac highlighting- read the yellow)

**Zenko ’13** [Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Reforming U.S. Drone Strike Policies,” January, Council Special Report No. 65, online]

In his Nobel Peace Prize acceptance speech, President Obama declared:¶ “Where force is necessary, we have a moral and strategic interest in¶ binding ourselves to certain rules of conduct. Even as we confront a¶ vicious adversary that abides by no rules, I believe the United States of¶ America must remain a standard bearer in the conduct of war.”63 Under¶ President Obama drone strikes have expanded and intensified, and they¶ will remain a central component of U.S. counterterrorism operations¶ for at least another decade, according to U.S. officials.64 But much as the¶ Bush administration was compelled to reform its controversial counterterrorism¶ practices, it is likely that the United States will ultimately¶ be forced by domestic and international pressure to scale back its drone¶ strike policies. The Obama administration can **preempt** this pressure¶ by clearly articulating that the rules that govern its drone strikes, like all¶ uses of military force, are based in the laws of armed conflict and international¶ humanitarian law; by engaging with emerging drone powers;¶ and, most important, by matching practice with its stated policy by¶ limiting drone strikes to those individuals it claims are being targeted¶ (which would reduce the likelihood of civilian casualties since the total¶ number of strikes would significantly decrease).¶ The choice the United States faces is not between unfettered drone¶ use and sacrificing freedom of action, but between drone policy reforms¶ by design or drone policy reforms by default. Recent history demonstrates¶ that domestic political pressure could severely limit drone¶ strikes in ways that the CIA or JSOC have not anticipated. In support of¶ its counterterrorism strategy, the Bush administration engaged in the¶ extraordinary rendition of terrorist suspects to third countries, the use¶ of enhanced interrogation techniques, and warrantless wiretapping.¶ Although the Bush administration defended its policies as critical to¶ protecting the U.S. homeland against terrorist attacks, unprecedented¶ domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies, drone strikes are¶ vulnerable to similar—albeit still largely untapped—moral outrage,¶ and they are even more susceptible to political constraints because they¶ occur in plain sight. Indeed, a negative trend in U.S. public opinion¶ on drones is already apparent. Between February and June 2012, U.S.¶ support for drone strikes against suspected terrorists fell from 83 percent¶ to 62 percent—which represents less U.S. support than enhanced¶ interrogation techniques maintained in the mid-2000s.65 Finally, U.S.¶ drone strikes are also widely opposed by the citizens of important allies,¶ emerging powers, and the local populations in states where strikes¶ occur.66 States polled reveal overwhelming opposition to U.S. drone¶ strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent),¶ Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan¶ (83 percent).67¶ This is significant because the United States cannot conduct drone¶ strikes in the most critical corners of the world by itself. Drone strikes¶ require the tacit or overt support of host states or neighbors. If such¶ states decided not to cooperate—or to actively resist—U.S. drone¶ strikes, their effectiveness would be immediately and sharply reduced,¶ and the likelihood of civilian casualties would increase. This danger is¶ not hypothetical. In 2007, the Ethiopian government terminated its¶ U.S. military presence after public revelations that U.S. AC-130 gunships¶ were launching attacks from Ethiopia into Somalia. Similarly, in¶ late 2011, Pakistan evicted all U.S. military and intelligence drones, forcing¶ the United States to completely rely on Afghanistan to serve as a¶ staging ground for drone strikes in Pakistan. The United States could¶ attempt to lessen the need for tacit host-state support by making significant¶ investments in armed drones that can be flown off U.S. Navy ships,¶ conducting electronic warfare or missile attacks on air defenses, allowing¶ downed drones to not be recovered and potentially transferred to¶ China or Russia, and losing access to the human intelligence networks¶ on the ground that are critical for identifying targets.¶ According to U.S. diplomats and military officials, active resistance—¶ such as the Pakistani army shooting down U.S. armed drones—¶ is a legitimate concern. In this case, the United States would need to¶ either end drone sorties or escalate U.S. military involvement by attacking¶ Pakistani radar and antiaircraft sites, thus increasing the likelihood¶ of civilian casualties.68 Beyond where drone strikes currently take place,¶ political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed¶ drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North¶ Africa, which would likely require access to a new airbase in the region.¶ To some extent, anger at U.S. sovereignty violations is an inevitable and¶ necessary trade-off when conducting drone strikes. Nevertheless, in¶ each of these cases, domestic anger would partially or fully abate if the¶ United States modified its drone policy in the ways suggested below.¶ The United States will inevitably improve and enhance the lethal¶ capabilities of its drones. Although many of its plans are classified, the¶ U.S. military has nonspecific objectives to replace the Predators and¶ Reapers with the Next-Generation Remotely Piloted Aircraft (RPA)¶ sometime in the early-to-mid 2020s. Though they are only in the early¶ stages of development, the next generation of armed drones will almost¶ certainly have more missiles of varying types, enhanced guidance and¶ navigation systems, greater durability in the face of hostile air defense¶ environments, and increased maximum loiter time—and even the capability¶ to be refueled in the air by unmanned tankers.69 Currently, a senior¶ official from the lead executive authority approves U.S. drone strikes in¶ nonbattlefield settings. Several U.S. military and civilian officials claim¶ that there are no plans to develop autonomous drones that can use lethal¶ force. Nevertheless, armed drones will incrementally integrate varying¶ degrees of operational autonomy to overcome their most limiting and¶ costly factor—the human being.70¶ Beyond the United States, drones are proliferating even as they are¶ becoming increasingly sophisticated, lethal, stealthy, resilient, and¶ autonomous. At least a dozen other states and nonstate actors could¶ possess armed drones within the next ten years and leverage the technology¶ in unforeseen and harmful ways. It is the stated position of the¶ Obama administration that its strategy toward drones will be emulated by other states and nonstate actors. In an interview, President Obama¶ revealed, “I think creating a legal structure, processes, with oversight¶ checks on how we use unmanned weapons is going to be a challenge for¶ me and for my successors for some time to come—partly because technology¶ may evolve fairly rapidly for other countries as well.”71¶ History shows that how states adopt and use new military capabilities¶ is often influenced by how other states have—or have not—used¶ them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as¶ legal regimes—have dissuaded states from deploying blinding lasers¶ and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone proliferation¶ and employment in the coming decades. Such norms would not¶ hinder U.S. freedom of action; rather, they would internationalize¶ already-necessary domestic policy reforms and, of course, they would¶ be acceptable only insofar as the limitations placed reciprocally on U.S.¶ drones furthered U.S. objectives. And even if hostile states do not accept¶ norms regulating drone use, the existence of an international normative framework, and U.S. compliance with that framework, would preserve¶ Washington’s ability to apply diplomatic pressure. Models for¶ developing such a framework would be based in existing international¶ laws that emphasize the principles of necessity, proportionality, and¶ distinction—to which the United States claims to adhere for its drone¶ strikes—and should be informed by comparable efforts in the realms of¶ cyber and space.¶ In short, a world characterized by the proliferation of armed¶ drones—used with little transparency or constraint—would undermine¶ core U.S. interests, such as preventing armed conflict, promoting¶ human rights, and strengthening international legal regimes. It would¶ be a world in which targeted killings occur with impunity against anyone¶ deemed an “enemy” by states or nonstate actors, without accountability¶ for legal justification, civilian casualties, and proportionality. Perhaps¶ more troubling, it would be a world where such lethal force no longer¶ heeds the borders of sovereign states. Because of drones’ inherent¶ advantages over other weapons platforms, states and nonstate actors¶ would be much more likely to use lethal force against the United States¶ and its allies.

### 1AC Pakistan = Neg

#### Their 1ac “hearts and minds” evidence says OBAMA must work with Pakistan—the plan obviously doesn’t do this, the CP is much closer—their card

Afzal ’13 (Madiha Afzal, Brookings, Nonresident Fellow, Global Economy and Development, “Drone Strikes and Anti-Americanism in Pakistan”, <http://www.brookings.edu/research/opinions/2013/02/07-drones-anti-americanism-pakistan-afzal>, February 7, 2013)

As President Obama’s second term gets underway, his administration must engage with Pakistan on the issue of U.S. drone strikes. Following the appointment and confirmation of John Kerry as Secretary of State and the appointment of John Brennan as CIA director, the time is right to revisit this issue. Senator Kerry spearheaded a huge civilian aid program to Pakistan in 2009 through the “Kerry-Lugar-Berman bill”, and John Brennan has seen through more than 242 drone strikes in Pakistan since 2009 as the architect of the Obama administration’s drone program. Both men know Pakistan well, and it is now time for them to work together to make Pakistanis understand the U.S. drone program. The debate on whether drone strikes increase anti-Americanism in Pakistan is ongoing, with the most vocal opponents of drones arguing that they increase recruitment for terror organizations. Opponents argue that this mainly happens in two ways: first, drones can give radicals ammunition for recruiting those on the margin of becoming terrorists. But such individuals are enemies of the United States in any case, and would likely remain so, whether the U.S. is actively engaged in drone strikes or not. The second argument is that drones may convert entirely non-radical individuals into joining terrorist groups since non-radical individuals could become riled up by the havoc wreaked by U.S. drone strikes. However, this is frankly hard to imagine. It is quite plausible that individuals might be radicalized if drone strikes were to harm their families, friends or communities. However, if one argues that the only effect of drone strikes is to increase radicalization, the policy prescription which emerges is either to do nothing, or to scrap the drone program. But the drone program is here to stay, so the policy so far has been to do and say nothing. What is getting overlooked in the debate is that drone strikes are infuriating the more moderate and liberal segments of Pakistani society, those who have traditionally been more sympathetic toward the United States. Imagine a group of well-educated people, many of whom attended English-language schools, are widely exposed to American and Western media, and like and embrace many aspects of American culture. These people have probably had some sort of personal interaction with the West, through tourism, attending college abroad, or through family members or friends who live in the U.S. What bothers this group about U.S. drone strikes, more than the attack on Pakistan’s sovereignty, is the perceived American hypocrisy toward the importance of Pakistani lives and deaths. Following the horrific school shooting at Sandy Hook Elementary in December, a piece in the U.K. newspaper The Guardian titled “In the U.S., mass child killings are tragedies. In Pakistan, mere bug splats” went viral among educated Pakistanis. In addition, coverage of a recent report on drone strikes in Pakistan by researchers at NYU and Stanford law schools, which recounts the daily terror facing those who live in areas where drones strike, gained wide circulation in Pakistan. Few cared to note that this report had been written by an advocacy group and that some of its statistics were suspect. While the New America Foundation, the Long War Journal, and the London Bureau of Investigative Journalism all compile statistics on drone strikes, the numbers differ, and it bothers this liberal, educated group of Pakistanis that the U.S. government does not release its own data on drone strikes. One of the only public acknowledgments on this issue was in a 2012 speech by John Brennan when he stated that there were barely any civilian deaths as a consequence of these strikes. This struck many as implausible, further angering Pakistanis. Why does anger against America from this group of liberal, educated Pakistanis matter? After all, it is highly unlikely that any of these people will turn radical. These people matter because they form the heart of an active civil society in Pakistan, which the U.S. counts on to serve as a counterweight to the radical segments of Pakistani society. They work in the Pakistani government, media and business sectors, and drone strikes are driving these people toward a constant distrust of the U.S. and hardening their attitudes against America. It undermines all the positive work the United States is doing in Pakistan, all the aid dollars it spends there, and drastically undercuts U.S. soft power in the region. If America loses these hearts and minds, it will lose the battle for Pakistan. Where does this group of Pakistanis get its information? It buys into the only narrative out there, offered up by the outspokenly anti-American Pakistani media, which argues that drone strikes are callously undertaken without any regard for civilian casualties. This view overinflates the number of civilians killed by drone strikes, especially women and children, and underreports the number of militants killed. And without an official account of events from the U.S. government, this narrative can easily be exploited and promoted.

### 1AC Congress/Ellison = Neg

#### The CP’s judicial review requirement means we access their Ellison Congress key warrant- the CP ALSO has an external check on the president <read the yellow, green is the 1ac highlighting>

Ellison ’13—their 1ac card (Keith Ellison, “Time for Congress to build a better drone policy”, <http://articles.washingtonpost.com/2013-01-13/opinions/36311903_1_drone-strikes-drone-program-drone-policy>, January 13, 2013)

An unmanned U.S. aerial vehicle — or drone — reportedly killed eight people in rural Pakistan last week, bringing the estimated death toll from drone strikes in Pakistan this year to 35. As the frequency of drone strikes spikes again, some questions must be asked: How many of those targeted were terrorists? Were any children harmed? And what is the standard of evidence to carry out these attacks? The United States has to provide answers, and Congress has a critical role to play. The heart of the problem is that our technological capability has far surpassed our policy. As things stand, the executive branch exercises unilateral authority over drone strikes against terrorists abroad. In some cases, President Obama approves each strike himself through “kill lists.” While the president should be commended for creating explicit rules for the use of drones, unilateral kill lists are unseemly and fraught with hazards. When asked about the drone program in October during an interview on the “The Daily Show,” the president said, “One of the things we’ve got to do is put a legal architecture in place, and we need congressional help in order to do that, to make sure that not only am I reined in, but any president’s reined in terms of some of the decisions that we’re making.” It’s time to put words into action. Weaponized drones have produced results. They have eliminated 22 of al-Qaeda’s top 30 leaders and just last week took out a Taliban leader. Critically, they lessen the need to send our troops into harm’s way, reducing the number of U.S. casualties. Yet the costs of drone strikes have been ignored or inadequately acknowledged. The number of innocent civilian casualties may be greater than people realize. A recent study by human rights experts at Stanford Law School and the New York University School of Law found that the number of innocent civilians killed by U.S. drone strikes is much higher than what the U.S. government has reported: approximately 700 since 2004, including almost 200 children. This is unacceptable. Another cost is how drone strikes are shaping views of the United States around the world. You might develop a negative attitude toward the United States if your only perception of it is a foreign aircraft buzzing over your house that occasionally fires missiles into your neighborhood. In Pakistan, where 95 percent of U.S. drone strikes have occurred, people familiar with them overwhelmingly express disapproval (97 percent, according to Pew polling from June) and believe they kill too many innocent people (94 percent). Drone strikes may well contribute to the extremism and terrorism the United States seeks to deter. U.S. drone use has also lowered the threshold for the use of lethal force in foreign countries. Would we fire so many missiles into Pakistan, Yemen and Somalia if doing so required sending U.S. troops into harm’s way? Our drone policy must be guided by more than capability. It must be guided by respect for noncombatants, necessity and urgency. It is Congress’s responsibility to exercise oversight and craft policies that govern the use of lethal force. But lawmakers have yet to hold a single hearing examining U.S. drone policy. Any rules must provide adequate transparency, respect the rule of law, conform with international standards and prudently advance U.S. national security over the long term. In codifying a legal framework to guide executive action on drone strikes, Congress should consider these steps: First, we must do more to avoid innocent civilian casualties. The Geneva Conventions, which have governed the rules of war since World War II, distinguish between combatants and noncombatants in the conduct of hostilities and state that civilian casualties are not acceptable except in cases of demonstrated military necessity. This is the standard we must follow. Second, Congress must require an independent judicial review of any executive-branch “kill list.” The U.S. legal system is based on the principle that one branch of government should not have absolute authority. Congress should object to that concentration of power, especially when it may be used against U.S. citizens. A process of judicial review would diffuse executive power and provide a mechanism for greater oversight. Third, the United States must collaborate with the international community to develop a widely accepted set of legal standards. No country — not even our allies — accepts the U.S. legal justification for targeted killings. Our justification must rest on the concept of self-defense, which would allow the United States to protect itself against any imminent threat. Any broader criteria would create the opportunity for abuse and set a dangerous standard for other countries to follow, which could harm long-term U.S. security interests. The United States will not always enjoy a monopoly on sophisticated drone technology. The Iranian-made drone that Hezbollah recently flew over Israel should compel us to think about the far-reaching implications of current policy. A just, internationally accepted protocol on the use of drones in warfare is needed. By creating and abiding by our own set of reasonable standards, the United States will demonstrate to the world that we believe in the rule of law.

### AT: Rollback

#### ---Political barriers check – new, stronger constituencies

Branum-Associate Fulbright and Jaworski- 2

Tara L, Associate, Fulbright & Jaworski L.L.P, “President or King? The Use and Abuse of Executive Orders in Modern Day America” Journal of Legislation 28 J. Legis. 1

Congressmen and private citizens besiege the President with demands  [\*58]  that action be taken on various issues. [n273](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview#n273) To make matters worse, once a president has signed an executive order, he often makes it impossible for a subsequent administration to undo his action without enduring the political fallout of such a reversal. For instance, President Clinton issued a slew of executive orders on environmental issues in the weeks before he left office. [n274](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview#n274) Many were controversial and the need for the policies he instituted was debatable. [n275](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview#n275) Nevertheless, President Bush found himself unable to reverse the orders without invoking the ire of environmentalists across the country. [n276](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview#n276) A policy became law by the action of one man without the healthy debate and discussion in Congress intended by the Framers. Subsequent presidents undo this policy and send the matter to Congress for such debate only at their own peril. This is not the way it is supposed to be.

### 1NR A2: XO Bad

#### E. Literature – we turn education

Rudalevige ‘12

**[Rudalevige, A. (March 2012). The contemporary presidency: executive orders and presidential unilateralism.  Presidential Studies Quarterly, 42, 1. p.138(23). ETB]**

**In the last decade or so,** students of the American presidency have renewed their interest in the **formal authorities and** unilateral possibilities of presidential power**, driven both by methodological logic and by events. On the theoretic side,** scholars **working within the broad framework of the "new institutionalism," especially its rational choice variant,** have made a case that the formal, legal, and organizational aspects of the presidency--and the incentives and constraints for presidential behavior these implied--had been too long neglected in favor of impressionistic accounts of the "personal presidency." A focus on the formal powers **that underlay the presidential office, and the way these could be used to enhance an incumbent's influence,** was needed to fill that gap **(e.g., Howell 2003; Kelley 2007; Moe 1985, 1993; Moe and Howell 1999). After all, as Kenneth Mayer argued (2001, 11),** "in most cases, presidents retain a broad capacity to take significant action on their own, action that is meaningful **both** in substantive policy terms and in the sense of protecting and furthering the president's **political and strategic** interests**."¶** The **assertive--even "**imperial**"--**stance taken by recent presidents provided empirical grist for this mill. **President George W.** Bush was particularly notable in acting aggressively to expand his office's powers vis-a-vis other political actors **(Cooper 2002; Goldsmith 2007; Rudalevige 2005, 2010; Savage 2007). Redressing the perceived constriction of the presidential office after the Watergate/Vietnam years provided a new rationale for unilateral command--even before the terrorist attacks of September 11, 2001. Barack** Obama**, while disavowing some of his predecessor's rationales,** has acted in a similar manner in a number of areas. **The assassination of American citizens acting with al-Qaeda in Yemen; the evasion of the War Powers Resolution in Libya; the use of the state secrets act in fending off judicial inquiry--all these suggest a continuing approach to presidential authority that overrides shifts in the incumbent's personality.¶ From either direction,** the upshot has been important recent work on a presidential administrative toolkit that includes appointments **(Lewis 2008),** signing statements **(Evans 2011; Kelley and Marshall 2010; Korzi 2011),** executive agreements **(Krutz and Peake 2009),** proclamations **(Rottinghaus and Bailey 2010; Rottinghaus and Maier 2007),** rulemaking and guidance **(Graham 2010; Kerwin and Furlong 2010),** and **especially** executive orders **(Gibson 2009; Howell 2003; Mayer 1999, 2001; Rodrigues 2007; Warber 2006; Wigton 1996). Indeed, at this point it is safe to say that** a standard textbook **in the field** could not**--as it did even after Watergate--**exclude "executive orders" **and "signing statements"** from the index **(Koenig 1975).** The study of the contemporary presidency thus requires serious attention **to that office's executive authority.**

## Obama DA

### 1NR Impact Overview

#### Economic decline turns Pakistan – Kemp says

The internal stability of some countries is challenged**, and there are more “failed states.”** Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists**, who then take possession of a large number of nuclear weapons.** The danger of war between India and Pakistan increases significantly

#### Decline turns hegemony

Khalilzad 2011

**Zalmay Khalilzad was the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992. The Economy and National Security. The National Review February 8th 2011 http://www.nationalreview.com/blogs/print/259024**

**Today,** economic **and fiscal** trends pose the most severe long-term threat to the United States’ position as global leader. While the United States suffers from **fiscal imbalances and** low economic growth, the economies of rival powers are developing rapidly. The continuation of these two trends could lead to a shift from American primacy toward a multi-polar global system, leading in turn to increased geopolitical rivalry and even war among the great powers**. The current recession is the result of a deep financial crisis, not a mere fluctuation in the business cycle. Recovery is likely to be protracted. The crisis was preceded by the buildup over two decades of enormous amounts of debt throughout the U.S. economy — ultimately totaling almost 350 percent of GDP — and the development of credit-fueled asset bubbles, particularly in the housing sector. When the bubbles burst, huge amounts of wealth were destroyed, and unemployment rose to over 10 percent. The decline of tax revenues and massive countercyclical spending put the U.S. government on an unsustainable fiscal path. Publicly held national debt rose from 38 to over 60 percent of GDP in three years.** Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments **— which already are larger than the defense budget —** would crowd out other spending or require substantial tax increases that would undercut economic growth**. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt,** the United States would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would almost certainly compel a radical retrenchment of the United States internationally**. Such scenarios would reshape the international order. It was the economic devastation of Britain and France during World War II, as well as the rise of other powers, that led both countries to relinquish their empires. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence “east of Suez.”** Soviet economic weakness**, which crystallized under Gorbachev,** contributed to their decisions to withdraw from Afghanistan**, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical,** the United States would be compelled to retrench, reducing its military spending and shedding international commitments**. We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as** China, India, and Brazil **have profound political, social, demographic, and economic problems, their** economies are growing faster than ours**, and this could alter the global distribution of power.** These trends could in the long term produce a multi-polar world**. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge.** The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation**. The stakes are high. In modern history,** the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable**, with their competitive dynamics resulting in frequent crises and major wars among the great powers.** Failures of multi-polar international systems produced both world wars. American retrenchment could have devastating consequences**. Without an American security blanket,** regional powers could rearm in an attempt to balance against emerging threats**. Under this scenario,** there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict**. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions. As rival powers rise,** Asia in particular is likely to emerge as a zone of great-power competition**. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still,** the United States is the most significant barrier facing Chinese hegemony and aggression**.**

### 1NR A2: Link Uniqueness

#### Obama has maximized his capital to resolve the debt limit

**Bohan, Reuters correspondent, 9-11-13**

**(Caren, “Delay in Syria vote frees Obama to shift to hefty domestic agenda”,** [**http://carnegieeurope.eu/strategiceurope/?fa=52932**](http://carnegieeurope.eu/strategiceurope/?fa=52932)**, ldg)**

**(Reuters) - Putting off a decision on military strikes on Syria allows President Barack Obama to** shift his attention **back to a weighty domestic agenda for the fall that includes budget fights, immigration and selecting a new chairman of the Federal Reserve. Obama and his aides have immersed themselves for a week and a half in an intensive effort to win support in Congress for U.S. military action in Syria after a suspected chemical weapons attack last month killed more than 1,400 people. But the effort, which included meetings by Obama on Capitol Hill on Tuesday followed by his televised speech to Americans, seemed headed for an embarrassing defeat, with large numbers of both Democrats and Republicans expressing opposition. The push for a vote on Syria - which has now been delayed -** had **threatened to crowd out the busy legislative agenda for the final three months of 2013 and drain Obama's** political clout**, making it harder for him to press his priorities. But analysts said a proposal floated by Russia, which the Obama administration is now exploring, to place Syria's weapons under international control may allow Obama to emerge from a difficult dilemma with** minimal political damage**. "**He dodges a tough political situation this way**," said John Pitney, professor of politics at Claremont McKenna College in California. Pitney said the delay in the Syria vote removes a big burden for Obama, given that Americans, who overwhelmingly opposed military intervention in Syria, will now be able to shift their attention to other matters. He said Obama could suffer some weakening of his leverage with Congress. The administration's "full court press" to try to persuade lawmakers to approve military force on Syria was heavily criticized and did not yield much success. "He probably has suffered some damage in Congress because there are probably many people on (Capitol Hill) who have increasing doubts about the basic competence of the administration and that's a disadvantage in any kind of negotiation," Pitney said. BUDGET BATTLES Among Obama's** most immediate challenges **are two looming budget fights. By September 30, Congress and the president must agree on legislation to keep federal agencies funded or face a government shutdown. Two weeks later, Congress must raise the limit on the country's ability to borrow or risk a possible debt default that could cause chaos in financial markets. On the first budget showdown, Obama may be at a strategic advantage because of divisions among opposition Republicans about whether to use the spending bill to provoke a fight over Obama's signature health care law, known as Obamacare. House Republican leaders are trying to rally the party around a temporary spending measure that would keep the government funded until December 15 but are facing resistance within their own caucus from some conservatives who want to cut off funding for Obamacare, even if it means a government shutdown. The debt limit fight could end up going** down to the wire **and unnerving financial markets. Republicans want to use that standoff to extract concessions from the Democratic president, such as spending cuts and a delay in the health law. But Obama has said he has** no intention of negotiating **over the borrowing limit.**

#### Conserving capital now-not pushing anything else

**Neff, the Hill, 9-20-13**

**(Blake, “Senate support unravels for Obama's energy nominee”,** [**http://thehill.com/blogs/e2-wire/e2-wire/323559-senate-support-unravels-for-ferc-nominee**](http://thehill.com/blogs/e2-wire/e2-wire/323559-senate-support-unravels-for-ferc-nominee)**, ldg)**

Cole also said the Obama administration would not be willing to push hard for Binz when it had other priorities to focus on. **“**How much political capital does the White House want to spend on Harry Reid’s nominee?” Cole asked rhetorically. Obama, he said, needed to conserve his efforts for more important battles, such as the ongoing debt ceiling battle**. Without Senate support or strong White House backing, “the [only] question at this point is how long Binz wants to drag out this process,” Cole said.**

#### Obama has capital, especially relative to the House

**Purdum, Politico, 9-18-13**

**(Todd, “And what’s right with President Obama?”, dyn.politico.com/printstory.cfm?uuid=91B846ED-7F4F-45E7-9982-E926DCD7CC77)**

Though the trend lines are not as steady this year **as they have typically been in the past,** Obama’s favorability rating has **largely** stayed above waterin major public opinion surveys, **with a recent Fox News telephone poll clocking his favorability at 50 percent, to 46 percent unfavorable. • His normality The presidency has long attracted neurotic personality types, but Obama is not among them. He has a healthy ego, but his longstanding ability to coolly assess his circumstances and then adapt to them means that he is still better positioned than most of his peers to work his way out of problems. He has always been best with his back against the wall. He may not be Harry Truman or Jerry Ford, taking brisk walks about town or toasting his own English muffins, but it’s hard to imagine that he would ever slide into LBJ-style meltdown or Nixonian paranoia. His wife and daughters — and their nightly family dinners above the store — may put a crimp in his Washington social life and his willingness to wine and dine allies or enemies, but they doubtless keep him an honest dad. In his first campaign and throughout the troubles of his tenure, he has kept perspective, often telling David Axelrod, “If things don’t work out, I’ve already got a pretty good gig being Barack Obama.” Like Truman, who called his wife, Bess, “The Boss,” Obama makes it clear that divided opinion on topics like Syria starts in his own backyard. “I’m taking this vote in Congress and what the American people are saying very seriously,” he said last week. “Because if you ask somebody, you know, I read polls like everybody else. And if you ask somebody, if you ask Michelle, ‘Do we want to be involved in another war?’ the answer is no.” • His enemies** Simply put, Obama’s positions on the issues are vastly more popular than the extreme views of his die-hard opponents in Congress and the right-wing echo chamber**. Ronald** Reagan showed what an asset this could be**, withstanding the withering condescension of the left because he had the folks in the middle. Newt** Gingrich **(sort of)** learned the same lesson in reverse in his dealings with **Bill** Clinton**. Has Ted Cruz? Not so much. Americans’ views of Congress, driven down in the summer of 2011 over the last debt-ceiling standoff, “have never recovered,” a Pew Research Center survey reported this summer. Just 21 percent of Americans said they regarded the institution favorably (a level that Sen. John McCain said to “paid staff and blood relatives”).** Pew found that the Republican brand is also faring miserably**, with a 33 percent national favorability rating “among the most negative ratings for the party in 20 years of polling.” Those numbers may not change the cold electoral math for Democratic congressional candidates in next year’s midterm election, but they give Obama a respectable argument to make on the hustings. • His party** The arc of American politics is long, but **at the moment, it** bends toward the Democrats**.** For all his troubles, Obama has the good fortune to govern at a time when **long-term demographic and** ideological trends are breaking in the direction of his party**. Sharp divisions on social issues like gay marriage — divisions that in Clinton’s day bedeviled the Democrats and as recently as eight years ago gave the GOP a sharp electoral edge, have largely been put to rest in the top tier of the Democratic Party and among its younger ranks, and to a lesser degree, among some Republicans as well. A growing Latino voting-age population is bolstering the Democrats’ hopes in the West. And for the time being, the** Democrats **still** enjoy a strong edge **in digital campaigning and data harnessing that is likely to become one of the Obama campaign’s legacies in down-ballot elections to come.** The president and his party look more like the emerging post-millennial America than their opponents do**.** However weak Obama’s hand looks on some days, no one would rather be holding John Boehner’s cards **— much less those of the fractious potential 2016 GOP field.**

### 1NR A2: Frumin

#### The Frumen evidence concludes no thumper – foreign policy

**Like many of his predecessors, President Obama may reserve efforts where he can make the most impact with foreign policy rather than expel political capital on domestic issues tied up in a petulant Congress. With the crisis in Syria, Obama got lucky and was able to avoid making a politically unpopular decision to strike the Middle Eastern country over its use of chemical weapons. The deal was only made possible after Russia, America’s longstanding frenemy, stepped forward and agreed to hammer out an agreement with U.S. officials to make Syria disarm.**

### 1NR A2: Wolfgang

#### The debate over EPA won’t occur until 2014 – this is their wolfgang ev

**Ms. McCarthy also said the agency will take its next step in the summer of 2014 by offering standards for existing coal power plants, some of which are a half-century old and could not possibly meet the limits without hundreds of millions of dollars in upgrades. But she disputed the notion that coal-fired facilities effectively have been banned.**

### 1NR A2: GOP Obstructionism Inevitable (Reuters)

#### Obama has no incentive to cave-it would end his presidency-it is just a question of getting the GOP to believe it

**Lewison, Daily Kos senior policy editor, 9-18-13**

**(Jed, “Obama says he will not yield an inch to GOP extortion demands on debt limit”,** [**http://www.dailykos.com/story/2013/09/18/1239737/-Obama-says-he-will-not-yield-an-inch-to-GOP-extortion-demands-on-debt-limit**](http://www.dailykos.com/story/2013/09/18/1239737/-Obama-says-he-will-not-yield-an-inch-to-GOP-extortion-demands-on-debt-limit)**, ldg)**

Republicans who think the debt limit is a source of leverage are counting on President Obama to flip-flop back to his 2011 strategy. Th**at** would be more plausible if what happened in 2011 hadn't turned out to be such a disaste**r** and, more importantly, if President Obama didn't realize it was a disaster—but clearly, he does. **Obviously, we won't know until the ink is dry on the debt limit increase whether President Obama follows through on his commitment to reject GOP hostage-taking on the debt limit, but if** Republicans haven't started contemplating what happens if their strategy fails, they had better get started wrapping their minds around it, because all indications are that's exactly what's going to happen.

#### GOP assumes Obama will cave now-only by staying strong can Obama get them to retreat

**Benen, MSNBC, 9-17-13**

**(Steve, “Far-right House Republicans expect Obama to cave”,** [**http://maddowblog.msnbc.com/\_news/2013/09/17/20542472-far-right-house-republicans-expect-obama-to-cave?lite**](http://maddowblog.msnbc.com/_news/2013/09/17/20542472-far-right-house-republicans-expect-obama-to-cave?lite)**, ldg)**

**But there's another question that's been nagging at me.** I realize Obamacare has driven Republicans mad, but what I don't understand is their endgame**. Do they really want a government shutdown? Would they welcome a potentially catastrophic breach in the debt ceiling**? As it turns out, no -- they're working from the assumption that the president will cave. **A** weakened President Obama will back down if there is a standoff over funding ObamaCare and preventing a government shutdown, **House conservatives say. They are urging Speaker John Boehner (R-Ohio) and Majority Leader Eric Cantor (R-Va.) to gamble that Obama and Senate Democrats will take the blame if they reject legislation that keeps the government running but stops ObamaCare. At least 43 conservatives want the GOP leadership to go for broke, asserting that Obama has been damaged by stumbles over Syria and by several delays in implementing the Affordable Care Act. Marlin Stutzman (R-Ind.) insisted, "**I think the president's too weak to shut the government down.... I think we will win." **Rep. Steve King (R-Iowa) added, "Syria has hurt him significantly.... It is a factor in the [continuing resolution] going forward, it is a factor in the debt ceiling."** This is delusional thinking**, even by the standards of House Republicans. Let's unwrap this a bit.** First, the vast majority of Americans oppose the Republicans' health care efforts**,** and polls show it's the GOP that will get the blame in the event of a shutdown. Second, Obama hasn't been damaged by Syria -- he got everything he wanted without firing a shot, and the public strongly backs his current approach**.** And third, there's simply no way Democrats would ever agree to sabotage their own health care law, which the party fought tooth and nail to approve**, following a generations-long effort. What's more -- and this is the funny part --** Boehner, Cantor, and the Republican leadership is well aware of all three of these truths, **but they can't seem to persuade their own members to listen to reason.**

#### Republicans will test Obama-he’ll win now

**Bump, the Atlantic Wire, 9-16-13**

**(Philip, “The Timing for an Obamacare Fight Couldn't Be Worse for Obama”,** [**http://www.theatlanticwire.com/politics/2013/09/timing-obamacare-fight-couldnt-be-worse-obama/69443/**](http://www.theatlanticwire.com/politics/2013/09/timing-obamacare-fight-couldnt-be-worse-obama/69443/)**, ldg)**

With the president's failure to get a quick, supportive vote on Syria and with ongoing sentiment trending against Obamacare**,** Republicans are more emboldened than ever in thinking Obama will cave in a funding fight. **The Hill reports: “I think the president’s too weak to shut the government down … I think we will win,” Rep. Marlin Stutzman (R-Ind.) said. “Syria has hurt him significantly … it is a factor in the CR going forward, it is a factor in the debt ceiling,” Rep. Steve King (R-Iowa) said. King's political sense isn't always entirely true, but the point is an interesting one:** Can Obama hold steady on this issue, in the face of public pressure? **Or, of more concern, can the members of his party that balked on Syria and are primarily responsible for the Summers defeat do so? Members of Congress have two choices for political cover on difficult decisions. The first is to use the president's staunch advocacy as the rationalization for a vote (if you share his party). The second is public opinion. As The Post points out, Congress is increasingly unwilling to use party loyalty as a rationalization. “It’s almost as though it was the end of traditional power,” Rep. James P. Moran (D-Va.), a fierce Obama supporter, said of rank-and-file resistance to the president and the speaker. “I’ve been here for 20 years, and I’ve never seen so much of a repudiation of the conventional sources of power in the legislative or executive branch.” “It portends for a much more chaotic fall,” he said. Politico suggests that it isn't only the public and Congress that's more vocally skeptical of the president: the media, too, has been critical of the president's recent behavior. “I think it is the public and the press reflects the public,” NBC's Chuck Todd told Politico's Dylan Byers. “The NSA started it and he hasn’t recovered.” Indicating that the president may himself have less cover as the funding debate approaches, which is emerging as a fight or flight situation.** Obama's ability to punt Syria to the Russians and to accept the withdrawal of Summers suggests that he's getting ready to fight on Obamacare. He will probably win. But to do so, it would be enormously helpful to turn the tide of opinion on the issue. Quickly**.**

#### Obama has the upper hand now

**McMurry, Mediaite contributor, 9-18-13**

**(Evan, “Chuck Todd: ‘GOP Life Raft’ Could Save Obama From Lame Duck Status”,** [**http://www.mediaite.com/tv/chuck-todd-gop-life-raft-could-save-obama-from-lame-duck-status/**](http://www.mediaite.com/tv/chuck-todd-gop-life-raft-could-save-obama-from-lame-duck-status/)**, ldg)**

**On Morning Joe Wednesday morning, NBC News Chief White House Correspondent Chuck Todd said President Barack** Obama may get a “life raft” from lame duck status when House Republicans attempt a government shutdown over Obamacare funding. **“**The only reason why there isn’t this rush to declare ‘He’s fully in lame duck status’ is, number one, he’s fully relevant with these budget debates, and number two, the Republicans are figuring out a way to hand the political momentum back to him, as they can’t figure out how to proceed on keeping the government funded,**” Todd said. “**All [the White House] is counting on is the self-destruction of the Republicans in the House, and that’s the one thing that keeps them from feeling totally under siege…It’s a House Republican life raft.”

### 1NR A2: Raise Inevitable (Hertig)

#### And their Hertig evidence concludes there is an incentive not to raise the ceiling –

**However, raising the debt ceiling is unpopular. Seventy percent of Americans oppose another raise in the debt ceiling, according to public opinion polls released by Reason-Rupe on Thursday. Even if this move would result in a default, 55% would still support not raising the debt ceiling. Furthermore: "If equal spending cuts accompany an increase in the debt ceiling, 45% say they'd support raising it and 46% would oppose. Thirty-five percent favor raising the debt ceiling in exchange for cutting off funding to the Affordable Care Act, also known as Obamacare, with 56% opposed."**

### 1NR A2: Political Capital Not Key (Klien)

#### Obama will get the GOP to cave now-he has the upperhand and political capital works

**The Hill 9-18-13**

**(“GOP ObamaCare government shutdown fiasco has Dems (secretly) joyous”,** [**http://thehill.com/blogs/pundits-blog/healthcare/323113-gop-obamacare-government-shutdown-fiasco-has-dems-secretly-joyous**](http://thehill.com/blogs/pundits-blog/healthcare/323113-gop-obamacare-government-shutdown-fiasco-has-dems-secretly-joyous)**, ldg)**

Looks like House Republican leaders have lost control of their members again, with their latest move to challenge President Obama by threatening a government shutdown in their doomed attempt to defund ObamaCare**. Many smart Republicans are (publicly) appalled, while almost all Democrats are (secretly) joyous.** House Republicans have set up a showdown where the public will back Obama, Obama will hold firm and the GOP will be forced to surrender to Obama. Republicans forget how Bill Clinton creamed former Republican Speaker Newt Gingrich **(Ga.) — who is now a second-tier cable television personality on CNN, whereas Hillary Clinton is the most likely next president — over a similar shutdown ploy. If this keeps up, which Republican leader today will be a cable personality after the next election?** The American people do not want a government shutdown. Not over ObamaCare. Not over the debt ceiling. Not over temporary government funding**. The American people want a government that works.** If the GOP acts like what Senate Majority Leader Harry Reid (D-Nev.) recently called "anarchists", the Republicans will be in for a rude awakening. Smart Republican operatives agree with me about this, and are apoplectic that House Republicans are overreaching yet again and will pay the price. **The White House and congressional Democrats are secretly joyous. They won't tell you. But I just did.** House Republicans threatening to crash the government and crash the economy have handed the president a lethal political weapon that, I guarantee you, he will use.

### 1NR A2: Fights Now

#### His singer evidence is a shady link turn – No unique link turn because we’re not debating drones right now that’s the Allen evidence – everything else is off the docket – your evidence is from March, not September 23rd – the plan undermines the focus of the debt ceiling negotiations within a 6 day timeframe which jacks passage – that’s Allen, even if the plan is popular, there will be at least some debate, which is all we need to win

NYT **5/24/**13 **Peter Baker**

**HEADLINE: Reviving Debate On Nation's Security, Obama Seeks To Narrow Terror Fight**

**WASHINGTON -- Nearly a dozen years after the hijackings that transformed America, President Obama said Thursday that it was time to narrow the scope of the grinding battle against terrorists and begin the transition to a day when the country will no longer be on a war footing.¶ Declaring that ''America is at a crossroads,''** the president called for redefining what has been a global war into a more targeted assault on terrorist groups **threatening the United States.** As part of a realignment of counterterrorism policy, he said he would curtail the use of drones, recommit to closing the prison at Guantánamo **Bay, Cuba,** and seek new limits on his own war power**.¶ In a much-anticipated speech at the National Defense University, Mr. Obama sought to turn the page on the era that began on Sept. 11, 2001, when the imperative of preventing terrorist attacks became both the priority and the preoccupation. Instead, the president suggested that the United States had returned to the state of affairs that existed before Al Qaeda toppled the World Trade Center, when terrorism was a persistent but not existential danger. With Al Qaeda's core now ''on the path to defeat,'' he argued, the nation must adapt. ¶ ''Our systematic effort to dismantle terrorist organizations must continue,'' Mr. Obama said. ''But this war, like all wars, must end. That's what history advises. It's what our democracy demands.''¶** The president's speech reignited a debate over how to respond to the threat of terrorism that has polarized the capital for years.Republicans contended that **Mr.** Obama was declaring victory prematurely **and underestimating an enduring danger,** while liberals complained that he had not gone far enough **in ending what they see as the excesses of the Bush era.¶ The precise ramifications of his shift were less clear than the lines of argument, however, because the new policy guidance he signed remains classified, and other** changes he embraced require Congressional approval. **Mr. Obama, for instance, did not directly mention in his speech that his new order would shift responsibility for drones more toward the military and away from the Central Intelligence Agency.¶ But the combination of his words and deeds foreshadowed the course he hopes to take in the remaining three and a half years of his presidency so that he leaves his successor a profoundly different national security landscape than the one he inherited in 2009. While President George W. Bush saw the fight against terrorism as the defining mission of his presidency, Mr. Obama has always viewed it as one priority among many at a time of wrenching economic and domestic challenges.¶ ''Beyond Afghanistan, we must define our effort not as a boundless 'global war on terror,' '' he said, using Mr. Bush's term, ''but rather as a series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America.''¶ ''Neither I, nor any president, can promise the total defeat of terror,'' he added. ''We will never erase the evil that lies in the hearts of some human beings, nor stamp out every danger to our open society. But what we can do -- what we must do -- is dismantle networks that pose a direct danger to us, and make it less likely for new groups to gain a foothold, all the while maintaining the freedoms and ideals that we defend.''¶ Some** Republicans expressed alarm about **Mr.** Obama's shift, saying it was a mistake to go back to the days when terrorism was seen as a manageable law enforcement problem rather than a dire threat.**¶** ''The president's speech today will be viewed by terrorists as a victory,'' said Senator **Saxby** Chambliss **of Georgia,** the top Republican on the Senate Intelligence Committee**. ''Rather than continuing successful counterterrorism activities, we are changing course with no clear operational benefit.''¶ Senator John McCain, Republican of Arizona, said he still agreed with Mr. Obama about closing the Guantánamo prison, but he called the president's assertion that Al Qaeda was on the run ''a degree of unreality that to me is really incredible.'' Mr. McCain said the president had been too passive in the Arab world, particularly in Syria's civil war. ''American leadership is absent in the Middle East,'' he said.¶**

#### Focus key

**Frank** James**, NPR,** 9/13**/13, Tynan Coffee & Tea, www.npr.org/blogs/itsallpolitics/2013/09/13/221809062/congress-searches-for-a-shutdown-free-future**

There's a lot of searching **on Capitol Hill** but no discovery yet of a way to avoid a federal government shutdown **at the start of next month.**

**Speaker John Boehner and Majority Leader Eric Cantor are searching for enough House GOP votes for a spending bill that could pass in the Democratic-controlled Senate and keep the government open past Sept. 30.**

**Tea Party-affiliated lawmakers are searching for a way to repeal the Affordable Care Act with the help of the Democratic-controlled Senate and President Obama.**

**Democrats are searching for a way to end the sequester budget cuts, or failing that, to pass a spending bill for the new fiscal year starting Oct. 1 that funds the government at a higher level than Republicans want.**

The only thing found **Thursday** seemed to be more time for negotiations and vote-wrangling**.** Republican leaders recall how their party was blamed for the shutdowns **of the** mid**-19**90s **and** earnestly want to avoid a repeat, especially heading into a midterm election year**.**

**Cantor alerted members Thursday that during the last week of September, when they are supposed to be on recess, they will now most likely find themselves in Washington voting on a continuing resolution to fund the government into October.**

**It looks like** lawmakers will need every hour of that additional time**. While talking to reporters Thursday, Boehner strongly suggested that House Republicans weren't exactly coalescing around any one legislative strategy.**

### 1NR A2: Winners Win

#### Political capital finite

Lashof 10 **Director of the Climate Center at NRDC**

**(Dan, “Coulda, Shoulda, Woulda: Lessons from Senate Climate Fail”, http://switchboard.nrdc.org/blogs/dlashof/coulda\_shoulda\_woulda\_lessons.html)**

**Lesson 2: Political capital is not necessarily a renewable resource. Perhaps the most fateful decision the Obama administration made early on was to move healthcare reform before energy and climate legislation. I’m sure this seemed like a good idea at the time. Healthcare reform was popular, was seen as an issue that the public cared about on a personal level, and was expected to unite Democrats from all regions. White House officials and Congressional leaders reassured environmentalists with their theory that success breeds success. A quick victory on healthcare reform would renew Obama’s political capital, some of which had to be spent early on to push the economic stimulus bill through Congress with no Republican help. Healthcare reform was eventually enacted, but only after an exhausting battle that eroded public support, drained political capital and created the Tea Party movement. Public support for healthcare reform is slowly rebounding as some of the early benefits kick in and people realize that the forecasted Armageddon is not happening. But this is occurring too slowly to rebuild Obama’s political capital in time to help push climate legislation across the finish line.**

### 1NR A2: No Impact

#### Wrecks economy and the dollar

**Kinsey, financial analyst, 9-17-13**

**(Shanicwa, “U.S. Debt Ceiling: Costs and Consequences – Council on Foreign Relations”,** [**http://www.onegofinance.com/global-market/usa-markets/u-s-debt-ceiling-costs-and-consequences-council-on-foreign-relations.html**](http://www.onegofinance.com/global-market/usa-markets/u-s-debt-ceiling-costs-and-consequences-council-on-foreign-relations.html)**, ldg)**

What are the implications for financial markets? **Most economists, including those in the White House and from former administrations, agree that** the impact **of an outright government default** would be severe**. Federal Reserve Chairman Ben Bernanke has said** a **U.S.** default could be a “recovery-ending event” that would likely spark another financial crisis**. Short of default, officials warn that legislative** delays in raising the debt ceiling could also inflict significant harm on the economy. **Many analysts say** congressional gridlock **over the debt limit** will likely sow significant uncertaintyin the bond markets and place upward pressure on interest rates.Rate increases **would not only hike future borrowing costs of the federal government, but** would **also** raise capital costs for struggling U.S. businesses and cash-strapped homebuyers**. In addition, rising rates could divert future taxpayer money away from much-needed federal investments in such areas as infrastructure, education, and health care. The protracted and politically acrimonious debt limit showdown in the summer 2011 prompted Standard and Poor’s to take the unprecedented step of downgrading the U.S. credit rating from its triple-A status, and** analysts fear such brinksmanship in early 2013 could bring about similar moves from other rating agencies. **A 2012 study by the non-partisan Government Accountability Office estimated that delays in raising the debt ceiling in 2011 cost taxpayers approximately $ 1.3 billion for FY 2011. BPC estimated the ten-year costs of the prolonged fight at roughly $ 19 billion.** The stock market also was thrown into frenzy in the lead-up to and aftermath of the 2011 debt limit debate**, with the Dow Jones Industrial Average plunging roughly 2,000 points from the final days of July through the first days of August. Indeed, the Dow recorded one of its worst single-day drops in history on August 8, the day after the S&P downgrade, tumbling 635 points. Speaking to the Economic Club of New York in November 2012, Fed Chairman Ben Bernanke warned that congressional inaction with regard to the fiscal cliff, the raising of the debt ceiling, and the longer-term budget situation was creating uncertainty that “appears already to be affecting private spending and investment decisions and may be contributing to an increased sense of caution in financial markets, with adverse effects on the economy.”** What are the implications for the dollar? **Historically, the U.S. Treasury market has been driven by huge investments from surplus countries like Japan and China, which view the United States as the safest place to store their savings. A** 2011 Congressional Research Service report suggests that a loss of confidence in the debt market could prompt foreign creditors to unload large portions of their holdings, thus inducing others to do so, and causing a run on the dollar in international markets. However, others claim that a sudden sell-off would run counter to foreign economic interests, as far as those interests run parallel to a robust U.S. economy. **While many U.S. exporters would benefit from dollar depreciation because it would increase foreign demand for their goods (effectively making them cheaper), the same firms would also bear higher borrowing costs from rising interest rates.** A potential long-term concern of some U.S. officials is that persistent volatility of the dollar will add force to recent calls by the international community for an end to its status as the world’s reserve currency. **A 2010 survey performed by the McKinsey Global Institute found fewer than 20 percent of business executives surveyed expected the dollar to be the dominant global reserve currency by 2025.**

#### Impacts every part of the economy

**McAuliff, Huffington Post political reporter, 9-18-13**

**(Michael, “Debt Limit Showdown Could Be Catastrophic For Economy: Analysts”,** [**http://www.huffingtonpost.com/2013/09/18/debt-limit-showdown\_n\_3950890.html**](http://www.huffingtonpost.com/2013/09/18/debt-limit-showdown_n_3950890.html)**, ldg)**

**He gave a crushing summary of the potential impacts of a default.** "If you don't raise the debt limit in time, you will be opening an economic Pandora's box. It will be devastating to the economy**," he predicted. "**If you don't do it in time, confidence will evaporate, consumer confidence will sharply decline, [as well as] investor confidence, business confidence. Businesses will stop hiring, consumers will stop spending, the stock market will fall significantly in value, borrowing costs for businesses and households will rise." "We'll be in the middle of a very, very severe recession**, and I don't see how we get out of it," he added. News was not much better on the GOP proposal to shut down the government at the end of the month if the Senate and President Barack Obama don't agree to defund Obamacare. According to CNN, Douglas Elmendorf, the head of the non-partisan Congressional Budget Office, warned that even posturing over a shutdown costs the government and the economy. "We have now started to prepare for the possibility of a shutdown at CBO -- taking time and energy that we'd otherwise spend in serving Congress more directly," Elmendorf said. "At agencies that are larger and more complicated, the planning for the shutdown is much more involved."** If the government closes, the economic impacts "scale up" quickly**, he said.**

#### Would wreck the economy

**BIN 9-16-13**

**(Before It’s News, “U.S. Debt Ceiling Debate: What Will Happen”,** [**http://beforeitsnews.com/economy/2013/09/u-s-debt-ceiling-debate-what-will-happen-2553766.html**](http://beforeitsnews.com/economy/2013/09/u-s-debt-ceiling-debate-what-will-happen-2553766.html)**, ldg)**

Many argue that a government shutdown would immediately lead to a U.S. default on its obligations. **It would mark the first time in the U.S. government’s history that it has not paid its debts. As** a result, it would dramatically raise interest rates, require immediate cuts to government budgets, and sack the value of government bonds **owned around the world. In** addition, the United States would slash or halt government-issued income streams **like Social Security, Medicare reimbursements, and military salaries. “Operating the government with no borrowing authority, and with only the cash on hand on a given day, would place the United States in an unacceptable position,” Jack Lew wrote in a letter to Republican House Speaker John Boehner.** The financial impact is obvious. **But additional market factors like Syria and the U.S.** Rising interest rates could lead to catastrophic damage as the United States must service higher interest payments. These payments provide no value to the economy and only act as a drain on production and savings.

#### Econ underpins every part of US power.

**Morgan, London School of Economics, 2011**

**(Iwan, “The United States after unipolarity: the American economy and America’s global power”, http://eprints.lse.ac.uk/43478/)**

America’s economic strength has long underwritten its leading role in world affairs. **The buoyant tax** revenues generated by economic growthfund **its** massive military spending**,** the foundation of its global hard power.America’s economic success is also fundamental to its soft power and the promotion of its free-market values in the international economy. **Finally,** prosperity generally makes the American public more willing to support an expansive foreign policy on the world stage**,** whereaseconomic problems tend to engender popular introspection**. Ronald** Reaganunderstoodthat a healthy economy was a prerequisite for American power when he became president amid conditions of runaway inflation and recessio**n. As he put it in his memoirs, ‘In 1981, no problem the country faced was more serious than the economic crisis – not even the need to modernise our armed forces – because** without a recovery, we couldn’t afford to do the things necessary to make the country strong again or make a serious effort to reduce the dangers of nuclear war. **Nor could America regain confidence in itself and stand tall once again.** Nothing was possible unless we made the economy sound again’**.**

## WarDA

### Congress---1NC

#### Restricting war powers risks terrorist attacks, WMD proliferation and Rouge State aggression

Yoo 12 (John, professor of law at the University of California, Berkeley, “War Powers Belong to the President,” http://www.abajournal.com/magazine/article/war\_powers\_belong\_to\_the\_president)

This time, President Obama has the Constitution about right. His exercise of war powers rests firmly in the tradition of American foreign policy. Throughout our history, neither presidents nor Congresses have acted under the belief that the Constitution requires a declaration of war before the U.S. can conduct military hostilities abroad. We have used force abroad more than 100 times but declared war in only five cases: the War of 1812, the Mexican-American and Spanish-American wars, and World War I and II. Without any congressional approval, presidents have sent forces to battle Indians, Barbary pirates and Russian revolutionaries; to fight North Korean and Chinese communists in Korea; to engineer regime changes in South and Central America; and to prevent human rights disasters in the Balkans. Other conflicts, such as the 1991 Persian Gulf war, the 2001 invasion of Afghanistan and the 2003 Iraq war, received legislative “authorization” but not declarations of war. The practice of presidential initiative, followed by congressional acquiescence, has spanned both Democratic and Republican administrations and reaches back from President Obama to Presidents Abraham Lincoln, Thomas Jefferson and George Washington. Common sense does not support replacing the way our Constitution has worked in wartime with a radically different system that mimics the peacetime balance of powers between president and Congress. If the issue were the environment or Social Security, Congress would enact policy first and the president would faithfully implement it second. But the Constitution does not duplicate this system in war. Instead, our framers decided that the president would play the leading role in matters of national security. Those in the pro-Congress camp call upon the anti-monarchical origins of the American Revolution for support. If the framers rebelled against King George III’s dictatorial powers, surely they would not give the president much authority. It is true that the revolutionaries rejected the royal prerogative, and they created weak executives at the state level. Americans have long turned a skeptical eye toward the growth of federal powers. But this may mislead some to resist the fundamental difference in the Constitution’s treatment of domestic and foreign affairs. For when the framers wrote the Constitution in 1787 they rejected these failed experiments and restored an independent, unified chief executive with its own powers in national security and foreign affairs. The most important of the president’s powers are commander in chief and chief executive. As Alexander Hamilton wrote in Federalist 74, “The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.” Presidents should conduct war, he wrote, because they could act with “decision, activity, secrecy and dispatch.” In perhaps his most famous words, Hamilton wrote: “Energy in the executive is a leading character in the definition of good government. ... It is essential to the protection of the community against foreign attacks.” The framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. Congress is too large and unwieldy to take the swift and decisive action required in wartime. Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’ loose, decentralized structure would paralyze American policy while foreign threats grow. Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure. Congress’ track record when it has opposed presidential leadership has not been a happy one. Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict. President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president’s foreign adventurism, the real threat to our national security may come from inaction and isolationism. Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it. Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare war.” But these observers read the 18th century constitutional text through a modern lens by interpreting “declare war” to mean “start war.” When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain—where the framers got the idea of the declare-war power—fought numerous major conflicts but declared war only once beforehand. Our Constitution sets out specific procedures for passing laws, appointing officers and making treaties. There are none for waging war because the framers expected the president and Congress to struggle over war through the national political process. In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent danger as will not admit of delay.” This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive. Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. Only Congress can raise the military, which gives it the power to block, delay or modify war plans. Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military. Congress’ check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse. If Congress feels it has been misled in authorizing war, or it disagrees with the president’s decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action. Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation. The framers expected Congress’ power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war. Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’ funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo or Korea, it is only because Congress has chosen not to exercise its easy check. We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy. The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security. Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the framers left war to politics. As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

#### Rogue states multiply and cause extinction

**Johnson, Forbes contributor and Presidential Medal of Freedom winner, 2013**

(Paul, “A Lesson For Rogue States”, 5-8, <http://www.forbes.com/sites/currentevents/2013/05/08/a-lesson-for-rogue-states/>, ldg)

Although we live in a violent world, where an internal conflict such as the Syrian civil war can cost 70,000 lives over a two-year period, there hasn’t been a major war between the great powers in 68 years. Today’s three superpowers–the U.S., Russia and China–have no conflicts of interest that can’t be resolved through compromise. All have hair-trigger nuclear alert systems, but the sheer scale of their armories has forced them to take nuclear conflict seriously. Thus, in a real sense, nuclear weapons have succeeded in abolishing the concept of a winnable war. The same cannot be said, however, for certain paranoid rogue states, namely North Korea and Iran. If these two nations appear to be prospering–that is, if their nuclear threats are winning them attention and respect, financial bribes in the form of aid and all the other goodies by which petty dictators count success–other prospective rogues will join them. One such state is Venezuela. Currently its oil wealth is largely wasted, but it is great enough to buy entree to a junior nuclear club. Another possibility is Pakistan, which already has a small nuclear capability and is teetering on the brink of chaos. Other potential rogues are one or two of the components that made up the former Soviet Union. All the more reason to ensure that North Korea and Iran are dramatically punished for traveling the nuclear path. But how? It’s of little use imposing further sanctions, as they chiefly fall on the long-suffering populations. Recent disclosures about life in North Korea reveal how effectively the ruling elite is protected from the physical consequences of its nuclear quest, enjoying high standards of living while the masses starve. Things aren’t much better in Iran. Both regimes are beyond the reach of civilized reasoning, one locked into a totalitarian vise of such comprehensiveness as to rule out revolt, the other victim of a religious despotism from which there currently seems no escape. Either country might take a fatal step of its own volition. Were North Korea to attack the South, it would draw down a retribution in conventional firepower from the heavily armed South and a possible nuclear response from the U.S., which would effectively terminate the regime. Iran has frequently threatened to destroy Israel and exterminate its people. Were it to attempt to carry out such a plan, the Israeli response would be so devastating that it would put an end to the theocracy forthwith. The balance of probabilities is that neither nation will embark on a deliberate war but instead will carry on blustering. This, however, doesn’t rule out war by accident–a small-scale nuclear conflict precipitated by the blunders of a totalitarian elite. Preventing Disaster The most effective, yet cold-blooded, way to teach these states the consequences of continuing their nuclear efforts would be to make an example of one by destroying its ruling class. The obvious candidate would be North Korea. Were we able to contrive circumstances in which this occurred, it’s probable that Iran, as well as any other prospective rogues, would abandon its nuclear aims. But how to do this? At the least there would need to be general agreement on such a course among Russia, China and the U.S. But China would view the replacement of its communist ally with a neutral, unified Korea as a serious loss. Compensation would be required. Still, it’s worth exploring. What we must avoid is a jittery world in which proliferating rogue states perpetually seek to become nuclear ones. The risk of an accidental conflict breaking out that would then drag in the major powers is too great. This is precisely how the 1914 Sarajevo assassination broadened into World War I. It is fortunate the major powers appear to have understood the dangers of nuclear conflict without having had to experience them. Now they must turn their minds, responsibly, to solving the menace of rogue states. At present all we have are the bellicose bellowing of the rogues and the well-meaning drift of the Great Powers–a formula for an eventual and monumental disaster that could be the end of us all.