## 1AC Texas Round 5

### Plan

#### The United States federal government should limit the President's war powers authority to assert, on behalf of the United States, immunity from judicial review by establishing a cause of action allowing civil suits brought against the United States by those unlawfully injured by targeted killing operations, their heirs, or their estates in security cleared legal proceedings.

### Advantage 1 is Accountability

#### Accountability mechanisms that constrain the executive prevent drone overuse in Pakistan and Yemen

Benjamin R. Farley 12, JD from Emory University School of Law, former Editor-in-Chief of the Emory International Law Review, “Drones and Democracy: Missing Out on Accountability?” Winter 2012, 54 S. Tex. L. Rev. 385, lexis

Effective accountability mechanisms constrain policymakers' freedom to choose to use force by increasing the costs of use-of-force decisions and imposing barriers on reaching use-of-force decisions. The accountability mechanisms discussed here, when effective, reduce the likelihood of resorting to force (1) through the threat of electoral sanctioning, which carries with it a demand that political leaders explain their resort to force; (2) by limiting policymakers to choosing force only in the manners authorized by the legislature; and (3) by requiring policymakers to adhere to both domestic and international law when resorting to force and demanding that their justifications for uses of force satisfy both domestic and international law. When these accountability mechanisms are ineffective, the barriers to using force are lowered and the use of force becomes more likely.¶ Use-of-force decisions that avoid accountability are problematic for both functional and normative reasons. Functionally, accountability avoidance yields increased risk-taking and increases the likelihood of policy failure. The constraints imposed by political, supervisory, fiscal, and legal accountability "make[] leaders reluctant to engage in foolhardy military expeditions... . If the caution about military adventure is translated into general risk-aversion when it comes to unnecessary military engagements, then there will likely be a distributional effect on the success rates of [democracies]." n205 Indeed, this result is predicted by the structural explanation of the democratic peace. It also explains why policies that rely on covert action - action that is necessarily less constrained by accountability mechanisms - carry an increased risk of failure. n206 Thus, although accountability avoidance seductively holds out the prospect of flexibility and freedom of action for policymakers, it may ultimately prove counterproductive.¶ In fact, policy failure associated with the overreliance on force - due at least in part to lowered barriers from drone-enabled accountability avoidance - may be occurring already. Airstrikes are deeply unpopular in both Yemen n207 and Pakistan, n208 and although the strikes have proven critical [\*421] to degrading al-Qaeda and associated forces in Pakistan, increased uses of force may be contributing to instability, the spread of militancy, and the failure of U.S. policy objectives there. n209 Similarly, the success of drone [\*422] strikes in Pakistan must be balanced against the costs associated with the increasingly contentious U.S.-Pakistani relationship, which is attributable at least in part to the number and intensity of drone strikes. n210 These costs include undermining the civilian Pakistani government and contributing to the closure of Pakistan to NATO supplies transiting to Afghanistan, n211 thus forcing the U.S. and NATO to rely instead on several repressive central Asian states. n212 Arguably the damage to U.S.-Pakistan relations and the destabilizing influence of U.S. operations in Yemen would be mitigated by fewer such operations - and there would be fewer U.S. operations in both Pakistan and Yemen if U.S. policymakers were more constrained by use-of-force accountability mechanisms.¶ From a normative perspective, the freedom of action that accountability avoidance facilitates represents the de facto concentration of authority to use force in the executive branch. While some argue that such concentration of authority is necessary or even pragmatic in the current international environment, 168 it is anathema to the U.S. constitutional system. Indeed, the founding generation’s fear of foolhardy military adventurism is one reason for the Constitution’s diffusion of use-of-force authority between the Congress and the President. 169 That generation recognized that a President vested with an unconstrained ability to go to war is more likely to lead the nation into war.

#### Judicial review is key to prevent mistakes – executive targeting decisions are inevitably flawed and violent

Ahmad Chehab 12, Georgetown University Law Center, “RETRIEVING THE ROLE OF ACCOUNTABILITY IN THE TARGETED KILLINGS CONTEXT: A PROPOSAL FOR JUDICIAL REVIEW,” March 30 2012, abstract available at http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572

The practical, pragmatic justification for the COAACC derives largely from considering social psychological findings regarding the skewed potential associated with limiting unchecked decision-making in a group of individuals. As an initial point, psychologists have long pointed out how individuals frequently fall prey to cognitive illusions that produce systematic errors in judgment.137 People simply do not make decisions by choosing the optimal outcome from available alternatives, but instead employ shortcuts (i.e., heuristics) for convenience.138 Cognitive biases like groupthink can hamper effective policy deliberations and formulations.139 Groupthink largely arises when a group of decision-makers seek conformity and agreement, thereby avoiding alternative points of view that are critical of the consensus position.140 This theory suggests that some groups—particularly those characterized by a strong leader, considerable internal cohesion, internal loyalty, overconfidence, and a shared world view or value system—suffer from a deterioration in their capacity to engage in critical analysis.141 Many factors can affect such judgment, including a lack of crucial information, insufficient timing for decision-making, poor judgment, pure luck, and/or unexpected actions by adversaries.142 Moreover, decision-makers inevitably tend to become influenced by irrelevant information,143 seek out data and assessments that confirm their beliefs and personal hypotheses notwithstanding contradictory evidence,144 and “[i]rrationally avoid choices that represent extremes when a decision involves a trade-off between two incommensurable values.”145 Self-serving biases can also hamper judgment given as it has been shown to induce well-intentioned people to rationalize virtually any behavior, judgment or action after the fact.146 The confirmation and overconfidence bias, both conceptually related to groupthink, also result in large part from neglecting to consider contradictory evidence coupled with an irrational persistence in pursuing ideological positions divorced from concern of alternative viewpoints.147¶ Professor Cass Sunstein has described situations in which groupthink produced poor results precisely because consensus resulted from the failure to consider alternative sources of information.148 The failures of past presidents to consider alternative sources of information, critically question risk assessments, ensure neutral-free ideological sentiment among those deliberating,149 and/or generally ensure properly deliberated national security policy has produced prominent and devastating blunders,150 including the Iraq War of 2003,151 the Bay of Pigs debacle in the 1960’s,152 and the controversial decision to wage war against Vietnam.153¶ Professor Sunstein also has described the related phenomenon of “group polarization,” which includes the tendency to push group members toward a “more extreme position.”154 Given that both groupthink and group polarization can lead to erroneous and ideologically tainted policy positions, the notion of giving the President unchecked authority in determining who is eligible for assassination can only serve to increase the likelihood for committing significant errors.155 The reality is that psychological mistakes, organizational ineptitude, lack of structural coherence and other associated deficiencies are inevitable features in Executive Branch decision-making.¶ D. THE NEED FOR ACCOUNTABILITY CHECKS¶ To check the vices of groupthink and shortcomings of human judgment, the psychology literature emphasizes a focus on accountability mechanisms in which a better reasoned decision-making process can flourish.156 By serving as a constraint on behavior, “accountability functions as a critical norm-enforcement mechanism—the social psychological link between individual decision makers on the one hand and social systems on the other.”157 Such institutional review can channel recognition for the need by government decision-makers to be more self-critical in policy targeted killing designations, more willing to consider alternative points of view, and more willing to anticipate possible objections.158 Findings have also shown that ex ante awareness can lead to more reasoned judgment while also preventing tendentious and ideological inclinations (and political motivations incentivized and exploited by popular hysteria and fear).159¶ Requiring accounting in a formalized way prior to engaging in a targeted killing—by providing, for example, in camera review, limited declassification of information, explaining threat assessments outside the immediate circle of policy advisors, and securing meaningful judicial review via a COAACC-like tribunal—can promote a more reliable and informed deliberation in the executive branch. With process-based judicial review, the COAACC could effectively reorient the decision to target individuals abroad by examining key procedural aspects—particularly assessing the reliability of the “terrorist” designation—and can further incentivize national security policy-makers to engage in more carefully reasoned choices and evaluate available alternatives than when subject to little to no review.

#### Scenario 1 is Yemen

#### Overuse of targeted killings in Yemen strengthens AQAP and fuels instability

Danielle Wiener-Bronner 12/13/13, staff writer at the Wire and former Web Editor for Reuters, “Latest Drone Strikes Shows How U.S. Strategy in Yemen Is Backfiring,” http://www.thewire.com/global/2013/12/yemen-drones/356111/

Targeted drone killings are defended by the United States as means to combat al-Qaeda in the most effective way possible. If attacks are carried out correctly, they should minimize civilian casualties, eliminate risk to our own forces, and remove dangerous militant operatives, ideally dismantling terrorist groups from a safe distance.¶ But if the attacks are not carried out correctly, as they often aren't, the results can backfire, which is exactly what's been happening in Yemen, according to Reuters: ¶ Tribal leaders, who have a lot of influence within Yemen's complex social structure, warn of rising sympathy for al Qaeda. Awad Ahmed Mohsen from Majallah, a southern village hit by a drone strike that killed dozens in 2009, told Reuters that America had brought hatred with its drones. Asked if more people joined al Qaeda in the wake of attacks that killed civilians, Mohsen said: "Definitely. And even those who don't join, now sympathize with al Qaeda because of these strikes, these violations. Any American they see, they exact revenge, even if it's a civilian."¶ On Thursday, 14 Yemeni civilians were killed by a U.S. drone strike that mistakenly targeted a wedding convoy, according to Yemeni national security officials. Another official, however, said AQAP militants may have been traveling with the wedding party, but in either case it seems that civilians were not the original targets have been killed. The CIA didn't comment on the strike, per standard procedure. The attack threatens to undo the U.S.'s efforts to scale back its drone program, while making it more palatable to the countries it affects.¶ Reuters reports that al-Qaeda in the Arabian Peninsula (AQAP) has started traveling in smaller groups to avoid the aerial strikes, which may actually make it more difficult to track their motions. And the strikes are angering some Sunni Muslims upset about strikes that kill their supporters, rather than anti-government Shi'ite rebels, fueling sectarian tensions which are already high in the region.¶ If those killed in this week's attack are confirmed to be civilians, according to the Associated Press, it could mean a surge of anti-American sentiment in Yemen: ¶ Civilian deaths have bred resentments on a local level, sometimes undermining U.S. efforts to turn the public against the militants. The backlash in Yemen is still not as large as in Pakistan, where there is heavy pressure on the government to force limits on strikes — but public calls for a halt to strikes are starting to emerge.¶ In May, President Obama promised to increase transparency on the drone strike program and enhance guidelines on their use. But the Bureau of Investigative Journalism found in November that the six months following Obama's speech actually saw an increase of drone strike casualties in Yemen and Pakistan. ¶ Human Rights Watch and Amnesty International reported in October that civilian casualties of drone strikes are higher than the U.S. admits. Around the same time, a U.N. human rights investigator said 400-600 of the 2,200 people killed by drones in the past decade were noncombatants. And in 2012, reports emerged that the Yemeni government works to help the U.S. hide it deadly errors. ¶ Data on drone strikes, like all counter-terrorism efforts, is necessarily shrouded in mystery, making it difficult to measure success. But if drone strikes continue to indiscriminately kill civilians, moderates in Yemen may be driven towards more extremist positions. Even governments working with Washington to coordinate the strikes could turn against the U.S. if drone casualties are not scaled back or eliminated.

#### Yemen instability undercuts the effectiveness of Middle East arms control measures---has global ripple effects

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Yemen’s ongoing domestic crisis has profound regional and global implications. This is due to the country’s unique combination of a geostrategically sensitive location, the stubborn weakness of state institutions, linkages with transnational terrorism, a prominent role in the regional weapons market, and, crucially, the suspected existence and use of nerve gas. These inter- related challenges might constitute a serious impediment to the short-term success and long-term sustainability of the Middle East Conference (MEC). This gathering on the establishment of a regional zone free of weapons of mass destruction (WMD) and their delivery vehicles (DVs) was mandated by the 2010 Review Conference of the Nuclear Non-Proliferation Treaty (NPT). In this context, Yemen’s ongoing domestic crisis thus requires urgent attention by policy-makers in the region and beyond.¶ The Importance of Yemen in the Context of the Middle East Conference¶ While in a geographical and political sense Yemen is far from being a central actor in the envisioned MEC, its political future could easily shape the gathering on several levels. First, the Middle East Conference aims at establishing a WMD/DVs Free Zone. On the one hand, Yemen is a party to all three legal documents banning weapons of mass destruction: the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention (BTWC), and the Chemical Weapons Convention (CWC). In addition, Sana’a has embraced the Gulf Cooperation Council’s (GCC) call for a Gulf WMD Free Zone, independent of Israeli nuclear policy. On the other hand, when it comes to the problématique of WMD and proliferation, Yemen might store chemical weapons, depending on whether rumors about the use of nerve gas against anti- government protesters in early 2011 turn out to be true. In addition, Yemen imported various WMD-capable aircraft and missiles and probably still operates most of them (see Table No. 1). In the aircraft realm, Yemeni decision-makers from the North, the South, and the unified country alike have mostly received Soviet/Russian fighter jets and bombers. 1¶ The current level of instability and the threat of further deterioration could thus spoil any serious arms control effort in Yemen. This is particularly troublesome since the country, given its history and affiliation with the Arab League, will have to be part of far-reaching regional disarmament initiatives. The prospect of an Arab state with an uncontrolled chemical arsenal is likely to affect Israeli and Iranian calculations with regard to the MEC. Both states are suspicious of the Arab League and tensions between Iran and Saudi Arabia, which is particularly influential in Yemen, have recently worsened. ¶ Second, with a long history as one of the region’s eminent weapons markets, Yemen has the potential to serve as a major gateway for illicit weapons, both conventional and unconventional, entering the Arab peninsula and other parts of the Arab East. If the situation escalates, states with an interest in such technology might, for instance, try to obtain missiles and their spare parts or attempt to gain access to sensitive material from the country’s suspected chemical warheads. This could contribute to the proliferation of delivery systems as well as WMD thereby undermining the MEC. In 2011, protesters seized an army base in Sana’a, while Al-Qaeda in the Arab Peninsula (AQAP) has, on a frequent basis, been able to temporarily control several cities and launch deadly assaults on military bases in the southern province of Abyan. Such developments could offer AQAP the chance to use existing dual-use laboratories or even to build their own facilities capable of producing biological and chemical material in remote areas under their control.¶ Third, Yemen has the potential to play a more prominent role in the ongoing tensions between Saudi Arabia and Iran. Riyadh has a long history of attempts to shape the course of political events in Yemen with which it shares a 1,800 km-long border. Saudi Arabia’s different reactions to domestic calls for change in Bahrain and Syria have made clear that it is viewing the ‘Arab Spring’ primarily through the lens of its long-running conflict with Iran. From a Saudi point of view, instability in Yemen opens up the specter of increased Iranian influence at a time when Tehran’s foothold in the Arab world’s northern tier comes under strain in the context of the popular uprising against the Assad regime in Syria.¶ Fourth, a number of narrowly foiled terrorist attacks on U.S. targets and the 2009 Fort Hood shooting in Texas have shifted global attention towards Yemen’s status as the home to Al-Qaeda in the Arab Peninsula. Continuing instability in Yemen allows AQAP to regroup and pose a direct threat to the security of Saudi Arabia and other countries on the Arab peninsula. It also puts AQAP into a position to intensify its support for the ‘home-grown’ attempted terrorist attacks the United States has witnessed over the last couple of years. In short, Yemen’s instability has the potential to allow transnational actors to undermine the security arrangements which the region’s state actors might contemplate as part of the envisioned MEC.

#### Arms control is key to prevent extinction

Harold Müller 2k, Director of the Peace Research Institute-Frankfurt and Professor of International Relations at Goethe University, “Compliance Politics: A Critical Analysis of Multilateral Arms Control Treaty Enforcement”, The Nonproliferation Review, 7(2), Summer 2000

In this author's view,3 at least four distinct missions continue to make arms control, disarmament, and nonproliferation agreements useful, even indispensable parts of a stable and reliable world security structure: • As long as the risk of great power rivalry and competition exists—and it exists today—constructing barriers against a degeneration of this competition into major violence remains a pivotal task of global security policy. Things may be more complicated than during the bipolar age since asymmetries loom larger and more than one pair of competing major powers may exist. With overlapping rivalries among these powers, arms races are likely to be interconnected, and the stability of any one pair of rivals might be affected negatively by developments in other dyads. Because of this greater risk of instability, the increased political complexity of the post-bipolar world calls for more rather than less arms control. For these competitive relationships, stability or stabilization remains a key goal, and effectively verified agreements can contribute much to establish such stability. • Arms control also has a role to play in securing regional stability. At the regional level, arms control agreements can create balances of forces that reassure regional powers that their basic security is certain, and help build confidence in the basically non-aggressive policies of neighbors. Over time, a web of interlocking agreements may even create enough of a sense of security and confidence to overcome past confrontations and enable transitions towards more cooperative relationships. • At the global level, arms limitation or prohibition agreements, notably in the field of weapons of mass destruction, are needed to ban existential dangers for global stability, ecological safety, and maybe the very survival of human life on earth. In an age of increasing interdependence and ensuing complex networks that support the satisfaction of basic needs, international cooperation is needed to secure the smooth working of these networks. Arms control can create underlying conditions of security and stability that reduce distrust and enable countries to commit themselves to far-reaching cooperation in other sectors without perceiving undesirable risks to their national security. Global agreements also affect regional balances and help, if successful, to reduce the chances that regional conflicts will escalate. Under opportune circumstances, the normative frameworks that they enshrine may engender a feeling of community and shared security interests that help reduce the general level of conflict and assist in ushering in new relations of global cooperation.

#### Strengthened AQAP undermines the Saudi regime

Colonel Hassan Abosaq 12, US Army War College, master of strategic studies degree candidate, 2012, "The Implications of Unstable on Saudi Arabia," Strategy Research Project, www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA560581

AQAP has been vociferous in its opposition to the Saudi regime, and is likely to continue targeting the Kingdom, particularly its oil installations and members of the royal family. In August 2009, an AQAP member attempted to assassinate Prince Mohammed bin Naif, the Saudi Assistant Interior Minister for security affairs. The prince’s attacker was trained in and launched his attack from Yemen, confirming to the Saudis that instability in Yemen poses a security threat to Saudi Arabia. A strengthened AQAP in Yemen is certain to try to put pressure on Saudi Arabia and to strike Saudi targets. AQAP’s military chief, Qasin al-Raymi, warned the Saudi Leadership in July 2011 that they are still regarded as apostates. And he specifically placed King Abdullah, the late Crown Prince Sultan, Interior Minister Prince Naif, and his son Mohammed Bin Naif on the target list.21 In March 2010, Saudi Arabia foiled several planned attacks on oil installation with the arrest of more than 100 suspected al-Qaeda militants. The arrests included 47 Saudis, 51 Yemenis, a Somali, a Bangladeshi, and an Eritrean.22 The wider domestic strife in Yemen has provided AQAP with some breathing space. More worrisome for Saudi Arabia is the increased lawlessness within Yemen. Not only does this provide the space that al-Qaeda needs to regroup, train, recruit, but it also deflects the state resources away from counterterrorism operations. Saudi Arabia has for years been working to infiltrate al-Qaeda in its unstable neighbor to south, Yemen. Saudi Arabia has also been giving Yemen a great deal of assistance to counterterrorism and it is worrying to the Saudis to see all of that assistance diverted from the purposes for which it was intended. In June 2011, AQAP leaped into the security vacuum created by Yemen’s political volatility, and 63 al-Qaeda in the Arabian Peninsula fighters escaped from a Yemeni prison.23 This exemplifies how Yemeni instability emboldens this lethal al-Qaeda affiliate. As the Yemeni military consolidates its strength in an attempt to maintain state control and fight two insurgencies and oppress the protesters, AQAP has further expanded its safe haven in the country’s interior, further increasing their operational capacity. This organization has not only attacked police, foreigners, and diplomatic missions within the country, but also served as a logistic base for acts of terrorism abroad. Yemen also has become the haven for jihad militants not just from Yemen and Saudi Arabia, but from all over the world which includes some Arabs, Americans, Europeans, Africans and others. Al-Qaeda camps, where terrorists from all over the world train are also situated in Yemen. The growing anarchy and al-Qaeda presence could spill over into Saudi Arabia.

#### That destabilizes the Middle East

Anthony Cordesman 11, Arleigh A. Burke Chair in Strategy at CSIS, former director of intelligence assessment in the Office of the Secretary of Defense, former adjunct prof of national security studies at Georgetown, PhD from London University, Feb 26 2011, “Understanding Saudi Stability and Instability: A Very Different Nation,” http://csis.org/publication/understanding-saudi-stability-and-instability-very-different-nation

History scarcely means we can take Saudi stability for granted. Saudi Arabia is simply too critical to US strategic interests and the world. Saudi petroleum exports play a critical role in the stability and growth of a steadily more global economy, and the latest projections by the Department of Energy do not project any major reductions in the direct level of US dependence on oil imports through 2025.¶ Saudi Arabia is as important to the region’s security and stability as it is to the world’s economy. It is the key to the efforts of the Gulf Cooperation Council to create local defenses, and for US strategic cooperation with the Southern Gulf states. It plays a critical role as a counterbalance to a radical and more aggressive Iran, it is the source of the Arab League plan for a peace with Israel, and it has become a key partner in the war on terrorism. The US strategic posture in the Middle East depends on Saudi Arabia having a friendly and moderate regime.

#### Global nuke war

Primakov 9 [September, Yevgeny, President of the Chamber of Commerce and Industry of the Russian Federation; Member of the Russian Academy of Sciences; member of the Editorial Board of Russia in Global Affairs. This article is based on the scientific report for which the author was awarded the Lomonosov Gold Medal of the Russian Academy of Sciences in 2008, “The Middle East Problem in the Context of International Relations”]

The Middle East conflict is unparalleled in terms of its potential for spreading globally. During the Cold War, amid which the Arab-Israeli conflict evolved, the two opposing superpowers directly supported the conflicting parties: the Soviet Union supported Arab countries, while the United States supported Israel. On the one hand, the bipolar world order which existed at that time objectively played in favor of the escalation of the Middle East conflict into a global confrontation. On the other hand, the Soviet Union and the United States were not interested in such developments and they managed to keep the situation under control. The behavior of both superpowers in the course of all the wars in the Middle East proves that. In 1956, during the Anglo-French-Israeli military invasion of Egypt (which followed Cairo’s decision to nationalize the Suez Canal Company) the United States – contrary to the widespread belief in various countries, including Russia – not only refrained from supporting its allies but insistently pressed – along with the Soviet Union – for the cessation of the armed action. Washington feared that the tripartite aggression would undermine the positions of the West in the Arab world and would result in a direct clash with the Soviet Union. Fears that hostilities in the Middle East might acquire a global dimension could materialize also during the Six-Day War of 1967. On its eve, Moscow and Washington urged each other to cool down their “clients.” When the war began, both superpowers assured each other that they did not intend to get involved in the crisis militarily and that that they would make efforts at the United Nations to negotiate terms for a ceasefire. On July 5, the Chairman of the Soviet Government, Alexei Kosygin, who was authorized by the Politburo to conduct negotiations on behalf of the Soviet leadership, for the first time ever used a hot line for this purpose. After the USS *Liberty* was attacked by Israeli forces, which later claimed the attack was a case of mistaken identity, U.S. President Lyndon Johnson immediately notified Kosygin that the movement of the U.S. Navy in the Mediterranean Sea was only intended to help the crew of the attacked ship and to investigate the incident. The situation repeated itself during the hostilities of October 1973. Russian publications of those years argued that it was the Soviet Union that prevented U.S. military involvement in those events. In contrast, many U.S. authors claimed that a U.S. reaction thwarted Soviet plans to send troops to the Middle East. Neither statement is true. The atmosphere was really quite tense. Sentiments both in Washington and Moscow were in favor of interference, yet both capitals were far from taking real action. When U.S. troops were put on high alert, Henry Kissinger assured Soviet Ambassador Anatoly Dobrynin that this was done largely for domestic considerations and should not be seen by Moscow as a hostile act. In a private conversation with Dobrynin, President Richard Nixon said the same, adding that he might have overreacted but that this had been done amidst a hostile campaign against him over Watergate. Meanwhile, Kosygin and Foreign Minister Andrei Gromyko at a Politburo meeting in Moscow strongly rejected a proposal by Defense Minister Marshal Andrei Grechko to “demonstrate” Soviet military presence in Egypt in response to Israel’s refusal to comply with a UN Security Council resolution. Soviet leader Leonid Brezhnev took the side of Kosygin and Gromyko, saying that he was against any Soviet involvement in the conflict. The above suggests an unequivocal conclusion that control by the superpowers in the bipolar world did not allow the Middle East conflict to escalate into a global confrontation. After the end of the Cold War, some scholars and political observers concluded that a real threat of the Arab-Israeli conflict going beyond regional frameworks ceased to exist. However, in the 21st century this conclusionno longer conforms to the reality. The U.S. military operation in Iraq has changed the balance of forces in the Middle East. The disappearance of the Iraqi counterbalance has brought Iran to the fore as a regional power claiming a direct role in various Middle East processes. I do not belong to those who believe that the Iranian leadership has already made a political decision to create nuclear weapons of its own. Yet Tehran seems to have set itself the goal of achieving a technological level that would let it make such a decision (the “Japanese model”) under unfavorable circumstances. Israel already possesses nuclear weapons and delivery vehicles. In such circumstances, the absence of a Middle East settlement opens a dangerous prospect ofa nuclear collision in the region, which would have catastrophic consequences for the whole world**.** The transition to a multipolar world has objectively strengthened the role of states and organizations that are directly involved in regional conflicts, which increases the latter’s danger and reduces the possibility of controlling them. This refers, above all, to the Middle East conflict. The coming of Barack Obama to the presidency has allayed fears that the United States could deliver a preventive strike against Iran (under George W. Bush, it was one of the most discussed topics in the United States). However, fears have increased that such a strike can be launched *Yevgeny Primakov* 1 3 2 RUSSIA IN GLOBAL AFFAIRS VOL. 7 • No. 3 • JULY – SEPTEMBER• 2009 by Israel, which would have unpredictable consequences for the region and beyond. It seems that President Obama’s position does not completely rule out such a possibility.

#### Scenario 2 is Pakistan

#### Strikes in Pakistan will accelerate

Adam Entous 2/5, National Security Correspondent, Siobhan Gorman, Intelligence Correspondent, and Saeed Shah, Journalist covering Pakistan for The Wall Street Journal, “U.S. to Curb Pakistan Drone Program,” http://online.wsj.com/news/articles/SB10001424052702304450904579365112070806176

Under the new approach, U.S. officials have told their Pakistani counterparts that the CIA's drone campaign will be used to protect U.S. troops in Afghanistan until all of them are pulled out.¶ Top U.S. military commanders in Afghanistan have made clear in administration meetings that the CIA's drone fleet will be needed to protect U.S. forces at least until the end of this year, officials said.¶ If Afghanistan approves a security pact with the U.S. and the White House agrees to keep 10,000 American troops in Afghanistan for up to two additional years, then the CIA's so-called force protection strikes in Pakistan could continue until the troops are out of the country, officials said.¶ Top CIA officials told their administration counterparts as recently as last summer that they believed the CIA would be able to strike enough of the agency's targets to end the program in one to two years, especially if Pakistan's military intelligence services cooperate more closely with the agency.¶ But U.S. intelligence officials have been more cautious in recent weeks. U.S. officials now say high-level targets are harder to find than they were before.¶ In a congressional hearing last week, Mr. Obama's top intelligence adviser, Director of National Intelligence James Clapper, pointed to indications that al Qaeda has stepped up its measures to evade U.S. detection.¶ Some CIA officers are privately arguing for using the limited time window left before the coming U.S. troop withdrawal from Afghanistan to kill as many al Qaeda leaders as possible, officials said. That could result in an increase in drone strikes in Pakistan in the short term, depending on whether the CIA can pinpoint targets, the officials said.

#### Overuse of drones in Pakistan empowers militants and destabilizes the government

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>

The escalation of drone strikes in Pakistan to its current tempo—one every few days—directly contradicts the long-term American strategic goal of boosting the capacity and legitimacy of the government in Islamabad. Drone attacks are more than just temporary incidents that erase all traces of an enemy. They have lasting political effects that can weaken existing governments, undermine their legitimacy and add to the ranks of their enemies. These political effects come about because drones provide a powerful signal to the population of a targeted state that the perpetrator considers the sovereignty of their government to be negligible. The popular perception that a government is powerless to stop drone attacks on its territory can be crippling to the incumbent regime, and can embolden its domestic rivals to challenge it through violence. Such continual violations of the territorial integrity of a state also have direct consequences for the legitimacy of its government. Following a meeting with General David Petraeus, Pakistani President Asif Ali Zardari described the political costs of drones succinctly, saying that ‘continuing drone attacks on our country, which result in loss of precious lives or property, are counterproductive and difficult to explain by a democratically elected government. It is creating a credibility gap.’75 Similarly, the Pakistani High Commissioner to London Wajid Shamsul Hasan said in August 2012 that¶ what has been the whole outcome of these drone attacks is that you have directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government—when you pass a resolution against drone attacks in the parliament and nothing happens. The Americans don’t listen to you, and they continue to violate your territory.76¶ The appearance of powerlessness in the face of drones is corrosive to the appearance of competence and legitimacy of the Pakistani government. The growing perception that the Pakistani civilian government is unable to stop drone attacks is particularly dangerous in a context where 87 per cent of all Pakistanis are dissatisfied with the direction of the country and where the military, which has launched coups before, remains a popular force.77

#### Pakistan instability causes loose nukes and Indian intervention --- goes nuclear

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PhD in public and international affairs from Princeton, Apr 27 2005, “Dealing with the Collapse of a Nuclear-Armed State: The Cases of North Korea and Pakistan,” http://www.princeton.edu/~ppns/papers/ohanlon.pdf

Were Pakistan to collapse, it is unclear what the United States and like-minded states would or should do. As with North Korea, it is highly unlikely that “surgical strikes” to destroy the nuclear weapons could be conducted before extremists could make a grab at them. The United States probably would not know their location – at a minimum, scores of sites controlled by Special Forces or elite Army units would be presumed candidates – and no Pakistani government would likely help external forces with targeting information. The chances of learning the locations would probably be greater than in the North Korean case, given the greater openness of Pakistani society and its ties with the outside world; but U.S.-Pakistani military cooperation, cut off for a decade in the 1990s, is still quite modest, and the likelihood that Washington would be provided such information or otherwise obtain it should be considered small.¶ If a surgical strike, series of surgical strikes, or commando-style raids were not possible, the only option would be to try to restore order before the weapons could be taken by extremists and transferred to terrorists. The United States and other outside powers might, for example, respond to a request by the Pakistani government to help restore order. Given the embarrassment associated with requesting such outside help, the Pakistani government might delay asking until quite late, thus complicating an already challenging operation. If the international community could act fast enough, it might help defeat an insurrection. Another option would be to protect Pakistan’s borders, therefore making it harder to sneak nuclear weapons out of the country, while only providing technical support to the Pakistani armed forces as they tried to quell the insurrection. Given the enormous stakes, the United States would literally have to do anything it could to prevent nuclear weapons from getting into the wrong hands.¶ India would, of course, have a strong incentive to ensure the security of Pakistan’s nuclear weapons. It also would have the advantage of proximity; it could undoubtedly mount a large response within a week, but its role would be complicated to say the least. In the case of a dissolved Pakistani state, India likely would not hesitate to intervene; however, in the more probable scenario in which Pakistan were fraying but not yet collapsed, India’s intervention could unify Pakistan’s factions against the invader, even leading to the deliberate use of Pakistani weapons against India. In such a scenario, with Pakistan’s territorial integrity and sovereignty on the line and its weapons put into a “use or lose” state by the approach of the Indian Army, nuclear dangers have long been considered to run very high.

#### Extinction

Greg Chaffin 11, Research Assistant at Foreign Policy in Focus, July 8, 2011, “Reorienting U.S. Security Strategy in South Asia,” online: http://www.fpif.org/articles/reorienting\_us\_security\_strategy\_in\_south\_asia

A nuclear conflict in the subcontinent would have disastrous effects on the world as a whole. In a January 2010 paper published in Scientific American, climatology professors Alan Robock and Owen Brian Toon forecast the global repercussions of a regional nuclear war. Their results are strikingly similar to those of studies conducted in 1980 that conclude that a nuclear war between the United States and the Soviet Union would result in a catastrophic and prolonged nuclear winter, which could very well place the survival of the human race in jeopardy. In their study, Robock and Toon use computer models to simulate the effect of a nuclear exchange between India and Pakistan in which each were to use roughly half their existing arsenals (50 apiece). Since Indian and Pakistani nuclear devices are strategic rather than tactical, the likely targets would be major population centers. Owing to the population densities of urban centers in both nations, the number of direct casualties could climb as high as 20 million. ¶ The fallout of such an exchange would not merely be limited to the immediate area. First, the detonation of a large number of nuclear devices would propel as much as seven million metric tons of ash, soot, smoke, and debris as high as the lower stratosphere. Owing to their small size (less than a tenth of a micron) and a lack of precipitation at this altitude, ash particles would remain aloft for as long as a decade, during which time the world would remain perpetually overcast. Furthermore, these particles would soak up heat from the sun, generating intense heat in the upper atmosphere that would severely damage the earth’s ozone layer. The inability of sunlight to penetrate through the smoke and dust would lead to global cooling by as much as 2.3 degrees Fahrenheit. This shift in global temperature would lead to more drought, worldwide food shortages, and widespread political upheaval.

### Advantage 2 is Preventive War

#### US justifications for targeted killing will spill over to erode legal restraints on all violence and legitimize preventive war

Craig Martin 11, Associate Professor of Law at Washburn University School of Law, “Going Medieval: Targeted Killing, Self-Defence, and the Jus Ad Bellum Regime,” Ch 8 in TARGETED KILLINGS: LAW & MORALITY IN AN ASYMMETRICAL WORLD, p. 223, available at http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1956141

IV. The potential impact of the targeted killing policy on international law

The United States has been engaging in this practice of using drone-mounted missile systems to kill targeted individuals since at least 2002.98 An increasing number of countries have employed different methods of targeted killing that constitute a use of force under jus ad bellum.99 The evidence suggests that the United States intends to continue and indeed expand the program, and there is a growing body of scholarly literature that either defends the policy’s legality, or advocates adjustment in international law to permit such action. There is, therefore, a real prospect that the practice could become more widespread, and that customary international law could begin to shift to reflect the principles implicit in the U.S. justification and in accordance with the rationales developed to support it.¶ Some of the implications of such an adjustment in the jus ad bellum regime are obvious from the foregoing analysis. As discussed, there would be a rejection of the narrow principle of self-defense in favor of something much closer to the Grotian concept of defensive war, encompassing punitive measures in response to past attacks and preventative uses of force to halt the development of future threats. The current conditions for a legitimate use of force in self-defense, namely the occurrence or imminence of an armed attack, necessity, and proportionality, would be significantly diluted or abandoned. Not only the doctrine of self-defense, but other aspects of the collective security system would be relaxed as well. Harkening back to Grotian notions of law enforcement constituting a just cause for war, the adjusted jus ad bellum regime would potentially permit the unilateral use of force against and within states for the purpose of attacking NSAs as such, in effect to enforce international law in jurisdictions that were incapable of doing so themselves.100 This would not only further undermine the concept of self-defense, but would undermine the exclusive jurisdiction that the U.N. Security Council currently has to authorize the use of force for purposes of “law enforcement” under Chapter VII of the Charter. Thus, both of the exceptions to the Article 2(4) prohibition on the use of force would be expanded.¶ In addition, however, the targeted killing policy threatens to create other holes in the jus ad bellum regime. This less obvious injury would arise from changes that would be similarly required of the IHL regime, and the resulting modifications to the fundamental relationship between the two regimes. These changes could lead to a complete severance of the remaining connection between the two regimes. Indeed, Ken Anderson, a scholar who has testified more than once on this subject before the U.S. Congress,101 has advocated just such a position, suggesting that the United States should assert that its use of force against other states in the process of targeted killings, while justified by the right to self-defense, does not rise to such a level that it would trigger the existence of an international armed conflict or the operation of IHL principles.102 If customary international law evolved along such lines, reverting to gradations in the types of use of force the change would destroy the unity of the system comprised of the jus ad bellum and IHL regimes, and there would be legal “black holes” in which states could use force without being subject to the limitations and conditions imposed by the IHL regime.¶ The structure of Harold Koh’s two-pronged justification similarly implies a severance of this relationship between jus ad bellum and IHL, albeit in a different and even more troubling way. His policy justification consists of two apparently independent and alternative arguments—that the United States is in an armed conflict with Al Qaeda and associated groups; and that the actions are justified as an exercise of self-defense. The suggestion seems to be that the United States is entitled on either basis to use armed force not just against the individuals targeted, but also against states in which the terrorist members are located. In other words, the first prong of the argument is that the use of force against another sovereign state, for the purposes of targeting Al Qaeda members, is justified by the existence of an armed conflict with Al Qaeda. If this is indeed what is intended by the policy justification, it represents an extraordinary move, not just because it purports to create a new category of armed conflict (that is, a “transnational” armed conflict without geographic limitation),103 but because it also suggests that there need be no jus ad bellum justification at all for a use of force against another state. Rather, the implication of Koh’s rationale is that the existence of an armed conflict under IHL can by itself provide grounds for exemption from the prohibition against the threat or use of force under the jus ad bellum regime.¶ This interpretation of the justifications cannot be pressed too far on the basis of the language of Mr. Koh’s speech alone, which he hastened to explain at the time was not a legal opinion.104 The two justifications could be explained as being supplementary rather than independent and alternative in nature. But the conduct of the United States in the prosecution of the policy would appear to confirm that it is based on these two independent justifications.105 The strikes against groups and states unrelated to the 9/11 attacks could be explained in part by the novel idea that force can be used against NSAs as such, wherever they may be situated. But even assuming some sort of strict liability for states in which guilty NSAs are found, that explanation still does not entirely account for the failure to tie the use of force against the different groups to specific armed attacks launched by each such group. This suggests that the United States is also relying quite independently on the argument that it is engaged in an armed conflict with all of these groups, and that the existence of such an armed conflict provides an independent justification for the use of force against the states in which the groups may be operating.¶ While the initial use of force in jus ad bellum terms is currently understood to bring into existence an international armed conflict and trigger the operation of IHL, the changes suggested by the policy would turn this on its head, by permitting the alleged existence of a “transnational” armed conflict to justify the initial use of force against third states. Whereas the two regimes currently operate as two components of an overall legal system relating to war, with one regime governing the use of force and the other the conduct of hostilities in the resulting armed conflict, the move attempted by the U.S. policy would terminate these independent but inter-related roles within a single system, and expand the role and scope of IHL to essentially replace aspects of the jus ad bellum regime. This would not only radically erode the jus ad bellum regime’s control over the state use of force, but it could potentially undermine the core idea that war, or in more modern terms the use of force and armed conflict, constitutes a legal state that triggers the operation of special laws that govern the various aspects of the phenomenon. There is a risk of return to a pre-Grotian perspective in which “war” was simply a term used to describe certain kinds of organized violence, rather than constituting a legal institution characterized by a coherent system of laws designed to govern and constrain all aspects of its operation.¶ There is a tendency in the U.S. approach to the so-called “global war on terror” to cherry-pick principles of the laws of war and to apply them in ways and in circumstances that are inconsistent with the very criteria within that legal system that determine when and how it is to operate. This reflects a certain disdain for the idea that the laws of war constitute an internally coherent system of law.106 In short, the advocated changes to the jus ad bellum regime and to the relationship between it and the IHL regime, and thus to the laws of war system as a whole,107 would constitute marked departures from the trajectory the system has been on during its development over the past century, and would be a repudiation of deliberate decisions that were made in creating the U.N. system after the Second World War.108¶ The premise of my argument is not that any return to past principles is inherently regressive. A rejection of recent innovations in favor of certain past practices might be attractive to some in the face of new transnational threats. The argument here is not even to deny the idea that the international law system may have to adapt to respond to the transnational terrorist threat. The point, rather, is that the kinds of changes to the international law system that are implicit in the targeted killing policy, and which are advocated by its supporters, would serve to radically reduce the limitations and constraints on the use of force by states against states. The modern principles that are being abandoned were created for the purpose of limiting the use of force and thus reducing the incidence of armed conflict among nations. The rejection of those ideas and a return to older concepts relating to the law of war would restore aspects of a system in which war was a legitimate tool of statecraft, and international armed conflict was thus far more frequent and widespread.109¶ The entire debate on targeted killing is so narrowly focused on the particular problems posed by transnational terrorist threats, and how to manipulate the legal limitations that tend to frustrate some of the desired policy choices, that there is insufficient reflection on the broader context, and the consequences that proposed changes to the legal constraints would have on the wider legal system of which they are a part. It may serve the immediate requirements of the American government, in order to legitimize the killing of AQAP members in Yemen, to expand the concept of self-defense, and to suggest that states can use force on the basis of a putative “transnational” armed conflict with NSAs. The problem is that the jus ad bellum regime applies to all state use of force, and it is not being adjusted in some tailored way to deal with terrorism alone. If the doctrine of self-defense is expanded to include preventative and punitive elements, it will be so expanded for all jus ad bellum purposes. The expanded doctrine of self-defense will not only justify the use of force to kill individual terrorists alleged to be plotting future attacks, but to strike the military facilities of states suspected of preparing for future aggression. If the threshold for use of force against states “harboring” NSAs is significantly reduced, the gap between state responsibility and the criteria for use of force will be reduced for all purposes. If the relationship between jus ad bellum and IHL is severed or altered, so as to create justifications for the use of force that are entirely independent of the jus ad bellum regime, then states will be entitled to use force against other states under the pretext of self-proclaimed armed conflict with NSAs generally.¶ We may think about each of these innovations as being related specifically to operations against terrorist groups that have been responsible for heinous attacks, and applied to states that have proven uniquely unwilling or unable to take the actions necessary to deal with the terrorists operating within their territory. But no clear criteria or qualifications are in fact tied to the modifications that are being advanced by the targeted killing policy. Relaxing the current legal constraints on the use of force and introducing new but poorly defined standards, will open up opportunities for states to use force against other states for reasons that have nothing to do with anti-terrorist objectives. Along the lines that Jeremy Waldron argues in chapter 4 in this volume,110 more careful thought ought to be given to the general norms that we are at risk of developing in the interest of justifying the very specific targeted killing policy. Ultimately, war between nations is a far greater threat, and is a potential source of so much more human suffering than the danger posed by transnational terrorism. This is not to trivialize the risks that terrorism represents, particularly in an age when Al Qaeda and others have sought nuclear weapons. But we must be careful not to undermine the system designed to constrain the use of force and reduce the incidence of international armed conflict, in order to address a threat that is much less serious in the grand scheme of things.

#### Robust norms restricting the use of force empirically prevent conflict escalation among great powers

John Vasquez 9, Thomas B. Mackie Scholar of International Relations and Professor of Political Science at the University of Illinois at Urbana-Champaign, PhD in Poli Sci from Syracuse University, “Peace,” Chapter 8 in The War Puzzle Revisited, p 298-299, google books

Wallensteen’s examination of the characteristics of particularist periods provides significant additional evidence that the steps-to-war analysis is on the right track. Realist practices are associated with war, and peaceful systems are associated with an emphasis on other practices. Peaceful systems are exemplified by the use of practices like buffer states, compensation, and concerts of power that bring major states together to form a network of institutions that provide governance for the system. The creation of rules of the game that can handle certain kinds of issues – territorial and ideological questions – and/or keep them off the agenda seems to be a crucial variable in producing peace.¶ Additional evidence on the import of rules and norms is provided in a series of studies by Kegley and Raymond (1982, 1984, 1986, 1990) that are operationally more precise than Wallensteen’s (1984) analysis. Kegley and Raymond provide evidence that when states accept norms, the incidence of war and military confrontation is reduced. They find that peace is associated with periods in which alliance norms are considered binding and the unilateral abrogation of commitments and treaties illegitimate. The rules imposed by the global political culture in these periods result in fewer militarized disputes and wars between major states. In addition, the wars that occur are kept at lower levels of severity, magnitude, and duration (i.e. they are limited wars).¶ Kegley and Raymond attempt to measure the extent to which global cultural norms restrain major states by looking at whether international law and commentary on it sees treaties and alliances as binding. They note that there have been two traditions in international law – pacta sunt servanda, which maintains that agreements are binding, and clausa rebus sic stantibus, which says that treaties are signed “as matters stand” and that any change in circumstances since the treaty was signed permits a party to withdraw unilaterally. One of the advantages the Kegley-Raymond studies have over Wallensteen (1984) is that they are able to develop reliable measures of the extent to which in any given half-decade that tradition in international law emphasizes the rebus or pacta sunt servanda tradition. This indicator is important not only because it focuses in on the question of unilateral actions, but because it can serve as an indicator of how well the peace system is working. The pacta sunt servanda tradition implies a more constraining political system and robust institutional context which should provide an alternative to war.¶ Kegley and Raymond (1982: 586) find that in half-decades (from 1820 to 1914) when treaties are considered non-binding (rebus), wars between major states occur in every half-decade (100 percent), but when treaties are considered binding (pacta sunt servanda), wars between major states occur in only 50 percent of the half-decades. The Cramer’s V for this relationship is .66. When the sample is expanded to include all states in the central system, Cramer’s V is 0.44, indicating that global norms have more impact on preventing war between major states. Nevertheless, among central system states between 1820 and 1939, war occurred in 93 percent of the half-decades where the rebus tradition dominated and in only 60 percent of the half-decades where the pacta sunt sevanda tradition dominated.¶ In a subsequent analysis of militarized disputes from 1820 to 1914, Kegley and Raymond (1984: 207-11) find that there is a negative relationship between binding norms and the frequency and scope of disputes short of war. In periods when the global culture accepts the pacta sunt servanda tradition as the norm, the number of military disputes goes down and the number of major states involved in a dispute decreases. Although the relationship is of moderate strength, it is not eliminated by other variables, namely alliance flexibility. As Kegley and Raymond (1984: 213) point out, this means “that in periods when the opportunistic renunciation of commitments” is condoned, militarized disputes are more likely to occur and to spread. The finding that norms can reduce the frequency and scope of disputes is significant evidence that rules can permit actors to successfully control and manage disputes so that they are not contagious and they do not escalate to war. These findings are consistent with Wallensteen’s (1984) and suggest that one of the ways rules help prevent war is by reducing, limiting, and managing disputes short of war.

#### Specifically, executive discretion over the legitimacy of targets will eviscerate legal restrictions on self-defense

Rosa Brooks 13, Professor of Law at the Georgetown University Law Center, Bernard L. Schwartz Senior Fellow at the New America Foundation, “The Constitutional and Counterterrorism Implications of Targeted Killing,” http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf

5. Setting Troubling International Precedents ¶ Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. ¶ Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. ¶ Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter,43 or in self-defense "in the event of an armed attack." ¶ The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. ¶ It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. ¶ This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an ill- defined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

#### Now is key---US targeted killing is driving a global shift in strategic doctrines---results in nuclear war

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Preventive self-defense entails waging a war or an attack by choice, in order to prevent a suspected enemy from changing the status quo in an unfavorable direction. Prevention is acting in anticipation of a suspected latent threat that might fully emerge someday. One might rightfully point out that preventive strikes are nothing new—the Iraq War is simply a more recent example in a long history of the preventive use of force. The strategic theorist Colin Gray (2007:27), for example, argues that “far from being a rare and awful crime against an historical norm, preventive war is, and has always been, so common, that its occurrence seems remarkable only to those who do not know their history.” Prevention may be common throughout history, but this does not change the fact that it became increasingly difficult to justify after World War II, as the international community developed a core set of normative principles to guide state behavior, including war as a last resort. The threshold for war was set high, imposing a stringent standard for states acting in self-defense. Gray concedes that there has been a “slow and erratic, but nevertheless genuine, growth of a global norm that regards the resort to war as an extraordinary and even desperate measure” and that the Iraq war set a “dangerous precedent” (44). Although our cases do not provide a definitive answer for whether a preventive self-defense norm is diffusing, they do provide some initial evidence that states are re-orienting their military and strategic doctrines toward offense. In addition, these states have all either acquired or developed unmanned aerial vehicles for the purposes of reconnaissance, surveillance, and/or precision targeting.¶ Thus, the results of our plausibility probe provide some evidence that the global norm regarding the use of force as a last resort is waning, and that a preventive self-defense norm is emerging and cascading following the example set by the United States. At the same time, there is variation among our cases in the extent to which they apply the strategy of self-defense. China, for example, has limited their adaption of this strategy to targeted killings, while Russia has declared their strategy to include the possibility of a preventive nuclear war. Yet, the preventive self-defense strategy is not just for powerful actors. Lesser powers may choose to adopt it as well, though perhaps only implementing the strategy against actors with equal or lesser power. Research in this vein would compliment our analyses herein.¶ With the proliferation of technology in a globalized world, it seems only a matter of time before countries that do not have drone technology are in the minority. While preventive self-defense strategies and drones are not inherently linked, current rhetoric and practice do tie them together. Though it is likely far into the future, it is all the more important to consider the final stage of norm evolution—internalization—for this particular norm. While scholars tend to think of norms as “good,” this one is not so clear-cut. If the preventive self-defense norm is taken for granted, integrated into practice without further consideration, it inherently changes the functioning of international relations. And unmanned aerial vehicles, by reducing the costs of war, make claims of preventive self-defense more palatable to the public. Yet a global norm of preventive self-defense is likely to be destabilizing, leading to more war in the international system, not less. It clearly violates notions of just war principles—jus ad bellum. The United States has set a dangerous precedent, and by continuing its preventive strike policy it continues to provide other states with the justification to do the same.

#### Credible external oversight is key to solve---the alternative is an anything-goes standard

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Further, the U.S. counterterrorism chief John Brennan has noted that the administration is "establishing precedents that other nations may follow." But, for now, other countries have no reason to believe that the United States carries out its own targeted killing operations responsibly. Without a credible oversight program, those negative perceptions of U.S. behavior will fill the vacuum, and an anything-goes standard might be the result. U.S. denunciations of other countries' programs could come to ring hollow. ¶ If the United States did adopt an oversight system, those denunciations would carry more weight. So, too, would U.S. pressure on other states to adopt similar systems: just as suspicions grow when countries refuse nuclear inspection, foreign governments that turned down invitations to apply a proven system of oversight to their own drone campaigns would reveal their disregard for humanitarian concerns.

#### That causes an endless, global series of preventive wars---those go nuclear

Ariel Colonomos 13, Director of Research at the French National Centre for Scientific Research, Ph.D. in political science from the Institut d'Etudes Politiques de Paris, “The Gamble of War: Is it Possible to Justify Preventive War?” p 72-75, google books

John Yoo holds that the American interventions in Afghanistan or Iraq fulfilled the criteria of necessity and proportionality. To support this argument (which was contested on the invasion of Iraq), he contends that technological change has a direct impact on the calculation of proportionality and the definition of what constitutes an emergency. The proliferation of WMDs, the networking potential of the United States’ enemies, involving also transnational movements, required the adoption of an anticipatory mode of use of force. This is a disturbing line of reasoning. On the one hand—and this is the case with many of the propositions advanced by these intellectuals—it sweeps away the contemporary model of international law, which is based on a cautious (though, it should also be said, ambiguous and hence fragile) interpretation of self-defense. On the other hand, the transition from the empirical to the normative is very abrupt here, with the argument that law depends on the “reality” specific to a particular moment of history. Insofar as WMDs are actually within the reach of a large number of the United States’ enemies today (the USSR and China are no longer the only threats), the world would, in this view, be constantly on tenterhooks at the possibility of a series of preventive wars. These would be triggered by provocations or hasty, contradictory declarations on the part of movements whose strategy is, at times, to draw Westerners—and particularly the American global policeman—into endless wars. This greatly increases instability. During the Cold War, the triggering of a nuclear clash depended on interactions between a limited number of states. Today, nuclear weapons—previously regarded by some as a factor of stability, particularly because of the supposed rationality of those who possessed them—have become grounds for war. More generally there is the whole question of WMDs. The players involved are more numerous, and there is great distrust, both on account of the lack of rationality attributed by the United States to its new enemies and of their greater number and dispersal.

#### And, a model of preventative war justifies Chinese attacks on US missile defense

Stephen Walt 4, Robert and Renee Belfer Professor of International Affairs at Harvard, PhD in Political Science from UC Berkeley, October 1 2004, “The Strategic Environment,” Panel Discussion at “Preemptive Use of Force: A Reassessment,” Conference held by the Fletcher Forum on International Affairs, <http://www.brookings.edu/views/papers/daalder/daalder_fletcher.pdf>

Finally, as Ivo has already noted, there is this precedent problem. By declaring that preventive war is an effective policy option for us, we make it easier for others to see it as an effective policy option for them. Why can’t India attack Pakistan before it develops more nuclear weapons? Why can’t Turkey attack Iraqi Kurdistan to prevent the emergence of an independent state there? Why was it wrong for Serbia to take preventive action against the Kosovars, given that there was a guerilla army attacking Serbs in Kosovo, and given that the Serbs could see a long term threat to their national security if the Kosovar-Albanians got more and more politically organized and tried to secede? Why couldn’t a stronger China decide that America’s national missile defense program was a direct threat to their nuclear deterrent capability, and therefore decide to order a preventive commando strike against American radar sites in Alaska? Now this sounds wildly far-fetched, of course, but imagine the situation being reversed. Imagine if another country threatened our second strike capability, wouldn’t we have looked for some way to prevent that from happening? Of course we would. So again, we’re creating a precedent here.

#### That goes nuclear

John W. Lewis 12, William Haas Professor of Chinese Politics, emeritus, at Stanford University, PhD from UCLA, and Xue Litai, research scholar at the Project on Peace and Cooperation in the Asian-Pacific Region at Stanford University’s Center for International Security and Cooperation, “Making China’s nuclear war plan,” Bulletin of the Atomic Scientists September/October 2012 vol. 68 no. 5 45-65, http://bos.sagepub.com/content/68/5/45.full

If the CMC authorizes a missile base to launch preemptive conventional attacks on an enemy, however, the enemy and its allies could not immediately distinguish whether the missiles fired were conventional or nuclear. From their perspective, the enemy forces could justifiably launch on warning and retaliate against all the command-and-control systems and missile assets of the Chinese missile launch base and even the overall command-and-control system of the central Second Artillery headquarters. In the worst case, a self-defensive first strike by Chinese conventional missiles could end in the retaliatory destruction of many Chinese nuclear missiles and their related command-and-control systems. That disastrous outcome would force the much smaller surviving and highly vulnerable Chinese nuclear missile units to fire their remaining missiles against the enemy’s homeland. In this quite foreseeable action-reaction cycle, escalation to nuclear war could become accelerated and unavoidable. This means that the double policies could unexpectedly cause, rather than deter, a nuclear exchange.

### Solvency

#### The plan authorizes civil suits against the Federal Government for unlawful targeted killing operations --- that establishes legal norms and ensures compliance with the laws of war

Jonathan Hafetz 13, Associate Prof of Law at Seton Hall University Law School, former Senior Staff Attorney at the ACLU, served on legal teams in multiple Supreme Court cases regarding national security, “Reviewing Drones,” 3/8/2013, http://www.huffingtonpost.com/jonathan-hafetz/reviewing-drones\_b\_2815671.html

The better course is to ensure meaningful review after the fact. To this end, Congress should authorize federal damages suits by the immediate family members of individuals killed in drone strikes.¶ Such ex post review would serve two main functions: providing judicial scrutiny of the underlying legal basis for targeted killings and affording victims a remedy. It would also give judges more leeway to evaluate the facts without fear that an error on their part might leave a dangerous terrorist at large.¶ For review to be meaningful, judges must not be restricted to deciding whether there is enough evidence in a particular case, as they would likely be under a FISA model. They must also be able to examine the government's legal arguments and, to paraphrase the great Supreme Court chief justice John Marshall, "to say what the law is" on targeted killings.¶ Judicial review through a civil action can achieve that goal. It can thus help resolve the difficult questions raised by the Justice Department white paper, including the permissible scope of the armed conflict with al Qaeda and the legality of the government's broad definition of an "imminent" threat.¶ Judges must also be able to afford a remedy to victims. Mistakes happen and, as a recent report by Columbia Law School and the Center for Civilians in Conflict suggests, they happen more than the U.S. government wants to acknowledge.¶ Errors are not merely devastating for family members and their communities. They also increase radicalization in the affected region and beyond. Drone strikes -- if unchecked -- could ultimately create more terrorists than they eliminate.¶ Courts should thus be able to review lethal strikes to determine whether they are consistent with the Constitution and with the 2001 Authorization for Use of Military Force, which requires that such uses of force be consistent with the international laws of war. If a drone strike satisfies these requirements, the suit should be dismissed.

#### “Cause of action” creates a deterrent effect that makes officials think twice about drones---drawbacks of judicial review don’t apply

Stephen I. Vladeck 13, Professor of Law and Associate Dean for Scholarship at American University Washington College of Law, senior editor of the peer-reviewed Journal of National Security Law and Policy, Supreme Court Fellow at the Constitution Project, and fellow at the Center on National Security at Fordham University School of Law, JD from Yale Law School, Feb 27 2013, “DRONES AND THE WAR ON TERROR: WHEN CAN THE U.S.TARGET ALLEGED AMERICAN TERRORISTS OVERSEAS?” Hearing Before the House Committee on the Judiciary, http://www.lawfareblog.com/wp-content/uploads/2013/02/Vladeck-02272013.pdf

At first blush, it may seem like many of these issues would be equally salient in the context of after-the-fact damages suits. But as long as such a regime was designed carefully and conscientiously, I believe that virtually all of these concerns could be mitigated. ¶ For starters, retrospective review doesn’t raise anywhere near the same concerns with regard to adversity or judicial competence. With respect to adversity, presumably those who are targeted in an individual strike could be represented as plaintiffs in a post-hoc proceeding, whether through their next friend or their heirs. And as long as they could state a viable claim for relief, it’s difficult to see any pure Article III problem with such a suit for retrospective relief.¶ As for competence, judges routinely review whether government officers acted in lawful self-defense under exigent circumstances (this is exactly what the Supreme Court’s 1985 decision in Tennessee v. Garner20 contemplates, after all). And if the Guantánamo litigation of the past five years has shown nothing else, it demonstrates that judges are also more than competent to resolve not just whether individual terrorism suspects are who the government says they are (and thus members of al Qaeda or one of its affiliates), but to do so using highly classified information in a manner that balances—albeit not always ideally—the government’s interest in secrecy with the detainee’s ability to contest the evidence against him.21 Just as Guantánamo detainees are represented in their habeas proceedings by security-cleared counsel who must comply with court-imposed protective orders and security procedures,22 so too, the subjects of targeted killing operations could have their estates represented by security-cleared counsel, who would be in a far better position to challenge the government’s evidence and to offer potentially exculpatory evidence / arguments of their own. And although the Guantánamo procedures have been developed by courts on an ad hoc basis (a process that has itself been criticized by some jurists), 23 Congress might also look to provisions it enacted in 1996 in creating the little-known Alien Terrorist Removal Court, especially 8 U.S.C. § 1534,24 as a model for such proceedings. ¶ More to the point, it should also follow that courts would be far more able as a practical matter to review the relevant questions in these cases after the fact. Although the pure membership question can probably be decided in the abstract, it should stand to reason that the imminence and infeasibility-of-capture issues will be much easier to assess in hindsight—removed from the pressures of the moment and with the benefit of the dispassionate distance that judicial review provides. To similar effect, whether the government used excessive force in relation to the object of the attack is also something that can only reasonably be assessed post hoc.¶ In addition to the substantive questions, it will also be much easier for courts to review the government’s own internal procedures after they are employed, especially if the government itself is already conducting after-action reviews that could be made part of the (classified) record in such cases. Indeed, the government’s own analysis could, in many cases, go a long way toward proving the lawfulness vel non of an individual strike.¶ As I mentioned before, there would still be a host of legal doctrines that would likely get in the way of such suits. Just to name a few, there is the present (albeit, in my view, unjustified) hostility to judicially inferred causes of actions under Bivens; the state secrets privilege;and sovereign and official immunity doctrines. But I am a firm believer that, except where the President himself is concerned (where there’s a stronger argument that immunity is constitutionally grounded),25 each of these concerns can be overcome by statute—as at least some of them arguably have been in the context of the express damages actions provided for under FISA. 26 So long as Congress creates an express cause of action for nominal damages, and so long as the statute both (1) expressly overrides state secrets and immunity doctrines; and (2) replaces them with carefully considered procedures for balancing the secrecy concerns that would arise in many—if not most—of these cases, these legal issues would be vitiated. Moreover, any concerns about exposing to liability government officers who acted in good faith and within the scope of their employment can be ameliorated by following the model of the Westfall Act, and substituting the United States as the proper defendant in any suit arising out of such an operation.27¶ Perhaps counterintuitively, I also believe that after-the-fact judicial review wouldn’t raise anywhere near the same prudential concerns as those noted above. Leaving aside how much less pressure judges would be under in such cases, it’s also generally true that damages regimes don’t have nearly the same validating effect on government action that ex ante approval does. Otherwise, one would expect to have seen a dramatic upsurge in lethal actions by law enforcement officers after each judicial decision refusing to impose individual liability arising out of a prior use of deadly force. So far as I know, no such evidence exists.¶ Of course, damages actions aren’t a perfect solution here. It’s obvious, but should be said anyway, that in a case in which the government does act unlawfully, no amount of damages will make the victim (or his heirs) whole. It’s also inevitable that, like much of the Guantánamo litigation, most of these suits would be resolved under extraordinary secrecy, and so there would be far less public accountability for targeted killings than, ideally, we might want. Some might also object to this proposal as being unnecessary—that, given existing criminal laws and executive orders, there is already a sufficiently clear prohibition on unlawful strikes to render any such damages regime unnecessarily superfluous. ¶ At least as to this last objection, it bears emphasizing that the existing laws depend entirely upon the beneficence of the Executive Branch, since they assume both that the government will (1) willfully disclose details of unlawful operations rather than cover them up; and (2) prosecute its own in cases in which they cross the line. Given both prior practice and unconfirmed contemporary reports of targeted killing operations that appear to raise serious legality issues, such as “signature strikes,” it doesn’t seem too much of a stretch to doubt that these remedies will prove sufficient.¶ In addition, there are two enormous upsides to damages actions that, in my mind, make them a least-worst solution—even if they are deeply, fundamentally flawed:¶ First, if nothing else, the specter of damages, even nominal damages, should have a deterrent effect on future government officers, such that, if a targeted killing operation ever was carried out in a way that violated the relevant legal rules, there would be liability—and, as importantly, precedent—such that the next government official in a similar context might think twice, and might make sure that he’s that much more convinced that the individual in question is who the government claims, and that there’s no alternative to the use of lethal force. Second, at least where the targets of such force are U.S. citizens, I believe that there is a non-frivolous argument that the Constitution may even compel at least some form of judicial process. 28 Compared to the alternatives, nominal damages actions litigated under carefully circumscribed rules of secrecy may be the only way to balance all of the relevant private, government, and legal interests at stake in such cases.¶ \* \* \*¶ In his concurrence in the Supreme Court’s famous decision in the Steel Seizure case, Justice Frankfurter suggested that “The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority.”¶ 29 It seems to me, Mr. Chairman, that targeted killing operations by the Executive Branch present the legislature with two realistic choices: Congress could accept with minimal scrutiny the Executive Branch’s claims that these operations are carried out lawfully and with every relevant procedural safeguard to maximize their accuracy—and thereby open the door to the “unchecked disregard” of which Justice Frankfurter warned. Or Congress could require the government to defend those assertions in individual cases before a neutral magistrate invested with the independence guaranteed by the Constitution’s salary and tenure protections. So long as the government’s interests in secrecy are adequately protected in such proceedings, and so long as these operations really are consistent with the Constitution and laws of the United States, what does the government have to hide?

#### Ex post review creates a credible signal of compliance that restrains future executives

Kwame Holman 13, congressional correspondent for PBS NewsHour; citing Rosa Brooks, Prof of Law at Georgetown University Law Center, former Counselor to the Under Secretary of Defense for Policy, former senior advisor at the US Dept of State, “Congress Begins to Weigh In On Drone Strikes Policy,” http://www.pbs.org/newshour/rundown/2013/04/congress-begins-to-weigh-in-on-drone-strikes-policy.html

While some experts have argued for court oversight of drone strikes before they're carried out, Brooks sides with those who say that would be unwieldy and unworkable.¶ Brooks says however an administration that knows its strikes could face court review after the fact -- with possible damages assessed -- would be more responsible and careful about who it strikes and why.¶ "If Congress were to create a statutory cause of action for damages for those who had been killed in abusive or mistaken drone strikes, you would have a court that would review such strikes after the fact. [That would] create a pretty good mechanism that would frankly keep the executive branch as honest as we hope it is already and as we hope it will continue to be into administrations to come," Brooks said.¶ "It would be one of the approaches that would go a very long way toward reassuring both U.S. citizens and the world more generally that our policies are in compliance with rule of law norms."

#### Only judicial oversight can credibly verify compliance with the laws of war

Avery Plaw 7, Associate Prof of Political Science at the University of Massachusetts at Dartmouth, PhD in Political Science from McGill University, “Terminating Terror: The Legality, Ethics and Effectiveness of Targeting Terrorists,” Theoria: A Journal of Social and Political Theory, No. 114, War and Terror (December 2007), pp. 1-27

To summarize, the general policy of targeting terrorists appears to be defensible in principle in terms of legality, morality and effectiveness. However, some specific targetings have been indefensible and should be prevented from recurring. Critics focus on the indefensible cases and insist that these are best prevented by condemning the general policy. States which target terrorists and their defenders have insisted that self-defense provides a blanket justification for targeting operations. The result has been a stalemate over terrorist targeting harmful to both the prosecution of the war on terror and the credibility of international law. Yet neither advocates nor critics of targeting appear to have a viable strategy for resolving the impasse. A final issue which urgently demands attention, therefore, is whether there are any plausible prospects for a coherent and principled political compromise over the issue of targeting terrorists.¶ Conclusion: the Possibility of Principled Compromise ¶ This final section offers a brief case that there is room for a principled compromise between critics and advocates of targeting terrorists. The argument is by example—a short illustration of one promising possibility. It will not satisfy everyone, but I suggest that it has the potential to resolve the most compelling concerns on both sides.¶ The most telling issues raised by critics of targeting fall into three categories: (1) the imperative need to establish that targets are combatants; (2) the need in attacking combatants to respect the established laws of war; and (3) the overwhelming imperative to avoid civilian casualties. The first issue seems to demand an authoritative judicial determination that could only be answered by a competent court. The second issue requires the openly avowed and consistent implementation of targeting according to standards accepted in international law—a requirement whose fulfillment would best be assured through judicial oversight. The third issue calls for independent evaluation of operations to assure that standards of civilian protection are robustly upheld, a role that could be effectively performed by a court.

#### Now is key and only the US can lead---lack of rules undermines all other norms on violence

James Whibley 13, received a M.A. in International Relations from Victoria University of Wellington, New Zealand, February 6th, 2013 "The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent," Georgetown Journal of International Affairs,journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/

While drone advocates such as Max Boot argue that other countries are unlikely to follow any precedents about drone use established by America, power has an undeniable effect in establishing which norms are respected or enforced. America used its power in the international system after World War 2 to embed norms about human rights and liberal political organization, not only in allies, but in former adversaries and the international system as a whole. Likewise, the literature on rule-oriented constructivism presents a powerful case that norms have set precedents on the appropriate war-fighting and deterrence policies when using weapons of mass destruction and the practices of colonialism and human intervention. Therefore, drones advocates must consider the possible **unintended consequences of** lending legitimacy **to the** unrestricted use of drones. However, with the Obama administration only now beginning to formulate rules about using drones and seemingly uninterested in restraining its current practices, the US may miss an opportunity to entrench international norms about drone operations.¶ If countries begin to follow the precedent set by the US, there is also the risk of weakening pre-existing international norms about the use of violence. In the summer 2000 issue of International Security, Ward Thomas warned that, while the long-standing norm against assassination has always been less applicable to terrorist groups, the targeting of terrorists is, “likely to undermine the norm as a whole and erode the barriers to the use of assassination in other circumstances.” Such an occurrence would represent a deleterious unintended consequence to an already inhumane international system, justifying greater scrutiny of the drone program.¶ Realism cautions scholars not to expect ethical behaviour in international politics. Yet, the widespread use of drones by recent administrations with little accountability and the lack of any normative framework about their deployment on the battlefield could come to be seen as a serious strategic error and moral failing. If the Obama administration was nervous about leaving an amorphous drone policy to a possible Romney Presidency, then surely China or Russia possessing such a program would be terrifying.

## 2AC Topicality

### 2AC Topicality

#### We meet---plan restricts Presidential authority to construe the legal limits on TK---assassination ban proves

Jonathan Ulrich 5, associate in the International Arbitration Group of White & Case, LLP, JD from the University of Virginia School of Law, “NOTE: The Gloves Were Never On: Defining the President's Authority to Order Targeted Killing in the War Against Terrorism,” 45 Va. J. Int'l L. 1029, lexis

The discretionary authority to construe the limits of the assassination ban remains in the hands of the president. He holds the power, moreover, to amend or revoke the Executive Order, and may do so without publicly disclosing that he has done so; since the Order addresses intelligence activities, any modifications may be classified information. n24 The placement of the prohibition within an executive order, therefore, effectively "guarantees that the authority to order assassination lies with the president alone." n25 Congress has similar authority to revise or repeal the Order - though its failure to do so, when coupled with the three unsuccessful attempts to legislate a ban, may be read as implicit authority for the president to retain targeted killing as a [\*1035] policy option. n26 Indeed, in recent years, there have been some efforts in Congress to lift the ban entirely. n27

#### We meet---we prohibit TKs without judicial review

#### Restrictions mean limitations

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").¶ P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### We restrict the war power to assert sovereign immunity AND cause of action is a restriction

Edward Keynes 10, Professor of Political Science at The Pennsylvania State University and has been visiting professor at the universities of Cologne, Kiel, and Marburg. A University of Wisconsin Ph.D., he has been a Fulbright and an Alexander von Humboldt fellow, “Undeclared War: Twilight Zone of Constitutional Power”, Google Books, p. 119-120

Despite numerous cases challenging the President’s authority to initiate and conduct the Vietnam War, the Federal courts exhibited extreme caution in entering this twilight zone of constitutional power. The federal judiciary’s reluctance to decide war-powers controversies reveals a respect for the constitutional separation of powers, an appreciation of the respective constitutional functions of Congress and the President in external affairs, and a sense of judicial self-restraint. Although most Federal courts exercised self-restraint, several courts scaled such procedural barriers as jurisdiction, standing to sue, sovereign immunity, and the political question to address the scope of congressional and presidential power to initiate war and military hostilities without a declaration of war. The latter decisions reveal an appreciation of the constitutional equilibrium upon which the separation of powers and the rule of law rest. Despite judicial caution, several Federal courts entered the political thicket in order to restore the constitutional balance between Congress and the President. Toward the end of the war in Indochina, judicial concern for the rule of law recommended intervention rather than self-restraint.

#### So is ex post

ECHR 91,European Court of Human Rights, Decision in Ezelin v. France, 26 April 1991, http://www.bailii.org/eu/cases/ECHR/1991/29.html

The main question in issue concerns Article 11 (art. 11), which provides:¶ "1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.¶ 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. ..."¶ Notwithstanding its autonomous role and particular sphere of application, Article 11 (art. 11) must, in the present case, also be considered in the light of Article 10 (art. 10) (see the Young, James and Webster judgment of 13 August 1981, Series A no. 44, p. 23, § 57). The protection of personal opinions, secured by Article 10 (art. 10), is one of the objectives of freedom of peaceful assembly as enshrined in Article 11 (art. 11).¶ A. Whether there was an interference with the exercise of the freedom of peaceful assembly¶ In the Government’s submission, Mr Ezelin had not suffered any interference with the exercise of his freedom of peaceful assembly and freedom of expression: he had been able to take part in the procession of 12 February 1983 unhindered and to express his convictions publicly, in his professional capacity and as he wished; he was reprimanded only after the event and on account of personal conduct deemed to be inconsistent with the obligations of his profession.¶ The Court does not accept this submission. The term "restrictions" in paragraph 2 of Article 11 (art. 11-2) - and of Article 10 (art. 10-2) - cannot be interpreted as not including measures - such as punitive measures - taken not before or during but after a meeting (cf. in particular, as regards Article 10 (art. 10), the Handyside judgment of 7 December 1976, Series A no. 24, p. 21, § 43, and the Müller and Others judgment of 24 May 1988, Series A no. 133, p. 19, § 28).

#### Counter-interp---authority means legality

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.

#### We meet---cause of action clarifies permissible scope---that’s 1AC Vladeck

#### Counter-interp---war powers authority is OVERALL power over war-making---we meet

Manget 91 Fred F, Assistant General Counsel with the CIA, "Presidential War Powers", 1991, media.nara.gov/dc-metro/rg-263/6922330/Box-10-114-7/263-a1-27-box-10-114-7.pdf

The President's war powers authority is actually a national defense power that exists at all times, whether or not there is a war declared by Congress, an armed conflict, or any other hostilities or fighting. In a recent case the Supreme Court upheld the revocation of the passport of a former CIA employee (Agee) and rejected his contention that certain statements of Executive Branch policy were entitled to diminished weight because they concerned the powers of the Executive in wartime. The Court stated: "History eloquently attests that grave problems of national security and foreign policy are by no means limited to times of formally declared war. " 3 ; Another court has said that the war power is not confined to actual engagements on fields of battle only but embraces every aspect of national defense and comprehends everything required to wage war successfully. 3 H A third court stated: "It is-and must be-true that the Executive should be accorded wide and normally unassailable discretion with respect to the conduct of the national defense and the prosecution of national objectives through military means . "39 ¶ Thus, the Executive Branch's constitutional war powers authority does not spring into existence when Congress declares war, nor is it dependent on there being hostilities. It empowers the President to prepare for war as well as wage it, in the broadest sense. It operates at all times.

#### Prefer it

#### Ground---legality is key to advantages against the exec counterplan---total ban affs lose to agent counterplans and reform counterplans

#### Topic education---most nuanced and discussed mechs involve reforms, not bans---reading them on the aff is key to most in-depth debate

#### Core of the topic---they ignore discretionary authority the exec creates by interpreting statute

William G. Howell 11, Sydney Stein Professor in American Politics at the University of Chicago, PhD in political science from Stanford University, “The Future of the War Presidency: the Case of the War Powers Consultation Act,” in The Presidency in the Twenty-first Century, Aug 1 2011, ed. Charles Dunn, google books

But a basic point remains: over the nation’s history, presidents have managed to secure a measure of influence over the doings of government that cannot be found either in a strict reading of the Constitution or in the expressed authority that Congress has delegated. This discretionary influence of presidential power encompasses a major pillar of recent scholarship on the modern presidency. Article II of the Constitution is notoriously vague. As a practical matter, Congress cannot write statutes with enough clarity or detail to keep presidents from reading into them at least some discretionary authority. And for their part, the courts have established as a basic principle of jurisprudence deference to administrative (and by extension presidential) expertise.17 It is little wonder, then, that through ambiguity presidents have managed to radically transform their office, placing it at the very epicenter of U.S. foreign policy.¶ By way of example, consider the mileage that President Bush derived from the 2001 Authorization for the Use of Military Force (AUMF). According to that law, the president was authorized to use all necessary and appropriate force against those nations, organizations, or persons he determined had planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or those that had harbored such organizations, or persons. President Bush cited this language to justify actions ranging from military deployments in Iraq, to the warrantless wiretapping of U.S. citizens to the indefinite detainment of enemy combatants at Guantanamo Bay, to the adoption of “enhanced interrogation techniques,” to the seizure of funds held by charities suspected of supporting terrorist activities. As the Iraq and Afghanistan wars and the war on terror proceeded, the adjoining branches of government looked upon such interpretations with increasing skepticism. But President Bush held steadfast to an expansive reading of the law and the seemingly limitless authority it conferred upon his office. As the U.S. Department of Justice put it, the AUMF “does not lend itself to a narrow reading.” Quite to the contrary: “The AUMF places the President’s authority at its zenith under Youngston.”18

#### Reasonability---competing interps cause a race to the bottom to arbitrarily exclude the aff

#### Ex post is only way to determine legality

Steve Vladeck 13, Professor of Law and Associate Dean for Scholarship at American University Washington College of Law, senior editor of the peer-reviewed Journal of National Security Law and Policy, Supreme Court Fellow at the Constitution Project, and fellow at the Center on National Security at Fordham University School of Law, JD from Yale Law School, Feb 10th, 2013, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…” <http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/>

That’s why, even though I disagree with the DOJ white paper that ex ante review would present a nonjusticiable political question, I actually agree that courts are ill-suited to hear such cases–not because, as the white paper suggests, they lack the power to do so, but because, in most such cases, they would lack the competence to do so.¶ III. Drone Courts and the Legitimacy Problem¶ That brings me to perhaps the biggest problem we should all have with a “drone court”–the extent to which, even if one could design a legally and practically workable regime in which such a tribunals could operate, its existence would put irresistible pressure on federal judges to sign off even on those cases in which they have doubts.¶ As a purely practical matter, it would be next to impossible meaningfully to assess imminence, the existence of less lethal alternatives, or the true nature of a threat that an individual suspect poses ex ante. Indeed, it would be akin to asking law enforcement officers to obtain judicial review before they use lethal force in defense of themselves or third persons–when the entire legal question turns on what was actually true in the moment, as opposed to what might have been predicted to be true in advance. At its core, that’s why the analogy to search warrants utterly breaks down–and why it would hardly be surprising if judges in those circumstances approved a far greater percentage of applications than they might have on a complete after-the-fact record. Judges, after all, are humans.¶ In the process, the result would be that such ex ante review would do little other than to add legitimacy to operations the legality of which might have otherwise been questioned ex post. Put another way, ex ante review in this context would most likely lead to a more expansive legal framework within which the targeted killing program could operate, one sanctioned by judges asked to decide these cases behind closed doors; without the benefit of adversary parties, briefing, or presentation of the facts; and with the very real possibility that the wrong decision could directly lead to the deaths of countless Americans. Thus, even if it were legally and practically possible, a drone court would be a very dangerous idea.¶ IV. Why Damages Actions Don’t Raise the Same Legal Concerns¶ At first blush, it may seem like many of these issues would be equally salient in the context of after-the-fact damages suits. But as long as such a regime was designed carefully and conscientiously, I actually think virtually all of these concerns could be mitigated.¶ For starters, retrospective review doesn’t raise anywhere near the same concerns with regard to adversity or judicial competence. Re: adversity, presumably those who are targeted in an individual strike could be represented as plaintiffs in a post-hoc proceeding, whether through their next friend or their heirs. And as long as they could state a viable claim for relief (more on that below), it’s hard to see any pure Article III problem with such a suit for retrospective relief.¶ As for competence, judges routinely review whether government officers acted in lawful self-defense under exigent circumstances (this is exactly what Tennessee v. Garner contemplates, after all). And if the Guantánamo litigation of the past five years has shown nothing else, it demonstrates that judges are also more than competent to resolve not just whether individual terrorism suspects are who the government says they are (and thus members of al Qaeda or one of its affiliates), but to do so using highly classified information in a manner that balances–albeit not always ideally–the government’s interest in secrecy with the detainee’s ability to contest the evidence against him. Just as Guantánamo detainees are represented in their habeas proceedings by security-cleared counsel who must comply with court-imposed protective orders and security procedures, so too, the subjects of targeted killing operations could have their estates represented by security-cleared counsel, who would be in a far better position to challenge the government’s evidence and to offer potentially exculpatory evidence / arguments of their own.¶ More to the point, it should also follow that courts would be far more able to review the questions that will necessary be at the core of these cases after the fact. Although the pure membership question can probably be decided in the abstract, it should stand to reason that the imminence and infeasibility-of-capture issues will be much easier to assess in hindsight–removed from the pressures of the moment and with the benefit of the dispassionate distance on which judicial review must rely. To similar effect, whether the government used excessive force in relation to the object of the attack is also something that can only reasonably be assessed post hoc.

## Solvency

### AT: CIA Alt Cause

#### We meet---war powers authority is the basis for CIA targeted killing

John C. Dehn 13, Senior Fellow at the West Point Center for the Rule of Law at the US Military Academy, former Assistant Prof of Law at the US Military Academy, JD from the University of Oklahoma and LLM from Columbia University, comment on “Is the CIA in the Drone Kill Chain? (Answer: Likely.),” http://opiniojuris.org/2013/03/17/is-the-cia-in-the-drone-kill-chain-answer-likely/

The very text of the AUMF authorizes the President to use military force, interpreted in Hamdi to mean war powers. Those powers undoubtedly include targeting and detaining enemy fighters/belligerents/combatants. Supreme Court precedent permits the use of war powers against citizens when they are part of an enemy armed force. Federal law permits the use of the CIA to engage in a broad range of covert activity, which includes traditional war powers exercised in non-traditional ways. Thus, the CIA may target and kill enemy fighters/belligerents/combatants who are also citizens. Doing so is “lawful” for purposes of the foreign murder statute, just as the Court found with regard to detention despite a general federal criminal prohibition.

#### More ev---CIA covert ops to engage enemy fighters use war powers authority

John C. Dehn 13, Senior Fellow at the West Point Center for the Rule of Law at the US Military Academy, former Assistant Prof of Law at the US Military Academy, JD from the University of Oklahoma and LLM from Columbia University, comment on “Is the CIA in the Drone Kill Chain? (Answer: Likely.),” http://opiniojuris.org/2013/03/17/is-the-cia-in-the-drone-kill-chain-answer-likely/

My view is that the AUMF provides authority for the President to actuate the war powers of the government. This authority includes using the CIA in covert operations designed to engage enemy fighters/belligerents/combatants, including those who are citizens, through non-traditional military means. The net effect of such congressional and presidential authorization is that those agents may lawfully aid in prosecuting the conflict under U.S. domestic law. This means that they are acting on the public authority of the United States as articulated by Congress and the President.

#### We meet---the Air Force does the killing, so we only restrict them

Marc Ambinder 13, editor-at-large of The Week and contributing editor at The Atlantic; former White House correspondent for National Journal, chief political consultant for CBS News, and politics editor at The Atlantic, Mar 13 2013, “5 truths about the drone war,” http://theweek.com/article/index/241363/5-truths-about-the-drone-war

2. The CIA does not "fly" drones. It "owns" drones, but the Air Force flies them. The Air Force coordinates (and deconflicts) their use through the CIA's Office of Military Affairs, which is run by an Air Force general. The Air Force performs maintenance on them. The Air Force presses the button that releases the missile. There are no CIA civilians piloting remote controlled air vehicles. The Agency has about 40 unmanned aerial vehicles in its worldwide arsenal, about 30 of which are deployed in the Middle East and Africa. Most of these thingies are equipped with sophisticated surveillance gear. A few of them are modified to launch missiles. The Air Force owns many more "lethal" RPVs, but it uses them in the contiguous battlefield of Afghanistan.

## Accountability

#### Pakistan nukes NOT secure---Indian PERCEIVES them as unsafe---causes intervention which goes nuclear

#### CIA in Yemen answered on Solvency

#### Drones cause AQAP---their ev is only about a handful of interviews---misunderstand Pakistan scenario because it’s about sovereignty

#### No covert drone strikes---Multiple incentives to comply

Richard H. Pildes 12, Sudler Family Professor of Constitutional Law at NYU School of Law and Co-Director of the NYU Center on Law and Security, April 2012, “Law and the President,” NYU School of Law Public Law & Legal Theory Research Paper Series, Working Paper No. 12-13, http://ssrn.com/abstract=2012024

But as Levinson’s work helps to show, even on its own terms, Posner and Vermeule’s approach offers an incomplete account of the role of law. Levinson’s work, for example, is devoted to showing why constitutional law will be followed, even by disappointed political majorities, for purely instrumental reasons, even if those majorities do not experience any internal sense of duty to obey. He identifies at least six rational-choice mechanisms that will lead rational actors to adhere to constitutional law decisions of the Supreme Court: coordination, reputation, repeat-play, reciprocity, asset- specific investment, and positive political feedback mechanisms.76 No obvious reason exists to explain why all or some of these mechanisms would fail to lead presidents similarly to calculate that compliance with the law is usually important to a range of important presidential objectives. At the very least, for example, the executive branch is an enormous organization, and for internal organizational efficacy, as well as effective cooperation with other parts of the government, law serves an essential coordination function that presidents and their advisors typically have an interest in respecting. There is a reason executive branch departments are staffed with hundreds of lawyers: while Posner and Vermeule might cynically speculate that the reason is to figure out how to circumvent the law artfully, the truth, surely, is that law enables these institutions to function effectively, both internally and in conjunction with other institutions, and that lawyers are there to facilitate that role. In contrast to Posner and Vermeule, who argue that law does not constrain, and who then search for substitute constraints, scholars like Levinson establish that rational-choice theory helps explain why law does constrain. Indeed, as Posner and Vermeule surely know, there is a significant literature within the rational-choice framework that explains why powerful political actors would agree to accept and sustain legal constraints on their power, including the institution of judicial review.77¶ That Posner and Vermeule miss the role of legal compliance as a powerful signal, perhaps the most powerful signal, in maintaining a President’s critical credibility as a well-motivated user of discretionary power is all the more surprising in light of the central role executive self-binding constraints play in their theory. After asserting that “one of the greatest constraints on [presidential] aggrandizement” is “the president’s own interest in maintaining his credibility” (p. 133), they define their project as seeking to discover the “social-scientific microfoundations” (p. 123) of presidential credibility: the ways in which presidents establish and maintain credibility. One of the most crucial and effective mechanisms, in their view, is executive self-binding, “whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors” (p. 137). As they also put it, “a well-motivated president can distinguish himself from an ill-motivated president by binding himself to a policy position that an ill-motivated president would reject” (p. 135). ¶ By complying with these constraints, presidents signal their good faith and accrue more trust to take further action. Most importantly from within Posner and Vermeule’s theory, these constraints, many self-generated through executive self-binding, substitute for the constraints of law. Law does not, or cannot, or should not constrain presidents, in their view, but rational-actor presidents recognize that complying with constraints is in their own self-interest; presidents therefore substitute or accept other constraints.¶ Thus, Posner and Vermeule recognize the importance of “enabling constraints”78 in effective mobilization and maintenance of political power; that is, they recognize that what appear to be short-term constraints on the immediate preferences of actors like presidents might actually enable longterm marshaling of effective presidential power. Yet they somehow miss that law, too, can work as an enabling constraint; when it comes to law, Posner and Vermeule seem to see nothing but constraint. Indeed, this failing runs even deeper. For if presidents must signal submission to various constraints to maintain and enhance their credibility — as Posner and Vermeule insist they must — Posner and Vermeule miss the fact that the single most powerful signal of that willingness to be constrained, particularly in American political culture, is probably the President’s willingness to comply with law. ¶ In theoretical terms, then, Posner and Vermeule emerge as inconsistent or incomplete consequentialists. Even if law does not bind presidents purely for normative reasons, presidents will have powerful incentives to comply with law — even more powerful than the incentives Posner and Vermeule rightly recognize presidents will have to comply with other constraints on their otherwise naked power. To the extent that Posner and Vermeule mean to acknowledge this point but argue that it means presidents are not “really” complying with the law and are only bowing to these other incentives, they are drawing a semantic distinction that seems of limited pragmatic significance, as the next Part shows.

### AT: Signature Strikes

#### Signature strikes meet that

Micah Zenko 12, CFR Douglas Dillon Fellow in the Center for Preventive Action, PhD in Political Science from Brandeis University, “Targeted Killings and Signature Strikes,” July 16 2012, http://blogs.cfr.org/zenko/2012/07/16/targeted-killings-and-signature-strikes/

No matter how U.S. officials (secretly) refer to the practice, signature strikes against military-age men have been part of U.S. targeted killings outside of battlefields from their beginning. In fact, the very first targeted killing was a signature strike.¶ After a year-long manhunt and several missed opportunities by Yemeni soldiers, on November 3, 2002, a fusion of human intelligence assets and signals intercepts pinpointed Abu Ali al-Harithi—an operational planner in the al-Qaeda cell that bombed the USS Cole in 2002—and his bodyguards living in the Marib region near the border with Saudi Arabia. Yemeni and U.S. forces on the ground, supported by a Predator drone circling above, were monitoring al-Harithi’s group when they left a compound in two Toyota SUVs. All of the men were in one vehicle and the women in the other. According to an unnamed U.S. official, “If the women hadn’t gotten into another car, we wouldn’t have fired.” (A member of the Senate Select Committee on Intelligence later wondered, “What do we do, next time, if the women get into the car?”)¶ Reportedly, the National Security Agency (NSA) intercepted a satellite phone call coming from the SUV filled with men. After an NSA analyst—who had listened to tapes of al-Harithi’s voice for years—heard confirming evidence, he shouted: “He’s in the backseat, and he’s giving the driver directions!” With that confirmation, a CIA-controlled Predator drone was authorized to fire a single Hellfire missile, which destroyed the SUV and killed al-Harithi, four unknown Yemenis, and Ahmed Hijazi (otherwise known as Kemal Derwish)—a naturalized U.S. citizen who recruited six men from Lackawanna, New York, to briefly attend an al-Qaeda training camp in Afghanistan. Ultimately, the Lackawanna Six pled guilty to providing material support to al-Qaeda and received sentences ranging from seven to nine years in federal prison.¶ As the Los Angeles Times reported the drone strike: “Even though the CIA wasn’t sure who else was in the car, the customary rules of armed conflict say that anyone sitting next to a legitimate target such as Harithi was, in effect, accepting the risk of imminent death.” (Many international legal scholars would dispute this interpretation.) At the same time, U.S. officials acknowledged that the CIA did not know Hijazi was in the vehicle before the CIA launched the missile, although one later claimed his death was justifiable “collateral damage” since “he was just in the wrong place at the wrong time.”¶ It is plausible that the military-age males who happened to get into al-Harithi’s SUV that day were involved with the suspected al-Qaeda operative in planning terrorist plots. However, there is no way to know this with any certainty, and the Bush administration never presented any supporting evidence to this effect. Moreover, we will never know what specific evidence was used to target al-Harithi, because some of it came from suspected al-Qaeda operative Abd al Rahim al-Nashiri. In 2008, CIA director Hayden testified before the Senate Select Committee on Intelligence that Nashiri was one of three detainees that the CIA waterboarded, and information obtained by torture is not admissible in a military commission trial.¶ Whether they are called signature strikes, crowd killing, or Terrorist Attack Disruption Strikes, all have been part of U.S. targeted killings from the start, and continue with the CIA’s tactic of staggered drone strikes to kill rescuers of initial victims. The Obama administration makes the false choice that kinetic counterterrorism options are either “large, intrusive military deployments” or drone strikes (although some signature strikes have been conducted with cruise missiles). Or, as former CIA official Henry Crumpton—who, according to his memoir, authorized the first U.S. drone strike on October 20, 2001, in Afghanistan—crudely described the dichotomy: “Look at the firebombing of Dresden, and compare what we’re doing today.” However, people have the right to disagree with the ethical and moral tradeoffs of how drone strikes are currently conducted, and the unwillingness of the Obama administration to discuss them, as well as Congress’ reticence to question them. After ten years of signature strikes, isn’t this a debate worth having?

#### Ex post review would prevent a shift to signature strikes

Paul Taylor 13, Senior Fellow at the Center for Policy & Research, JD from Seton Hall Law School, Mar 23 2013, “Former DOD Lawyer Frowns on Drone Court,” http://transparentpolicy.org/2013/03/former-dod-lawyer-frowns-on-drone-court/

Lastly, there is the concern of creating perverse incentives: whether a person’s name or identity is known has never been a factor in determining the legality of targeting an otherwise-lawful military target. But by creating a separate legal regime for known targets, we could create a disincentive to collect information about a target. We do not want a military or intelligence agency that keeps itself intentionally uninformed. Nor do we want to halt a military operation in progress simply because one of the targets is recognized late. Conducting the review ex post would not eliminate these issues, but it would substantially mitigate them. The military (or CIA, if it keeps its program), would not fear an interruption of its operations, and could even have an incentive to collect more information in order to later please a court that has plenty of time to look back at the past operations and question whether an individual was in fact targeted. ¶ Not mentioned in Mr. Johnson’s comments, but related to his concern regarding perverse incentives, is another concern. The Executive, or some agency within it, may attempt to evade the jurisdiction of the court by claiming that it did not “specifically target” the individual, but was targeting under general constitutional authorities “someone” that appeared to be an imminent threat to the US–and now the case is moot. No court could enforce its jurisdiction before it knows that the individual is targeted, but it can enforce its jurisdiction after the targeting is brought to completion. In an ex post review, if the claim is made that the killing was not “targeted,” and thus that no review is necessary, the court will be able to employ its power to determine its own jurisdiction to enquire into the process leading to the killing, which in this type of review would be half the job.

## Preventive War

## No Primacy

#### China’s got survivable second strike --- ensures retaliation

Saunders 9 – Phillip C. Saunders; Senior Research Fellow in the Institute for National Strategic Studies at the National Defense University; July 2009 “ Managing Strategic Competition with China;” Strategic Forum; <http://www.ciaonet.org/wps/ifnss/0017050/f_0017050_14587.pdf>

Potential Dynamics The history of interactions between Chinese strategic nuclear modernization and U.S. efforts to develop ballistic missile defenses illustrates some potential dynam­ics of future U.S.-China competition in other strategic areas. Beijing has sought to limit its vulnerability to nuclear black­mail by developing a viable second-strike capability against potential nuclear-armed adversaries, including the United States. Technological limitations meant that the Chinese deterrent initially relied primar­ily on air-delivered weapons and then on vulnerable silo- and cave-based missiles. Chinese experts privately admitted that the credibility of China’s deterrent rested on a potential adversary’s uncertainty about whether a first strike could destroy all of China’s long-range nuclear missiles. Rather than build large numbers of vulnerable first-generation missiles, China decided to develop a new generation of mobile land- and sea-based missiles that would be more survivable and better able to provide a cred­ible second-strike capability. As these new systems began nearing deployment early in this decade, U.S. withdrawal from the Antiballistic Missile Treaty and deployment of ballistic missile defenses challenged the premises behind mutually assured destruc­tion, prompting Chinese complaints that the United States sought “absolute security” for itself while keeping others vulnerable. Some U.S. policymakers and strategists have been reluctant to accept mutual nuclear vulnerability with China, partly because it implies a reduction in U.S. freedom of action (and a potential increase in China’s ability to take actions that challenge U.S. interests).16 But Beijing appears determined to estab­lish and maintain a credible second-strike nuclear capability through some combination of increased numbers, more survivable mis­siles, ballistic missile defense countermea­sures, and potentially targeting space-based elements of a U.S. missile defense system. The United States ultimately may have no choice but to accept a degree of vulnerability to Chinese nuclear weapons. This issue has been a significant source of tension in Sino-U.S. relations for the past 10 years, and at times has had significant domestic political conse­quences. Despite concerns on both sides, these tensions have not prevented further develop­ment of the U.S.-China relationship and sig­nificant bilateral cooperation on issues such as counterterrorism and denuclearization of the Korean Peninsula.

#### Yes nuclear escalation---hotspots

#### 1AC author IS aff

#### Next two cards are irrelevant

#### Ex post solves legitimacy---moderates US justifications for war which gets modeled globally---creates external oversight---that’s Bashir---brings the US in line with laws of war---that’s Holman and Plaw

#### Economic interdependence doesn’t assume preventive war---countries have use or lose pressure assume they’re going to get attacked so they attack first

#### NOT a rubber stamp---ex post solves it because judges can determine legality

#### Plan overcomes state secrets and immunity---their ev is about Bivens, NOT the plan---Vladeck says normal means overcomes these problems

## 2AC CP

### Links to Politics

#### Obama is Velcro – he’ll get blame for the CP

**Nicholas & Hook 10** Peter and Janet, Staff Writers---LA Times, “Obama the Velcro president”, LA Times, 7-30, http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730/3

If Ronald Reagan was the classic Teflon president, Barack Obama is made of Velcro.¶ Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become **ensnared in blame**.¶ Hoping to **better insulate Obama**, White House aides have sought to **give other Cabinet officials a higher profile** and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public.¶ **But Obama remains the colossus of his administration** — to a point where trouble anywhere in the world is often his to solve.¶ The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape¶ What's **not sticking to Obama** is a legislative track record that his recent predecessors might envy. **Political dividends** from passage of a healthcare overhaul or a financial regulatory bill **have been fleeting**.¶ Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll.¶ "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?' " said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations."¶ Reagan was able to glide past controversies with his popularity largely intact. He maintained his affable persona as a small-government advocate while seeming above the fray in his own administration.¶ Reagan was untarnished by such calamities as the 1983 terrorist bombing of the Marines stationed in Beirut and scandals involving members of his administration. In the 1986 Iran-Contra affair, most of the blame fell on lieutenants.¶ Obama lately has tried to rip off the Velcro veneer. In a revealing moment during the oil spill crisis, he reminded Americans that his powers aren't "limitless." He told residents in Grand Isle, La., that he is a flesh-and-blood president, not a comic-book superhero able to dive to the bottom of the sea and plug the hole.¶ "I can't suck it up with a straw," he said.¶ But as a candidate in 2008, he set sky-high expectations about what he could achieve and what government could accomplish.¶ Clinching the Democratic nomination two years ago, Obama described the moment as an epic breakthrough when "we began to provide care for the sick and good jobs to the jobless" and "when the rise of the oceans began to slow and our planet began to heal."¶ Those towering goals remain a long way off. And most people would have preferred to see Obama focus more narrowly on the "good jobs" part of the promise.¶ A recent Gallup poll showed that 53% of the population rated unemployment and the economy as the nation's most important problem. By contrast, only 7% cited healthcare — a single-minded focus of the White House for a full year.¶ At every turn, Obama makes the argument that he has improved lives in concrete ways.¶ Without the steps he took, he says, the economy would be in worse shape and more people would be out of work. There's evidence to support that. Two economists, Mark Zandi and Alan Blinder, reported recently that without the stimulus and other measures, gross domestic product would be about 6.5% lower.¶ Yet, Americans aren't apt to cheer when something bad doesn't materialize.¶ Unemployment has been rising — from 7.7% when Obama took office, to 9.5%. Last month, more than 2 million homes in the U.S. were in various stages of foreclosure — up from 1.7 million when Obama was sworn in.¶ "Folks just aren't in a mood to hand out gold stars when unemployment is hovering around 10%," said Paul Begala, a Democratic pundit.¶ **Insulating the president from bad news has proved impossible**. Other White Houses have tried doing so with more success. **Reagan's Cabinet officials often took the blame, shielding the boss**.¶ But **the Obama administration is about one man**. Obama is the White House's chief spokesman, policy pitchman, fundraiser and negotiator. **No Cabinet secretary has emerged as an adequate surrogate**. Treasury Secretary Timothy F. Geithner is seen as a tepid public speaker; Energy Secretary Steven Chu is prone to long, wonky digressions and has rarely gone before the cameras during an oil spill crisis that he is working to end.¶ So, **more falls to Obama, reinforcing the Velcro effect: Everything sticks to him**. He has opined on virtually everything in the hundreds of public statements he has made: nuclear arms treaties, basketball star LeBron James' career plans; Chelsea Clinton's wedding.¶ Few audiences are off-limits. On Wednesday, he taped a spot on ABC's "The View," drawing a rebuke from Democratic Pennsylvania Gov. Edward G. Rendell, who deemed the appearance unworthy of the presidency during tough times.¶ "Stylistically he creates some of those problems," Eddie Mahe, a Republican political strategist, said in an interview. "His favorite pronoun is 'I.' When you position yourself as being all things to all people, the ultimate controller and decision maker with the capacity to fix anything, you set yourself up to be blamed when it doesn't get fixed or things happen."¶ A new White House strategy is to forgo talk of big policy changes that are easy to ridicule. Instead, aides want to market policies as more digestible pieces. So, rather than tout the healthcare package as a whole, advisors will talk about smaller parts that may be more appealing and understandable — such as barring insurers from denying coverage based on preexisting conditions.¶ But at this stage, it may be late in the game to downsize either the president or his agenda.

### 2AC Concurrent Resolution CP

#### Perm---do both

#### Perm---do the CP---plan is not statutory

#### Perm do the plan as the mechanism of doing the counterplan

#### Doesn’t solve the case

#### -Doesn’t create grounds for the Courts to rule on because it doesn’t have the force of law

American Heritage Dictionary 2k http://www.thefreedictionary.com/concurrent+resolution

A resolution adopted by both houses of a bicameral legislature that does not have the force of law and does not require the signature of the chief executive.

#### -Only determines internal operations of Congress---means the Prez wouldn’t have to comply

Robert Longley no date http://usgovinfo.about.com/od/uscongress/a/concurrentresos.htm

Concurrent resolutions address matters affecting the operations of both the House of Representatives and Senate. In modern practice, concurrent and simple resolutions normally are not legislative in character since they are not "presented" to the president for approval, but are used merely for expressing facts, principles, opinions, and purposes of the two chambers of Congress. Concurrent resolutions expressing the opinion of both chambers of Congress are typically called "Sense of the Congress" resolutions. A concurrent resolution is not equivalent to a bill and its use is narrowly limited within these bounds. The term "concurrent", like "joint", does not signify simultaneous introduction and consideration in both chambers.

#### Links to politics

Chris Weigant 7, political commentator, “How Congress Will Stop the War in Iraq,” http://www.huffingtonpost.com/chris-weigant/how-congress-will-stop-th\_b\_40111.html

For the realists out there, I'd like to outline how I think Congress will end the war. There will be four stages to this exit strategy. The first of these has already begun, with dueling concurrent resolutions to condemn Bush's escalation of troops, which are already making their way through the Senate. The second stage will come when the Pentagon runs out of this year's money for Iraq. The third stage will come when next year's budget for the war gets passed. The fourth stage is when the soldiers finally come home.¶ Concurrent Resolutions¶ A concurrent resolution (most often mistakenly referred to as a "joint resolution") is not, as some have suggested, meaningless. True, it would have no power legally, but politically it would be an enormous black eye for President Bush. No president wants such an ugly stain on their record. Especially not one contemplating his legacy.¶ Concurrent resolutions have one thing going for them, though. Because they aren't actually laws, they don't require a presidential signature.

#### Cause of action must be statutory---the court isn’t willing to infer a cause of action

Steven Vladeck 13, Professor of Law and Associate Dean for Scholarship at American University Washington College of Law, “D RONES AND THE W AR ON T ERROR : W HEN C AN THE U.S. T ARGET A LLEGE D A MERICAN T ERRORISTS O VERSEAS ?” http://www.fas.org/irp/congress/2013\_hr/022713vladeck.pdf

As I mentioned before, there would still be a host of legal doctrines that wou ld likely get in the way of such suits. Just to name a few, there is the present (albeit , in my view , unjustified ) hostility to judicially inferred causes of actions under Bivens ; the state secrets privilege; and sovereign and official immunity doctrine s . But I am a firm believer that, except where the President himself is concerned (where there’s a stronger argument that immunity is constitutionally grounded), 25 each of these concerns can be overcome by statute — as at least some of them arguably have been in the context of the express damages actions provided for under FISA . 26 So long as Congress creates an express cause of action for nominal damages, and so long as the statute both (1) expressly overrides state secrets and immunity doctrines ; and (2) replaces them with carefully considered procedures for balancing the secrecy concerns that wou ld arise in many — if not most — of these cases, these legal issues would be vitiated . Moreover, any concerns about exposing to liability government officers who acted in good faith and within the scope of their employment can be ameliorated by following the m odel of the Westfall Act, and substituting the United States as the proper defendant in any suit arising out of such an operation. 27

#### Low link threshold---court defers to the Executive on immunity questions unless Congress codifies a different approach

Tony West 12, Assistant Attorney General, and Vincent M. Garvey, Deputy Branch Director, “SUGGESTION OF IMMUNITY SUBMITTED BY THE UNITED STATES OF AMERICA,” Brief submitted to the DC District Court, http://www.state.gov/documents/organization/211934.pdf

4. As the Supreme Court recently explained, however, Congress has not similarly codified standards governing the immunity of foreign officials from suit in our courts. Samantar v. Yousuf, 130 S. Ct. 2278, 2292 (2010) (“Although Congress clearly intended to supersede the common-law regime for claims against foreign states, we find nothing in the statute’s origin or aims to indicate that Congress similarly wanted to codify the law of foreign official immunity.”). Instead, when it codified the principles governing the immunity of foreign states, Congress left in place the practice of judicial deference to Executive Branch immunity determinations with respect to foreign officials. See id. at 2291 (“We have been given no reason to believe that Congress saw as a problem, or wanted to eliminate, the State Department’s role in determinations regarding individual official immunity.”). Thus, the Executive Branch retains its historic authority to determine a foreign official’s immunity from suit, including the immunity of foreign heads of state. See id. at 2284–85 & n.6 (noting the Executive Branch’s role in determining head of state immunity). 5. The doctrine of head of state immunity is well established in customary international law. See Satow’s Guide to Diplomatic Practice 9 (Lord Gore-Booth ed., 5th ed. 1979). In the United States, head of state immunity decisions are made by the Department of State, incident to the Executive Branch’s authority in the field of foreign affairs. The Supreme Court has held that the courts of the United States are bound by suggestions of immunity submitted by the Executive Branch. See Hoffman, 324 U.S. at 35–36; Ex parte Peru, 318 U.S. 578, 588–89 (1943). In Ex parte Peru, in the context of foreign state immunity, the Supreme Court, without further review of the Executive Branch’s immunity determination, declared that the Executive Branch’s suggestion of immunity “must be accepted by the courts as a conclusive determination by the political arm of the Government.” 318 U.S. at 589. After a suggestion of immunity is filed, it is the “court’s duty” to surrender jurisdiction. Id. at 588. The courts’ deference to Executive Branch suggestions of foreign state immunity is compelled by the separation of powers. See, e.g., Spacil v. Crowe, 489 F.2d 614, 619 (5th Cir. 1974).

#### The courts will only rule that there’s a cause of action under the AUMF if that was clearly Congressional intent

Thurgood Marshall 88, Associate Justice of the United States Supreme Court, writing the majority opinion in Thompson v. Thompson, https://bulk.resource.org/courts.gov/c/US/484/484.US.174.86-964.html

In determining whether to infer a private cause of action from a federal statute, our focal point is Congress' intent in enacting the statute. As guides to discerning that intent, we have relied on the four factors set out in Cort v. Ash, 422 U.S. 66, 78, 95 S.Ct. 2080, 2088, 45 L.Ed.2d 26 (1975), along with other tools of statutory construction. See Daily Income Fund, Inc. v. Fox, 464 U.S. 523, 535-536, 104 S.Ct. 831, 838, 78 L.Ed.2d 645 (1984); California v. Sierra Club, 451 U.S. 287, 293, 101 S.Ct. 1775, 1779, 68 L.Ed.2d 101 (1981); Touche Ross & Co. v. Redington, 442 U.S. 560, 575-576, 99 S.Ct. 2479, 2488-2489, 61 L.Ed.2d 82 (1979). Our focus on congressional intent does not mean that we require evidence that Members of Congress, in enacting the statute, actually had in mind the creation of a private cause of action. The implied cause of action doctrine would be a virtual dead letter were it limited to correcting drafting errors when Congress simply forgot to codify its evident intention to provide a cause of action. Rather, as an implied cause of action doctrine suggests, "the legislative history of a statute that does not expressly create or deny a private remedy will typically be equally silent or ambiguous on the question." Cannon v. University of Chicago, 441 U.S. 677, 694, 99 S.Ct. 1946, 1956, 60 L.Ed.2d 560 (1979). We therefore have recognized that Congress' "intent may appear implicitly in the language or structure of the statute, or in the circumstances of its enactment." Transamerica Mortgage Advisors, Inc. v. Lewis, 444 U.S. 11, 18, 100 S.Ct. 242, 246, 62 L.Ed.2d 146 (1979). The intent of Congress remains the ultimate issue, however, and "unless this congressional intent can be inferred from the language of the statute, the statutory structure, or some other source, the essential predicate for implication of a private remedy simply does not exist." Northwest Airlines, Inc. v. Transport Workers, 451 U.S. 77, 94, 101 S.Ct. 1571, 1582, 67 L.Ed.2d 750 (1981). In this case, the essential predicate for implication of a private remedy plainly does not exist. None of the factors that have guided our inquiry in this difficult area points in favor of inferring a private cause of action. Indeed, the context, language, and legislative history of the PKPA all point sharply away from the remedy petitioner urges us to infer.

#### A concurrent resolution passed after the AUMF won’t be seen as evidence of intent

Jacob Gersen 8, Professor of Law @ Harvard, and Eric Posner, "Soft Law: Lessons from Congressional Practice," Stanford Law Review, 61, http://www.stanfordlawreview.org/sites/default/files/articles/Gersen-Posner.pdf

However, it would be unusual for Congress to issue a resolution expressing its understanding of a statute at the same time that it passes a statute, and we have found no such example.145 In the more usual case, Congress passes a resolution subsequently—later in the same session or during a later session—in response to a supervening event. The question then arises whether this postenactment history should be given weight by courts when interpreting the earlier enactment. For example, in December 2006, President Bush signed the Postal Accountability and Enhancement Act into law and issued a signing statement construing a provision to permit searches of sealed mail in exigent circumstances.146 In January 2007, a Senate Resolution was introduced “[r]eaffirming the constitutional and statutory protections accorded sealed domestic mail.”147 The resolution could be interpreted as an effort to reassert the legislative understanding of the original statute; if so, a court might properly rely on it when interpreting the Postal Accountability and Enhancement Act. ¶ In the sealed mail example, the enactment of the statute, the intervening act (President Bush’s signing statement), and the postenactment soft statute occurred within a few months of each other. Sometimes a good deal more time elapses. For example, in 1983, the House passed a resolution purporting to declare the intent of the 1972 legislature about the breadth of Title IX.148 Here, we might expect a court to be more suspicious about the House’s claim to know the legislative intent of the 1972 Congress, and, in fact, the conventional rule is that courts should give no weight to such resolutions.149 “[T]he views of a subsequent Congress form a hazardous basis for inferring the intent of an earlier one.”150¶ \*\*\*TO FOOTNOTES\*\*\*¶ 149. See William N. Eskridge, Jr., Interpreting Legislative Inaction, 87 MICH. L. REV. 67, 96 (1988) (“Thus, nonbinding resolutions, passed by both Houses of Congress but not presented to the President, are not formally entitled to authoritative weight in statutory interpretation.”); see also John C. Grabow, Congressional Silence and the Search for Legislative Intent: A Venture into “Speculative Unrealities”, 64 B.U. L. REV. 737, 748 (1985) (noting that the Supreme Court has shown great reluctance to give weight to subsequent resolutions for construction of earlier statutes, and discussing the failure of the Grove City College Court even to mention a subsequent concurrent resolution that spoke directly to whether Title IX was program-specific or institution-wide). But see Butler v. U.S. Dep’t of Agric., 826 F.2d 409, 413 n.6 (5th Cir. 1987); see also N. Haven Bd. of Educ. v. Bell, 456 U.S. 512, 535 (1982); Cannon v. Univ. of Chi., 441 U.S. 677, 686 n.7 (1979); F.H.E. Oil Co. v. Comm’r, 150 F.2d 857, 858 (1945) (“The Resolution . . . does not make law, or change the law made by a previous Congress or President. . . . As an expression of opinion on a point of law it would . . . be entitled to most respectful consideration by the courts . . . .”).

## 2AC K

### 2AC ROB

#### Simulate plan passage and weigh the consequences against the alt---it’s key to advocacy skills and fairness---they moot the 1AC and make it impossible to be aff

### 2AC Conditionality---Multiple Worlds

#### Conditionality---reject them---destroys stable advocacy and argument responsibility key to defending real world proposals---killing 2AC strategic flex makes it impossible to be aff---depth is key to critical thinking---multiple worlds remove the status quo as a logical option and forces contradictory aff answers---1 conditional world and pre-round conditionality solves their offense---if they win conditionality, justifies advocating perms

### Environment Defense

#### Environmental collapse can’t cause extinction---nuke war outweighs---magnitude and probability

David Schweickart 10 is Professor at Loyola University Chicago. He holds a Ph.D. in Mathematics (University of Virginia), and a Ph.D. in Philosophy (Ohio State University). “Is Sustainable Capitalism Possible?” Procedia Social and Behavioral Sciences 41 (2010) 6739–6752

It is not true either that the various ecological crises we are facing will bring about “the end of the world.” Consider the projections of the Stern Review, the recently released report commissioned by the British Government. If nothing is done, we risk “major disruption to economic and social activity, later in this century and the next, on a scale similar to those associated with the great wars and economic depression of the first half of the 20th century.”

This is serious. Some sixty million people died in World War Two. The Stern Review estimates as many as 200 million people could be permanently displaced by rising sea level and drought. But this is not “the end of the world.” Even if the effects are far worse, resulting in billions of deaths—a highly unlikely scenario—there would still be lots of us left. If three-quarters of the present population perished, that would still leave us with 1.6 billion people—the population of the planet in 1900.

I say this not to minimize the potentially horrific impact of relentless environmental destruction, but to caution against exaggeration. We are not talking about thermonuclear war—which could have extinguished us as a species. (It still might.) And we shouldn’t lose sight of the fact that millions of people on the planet right now, caught up in savage civil wars or terrorized by U.S. bombers (which dropped some 100,000 lbs. of explosives on a Baghdad neighborhood during one ten-day period in January 2008—the amount the fascists used to level the Basque town of Guernica during the Spanish Civil War), are faced with conditions more terrible than anyone here is likely to face in his or her lifetime due to environmental degradation.

### D

**No global war impact**

David **Chandler 9**, Professor of International Relations at the Department of Politics and International Relations, University of Westminster, War Without End(s): Grounding the Discourse of `Global War', Security Dialogue 2009; 40; 243

Western governments appear to portray some of the distinctive characteristics that Schmitt attributed to ‘motorized partisans’, in that the shift from narrowly strategic concepts of security to more abstract concerns reflects the fact that Western states have tended to fight free-floating and non-strategic wars of aggression without real enemies at the same time as professing to have the highest values and the absolute enmity that accompanies these. The government policy documents and critical frameworks of ‘global war’ have been so accepted that it is assumed that it is the strategic interests of Western actors that lie behind the often irrational policy responses, with ‘global war’ thereby being understood as merely the extension of instrumental struggles for control. This perspective seems unable to contemplate the possibility that it is the lack of a strategic desire for control that drives and defines ‘global’ war today. ¶ Very few studies of the ‘war on terror’ start from a study of the Western actors themselves rather than from their declarations of intent with regard to the international sphere itself. This methodological framing inevitably makes assumptions about strategic interactions and grounded interests of domestic or international regulation and control, which are then revealed to explain the proliferation of enemies and the abstract and metaphysical discourse of the ‘war on terror’ (Chandler, 2009a). For its radical critics, the abstract, global discourse merely reveals the global intent of the hegemonizing designs of biopower or neoliberal empire, as critiques of liberal projections of power are ‘scaled up’ from the international to the global.¶ Radical critics working within a broadly Foucauldian problematic have no problem grounding global war in the needs of neoliberal or biopolitical governance or US hegemonic designs. These critics have produced numerous frameworks, which seek to assert that global war is somehow inevitable, based on their view of the needs of late capitalism, late modernity, neoliberalism or biopolitical frameworks of rule or domination. From the declarations of global war and practices of military intervention, rationality, instrumentality and strategic interests are read in a variety of ways (Chandler, 2007). Global war is taken very much on its own terms, with the declarations of Western governments explaining and giving power to radical abstract theories of the global power and regulatory might of the new global order of domination, hegemony or empire¶ The alternative reading of ‘global war’ rendered here seeks to clarify that the declarations of global war are a sign of the lack of political stakes and strategic structuring of the international sphere rather than frameworks for asserting global domination. We increasingly see Western diplomatic and military interventions presented as justified on the basis of value-based declarations, rather than in traditional terms of interest-based outcomes. This was as apparent in the wars of humanitarian intervention in Bosnia, Somalia and Kosovo – where there was no clarity of objectives and therefore little possibility of strategic planning in terms of the military intervention or the post-conflict political outcomes – as it is in the ‘war on terror’ campaigns, still ongoing, in Afghanistan and Iraq. ¶ There would appear to be a direct relationship between the lack of strategic clarity shaping and structuring interventions and the lack of political stakes involved in their outcome. In fact, the globalization of security discourses seems to reflect the lack of political stakes rather than the urgency of the security threat or of the intervention. Since the end of the Cold War, the central problematic could well be grasped as one of withdrawal and the emptying of contestation from the international sphere rather than as intervention and the contestation for control. The disengagement of the USA and Russia from sub-Saharan Africa and the Balkans forms the backdrop to the policy debates about sharing responsibility for stability and the management of failed or failing states (see, for example, Deng et al., 1996). It is the lack of political stakes in the international sphere that has meant that the latter has become more open to ad hoc and arbitrary interventions as states and international institutions use the lack of strategic imperatives to construct their own meaning through intervention. As Zaki Laïdi (1998: 95) explains:¶ war is not waged necessarily to achieve predefined objectives, and it is in waging war that the motivation needed to continue it is found. In these cases – of which there are very many – war is no longer a continuation of politics by other means, as in Clausewitz’s classic model – but sometimes the initial expression of forms of activity or organization in search of meaning. . . . War becomes not the ultimate means to achieve an objective, but the most ‘efficient’ way of finding one. ¶ The lack of political stakes in the international sphere would appear to be the precondition for the globalization of security discourses and the ad hoc and often arbitrary decisions to go to ‘war’. In this sense, global wars reflect the fact that the international sphere has been reduced to little more than a vanity mirror for globalized actors who are freed from strategic necessities and whose concerns are no longer structured in the form of political struggles against ‘real enemies’. The mainstream critical approaches to global wars, with their heavy reliance on recycling the work of Foucault, Schmitt and Agamben, appear to invert this reality, portraying the use of military firepower and the implosion of international law as a product of the high stakes involved in global struggle, rather than the lack of clear contestation involving the strategic accommodation of diverse powers and interests.

### Neoliberalism

#### Failure to engage with market mechanisms only reproduces what they criticize

Bryant 12—professor of philosophy at Collin College (Levi, We’ll Never Do Better Than a Politician: Climate Change and Purity, 5/11/12, http://larvalsubjects.wordpress.com/2012/05/11/well-never-do-better-than-a-politician-climate-change-and-purity/)

However, pointing this out and deriding market based solutions doesn’t get us very far. In fact, such a response to proposed market-based solutions is downright dangerous and irresponsible. The fact of the matter is that 1) we currently live in a market based world, 2) there is not, in the foreseeable future an alternative system on the horizon, and 3), above all, we need to do something now. We can’t afford to reject interventions simply **because they don’t meet our ideal conceptions** of how things should be. We have to work with the world that is here, not the one that we would like to be here. And here it’s crucial to note that pointing this out does not entail that we shouldn’t work for producing that other world. It just means that we have to grapple with the world that is actually there before us.¶ It pains me to write this post because I remember, with great bitterness, the diatribes hardcore Obama supporters leveled against legitimate leftist criticisms on the grounds that these critics were completely unrealistic idealists who, in their demand for “purity”, were asking for “ponies and unicorns”. This rejoinder always seemed to ignore that words have power and that Obama, through his profound power of rhetoric, had, at least the power to shift public debates and frames, opening a path to making new forms of policy and new priorities possible. The tragedy was that he didn’t use that power, though he has gotten better.¶ I do not wish to denounce others and dismiss their claims on these sorts of grounds. As a Marxist anarchists, I do believe that we should fight for the creation of an alternative hominid ecology or social world. I think that the call to commit and fight, to put alternatives on the table, has been one of the most powerful contributions of thinkers like Zizek and Badiou. If we don’t commit and fight for alternatives those alternatives will never appear in the world. Nonetheless, we still have to grapple with the world we find ourselves in. And it is here, in my encounters with some Militant Marxists, that I sometimes find it difficult to avoid the conclusion that they are unintentionally aiding and abetting the very things they claim to be fighting. In their refusal to become impure, to work with situations or assemblages as we find them, to sully their hands, they end up reproducing the very system they wish to topple and change. Narcissistically they get to sit there, smug in their superiority and purity, while everything continues as it did before because they’ve refused to become politicians or engage in the difficult concrete work of assembling human and nonhuman actors to render another world possible. As a consequence, they occupy the position of Hegel’s beautiful soul that denounces the horrors of the world, celebrate the beauty of their soul, while depending on those horrors of the world to sustain their own position. ¶ To engage in politics is to engage in networks or ecologies of relations between humans and nonhumans. To engage in ecologies is to descend into networks of causal relations and feedback loops that you cannot completely master and that will modify your own commitments and actions. But there’s no other way, there’s no way around this, and we do need to act now.

#### No solvency---no mindset shift

Monbiot 9 – George Monbiot, columnist for The Guardian, has held visiting fellowships or professorships at the universities of Oxford (environmental policy), Bristol (philosophy), Keele (politics), Oxford Brookes (planning), and East London (environmental science, August 17, 2009, “Is there any point in fighting to stave off industrial apocalypse?,” online: http://www.guardian.co.uk/commentisfree/cif-green/2009/aug/17/environment-climate-change

From the second and third observations, this follows: instead of gathering as free collectives of happy householders, survivors of this collapse will be subject to the will of people seeking to monopolise remaining resources. This will is likely to be imposed through violence. Political accountability will be a distant memory. The chances of conserving any resource in these circumstances are approximately zero. The human and ecological consequences of the first global collapse are likely to persist for many generations, perhaps for our species' remaining time on earth. To imagine that good could come of the involuntary failure of industrial civilisation is also to succumb to denial. The answer to your question – what will we learn from this collapse? – is nothing.¶ This is why, despite everything, I fight on. I am not fighting to sustain economic growth. I am fighting to prevent both initial collapse and the repeated catastrophe that follows. However faint the hopes of engineering a soft landing – an ordered and structured downsizing of the global economy – might be, we must keep this possibility alive. Perhaps we are both in denial: I, because I think the fight is still worth having; you, because you think it isn't.

#### Neolib key to heg---makes global order stable and cooperative

Eric S. Edelman 10, former Under Secretary of Defense for Policy, was Principal Deputy Assistant to the Vice President for National Security Affairs, 2010, “Understanding America’s Contested Primacy,” Center for Strategic and Budgetary Assessments

Huntington has pointed out that US primacy at the end of the Cold War was important for two other reasons. The first was that no other power in the international system could “make comparable contributions to international order and stability.” The second was that the perceived failure of the Soviet model left the United States “as the only major power whose national identity is defined by a set of universal political and economic values.” Because these values were not central to the national identity of other powers they did not have the same drive as the United States to promote them in international affairs. This willingness to provide certain global public goods that increased the chances of international cooperation was also acknowledged by Robert Jervis, who was otherwise skeptical about the effort to maintain US primacy. It also facilitated acceptance of US primacy and the unipolar system by other countries. Those observations remain valid today.24¶ Although the point remains controversial it seems apparent that America, while clearly creating some resentments with its policies, continues to be seen (particularly by governments) as relatively benign in its interactions with other powers. America shares a fundamental view of the world rooted in the neoliberal orthodoxy of free markets, open societies, and democratic institutions that emerged as a consensus prescription for peace and prosperity after the collapse of communism. This “transnational liberalism” inclines national elites to see a broad confluence of interest with the United States and reduces their tendency to try and counterbalance American power. As the guarantor of the international world economy and a provider of security and stability because of its alliance system, the United States provides global public goods which others cannot provide. In that sense the question that Stanley Hoffman posed some years ago of whether the United States should pursue primacy or world order seems to be a false dichotomy. As Michael Mandelbaum has persuasively argued, to the degree that there is world order, it exists because American primacy, combined with the triumph of neoliberal ideas, has allowed the United States to provide governmental functions to the rest of the world, chief among them being the maintenance of the global commons — air, sea, and space.25

### Imperialism

#### Rejecting sovereignty exacerbates inequalities and prevents emancipation

Tara McCormack 10, Lecturer in International Politics at the University of Leicester, PhD in IR from the University of Westminster, “Critique, Security and Power: The Political Limits to Emancipatory Approaches,” p139, google books

Critics of critical and emancipatory theory have raised pertinent problems in terms both of the idealism of critical approaches and their problematic relationship to contemporary liberal intervention. Critical theorists themselves are aware that their prescriptions seem to be hard to separate from contemporary discourses and practices of power, yet critical theorists do not seem to be able to offer any understanding of why this might be. However, the limitations to critical and emancipatory approaches cannot be overcome by distinguishing themselves from liberal internationalist policy. In fact a closer engagement with contemporary security policies and discourse would show the similarities with critical theory and that both suffer from the same limitations.¶ The limitations of critical and emancipatory approaches are to be found in critical prescriptions in the contemporary political context. Jahn is right to argue that critical theory is idealistic, but this needs to be explained why. Douzinas is right to argue that critical theory becomes a justification for power and this needs to be explained why. The reasons for this remain undertheorised. I argue here that critical and emancipatory approaches lack a fundamental understanding of what is at stake in the political realm. For critical theorists the state and sovereignty represent oppressive structures that work against human freedom. There is much merit to this critique of the inequities of the state system. However, the problem is that freedom or emancipation are not simply words that can breathe life into international affairs but in the material circumstances of the contemporary world must be linked to political constituencies, that is men and women who can give content to that freedom and make freedom a reality. ¶ Critical and emancipatory theorists fail to understand that there must be a political content to emancipation and new forms of social organisation. Critical theorists seek emancipation and argue for new forms of political community above and beyond the state, yet there is nothing at the moment beyond the state that can give real content to those wishes. There is no democratic world government and it is simply nonsensical to argue that the UN, for example, is a step towards global democracy. Major international institutions are essentially controlled by powerful states. To welcome challenges to sovereignty in the present political context cannot hasten any kind of more just world order in which people really matter (to paraphrase Lynch). Whatever the limitations of the state, and there are many, at the moment the state represents the only framework in which people might have a chance to have some meaningful control over their lives.

### AT: Prior Questions – Cochrane

#### Prior questions will never be fully settled---must take action even under conditions of uncertainty

Molly Cochran 99, Assistant Professor of International Affairs at Georgia Institute for Technology, “Normative Theory in International Relations”, 1999, pg. 272

To conclude this chapter, while modernist and postmodernist debates continue, while we are still unsure as to what we can legitimately identify as a feminist ethical/political concern, while we still are unclear about the relationship between discourse and experience, it is particularly important for feminists that we proceed with analysis of both the material (institutional and structural) as well as the discursive. This holds not only for feminists, but for all theorists oriented towards the goal of extending further moral inclusion in the present social sciences climate of epistemological uncertainty. Important ethical/political concerns hang in the balance. We cannot afford to wait for the meta-theoretical questions to be conclusively answered. Those answers may be unavailable. Nor can we wait for a credible vision of an alternative institutional order to appear before an emancipatory agenda can be kicked into gear. Nor do we have before us a chicken and egg question of which comes first: sorting out the metatheoretical issues or working out which practices contribute to a credible institutional vision. The two questions can and should be pursued together, and can be via moral imagination. Imagination can help us think beyond discursive and material conditions which limit us, by pushing the boundaries of those limitations in thought and examining what yields. In this respect, I believe international ethics as pragmatic critique can be a useful ally to feminist and normative theorists generally.

#### Agamben’s state of exception erases politics---destroys alt’s efficacy

Jef Huysmans 8, Professor of Security Studies at The Open University UK, "The Jargon of Exception—On Schmitt, Agamben and the Absence of Political Society", International Political Sociology (2008) 2, 165-183, bigo.zgeist.org/students/readings/huysmansjargonexceptionIPS.pdf

Deploying the jargon of exception and especially Agamben’s conception of the exception-being-the-rule for reconfiguring conceptions of politics in a biopolitical age comes at a serious cost, though. It inserts both a diagnosis of our time and a conceptual apparatus for rethinking politics that has no place for the category that has been central to the modern democratic tradition: the political significance of people as a multiplicity of social relations that condition politics and that are constituted by the mediations of various objectified forms and processes (for example, scientific knowledge, technologies, property relations, legal institutions...).¶ Even if one would argue that Agamben’s framing of the current political conditions are valuable for understanding important changes that have taken place in the twentieth century and that are continuing in the twenty first, they also are to a considerable extent depoliticizing. Agamben’s work tends to guide the analysis to unmediated, factual life. For example, some draw on Agamben to highlight the importance of bodily strategies of resistance. One of the key examples is individual refugees protesting against their detention by sewing up lips and eyes. They exemplify how individualized naked life resists by deploying their bodily, biological condition against sovereign biopolitical powers (for example, Edkins and Pin-Fat 2004:15–17). I follow Adorno and others, however, that such a conception of bodily, naked life is not political. It ignores how this life only exists and takes on political form through various socioeconomic, technological, scientific, legal, and other mediations. For example, the images of the sewed-up eye- lids and lips of the individualized and biologized refugees have no political significance without being mediated by public media, intense mobilizations on refugee and asylum questions, contestations of human rights in the courts, etc. It is these mediations that are the object and structuring devices of political struggle. Reading the politics of exception as the central lens onto modern con- ceptions of politics, as both Agamben and Schmitt do, erases from the concept of politics a rich and constitutive history of sociopolitical struggles, traditions of thought linked to this history, and key sites and temporalities of politics as well as the central processes through which individualized bodily resistances gain their sociopolitical significance.

**No global war impact**

David **Chandler 9**, Professor of International Relations at the Department of Politics and International Relations, University of Westminster, War Without End(s): Grounding the Discourse of `Global War', Security Dialogue 2009; 40; 243

Western governments appear to portray some of the distinctive characteristics that Schmitt attributed to ‘motorized partisans’, in that the shift from narrowly strategic concepts of security to more abstract concerns reflects the fact that Western states have tended to fight free-floating and non-strategic wars of aggression without real enemies at the same time as professing to have the highest values and the absolute enmity that accompanies these. The government policy documents and critical frameworks of ‘global war’ have been so accepted that it is assumed that it is the strategic interests of Western actors that lie behind the often irrational policy responses, with ‘global war’ thereby being understood as merely the extension of instrumental struggles for control. This perspective seems unable to contemplate the possibility that it is the lack of a strategic desire for control that drives and defines ‘global’ war today. ¶ Very few studies of the ‘war on terror’ start from a study of the Western actors themselves rather than from their declarations of intent with regard to the international sphere itself. This methodological framing inevitably makes assumptions about strategic interactions and grounded interests of domestic or international regulation and control, which are then revealed to explain the proliferation of enemies and the abstract and metaphysical discourse of the ‘war on terror’ (Chandler, 2009a). 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This was as apparent in the wars of humanitarian intervention in Bosnia, Somalia and Kosovo – where there was no clarity of objectives and therefore little possibility of strategic planning in terms of the military intervention or the post-conflict political outcomes – as it is in the ‘war on terror’ campaigns, still ongoing, in Afghanistan and Iraq. ¶ There would appear to be a direct relationship between the lack of strategic clarity shaping and structuring interventions and the lack of political stakes involved in their outcome. In fact, the globalization of security discourses seems to reflect the lack of political stakes rather than the urgency of the security threat or of the intervention. Since the end of the Cold War, the central problematic could well be grasped as one of withdrawal and the emptying of contestation from the international sphere rather than as intervention and the contestation for control. The disengagement of the USA and Russia from sub-Saharan Africa and the Balkans forms the backdrop to the policy debates about sharing responsibility for stability and the management of failed or failing states (see, for example, Deng et al., 1996). It is the lack of political stakes in the international sphere that has meant that the latter has become more open to ad hoc and arbitrary interventions as states and international institutions use the lack of strategic imperatives to construct their own meaning through intervention. As Zaki Laïdi (1998: 95) explains:¶ war is not waged necessarily to achieve predefined objectives, and it is in waging war that the motivation needed to continue it is found. In these cases – of which there are very many – war is no longer a continuation of politics by other means, as in Clausewitz’s classic model – but sometimes the initial expression of forms of activity or organization in search of meaning. . . . War becomes not the ultimate means to achieve an objective, but the most ‘efficient’ way of finding one. ¶ The lack of political stakes in the international sphere would appear to be the precondition for the globalization of security discourses and the ad hoc and often arbitrary decisions to go to ‘war’. In this sense, global wars reflect the fact that the international sphere has been reduced to little more than a vanity mirror for globalized actors who are freed from strategic necessities and whose concerns are no longer structured in the form of political struggles against ‘real enemies’. 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### AT: Intervention Bad/Liberalism Link

#### Their undifferentiated critique of “intervention” is asinine---they collapse a core difference between neoconservative militarism and democracy modeling---their blanket critique destroys use of key international tools of conflict prevention like diplomacy and economic aid---this is a reason to be skeptical of their link arguments and prefer the permutation

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"Liberal interventionists are just 'kinder, gentler' neocons, and neocons are just liberal interventionists on steroids," political scientist and blogger Stephen M. Walt, commenting on calls for U.S. involvement in Libya, asserted recently on this website, echoing a false equivalence that has sadly become a common conceit among foreign-policy thinkers. It was inevitable that pundits would compare the invasion of Iraq (an idea promoted by neoconservatives) to the imposition of a no-fly zone in Libya (an idea promoted by liberal interventionists). Yet obscuring the difference between these two schools of thought threatens more than the vanity of a group of academics: It places the coherence and stability of the United States' long-term grand strategy in jeopardy.¶ While Walt, a self-identified "realist," develops a more sophisticated version of this false equivalence, there are, of course, obvious fundamental differences between neocons' triumphal nationalism and liberals' conviction that America can best advance its interests and values in cooperation with other democracies. Walt concedes the distinction, only to accuse liberals of being more cunning than neocons about concealing their will to power: "[T]he former have disdain for international institutions (which they see as constraints on U.S. power), and the latter see them as a useful way to legitimate American dominance."¶ In Walt's estimation, intervention is intervention, no matter the avowed motives behind a given mission, or the various circumstances that can justify the use of force. Because George W. Bush and Barack Obama have each initiated a military action, it follows for Walt that neocons and "liberal interventionists" see the world much the same way.¶ This is bunk. Traumatized by U.S. blunders in Iraq, realists now misapply that war's lessons to Obama's decision to join international efforts to protect Libyans from the wrath of a mad dictator. While the president is being attacked by everyone from John Boehner to Dennis Kucinich, it is critical to set the record straight.¶ Because Walt uses the terms "liberal interventionist" or "liberal hawk" pejoratively, I'll refer to "progressive internationalism" instead. Progressive internationalists aren't hard-core lefties, but rather progressives in the original sense of the word: pragmatic liberals. We are ideological moderates rooted in classically liberal understandings of individual liberty and equality of opportunity -- at home and abroad -- who believe the world's problems should be solved through tough-minded diplomacy and negotiation, whenever possible.¶ Further, the terms "hawk" or "interventionist" imply an overreliance on the military. Walt accuses both neocons and progressive internationalists of looking at every problem as a nail to be pounded by the hammer of U.S. military might. While progressive internationalists certainly support a strong military as the bedrock of America's foreign policy, they also know that international affairs in the 21st century seldom present black-and-white binary decisions of the sort that Bush mistakenly sought to resolve with a good whack.¶ This no doubt brings to mind Iraq, and I cannot go further without acknowledging the elephant in the room: Yes, many progressive internationalists did support the decision to invade Iraq. (In 2003, I was a civilian counterterrorism analyst at the Department of Defense and did not take a public position on that action.) In hindsight, I believe constructive critique of my colleagues is warranted and they have learned much in Iraq's wake. The only point I offer in their defense is this: It's just hard to imagine that an Al Gore administration -- which would have been stocked full of progressive internationalists -- would have ginned up that ideological charge to war.¶ Progressive internationalists recognize that U.S. foreign policy is now a holistic enterprise that must first summon all sources of national power to deal with what goes on within states as well as between them -- direct and multilateral diplomacy, development aid to build infrastructure and civil society, trade to promote growth, intelligence collection, and law enforcement, to name a few -- and only then turn to force as the final guarantor of peace and stability.¶ Neocons, however, disdain multilateral diplomacy and overestimate the efficacy of military force. Their lopsided preoccupation with "hard power" creates an imposing facade of strength, but in fact saps the economic, political, and moral sources of American influence. By overspending on the military and allowing the other levers of American power to atrophy, neocons misallocate precious U.S. national resources in two ways -- leaving the United States with too little of the "smart power" capacities desperately needed in war zones like Afghanistan and an overabundance of "hard power" capacities it will never use. The trick is to carefully cultivate both, as Defense Secretary Robert Gates, Secretary of State Hillary Clinton, and Chairman of the Joint Chiefs of Staff Adm. Mike Mullen have championed since Obama took power.¶ Walt allows some daylight between neocons and progressive internationalists in their willingness to defer to international institutions, but he again misses the true difference. He rightly characterizes neocons' disdain for multilateral talking shops (see: John Bolton) but wrongly suggests progressives are insincere in embedding U.S. power in international institutions. The fact is that we do indeed believe that international institutions make the world a safer place for the United States and other democracies by entrenching liberal norms around the globe. Can it really be an accident that America is embroiled in conflicts across the Middle East, a region whose countries are least touched by liberal democracy and adherence to internationalism?¶ Progressive internationalists believe the United States should be the unquestioned vanguard of democratic values, and that American leadership is strengthened when granted a sense of legitimacy that attracts others to our cause. Without a doubt, unilateral application of force in self-defense is a legitimate exercise of power, but legitimacy can evaporate under two circumstances: when America's actions betray its core values or when America acts offensively without an international mandate and the backing of close allies. My organization, the Progressive Policy Institute, in a 2003 manifesto on progressive internationalism, argued that "the way to keep America safe and strong is not to impose our will on others or pursue a narrow, selfish nationalism that betrays our best values, but to lead the world toward political and economic freedom."¶ Neocons, by contrast, pursue security interests at the expense of American values and damage U.S. legitimacy while doing so. That was George W. Bush: He betrayed American values and alienated core international partners by torturing prisoners, denying them any sense of due process, and falsifying a threat to justify an effectively unilateral invasion of a Muslim country. He strove for the mere appearance of legitimacy, forging ham-fisted, bribed coalitions of the somewhat willing.¶ The Obama administration's actions in Libya are surely legitimate. The president chose to intervene after securing active support from the Arab League, the Organization of the Islamic Conference, and the Gulf Cooperation Council, not to mention the U.N. Security Council. The international community's near-unanimity is an acknowledgement of the "responsibility to protect" (or R2P), a U.N. norm that obliges the international community to defend innocents in the face of humanitarian atrocities.¶ Realists like Walt disdain R2P because shielding other human beings from mass murder does not fit within the realists' narrow band of core American interests. To them, America's blood, attention, and treasure are not worth spending unless there is an immediate quid pro quo payoff in terms of national security. Ironically for Walt, realists are closer to neoconservatives on this score: Bush and Cheney meshed realism with neoconservatism when they sold the Iraq invasion as a quick and painless exercise of overwhelming American power that would render an immediate payoff in the form of a decapitated threat and an instantaneous "beacon of democracy" in the Middle East.¶ Progressive internationalists, like neocons, would define R2P as a core national interest, and we would both advocate strongly for the protection of innocent civilians who yearn to express their individual freedoms. We believe protecting civilians from murderous dictators creates a more stable international community and a safer America while promoting universal human rights and values. But though our ends are similar, our thresholds for intervention, our military methodology, and our justifications for action could not be more different. Neoconservatives' disdain for smart power and realists' shortsighted interpretation of core U.S. interests are poor uses of national resources. In contrast, progressive internationalists seek to use all of America's might to shape an international environment more congenial to the country's true interests and democratic values.¶ These differences are hardly trivial. Conflating them, as Walt does, is a transparent attempt to reframe U.S. foreign-policy debates around a choice between intervention and nonintervention. But time and again, the American people stubbornly refuse to make those choices in a moral vacuum. This leaves the United States with a messy, imprecise, unscientific approach to international politics, just like its approach to domestic politics. Yes, this pragmatic progressive tradition has sometimes proved chaotic in practice, but Obama should be commended, not chastised, for aligning American interests and values, seeking international legitimacy, and looking to shape the world as both more democratic and ultimately safer.

### AT: Imperialism Link – Essentialism DA

#### Democracy modeling isn’t imperialist and doesn’t manipulate states for US ends---the critique essentializes American engagement which causes political atrophy

Richard Youngs 11, President, Fundación para las Relaciones Internacionales y el Diálogo Exterior, a think tank based in Madrid; Assistant Professor of Politics & International Studies at the University of Warwick, January 2011, “Misunderstanding the Maladies of Liberal Democracy Promotion,” online: <http://www.fride.org/download/WP106_Liberal_Democracy2_jan11.pdf>

This working paper offers a modest, but hopefully distinctive contribution to these debates by focusing on the nexus between conceptual debate and policy practice. Amelioration of this link is sorely needed. At present, academics’ and diplomats’ perceptions of each other are hardly positive. Academics dismiss policy-makers as hopelessly reductionist in their understanding of democracy. Policy-makers see academics as self-absorbed, abstract and behind-the-curve.¶ It is argued here that the stance required is a nuanced one. Some of the key aspects common to critical perspectives are sound and have made an important contribution to debates over democracy promotion. The concept of democracy does indeed need to be opened up to a wider range of ideas. However, this paper questions how far the scepticism heaped on liberalism’s shoulders captures what is most seriously wrong with real world policy developments.¶ Two commonly-made assumptions rest on empirical ground that is not firm. The first of these is that Western powers are in essence over-promoting liberal democracy. The facts suggest instead that they are not doing much to promote democracy of any type, whether liberal or otherwise. This is the most notable policy trend of recent years, under-stressed if not entirely ignored by arguments that derive from critical theory.¶ Second is the supposition that where they are active in democracy support, Western powers follow a rigidly liberal template that is inappropriate and inattentive to local demands and specificities. Of course, in places some such concerns are well founded and injustices are undoubtedly committed in the pursuit of political change. But this argument is far too sweeping when forwarded as a general meta-critique of democracy promotion. Real life policy formulation is much more ad hoc and varied in its conceptual bases. This is evident if one takes the trouble to look at the nitty-gritty substance of what democracy promoters are doing on the ground.¶ In some cases Western powers assertively promote liberal democracy. But other combinations are also adopted. Sometimes policy favours illiberal democracy; sometimes it seeks advances in liberal rights without democracy; and sometimes it is active in supporting neither the ‘liberal’ nor the ‘democracy’ strand of liberal democracy. The precise nature and balance of such policy options varies across different democracy promoters, different ‘target’ states and over different moments in time. Critical theory inspired approaches risk seeing a uniformity that simply does not exist in concrete democracy support strategies. They are if anything more straight-jacketed than the policy-makers they mock as rigidly simplistic in their conceptual understanding of democracy. This is not to suggest that all is well in the democracy promoters’ house; but the renovations needed are more subtle in nature.

#### They essentialize all American engagement as imperialist and dangerous, which crushes the potential role that the US can play in---the aff is an explicit break from historical support for authoritarianism which is what their link cards assume

Chris Bates 11 Writer for E-IR, an online IR newswire “The Role of Foreign Actors in the Development of Democracy in the Middle East-North Africa” Aug 1 2011www.e-ir.info/?p=11237

It is perhaps an overall criticism of democratisation theory that it does not tend to consider the constructive role that foreign actors have played within the development of democracy in the MENA region. From the arrival of the Islamic Empire, notions of democratic governance have been gradually introduced within its borders. Almost unintentionally, the European colonial project stimulated the growth of a new wealthy and educated social class whose values and interests began to challenge and undermine the legitimacy of its rule. Many also became involved with the nationalist movements that ultimately led to their independence after the Second World War. They were able to so largely because the Europeans brought with them the means of political expression through the introduction of a relatively free press. More recently, democracy promotion schemes by the US and the EU have prompted the introduction of elections and elements of political reform. Although they are not necessarily sufficient proof of a democratic regime, they should be considered a fundamental part of the process of democratisation itself. As such, it would perhaps be wrong to assume that foreign actors only hinder the development of democracy. Yet the overriding impression of their role suggests otherwise.¶ Looking again at the European role, its legacy is predominantly one of ethnic conflict and political divide. To some extent, the subsequent weakness of the state has made it susceptible to foreign interference from new actors within the region. Meanwhile, the Cold War led to the militarisation of local politics and the entrenchment of authoritarian regimes. These have largely undermined the ability of the region to pursue effective reform. Structures of power have been used to maintain strategic interests in the region. As such, democracy promotion schemes have largely been neglected at the expense of political stability. Foreign actors have therefore undermined the ability of the region to democratise. Yet given the ongoing political unrest in the region, there is an opportunity for them to play a far more constructive role in the development of democracy than they have in the past.

## 2AC TPA DA

### Econ Defense

#### Econ resilient

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

It is equally possible, however, that a renewed crisis would trigger a renewed surge in policy coordination. As John Ikenberry has observed, “the complex interdependence that is unleashed in an open and loosely rule-based order generates some expanding realms of exchange and investment that result in a growing array of firms, interest groups and other sorts of political stakeholders who seek to preserve the stability and openness of the system.”103 The post-2008 economic order has remained open, entrenching these interests even more across the globe. Despite uncertain times, the open economic system that has been in operation since 1945 does not appear to be closing anytime soon.

#### Even massive economic decline has zero chance of war

Robert Jervis 11, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, “Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425

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

### Heg Defense

#### No impact to heg

Maher 11---adjunct prof of pol sci, Brown. PhD expected in 2011 in pol sci, Brown (Richard, The Paradox of American Unipolarity: Why the United States May Be Better Off in a Post-Unipolar World, Orbis 55;1)

At the same time, preeminence creates burdens and facilitates imprudent behavior. Indeed, because of America’s unique political ideology, which sees its own domestic values and ideals as universal, and the relative openness of the foreign policymaking process, the United States is particularly susceptible to both the temptations and burdens of preponderance. For decades, perhaps since its very founding, the United States has viewed what is good for itself as good for the world. During its period of preeminence, the United States has both tried to maintain its position at the top and to transform world politics in fundamental ways, combining elements of realpolitik and liberal universalism (democratic government, free trade, basic human rights). At times, these desires have conflicted with each other but they also capture the enduring tensions of America’s role in the world. The absence of constraints and America’s overestimation of its own ability to shape outcomes has served to weaken its overall position. And because foreign policy is not the reserved and exclusive domain of the president---who presumably calculates strategy according to the pursuit of the state’s enduring national interests---the policymaking process is open to special interests and outside influences and, thus, susceptible to the cultivation of misperceptions, miscalculations, and misunderstandings. Five features in particular, each a consequence of how America has used its power in the unipolar era, have worked to diminish America’s long-term material and strategic position. Overextension. During its period of preeminence, the United States has found it difficult to stand aloof from threats (real or imagined) to its security, interests, and values. Most states are concerned with what happens in their immediate neighborhoods. The United States has interests that span virtually the entire globe, from its own Western Hemisphere, to Europe, the Middle East, Persian Gulf, South Asia, and East Asia. As its preeminence enters its third decade, the United States continues to define its interests in increasingly expansive terms. This has been facilitated by the massive forward presence of the American military, even when excluding the tens of thousands of troops stationed in Iraq and Afghanistan. The U.S. military has permanent bases in over 30 countries and maintains a troop presence in dozens more.13 There are two logics that lead a preeminent state to overextend, and these logics of overextension lead to goals and policies that exceed even the considerable capabilities of a superpower. First, by definition, preeminent states face few external constraints. Unlike in bipolar or multipolar systems, there are no other states that can serve to reliably check or counterbalance the power and influence of a single hegemon. This gives preeminent states a staggering freedom of action and provides a tempting opportunity to shape world politics in fundamental ways. Rather than pursuing its own narrow interests, preeminence provides an opportunity to mix ideology, values, and normative beliefs with foreign policy. The United States has been susceptible to this temptation, going to great lengths to slay dragons abroad, and even to remake whole societies in its own (liberal democratic) image.14 The costs and risks of taking such bold action or pursuing transformative foreign policies often seem manageable or even remote. We know from both theory and history that external powers can impose important checks on calculated risk-taking and serve as a moderating influence. The bipolar system of the Cold War forced policymakers in both the United States and the Soviet Union to exercise extreme caution and prudence. One wrong move could have led to a crisis that quickly spiraled out of policymakers’ control. Second, preeminent states have a strong incentive to seek to maintain their preeminence in the international system. Being number one has clear strategic, political, and psychological benefits. Preeminent states may, therefore, overestimate the intensity and immediacy of threats, or to fundamentally redefine what constitutes an acceptable level of threat to live with. To protect itself from emerging or even future threats, preeminent states may be more likely to take unilateral action, particularly compared to when power is distributed more evenly in the international system. Preeminence has not only made it possible for the United States to overestimate its power, but also to overestimate the degree to which other states and societies see American power as legitimate and even as worthy of emulation. There is almost a belief in historical determinism, or the feeling that one was destined to stand atop world politics as a colossus, and this preeminence gives one a special prerogative for one’s role and purpose in world politics. The security doctrine that the George W. Bush administration adopted took an aggressive approach to maintaining American preeminence and eliminating threats to American security, including waging preventive war. The invasion of Iraq, based on claims that Saddam Hussein possessed weapons of mass destruction (WMD) and had ties to al Qaeda, both of which turned out to be false, produced huge costs for the United States---in political, material, and human terms. After seven years of war, tens of thousands of American military personnel remain in Iraq. Estimates of its long-term cost are in the trillions of dollars.15 At the same time, the United States has fought a parallel conflict in Afghanistan. While the Obama administration looks to dramatically reduce the American military presence in Iraq, President Obama has committed tens of thousands of additional U.S. troops to Afghanistan. Distraction. Preeminent states have a tendency to seek to shape world politics in fundamental ways, which can lead to conflicting priorities and unnecessary diversions. As resources, attention, and prestige are devoted to one issue or set of issues, others are necessarily disregarded or given reduced importance. There are always trade-offs and opportunity costs in international politics, even for a state as powerful as the United States. Most states are required to define their priorities in highly specific terms. Because the preeminent state has such a large stake in world politics, it feels the need to be vigilant against any changes that could impact its short-, medium-, or longterm interests. The result is taking on commitments on an expansive number of issues all over the globe. The United States has been very active in its ambition to shape the postCold War world. It has expanded NATO to Russia’s doorstep; waged war in Bosnia, Kosovo, Iraq, and Afghanistan; sought to export its own democratic principles and institutions around the world; assembled an international coalition against transnational terrorism; imposed sanctions on North Korea and Iran for their nuclear programs; undertaken ‘‘nation building’’ in Iraq and Afghanistan; announced plans for a missile defense system to be stationed in Poland and the Czech Republic; and, with the United Kingdom, led the response to the recent global financial and economic crisis. By being so involved in so many parts of the world, there often emerges ambiguity over priorities. The United States defines its interests and obligations in global terms, and defending all of them simultaneously is beyond the pale even for a superpower like the United States. Issues that may have received benign neglect during the Cold War, for example, when U.S. attention and resources were almost exclusively devoted to its strategic competition with the Soviet Union, are now viewed as central to U.S. interests. Bearing Disproportionate Costs of Maintaining the Status Quo. As the preeminent power, the United States has the largest stake in maintaining the status quo. The world the United States took the lead in creating---one based on open markets and free trade, democratic norms and institutions, private property rights and the rule of law---has created enormous benefits for the United States. This is true both in terms of reaching unprecedented levels of domestic prosperity and in institutionalizing U.S. preferences, norms, and values globally. But at the same time, this system has proven costly to maintain. Smaller, less powerful states have a strong incentive to free ride, meaning that preeminent states bear a disproportionate share of the costs of maintaining the basic rules and institutions that give world politics order, stability, and predictability. While this might be frustrating to U.S. policymakers, it is perfectly understandable. Other countries know that the United States will continue to provide these goods out of its own self-interest, so there is little incentive for these other states to contribute significant resources to help maintain these public goods.16 The U.S. Navy patrols the oceans keeping vital sea lanes open. During financial crises around the globe---such as in Asia in 1997-1998, Mexico in 1994, or the global financial and economic crisis that began in October 2008--- the U.S. Treasury rather than the IMF takes the lead in setting out and implementing a plan to stabilize global financial markets. The United States has spent massive amounts on defense in part to prevent great power war. The United States, therefore, provides an indisputable collective good---a world, particularly compared to past eras, that is marked by order, stability, and predictability. A number of countries---in Europe, the Middle East, and East Asia---continue to rely on the American security guarantee for their own security. Rather than devoting more resources to defense, they are able to finance generous social welfare programs. To maintain these commitments, the United States has accumulated staggering budget deficits and national debt. As the sole superpower, the United States bears an additional though different kind of weight. From the Israeli-Palestinian dispute to the India Pakistan rivalry over Kashmir, the United States is expected to assert leadership to bring these disagreements to a peaceful resolution. The United States puts its reputation on the line, and as years and decades pass without lasting settlements, U.S. prestige and influence is further eroded. The only way to get other states to contribute more to the provision of public goods is if the United States dramatically decreases its share. At the same time, the United States would have to give other states an expanded role and greater responsibility given the proportionate increase in paying for public goods. This is a political decision for the United States---maintain predominant control over the provision of collective goods or reduce its burden but lose influence in how these public goods are used. Creation of Feelings of Enmity and Anti-Americanism. It is not necessary that everyone admire the United States or accept its ideals, values, and goals. Indeed, such dramatic imbalances of power that characterize world politics today almost always produce in others feelings of mistrust, resentment, and outright hostility. At the same time, it is easier for the United States to realize its own goals and values when these are shared by others, and are viewed as legitimate and in the common interest. As a result of both its vast power but also some of the decisions it has made, particularly over the past eight years, feelings of resentment and hostility toward the United States have grown, and perceptions of the legitimacy of its role and place in the world have correspondingly declined. Multiple factors give rise toanti-American sentiment, and anti-Americanism takes different shapes and forms.17 It emerges partly as a response to the vast disparity in power the United States enjoys over other states. Taking satisfaction in themissteps and indiscretions of the imposing Gulliver is a natural reaction. In societies that globalization (which in many parts of the world is interpreted as equivalent to Americanization) has largely passed over, resentment and alienation are felt when comparing one’s own impoverished, ill-governed, unstable society with the wealth, stability, and influence enjoyed by the United States.18 Anti-Americanism also emerges as a consequence of specific American actions and certain values and principles to which the United States ascribes. Opinion polls showed that a dramatic rise in anti-American sentiment followed the perceived unilateral decision to invade Iraq (under pretences that failed to convince much of the rest of the world) and to depose Saddam Hussein and his government and replace itwith a governmentmuchmore friendly to the United States. To many, this appeared as an arrogant and completely unilateral decision by a single state to decide for itselfwhen---and under what conditions---military force could be used. A number of other policy decisions by not just the George W. Bush but also the Clinton and Obama administrations have provoked feelings of anti-American sentiment. However, it seemed that a large portion of theworld had a particular animus for GeorgeW. Bush and a number of policy decisions of his administration, from voiding the U.S. signature on the International Criminal Court (ICC), resisting a global climate change treaty, detainee abuse at Abu Ghraib in Iraq and at Guantanamo Bay in Cuba, and what many viewed as a simplistic worldview that declared a ‘‘war’’ on terrorism and the division of theworld between goodand evil.Withpopulations around theworld mobilized and politicized to a degree never before seen---let alone barely contemplated---such feelings of anti-American sentiment makes it more difficult for the United States to convince other governments that the U.S.’ own preferences and priorities are legitimate and worthy of emulation. Decreased Allied Dependence. It is counterintuitive to think that America’s unprecedented power decreases its allies’ dependence on it. During the Cold War, for example, America’s allies were highly dependent on the United States for their own security. The security relationship that the United States had with Western Europe and Japan allowed these societies to rebuild and reach a stunning level of economic prosperity in the decades following World War II. Now that the United States is the sole superpower and the threat posed by the Soviet Union no longer exists, these countries have charted more autonomous courses in foreign and security policy. A reversion to a bipolar or multipolar system could change that, making these allies more dependent on the United States for their security. Russia’s reemergence could unnerve America’s European allies, just as China’s continued ascent could provoke unease in Japan. Either possibility would disrupt the equilibrium in Europe and East Asia that the United States has cultivated over the past several decades. New geopolitical rivalries could serve to create incentives for America’s allies to reduce the disagreements they have with Washington and to reinforce their security relationships with the United States.

### Trade Defense

#### U.S. leadership’s not key to multilateral trade

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

Despite weaker U.S. power and leadership, the global trade regime has remained resilient – particularly when compared to the 1930s. This suggests another significant factor – the stronger institutional environment that existed after 2008. There were very few multilateral economic institutions of relevance during the Great Depression.96 No multilateral trade regime existed, and international financial structures like the Bank of International Settlements remained nascent. The last major effort during the depression to rewrite the global rules – the 1933 London Monetary and Economic Conference – ended in acrimony.97 Newly-inaugurated president Franklin D. Roosevelt unilaterally took the United States off the gold standard, signaling an end to any attempt at multilateral cooperation.

In contrast, the current institutional environment is much thicker, with status quo policies focused on promoting greater economic openness. A panoply of pre-existing informal and formal regimes were able to supply needed services during a time of global economic crisis. At a minimum, institutions like the G-20 functioned as useful focal points for the major economies to coordinate policy responses. These structures also served to blunt domestic pressures to act in a more unilateral manner. International institutions like the Bank of International Settlements further provided crucial expertise to rewrite the global rules of the game. Even if the Doha round petered out, the WTO’s Dispute Settlement mechanism remained in place to coordinate and adjudicate monitoring and enforcement. Furthermore, the status quo preference for each element of these regimes was to promote greater cross-border exchange within the rule of law. It is easier for international institutions to reinforce existing global economic norms than to devise new ones. Even if these structures were operating on “autopilot,” they had already been pointed in the right direction.

### 2AC TPA DA

#### No negotiations---other countries doubt US commitment

Major Garrett 2-6, CBS News, February 6th, 2014, "The heated politics of free trade," www.cbsnews.com/news/the-heated-politics-of-free-trade/

Skepticism about the benefits of free trade have been simmering for years, more so on the progressive Left than the tea-party Right, but both wings of their respective parties are agitated and opposed to TPP and the fast-track authority that would force Congress to consider the deal, upon its completion, without amendment and with expedited floor procedures. Part of this is also a backlash against NAFTA’s underwhelming performance.¶ The Congressional Research Service concluded last year that NAFTA did far less than its enthusiastic backers promised when Congress approved the deal in 1993. That’s what opponents fear with TPP. Twelve U.S. senators wrote Reid announcing they would not support any new fast-track legislation without significant changes improving transparency, oversight, and compensating legislation for workers victimized by global competition.¶ All of this weighed heavily on Reid, a longtime opponent of free-trade deals. Reid had a choice—keep his long-standing opposition to himself, or offer vague estimates about when a vote on fast-track legislation would occur. That certainly would have been Obama’s preference after he jumped feet-first into the fast-track debate in his State of the Union address. Reid told Obama and the free-traders to take a hike.¶ But Reid knows the politics of trade have become more complex, with issues of job losses competing with progressive antagonism toward global corporatism and bubbling anxieties about secretive negotiations that echo those about the American surveillance state. Ignoring any of these would cause grassroots political problems for Reid among union members, young voters, and progressive populists. That’s a toxic mix Reid can’t abide. And won’t. Fast-track’s biggest Democratic booster in the Senate, Max Baucus, is heading to China as U.S. ambassador—a farewell that will bring not one tear to Reid’s eye but will intensify his stranglehold on the fast-track schedule.¶ The simplistic take is, Reid is merely waiting for the midterm elections before scheduling a fast-track vote to lay the groundwork for TPP and, possibly, a less advanced trade deal with Europe called the Transatlantic Trade and Investment Partnership. Think again.¶ The negotiations for the Asia-based TPP recommence in Singapore on Feb. 17. The best lever the U.S. has in reaching a deal is fast-track authority—because it gives other nations a sense of confidence that the deal will hold. That’s now impossible.¶ Anyone who thinks free-trade politics for Obama will improve after the midterms should think again. If Republicans make gains in the House and Senate, yes, there will be more pro-business sympathy. But Democrats, after licking their wounds, will sound a more progressive and populist trumpet.¶ Obama’s trade agenda, therefore, is going up in smoke. With or without CVS.

#### Won’t pass---Dems and elections

John Nichols 2/3, Washington correspondent for The Nation and associate editor of The Capital Times, “Harry Reid Knows Opposing Fast Track Is Smart Policy and Smart Politics,” http://www.thenation.com/blog/178215/harry-reid-knows-opposing-fast-track-smart-policy-and-smart-politics

There are a lot of reasons Senate majority leader Harry Reid shot down President Obama’s State of the Union request for a congressional grant of fast-track trade promotion authority to negotiate new free-trade deals like the Trans-Pacific Partnership.¶ Reid has a history of skepticism when it comes to trade deals, having opposed the North American Free Trade Agreement, permanent normalization of trade relations with China and a host of other arrangements that were favored by Wall Street interests.¶ Reid has a skeptical caucus. Only one Senate Democrat is on record in favor of granting fast-track authority, which would allow the administration to negotiate the TPP deal without meaningful congressional oversight or amendments. And that senator, Montana’s Max Baucus, is preparing to exit the chamber to become US ambassador to China. Senators who are sticking around, like Ohio’s Sherrod Brown and Massachusetts’ Elizabeth Warren, are ardently opposed.¶ Yet Reid’s rejection of Obama’s request was not a show of skepticism. It was an expression of outspoken opposition.¶ The majority leader took his own stand, announcing, “I am against fast track.”¶ And he took a stand for the chamber, declaring, “Everyone would be well-advised to not push this right now.”¶ Reid was so firm that some congressional observers declared the president’s initiative to be finished, at least for 2014. The House, where top Republicans favor fast track, could still act. But widespread opposition among mainstream Democrats and Tea Party Republicans has raised doubts about whether Wall Street–allied leaders like Speaker John Boehner, R-Ohio, and Budget Committee chairman Paul Ryan, R-Wisconsin, would risk rejection on the issue.¶ Why did Reid say “no” so firmly, and so quickly, that he could be forcing the president to cross a major agenda item off the list?¶ It has a lot to do with policy.¶ But it also has to do with politics.¶ Reid is determined to maintain Democratic control of the Senate in the difficult 2014 election cycle. And he understands that the debate about free-trade policy has evolved to a point where it is a concern not just in traditionally Democratic industrial centers but in rural regions that will play a critical role in determining control of the Senate.¶ Twenty years ago, when Reid was casting a relatively lonely vote against NAFTA, then-President Bill Clinton could count on a lot of Senate support from farm-state Democrats. In those days, farmers were being told that free-trade pacts would yield tremendous benefits for American agriculture and rural communities.¶ But it did not work out that way.¶ Today, there is significant opposition to fast track among farm groups that take their cues from rural America, as opposed to Wall Street. And that matters because rural voters are an important factor in critical Senate contests. Indeed, they could be definitional in states that may decide which party controls the Senate, such as Montana, North Carolina and Iowa. Congressman Bruce Braley, the Democratic front-runner in the race to succeed retiring Iowa Senator Tom Harkin, signed a key letter last year opposing fast track and has termed trade deals that threaten working farmers and rural communities “simply unacceptable.”

#### Not spending PC on TPA

Kimberley A. Strassel 2/6, columnist @ WSJ, “How Politics May Sink Trade Deals,” http://online.wsj.com/news/articles/SB10001424052702303496804579367084197445494?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702303496804579367084197445494.html

Yet the iron rule of Washington is that TPA votes only succeed via ferocious and sustained White House lobbying. President George W. Bush spent two years speechifying, mobilizing, horse-trading, and unleashing his assembled business and administrative host on Congress to get TPA. "You couldn't walk down the hall to the bathroom without bumping into a Bush cabinet member or staffer demanding to talk about trade," reminisces one current GOP staffer. "And if you didn't, they'd follow you in." With all this, the House vote in July 2002 to pass TPA was 215-212.¶ Hurricane Obama has ambitions but not about trade. He is aiming to win the midterm election, and that means keeping the left flank happy. Union heavyweights have vowed a grass-roots assault on the trade deals, with enviros in tow. Mr. Obama only wants a trade victory if he doesn't have to commit political capital and upset his base. Since he'd have to do both to win TPA, he's doing little. Congressional pro-traders report no real trade push from the White House. They say Mr. Obama has so far limited himself to working this, ahem, behind the scenes. Not to worry, he keeps telling them. He's making a few calls.¶ One call that apparently hasn't gone out is to Typhoon Harry Reid, who has already announced that Mr. Obama's call for TPA is dead. The Senate Majority leader has a priority that far outranks job-creating trade deals, and it is called staying Majority Leader. He spends 99.999989% of his time protecting his vulnerable members from tough situations, and the thought of TPA makes his few nerve endings go numb.

#### Won’t pass---Reid blocks and PC fails

Edward Luce 2/4, Washington columnist for the Financial Times, “Obama’s TPP agenda hangs on a thin Reid,” http://www.afr.com/p/business/companies/obama\_tpp\_agenda\_hangs\_on\_thin\_reid\_V3WfuLkMHda6QJQ3A4zHwI

In his State of the Union address the night before, Obama appealed to Reid and his colleagues to pass trade promotion authority, which enables a straight up-or-down vote on trade deals. Without TPA, the President will be unable to negotiate serious deals with America’s Pacific and Transatlantic partners. The deals, which are approaching crunch point, are the most ambitious items on Obama’s global economic agenda. Reid buried prospects of it passing this year. With friends like this, Obama has no need of the Tea Party.¶ Reid has one goal in mind: to retain his job as Senate majority leader in the November midterm elections. The hardscrabble Democrat from Searchlight, Nevada, has never met a trade deal he liked. Nor, more important, does he think the voters like them much either. In spite of the pick-up in US growth, most Americans say they are pessimistic about their economic prospects. Electoral forecasters say that the Senate could tip either way in November: Republicans need to win just six of the 36 seats up for grabs to regain the majority. By a quirk of the calendar, most of the seats in play are held by Democrats.¶ In the last midterm elections in 2010, when Reid defended Democratic control of the Senate, the Republicans fielded an eccentric range of Tea Party candidates. Among them was Sharron Angle, a far-right constitutionalist, whom Reid narrowly defeated to hold on to his seat in Nevada.¶ This time establishment Republicans are doing their utmost to lock the crazies in the attic and thus stand a better chance of putting Reid out of a job.¶ Passing TPA is just the kind of thing that would alienate the trade unions, whose financial support Reid needs for the six or seven states that will decide the Senate (pay close attention to the races in Alaska, North Carolina, Louisiana and Arkansas).¶ The senator is not the kind of man whose arm can be twisted easily – even by a president from his own party. The son of a goldminer who ended his life with a handgun and a mother who took in laundry from the local brothel to make ends meet, ascended to the top of America’s first branch of government in an almost Abraham Lincoln-like way.¶ CHASED MOB OUT OF LAS VEGAS¶ On the way up he headed Nevada’s gaming commission and was partly responsible for chasing the mob out of Las Vegas – earning a depiction in the movie Casino, as the guy who denies Robert De Niro’s character a gambling licence. On another occasion, he got the Federal Bureau of Investigation to wiretap the meeting where he suspected he would be offered a bribe and then tried to strangle the culprit: “I was in a rage,” he clarified helpfully.¶ Nor does he owe Obama any favours: more the other way round. Without Reid, the $US787 billion stimulus might not have gone through in 2009, nor Obamacare in 2010 – the two most important bills enacted since Obama came to office.¶ But it goes both ways. If Reid does not want TPA to pass, it will go nowhere. That would badly undermine Obama’s most important two global initiatives that do not involve the Middle East.¶ In particular, the Trans-Pacific Partnership is the cornerstone of Obama’s rebalancing to Asia. Although China is not part of TPP, the US aims to set up a new set of trade, investment and intellectual property protections that will bind its future behaviour. If Obama cannot persuade his own party in Congress to support the talks, then China’s neighbours will take their cue. They are already riddled with doubts about Washington’s readiness to take on its own vested interests – textiles and sugar among them.¶ Can Obama get Reid to change his mind? It is hard to see what the White House could offer that would satisfy Reid’s union allies and still enable the US to negotiate concessions from its trade partners.¶ The left wants to attach the kind of environmental and labour conditions that would wreck prospects of serious talks with Indonesia, Vietnam and others.

### AT: Signing Statements Link

#### Normal means is no signing statement

Kevin Evans 13, Assistant Professor in the Department of Politics and International Relations at Florida International University “Why the Obama Administration Has Issued Fewer Signing Statements,” http://millercenter.org/ridingthetiger/obama-administration-signing-statements-evans

The Obama administration has only issued 22 statements during his first term. While these statements are chock-full of constitutional challenges (Obama’s most recent NDAA signing statement challenges more than 20 sections of law on constitutional grounds), the lack of frequency with which the administration issues them leaves Obama nowhere close to Bush in terms of the number of provisions challenged over a similar timeframe.

### AT: Veto Link

#### Our interpretation is the plan passes by least necessary means---strings like vetoes aren’t attached---key to aff ground because the specifics of process are unknowable which creates unpredictable disads that divert from the topic

#### Normal means is Obama doesn’t veto

Dave Boyer 12, Washington Times, “For Obama, veto isn’t overriding concern,” http://www.washingtontimes.com/news/2012/dec/25/record-shows-obamas-veto-threats-carry-little-weig/?page=all

Lawmakers don’t expect Mr. Obama to veto the bill, and there is good reason for that view. The president has followed through on veto threats only twice in his first term, both on relatively inconsequential bills.¶ “With a lot of these veto threats, they’re just simply political statements,” said Gerhard Peters, co-founder of the American Presidency Project at the University of California at Santa Barbara. “It’s a way for the White House to distinguish itself from the Republicans in the House.”¶ By using the veto pen only twice in his first term, Mr. Obama ranks near the bottom among post-Watergate presidents. Republican George W. Bush didn’t use the veto once in his first term, when lawmakers were generally supportive of his initiatives in the wake of the Sept. 11 attacks. Mr. Bush did use the veto 12 times in his second term. Four were overridden.¶ President Reagan used the veto 78 times over eight years; Congress upheld 69. President George H.W. Bush vetoed legislation 44 times in his single term; all but one were sustained. President Clinton used the veto pen 37 times in eight years, with only two overridden. President Carter vetoed 31 pieces of legislation; only two were overridden.¶ A White House spokesman wouldn’t comment on Mr. Obama’s rare use of the veto. In some cases, the president has threatened a veto knowing that the risk of a real confrontation with Congress is low, such as the administration’s promise last week to veto House Republicans’ “Plan B” during the “fiscal cliff” negotiations. The proposal by House Speaker John A. Boehner, Ohio Republican, would have raised taxes on families earning $1 million or more, but Senate Democrats made it clear that the legislation would never reach the president’s desk.¶ Mr. Boehner decided not to hold a vote on the bill after realizing that Republicans lacked the votes to pass it in the House.¶ Mr. Peters said he doesn’t see “much of a coherent strategy” in Mr. Obama’s veto threats and that the role of the veto has evolved in an increasingly partisan Washington.¶ “The increased threat of the filibuster is constantly used,” Mr. Peters said. “That’s one thing that makes it difficult for things to get out of the Senate, even in the previous Congress when you had a Democratic House. It’s very indicative of the changing nature of American politics over the last three or four decades. The fact is that the parties have just become more polarized. Jimmy Carter had a much different Democratic Party to deal with in Congress than Barack Obama has today. That’s one of the reasons that Jimmy Carter had to veto more things.”¶ One of Mr. Obama’s most serious veto run-ins with lawmakers was the defense-authorization battle of December 2011, which hinged on the question of Guantanamo detainees.¶ The president objected to provisions of the military spending bill that would have forced the administration to try terrorism suspects in military courts. But Mr. Obama signed the legislation on New Year’s Eve, when it was likely to attract little attention, but said he didn’t agree with everything in the bill.

### 2AC Politics DA

#### Not intrinsic---a logical policymaker could do both, key to op cost decision-making.

#### Fiat solves the link--- plan passes without backlash

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#### Fights over immigration coming – Obama push next week

Cole 1/23 – Aaron, managing editor of the Aurora Sentinel, 2014, Putting the I in immigration reform, www.aurorasentinel.com/news/putting-immigration-reform/

When President Barack Obama addresses a joint session of Congress next week, his request to pass comprehensive immigration reform won’t be a surprise for any of the House Republican leaders. For weeks now, House and Senate top dogs have prepared for the specter that patience is at an end for many Americans who were promised immigration reform years ago by the current presidential administration and congressional representatives. For Colorado’s third-largest city, with more than 90 languages spoken and the state’s most-diverse populace, it’ll be another call in a long list of demands to address what many Aurora residents already know: immigration reform is a long, complicated, costly and cumbersome process. ¶ Congress is gearing up for a fight in the House over comprehensive immigration reform, and battleground candidates and representatives from Aurora’s congressional race have become increasingly important. It’s not enough that Colorado’s 6th Congressional District has been forecast as one of the most contentious races in the U.S. The district also includes Colorado’s most diverse city and one of the state’s largest number of immigrants. Congressman Mike Coffman, who has been an outspoken opponent of the administration’s plan for immigration in the past — and the Senate’s comprehensive immigration bill — has shifted positions in the last 12 months. Andrew Romanoff, who is challenging Coffman in November, once led the state Legislature through a special session in 2006 that passed some of “the toughest immigration laws” in the country at the time, according to the Washington Post.

#### Obama pushing unemployment benefits and causing a fight

Kasie Hunt 2/4, and Carrie Dunn, NBC News, "Senate readies another volley on unemployment aid", 2014, firstread.nbcnews.com/\_news/2014/02/04/22573805-senate-readies-another-volley-on-unemployment-aid

Senate Democrats will try again this week to extend unemployment insurance aid for the long-term jobless -- over a month since the benefits expired for 1.3 million Americans. ¶ Negotiators have been trying to work out a compromise to restart the jobless insurance since the end of last year. Republicans blocked a three-month extension of the program last month, saying that it was not fiscally responsible.¶ A new version of a deal would be paid for extending a tactic called “pension smoothing” – which allows companies to reduce some payments to pensions in the short term.¶ Senate Majority Leader Harry Reid has scheduled a vote to advance that version of the bill on Thursday, but it’s not clear that Democrats will have enough backing to overcome a 60-vote threshold and keep it alive.¶ Reid suggested Thursday that the impasse was due to Republican callousness towards the unemployed.¶ "We have an issue here. They do not want unemployment insurance extension. They don't want that," Reid said Tuesday of the GOP. "They don't care about these people as voters. We do. We care about them as voters, as human beings."¶ President Barack Obama, who has been frustrated in his push for the jobless aid extension, announced a new program last week to help the long-term jobless overcome discrimination during their search for work.¶ “Each week that Congress fails to restore that insurance, roughly 72,000 Americans will join the ranks of the long-term unemployed who have also lost their economic lifeline,” he said Friday.

#### Surveillance overhaul pushback

HP 1/19 -- Huffington Post, Libby Quaid, Obama NSA Reform Draws Congressional Criticism, 2014, [www.huffingtonpost.com/2014/01/19/obama-nsa-reform\_n\_4628405.html](http://www.huffingtonpost.com/2014/01/19/obama-nsa-reform_n_4628405.html)

WASHINGTON (AP) — A chief element of President Barack Obama's attempt to overhaul U.S. surveillance will not work, leaders of Congress' intelligence committees said Sunday, pushing back against the idea that the government should cede control of how Americans' phone records are stored.¶ Obama, under pressure to calm the controversy over government spying, said Friday he wants bulk phone data stored outside the government to reduce the risk that the records will be abused. The president said he will require a special judge's advance approval before intelligence agencies can examine someone's data and will force analysts to keep their searches closer to suspected terrorists or organizations.¶ "And I think that's a very difficult thing," Sen. Dianne Feinstein, who chairs the Senate Intelligence Committee, said Sunday. "Because the whole purpose of this program is to provide instantaneous information to be able to disrupt any plot that may be taking place."¶ Under the surveillance program, the NSA gathers phone numbers called and the length of conversations, but not the content of the calls. Obama said the NSA sometimes needs to tap those records to find people linked to suspected terrorists. But he said eventually the bulk data should be stored somewhere out of the government's hands. That could mean finding a way for phone companies to store the records, though some companies have balked at the idea, or it could mean creating a third-party entity to hold the records.¶ Feinstein, D-Calif., said many Americans don't understand that threats persist a dozen years after the 9/11 terrorist attacks. "New bombs are being devised. New terrorists are emerging, new groups. Actually, a new level of viciousness. And I think we need to be prepared," Feinstein said.¶ Rep. Mike Rogers, chairman of the House Intelligence Committee, said Obama had intensified a sense of uncertainty about the country's ability to root out terrorist threats. Obama didn't say who should have control of Americans' data; he directed the attorney general and director of national intelligence to find a solution within 60 days.¶ "We really did need a decision on Friday, and what we got was lots of uncertainty," Rogers, R-Mich., said. "And just in my conversations over the weekend with intelligence officials, this new level of uncertainty is already having a bit of an impact on our ability to protect Americans by finding terrorists who are trying to reach into the United States."¶ The lawmakers did praise the president for his defense of the National Security Agency's surveillance programs. "First, I thought it was very important that the president laid out no abuses, this was not an illegal program, it wasn't a rogue agency," Rogers said.¶ The surveillance programs have been under fire since former National Security Agency analyst Edward Snowden absconded with an estimated 1.7 million documents related to surveillance and other NSA operations, giving the documents to journalists around the world. Revelations in the documents sparked a furor over whether Americans have been giving up privacy protections in exchange for intelligence-gathering on terrorism.¶ Congress will have a lot of say in how and whether Obama's ideas are carried out.

#### Obama’s PC is dead and he’s not using it anyway---and minimum wage, education, and climate chnge thump

Nancy Benac AND\*\*\* Julie Pace 1-1, AP writers, January 1st, 2014, "Obama’s presidency, beset by fits, starts new year," Wisconsin Gazette, www.wisconsingazette.com/breaking-news/obamas-presidency-beset-by-fits-starts-year-5.html

In 2013, Obama’s critics doubled down. Fractured Republicans, swore off compromise. The president’s outreach to Congress was lacking or at times even non-existent. Obama’s team dropped the ball — calamitously — on his health care law. Snowden’s revelations had Democrats and Republicans alike calling for tighter surveillance rules. Foreign leaders were in a huff — Brazil’s president snubbing a proposed White House state dinner, Germany’s Angela Merkel incensed that her cellphone calls had been intercepted. The president’s pledge that people who liked their health plans would be able to keep them ran into a harsh reality as millions saw their coverage canceled.¶ The year ended with a only small-bore budget deal.¶ White House communications director Jennifer Palmieri called it a year of “fits and starts” for the president — and predicted better days ahead.¶ Yet Obama’s agenda of gun control, immigration reform, a grand budget bargain sits unfulfilled. Obama’s job approval and personal favorability ratings are near the lowest point of his presidency, with increasing numbers of Americans saying they no longer consider him to be honest or trustworthy. Abroad, too, positive views of Obama have slipped.¶ The mantra for the Obama White House has always been to take the long view. Officials scoff at the “who’s up, who’s down” churn of Washington’s chattering class.¶ But as Obama embarked on his second term, some of his closest outside advisers warned him that the next four years would have to be different: He might have just 18 months, perhaps as little as a year, to accomplish big domestic priorities.¶ Obama’s team thought it had a strategy for overcoming the second-term curse. They would make a quick play for stricter gun control measures, then press for an immigration overhaul and float the possibility of a big budget deal.¶ Each of those efforts failed and Obama quickly found himself consumed by distractions.¶ Some were fleeting, like the revelations that the Internal Revenue Service was applying extra scrutiny to conservative groups. But others threatened long-term damage to his presidency: the National Security Agency disclosures and the disastrous rollout of the “Obamacare” health law.¶ Some events were beyond Obama’s control, including the chemical weapons crisis in Syria.¶ But how could he not have known that his government was spying on the private communications of friendly world leaders? Why didn’t he know his health care website wouldn’t work? How could he have promised over and over again that Americans could keep their health insurance when his own advisers knew it wasn’t that simple?¶ As a result, the president is ending his fifth year in office in a “defensive crouch,” says presidential historian Douglas Brinkley, and may have to be content with simply protecting his health care law and other Democratic-backed programs that Republicans are eager to repeal.¶ The 2014 midterm elections give Obama his best opportunity to rebound. But Democrats, who just weeks ago saw an opportunity to retake the House after Republicans got blamed for the government shutdown, now fret about the health care law’s ongoing problems and may be content to just keep control of the Senate.¶ Lawmakers from both parties say Obama doesn’t talk to them much, nor do his aides. Both sides wistfully recall the voluble Clinton, who figured out how to craft deals with Republicans on welfare reform and other agenda.¶ Sen. Tom Coburn, an Oklahoma Republican who worked with Obama when he was a senator and still considers the president a friend, says flatly: “He’s flunked in terms of relations with Congress.”¶ “If you know him personally, he’s a very likable person,” says Coburn. “But it’s different than with most other presidents in terms of having relationships with Congress.”¶ Of course, the president’s tepid relationship with Congress is hardly his fault alone. The forces that pulled House Republicans to the right made it difficult for the GOP to reach agreement with Democrats on much of anything.¶ What does it matter if Obama doesn’t buddy up to his former colleagues?¶ “Instead of going out and talking to his enemies, making friends and schmoozing, or banging heads together with them or whatever, you can see that the man is diffident — deeply, deeply diffident about the kinds of politicking that are necessary to build consensus,” says Nigel Nicholson, a professor at the London Business School.¶ The president has been getting plenty of that kind of advice in recent weeks. Critics called for a sweeping shake-up of his White House inner circle.¶ Obama has responded in his typically restrained fashion. No one has lost a job over the massive health care screw-up, though the White House hasn’t ruled that out. And while the president is doing some minor reshuffling, he’s largely bringing in people he already knows.¶ To critics, the limited staff changes smack of a White House that doesn’t fully understand the depths of its problems.¶ But to presidential friend Ron Kirk said they are indicative of Obama’s “fairly dispassionate temperament.”¶ “He understands that overreacting to any one development in the moment is not the best way to achieve a long-term and stable objective,” said Kirk.¶ The president’s agenda for his sixth year in office is a stark reminder of how little he accomplished in 2013.¶ Obama plans to make another run at immigration reform. He’ll seek to increase the minimum wage, expand access to early childhood education, and look to implement key climate changes.¶ Foreign policy could be an oasis for the struggling second-term president. With Russia’s help, he turned his public indecision over attacking Syria into an unexpected agreement to strip President Bashar Assad of his chemical weapons, though the success of the effort won’t be known for some time and the civil war in Syria rages on. Obama also authorized daring secret negotiations with Iran, resulting in an interim nuclear agreement. But even the president says the prospects of getting a final deal are only 50-50.¶ In a year-end news conference, the president optimistically predicted that 2014 would be “a breakthrough year for America.” But Obama’s dismal standings in the polls suggest he can’t count on a public groundswell.

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#### Obama won’t fight plan

Carlo Munoz 5/23/13, staff writer for defense and national security for the Hill, “Obama seeks to ramp down 9/11-era rules for war on terror,” http://thehill.com/blogs/defcon-hill/policy-and-strategy/301737-obama-seeks-to-ramp-down-911-rules-for-war-on-terror

But Obama argued in his address Thursday at the National Defense University that the law has expanded beyond its intent and should be repealed.¶ "I look forward to engaging Congress and the American people in efforts to refine, and ultimately repeal, the AUMF’s mandate," Obama said.¶ Obama argued that unless the 12-year-old rules are rewritten, Congress risked giving future presidents unbound powers.¶ “Unless we discipline our thinking and our actions, we may be drawn into more wars we don’t need to fight, or continue to grant presidents unbound powers more suited for traditional armed conflicts between nation states,” Obama said in arguing for the AUMF’s change.¶ “So I look forward to engaging Congress and the American people in efforts to refine, and ultimately repeal, the AUMF’s mandate,” he said. “And I will not sign laws designed to expand this mandate further. Our systematic effort to dismantle terrorist organizations must continue. But this war, like all wars, must end. That’s what history advises. That’s what our democracy demands.”¶ It seems unlikely Congress will approve legislation to change the rules of engagement, however, and it is unclear how hard Obama — already focused on immigration reform and distracted by a trio of controversies — will push on the issue.¶ Some Republicans argued Obama was weakening the U.S. war on terror with his proposals.¶ “I believe we are still in a long, drawn-out conflict with al Qaeda. To somehow argue that al Qaeda is ‘on the run,’ comes from a degree of un-reality to me that is really incredible,” said Sen. John McCain (R-Ariz.).¶ Violent al Qaeda affiliates in Yemen, West Africa, Libya and elsewhere that continue to plot attacks against the United States are proof positive the rules of engagement must remain intact, he said.¶ "To somehow think we can bring the [AUMF] to a complete closure contradicts the reality of the facts on the ground," McCain said. "Al Qaeda will be with us for a long time."¶ A former CIA officer argued the White House simply does not have the political capital to burn in order to get the counterterrorism rules changed.¶ "Congress is not going to allow [Obama] to move" on the rules changes or any of the other initiatives laid out by the president during Thursday's speech, Frederick Fleitz, a former CIA official, told The Hill on Thursday.¶ "I do not think the president is going to spend a lot of political capital on this," said Fleitz, who described Thursday's speech as being geared more toward preserving Obama's foreign policy legacy than actual changes in counterterrorism strategy.

#### Plan’s bipart

Peter Weber 13, February 6th, 2013, "Will Congress curb Obama's drone strikes?" The Week, theweek.com/article/index/239716/will-congress-curb-obamas-drone-strikes

Since at least the 9/11 attacks, Congress has been less than confrontational with the White House over presidential powers to conduct war and anti-terrorism operations, to the dismay of civil libertarians. So we had President George W. Bush's warrantless domestic wiretaps retroactively green-lighted by Congress, torture only officially nixed by a change in presidents, and a big ramping-up of lethal drones being used to kill terrorism suspects under President Obama. But Obama's decision to kill at least two Americans working for al Qaeda in Yemen in 2011, and the legal justification that emerged in a leaked white paper (read below) this week, has caused a big, unusual outcry from both the Left and Right. When was the last time lefties Glenn Greenwald, Salon's Joan Walsh, and MSNBC host Ed Shultz were on the same page as conservatives Patrick (Patterico) Frey, Joe Scarborough, and Judge Andrew Napolitano of Fox News? ¶ Some members of Congress "uncomfortable with the Obama administration's use of deadly drones," mostly but not all Democrats, are "looking to limit America's authority to kill suspected terrorists, even U.S. citizens," says Lara Jakes of The Associated Press. The Obama team's justification for carrying out drone strikes relies heavily on a law Congress passed three days after the 9/11 attacks that authorizes the military to use "all necessary and appropriate force" — including drone attacks — against al Qaeda and affiliated terrorist groups.¶ "It has to be in the agenda of this Congress to reconsider the scope of action of drones and use of deadly force by the United States around the world because the original authorization of use of force, I think, is being strained to its limits," Sen. Chris Coons (D-Del.) tells the AP. "We are sort of running on the steam that we acquired right after our country was attacked in the most horrific act of terror in U.S. history," agrees Rep. Keith Ellison (D-Minn.). "We have learned much since 9/11, and now it's time to take a more sober look at where we should be with use of force."

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#### PC low now---plan’s a win

Jill Lawrence 9-17**,** national correspondent at National Journal, September 17th, 2013, “Obama Says He’s Not Worried About Style Points. He Should Be,” National Journal, <http://www.nationaljournal.com/whitehouse/obama-says-he-s-not-worried-about-style-points-he-should-be-20130917>

In some ways Obama's fifth year is typical of fifth years, when reelected presidents aim high and often fail. But in some ways it is atypical, notably in the number of failures, setbacks, and incompletes Obama has piled up. Gun control and immigration reform are stalled. Two Obama favorites withdrew their names as potential nominees in the face of congressional opposition – Susan Rice, once a frontrunner for secretary of state, followed by Larry Summers, a top candidate to head the Federal Reserve. Secretary of State John Kerry's possibly offhand remark about Assad giving up his chemical weapons, and Putin's jump into the arena with a diplomatic proposal, saved him from almost certain defeat on Capitol Hill. Edward Snowden set the national security establishment on its heels, then won temporary refuge from … Putin. It's far from clear how that will be resolved.¶ And that's as true for the budget and debt-limit showdowns ahead.¶ Some of Obama's troubles are due to the intransigence of House conservatives, and some may be inevitable in a world far less black and white than the one Reagan faced. But the impression of ineffectiveness is the same.¶ "People don't like it when circumstances are dictating the way in which a president behaves. They want him to be the one in charge," says Dallek, who has written books about nine presidents, including Reagan and Franklin Roosevelt. "It's unfair… On the other hand, that's what goes with the territory. People expect presidents to be in command, and they can't always be in command, and the public is not forgiving."¶ Obama's job approval numbers remain in the mid-40s. The farther they fall below 50 percent, history suggests, the worse he can expect Democrats to do in the midterm House and Senate elections next year. Obama would likely be in worse trouble with the public, at least in the short term, if he had pushed forward with a military strike in Syria. In fact, a new Pew Research Center poll shows 67 percent approve of Obama's switch to diplomacy. But his journey to that point made him look weak and indecisive.¶ Indeed, the year's setbacks are accumulating and that is dangerous for Obama.¶ "At some point people make a collective decision and they don't listen to the president anymore. That's what happened to both Jimmy Carter and George W. Bush," Cannon says. "I don't think Obama has quite gone off the diving board yet in the way that Carter or Bush did … but he's close to the edge. He needs to have some successes and perceptions of success."

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#### Obamacare will continue to DIRECTLY trade off with his agenda

Melanie Batley 12-17, December 17th, 2013, "Obamacare Failures Imperil Hopes for Immigration Reform," www.newsmax.com/Newsfront/immigration-sidetracked-competence-management/2013/12/17/id/542296

President Barack Obama's ambitious and once promising plans to pass a comprehensive overhaul of the nation's immigration system have been sidetracked amid the fallout from the botched implementation of Obamacare, which continues to dog the administration.¶ According to Politico, the diversion over the troubled healthcare law has enabled House Republicans to avoid divisive debate on the bipartisan immigration bill passed by the Senate in the summer. Doubts, meanwhile, are mounting about the administration's competence to manage the complexity of a reformed immigration system, given the problems with the healthcare law.¶ "There's a loss of confidence in the government's ability," former Los Angeles Major Antonio Villaraigosa, a Democrat and proponent of the immigration reform bill, said at an event this month, according to Politico.¶ "Clearly, the last few months, our experience with [the] Affordable Care Act does not help when you look at other big things like immigration reform."¶ Conservatives may be able to mount a credible case in the public eye against the government's ability to manage major programs by capitalizing on the widespread skepticism of Obamacare, according to Politico.¶ The Senate immigration bill would create a pathway to citizenship for the nation's 11 million undocumented immigrants, strengthen border security, and expand the temporary worker program. Those plans are increasingly looking too ambitious to achieve in the current divisive partisan environment.¶ "It's going to make it harder to sell big deals" South Carolina Republican Sen. Lindsey Graham, a lead co-sponsor of the Senate immigration bill, told Politico. "People are now saying, 'So you're gonna do immigration. You're gonna let the same people manage the immigration system that's managed Obamacare?'"¶ House Speaker John Boehner's spokesman, Brendan Buck, echoed those sentiments, saying that the troubled rollout of Obamacare "validated our warnings against jamming one massive bill that few have read and even fewer fully comprehend."¶ "If the Obamacare train wreck has any lesson, it's that big policy challenges should be addressed deliberatively and one step at a time," he said.¶ The Obama administration, however, is trying to sever the link between the two issues, even though it acknowledges that the drop in public confidence over Obamacare may have an effect on its other policy initiatives.

#### Debt ceiling pounds and spills over---also no focus

Josh Lederman 12-27, writer for the Associated Press, December 27th, 2013, "Unfinished business: Obama starting 2014 in "rough" spot," seattletimes.com/html/politics/2022539815\_apxobama.html

Already, familiar fault lines are emerging as Republicans and Democrats retrench for the next fiscal fight over raising the debt ceiling, which the Treasury says must be resolved by late February or early March. Despite the White House's insistence that Obama won't negotiate over that issue, Ryan has vowed the GOP will seek concessions before acquiescing.¶ Whether Obama and Republicans can resolve their differences without another default-threatening showdown may set the stage for other items on the agenda as Washington gears up for the midterm elections in November, when the entire House and one-third of the Senate will be on the ballot.¶ "There's a fresh year, but it's not as good as being re-elected. Obama is starting from a rough position, and the clock is already short," said Julian Zelizer, a presidential historian at Princeton University. "By June or July, most legislators are focused on getting re-elected, and it's very hard to get them to do anything at that point."¶ High on the agenda for the start of the year is a renewed push on immigration. Bipartisan consensus about the need for action on immigration in the wake of the 2012 presidential election gave way in 2013 to opposition from conservative House Republicans. House Speaker John Boehner, R-Ohio, has started offering subtle signs he'll put more weight behind the issue despite continued resistance from the tea party.¶ In late January, Obama will give his fifth State of the Union address, setting his agenda for the final stretch before the midterms. As the end of this year approached, he cast a renewed focus on economic plans aimed at closing the income gap between rich and poor. The White House is pushing Congress to extend unemployment benefits for the long-term jobless that expire this month and to raise the minimum wage.¶ Obama may also be hoping that as health care coverage provided through government exchanges kicks in Jan. 1, Republicans will find it more difficult to argue that the entire law should be repealed. The calamitous roll-out of the law this year became a major distraction for the White House and has provided fodder to Republican candidates heading into the midterms.¶ In Obama's suitcase as he left Washington last week was a set of recommendations from an advisory panel he appointed to review the National Security Agency's intelligence collection programs. The White House said Obama would be studying the recommendations during his vacation in Hawaii, and he's expected to announce next month which steps he plans to implement.¶ On the foreign policy front, Obama is keeping an eye on violence cropping up in South Sudan, Ukraine and the Central African Republic. His administration continues its efforts to strike a long-term nuclear deal with Iran and to forge an elusive peace deal between Israelis and Palestinians.¶ And 2014 may provide a final chance for Obama to push to close the U.S. prison at Guantanamo Bay, Cuba, an effort that Congress has blocked through restrictions on transferring detainees. In a statement after he signed the defense bill Thursday, Obama praised Congress for removing some of those restrictions in the bill, but he called for further steps to lift constraints, including a ban on transferring detainees to the U.S. for imprisonment, trial or medical emergencies.¶ "I oppose these provisions, as I have in years past, and will continue to work with the Congress to remove these restrictions," Obama said, adding that some of the remaining restrictions, in some circumstances, "would violate constitutional separation of powers principles."¶ But as campaigning for House, Senate and governors' mansions kicks into high gear in 2014, Obama may find his efforts to focus attention on his priorities drowned out by the political posturing that reaches a fever pitch in Washington every other year.

## Solvency

### CIA

#### CIA is included in USAF---conclusion reversed in 1983

Harmon 80 John M, Assistant Attorney General at the Office of Legal Counsel, “Presidential Power to Use the Armed Forces Abroad Without Statutory Authorization”, February 12, http://www.yale.edu/lawweb/jbalkin/cases/4aOpOffLegalCounsel185.pdf

The term "United States Armed Forces" in the War Powers Resolution does not include military personnel detailed to and under the control of the Central Intelligence Agency. [In an opinion issued on October 26, 1983, published as an appendix to this opinion, this conclusion is reconsidered and reversed.]

## Counterplan

### Doesn’t Solve

#### CR’s aren’t seen as “intent” by Courts

Jacob Gersen 8, Professor of Law @ Harvard, and Eric Posner, "Soft Law: Lessons from Congressional Practice," Stanford Law Review, 61, http://www.stanfordlawreview.org/sites/default/files/articles/Gersen-Posner.pdf

However, it would be unusual for Congress to issue a resolution expressing its understanding of a statute at the same time that it passes a statute, and we have found no such example.145 In the more usual case, Congress passes a resolution subsequently—later in the same session or during a later session—in response to a supervening event. The question then arises whether this postenactment history should be given weight by courts when interpreting the earlier enactment. For example, in December 2006, President Bush signed the Postal Accountability and Enhancement Act into law and issued a signing statement construing a provision to permit searches of sealed mail in exigent circumstances.146 In January 2007, a Senate Resolution was introduced “[r]eaffirming the constitutional and statutory protections accorded sealed domestic mail.”147 The resolution could be interpreted as an effort to reassert the legislative understanding of the original statute; if so, a court might properly rely on it when interpreting the Postal Accountability and Enhancement Act. ¶ In the sealed mail example, the enactment of the statute, the intervening act (President Bush’s signing statement), and the postenactment soft statute occurred within a few months of each other. Sometimes a good deal more time elapses. For example, in 1983, the House passed a resolution purporting to declare the intent of the 1972 legislature about the breadth of Title IX.148 Here, we might expect a court to be more suspicious about the House’s claim to know the legislative intent of the 1972 Congress, and, in fact, the conventional rule is that courts should give no weight to such resolutions.149 “[T]he views of a subsequent Congress form a hazardous basis for inferring the intent of an earlier one.”150¶ \*\*\*TO FOOTNOTES\*\*\*¶ 149. See William N. Eskridge, Jr., Interpreting Legislative Inaction, 87 MICH. L. REV. 67, 96 (1988) (“Thus, nonbinding resolutions, passed by both Houses of Congress but not presented to the President, are not formally entitled to authoritative weight in statutory interpretation.”); see also John C. Grabow, Congressional Silence and the Search for Legislative Intent: A Venture into “Speculative Unrealities”, 64 B.U. L. REV. 737, 748 (1985) (noting that the Supreme Court has shown great reluctance to give weight to subsequent resolutions for construction of earlier statutes, and discussing the failure of the Grove City College Court even to mention a subsequent concurrent resolution that spoke directly to whether Title IX was program-specific or institution-wide). But see Butler v. U.S. Dep’t of Agric., 826 F.2d 409, 413 n.6 (5th Cir. 1987); see also N. Haven Bd. of Educ. v. Bell, 456 U.S. 512, 535 (1982); Cannon v. Univ. of Chi., 441 U.S. 677, 686 n.7 (1979); F.H.E. Oil Co. v. Comm’r, 150 F.2d 857, 858 (1945) (“The Resolution . . . does not make law, or change the law made by a previous Congress or President. . . . As an expression of opinion on a point of law it would . . . be entitled to most respectful consideration by the courts . . . .”).

#### Only temporary

Smith 77 – JD, Assistant Attorney General 7th District TN

(Sharyn, “Advisory Legal Opinion - AGO 77-56,” http://www.myfloridalegal.com/ago.nsf/Opinions/24B3C04EE0E0B28C852565980063FEAC)

Most jurisdictions recognize a distinction between "resolutions" and "laws." See, e.g., Baker v. City of Milwaukee, 533 P.2d 772, 775 (Ore. 1975) (resolution is not law but merely expression of Legislature's opinion); State ex rel. Jones v. Asherbury, 300 S.W. 2d 806, 817 (Mo. 1957); Village of Altamont v. Baltimore & O.S.W. Ry. Co., 56 N.E. 340, 341 (Ill. 1900). Although some constitutions provide to the contrary, "the general rule is that a joint or concurrent resolution adopted by the Legislature is not a statute, does not have the force or effect of law, and cannot be used for any purpose for which an exercise of legislative power is necessary." 73 Am. Jur.2d Statutes s. 3, p. 270. Accord: 77 C.J.S. Resolutions, p. 314 (a resolution is not a law). Resolutions are generally considered to be a temporary act, a declaration of the will of the Legislature in a given matter, unlike laws which are a continuing and permanent rule of government. See Certain Lots Upon Which Taxes are Delinquent v. Town of Monticello, 31 So.2d 905 (Fla. 1947); Brown v. City of St. Petersburg, 153 So. 141 (Fla. 1933).

## TPA DA

### 1AR Impact Defense

#### The 1NR did impact calculus for an impact card they didn’t read --- they read a heg impact and conceded the Maher defense that unipolarity doesn’t solve anything and leads to policy failure

#### No impact to economic decline

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

The final outcome addresses a dog that hasn’t barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder.

The aggregate data suggests otherwise, however. The Institute for Economics and Peace has constructed a “Global Peace Index” annually since 2007. A key conclusion they draw from the 2012 report is that “The average level of peacefulness in 2012 is approximately the same as it was in 2007.”38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.”40

None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard “V”-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of “contained depression.”41 The key word is “contained,” however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: “that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate.”42

### 1AR Won’t Pass

#### No negotiations--- CONCEDED---countries won’t sign onto a deal because they have no confidence it will hold because of US quaffling---international negotiations happen in a WEEK but Obama won’t get fast-track authority in time before them---Garrett

#### Fast track won’t pass---

#### Elections---senators from BOTH parties won’t support free trade because it hurts farm groups and unions, which are key midterm votes---that’s Nichols

#### Dems---they’re backlashing and Reid refuses to put it up for vote---that’s Strassel

#### PC determines UQ is ridiculous --- if it’s not passing and he’s pushing that PROVES PC fails

Kimberley A. Strassel 2/6, columnist @ WSJ, “How Politics May Sink Trade Deals,” http://online.wsj.com/news/articles/SB10001424052702303496804579367084197445494?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702303496804579367084197445494.html

Since he'd have to do both to win TPA, he's doing little. Congressional pro-traders report no real trade push from the White House. They say Mr. Obama has so far limited himself to working this, ahem, behind the scenes. Not to worry, he keeps telling them. He's making a few calls.¶ One call that apparently hasn't gone out is to Typhoon Harry Reid, who has already announced that Mr. Obama's call for TPA is dead. The Senate Majority leader has a priority that far outranks job-creating trade deals, and it is called staying Majority Leader. He spends 99.999989% of his time protecting his vulnerable members from tough situations, and the thought of TPA makes his few nerve endings go numb.

#### Won’t pass---Dems oppose, and Reid won’t bring it to a vote

Janet Hook 2/3, Congressional correspondent, and Peter Nicholas, White House reporter, Wall Street Journal, “Fractures Emerge Between Obama, Congressional Democrats,” http://online.wsj.com/news/articles/SB10001424052702304851104579361340885310508

WASHINGTON—Democrats in Congress are parting ways with President Barack Obama on issues including trade, energy and health care as the gap widens between the political demands of keeping control of the Senate and advancing parts of the White House agenda.¶ A phalanx of Democrats, including Senate Majority Leader Harry Reid, have announced opposition to the president's top trade initiative. Many Democrats are clamoring for Mr. Obama to act soon to allow construction of the Keystone XL pipeline—a decision the White House is expected to make before midterm elections. Vulnerable Democrats are bluntly criticizing the rollout of the 2010 health-care law. Even an under-the-radar issue such as a flood-insurance bill has been a point of tension.¶ Against that backdrop, Mr. Reid met with the president in the Oval Office for about an hour Monday along with Sen. Michael Bennet (D., Colo.), who is chief strategist in his party's drive to keep control of the Senate after November. The meeting was to review the political landscape of the crucial midterm-election year.¶ A Democratic official familiar with the meeting said it was requested by Mr. Reid as a routine matter, unrelated to the rift between the Nevada senator and the president on trade policy that emerged last week.¶ "We don't stay on the same page through smoke signals," the official said. "We sit down and talk."¶ Despite those tensions, Democrats and White House officials say they remain united on major elements of the legislative and political agenda, such as the extension of unemployment benefits that lapsed late last year.¶ "There is far more that Democrats in Congress and the president agree on than there are areas where there might be differences," said Obama pollster Joel Benenson.¶ Republicans, too, are riven with deep divisions within their party—on immigration policy and how to handle the coming debt-limit increase. But Democrats are finding that a united front that was so durable through last year's budget battles has its limits in an election year. Action on Mr. Obama's trade policy could advance his economic plans but hurt Democratic candidates in the process.¶ "Our caucus would rather see this issue come up at another time because there are strong feelings on both sides of the issue, and you hate to be pushed into a decision that might be easier to make after an election," said Senate Majority Whip Dick Durbin (D., Ill.).¶ The White House and Senate Democrats share a powerful political interest in the fight to keep Republicans from picking up six seats they would need to take control of the Senate this year. Mr. Reid doesn't want to relinquish control of a chamber that has proved a bulwark against a Republican-controlled House and would be crucial to Mr. Obama's ability to have any sway in Congress during the last two years of his presidency.¶ Although he is unpopular in the states with the most fiercely contested Senate races—including Arkansas, Louisiana, Alaska and North Carolina—Mr. Obama remains a mighty asset in helping his party's candidates raise money. He participated in seven fundraising events for the Democratic Senatorial Campaign Committee last year, and Democrats are expecting more in 2014.¶ Some Senate races have become more competitive since the problems with the health law's rollout—and because of a big influx of ads spotlighting those hiccups by conservative outside groups. That has weakened some once-strong incumbents like Sen. Kay Hagan (D., N.C.) and made open seats like one in Michigan tougher to hold.¶ Vulnerable Democrats have made greater efforts to distance themselves from unpopular aspects of the health law. Late last year, Sen. Mary Landrieu of Louisiana introduced legislation to protect individuals whose policies were ended because they didn't meet the law's new standard. That added to pressure on the White House to propose an administrative fix.¶ The most striking fissure between the White House and Senate Democrats came last week when Mr. Reid, one of the president's most reliable allies on Capitol Hill, told reporters he opposed administration-backed legislation aimed at speeding passage of free-trade agreements, a vital component to advancing two major international trade deals. Bitterly opposed by many labor leaders, a vote on the fast-track trade bill would put Democrats in the difficult position of choosing between Mr. Obama and the unions who are a crucial source of campaign workers and cash.¶ "I think everyone would be well-advised just not to push this right now," Mr. Reid said. An official familiar with his thinking said it was "pretty unlikely" the majority leader would bring the bill to a vote before Election Day but that it was "possible" he would do so after November.

### 1AR No Signing Statements

#### Obama won’t issue signing statement --- their evidence says could not would --- Evans cites empirics --- he’s been reluctant to do so --- also proven by the Pildes evidence we read on circumvention he has political incentives --- If Obama cares so much he wouldn’t

#### No circumvention---DC court decision

Ed Morrissey 13, Hot Air, "DC circuit slaps Obama administration for refusing to follow statutory law", August 14, hotair.com/archives/2013/08/14/dc-circuit-slaps-obama-administration-for-refusing-to-follow-statutory-law/

Could the Yucca Mountain case put the White House in a vise on the ObamaCare mandates? The DC Circuit Court of Appeals ruled yesterday that the Obama administration cannot ignore statutory law that requires the completion of the licensing process for the controversial nuclear storage site in Nevada, including a final decision on approval. The Obama administration had avoided complying with the federal law that designated Yucca Mountain as a repository for nuclear waste:¶ In a rebuke to the Obama administration, a federal appeals court ruled Tuesday that the Nuclear Regulatory Commission has been violating federal law by delaying a decision on a proposed nuclear waste dump in Nevada.¶ By a 2-1 vote, the U.S. Court of Appeals for the District of Columbia ordered the commission to complete the licensing process and approve or reject the Energy Department’s application for a never-completed waste storage site at Nevada’s Yucca Mountain.¶ In a sharply worded opinion, the court said the nuclear agency was “simply flouting the law” when it allowed the Obama administration to continue plans to close the proposed waste site 90 miles northwest of Las Vegas. The action goes against a federal law designating Yucca Mountain as the nation’s nuclear waste repository.¶ “The president may not decline to follow a statutory mandate or prohibition simply because of policy objections,” Judge Brett M. Kavanaugh wrote in a majority opinion, which was joined Judge A. Raymond Randolph. Chief Judge Merrick B. Garland dissented.¶ As Glenn Reynolds wrote, “Seems like this might apply in quite a few situations.” The Obama administration has decided to ignore statutory language in the Affordable Care Act in order to delay enforcement of the employer mandate, out-of-pocket caps on insurance, and a few other aspects of the law it champions to this day. The Yucca Mountain case provides a similar scenario, and at least at the moment, legal precedent that would likely apply to an appeal of the waivers unilaterally imposed by President Obama.¶ The appeals court explicitly stated that a failure to bind a President to the statute has important implications for the principle of limited government — and so does the ObamaCare case. Once Congress passes a bill and a President signs it, it becomes binding law — binding on the President as well as everyone else. In order to “waive” a mandate at this point, Obama has to go back to Congress and ask them to modify the statute accordingly. Obama won’t do that because the House will insist on rolling back all of the mandates at the same time, and the Senate might actually go along with that approach after the serial disaster that this rollout has produced.¶ Instead, the formal constitutional-law scholar has convinced himself that statutes don’t apply to the President. The DC court of appeals has just given Obama a basic lesson in constitutional law, one that stretches from the Nevada mountainside to the doors of HHS. Perhaps the House might think about filing suit under this precedent to force Obama to come back to Congress.

### 1AR No Veto

#### No veto – Boyer – only done twice

### 1AR No PC

#### Factors that block fast track outweigh PC---Obama’s not spending PC because he doesn’t want to upset his base---that’s Strassel

All their PC cards are normative

#### Won’t pass---Reid blocks and PC fails

Edward Luce 2/4, Washington columnist for the Financial Times, “Obama’s TPP agenda hangs on a thin Reid,” http://www.afr.com/p/business/companies/obama\_tpp\_agenda\_hangs\_on\_thin\_reid\_V3WfuLkMHda6QJQ3A4zHwI

In his State of the Union address the night before, Obama appealed to Reid and his colleagues to pass trade promotion authority, which enables a straight up-or-down vote on trade deals. Without TPA, the President will be unable to negotiate serious deals with America’s Pacific and Transatlantic partners. The deals, which are approaching crunch point, are the most ambitious items on Obama’s global economic agenda. Reid buried prospects of it passing this year. With friends like this, Obama has no need of the Tea Party.¶ Reid has one goal in mind: to retain his job as Senate majority leader in the November midterm elections. The hardscrabble Democrat from Searchlight, Nevada, has never met a trade deal he liked. Nor, more important, does he think the voters like them much either. In spite of the pick-up in US growth, most Americans say they are pessimistic about their economic prospects. Electoral forecasters say that the Senate could tip either way in November: Republicans need to win just six of the 36 seats up for grabs to regain the majority. By a quirk of the calendar, most of the seats in play are held by Democrats.¶ In the last midterm elections in 2010, when Reid defended Democratic control of the Senate, the Republicans fielded an eccentric range of Tea Party candidates. Among them was Sharron Angle, a far-right constitutionalist, whom Reid narrowly defeated to hold on to his seat in Nevada.¶ This time establishment Republicans are doing their utmost to lock the crazies in the attic and thus stand a better chance of putting Reid out of a job.¶ Passing TPA is just the kind of thing that would alienate the trade unions, whose financial support Reid needs for the six or seven states that will decide the Senate (pay close attention to the races in Alaska, North Carolina, Louisiana and Arkansas).¶ The senator is not the kind of man whose arm can be twisted easily – even by a president from his own party. The son of a goldminer who ended his life with a handgun and a mother who took in laundry from the local brothel to make ends meet, ascended to the top of America’s first branch of government in an almost Abraham Lincoln-like way.¶ CHASED MOB OUT OF LAS VEGAS¶ On the way up he headed Nevada’s gaming commission and was partly responsible for chasing the mob out of Las Vegas – earning a depiction in the movie Casino, as the guy who denies Robert De Niro’s character a gambling licence. On another occasion, he got the Federal Bureau of Investigation to wiretap the meeting where he suspected he would be offered a bribe and then tried to strangle the culprit: “I was in a rage,” he clarified helpfully.¶ Nor does he owe Obama any favours: more the other way round. Without Reid, the $US787 billion stimulus might not have gone through in 2009, nor Obamacare in 2010 – the two most important bills enacted since Obama came to office.¶ But it goes both ways. If Reid does not want TPA to pass, it will go nowhere. That would badly undermine Obama’s most important two global initiatives that do not involve the Middle East.¶ In particular, the Trans-Pacific Partnership is the cornerstone of Obama’s rebalancing to Asia. Although China is not part of TPP, the US aims to set up a new set of trade, investment and intellectual property protections that will bind its future behaviour. If Obama cannot persuade his own party in Congress to support the talks, then China’s neighbours will take their cue. They are already riddled with doubts about Washington’s readiness to take on its own vested interests – textiles and sugar among them.¶ Can Obama get Reid to change his mind? It is hard to see what the White House could offer that would satisfy Reid’s union allies and still enable the US to negotiate concessions from its trade partners.¶ The left wants to attach the kind of environmental and labour conditions that would wreck prospects of serious talks with Indonesia, Vietnam and others.

#### Also if it’s true that Baccus makes it pass then Obama’s not necessary