## 1NC

### 1

#### Interpretation and violation

#### Authority is granted permission

Ellen Taylor 96, 21 Del. J. Corp. L. 870 (1996), Hein Online

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

#### Restrictions are prohibitions --- topical affs must change what actions are allowed. Enforcing status quo authority is not enough.

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Vote neg---

#### Neg ground---only prohibitions on particular authorities guarantee links to every core argument like flexibility and deference. Judicial review is a mechanism of enforcement, not restriction.

#### Limits---there are an infinite number of small hoops they could require the president to jump through---overstretches our research burden

### 2

#### Obama has held democrats in check – Iran will continue to compromise and new sanctions will be avoided through political toughness – diplomacy failure spark a US-Iran war

Jacob Glass 3/25/14 (Harry S. Truman Scholar and a Udall Scholar. He recently completed a Truman-Albright Fellowship at the Woodrow Wilson International Center for Scholars' Environmental Change and Security Program) “As Iran Nuclear Negotiations Begin, Threat of Increased Sanctions Looms Large”, http://www.huffingtonpost.com/jacob-glass/as-iran-nuclear-negotiati\_b\_5024604.html

Last week Iran and the so-called P5+1 countries -- Russia, China, Britain, France, the U.S., plus Germany -- began a new round of negotiations in the Austrian capital of Vienna. While perhaps overshadowed by tensions on the Crimean Peninsula and missing Malaysian Flight 370, the talks mark a significant step towards resolving the Iranian nuclear crisis. Yet misguided calls by Congress to increase sanctions on Iran threaten to scuttle progress, and underscore the fragility of the negotiating process.¶ Over the past three decades, Iran has faced crippling sanctions imposed by America and the international community. Trade restrictions have steadily increased to block Iran's lucrative petroleum export market as well as the country's participation in the global banking system. All told, international sanctions have cost Iran over $100 billion in lost oil profits alone.¶ So called "carrot and stick" policies have long been fundamental to international diplomacy. The "stick" has been a sharp one, and has finally brought the Iranians to the negotiating table.¶ During his September visit to the UN General Assembly in New York, Iranian President Hassan Rouhani spoke with President Obama over the phone, marking the first direct communication between an American and Iranian president since 1979. On November 24, an interim "first-step" deal was reached to freeze Iran's nuclear development program and pave the way for a comprehensive agreement. The deal halts uranium enrichment above 3.5 percent and puts international observers on the ground in Iran, all but ensuring that negotiations cannot be used as a delay tactic.¶ Yet amid these positive signs that diplomacy is working, members of Congress have advocated for even more sanctions to be levied against Iran, specifically in the form of Senate Bill 1881, sponsored by Illinois Republican Mark Kirk and New Jersey Democrat Robert Menendez.¶ New sanctions would torpedo the Vienna talks and reverse the diplomatic progress that has been made.¶ Iranian officials have already promised to abandon negotiations if new sanctions are passed. Even our own allies, along with Russia and China, have opposed the move. Passing unilateral sanctions will splinter the fragile international coalition, needlessly antagonize Iranian negotiators, and make a violent conflict with Iran more likely. Diplomatic victory will only be achieved if the international community stands united before Iran.¶ To this point, the Obama administration has avoided a vote on SB 1881 by threatening a veto of the bill, and the administration's full court press to prevent Senate Democrats from supporting new sanctions has bought international negotiators time. Several influential Democrats, including Senator Richard Blumenthal from Connecticut, have agreed to postpone a vote on the bill, contingent on productive negotiations.¶ Although legislation imposing new sanctions has been avoided thus far, the pressure on Congressional Democrats to act will intensify as talks in Vienna move forward. This round of negotiations is widely projected to be more difficult than the November deal, and inflammatory rhetoric from Tehran is likely. Nevertheless, sanctions are not the answer. Instead, we must continue to let diplomacy run its course.¶ Sanctions have done their job by bringing Iran to the table. In return, Iran expects to be rewarded with sanctions relief. The passage of new trade restrictions would effectively withdraw the carrot, and hit Iran with another stick. Consider the negotiations over.¶ The risks of delaying new sanctions is slight. The sanctions relief Iran is receiving is valued between $6 and $7 billion, and represents only a small fraction of the remaining restrictions blocking Iran from using the international banking system and selling oil. Should Iran prove to be a dishonest negotiating partner, sanctions can be renewed and ratcheted up. Most importantly, international observers will be on the ground in Iran to prevent Tehran from racing towards a nuclear weapon while negotiations are ongoing.¶ At the same time, the benefits of successful diplomacy are immense, as a comprehensive deal would be a dramatic victory for U.S. non-proliferation efforts. Further, the dismantling of Iran's nuclear program would significantly ease tensions between its two biggest rivals in the region, Israel and Saudi Arabia.¶ Our congressional leaders must not be so confident as to think Iran is desperate for a deal. The unprecedented overtures of President Rouhani to the West are widely seen as a test to gauge if a favorable solution can be negotiated with the international community. Should he fail to do so, hardliners within the Iranian government will be empowered to revert back to a pre-Rouhani foreign policy dominated by isolation from the West and an aggressive nuclear development program.¶ Our senators are facing significant political pressure to resist multilateralism and pursue increased sanctions based on an uncompromising mistrust of Iran. But history judges leaders not upon their conformity with party politics, but upon the ultimate results they achieve. It's time to negotiate with the Iranians on good faith, and begin the serious work of establishing a meaningful nuclear agreement that could signal the beginning of a new era in Iranian-Western relations.

#### Plan destroys Obama – political strength sustains support of his base

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic

**Escalates to major power war**

**Trabanco 9** – Independent researcher of geopoltical and military affairs (1/13/09, José Miguel Alonso Trabanco, “The Middle Eastern Powder Keg Can Explode at anytime,” \*\*http://www.globalresearch.ca/index.php?context=va&aid=11762\*\*)

In case of an Israeli and/or American attack against Iran, Ahmadinejad's government will certainly respond. A possible countermeasure would be to fire Persian ballistic missiles against Israel and maybe even against American military bases in the regions. **Teheran will** unquestionably **resort to** its **proxies like Hamas or Hezbollah** (or even some of its Shiite allies it has in Lebanon or Saudi Arabia) **to carry out attacks** against Israel, America and their allies, effectively **setting in flames** a large portion of **the Middle East**. The ultimate weapon at Iranian disposal is to block the Strait of Hormuz. If such chokepoint is indeed asphyxiated, that would dramatically increase the price of oil, this a very threatening retaliation because it will bring intense financial and economic havoc upon the West, which is already facing significant trouble in those respects. In short, the necessary conditions for a major war in the Middle East are given. Such conflict **could** rapidly spiral out of control and thus a relatively **minor clash could** quickly **and** dangerously **escalate by engulfing the whole region and** perhaps even **beyond**. There are many key players: the Israelis, the Palestinians, the Arabs, the Persians and their respective allies and some great powers could become involved in one way or another (**America, Russia**, Europe, **China**). Therefore, any miscalculation by any of the main protagonists can trigger something no one can stop. Taking into consideration that the stakes are too high, perhaps it is not wise to be playing with fire right in the middle of a powder keg.

### 3

#### The Office of Legal Counsel should determine that the Authorization for Use of Military Force does not grant the president immunity from redress over persons affected by targeted killing operations.

#### The Office of Legal Counsel should publicly publish these decisions and the administration’s review policies for those practices.

#### OLC opinions are binding and solve the case

Trevor Morrison 11, Professor of Law at Columbia Law School, “LIBYA, ‘HOSTILITIES,’ THE OFFICE OF LEGAL COUNSEL, AND THE PROCESS OF EXECUTIVE BRANCH LEGAL INTERPRETATION,” Harvard Law Review Forum Vol.124:42, http://www.harvardlawreview.org/media/pdf/vol124\_forum\_morrison.pdf

Deeply rooted traditions treat the Justice Department’s Office of Legal Counsel (OLC) as the most important source of legal advice wit h- in the executive branch. A number of important norms guide the provision and handling of that advice. OLC bases its answers on its best view of the law, not merely its sense of what is plausible or arguable. 6 To ensure that it takes adequate account of competing perspectives within the executive branch, it typically requests and fully considers the views of other affected agencies before answering the questions put to it. Critically, once OLC arrives at an answer, it is treated as binding within the executive branch unless overruled by the Attorney General or the President. That power to overrule, moreover, is wielded extremely rarely — virtually never. As a result of these and related norms, and in spite of episodes like the notorious “torture memos,” OLC has earned a well-deserved reputation for providing credible, authoritative, thorough and objective legal analysis. The White House is one of the main beneficiaries of that reputation. When OLC concludes that a government action is lawful, its conclusion carries a legitimacy that other executive offices cannot so readily provide. That legitimacy is a function of OLC’s deep traditions and unique place within the executive branch. Other executive offices — be they agency general counsels or the White House Counsel’s Office — do not have decades-long traditions of providing legal advice based on their best view of the law after fully considering the competing positions; they have not generated bodies of authoritative precedents to inform and constrain their work; and they do not issue legal opinions that, whether or not they favor the President , are treated as presumptively binding within the executive branch. (Nor should those other offices mimic OLC; that is not their job.) Because the value of a favorable legal opinion from OLC is tied inextricably to these aspects of its work, each successive presidential administration has a strong incentive to respect and preserve them.

### 4

#### The 1AC masks neoliberal violence globally. Insisting that practices be judged legally creates a permanent state of exception – normalizing structural violence globally

Dowdeswell, 2013

Tracey, PhD candidate at Osgoode Hall Law School at York University. Her research focuses on the impact of globalisation on the customary laws of war, “How Atrocity Becomes Law: The Neoliberalisation of Security Governance and the Customary Laws of Armed Conflict,” Journal of Critical Globalisation Studies , Issue 6 (2013)

Certain practices of contemporary warfare, such as pre-emptive attacks on civilians, house clearings, air strikes in residential neighbourhoods, targeted killings, and attacks on medical personnel and providers of humanitarian assistance, have become increasingly common in the War on Terror, in protest policing, and in counter-insurgent and urban warfare. This article will discuss the ways in which the ideologies and practices of neoliberal governance in the security sector are not only facilitating such practices, but are in fact facilitating their justification as lawful within the customary laws of armed conflict. Moreover, these are practices that until recently were denounced as atrocities and even prosecuted as war crimes. To a certain extent, it would seem reasonable to assume that modern States have ordinarily sought to normalise the atrocities that their security forces commit against civilians, preferring to use the language and logic of the law whenever possible to justify such actions. However, there is a distinct pattern to the tactics that are being normalised today, and this is due in part to the widespread adoption of neoliberal ideologies of governance and administration within the security sector. This is enabling the U.S. and its allies to institute what Agamben (2005) has discussed as a permanent state of exception within the ordinary law, and the normalisation of atrocity is a key component of this. The post-war period has seen an increase in attention to war crimes and the codification of the laws of war, and this has given us such instruments as the Rome Statute of the International Criminal Court, and the United Nations Responsibility to Protect Protocol (UN Res., 2009), as well as the International Committee of the Red Cross which continues to address pressing issues in humanitarian law (Melzer, 2008). At the same time, though, the neoliberalisation of security governance is significantly weakening protections for civilians by permitting and justifying attacks against them as being customary under the laws of armed conflict. There is very little that international law would have to offer such civilians if the harms they suffer are rendered lawful as customary practices of war. Yet, this is indeed what is happening, and one can canvass the above strategies and perceive that their impact on their target populations consists not only of intentional deaths, but also injuries, mayhem, and widespread social dislocations that serve to further fracture and marginalise such populations. Whether they are used to justify counter-insurgent strikes in Iraq or Afghanistan, military intervention in Libya, or protest policing in regimes experiencing the Arab Spring, the strategies of what Abrahamsen and Williams (2011) have termed “globalised security governance” are designed to be waged not against states and lawful combatants, but against 'failed States' and 'non-State actors' – categories that are essentially euphemisms for civilians. The present article focuses on the neoliberal ideologies embedded within globalised governance, arguing that these are having serious negative impacts on the development of civil institutions and political mobilisation within a societies already fractured by conflict. Moreover, this development further reinforces the political power of the military hegemons that wield these strategies – whether these are the U.S. in Afghanistan and Iraq, NATO in Libya, or United Nations peacekeepers on the borders of Kosovo and Serbia. The article will first review the orthodox thinking concerning the customary laws of armed conflict, particularly the traditional 'two element' theory that posits that customary norms can be determined by examining the elements of actual state practice and the state's opinio juris that the norm is a legally binding one. It will then present critical alternatives to this view, which posit that customary law is a kind of discursive practice, where customary laws emerge from the overarching normative and ideological framework within which customary norms are articulated and by reference to which they are justified. The second section then describes how neoliberal ideologies of governance have shifted the normative framework within which we understand and justify the customary laws of war, and focuses in particular on how neoliberal ideologies of management have radically decentralised and disaggregated the traditional military chain-of-command. It is argued that neoliberal ideologies of individualisation, privatisation, and strategies of risk management are used to promote the use of force against civilians as seemingly legitimate acts of 'self-defence' against unknown and unknowable risks – risks that emerge from a conflict zone which the actions of the security forces themselves have rendered endemically dangerous. The third section will then illustrate this logic at work through reference to a specific case of atrocities committed against civilians, using the example of Collateral Murder, which is a piece video footage that was recorded by the U.S. First Air Cavalry Brigade in Iraq on 12 July 2007. This footage, which was released in April 2010 by WikiLeaks, depicts the killing of civilians, including civilians who were collecting bodies and aiding the wounded. This case study will then be supplemented by a range other examples which illustrate how justifications for civilian atrocities are becoming increasingly widespread throughout the security sector. The argument that I wish to make is not that such acts are illegal under the normative framework of the customary laws of war, but instead that this normative framework itself is being shifted by neoliberal strategies of security governance in such a way as to normalise atrocities within the customary laws of armed conflict. In order to make this argument, I will pull together diverse strands of thinking in the nature of customary law, the organising principles of the laws of war, and the history of the doctrine of the chain-of-command, and discuss how these have all been disaggregated and reconfigured by the neoliberalisation of governance in the security sector. The argument that is developed through the grasping together of these strands will then be illustrated through reference to the events depicted in Collateral Murder, and linked to broader set of examples from elsewhere in the security sector, so as to demonstrate the increasing extent to which these norms are shared. In so doing, I will be examining the problem of intentional – and seemingly justifiable – civilian atrocities from a number of different points of view. More specifically, though, the starting point will be a focus on the customary law principle of distinction, which requires that security forces distinguish between civilian and military targets. Civilians are liable to attack only for such time as they have taken up arms and are actively posing a threat, or if they are part of an organized armed group such that they perform a “continuous combat function” (Melzer, 2008). This article argues that the neoliberalisation of the security sector has shifted the criteria for attack from one based upon an individual's status as a combatant to one of defining and containing risk. Security forces in global war zones are thus shifting the criteria for attack to one in which they use armed force to define and then manage 'risky populations' in a way that subverts the ability of the humanitarian law to regulate attacks against civilians. Typically, violations of the principle of distinction and the killing of civilians have been all-to-commonplace, calling into question the ability of the humanitarian law to play such a regulatory role. However, with the transformations in the customary laws of war called into being by the neoliberalisation of security governance, what is at stake is not merely the failure of humanitarian law to protect civilians in conflict zones, but its increasing use as an instrument of their violent repression.

#### Vote negative to affirm the Communist Hypothesis as a political prerequisite. It is necessary to begin from a point outside of the global system of neoliberal capitalism.

Badiou 2009 (Alain, Prof. @ European Graduate … ,*The Meaning of Sarkozy*, pgs. 97-103 bb)

I would like to situate the Sarkozy episode, which is not an impressive page in French history, in a broader horizon. Let us picture a kind of Hegelian fresco of recent world history - by which I do not, like our journalists, mean the triad Mitterrand-Chirac-Sarkozy, but rather the development of the politics of working-class and popular emancipation over nearly two centuries.¶Since the French Revolution and its gradually universal echo, since the most radically egalitarian developments of that revolution, the decrees of Robespierre's Committee of Public Safety on the 'maximum' and Babeuf's theoriza­ tions, we know (when I say 'we', I mean humanity in the abstract, and the knowledge in question is universally available on the paths of emancipation) that communum u the right hypothuu. Indeed, there is no other, or at least I am not aware of one. All those who abandon this hypothesis immediately resign themselves to the market economy, to parliamentary democracy - the form of state suited to capitalism - and to the inevitable and 'natural' character of the most monstrous inequalities.¶What do we mean by 'communism'? As Marx argued in the 1844ManUJcriptJ, communism is an idea regarding the destiny of the human species. This use of the word must be completely distinguished from the meaning of the adjective 'communist' that is so worn-out today, in such expressions as 'communist parties', 'communist states' or 'communist world' - never mind that 'communist state' is an oxymoron, to which the obscure coinage 'socialist state' has wisely been preferred. Even if, as we shall see, these uses of the word belong to a time when the hypothesis was still coming-to-be.¶In its generic sense, 'communist' means first of all, in a negative sense - as we can read in its canonical text The CommunutManijeJto - that the logic of classes, ofthefunda­ mental subordination of people who actually work for a dominant class, can be overcome. This arrangement, which has been that of history ever since antiquity, is not ipevitable. Consequently, the oligarchic power of those who possess wealth and organize its circulation, crystallized in the might of states, is not inescapable. The communist hypothesis is that a different collective organization is practicable, one that will eliminate the inequality ofwealth and even the division of labour: every individual will be a 'multi-purpose worker', and in particular people will circulate between manual and intellectual work, as well as between town and country. The private appropriation of monstrous fortunes and their transmission by inheritance will disappear. The existence of a coercive state separate from civil society, with its military and police, will no longer seem a self-evident necessity. There will be, Marx tells us - and he saw this point as his major contribution - after a brief sequence of 'proletarian dictatorship' charged with destroying the remains of the old world, a long sequence of reorganization on the basis of a 'free association' of producers and creators, which will make possible a 'with­ ering away' of the state.¶'Communism' as such only denotes this very general set of intellectual representations. This set is the horizon of any initiative, however local and limited in time it may be, that breaks with the order of established opinions - the necessity of inequalities and the state instrument for protect­ ing these - and composes a fragment of a politics of emancipation. In other words, communism is what Kant called an 'Idea', with a regulatory function, rather than a programme. It is absurd to characterize communist principles in the sense I have defined them here as utopian, as is so often done. They are intellectual patterns, always actualized in a different fashion, that serve to produce lines of demarcation between different forms of politics. By and large, a particular political sequence is either compatible with these principles or opposed to them, in which case it is reactionary. 'Communism', in this sense, is a heuristic hypothesis that is very frequently used in political argument,¶even if the word itself does not appear. If it is still true, as Sartre said, that 'every anti-communist is a swine', it is because any political sequence that, in its principles or lack of them, stands in formal contradiction with the communist hypothesis in its generic sense, has to be judged as opposed¶ to the emancipation of the whole of humanity, and thus to the properly human destiny of humanity. Whoever does not illuminate the coming-to-be of humanity with the communist hypothesis - whatever words they use, as such words matter little - reduces humanity, as far as its collective becoming is concerned, to animality. As we know, the contemporary - that is, the capitalist name of this animality - is 'competition'. The war dictated by self-interest, and nothing more.¶As a pure Idea of equality, the communist hypothesis has no doubt existed in a practical state since the beginnings of the existence of the state. As soon as mass action opposes state coercion in the name of egalitarian justice, we have the appearance of rudiments or fragments of the communist hypothesis. This is why, in a pamphlet titled De l'uJeologie, which I wrote in collaboration with the late lamented Fran<;oisBalmes and was published in 1976, we proposed to identifY 'communist invariants'.2 Popular revolts, such as that of the slaves led by Spartacus, or that of the German peasants led by Thomas Munzer, are examples of this practical existence of communist invariants.¶ However, in the explicit form that it was given by certain thinkers and activists of the French Revolution, the commu­ nist hypothesis inaugurates political modernity. It was this that laid low the mental structures of the ancien regime, yet without being tied to those 'democratic' political forms that the bourgeoisie would make the instrument for its own pursuit of power. This point is essential: from the beginning, the communist hypothesis in no way coincided with the 'democratic' hypothesis that would lead to present-day parliamentarism. It subsumes a different history and different events. What seems important and creative when illuminated by the communist hypothesis is different in kind from what bourgeois-democratic historiography selects. That is indeed why Marx, giving materialist foundations to the first effective great sequence of the modern politics of emancipation, both took over the word 'communism' and distanced himself from any kind of democratic 'politicism' by maintaining, after the lesson of the Paris Commune, that the bourgeois state, no matter how democratic, must be destroyed.¶Well, I leave it to you to judge what is important or not, to judge the points whose consequences you choose to assume against the horizon of the communist hypothesis. Once again, it is the right hypothesis, and we can appeal to its principles, whatever the declensions or variations that these undergo in different contexts.¶Sartre said in an interview, which I paraphrase: If the communist hypothesis is not right, if it is not practicable, well, that means that humanity is not a thing in itself, not very different from ants or termites. What did he mean by that? If competition, the 'free market', the sum of little pleasures, and the walls that protect you from the desire of the weak, are the alpha and omega of all collective and private existence, then the human animal is not worth a cent.¶And it is this worthlessness to which Bush with his aggressive conservatism and crusader spirit, Blair the Pious with his militarist rhetoric, and Sarkozy with his 'work, family, country' discipline, want to reduce the existence of the immense majority of living individuals. And the 'Left' is still worse, simply juxtaposing to this vacant violence a vague spirit of charity. To morbid competItIOn, the pasteboard¶ victories of daddy's boys and girls, the ridiculous supermen¶ of unleashed finance, the coked-up heroes of the planetary¶ stock exchange, this Left can only oppose the same actors¶ with a bit of social politeness, a little walnut oil in the wheels,¶crumbs of holy wafer for the disinherited - in other words,¶ borrowing from Nietzsche, the bloodless figure of the 'last man,.¶ To put an end once and for all to May '68 means agreeing that our only choice is between the hereditary nihilism of finance and social piety. It not only means accepting that communism collapsed in the Soviet Union, not only acknowledging that the PartiCommuniste Fran<;ais has been wretchedly defeated, but also and above all it means abandoning the hypothesis that May '68 was a militant invention precisely aware ofthe failure ofstate 'communism'. And thus that May '68, and still more so the five years that followed, inaugurated a new sequence for the genuine communist hypothesis, one that always keeps its distance from the state. Certainly, no one could say where all this might lead, but we knew in any case that what was at stake was the rebirth of this hypothesis.¶If the thing that Sarkozy is the name of succeeds in imposing the necessity of abandoning any idea of a rebirth of this kind, if human society is a collection of individuals pursuing their self-interest, if this is the eternal reality, then it is certain that the philosopher can and must abandon the human animal to its sad destiny.¶ But we shall not let a triumphant Sarkozy dictate the meaning of our existence, or the tasks of philosophy. For what we are witnessing in no way imposes such a renunciation of the communist hypothesis, but simply a consideration of the moment at which we find ourselves in the history of this hypothesis.

#### Our ethical responsibility is to reject capitalism – it makes structural violence both anonymous and natural which ensures unending violence and outweighs the aff

Slavoj Zizek and Glyn Daly, Senior Lecturer in Politics in the Faculty of Arts and Social Sciences at University College, Northampton, 2004, Conversations With Zizek, p. 14-16

For Zizek it is imperative that we cut through this Gord­ian knot of postmodern protocol and recognize that our ethico-political responsibility is to confront the constitutive violence of today’s global capitalism and its obscene naturalization/anonymization of the millions who are subju­gated by it throughout the world. Against the standardized positions of postmodern culture — with all its pieties con­cerning ‘multiculturalist’ etiquette — Zizek is arguing for a politics that might be called ‘radically incorrect’ in the sense that it breaks with these types of positions and focuses instead on the very organizing principles of today’s social reality: the principles of global liberal capitalism. This requires some care and subtlety. For far too long, Marxism has been bedevilled by an almost fetishistic economism that has tended towards political mor­bidity. With the likes of Hilferding and Gramsci, and more recently Laclau and Mouffe, crucial theoretical advances have been made that enable the transcendence of all forms of economism. In this new context, however, Zizek argues that the problem that now presents itself is almost that of the opposite fetish. That is to say, the prohibitive anxieties surrounding the taboo of economism can function as a way of not engaging with economic reality and as a way of im­plicitly accepting the latter as a basic horizon of existence. In an ironic Freudian-Lacanian twist, the fear of economism can end up reinforcing a de facto economic necessity in respect of contemporary capitalism (i.e. the initial prohibi­tion conjures up the very thing it fears). This is not to endorse any kind of retrograde return to economism. Zizek’s point is rather that in rejecting economism we should not lose sight of the systemic power of capital in shaping the lives and destinies of humanity and our very sense of the possible. In particular we should not overlook Marx’s central insight thatin order to create a uni­versal global system the forces of capitalism seek to conceal the politico-discursive violence of its constructionthrough a kind of gentrification of that system. What is persistently denied by neo-liberals such as Rorty (1989) and Fukuyama (1992) is thatthe gentrification of global liberal capitalism is one whose ‘universalism’ fundamentally reproduces and depends upon a disavowed violence that excludes vast sectors of the world’s population. In this way, neo-liberal ideology attempts to naturalize capitalism by presenting its out­comes of winning and losing as if they were simply a matter of chance and sound judgement in a neutral marketplace. Capitalism does indeed create a space for a certain diver­sity, at least for the central capitalist regions, but it is neither neutral nor ideal and its price in terms of social exclusion is exorbitant. That is to say, the human cost in terms of inherent global poverty and degraded ‘life-chances’ cannot be calculated within the existing economic rationale and, in consequence, social exclusion remains mystified and name­less (viz, the patronizing reference to the ‘developing world’. And Zizek’s point is that this mystification is mag­nified through capitalism’s profound capacity to ingest its own excesses and negativity: to redirect (or misdirect) social antagonisms and to absorb them within a culture of differ­ential affirmation. Instead of Bolshevism, the tendency today is towards a kind of political boutiquism that is readily sus­tained by postmodern forms of consumerism and lifestyle. Against thisZizek argues for a new universalism whose primary ethical directive is to confront the fact that our forms of social existence are founded on exclusion on a global scale. While it is perfectly true that universalism can never become Universal (it will always require a hegemonic-par­ticular embodiment in order to have any meaning), what is novel about Zizek’s universalism is that it would not attempt to conceal this fact or to reduce the status of the abject Other to that of a ‘glitch’ in an otherwise sound matrix.

### Solvency

#### Obama has means and motive to circumvent- congress can’t block

Cohen, Fellow at the Century Foundation, 12

(Michael, 3-28-12, “Power Grab,” http://www.foreignpolicy.com/articles/2012/03/28/power\_grab?page=full, accessed 10-19-13, CMM)

This month marks the one-year anniversary of the onset of U.S. military engagement in the Libyan civil war. While the verdict is still out on the long-term effects of the conflict for U.S. interests in the region, it's closer to home where one can point to the war's greater lasting impact -- namely in further increasing the power of the executive branch to wage war without congressional authorization. But don't expect to hear much about that issue on the campaign trail this election year. Rather the erosion of congressional oversight of the executive branch's war-making responsibilities has been something of a bipartisan endeavor -- and one that is unlikely to end any time soon.¶ It might seem like a bit of ancient history now, but one of the more creative arguments to come out of the U.S. military intervention in Libya was the Obama administration's assertion that the war did not actually represent "hostilities." Indeed, according to the president's argument to Congress, U.S. operations in Libya "do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve U.S. ground troops" -- thus making them something less than war. On the surface this appears patently absurd. The United States was flying planes over Libyan air space and dropping bombs. Missiles were being fired from off-shore. An American military officer (Adm. James Stavridis) commanded the NATO effort. There were reports of forward air controllers on the ground spotting targets for U.S. bombers. In all, NATO planes flew more than 26,000 sorties in Libya, nearly 10,000 of which were strike missions. By what possible definition is this not considered "hostilities"?¶ As it turns out the ambiguity over whether the war represented "hostilities" is one codified in U.S. law -- namely the War Powers Resolution (WPR). Under the provisions of the WPR the President was required to notify Congress within 48 hours of the beginning of U.S. military involvement. He then had 60 days to receive authorization from Congress and if he failed to do he would have 30 days to end the fighting. (Of course, if U.S. military actions do not rise to the level of "hostilities," then the president does not have to go through this rigmarole and receive congressional approval.)¶ Now on the surface, such an elastic view of what the word hostilities means is hardly unusual. Indeed, it is rather par for the course in discussions of the War Powers Resolution. In 1975, the Ford administration claimed that "hostilities" only refers to a scenario in which U.S. forces are "actively engaged in exchanges of fire with opposing units." Similar efforts at defining down hostilities were attempted by the Carter, Reagan, and Clinton administrations when they sought to use military force. Still, these generally were in reference to peacekeeping missions like in Lebanon and Bosnia -- not offensive operations like those waged in Libya.¶ In a political vacuum, Obama's stance on "hostilities" in Libya might represent the traditional push and pull of executive-legislative branch disagreements about presidential war-fighting prerogatives.¶ But of course, on this issue we are far from being in a political vacuum. Obama's broadening of executive power comes with the backdrop of the George W. Bush administration's efforts to expand the president's ability to wage war. Indeed, the position taken by the Obama administration bears uncomfortable similarities to the one taken by John Yoo when he served at the Justice Department and argued -- in the wake of 9/11 -- that the Constitution granted the president practically unquestioned executive power to wage war. Yet, even Bush sought congressional approval for military actions in Afghanistan and Iraq; Obama didn't bother to do the same for Libya. In addition, Obama also overruled the opinion of his own Office of Legal Counsel (OLC) on the question of whether the president must abide by the War Powers Resolution in regard to the Libyan intervention. The OLC said he did; the White House assembled legal opinions that said he didn't -- and the latter view won out. As Bruce Ackerman, a law professor at Yale University, noted at the time, "Mr. Obama's decision to disregard that office's opinion [the OLC] and embrace the White House counsel's view is undermining a key legal check on arbitrary presidential power."¶ So at a time when the door has been opened rather wide on unaccountable war-waging by the executive branch -- with minimal legislative checks and balances -- the Obama administration has opened it even further. What is perhaps most surprising is that it is being promulgated by a president who pledged as a candidate to put an end to such practices.¶ As Ackerman said to me, Obama came into office with a golden opportunity to reestablish some modicum of restraint over the actions of the executive branch in the pursuit of national security. Ironically, in a Boston Globe questionnaire in December 2007, Obama specifically rejected the argument that he used, in part, to justify going around Congress on Libya. "The President," wrote candidate Obama, "does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation ... History has shown us time and again, however, that military action is most successful when it is authorized and supported by the Legislative branch."¶ While Obama has hardly gone as far down the road on expanding executive power as Bush did, it is also true that he "consolidated many of the principles of executive power that were first described in the Bush administration," says Ackerman. In effect, "Obama has done nothing to stop the return of another John Yoo." Indeed, with his actions on Libya, Obama has done more than consolidate Bush administration positions -- he has expanded them.¶ These are negative developments, but it gets worse. In the president's initial letter to Congress, the airstrikes in Libya, "will be limited in their nature, duration, and scope. Their purpose is to support an international coalition as it takes all necessary measures to enforce the terms of U.N. Security Council Resolution 1973." The U.N. resolution specifically did not call for regime change and yet in July 2011, Secretary of Defense Leon Panetta made clear that the U.S. "objective" in Libya "is to do what we can to bring down the regime of Qaddafi." Moreover, as Micah Zenko, a fellow at the Council on Foreign Relations, said to me, NATO forces looked the other way at flights by the French government, among others, that re-supplied the Libyan rebels (in violation of the arms embargo mandated under Section 9 of Resolution 1970); sought to kill Qaddafi via airstrikes (eventually indirectly succeeding); helped to plan the operations that allowed the insurgents to capture Tripoli, and provided sensitive and secret satellite imagery to the rebels. In short, the United States went far beyond the mandate established by the Security Council and in effect lied when claiming that the operations in Libya were simply about protecting civilians. Putting aside the international law implications, the administration adopted a position of regime change of a foreign leader without any approval from Congress.¶ What is most surprising about the Obama administration's position is that it likely would not have been a heavy lift to get congressional backing for the operations in Libya in the early stages of the air campaign. But by disregarding Congress's role on Libya -- and shifting the intent of the U.S. mission without any congressional input into the decision -- the president has set a new and potentially troubling precedent. In contrast, by seeking congressional authorization Obama would have, ironically, restored some of the balance between the legislative and executive branch on issues of use of American military force.¶ Running roughshod over Congress has becoming something of a norm within the Obama administration. As one foreign-policy analyst close to the White House said to me "they generally don't do a good job of keeping people in the Hill in the loop on what they are doing. They see congressional oversight as a nuisance -- even within their own party." Another analyst I spoke to had a one-word response to the question of the administration's attitude toward Congress's role in foreign policy: "Dismissive." Whether the lack of proper consultation over the closing of the detainee facility at Guantanamo Bay, the refusal to share with intelligence committees the rationale for targeted killings, or even brief Hill staffers on changes in missile defense deployment, this sort of ignoring of congressional prerogatives has often been the rule, not the exception.¶ What has been Congress's response to this disregarding of its role in foreign policy decision-making? The usual hemming and hawing, but little in the way of concrete action. During the Bush years, Republicans were more than happy to let the president expand his executive powers when it came to Iraq, Afghanistan, and the global war on terrorism. When Democrats took back the House and Senate from Republicans in 2006, they placed greater scrutiny on the Bush administration's conduct of the war in Iraq -- but still continued to fund the conflict. Even in Washington's highly partisan current environment, little has changed; it's mostly sound and fury signifying nothing.¶ Republicans eschewed a constitutional confrontation with the White House over Libya, though the House GOP did make a rather partisan effort to defund the Libya operations (a measure that failed) and still today House and Senate members raise their frustrations in committee hearings over their heavy-handed treatment by the White House.¶ But the actions of some Republicans point in a different direction. Last year, House Armed Services Committee Chairman Buck McKeon actually tried to expand the original Authorization for Use of Military Force that granted U.S. kinetic actions just three days after 9/11 -- which would have actually increased executive war-making power. While some on the Hill have long suspected the constitutionality of the War Powers Resolution, it was one of the few checks that Congress maintained over the president (aside from ability to defund operations, which in itself is a difficult tool to wield effectively). Now they have been complicit in its further watering down.¶ Aside from Ron Paul, there's been little mention of the president's overreach in Libya by the GOP's presidential aspirants. And why should there be? If any of them become president they too would want to enjoy the expanded executive power that Obama has helped provide for them. Quite simply, in a closely divided country in which each party has a fair shot to win the White House every four years, there is little political incentive for either Democrats or Republicans to say enough is enough.¶ And with a former constitutional law professor punting on the issue (along with the much abused and maligned Congress), we're now even further from chipping away at the vast power the executive branch has been husbanded on national security issues. In the end, that may be the greatest legacy of the U.S. intervention in Libya.

#### Obama will signing statement the aff—hollows the restriction out

Jeffrey Crouch, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

In a January 2013 signing statement, President Barack **Obama stated** that his constitutional **powers** as president **limited him to signing or vetoing a law outright** and that he lacked the authority to reject legislative provisions “one by one.” Yet **he then proceeded in a** nearly **1,200 word statement to** pick the law apart, **section by section**, and **to effectively challenge** many **provisions** by **declaring** that **they violated** **his** constitutional powers as commander inc**hief**. According to his signing statement, a provision restricting the president's authority to transfer detainees to foreign countries “hinders the Executive's ability to carry out its military, national security, and foreign relations activities and would, under certain circumstances, violate constitutional separation of powers principles” (Obama 2013). Obama did not mention, however, that Congress specifically authorized transfers to foreign countries as long as the secretary of defense, with the concurrence of the secretary of state and in consultation with the director of national intelligence, certified that the foreign government receiving the detainees was not a designated state sponsor of terrorism and possessed control over the facility the individual would be housed (P.L. 112-239; see Fisher 2013). **Obama** also **objected to a number of provisions that he claimed would violate his “constitutional duty to supervise the executive branch**” and several others that he said could encroach upon his “constitutional authority to recommend such measures to the Congress as I ‘judge necessary and expedient.’ My Administration will interpret and implement these provisions in a manner that does not interfere with my constitutional authority” (Obama 2013). **What the president could not block or modify through** concessions or **veto threats** during budget negotiations **with members of Congress, he decided he could** unilaterally strip from a signed bill. **Similar to** his predecessor, George W. **Bush,** Obama suggested **that he was the ultimate “decider” on what is constitutional and proper**. Few acts by occupants of the White House so completely embody the unchecked presidency. Candidate Obama on Signing Statements President Obama's actions have been surprising given that he proclaimed while first running for his office that he would not issue signing statements that modify or nullify acts of Congress (YouTube 2013 2013). In a December 2007 response to the Boston Globe, presidential candidate Obama provided a detailed explanation for his thinking: “I will not use signing statements to nullify or undermine congressional instructions as enacted into law. The problem with [the George W. Bush] administration is that it has attached signing statements to legislation in an effort to change the meaning of the legislation, to avoid enforcing certain provisions of the legislation that the President does not like, and to raise implausible or dubious constitutional objections to the legislation” (Savage 2007a). Candidate Obama's objection to President Bush's actions centered on one of the three varieties of signing statement, in this case, a “constitutional” signing statement. In a “constitutional” signing statement, a president not only points out flaws in a bill, but also declares—in often vague language—his intent not to enforce certain provisions. Such statements may be different than ones that are “political” in nature. In “political” signing statements, a president gives executive branch agencies guidance on how to apply the law.1 Finally, the most common type of signing statements are “rhetorical,” whereby the intent of the president is to focus attention on one or more provisions for political gain (Kelley 2003, 45-50). President Obama's Policy on Signing Statements At the start of his term, it seemed that President Obama would honor his campaign commitments and break with his predecessor when he issued a memorandum to heads of executive branch departments and agencies regarding his policy on signing statements. In this memorandum, he wrote, “there is no doubt that the practice of issuing [signing] statements can be abused.” He objected to the use of signing statements where a president disregards “statutory requirements on the basis of policy disagreements.” Only when signing statements are “based on well-founded constitutional objections” do they become legitimate. Therefore, “in appropriately limited circumstances, they represent an exercise of the President's constitutional obligation to take care that the laws be faithfully executed, and they promote a healthy dialogue between the executive branch and the Congress.” President Obama proceeded to list four key principles he would follow when issuing signing statements: (1) Congress shall be informed, “whenever practicable,” of the president's constitutional objections; (2) the president “will act with caution and restraint” when issuing statements that are based on “well-founded” constitutional interpretations; (3) there will be “sufficient specificity” in each statement “to make clear the nature and basis of the constitutional objection”; and finally, (4) the president would “construe a statutory provision in a manner that avoids a constitutional problem only if that construction is a legitimate one” (Obama 2009a). Media coverage praised President Obama's action. The Boston Globe declared, “Obama reins in signing statements” (Editorial 2009). David Jackson of USA Today reported, “Obama tried to overturn his predecessor again on Monday, saying he will not use bill signing statements to tell his aides to ignore provisions of laws passed by Congress that he doesn't like” (Jackson 2009). Another reporter noted, President Obama “signaled that, unlike Bush, he would not use signing statements to do end runs around Congress” (James 2009). Any **expectations for a shift in the exercise of signing statements ultimately were misplaced**, as President Obama, like his predecessor, has used signing statements in ways that attempt to increase presidential power. In this article, we first describe and analyze the continuity of policy and action between Barack Obama and George W. Bush. Second, we address why signing statements—at least one type of them—can not only be unconstitutional abuses of presidential power, but may also be unproductive tools for promoting interbranch dialogue and cooperation. Third, we show that **signing statements are a natural result of expanding power in the modern presidency** and that **they have come to be used as a means of unilateral executive action**. Finally, we provide a possible corrective to some of the more aggressive forms of constitutional signing statements that impact appropriations.

### Allies

#### Bioterror risk is low—dispersal problems, tech barriers, risk of back spread—experts agree

John Mueller, Professor, Political Science, Ohio State University, OVERBLOWN: HOW POLITICIANS AND THE TERRORISM INDUSTRY INFLATE NATIONAL SECURITY THREATS, AND WHY WE BELIEVE THEM, 2009, p. 21-22.

For the most destructive results, biological weapons need to be dispersed in very low-altitude aerosol clouds. Because aerosols do not appreciably settle, pathogens like anthrax (which is not easy to spread or catch and is not contagious) would probably have to be sprayed near nose level. Moreover, 90 percent of the microorganisms are likely to die during the process of aerosolization, and their effectiveness could be reduced still further by sunlight, smog, humidity, and temperature changes. Explosive methods of dispersion may destroy the organisms, and, except for anthrax spores, long-term storage of lethal organisms in bombs or warheads is difficult: even if refrigerated, most of the organisms have a limited lifetime. The effects of such weapons can take days or weeks to have full effect, during which time they can be countered with medical and civil defense measures. And their impact is very difficult to predict; in combat situations they may spread back onto the attacker. In the judgment of two careful analysts, delivering microbes and toxins over a wide area in the form most suitable for inflicting mass casualties—as an aerosol that can be inhaled—requires a delivery system whose development "would outstrip the technical capabilities of all but the most sophisticated terrorist" Even then effective dispersal could easily be disrupted by unfavorable environmental and meteorological conditions." After assessing, and stressing, the difficulties a nonstate entity would find in obtaining, handling, growing, storing, processing, and dispersing lethal pathogens effectively, biological weapons expert Milton Leitenberg compares his conclusions with glib pronouncements in the press about how biological attacks can be pulled off by anyone with "a little training and a few glass jars," or how it would be "about as difficult as producing beer." He sardonically concludes, "The less the commentator seems to know about biological warfare the easier he seems to think the task is.""

#### Regionalism coming now – best model, no big war – locally activates the aff warrants for cooperation solving warming

Krishnan Srinivasan, "International Conflict and Cooperation in the 21st Century," THE ROUND TABLE v. 98 n. 400, 2--09, pp. 37-47.

The new world order of the ﬁrst half of the present century will be one of peaceful mutual accommodation between the big powers located in the East and West, North and South. The priority for these powers will be for economic progress and regional order, with defence expenditure being used to build technological capacity for deterrence against the other big powers and as an enabler for their self-appointed but globally recognized role as regional enforcers. In this neo-Hobbesian world system, the lesser states will come to their own bilateral arrangements with the local regional hegemon upon whom they will be dependent not only for their security but for economic, technical and trading facilitation. Some of these lesser entities will enjoy economic prosperity, depending on their ability to maintain internal cohesion, to turn globalization to their advantage, and to control the socio-economic consequences of climate change, but they will not be able to mount a challenge to the hierarchical nature of international society. They will have far greater recourse to the United Nations than the major powers, who will prefer to apply unilateral methods with the connivance and consent of their peers. The debate between Westphalian national sovereignty and the right to intervene to breach the sovereignty of other states on the grounds of preventing threats to international peace and security will not be resolved. Political and economic inequality between nations will be drawn in ever sharper focus. Regional institutions will be dominated by the local big power. Reform of the United Nations will be incomplete and unappealing to the vast majority of member states. The world’s hegemonic powers will lose faith in the Security Council as an effective mechanism to deliberate issues of peace and security. World bodies will be used for discussion of global issues such as the environment and climate change, pandemic disease, energy and food supplies, and development, but resulting action will primarily devolve on the big powers in the affected regions. This will particularly be the case in the realm of peace and security in which only the regional hegemon will have the means, the will and the obligation, for the sake of its own status and security, to ensure resolution or retribution as each case may demand. Even in a globalized world, regional and local action will be the prime necessity and such action will be left to the power best equipped to understand the particular circumstances, select the appropriate remedy and execute

the action required to administer it. Conﬂict will be contained and localized. There will be no menace of war on a world-wide scale and little fear of international terrorism. Private-enterprise terrorist actions will continue to manifest political, social and economic frustrations, but they will be parochial, ineffective and not state-sponsored. There will be far less invocation of human rights in international politics, since these will be identiﬁed with a western agenda and western civilization: there will be an equal recognition of community rights and societal values associated with Eastern and other traditions. Chinese artists, Indian entrepreneurs, Russian actors, Iranian chefs, South African song-writers and Brazilian designers will be household names; models on the fashion cat-walk and sporting teams from all major countries will be distinctly multi-racial, reﬂecting the immigration to, but also the purchasing power of, the new major powers. National populations will show evidence of mixed race more than ever before in history. Climate change will be an acknowledged global challenge and all countries, led by the regional hegemons, will undertake binding restraints on carbon emissions. The world will become acutely conscious of the essentiality of access to fresh water. The pace of technological innovation will accelerate at dizzying speed, further accentuating inequalities. There will be very rapid steps taken to develop alternative sources of energy in the face of dwindling and costly oil supplies. Western industrialized nations, to remain competitive, will vacate vast areas of traditional manufacturing in favour of new technologies and green engineering. The world will be a safer and stable place until one of the hegemons eventually develops an obvious ascendancy ﬁrst regionally, then continentally and ﬁnally globally over all the others.

### Norms

**US action irrelevant to international norms on drones – other tech proves**

**Etzioni 13** – professor of IR @ George Washington (Amitai, “The Great Drone Debate”, March/April, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>, CMR)

Other **critics contend** that **by the U**nited **S**tates ¶ **using drones, it leads other countries into making and** ¶ **using them.** For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK ¶ and author of a book about drones argues that, “The ¶ proliferation of drones should evoke reﬂection on the ¶ precedent that the United States is setting by killing ¶ anyone it wants, anywhere it wants, on the basis of ¶ secret information. Other nations and non-state entities are watching—and are bound to start acting in ¶ a similar fashion.”60 Indeed scores of countries are ¶ now manufacturing or purchasing drones. There can ¶ be little doubt that the fact that drones have served ¶ the United States well has helped to popularize them. ¶ However, **it does not follow that U**nited **S**tates ¶ **should not have employed drones in the hope that** ¶ **such a show of restraint would deter others**. First ¶ of all, this would have meant that either the United ¶ States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either ¶ roam and rest freely—or it would have had to use ¶ bombs that would have caused much greater collateral damage. ¶ Further, **the record shows** that **even when the** ¶ **U**nited **S**tates **did not develop a particular weapon,** ¶ **others did.** Thus, **China has taken the lead in** the ¶ development of **anti-ship missiles and** seemingly ¶ **cyber weapons** as well. One must keep in mind ¶ that **the international environment is** a **hostile** ¶ one. **Countries**—and especially non-state actors—¶ most of the time **do not play by** some set of **selfconstraining rules**. Rather, **they** tend **to employ** ¶ **whatever weapons they can obtain that will further** ¶ **their interests.** The United States correctly does ¶ not assume that it can rely on some non-existent ¶ implicit gentleman’s agreements that call for the ¶ avoidance of new military technology by nation X ¶ or terrorist group Y—if the United States refrains ¶ from employing that technology¶ I am not arguing that there are no natural norms ¶ that restrain behavior. There are certainly some ¶ that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of ¶ diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of ¶ mass destruction). However **drones are but one** ¶ **step**—following bombers and missiles—**in the** ¶ **development of distant battleﬁeld tech**nologies. ¶ (Robotic soldiers—or future ﬁghting machines—¶ are next in line). **In such circumstances, the role** ¶ **of norms is much more limited**.

**No SCS war**

Chaibi 3/4/13 – 3rd year visiting student from Princeton University in the Department of Engineering Science (Abraham, “The outlook for continuing stability in the South China Sea”, <http://politicsinspires.org/the-outlook-for-continuing-stability-in-the-south-china-sea/>, CMR)

**What** then **is the evidence suggesting a continued reluctance to engage in full-scale military confrontation**? Although in the past conflict has often arisen between economically interdependent nations (viz. the previous peak of global trade in 1914), **the China-ASEAN relationship is one of fundamental interdependence** of production, visible in the prevalence of international supply chaining in manufacturing processes, rather than solely trade and labour movement[i]. **The burgeoning economic interdependence and growth of neighbouring states contributes a major incentive to prevent a conflagration**. $**5.3 trillion of trade,** of which approximately 20% is US, **transits the South China Sea annually and any interruption would not only severely restrict regional trade revenues, but would** also **very likely guarantee US military intervention**[ii]. The Association of South East Asian Nations (ASEAN) is becoming increasingly interconnected and 2015 will mark a key turning point with the opening of internal ASEAN borders for free movement of labor. The ASEAN bloc has also concluded a number of reconciliation agreements with China. Regarding security, both the 2002 Code of Conduct and the 2011 Guidelines to the Code of Conduct are intended to help coordinate diplomacy and maintain peace in South China Sea disputes. **Economically China has been ASEAN’s largest trading partner since 2009,** and at its opening in 2010 the ASEAN-China free trade area (ACFTA) became the largest in the world by population. These arrangements come at a time when growing estimates of the value of the natural resources contained in the South China Sea are generating pressures associated with ensuring energy security.¶ Economic interdependence between China and ASEAN, however, is not the sole factor at play. In areas with considerable interstate tension sub-state actors have often contributed to the deterioration of international relations, most prominently with the assassination of Archduke Franz Ferdinand tipping Europe into World War I. **Recent developments in state-level Chinese political and military discourse reflect a strong interest in cooperation**. **Chinese President** Hu **Jintao**’s 2011 discussions with Filipino President Corazon Aquino firmly **expressed the hope that “the countries concerned may put aside disputes and actively explore forms of common development in the relevant sea areas**”[iii]. Additionally in 2011 the Chinese State Council Information Office released a white paper with a similar emphasis on joint development. Yet China is also reported to have developed internal fractures in its South China Sea policy, with a number of different ministries controlling paramilitary units that are not under express government oversight[iv]. For example, the Bureau of Fisheries Administration (BFA) now directs a relatively well-equipped law enforcement fleet that is tasked with patrolling Chinese-owned fishing areas. Such interest groups repeatedly instigate minor disputes with their ASEAN counterparts and the US navy that exacerbate state-level discussions and risk eventually drawing unintended consequences (characteristically, in 2004 two BFA vessels obstructed a US Navy surveillance ship in the Yellow Sea).¶ The region has also seen a rise in high-tech militarization, with rapid development in areas ranging from aircraft carriers and submarines to cyber-espionage; this is likely to further increase due to the 2011 US “pivot to Asia” and military surge. The pivot is considered to be a sign that the US intends to continue playing a leadership role in East Asia, a strategy at odds with China’s vision[v]. An associated complication is the imprecise definition of US commitments to its ally nations in the event of disputes in contested territories, especially vis-à-vis the Philippines and Vietnam, and the possibility that alliances will be used to escalate a small battle into a regional affair. The US is making efforts to address these complications; for the first time since RIMPACS’s creation in 1971, China has been invited to participate in a US-led naval exercise. Positive near-term repercussions of growing US involvement have also been postulated; analysts suggest that one of the root causes behind Chinese interest in cooperation is the fear that aggression in the South China Sea will drive other parties to strengthen their ties with the US[vi].¶ **The relative wealth of economic and diplomatic compromises on all sides presents a compelling argument that under current conditions, disputes in the South China Sea will continue to be restrained to small-scale skirmishes that do not threaten overall stability**. This is not to say that the increase in regional tension is insignificant, but rather that **the involved parties all have a strong interest in maintaining mutual growth and have demonstrated their willingness to make strategic sacrifices to maintain the status quo.** Furthermore as China is the common link in the majority of the disputes, it is probable that it will be at the heart of any conflict — and **China has frequently shown restraint in this regard** (though not so, for example, in Tibet). In terms of China’s priorities, policy analysts tend to agree that if China were to begin a large-scale military campaign, Taiwan would most likely be the focus of its aggression[vii].

### Prevention

#### Nuclear primacy solves

Campbell Craig (Professor of International Relations at the University of Southampton) 2009 Review of International Studies, “American power preponderance and the nuclear revolution,” 35, 27–44,

As Keir Lieber and Daryl Press have suggested, the US may be on the verge of acquiring a first-strike nuclear capability, which, combined with an effective system of anti-ballistic missile defence, could allow the US to destroy a rival’s nuclear capabilities and intercept any remaining retaliatory missiles before they hit American cities. While this possibility clearly reduces the likelihood of other states seeking to match American power with the aim of fighting and winning a nuclear war, and, if their argument becomes widely accepted, could lead American policy-makers to reject the logic of the nuclear revolution and consider pre-emptive nuclear strikes against large nuclear rivals, it clearly is less germane to the question of small-state deterrence.33 Lieber and Press contend that the US may have the capability to destroy the entire nuclear arsenal of another large nuclear state lest that state use it on America first for the purposes of winning a great war. That, as they say, would mean the end of Mutual Assured Destruction as it existed during the Cold War. However, Washington would have much less reason to use its new first-strike capability against a nation that cannot threaten to destroy the US, and has no ambition to defeat America in a war, but only possesses a second-strike minimum deterrent. Such an attack would turn much of the world against a US willing to use nuclear weapons and kill hundreds of thousands or millions in order to defeat a nation that did not threaten its survival. Perhaps more to the point, an attack like this would be tremendously risky. Even after a perfect first strike some retaliation might get through, which could mean the nuclear destruction of an American city or perhaps the city of an American ally. At the very least, survivors of the attacked state and their allies would seek to unleash destruction upon the US in other ways, including an unconventional delivery of a nuclear, chemical, or biological weapon. An imperfect first strike, or, even worse, a failure of the US anti-missile system, would constitute a total disaster for the US: not only would it incur the world’s wrath and suffer the destruction of one or more of its cities, but such a failure would also expose America as both a brutal and vulnerable state, surely encouraging other states to acquire nuclear weapons or otherwise defy it. The US might have reason to launch a first strike against a large rival that deployed a major arsenal and appeared ready to attack America, as implausible as this scenario is. It would have little reason to do so against a small nation with a second-strike minimum deterrent arsenal. The nuclear revolution delivers a clear message to any large state considering major war with a powerful nuclear rival. The message is that such a war is likely to escalate to total nuclear exchange, and that in this event a large percentage of its citizenry will be killed or injured, its ability to govern what remains of the nation will be weakened or destroyed, and its power relative to other states that stayed out of the war will be radically diminished. It also delivers a message to any advanced small state eager to obtain security from the possible predation of large ones. The message is that if the small state possesses, or can quickly get its hands on, a few invulnerable and deliverable nuclear weapons, any large state contemplating invading it will have to weigh the benefits of invasion against a new kind of cost – not just a difficult or stalemated conventional war, such as the US faced in Vietnam and faces in Iraq, but the destruction of perhaps one, three, or five of its cities, and the death and injury of millions of its citizens. Unless it is able to obtain an absolutely fool-proof defence against any kind of nuclear retaliation, the choice that any large state is going to make when faced with this new circumstance is so likely to be peace that the small nuclear state can feel confident that it will be safe from conquest.34 The general relevance of these messages to American unipolar preponderance is clear. At the ‘great power’ level, rising states are unlikely to regard major war as a suitable means for overturning the international system and overthrowing American preponderance. The classic means of systemic change – hegemonic war – will not be an attractive option to any state hoping to survive, and the very existence of nuclear arsenals will make all states cautious about provoking conflict with nuclear rivals, especially the heavily armed US.35 Moreover, advanced smaller states know that they can provide for their own security, if they come to believe that it is endangered, not by embarking on large military build-ups or forming alliances with larger states, but by developing a small and invulnerable nuclear arsenal, or at least preparing the way to obtain such an arsenal quickly. This means that small states have a far greater ability to defend themselves from, and therefore be less afraid of, American predation today than comparable states facing dominant powers in previous eras.36 The main effects of the nuclear revolution, then, bolster the general claim of Power Preponderance that unipolarity is enduring. To support their claim, Brooks and Wohlforth specify three factors that dissuade would-be rivals to the US from balancing against it in traditional military terms: the effect of America’s relative geographical isolation from these potential rivals; the fact that American preponderance happened as a fait accompli about which no other nation could do anything; and the vast and growing ‘power gap’ between the US and all other rivals. The next section will describe each factor, and show how the nuclear revolution specifically reinforces each of them.

**No China war**

**Brzezinski 2/13** (Zbigniew, Robert E. Osgood Professor of American Foreign Policy at Johns Hopkins University’s School of Advanced International Studies, scholar at the Center for Strategic and International Studies, former foreign policy advisor for Jimmy Carter, New York Times, February 13, 2013, “Giants, but Not Hegemons,” <http://www.nytimes.com/2013/02/14/opinion/giants-but-not-hegemons.html>, CMR)

Today, **many fear that the** emerging **American-Chinese duopoly must inevitably lead to conflict.** But **I do not believe that wars for global domination are a serious prospect in** what is now **the Post-Hegemonic Age.** Admittedly, the historical record is dismal. Since the onset of global politics 200 years ago, four long wars (including the Cold War) were fought over the domination of Europe, each of which could have resulted in global hegemony by a sole superpower. Yet **several developments over recent years have changed the equation.** **Nuclear weapons make hegemonic wars too destructive, and** thus **victory meaningless.** **One-sided national economic triumphs cannot be achieved in the** increasingly **interwoven global economy without precipitating calamitous consequences** for everyone. Further, the **populations of the world have awakened politically and are not** so **easily subdued**, even by the most powerful. Last but not least, **neither the U**nited **S**tates **nor China is driven by hostile ideologies.** Moreover, despite our very different political systems, **both our societies are, in different ways, open.**

**That**, too, **offsets pressure from** within each respective society toward **animus and hostility.** More than 100,000 **Chinese are students at American universities**, and thousands of young Americans study and work in China or participate in special study or travel programs. Unlike in the former Soviet Union, **millions of Chinese regularly travel** abroad. And **millions** of young Chinese **are in daily touch with the world through the Internet.** All **this contrasts greatly with the societal self-isolation of the 19th- and 20th-century contestants for global power, which intensified grievances, escalated hostility and made it easier to demonize the** one an**other.** Nonetheless, we cannot entirely ignore the fact that the hopeful expectation in recent years of an amicable American-Chinese relationship has lately been tested by ever more antagonistic polemics, especially in the mass media of both sides. This has been fueled in part by speculation about America’s allegedly inevitable decline and about China’s relentless, rapid rise. **Pessimism about America’ future tends to underestimate its capacity for self-renewal.** Exuberant **optimists about China’s inevitable pre-eminence underestimate the gap that** still **separates China from America — whether in G.D.P.** per capita terms **or in respective technological capabilities.** Paradoxically, **China’s truly admirable economic success is** now **intensifying the systemic need for complex social and political adjustments** in how and to what extent a ruling bureaucracy that defines itself as communist can continue to direct a system of state capitalism with a rising middle class seeking more rights. **Simplistic agitation regarding the potential Chinese military threat to America ignores the benefits that the U.S.** also **derives from its** very favorable **geostrategic location on the open shores of two great oceans** as well as from its trans-oceanic allies on all sides. In contrast, **China is geographically encircled by not always friendly states** and has very few, if any, allies. On occasion, some of China’s neighbors are tempted by this circumstance to draw the U.S. into support of their specific claims or conflicts of interest against China. Fortunately, there are signs that **a consensus is emerging that** such **threats should not be resolved unilaterally or militarily, but through negotiation.**

## 2NC

### Case Outweighs

#### Focus on easily identifiable flashpoints of conflict misses the point – only focusing on the background or objective violence can solve root cause – cannot be viewed from the same stand point – the call to act will be strong but responding creates a stop-gap which prevents engaging in criticisms of capital

Zizek 2008 [Slavoj Violence p 1-4 ]  
If there is a unifying thesis that runs through the bric-a-brac of reflections on violence that follow, it is that a similar paradox holds true for violence. At the forefront of our minds, the obvious signals of violence are acts of crime and terror, civil unrest, international conflict. But we should learn to **step back,** to disentangle ourselves from the fascinating lure of this directly visible “subjective” violence, violence performed by a clearly identifiable agent. We need to perceive the contours of the background which generates such outbursts. A step back enables us to identify a violence that sustains our very efforts to fight violence and to promote tolerance. This is the starting point, perhaps even the axiom, of the present book: subjective violence is just the most visible portion of a triumvirate that also includes two objective kinds of violence. First, there is a “symbolic” violence embodied in language and its forms, what Heidegger would call “our house of being.” As we shall see later, this violence is not only at work in the obvious—and extensively studied—cases of incitement and of the relations of social domination reproduced in our habitual speech forms: there is a more fundamental form of violence still that pertains to language as such, to its imposition of a certain universe of meaning. Second, there is what I call “systemic” violence, or the often catastrophic consequences of the smooth functioning of our economic and political systems. The catch is that subjective and objective violence **cannot be perceived from the same standpoint:** subjective violence is experienced as such against the background of a non-violent zero level. It is seen as a perturbation of the “normal,” peaceful state of things. However, objective violence is precisely the violence inherent to this “normal” state of things. Objective violence is invisible since it sustains the very zero-level standard against which we perceive something as subjectively violent. Systemic violence is thus something like the notorious “dark matter” of physics, the counterpart to an all-too- visible subjective violence. It may be invisible, but it has to be taken into account if one is to make sense of what otherwise seem to be “irrational” explosions of subjective violence. When the media bombard us with those “humanitarian crises” which seem constantly to pop up all over the world, one should always bear in mind that a particular crisis only explodes into media visibility as the result of a complex struggle. Properly humanitarian considerations as a rule play a less important role here than cultural, ideologico-political, and economic considerations. The cover story of Time magazine on 5 June 2006, for example, was “The Deadliest War in the World.” This offered detailed documentation on how around 4 million people died in the Democratic Republic of Congo as the result of political violence over the last decade. None of the usual humanitarian uproar followed, just a couple of readers’ letters—as if some kind of filtering mechanism blocked this news from achieving its full impact in our symbolic space. To put it cynically, Time picked the wrong victim in the struggle for hegemony in suffering. It should have stuck to the list of usual suspects: Muslim women and their plight, or the families of 9/11 victims and how they have coped with their losses. The Congo today has effectively re-emerged as a Conradean “heart of darkness.” No one dares to confront it head on. The death of a West Bank Palestinian child, not to mention an Israeli or an American, is mediatically worth thousands of times more than the death of a nameless Congolese. Do we need further proof that the humanitarian sense of urgency is mediated, indeed overdetermined, by clear political considerations? And what are these considerations? To answer this, we need to step back and take a look from a different position. When the U.S. media reproached the public in foreign countries for not displaying enough sympathy for the victims of the 9/11 attacks, one was tempted to answer them in the words Robespierre addressed to those who complained about the innocent victims of revolutionary terror: “Stop shaking the tyrant’s bloody robe in my face, or I will believe that you wish to put Rome in chains.”1 Instead of confronting violence directly, the present book casts six sideways glances. There are reasons for looking at the problem of violence awry. My underlying premise is that there is something inherently mystifying in a direct confrontation with it: the overpowering horror of violent acts and empathy with the victims inexorably function as a lure which **prevents us from thinking**. A dispassionate conceptual development of the typology of violence must by definition ignore its traumatic impact. Yet there is a sense in which a cold analysis of violence somehow reproduces and participates in its horror. A distinction needs to be made, as well, between (factual) truth and truthfulness: what renders a report of a raped woman (or any other narrative of a trauma) truthful is its very factual unreliability, its confusion, its inconsistency. If the victim were able to report on her painful and humiliating experience in a clear manner, with all the data arranged in a consistent order, this very quality would make us suspicious of its truth. The problem here is part of the solution: the very factual deficiencies of the traumatised subject’s report on her experience bear witness to the truthfulness of her report, since they signal that the reported content “contaminated” the manner of reporting it. The same holds, of course, for the so-called unreliability of the verbal reports of Holocaust survivors: the witness able to offer a clear narrative of his camp experience would disqualify himself by virtue of that clarity.2 The only appropriate approach to my subject thus seems to be one which permits variations on violence kept at a distance out of respect towards its victims.

#### Capitalism will lead to total collapse of the social and the environment – we must engage in an authentic revolution which is open to the catastrophe we may cause

**Zizek,** Senior Researcher at the Institute for Social Studies, Ljubljana, Slovenia, **2003**

(Slavoj, The Puppet and the Dwarf: The Perverse Core of Christianity, page 134-135 gjm)

In some sense, we can in fact argue that, today, we are approaching a kind of "end of time": the self-propelling explosive spiral of global capitalism does seem to point toward a moment of (social, ecological, even subjective) collapse, in which total dynamism, frantic activity, will coincide with a deeper immobility. History will be abolished in the eternal present of multiple narrativizations; nature will be abol­ished when it becomes subject to biogenetic manipulation; the very permanent transgression of the norm will assert itself as the uncondi­tional norm. . . . However, the question "When does ordinary time get caught in the messianic twist?" is a misleading one: we cannot de­duce the emergence of messianic time through an "objective" analysis of historical process. "Messianic time" ultimately stands for the intru­sion of subjectivity irreducible to the "objective" historical process, which means that things can take a messianic turn, time can become "dense," *at any point.* The time of the Event is not another time beyond and above the "normal" historical time, but a kind of inner loop within this time. Consider one of the standard plots of time-travel narratives: the hero travels into the past in order to intervene in it, and thus change the present; afterward, he discovers that the emergence of the present he wanted to change was triggered precisely through his intervention ­his time travel was already included in the run of things. What we have here, in this radical closure, is thus not simply complete determinism, but a kind of absolute determinism which includes our free act in ad­vance. When we observe the process from a distant vantage point, it appears to unfold in a straight line; what we lose from sight, however, are the subjective inner loops which sustain this "objective" straight line. This is why the question "In what circumstances does the con­densed time of the Event emerge?" is a false one: it involves the rein­scription of the Event back into the positive historical process. That is to say: we cannot establish the time of the explosion of the Event through a close "objective" historical analysis (in the style of "when objective contradictions reach such and such a level, things will ex­plode"): there is no Event outside the engaged subjective decision which creates it-if we wait for the time to become ripe for the Event, the Event will never occur. Recall the October Revolution: the moment when its authentic revolutionary urgency was exhausted was precisely the moment when, in theoretical discussion, the topic of different stages of socialism, of the transition from the lower to a higher stage, took over-at this point, revolutionary time proper was reinscribed into linear "objective" historical time, with its phases and transitions between phases. Authentic revolution, in contrast, always occurs in an absolute Present, in the unconditional urgency of a Now. It is in this precise sense that, in an authentic revolution, predesti­nation overlaps with radical responsibility: the real hard work awaits us on the morning after, once the enthusiastic revolutionary explosion is over, and we are confronted with the task of translating this explo­sion into a new Order of Things, of drawing the consequences from it, of remaining faithful to it. In other words, the truly difficult work is not that of silent preparation, of creating the conditions for the Event of the revolutionary explosion; the earnest work begins after the Event, when we ascertain that "it is accomplished.”11

### I Law

#### Security discourse actively exaggerates and creates threats – this form of enemy creation leads to intervention

Fettweis 10

[Christopher J, professor of security studies at the Naval War College, “Dangerous Times: The International Politics of Great Power Peace”, page number below, CMR]

It is perhaps worth pausing for a moment to realize that the diplomats of any prior age would have been quite happy to exchange their problems for ours. Terorism and the other irregular threats of the early twenty-first century are in reality quite minor in comparison to those of eras that came before and certainly do not threaten the existence of even the weakest state, much less the great powers. Today's security debate often seems driven less by actual threats than by vague, unnamed dangers. Former Secretary of Defense Donald Rumsfeld warned about "unknown unknowns," which are the threats that "we don't know we don't know," which "tend to be the difficult ones."49 Kagan and Kristol worry that if the United States fails to remain highly engaged, the system "is likely to yield very real external dangers, as threatening in their own way as the Soviet Union was a quarter century ago."50 What exactly these dangers would be is left open to interpretation. In the absence of identifiable threats, the unknown can provide us with an enemy, one whose power and danger is limited only by the imagination. It is what Friedman and Sapolsky call "the threat of no threats" and is perhaps the most frightening of all.51 Even if, as everyone schooled in folk wisdom knows, "anything is possible," it is not true that everything is plausible. There is no limit on the potential dangers that the human mind can manufacture, but there are very definite limits on the specific threats that the system contains. "To make anything very terrible, obscurity seems in general to be necessary" noted Edmund Burke. "When we know the full extent of any danger, when we can accustom our eyes to it, a great deal of the apprehension vanishes."52 The full extent of today's dangers is not only know-able, but relatively minor. Threat exaggeration has been one of the favorite tools used by opponents of restraint, from Wilson to Roosevelt to Bush. Since self-defense is one of the few justifications for international activism that is uncomplicated by questions of morality, once foreign events are linked to the security of the United States intervention becomes an easier sell.53 Exaggerating threats is a traditional weapon in the domestic politics arsenal of the internationalists, inspiring a variety of actions conceived to address threats more imagined than real. When Robert Jervis noted that "security concerns are greatly reduced for the unipole," he was guilty of understatement.54 If they were honest, those who actively or passively favor internationalism would admit that very few of our foreign adventures have been necessary to secure the country. The United States is no more and no less secure after having replaced Saddam with chaos, for instance. Simply put, the United States is not compelled to play an active role in world affairs in order to address its basic security, since that security is already all but assured. The benefits of activist strategies must therefore manifestly outweigh the costs, since the United States could easily survive inaction, no matter how dire the situation may appear. In US foreign policy, necessity is an illusion. Choices always exist, especially for the strongest country in the history of the world." What are often sold to the public as necessary actions are almost always matters of choice; rather than emergency operations, U.S. interventions are in reality elective surgery. And elective surgery, as everyone knows, often makes problems worse. Thus both theoretical logic and evidence from the security environment suggest that the United States would run no risks if it decided to intervene far less in the affairs of others. The next section describes the key elements of what would be the most rational grand strategy in a world nearly free of warfare: that of strategic restraint^) [page 167-168]

### Fmwk

#### The role of the judge should be to guide students toward ethically constructing advocacies – this means debate should focus on how we think about problems and not just the particular policy, so you should look at systems of warism versus pacificism and not the singular event of their impact scenarios – fiat isn’t real and we’re not policymakers – the only thing that matters is the value of our scholarship and the ability to translate that into political activity – and deprioritize issues of link uniqueness and transitions war – our link arguments prove there’s a larger set of social relations the plan creates and the standpoints we take in relation to that are important

Bleiker 3 Roland, Professor of International Relations, University of Queensland “Discourse and Human Agency” Contemporary Political Theory. Avenel: Mar 2003.Vol. 2, Iss. 1;  pg. 25

Confronting the difficulties that arise with this dualistic dilemma, I have sought to advance a positive concept of human agency that is neither grounded in a stable essence nor dependent upon a presupposed notion of the subject. The ensuing journey has taken me, painted in very broad strokes, along the following circular trajectory of revealing and concealing: discourses are powerful forms of domination. They frame the parameters of thinking processes. They shape political and social interactions. Yet, discourses are not invincible. They may be thin. They may contain cracks. By moving the gaze from epistemological to ontological spheres, one can explore ways in which individuals use these cracks to escape aspects of the discursive order. To recognize the potential for human agency that opens up as a result of this process, one needs to shift foci again, this time from concerns with Being to an inquiry into tactical behaviours. Moving between various hyphenated identities, individuals use ensuing mobile subjectivities to engage in daily acts of dissent, which gradually transform societal values. Over an extended period of time, such tactical expressions of human agency gradually transform societal values. By returning to epistemological levels, one can then conceptualize how these transformed discursive practices engender processes of social change. **I have used everyday forms of resistance to illustrate how discourses not only** frame **and** subjugate **our thoughts and behaviour, but also offer possibilities for human agency. Needless to say, discursive dissent is not the only practice of resistance that can exert human agency. There are many political actions that seek** immediate changes **in policy or institutional structures, rather than 'mere' shifts in societal consciousness. Although some of these actions undoubtedly achieve results, they are often not as potent as they seem. Or, rather, their** enduring effect **may well be primarily discursive, rather than institutional.** Nietzsche (1982b, 243) already knew that **the greatest events 'are not our loudest but our stillest hours.' This is why he stressed that the world revolves 'not around the inventors of new noise, but around** the inventors of new values.' **And this is why, for Foucault too, the** crucial site **for political investigations are** not institutions**, even though they are often the place where power is inscribed and crystallized. The fundamental point of anchorage of power relations, Foucault claims, is always located** outside institutions**, deeply entrenched within the social nexus. Hence,** instead of looking at power from the vantage point of institutions, one must analyse institutions from the standpoint of power relations (Foucault, 1982, 219-222).

#### And this debate is about competing epistemologies. We cannot access the government but we can act ethically as students and educators to create space for true politics.

**BADIOU2010** [ALAIN, The Communist Hypothesis Translated by David Macey and Steve Corcoran 2010 p 252-257

Let's recapitulate as simply as possible. A truth is the political real. History, even as a reservoir of proper names, is a symbolic place. The ideological operation of the Idea of communism is the imaginary projection of the political real into the symbolic fiction of History, including in its guise as a representation of the action of innumerable masses via the One of a proper name. The role of this Idea is to support the individual's incorporation into the discipline of a truth procedure, to authorize the individual, in his or her own eyes, to go beyond the Statist constraints of mere survival by becoming a part of the body-of-truth, or the subjectivizable body. We will now ask: why is it necessary to resort to this ambiguous operation? Why do the event and its consequences also have to be exposed in the guise of a fact - often a violent one that IS accompanied by different versions of the 'cult of personality'? What is the reason for this historical appropriation of emancipatory politics? The simplest reason is that ordinary history, the history of individual lives, is confined within the State. The history of a life, with neither decision nor choice, is in itself a part of the history of the State, whose conventional mediations are the family, work, the homeland, property, religion, customs and so forth. The heroic, but individual, projection of an exception to all the above - as is a truth procedure - also aims at being shared with everyone else; it aims to show itself to be not only an exception but also a possibility that everyone can share from now on. And that is one of the Idea's functions: to project the exception into the ordinary life of individuals, to fill what merely exists with a certain mea'mre of the extraordinary. To convince my own immediate circle - husband or wife, neighbours and friends, colleagues - that the fantastic exception of truths in the making also exists, that we are not doomed to lives programmed by the constraints of the State. Naturally, in the final analysis, only the raw, or militant, experience of the truth procedure will compel one person or another's entry into the bodyoftruth. But to take him or her to the place where this experience is to be found - to make him or her a spectator of, and therefore partly a participant in, what is important for a truth the mediation of the Idea, the sharing of the Idea, are almost always required. The Idea of communism (regardless of what name it might otherwise be given, which hardly matters: no Idea is definable by its name) is what enables a truth procedure to be spoken in the impure language of the State and thereby for the lines of force by virtue of which the State prescribes what is possible and what i s impossible to be shifted for a time. In this view of things, the most ordinary action is to take someone to a real political meeting, far from their home, far from their predetermined existential parameters, in a hostel of workers from Mali, for example, or at the gates of a factory. Once they have come to the place where politics is occurring, they will make a decision about whether to incorporate or withdraw.But in order for them to come to that place, the Idea and for two centuries, or perhaps since Plato, it has been the Idea of communism - must have already shifted them in the order of representations, of History and of the State. The symbol must imaginarily come to the aid of the creative flight from the real. Allegorical facts must ideologize and historicize the fragility of truth. A banal yet crucial discussion with four workers and a student in an ill-lit room must momentarily be enlarged to the dimensions of Communism and thus be both what it is and what it will have been as a moment in the local construction of the True. Through the enlargement of the symbol, it must become visible that 'just ideas' come from this practically invisible practice.The fiveperson meeting in an out-of-the-way suburb must be eternal in the very expression of its precariousness. That is why the real must be exposed in a fictional structure.

### Perm

#### State link

**MARTIN 99** [Brian, *Ghandi Marg*, 21 (3) <http://www.uow.edu.au/arts/sts/bmartin/pubs/99gm.html>

From the point of view of nonviolence, **a crucial feature of capitalism is its links with systems of violence, notably the military and police**. For some capitalist countries, which are run as repressive states, this connection is obvious. But for capitalist countries with representative government, the connections between the military, police and capitalist social relations are less overt. For most of the time, state violence is not required to defend capitalism, since most people go along with the way things are. **If the challenge to capitalism is violent, such as by a revolutionary party that uses bombings or assaults, then police and military forces are used to crush the challengers**. But sometimes there are serious nonviolent challenges, especially when workers organise. Troops are typically called out when workers in a key sector (such as electricity or transport) go on strike, when workers take over running of a factory or business, or when there is a general strike. Spy agencies monitor and disrupt groups and movements that might be a threat to business or government. Police target groups that challenge property relations, such as workers and environmentalists taking direct action. At the core of capitalism is private property. **Military and police power is needed to maintain and extend the system of ownership.** It should be noted that petty theft and organised crime are not major challenges to the system of property, since they accept the legitimacy of property and are simply attempts to change ownership in an illegal manner. Criminals are seldom happy for anyone to steal from them. **Principled challenges to property, such as squatting and workers' control, are far more threatening.** Many people, especially in the United States, believe that government and corporations are antagonistic, with opposite goals. **When governments set up regulations to control product quality or pollution, some corporate leaders complain loudly about government interference. But beyond the superficial frictions, at a deeper level the state operates to provide the conditions for capitalism**. The state has it own interests, to be sure, especially in maintaining state authority and a monopoly on what it considers legitimate violence, but it depends on capitalist enterprises for its own survival, notably through taxation. In capitalist societies, **states and capitalism depend on and mutually reinforce each other.**

### Links

#### That Turns Case

Alain Badiou, Professor of Philosophy at Université Paris VIII (Vincennes at Saint-Denis), 2001. Ethics: An Essay on the Understanding of Evil, p. 36-39]

Let us remember — since such are the facts — that ‘bio­ethics’ and the State’s obsession with euthanasia were explicit categories of Nazism. Fundamentally, Nazism was a thoroughgoing ethics of Life. It had its own concept of ‘dignified life’, and it accepted, implacably, the necessity of putting an end to undignified lives. Nazism isolated and carried to its ultimate conclusion the nihilist core of the ‘ethical’ disposition once it has at its disposal the political means to be something other than prattle. In this respect, the appearance in our country of major state commissions on ‘bio-ethics’ bodes ill. Here there will be loud cries of protest. It will be said that it is precisely because of Nazism that it is necessary to lay down the law protecting the right to life and to dignity, once the impetuous advances of science give us the means to practise all sorts of genetic manipulations. We should not be impressed by these cries. We should argue strongly that the necessity of such state commissions and such laws indicates that, in the configura­tion of public and private minds, the whole problematic remains essentially suspect. The conjunction of ‘ethics’ and ‘bio’ is in itself threatening. So is the similarity of prefixes between (evil) eugenics and (respectable) euthanasia. A hedonistic doctrine of ‘dying-well’ will make for no defence against the powerful and genuinely murderous aspiration of ‘generating-well’, an obvious component of ‘living-well’. The root of the problem is that, in a certain way, every definition of Man based on happiness is nihilist. It is clear that the external barricades erected to protect our sickly prosperity have as their internal counterpart, against the nihilist drive, the derisory and complicit barrier of ethical commissions. When a prime minister,’ the political eulogist of a civic ethics, declares that France ‘cannot welcome [accueillir] all the misery of the world’, he is careful not to tell us about the criteria and the methods that will allow us to distinguish the part of the said misery that we welcome from that part which we will request — no doubt from within detention centres — to return to its place of death, so that we might continue to enjoy those unshared riches which, as we know, condition both our happiness and our ‘ethics’. And in the same way, it is certainly impossible to settle on stable, ‘responsible’, and of course ‘collective’ criteria in the name of which commissions on bio-ethics will distinguish between eugenics and euthanasia, between the scientific improve­ment of the white man and his happiness, and the elimina­tion ‘with dignity’ of monsters, of those who suffer or become unpleasant to behold. Chance, the circumstances of life, the tangle of beliefs, combined with the rigorous and impartial treatment with­out exception of the clinical situation, is worth a thousand times more than the pompous, made-for-media conscrip­tion of bio-ethical authorities [instances] — a conscription whose place of work, whose very name, have a nasty smell about them. Ethical nihilism between conservatism and the death drive Considered as a figure of nihilism, reinforced by the fact that our societies are without a future that can be presented as universal, ethics oscillates between two complementary desires: a conservative desire, seeking global recognition for the legitimacy of the order peculiar to our ‘Western’ position — the interweaving of an unbridled and impassive economy [economie objective sauvage] with a discourse of law; and a murderous desire that promotes and shrouds, in one and the same gesture, an integral mastery of life — or again, that dooms what is to the ‘Western’ mastery of death. This is why ethics would be better named — since it speaks Greek — a ‘eu-oudenose’ , a smug nihilism. Against this we can set only that which is not yet in being, but which our thought declares itself able to conceive. Every age — and in the end, none is worth more than any other — has its own figure of nihilism. The names change, but always under these names (‘ethics’, for example) we find the articulation of conservative propaganda with an obscure desire for catastrophe. It is only by declaring that we want what conservatism decrees to be impossible, and by affirming truths against the desire for nothingness, that we tear ourselves away from nihilism. The possibility of the impossible, which is exposed by every loving encounter, every scientific re-foundation, every artistic invention and every sequence of emancipatory politics, is the sole principle – against the ethics of living-well whose real content is the deciding of death – of an ethics of truth.

### A2 Inev

Joel Kovel, Professor of Social Studies at Bard College, 2002, The Enemy of Nature, p. 115-16

What is the root of capital’s wanton ecodestructivity? One way of seeing this is in terms of an economy geared to run on the basis of unceasing accumulation. Thus each unit of capital must, as the saying goes, ‘grow or die’, and each capitalist must constantly search to expand markets and profits or lose his position in the hierarchy. Under such a regime the eco­nomic dimension consumes all else, nature is continually devalued in the search for profit along an expanding frontier, and the ecological crisis follows inevitably. This reasoning is, I believe, valid, and necessary for grasping how capital becomes the efficient cause of the crisis. But it is incomplete, and fails to clear up the mystery of what capital is, and consequently what is to be done about it. For example, it is a commonly held opinion that capitalism is an innate and therefore inevitable outcome for the human species. If this is the case, then the necessary path of human evolution travels from the Olduvai Gorge to the New York Stock Exchange, and to think of a world beyond capital is mere baying at the moon. It only takes a brief reflection to demolish the received understanding. Capital is certainly a potentiality for human nature, but, despite all the efforts of ideologues to argue for its natural inevitability, no more than this. For if capital were natural, why has it only occupied the last 500 years of a record that goes back for hundreds of thousands? More to the point, why did it have to be imposed through violence wherever it set down its rule? And most importantly, why does it have to be continually maintained through violence, and continuously re-imposed on each generation through an enormous apparatus of indoctrination? Why not just let children be the way they want to be and trust that they will turn into capitalists and workers for capitalists — the way we let baby chicks be, knowing that they will reliably grow into chickens if provided with food, water and shelter? Those who believe that capital is innate should also be willing to do without police, or the industries of culture, and if they are not, then their arguments are hypocritical. But this only sharpens the questions of what capital is, why the path to it was chosen, and why people would submit to an economy and think so much of wealth in the first place? These are highly practical concerns. It is widely recognized, for example, that habits of consumption in the in­dustrial societies will have to be drastically altered if a sustainable world is to be achieved. This means, however that the very pattern of human needs will have to be changed, which means in turn that the basic way in which we inhabit nature will have to be changed. We know that capital forcibly indoctrinates people to resist these changes, but only a poor and superficial analysis would stop here and say nothing further about how this works and how it came about. Capital’s efficient causation of the ecological crisis establishes it as the enemy of nature. But the roots of the enmity still await exploration.

## 1NR

### BT

#### Threat exaggerated—empirical record proves

Gregory D. Koblentz, Assistant Professor, Department of Public and International Affairs and Deputy Director, Biodefense Program, George Mason University, "Biosecurity Reconsidered," INTERNATIONAL SECURITY, Spring 2010, p. 96+, ASP.

The threat of bioterrorism, may not be as severe as some have portrayed it to be. Few terrorist groups have attempted to develop a biological weapons capability, and even fewer have succeeded. Prior to the anthrax letter attacks in 2001, only one group, the disciples of guru Bhagwan Shree Rajneesh in Oregon, managed to cause any casualties with a biological agent. 86 The U.S. intelligence community estimates that of the fifteen terrorist groups that have expressed an interest in acquiring biological weapons, only three have demonstrated a commitment to acquiring the capability to cause mass casualties with these weapons. 87 Groups such as Japan's Aum Shinrikyo and al-Qaida have demonstrated the desire to cause mass casualties and an interest in using disease as a weapon. Despite concerted efforts by both groups to produce deadly pathogens and toxins, however, neither has caused any casualties with such weapons, let alone developed a weapon capable of causing mass casualties. The failures experienced by these groups illustrate the significant hurdles that terrorists face in progressing beyond crude weapons suitable for assassination and the contamination of food supplies to biological weapons based on aerosol dissemination technology that are capable of causing mass casualties. 88

### #1 Motive/Means

#### executive lawyers create wiggle words to sidestep enforcment

Pollack, 13 -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/,

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to remake the laws of war by consciously violating them and then creating new legal concepts to provide juridical cover for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (Obama is hardly a novice at this game of stretching the law to suit the convenience of, shall we say, the national interest? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama redefined the meaning of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### motive is assured in the war on terror- Obama’s support for the aff is rhetorical at best--he resists restricting authority

\*Obama support restrictions on the WOT only rhetorically

\*No Political costs – the public doesn’t care

Hirsh and Oliphant, National Journal, 2-27-14

(Michael and James, “Obama Will Never End the War on Terror,” http://www.nationaljournal.com/magazine/obama-will-never-end-the-war-on-terror-20140227,

Joint Special Operations Command launched four Hellfire missiles into a convoy in central Yemen in December, killing 12 people. U.S. officials initially claimed they were targeting Shawqi Ali Ahmad al-Badani, an alleged Qaida operative, and even Human Rights Watch acknowledged that some terrorists may have been present. But last week, an official report by the New York-based advocacy group concluded the missiles actually hit a Yemeni wedding procession bringing the bride and family members to the groom's hometown, and that very likely "some if not all those killed and wounded were civilians."¶ In truth, no one really knows what happened that day in Yemen, or who the enemy really was. The Obama administration, of course, would not discuss the details of the covert operation—and it has done little publicly to justify the drone attack. The news of the Human Rights Watch report pinged through the Washington echo chamber for a day, then faded away—just the latest wisp of information in a shadowy conflict that President Obama pledges to end but seems utterly unwilling to close.¶ Judging from the polls, a weary, inward-looking American public has long since stopped caring much about what used to be called the "war on terror," especially compared with issues like economic stagnation, or gay marriage, or immigration. What began as one horrific attack 13 years ago and a simple, 60-word Authorization for the Use of Military Force three days later has morphed all but unnoticed into a war with no name or parameters—against an enemy that the government will no longer even officially identify, on battlefields that didn't exist when the measure hurriedly passed Congress.¶ And as the Yemen strike suggests, the war hardly appears to be winding down. Nor do U.S. forces seem to be getting much better at avoiding "collateral damage." The grave but very real danger is that this strangest of wars will never end, certainly not before the expiration of Obama's second term. And his successors may be left with nearly the entire unresolved mess: an open-ended war authorization and inchoate rules for drone and special operations, the promised-but-never-carried-through closing of Guantánamo Bay, and a National Security Agency that's still not sure whom or what it can spy on.¶ No one has been more aware of this probability than the president himself, who has regularly warned that America must get off a "perpetual wartime footing," declaring in a landmark speech last year, "We must define the nature and scope of this struggle, or else it will define us.… Unless we discipline our thinking, our definitions, our actions, we may be drawn into more wars we don't need to fight, or continue to grant presidents unbound powers."¶ And yet that's what is happening. Throughout the violence-torn Middle East and Central Asia, a reborn al-Qaida is sprouting new affiliates like mythical dragon's teeth and defining the struggle anew. Meanwhile, the Obama administration remains conflicted over policy and unsure how to proceed—as evidenced by another mysterious news leak recently, one that indicated the government was locked in an intense internal debate over whether to kill an American citizen overseas (rumored to be a jihadi in Pakistan). Despite Obama's pledge nearly a year ago, in that widely covered May 2013 speech, to "refine, and ultimately repeal" the AUMF, sources inside the administration and on Capitol Hill say serious negotiations to get it done have not even begun with this ever-recalcitrant Congress.¶ Leading voices on Capitol Hill say they are utterly mystified by the White House's inaction—and are getting more and more frustrated by it. "If anyone understands what their policy is, please send me a note. It has been very confusing," Rep. Mike Rogers, chairman of the House Intelligence Committee, told National Journal.¶ Barack Obama, in other words, appears to lack the will to turn off the war machine. His long-stated aim to be the president who ended two wars for good is very likely to go unmet. Worse, he will leave behind a struggle the country won't be constitutionally or morally equipped to fight. Rather than developing a "code" for future presidents—as he's said he wants to do—this president could well end up leaving his successor an open-ended license to conduct permanent drone warfare, or to place American boots on the ground anywhere in the world.¶ Rogers and some other critics say the president may even be in denial about the ongoing reality of the war, perhaps because he's a little too eager to "complete his narrative" about decimating al-Qaida. "Just because we got Osama bin Laden doesn't mean the organization went away," Rogers says. "When someone is shooting at you, and you stand up and decide the shooting is over, that doesn't mean they stop shooting at you. And it is incredibly naive to believe that because you say the war on terror is over, [the terrorists] believe it is over." To focus on the inroads against "core" al-Qaida in Pakistan while failing to come up with set rules of engagement against newer affiliated groups elsewhere, Rogers says, is "like saying the McDonald's in Michigan is different than the headquarters in Illinois. It's the same food, the same goals, the same ends."¶ Obama will also bequeath to his successor another almost Orwellian oddity, one that may be unprecedented in American history. The United States is now at war with an enemy that it will not officially acknowledge or name. As new jihadist groups spring up in war-torn Syria and other emerging safe havens, the administration has made the list of so-called associated forces of al-Qaida classified.

#### And, circumvention is easy and the prez can do at his favor

Epps 13 (Garrett, former reporter for The Washington Post, is a novelist and legal scholar, “Why a Secret Court Won't Solve the Drone-Strike Problem,” Feb 16, <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>, CMR)

Finally, in time of war, there will be occasions when a target emerges and decisions must be made too quickly for even a secret court proceeding. And thus the "drone court" would not be able to rule on some cases; an ambitious president could find many exceptions. In addition, an ambitious executive might also use the secret court as a means to extend the drone-strike authority beyond actions in time of authorized military action. With such a review mechanism in place, the argument might go, there's no danger in ceding the president's authority to use drones against enemies not so designated by Congress.

#### Weak drones court standards ensures

Marcy – 2/15/13, BA Amherst College, PhD program Michigan, Department of Pre-Crime, Part 3: What Law Would the Drone (and/or Targeted Killing) Court Interpret?, http://www.emptywheel.net/2013/02/15/department-of-pre-crime-part-3-what-law-would-the-drone-andor-targeted-killing-court-interpret/#sthash.5iwHrHQW.dpufhttp://www.emptywheel.net/2013/02/15/department-of-pre-crime-part-3-what-law-would-the-drone-andor-targeted-killing-court-interpret/

I’ve been writing about the nascent plan, on the part of a few Senators who want to avoid hard decisions, to establish a FISA Court to review Drone (and/or Targeted Killings) of American citizens. A number of people presumably think it’d be easy. Just use the AUMF — which authorizes the President “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States” — and attach some kind of measure of the seriousness of the threat, and voila! Rubber-stamp to off an American. And while that may while be how it would work in practice, even assuming the reviews would be halfway as thorough as the Gitmo habeas cases (with the selective presumption of regularity for even obviously faulty intelligence reports adopted under Latif, as well as the “military age male” standard adopted under Uthman, habeas petitions are no longer all that meaningful), that would still mean the Executive could present any laughably bad intelligence report showing a military aged male was hanging around baddies to be able to kill someone. The Gitmo habeas standard would have authorized the killing of Abdulrahman al-Awlaki, in spite of the fact that no one believes he was even a member of AQAP. Then there’s the problem introduced by the secrecy of the Drone (and/or Targeted Kiling) Court. One of the several main questions at issue in US targeted killings has always been whether the group in question (AQAP, in the case of Anwar al-Awlaki, which didn’t even exist on 9/11) and the battlefield in question (Yemen, though the US is one big question) is covered by the AUMF. Congress doesn’t even know the answers to these questions. The Administration refuses to share a list of all the countries it has already used lethal counterterrorism authorities in. So ultimately, on this central issue, the Drone (and/or Targeted Killing) Court would have no choice but to accept the Executive’s claims about where and with whom we’re at war, because no list exists of that, at least not one Congress has bought off on.

### 2nc #2 Signing statement

#### Signing statements makes the aff meaningless—destroys the aff’s clarity and signal—AND causes a huge fight

Jeffrey Crouch, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

**Signing statements become objectionable** when a president attempts to transform statutory authority and circumvent the rule of law. To be sure, a president may find that certain provisions of legislative enactments violate executive authority or principles of separation of powers. Such weighty issues are appropriate for resolution through a process of deliberation and accommodation between the political branches or, if not settled in that fashion, through the courts. However, **signing statements do not,** as some suggest, **start a productive dialogue** (Ostrander and Sievert 2013b, 60). Instead, they invite interbranch conflict and encourage additional acts of presidential unilateralism. From Andrew Jackson through Obama's 2009 objection to various provisions of the Supplemental Appropriations Act, **signing statements have resulted in unnecessary battles between the branches**. Members of Congress often object to signing statements because the presence of one sometimes means that the administration is attempting to settle a policy debate without legislative input. The proper time to exchange views is during the legislative process, which takes place before a bill is submitted to the president to sign. Presidents often make deals with members of Congress on legislation in order to secure its passage. In 2009, President Obama did just that. In the process of convincing Congress to pass a funding measure for the International Monetary Fund and the World Bank “Obama agreed to allow the Congress to set conditions on how the money would be spent” and to attach a reporting requirement provision. However, the president turned around and issued a signing statement arguing that those restrictions would “interfere with my constitutional authority to conduct foreign relations.” Congress was not happy. Representative Barney Frank (D-MA) wrote to the president and accused him of breaking his word. The House even passed a bill that barred funding of the president's challenges (Kelley 2012, 11-12). Instead of encouraging dialogue and political accommodations, **such actions by presidents actually short circuit the free exchange of ideas and poison relations with Congress, including lawmakers of the president's own party**. **If a proposed statute** so clearly **violates** what the president views as vital **constitutional principles, then he has an obligation to veto it. He should not agree to the provisions during the legislative process and then turn around and effectively challenge them**. Not only does this approach increase distrust and promote greater polarization on Capitol Hill, but it also goes against the text of the Constitution. Nowhere in Article I or Article II does the Constitution provide line-item veto authority to the chief executive. As George Washington explained, “From the nature of the constitution I must approve all the parts of a bill, or reject it in toto” (Washington 1889-93, XII, 327). Even if a president makes constitutional objections during the lawmaking process, such protests do not make credible his actions of signing a bill and later challenging certain provisions through a signing statement. As Representative Frank remarked, presidents “have a legitimate right to tell us their constitutional concerns—that's different from having a signing statement.” However, he explained that “Anyone who makes the argument that ‘once we have told you we have constitutional concerns and then you pass it anyway, that justifies us in ignoring it'—that is a constitutional violation. Those play very different roles and you can't bootstrap one into the other” (Savage 2010). Louis Fisher cuts to the core of the problem with constitutional signing statements that purport to nullify statutory provisions. He argues that such **statements** “**encourage the belief that the law is not what Congress puts in public law but what the administration decides to do later on.”** Continuing, Fisher notes that “if the volume of signing statements gradually replaces Congress-made law with **executive-made law** and treats a statute as a mere starting point on what executive officials want to do, the threat to the rule of law is grave” (Fisher 2007, 210). We agree. It is unilateral presidential decision making itself that in this context strikes a serious blow against the core principles of separation of powers. Another problem with constitutional **signing statements** is that **they generally** lack clarity and precision**, which greatly hinders the idea that they could be used to help facilitate a dialogue** between a president and Congress in the first place (Fisher 2007, 210). As noted earlier, **signing statements are** often **crafted in a world of doublespeak** **where words are distorted to** create confusion, and ambiguity **is preferred in order to muddle the president's true intent**. President Bush received frequent criticism for his vague statements. Likewise, as Christopher Kelley explained, “there are numerous instances where **Obama's signing statements resort to the vagaries seen in the Bush signing statements, where it becomes difficult to discern** precisely **what is being challenged or why”** (2012, 10). The benefits of the obfuscating language are clear. **Even when a president intends to ignore a statutory provision, there will be sufficient confusion** among reporters, scholars, members of Congress, **and certainly the public to prevent any kind of universal response**. Consider, for example, President Obama's April 15, 2011, signing statement dealing with the provision to cut off funding for certain czar positions within the White House. In his analysis of that statement, presidential scholar Robert J. Spitzer argued that it merely “expresses displeasure, not disobedience to the law” (2012, 11). Two of us took the opposite view and declared that the president's statement “effectively nullified” the anti-czars provision (Sollenberger and Rozell 2011, 819). **If scholars can disagree about the intended meaning of presidential signing statements, it is doubtful that a layperson can clearly discern the president's intentions**.

#### those let Obama do the opposite of the aff

Laurie L. Rice, Assistant Professor, Political Science, Southern Illinois University, “Statements of Power: Presidential Use of Statements of Administration Policy and Signing Statements in the Legislative Process,” PRESIDENTIAL STUDIES QUARTERLY v. 40 n. 4, 12—10, pp. 686-707.

The statements of power, both signing statements and Statements of Administration Policy, discussed in this paper can be particularly potent. Presidents may use these formal communications to assert policies different from those contained in the bills they sign into law. From a president's perspective, these documents offer great promise in asserting power. Presidents may eschew a veto of an entire bill with a few objectionable provisions for the more precisely targeted signing statement. As critics have charged, presidents can use signing statements to pick and choose which provisions of the laws they sign they intend to disregard, as long as they can link them to constitutional concerns. Sometimes they do not even inform Congress which of the bill's specific provisions will be reinterpreted—the signing statement only announces that it will occur. At times, Congress passes laws that contain clearly unconstitutional provisions, such as one-chamber or committee-only legislative vetoes ruled unconstitutional by the Supreme Court. At other times, the constitutional concerns raised by presidents may be a stretch at best. As the opening vignette suggests, presidents could use these to sign what they cannot afford politically to veto, while essentially striking out the objectionable provisions, and only reserve vetoes for what they cannot afford politically to sign. George H. W. Bush may have done this with his veto of the first civil rights bill passed by Congress and then his signing statement attached to the 1991 Civil Rights Act (Kelley 2003).

### 2nc AFF signal Cant Solve – Solvency D

#### Compliance is the only way to send the signal

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, [www.foreignpolicy.com/articles/2012/12/03/obamas\_moment](http://www.foreignpolicy.com/articles/2012/12/03/obamas_moment) gender edited

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. [S]he is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -- for better or for worse -- as the authentic voice of America.¶ To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when [s]he speaks and then decisively acts for America.¶ This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

### 2nc Crisis Rollback

#### None of your evidence assumes crisis-mode—no one will remember the plan then

Young, Purdue associate fellow, 2013

(Laura, “Unilateral Presidential Policy Making and the Impact of Crises”, Presidential Studies Quarterly, 43.2, JSTOR,)

During periods of crisis, the time available to make decisions is limited. Because the decision-making process is often arduous and slow in the legislative branch, it is not uncommon for the executive branch to receive deference during a crisis because of its ability to make swift decisions. The White House centralizes policies during this time, and presidents seize these opportunities to expand their power to meet policy objectives. Importantly, presidents do so with limited opposition from the public or other branches of government (Howell and Kriner 2008). In fact, despite the opposition presidents often face when centralizing policies, research shows policies formulated via centralized processes during times of crisis receive more support from Congress and the American people (Rudalevige 2002, 148-49). For several reasons, a crisis allows a president to promote his agenda through unilateral action. First, a critical exogenous shock shifts attention and public opinion (Birkland 2004, 179). This shift is a phenomenon known as the “rally round the flag” effect (Mueller 1970). The rally effect occurs because of the public's increase in “its support of the president in times of crisis or during major international events” (Edwards and Swenson 1997, 201). Public support for the president rises because he is the leader and, therefore, the focal point of the country to whom the public can turn for solutions. Additionally, individuals are more willing to support the president unconditionally during such times, hoping a “united front” will increase the chance of success for the country (Edwards and Swenson 1997, 201). As a result, a crisis or focusing event induces an environment that shifts congressional focus, dispels gridlock and partisanship, and increases positive public opinion—each of which is an important determinant for **successful expansion of presidential power** (Canes-Wrone and Shotts 2004; Howell 2003). In other words, a crisis embodies key elements that the institutional literature deems important for presidential unilateral policy making. The president's ability to focus attention on a particular issue is also of extreme importance if he wishes to secure support for his agenda (Canes-Wrone and Shotts 2004; Edwards and Wood 1999; Howell 2003; Neustadt 1990). The role the media play is pivotal in assisting a president in achieving such a result because of its ability to increase the importance of issues influencing the attention of policy makers and the priorities of viewers. Although it is possible a president can focus media attention on the policies he wishes to pursue through his State of the Union addresses or by calling press conferences, his abilities in this regard are limited, and the media attention he receives is typically short lived (Edwards and Wood 1999, 328-29). High-profile events, on the other hand, are beneficial because they allow the president to gain focus on his agenda. This occurs because the event itself generates attention from the media without presidential intervention. Thus, the ability of crises to set the agenda and shift media and public attention provides another means for overcoming the constraints placed upon the president's ability to act unilaterally. Finally, Rudalevige finds support that a crisis increases the success of presidential unilateral power even if the policy process is centralized. A crisis allows little time to make decisions. As a result, “the president and other elected officials are under pressure to ‘do something’ about the problem at hand” (2002, 89, 148). Because swift action is necessary, presidents rely on in-house advice. As a result, the policy formation process is centralized, and the president **receives deference** to unilaterally establish policies to resolve the crisis. During a crisis, the president has greater opportunity to guide policy because the event helps him **overcome the congressional and judicial obstacles** that typically stand in his way.2 This affords the president greater discretion in acting unilaterally (Wildavsky 1966). It is possible the institutional make-up of the government will align so that the president will serve in an environment supportive of his policy decisions. It is also likely a president will have persuasive powers that enable him to gain a great deal of support for his policy agenda. An event with the right characteristics, however, enhances the president's ability to act unilaterally, regardless of the institutional make-up of government or his persuasive abilities.

### 2nc offense – turns case

#### This is offense – constraints embolden the president

Ryan J. Barilleaux, Professor, Political Science and Christopher S. Kelley, Lecturer, Political Science, Miami University, THE UNITARY EXECUTIVE AND THE MODERN PRESIDENCY, 2010, p. 225-226.

Congress, following the logic of Daniel Patrick Moynihan's "Iron Law of Emulation" (which holds that what one branch of government does will be emulated by another), responded to the enlargement of the presidency and its powers by undertaking a number of actions in the 1970s to enable itself to be a more active and assertive player in the making of national policy.11 It gave itself a large professional staff, reformed its budget process, developed tools for more oversight of the executive, passed legislation to gain more information about the conduct of foreign policy and influence over it (the Case-Zablocki Act, the War Powers Resolution, and other laws), and at times acted aggressively to challenge presidential policy (in the mid-1970s and again in the late 1990s and after the 2006 midterm elections). In less than forty years, Congress has moved toward impeaching one president (Nixon, whom it ultimately drove from office), legislated an end to the Vietnam War, prohibited American intervention in the civil war in Angola (1975), impeached another president (Clinton), shut down the government in a duel with the White House over the federal budget (1995), investigated the Iran-Contra affair and other incidents, passed a bill to require a timetable for withdrawing U.S. forces from Iraq (2007), tried several times to bring the president to heel on the use of force, and balked when the Bush administration tried to have its first financial industry bailout plan passed summarily in 2008. These and other incidents have made the legislature a full player in the separated system of American government, but they have also stimulated presidents to seek greater autonomy from legislative constraints. The unilateral presidency is the result of this stimulation. Barack Obama follows in this line of presidents seeking to accomplish something in office and feeling the urgency of their task. In his victory speech on election night in 2008, he told the assembled crowd that "this is our time—to put our people back to work and open doors of opportunity for our kids; to restore prosperity and promote the cause of peace; to reclaim the American Dream and reaffirm that fundamental truth—that out of many, we are one; that while we breathe, we hope, and where we are met with cynicism, and doubt, and those who tell us that we can't, we will respond with that timeless creed that sums up the spirit of a people: Yes We Can."12 There is no reason to think that he or any subsequent president will be passive in the conduct of office. Congressional responses to executive unilateralism will be too late *and too strong* andwill *in turn* stimulate a new round of executive assertiveness*.* In the 1960s and 1970s Congress bridled at the growth of presidential power but acquiesced to it until legislators finally decided that they had seen enough. Beginning in the mid-1970s, Congress reacted with a spate of president-curbing legislation (the War Powers Resolution, the CaseZablocki Act, the Budget and Impoundment Act), the near-impeachment of Richard Nixon, a legislated end to the Vietnam War, an investigation of the CIA, and other actions to restrict presidential autonomy. The consequence, to some extent described in this volume, was the rise of executive unilateralism as a way to circumvent Congress.