# International Norms

# Pakistan

# Solvency

**Plan is key to US-EU coop on counter-terror and intel sharing**

**Bellinger 13** (Bellinger I have many years of experience in the legal issues that are the subject of today’s hearing, and I dealt with many of them while I was in the Bush Administration. I served from 2001 to 2005 as Senior Associate Counsel to the President and Legal Adviser to the National Security Council in the White House. I was in the White House Situation Room on September 11., Testimony of The Honorable John B. Bellinger III Partner, Arnold & Porter LLP and Adjunct Senior Fellow in International and National Security Law, Council on Foreign Relations, Committee on the Judiciary, U.S. House of Representatives February 27, 2013, "Drones and the War on Terror: When Can the U.S. Target Alleged American Terrorists Overseas?")

The U.S. has a strong interest in demonstrating to its allies that its drone strikes are consistent with international law. John Brennan has acknowledged that “the effectiveness of our counterterrorism activities depends on the assistance and cooperation of our allies.”9 If allies conclude that drone strikes violate international law and/or amount to war crimes, they are likely to stop sharing targeting information and may cease other forms of counter-terrorism cooperation. This happened during the Bush Administration when European governments concluded that intelligence information might be used to abuse detainees or prosecute them in military commissions. Many European governments are reportedly growing increasingly uncomfortable about sharing intelligence that might be used to in drone strikes. According to the New York Times, “Many in Britain’s intelligence community…are now distinctly worried they may face prosecution.”10 If the Obama Administration wants to avoid losing the intelligence support of its allies and having its drone program become as internationally maligned as U.S. counter-terrorism policies during the Bush Administration, Administration officials must work harder to explain and defend the legality of the U.S. program.11 Administration officials, including John Brennan, Eric Holder, former Legal Adviser Harold Koh, and former DoD General Counsel Jeh Johnson, have given a series of important speeches that have laid out much of the legal rationale for the drone program. These speeches have been very valuable. But they have mostly been given to audiences in the United States and have had little impact outside the United States. The Administration needs to work harder on international outreach to address growing international opposition to its drone program.

#### Drones increase AQAP strength and recruitment – cause massive blowback

Poling 13 – Foreign Policy Initiative 1-16-13 (Caitlin, “The U.S. Needs a More Broad-Based Strategy to Combat Al Qaeda in Yemen,” <http://www.foreignpolicyi.org/content/us-needs-more-broad-based-strategy-combat-al-qaeda-yemen>, Mike)

For most of the past decade, Yemen has remained on the periphery of American national security policy. During this time, officials in the administration, Department of Defense, State Department, and Intelligence Community have been unable to devote as much attention as needed to Yemen due to American engagement in Iraq and Afghanistan. However, the Arab Spring uprisings that began in 2011 along with the September 2012 protests and embassy attacks in response to an American-made anti-Muslim video have demonstrated the importance of security in states like Yemen. Our nation’s continued involvement in Yemen is an important component of our national security. Despite all of the other challenges our country currently faces worldwide, our commitment in Yemen should be strengthened. Al Qaeda in the Arab Peninsula (AQAP), the Al Qaeda (AQ) node based out of Yemen, is widely believed to be the most lethal of the AQ affiliates, and has attempted on several occasions to attack the United States directly and harbored, until his killing in September 2011, Anwar al Alwaki, a U.S. citizen and extremist cleric responsible for the radicalization of the Fort Hood shooter and the 2009 Detroit Christmas Day bomber. The Arab Spring, and resulting uprising in Yemen that began in January 2011, as well as an ongoing Houthi rebellion in the north and secessionist movement in the south, have diverted the attention of the Yemeni security forces from counterterrorism efforts, and at the same time, restricted U.S. forces’ ability to operate on the ground. As a result, AQAP has gained strength and operating room amidst the power vacuum. According to April 2012 estimates by White House counter-terrorism advisor and nominee for CIA Director John Brennan, AQAP has more than a thousand members in Yemen and close ties to al Qaeda Core in Pakistan. The Director of National Intelligence, James Clapper, testified in early 2011 that AQAP remains the AQ node most likely to conduct a transnational attack. Yemen is a fragile and challenged nation, but it is not yet failed – there are concrete steps our country can take to help stabilize Yemen, strengthen its capacity for countering AQAP, and prevent it from becoming another Afghanistan or Somalia. The Obama Administration’s Yemen Strategic Plan is a good start, focused on combating AQAP in the short term, increasing development assistance to meet long term challenges, and building international support in order to maximize global efforts to stabilize Yemen. However, the continued excessive use of Unmanned Aerial Vehicle (UAV) airstrikes remains an unaddressed issue. Policymakers should conduct a full assessment of their impact on the Yemeni population and altering their use. The use of airstrikes conducted by UAVs, colloquially known as ‘drones,’ has rapidly expanded during the past decade. However, little has been done to study their long-term effects on populations and American objectives in Yemen. Although touted as “cost-effective,” the true cost of drone strikes among target populations is not adequately taken into account. Drone strikes create a number of problems hindering our objectives – including providing propaganda material for terrorist groups, fueling hostility, increasing retaliatory attacks by AQAP and other extremist groups, and undermining the authority of the already fragile Yemeni government. President Obama authorized at least 42 strikes in Yemen in 2012, a dramatic increase from years prior. Drone strikes have been successful in targeting and eliminating AQAP leadership; however, American drones have killed twelve times more low-level fighters than mid-to-high level AQ leaders since 2008. Killing low-level militants by drone rather than attempting to capture can lead to a loss of potential intelligence. Despite the success in targeting AQ members, drones alone do not suffice as an American counterterrorism strategy in Yemen. As American drone strikes have increased in frequency, so have retaliatory attacks from AQAP. On September 11, 2012 AQAP attempted to assassinate Yemen’s defense minister via car bomb, killing seven bodyguards and five civilians in the heart of Sana’a. This attack was viewed as a direct response to the American drone strike that took

out top AQAP operative Said al-Shehri earlier that month. Even more alarmingly, AQAP has now offered a bounty for the killing of the U.S. Ambassador to Yemen, Geral Feierstein, or any American soldiers in Yemen. While there is no easy solution to the ongoing instability and AQAP presence in Yemen, the U.S. should avoid a drone-centric counterterrorism policy in Yemen. The current American policy, while avoiding risk for Americans on the ground, ignores the very real potential for blowback in the long-term. Instead, the administration should limit drone strikes to only targeting high value individuals; use drone strikes as part of a wider strategy that attempts to address some of the Yemen-specific grievances that are the root causes of terrorism; restore American and allied Special Forces presence in Yemen from the pre-2011 unrest; and work towards building effective Yemeni security forces that can pursue AQAP targets on the ground. A combination of limited high value target drone strikes, increased non-military aid and training of Yemeni forces for counterterrorism efforts are more likely to achieve our nation’s goal of a secure and stable Yemen.

#### No impact to terrorism

**Mueller and Stewart 12** (John Mueller and Mark G. Stewart, Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute AND Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle, "The Terrorism Delusion," Summer, International Security, Vol. 37, No. 1, politicalscience.osu.edu/faculty/jmueller//absisfin.pdf)

In 2009, the U.S. Department of Homeland Security (DHS) issued a lengthy report on protecting the homeland. Key to achieving such an objective should be a careful assessment of the character, capacities, and desires of potential terrorists targeting that homeland. Although the report contains a section dealing with what its authors call “the nature of the terrorist adversary,” the section devotes only two sentences to assessing that nature: “The number and high profile of international and domestic terrorist attacks and disrupted plots during the last two decades underscore the determination and persistence of terrorist organizations. Terrorists have proven to be relentless, patient, opportunistic, and flexible, learning from experience and modifying tactics and targets to exploit perceived vulnerabilities and avoid observed strengths.”8¶ This description may apply to some terrorists somewhere, including at least a few of those involved in the September 11 attacks. Yet, it scarcely describes the vast majority of those individuals picked up on terrorism charges in the United States since those attacks. The inability of the DHS to consider this fact even parenthetically in its fleeting discussion is not only amazing but perhaps delusional in its single-minded preoccupation with the extreme.¶ In sharp contrast, the authors of the case studies, with remarkably few exceptions, describe their subjects with such words as incompetent, ineffective, unintelligent, idiotic, ignorant, inadequate, unorganized, misguided, muddled, amateurish, dopey, unrealistic, moronic, irrational, and foolish.9 And in nearly all of the cases where an operative from the police or from the Federal Bureau of Investigation was at work (almost half of the total), the most appropriate descriptor would be “gullible.”¶ In all, as Shikha Dalmia has put it, would-be terrorists need to be “radicalized enough to die for their cause; Westernized enough to move around without raising red flags; ingenious enough to exploit loopholes in the security apparatus; meticulous enough to attend to the myriad logistical details that could torpedo the operation; self-sufficient enough to make all the preparations without enlisting outsiders who might give them away; disciplined enough to maintain complete secrecy; and—above all—psychologically tough enough to keep functioning at a high level without cracking in the face of their own impending death.”10 The case studies examined in this article certainly do not abound with people with such characteristics. ¶ In the eleven years since the September 11 attacks, no terrorist has been able to detonate even a primitive bomb in the United States, and except for the four explosions in the London transportation system in 2005, neither has any in the United Kingdom. Indeed, the only method by which Islamist terrorists have managed to kill anyone in the United States since September 11 h

as been with gunfire—inflicting a total of perhaps sixteen deaths over the period (cases 4, 26, 32).11 This limited capacity is impressive because, at one time, small-scale terrorists in the United States were quite successful in setting off bombs. Noting that the scale of the September 11 attacks has “tended to obliterate America’s memory of pre-9/11 terrorism,” Brian Jenkins reminds us (and we clearly do need reminding) that the 1970s witnessed sixty to seventy terrorist incidents, mostly bombings, on U.S. soil every year.12¶ The situation seems scarcely different in Europe and other Western locales. Michael Kenney, who has interviewed dozens of government officials and intelligence agents and analyzed court documents, has found that, in sharp contrast with the boilerplate characterizations favored by the DHS and with the imperatives listed by Dalmia, Islamist militants in those locations are operationally unsophisticated, short on know-how, prone to making mistakes, poor at planning, and limited in their capacity to learn.13 Another study documents the difficulties of network coordination that continually threaten the terrorists’ operational unity, trust, cohesion, and ability to act collectively.14¶ In addition, although some of the plotters in the cases targeting the United States harbored visions of toppling large buildings, destroying airports, setting off dirty bombs, or bringing down the Brooklyn Bridge (cases 2, 8, 12, 19, 23, 30, 42), all were nothing more than wild fantasies, far beyond the plotters’ capacities however much they may have been encouraged in some instances by FBI operatives. Indeed, in many of the cases, target selection is effectively a random process, lacking guile and careful planning. Often, it seems, targets have been chosen almost capriciously and simply for their convenience. For example, a would-be bomber targeted a mall in Rockford, Illinois, because it was nearby (case 21). Terrorist plotters in Los Angeles in 2005 drew up a list of targets that were all within a 20-mile radius of their shared apartment, some of which did not even exist (case 15). In Norway, a neo-Nazi terrorist on his way to bomb a synagogue took a tram going the wrong way and dynamited a mosque instead.15

# CP

### 2AC Executive Restraint CP

#### Permutation do both

#### Executive check fails and leads to rubber stamping-Strict scrutiny through the courts is preferable. Prefer our COMPARATIVE and SPECIFIC evidence

Somin, 13 [Ilya, Professor of Law, George Mason University, “Hearing on Drone Wars: the Constitutional and Counterterrorism Implications of Targeted Killing,” <http://www.judiciary.senate.gov/pdf/04-23-13SominTestimony.pdf>, Testimony Before the United States Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, 4/23, ALB]

Alternatively, one can envision some kind of more extensive due process within the **¶** executive branch itself, as advocated by Neal Katyal of the Georgetown University Law ¶ Center.But any internal executive process has the flaw that it could always be overriden by ¶ the president, and possibly other high-ranking executive branch officials. Moreover, lower level executive officials might be reluctant to veto drone strikes supported by their superiors, ¶ either out of careerist concerns, or because administration officials are naturally likely to **¶** share the ideological and policy priorities of the president. An external check on targeting ¶ reduces such risks. External review might also enhance the credibility of the target-selection **¶** process with informed opinion both in the United States and abroad. ¶ Whether targeting decisions are made with or without judicial oversight, there is also an ¶ important question of burdens of proof. How much evidence is enough to justify classifying ¶ you or me as a senior Al Qaeda leader? The administration memo does not address that ¶ crucial question either. ¶ Obviously, it is unrealistic to hold military operations to the standards of proof normally ¶ required in civilian criminal prosecutions. But at the same time, we should be wary of giving ¶ the president unfettered power to order the killing of citizens simply based on his assertion ¶ that they pose a threat. Amos Guiora suggests that an oversight court should evaluate **¶** proposed strikes under a “strict scrutiny standard” that ensures that strikes are only ordered ¶ based on intelligence that is “reliable, material and probative.” It is difficult for me to say ¶ whether this standard of proof is the best available option. But the issue is a crucial one that **¶** deserves further consideration. Ideally, we need a standard of proof rigorous enough to **¶** minimize reckless or abusive use of targeted killing, but not so high as to preclude its ¶ legitimate use.

#### CP will get rolled back by future presidents

Friedersdorf 13

(CONOR FRIEDERSDORF, staff writer, “Does Obama Really Believe He Can Limit the Next President's Power?” MAY 28 2013, <http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/>, KB)

Obama doesn't seem to realize that his legacy won't be shaped by any perspicacious limits he places on the executive branch, if he ever gets around to placing any on it. The next president can just undo those "self-imposed" limits with the same wave of a hand that Obama uses to create them. His influence in the realm of executive power will be to expand it. By 2016 we'll be four terms deep in major policy decisions being driven by secret memos from the Office of Legal Counsel. The White House will have a kill list, and if the next president wants to add names to it using standards twice as lax as Obama's, he or she can do it, in secret, per his precedent.

**Only the Plan’s process, rule-oriented approach solves – key to rule of law**

Guiora, 13 [Amos N., Professor of Law, SJ Quinney College of Law, University of Utah, author of numerous books dealing with military law and national security including *Legitimate Target: A Criteria-Based Approach to Targeted Killing*, “Targeted Killing: When Proportionality Gets All Out of Proportion,” University of Utah College of Law Research Paper No. 1, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2230686>, ALB]

The U.S. drone policy raises profoundly important questions regarding the very nature of operational counterterrorism; its implementation reveals how morality and the rule of law are applied in an inherently ambiguous and amorphous paradigm. At present, the increasingly broader and more flexible definition of imminence, combined with a continually growing reliance on sleek new technology, is highly problematic and raises significant concerns about whether law and morality are truly serving as the necessary guiding force here. Law not only provides a state with the right to engage those who deliberately and randomly target innocent civilians—it also provides the essential guiding framework for the extent to which and manner by which the state can target and engage those individuals. Simply articulating an aggressive, tough on terrorism policy is not sufficient. Rather, the devil truly is in the details: the state must carefully define both the limits of force and how that limited force is to be applied. Such a carefully-defined limit and application of force is the essence of both morality in armed conflict and the rule of law. In contrast, deliberately operating in an open-ended paradigm with opaque parameters where state power is broadly defined and implemented opens the door, unnecessarily, to significant violations of morality and law.¶ Unlimited drone warfare where limits, targets, and goals are not narrowly defined creates an operational environment in which anyone killed, regardless of whether intended or unintended, is considered a legitimate target. This expanded articulation of legitimate target, premised on significant expansion of tolerable collateral damage, creates a slippery slope that inevitably results in the deaths of ot

herwise innocent individuals. The allure of modern technology has led many decision makers to minimize the need to carefully distinguish between the individuals who pose a threat and those who do not.**¶** Decision makers must not lose sight of the fact that targeted killing, on the basis of received and actionable intelligence information, is inherently a problematic; it poses extraordinary operational challenges that must be resolved precisely because of targeted killing’s importance to lawful self-defense. It must be operationalized in the most careful, narrow, and specific manner possible—meaning that a discriminating analysis of who is a legitimate target must be matched by equally discriminating analysis of who constitutes collateral damage, how much collateral damage is likely, and, most important, how much collateral damage is legally and morally acceptable or tolerable.**¶** Morality in armed conflict is not a mere mantra: it imposes significant demands on the nation state that must adhere to limits and considerations beyond simply killing “the other side.” For better or worse, drone warfare of today will become the norm of tomorrow. Multiply the number of attacks conducted regularly in the present and you have the operational reality of future warfare. It is important to recall that drone policy is effective on two distinct levels: it takes the fight to terrorists directly involved, either in past or future attacks, and serves as a powerful deterrent for those considering involvement in terrorist activity.53 However, its importance and effectiveness must not hinder critical conversation, particularly with respect to defining imminence and legitimate target. The overly broad definition, “flexible” in the Obama Administration’s words, raises profound concerns regarding how imminence is applied. That concern is concrete for the practical import of Brennan’s phrasing is a dramatic broadening of the definition of legitimate target. It is also important to recall that operators—military, CIA or private contractors—are responsible for implementing executive branch guidelines and directives.55 For that very reason, the approach articulated by Brennan on behalf of the administration is troubling.

#### Rule of law prevents extinction

**IEER 03** (“Rule of Power or Rule of Law?”, <http://www.lcnp.org/pubs/exesummary.pdf>)The evolution of international law since World War II is largely a response to the demands of states and individuals living within a global society with a deeply integrated world economy. In this global society, the repercussions of the actions of states, non-state actors, and individuals are not confined within borders, whether we look to greenhouse gas accumulations, nuclear testing, the danger of accidental nuclear war, or the vast massacres of civilians that have taken place over the course of the last hundred years and still continue. Multilateral agreements increasingly have been a primary instrument employed by states to meet extremely serious challenges of this kind, for several reasons. They clearly and publicly embody a set of universally applicable expectations, including prohibited and required practices and policies. In other words, they articulate global norms, such as the protection of human rights and the prohibitions of genocide and use of weapons of mass destruction. They establish predictability and accountability in addressing a given issue. States are able to accumulate expertise and confidence by participating in the structured system established by a treaty. However, influential U.S. policymakers are resistant to the idea of a treaty based international legal system because they fear infringement on U.S. sovereignty and they claim to lack confidence in compliance and enforcement mechanisms. This approach has dangerous practical implications for international cooperation and compliance with norms. U.S. treaty partners do not enter into treaties expecting that they are only political commitments that can be overridden based on U.S. interests. When a powerful and influential state like the United States is seen to treat its legal obligations as a matter of convenience or of national interest alone, other states will see this as a justification to relax or withdraw from their own commitments. When the United States wants to require another state to live up to its treaty obligations, it may find that the state has followed the U.S. example and opted out of compliance. Undermining the international system of treaties is likely to have particularly significant consequences in the area of peace and security. Even though the United States is uniquely positioned as the economic and military sole superpower, unilateral actions are insufficient to protect the people of the United States. For example, since September 11, prevention of proliferation of weapons of mass destruction is an increasing priority. The United States requires cooperation from other countries to prevent and detect proliferation, including through the multilateral disarmament and nonproliferation treaties. No legal system is foolproof, domestically or internationally. While violations do occur, “the dictum that most nations obey international law most of the time holds true today with greater force than at any time during the last century.” And legal systems should not be abandoned because some of the actors do not comply. In the international as in the domestic sphere, enforcement requires machinery for deciding when there has been a violation, namely verification and transparency arrangements. Such arrangements also provide an incentive for compliance under ordinary circumstances. Yet for several of the treaties discussed in this report, including the BWC, CWC, and CTBT, one general characteristic of the U.S. approach has been to try to exempt itself from transparency and verification arrangements. It bespeaks a lack of good faith if the United States wants near-perfect knowledge of others’ compliance so as to be able to detect all possible violations, while also wanting all too often to shield itself from scrutiny. While many treaties lack internal explicit provisions for sanctions, there are means of enforcement. Far more than is generally understood, states are very concerned about formal international condemnation of their actions. A range of sanctions is also available, including withdrawal of privileges under treaty regimes, arms and commodity embargoes, travel bans, reductions in international financial assistance or loans, and freezing of state or individual leader assets. Institutional mechanisms are available to reinforce compliance with treaty regimes, including the U.N. Security Council and the International Court of Justice. Regarding the latter, however, the United States has withdrawn from its general jurisdiction. One explanation for increasing U.S. opposition to the treaty system is that the United States is an “honorable country” that does not need treaty limits to do the right thing. This view relies on U.S. military strength above all and assumes that the U.S. actions are intrinsically right, recalling the ideology of “Manifest Destiny.” This is at odds with the very notion that the rule of law is possible in global affairs. If the rule of power rather than the rule of law becomes the norm, especially in the context of the present inequalities and injustices around the world, security is likely to be a casualty. International security can best be achieved through coordinated local, national, regional and global actions and cooperation. Treaties, like all other tools in this toolbox, are imperfect instruments. Like a national law, a treaty may be unjust or unwise, in whole or in part. If so, it can and should be amended. But without a framework of multilateral agreements, the alternative is for states to decide for themselves when action is warranted in their ow

n interests, and to proceed to act unilaterally against others when they feel aggrieved. This is a recipe for the powerful to be police, prosecutor, judge, jury, and executioner all rolled into one. It is a path that cannot but lead to the arbitrary application and enforcement of law. For the United States, a hallmark of whose history is its role as a progenitor of the rule of law, to embark on a path of disregard of its international legal obligations is to abandon the best that its history has to offer the world. To reject the system of treaty-based international law rather than build on its many strengths is not only unwise, it is extremely dangerous. It is urgent that the United States join with other countries in implementing existing global security treaties to meet the security challenges of the twenty-first century and to achieve the ends of peace and justice to which the United States is committed under the United Nations Charter

#### President can overrule any decisions made by a court in the Executive branch

Katyal 13 [Neal K, writer for NY Times, “Who Will Mind Drones?” New York Times, February 21, 2013, <http://www.nytimes.com/2013/02/21/opinion/an-executive-branch-drone-court.html?_r=0>] CPO

But there is no true precedent for interposing courts into military decisions about who, what and when to strike militarily. Putting aside the serious constitutional implications of such a proposal, courts are simply notinstitutionally equipped to play such a role**.**¶ There are many reasons a drone court composed of generalist federal judges will not work. They lack national security expertise, they are not accustomed to ruling on lightning-fast timetables, they are used to being in absolute control, their primary work is on domestic matters and they usually rule on matters after the fact, not beforehand.¶ Even the questions placed before the FISA Court aren’t comparable to what a drone court would face; they involve more traditional constitutional issues — not rapidly developing questions about whether to target an individual for assassination by a drone strike.¶ Imagine instead that the president had an internal court, staffed by expert lawyers to represent both sides. Those lawyers, like the Judge Advocate General’s Corps in the military, would switch sides every few years, to develop both expertise as repeat players and the ability to understand the other point of view.¶ The adjudicator would be a panel of the president’s most senior national security advisers, who would issue decisions in writing if at all possible. Those decisions would later be given to the Congressional intelligence committees for review. Crucially, the president would be able to overrule this court, and take whatever action he thought appropriate, but would have to explain himself afterward to Congress.¶ Such a court would embed accountability and expertise into the drone program. With a federal drone court, it would simply be too easy for a president or other executive-branch official to point his finger at a federal judge for the failure to act. With an internal court, it would be impossible to avoid blame.

### Links to Obama Good

**Counterplan links to politics – causes Republicans to freak out**

Zengerle and Spetalnick 13 [Patricia and Matt, writers for Reuters, “Obama wants to end War on Terror but Congress balks,” Reuters, May 24, 2013, <http://www.reuters.com/article/2013/05/24/us-usa-obama-speech-idUSBRE94M04Y20130524>] CPO

(Reuters) - President Barack Obama wants to roll back some of the most controversial aspects of the U.S. "war on terror," but efforts to alter the global fight against Islamist militants will face the usual hurdle at home: staunch opposition from Republicans in Congress.¶ In a major policy speech on Thursday, Obama narrowed the scope of the targeted-killing drone campaign against al Qaeda and its allies and announced steps toward closing the Guantanamo Bay military prison in Cuba.¶ He acknowledged the past use of "torture" in U.S. interrogations, expressed remorse over civilian casualties from drone strikes, and said Guantanamo "has become a symbol around the world for an America that flouts the rule of law."¶ After launching costly wars in Iraq and Afghanistan, the United States is tiring of conflict. While combating terrorism is still a high priority, polls show Americans' main concerns are the economy and other domestic issues such as healthcare.¶ Conservative opponents said they would try to block the closure of Guantanamo and rejected Obama's call to repeal the Authorization for Use of Military Force, passed in September 2001 and the legal basis for much of the "war on terror."¶ "We have 166 prisoners remaining (at Guantanamo) ... the meanest, nastiest people in the world. They wake up every day seeking to do harm to America and Americans. And if they are released, that's exactly what they are going to do," Republican Senator Saxby Chambliss said in an address to constituents on Friday.¶ Obama called for an end to a "boundless global war on terror" but Republicans warned against being too quick to declare al Qaeda a spent force.¶ "To somehow argue that al Qaeda is quote ‘on the run,' comes from a degree of unreality that to me is really incredible. Al Qaeda is expanding all over the Middle East from Mali to Yemen and all the places in between," scoffed Republican Senator John McCain after Obama's speech.¶ While Obama largely has a free hand as commander in chief to set U.S. drone policy, Congress has used its power of the purse to block him from closing Guantanamo.¶

# K

**Perm – Do both, but don’t reject the aff**

The Role of the Ballot is Policy Simulation

Hodson 10 Derek, professor of education – Ontario Institute for Studies @ University of Toronto, “Science Education as a Call to Action,” Canadian Journal of Science, Mathematics and Technology Education, Vol. 10, Issue 3, p. 197-206

\*\*note: SSI = socioscientific issues

The final (fourth) level of sophistication in this issues-based approach is concerned with students findings ways of putting their values and convictions into action, helping them to prepare for and engage in responsible action, and assisting them in **developing the skills**, attitudes, and values **that will enable them to** take control of their lives, **cooperate with others to bring about change**, and work toward a more just and sustainable world in which power, wealth, and resources are more equitably shared. Socially and environmentally responsible behavior will not necessarily follow from knowledge of key concepts and possession of the “right attitudes.” As Curtin (1991) reminded us, it is important to distinguish between caring about and caring for. It is almost always much easier to proclaim that one cares about an issue than to do something about it. Put simply, our values are worth nothing until we live them. Rhetoric and espoused values will not bring about social justice and will not save the planet. We must change our actions. A politicized ethic of care (caring for) entails active involvement in a local manifestation of a particular problem or issue, exploration of the complex sociopolitical contexts in which the problem/issue is located, and attempts to resolve conflicts of interest. FROM STSE RHETORIC TO SOCIOPOLITICAL ACTION Writing from the perspective of environmental education, Jensen (2002) categorized the **knowledge** that is **likely to promote sociopolitical action** and encourage pro-environmental behavior into four dimensions: (a) **scientific and technological knowledge** that informs the issue or problem; (b) knowledge about the underlying social, political, and economic issues, conditions, and structures and how they contribute to creating social and environmental problems; (c) knowledge about how to bring about changes in society through direct or indirect action; and (d) knowledge about the likely outcome or direction of possible actions and the **desirability of those outcomes.** Although formulated as a model for environmental education, it is reasonable to suppose that Jensen's arguments are applicable to all forms of SSI-oriented action. Little needs to be said about dimensions 1 and 2 in Jensen's framework beyond the discussion earlier in the article. With regard to dimension 3, students need knowledge of actions that are likely to have positive impact and knowledge of how to engage in them. **It is essential** that they gain robust knowledge of the social, legal, and **political system(s)** that prevail in the communities in which they live and develop a clear understanding of how **decisions** are **made within** local, regional, and **national government** and within industry, commerce, and the military. Without knowledge of where and with whom power of decision making is located and awareness of the **mechanisms by which decisions are reached**, **intervention is not possible.** Thus, the curriculum I propose requires a concurrent program designed to achieve a measure of political literacy, including knowledge of how to engage in collective action with individuals who have different competencies, backgrounds, and attitudes but share a common interest in a particular SSI. Dimension 3 also includes knowledge of likely sympathizers and potential allies and strategies for encouraging cooperative action and group interventions. What Jensen did not mention but would seem to be a part of dimension 3 knowledge is the nature of science-oriented knowledge that would enable students to appraise the statements, reports, and arguments of scientists, politicians, and journalists and to present their own supporting or opposing arguments in a coherent, robust, and convincing way (s

ee Hodson [2009b] for a lengthy discussion of this aspect of science education). Jensen's fourth category includes awareness of how (and why) others have sought to bring about change and entails formulation of a vision of the kind of world in which we (and our families and communities) wish to live. It is important for students to explore and develop their ideas, dreams, and aspirations for themselves, their neighbors and families and for the wider communities at local, regional, national, and global levels—a clear overlap with futures studies/education. An essential step in cultivating the critical scientific and technological literacy on which **sociopolitical action depends** is the application of a social and political critique capable of challenging the notion of technological determinism. We can control technology and its environmental and social impact. More significantly, we can control the controllers and redirect technology in such a way that adverse environmental impact is substantially reduced (if not entirely eliminated) and issues of freedom, equality, and justice are kept in the forefront of discussion during the **establishment of policy**.

**Perm – Do the Plan and** **build a culture of resiliency for extra legal resistance to executive power.**

**– the strict scrutiny standard solves any reason why there might eb rubberstamping – fiat ensures they HAVE to apply this standard**

#### Legal reforms restrain the cycle of violence and prevent error replication

Colm O’Cinneide 08, Senior Lecturer in Law at University College London, “Strapped to the Mast: The Siren Song of Dreadful Necessity, the United Kingdom Human Rights Act and the Terrorist Threat,” Ch 15 in Fresh Perspectives on the ‘War on Terror,’ ed. Miriam Gani and Penelope Mathew, <http://epress.anu.edu.au/war_terror/mobile_devices/ch15s07.html>

This ‘symbiotic’ relationship between counter-terrorism measures and political violence, and the apparently inevitable negative impact of the use of emergency powers upon ‘target’ communities, would indicate that it makes sense to be very cautious in the use of such powers. However, the impact on individuals and ‘target’ communities can be too easily disregarded when set against the apparent demands of the greater good. Justice Jackson’s famous quote in Terminiello v Chicago [111] that the United States Bill of Rights should not be turned into a ‘suicide pact’ has considerable resonance in times of crisis, and often is used as a catch-all response to the ‘bleatings’ of civil libertarians.[112] The structural factors discussed above that appear to drive the response of successive UK governments to terrorist acts seem to invariably result in a depressing repetition of mistakes.¶ However, certain legal processes appear to have some capacity to slow down the excesses of the counter-terrorism cycle. What is becoming apparent in the UK context since 9/11 is that there are factors at play this time round that were not in play in the early years of the Northern Irish crisis. A series of parliamentary, judicial and transnational mechanisms are now in place that appear to have some moderate ‘dampening’ effect on the application of emergency powers.¶ This phrase ‘dampening’ is borrowed from Campbell and Connolly, who have recently suggested that law can play a ‘dampening’ role on the progression of the counter-terrorism cycle before it reaches its end. Legal processes can provide an avenue of political opportunity and mobilisation in their own right, whereby the ‘relatively autonomous’ framework of a legal system can be used to moderate the impact of the cycle of repression and backlash. They also suggest that this ‘dampening’ effect can ‘re-frame’ conflicts in a manner that shifts perceptions about the need for the use of violence or extreme state repression.[113] State responses that have been subject to this dampening effect may have more legitimacy and generate less repression: the need for mobilisation in response may therefore also be diluted.

#### Pragmatic policy-focused approach is critical to productive change---K’s abstractions fail

William J. Novak 8, Associate Professor of History at the University of Chicago and Research Professor at the American Bar Foundation, “The Myth of the “Weak” American State”, June, http://www.history.ucsb.edu/projects/labor/speakers/documents/TheMythoftheWeakAmericanState.pdf

There is an alternative. In the early twentieth century, amid a first wave of nation- state and economic consolidation and assertiveness, American social science generated some fresh ways of looking at power in all its guises—social, economic, political, and legal. Overshadowed to some extent by exuberant bursts of American exceptionalism that greeted confrontations with totalitarianism and then terrorism, the pragmatic, critical, and realistic appraisal of American power is worth recovering. From Lester Frank Ward and John Dewey to Ernst Freund and John Commons to Morris Cohen and Robert Lee Hale, early American socioeconomic theorists developed a critique of a thin, private, and individualistic conception of American liberalism and interrogated the location, organization, and distribution of power in a modernizing United States. All understood the problem of power in America as complex and multifaceted, not simple or one-dimensional, especially as it concerned the relationship of state and civil society. Rather than spend endless time debating the proper definition of law or the correct empirical measure of the state, they concentrated instead on detailed investigations of power in action in the everyday practices and policies that constituted American public life. Rather than confine the examination of power to the abstract realm of political theory or the official political acts of elites, electorates, interest groups, or social movements, these analysts instead embraced a more capacious conception of governance as “an activity which is apt to appear whenever men are associated together.”35 More significantly, these political and legal realists never forgot, amid the rhetoric of law and the pious platitudes that routinely flow from American political life, the very real, concrete consequences of the deployment of legal and political power. They never forgot the brutal fact that Robert Cover would later state so provocatively at the start of his article “Violence and the Word” that legal and political interpretation take place “in a field of pain and death.” 36 The real consequences of American state power are all around us. In a democratic republic, where force should always be on the side of the governed, writing the history of that power has never been more urgent.

#### Critical legal philosophy is non-empirical, cherry-picked garbage

John Stick 86, Assistant Professor of Law at Tulane University School of Law, “Can Nihilism Be Pragmatic?”, Harvard Law Review, Vol. 100, No. 2 (Dec., 1986), pp. 332-401, JSTOR

This Article examines the relationship between the critical legal nihilists and the philosophers they rely upon for support. The nihilists' use of philosophy is important, because their critique is at bottom conceptual and not empirical. Legal nihilists do not study the work of large numbers of practicing attorneys or judges to discover the extent of agreement about whether particular legal arguments are valid. Instead, they parse the words of theorists and appellate judges to discover contradictions and opposed values. This selective parsing of the language of a few theorists and judges (neglecting the hundreds of thousands of practicing attorneys) is itself far from adequate empirical technique. More important, the nihilists' leap from the general inconsistencies they discover to a claim that law does not follow standards of rationality is unconvincing without philosophical argument. Nihilists rarely attempt to supply that argument themselves; if they feel any need of further discussion they usually rely upon theorists outside the discipline of law.9 ¶ This Article demonstrates that the nihilists misuse much of the philosophy they attempt to appropriate. In order to focus the discussion, this Article concentrates on one comprehensive statement of nihilism and the major intellectual influences upon it. The best and most complete exposition of the nihilist critique of law was written by Joseph Singer in a recent article in the Yale Law Journal.10 His article is the most philosophically sophisticated and judicious work to date. Singer states that he relies heavily on the analysis of the philosophers Richard Bernstein, Michael Sandel, and Roberto Unger,11 but he acknowledges that he owes his greatest intellectual debt to Richard Rorty, 12 a scholar who identifies his own position with pragmatism. 13 I focus on the relationship between Singer and Rorty not only because Singer claims that Rorty has had the greatest influence on his thought, but also because Rorty is the closest in spirit to Singer.14 For example, Bernstein,15 Sandel,16 and Unger17 all allow rationality and shared values larger roles in political and moral argument than does Rorty. If Singer is too much of an irrationalist for Rorty, then a fortiori Singer is too much of an irrationalist for the others. 18

#### No alternative to the law/legal system---other ideas bring more inequality and abuse

Jerold S. Auerbach 83, Professor of History at Wellesley, “Justice Without Law?”, 1983, p. 144-146

As cynicism about the legal system increases, so does enthusiasm for alternative dispute-settlement institutions. The search for alternatives accelerates, as Richard Abel has suggested, "when some fairly powerful interest is threatened by an increase in the number or magnitude of legal rights.\*'6 Alternatives are designed to provide a safety valve, to siphon discontent from courts. With the danger of political confrontation reduced, the ruling power of legal institutions is preserved, and the stability of the social system reinforced. Not incidentally, alternatives prevent the use of courts for redistributive purposes in the interest of equality, by consigning the rights of disadvantaged citizens to institutions with minimal power to enforce or protect them. It is, therefore, necessary to beware of the seductive appeal of alternative institutions. They may deflect energy from political organization by groups of people with common grievances; or discourage effective litigation strategies that could provide substantial benefits. They may, in the end, create a two-track justice system that dispenses informal "justice" to poor people with "small" claims and "minor" disputes, who cannot afford legal services, and who are denied access to courts. (Bar associations do not recommend that corporate law firms divert their clients to mediation, or that business deductions for legal expenses—a gigantic government subsidy for litigation—be eliminated.) Justice according to law will be reserved for the affluent, hardly a novel development in American history but one that needs little encouragement from the spread of alternative dispute-settlement institutions.¶ It is social context and political choice that determine whether courts, or alternative institutions, can render justice more or less accessible—and to whom. Both can be discretionary, arbitrary, domineering—and unjust. Law can symbolize justice, or conceal repression. It can reduce exploitation, or facilitate it. It can prohibit the abuse of power, or disguise abuse in procedural forms. It can promote equality, or sustain inequality. Despite the resiliency and power of law, it seems unable to eradicate the tension between legality and justice: even in a society of (legal) equals, some still remain more equal than others. But diversion from the legal system is likely to accentuate that inequality. Without legal power the imbalance between aggrieved individuals and corporations, or government agencies, cannot be redressed. In American society, as Laura Nader has observed, "disputing without the force of law ... [is| doomed to fail."7 Instructive examples document the deleterious effect of coerced informality (even if others demonstrate the creative possibilities of indigenous experimentation). Freed slaves after the Civil War and factory workers at the turn of the c

entury, like inner-city poor people now, have all been assigned places in informal proceedings that offer substantially weaker safeguards than law can provide. Legal institutions may not provide equal justice under law, but in a society ruled by law it is their responsibility.¶ It is chimerical to believe that mediation or arbitration can now accomplish what law seems powerless to achieve. The American deification of individual rights requires an accessible legal system for their protection. Understandably, diminished faith in its capacities will encourage the yearning for alternatives. But the rhetoric of "community" and "justice" should not be permitted to conceal the deterioration of community life and the unraveling of substantive notions of justice that has accompanied its demise. There is every reason why the values that historically are associated with informal justice should remain compelling: especially the preference for trust, harmony, and reciprocity within a communal setting. These are not, however, the values that Americ

an society encourages or sustains; in their absence there is no effective alternative to legal institutions.¶ The quest for community may indeed be "timeless and universal."8 In this century, however, the communitarian search for justice without law has deteriorated beyond recognition into a stunted off-shoot of the legal system. The historical progression is clear: from community justice without formal legal institutions to the rule of law, all too often without justice. But injustice without law is an even worse possibility, which misguided enthusiasm for alternative dispute settlement now seems likely to encourage. Our legal culture too accurately expresses the individualistic and materialistic values that most Americans deeply cherish to inspire optimism about the imminent restoration of communitarian purpose. For law to be less conspicuous Americans would have to moderate their expansive freedom to compete, to acquire, and to possess, while simultaneously elevating shared responsibilities above individual rights. That is an unlikely prospect unless Americans become, in effect, un-American. Until then, the pursuit of justice without law does incalculable harm to the prospect of equal justice.

#### Legal restraints work---exception theory is self-serving and wrong

William E. Scheuerman 6, Professor of Political Science at Indiana University, Carl Schmitt and the Road to Abu Ghraib, Constellations, Volume 13, Issue 1

Yet this argument relies on Schmitt’s controversial model of politics, as outlined eloquently but unconvincingly in his famous Concept of the Political. To be sure, there are intense conflicts in which it is naïve to expect an easy resolution by legal or juridical means. But the argument suffers from a troubling circularity: Schmitt occasionally wants to define “political” conflicts as those irresolvable by legal or juridical devices in order then to argue against legal or juridical solutions to them. The claim also suffers from a certain vagueness and lack of conceptual precision. At times, it seems to be directed against trying to resolve conflicts in the courts or juridical system narrowly understood; at other times it is directed against any legal regulation of intense conflict. The former argument is surely stronger than the latter. After all, legal devices have undoubtedly played a positive role in taming or at least minimizing the potential dangers of harsh political antagonisms. In the Cold War, for example, international law contributed to the peaceful resolution of conflicts which otherwise might have exploded into horrific violence, even if attempts to bring such conflicts before an international court or tribunal probably would have failed.22¶ Second, Schmitt dwells on the legal inconsistencies that result from modifying the traditional state-centered system of international law by expanding protections to non-state fighters. His view is that irregular combatants logically enjoyed no protections in the state-centered Westphalian model. By broadening protections to include them, international law helps undermine the traditional state system and its accompanying legal framework. Why is this troubling? The most obvious answer is that Schmitt believes that the traditional state system is normatively superior to recent attempts to modify it by, for example, extending international human rights protections to individuals against states. 23 But what if we refuse to endorse his nostalgic preference for the traditional state system? Then a sympathetic reading of the argument would take the form of suggesting that the project of regulating irregular combatants by ordinary law must fail for another reason: it rests on a misguided quest to integrate incongruent models of interstate relations and international law. We cannot, in short, maintain core features of the (state-centered) Westphalian system while extending ambitious new protections to non-state actors.¶ This is a powerful argument, but it remains flawed. Every modern legal order rests on diverse and even conflicting normative elements and ideals, in part because human existence itself is always “in transition.” When one examines the so-called classical liberal legal systems of nineteenth-century England or the United States, for example, one quickly identifies liberal elements coexisting uneasily alongside paternalistic and authoritarian (e.g., the law of slavery in the United States), monarchist, as well as republican and communitarian moments. The same may be said of the legal moorings of the modern welfare state, which arguably rest on a hodgepodge of socialist, liberal, and Christian and even Catholic (for example, in some European maternity policies) programmatic sources. In short, it is by no means self-evident that trying to give coherent legal form to a transitional political and social moment is always doomed to fail. Moreover, there may be sound reasons for claiming that the contemporary transitional juncture in the rules of war is by no means as incongruent as Schmitt asserts. In some recent accounts, the general trend towards extending basic protections to non-state actors is plausibly interpreted in a more positive – and by no means incoherent – light.24¶ Third, Schmitt identifies a deep tension between the classical quest for codified and stable law and the empirical reality of a social world subject to permanent change: “The tendency to modify or even dissolve classical [legal] concepts…is general, and in view of the rapid change of the world it is entirely understandable” (12). Schmitt’s postwar writings include many provocative comments about what contemporary legal scholars describe as the dilemma of legal obsolescence. 25 In The Partisan, he suggests that the “great transformations and modifications” in the technological apparatus of modern warfare place strains on the aspiration for cogent legal norms capable of regulating human affairs (17; see also 48–50). Given the ever-changing character of warfare and the fast pace of change in military technology, it inevitably proves difficult to codify a set of cogent and stable rules of war. The Geneva Convention proviso that legal combatants must bear their weapons openly, for example, seems poorly attuned to a world where military might ultimately depends on nuclear silos buried deep beneath the surface of the earth, and not the success of traditional standing armies massed in battle on the open field. “Or what does the requirement mean of an insignia visible from afar in night battle, or in battle with the long-range weapons of modern technology of war?” (17).¶ As I have tried to show elsewhere, these are powerful considerations deserving of close scrutiny; Schmitt is probably right to argue that the enigma of legal obsolescence takes on special significance in the context of rapid-fire social change.26 Unfortunately, he seems uninterested in the slightest possibility that we might successfully adapt the process of lawmaking to our dynamic social universe. To be sure, he discusses the “motorization of lawmaking” in a fascinating 1950 publication, but only in order to underscore its pathological core.27 Yet one possible resolution of the dilemma he describes would be to figure how to reform the process whereby rules of war are adapted to novel changes in military affairs in order to minimize the danger of anachronistic or out-of-date law. Instead, Schmitt simply employs the dilemma of legal obsolescence as a battering ram against the rule of law and the quest to develop a legal apparatus suited to the special problem of irregular combatants.

# PTX DA

## 2AC CIR

#### No link – this is a DISTRICT COURTS AFF – courts shield

Whittington 05 Keith E., Cromwell Professor of Politics – Princeton University, ““Interpose Your Friendly Hand”: Political Supports for the Exercise of Judicial Review by the United States Supreme Court”, American Political Science Review, 99(4), November, p. 585, 591-592

There are some issues that politicians cannot easily handle. For individual legislators, their constituents may be sharply divided on a given issue or overwhelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, including presidents and legislative leaders, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected officials may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves. As Mark Graber (1993) has detailed in cases such as slavery and abortion, elected officials may prefer judicial resolution of disruptive political issues to direct legislative action, especially when the courts are believed to be sympathetic to the politician’s own substantive preferences but even when the attitude of the courts is uncertain or unfavorable (see also, Lovell 2003). Even when politicians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibility for policy outcomes. For cross-pressured politicians and coalition leaders, shifting blame for controversial decisions to the Court and obscuring their own relationship to those decisions may preserve electoral support and coalition unity without threatening active judicial review (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial review may be relatively favorable when judicial invalidations of legislative policy can be managed to the electoral benefit of most legislators. In the cases considered previously, fractious coalitions produced legislation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that political leaders want taken, as illustrated in the following case.

No chance of immigration passage-MOST conclusive ev

Benen, 10/18 [Steve, “GOP already balking at new immigration push,” <http://www.msnbc.com/rachel-maddow-show/gop-already-balking-new-immigration-push>, ALB]

President Obama spoke briefly yesterday, announcing the re-opening of the federal government, and sharing some thoughts on how to help the country get moving in the right direction again. Specifically, the president stressed the importance of immigration reform – four times.¶ ¶ The push came on the heels of similar remarks from Senate Majority Leader Harry Reid (D-Nev.), who said, “I look forward to the next venture, which is making sure we do immigration reform.”¶ ¶ As it turns out, congressional Republicans don’t quite see it that way.¶ ¶ CNN’s Dana Bash asked several House GOP lawmakers yesterday about the prospect for passing a reform bill. One sent back an email that read, “Hahahahaha.” Another said the odds of success are “zero.”**¶** ¶ Dave Weigel added:**¶** When I asked South Carolina Sen. Lindsey Graham, one of the “Gang of Eight” behind the bill, what the impasse and resolution meant for immigration reform, he chuckled, then said it didn’t make him optimistic, exactly. Yesterday, when asked by Breitbart.com whether immigration policy might return to the agenda, former House immigration reformer Raul Labrador did more then chuckle.**¶** ¶ “Absolutely not,” said Labrador. “I think it would be crazy for the House leadership to enter into negotiations with **him. He’s trying to destroy** the **Republican Party**, not to get good policies. I don’t see how he would in good faith negotiate with us on immigration.”

#### NO CHANCE of immigration passage AND pol cap is low

Parnes, 10/18 [Amie, The Hill, <http://thehill.com/homenews/administration/329219-obamas-hollow-debt-victory>, ALB]

President Obama’s victory over congressional Republicans is likely to have a short shelf life.¶ Even the president’s staunchest allies are skeptical that his triumph in the debt-ceiling battle has produced much capital for the White House to spend on priorities like immigration reform. ¶ “I don’t know that this changes anything,” one former senior administration official said. “I don’t think the president has new mojo from this.”**¶** “What did they really do? They brought the country to the same place where we were a few weeks ago,” the former official said. “This isn’t like he passed healthcare. He ended a government shutdown and raised the debt limit. Those are routine items. **It’s not like he campaigned on it.**”**¶** Obama took his second victory lap in two days Thursday on the heels of the bipartisan deal, chiding congressional Republicans for engaging in political brinksmanship with the economy on the day the government reopened after a 16-day shutdown.¶ He also blamed the GOP — as he has in recent days — for bringing the nation dangerously close to defaulting on the debt limit. ¶ “You don’t like a particular policy or a particular president, then argue for your position,” Obama said in the State Dining Room at the White House. “Go out there and win an election.”¶ “Push to change it,” the president said. “But don’t break it.”¶ While he rallied White House allies with the sentiment, he also angered Republicans, who felt it was a sucker punch.¶ “The president’s admonishment ignores his own shortcomings,” said one senior Republican adviser working on Capitol Hill. “The fact is, he shares equal blame for the shutdown. It’s not as if the stalemate was created overnight. The shutdown is fallout from Obama’s lack of outreach and his ineffective approach to being a leader.”¶ The GOP adviser — who acknowledged defeat in the fight — said Obama’s admonition was “entirely void of the substance of the debate and designed to demonize legitimate opposition.¶ “[It] totally ignored was the president’s own past opposition to raising the debt ceiling and the months leading to this episode when the White House could have been working with Congress to avoid such a crisis,” the adviser said.¶ Republican strategist Ron Bonjean said he didn’t expect relations between Obama and Republicans to improve.**¶** “No one has political capital at this point to really accomplish major legislative initiatives by the end of this year,” Bonjean said. “It’s highly unlikely that any comprehensive immigration reform bill would be able to move through the House after such a bruising fight over the shutdown and the debt ceiling.”**¶** The former senior administration official seemed to agree, saying any hope for cooperation on a comprehensive immigration bill seems unlikely.¶ “No way,” the former official said. “I don’t see how it happens.”

#### Controversial cases now – that triggers the link

Blum 9/5/2013 (Bill Blum is a former judge and death penalty defense attorney, Sep 5, 2013, Supreme Court Preview: A Storm Is on the Horizon, http://www.truthdig.com/report/page2/supreme\_court\_preview\_a\_storm\_is\_on\_the\_horizon\_20130905/)

They’re b-a-c-k! As the war clouds gather over Washington in preparation for airstrikes against Syria, the nine justices who sit on the Supreme Court have returned from summer break and are preparing to kick up a legal storm of their own as they resume their quest to radically transform federal law and the Constitution. To be sure, there are four moderate to liberal voices on the high court, led by the frail but courageous Ruth Bader Ginsburg, who at the tender age of 80 has become the conscience of the tribunal. But with precious few detours, the court has become, in Ginsburg’s words, “one of the most activist courts in history.” So, as the court readies for the commencement of oral arguments next month in a brand new term, what can we expect from the gang of nine? Here are three cases slated for decisions on the merits with the potential to cause lasting social and political harm, and three more with sufficient weight to be added to the docket as the current term unfolds:

Drone debates now – triggers the link

Bennett 13 (John T, Senior Congressional Reporter at Defense News, 5/6/2013, "Drones, Sequester Flexibility to Drive 2014 NDAA Debates", www.defensenews.com/article/20130506/DEFREG02/305060006/Drones-Sequester-Flexibility-Drive-2014-NDAA-Debates)

WASHINGTON — US Lawmakers are expected to battle over armed drones, softening the blow of military budget cuts and a controversial missile defense shield as they craft Pentagon policy legislation for fiscal 2014. Mirroring the political climate in Washington, work on the past several national defense authorization acts (NDAAs) has, at times, turned bitterly partisan. Longtime defense insiders say the new tone likely is here to stay for some time. Indeed, the issues expected to dominate the NDAA build this spring and summer in the House and Senate Armed Services committees — and then will spill onto the chamber floors — sharply divide most Democrats and Republicans. From whether to leave President Barack Obama’s drone-strike program under the CIA’s control or shift to the Pentagon, to closing the Guantanamo Bay, Cuba, facility that houses terrorism suspects, to a proposal to build an East Coast missile shield, the 2014 NDAA process is shaping up to be a partisan kerfuffle. “I see a couple of bigger policy issues this year,” House Armed Services Committee (HASC) member Rep. Rick Larsen, D-Wash., told Defense News. “And one of those will be the proper use of drones.” Lawrence Korb, a former Pentagon official now at the Center for American Progress, added to that list of problems with the F-35 Joint Strike Fighter program, the Pentagon’s likely DOA plan to close military bases in the US and whether to keep building Army tanks in Michigan, home state of Democratic Senate Armed Services Committee (SASC) Chairman Sen. Carl Levin. Drones The simmering debate about the White House’s consideration of moving the drone program from the CIA to the military is shaping up to be a turf war among congressional panels. But not political parties. On one side are powerful pro-military lawmakers such as Sen. John McCain, R-Ariz., a senior Senate Armed Services Committee member. On the other are influential pro-CIA members such as Sen. Dianne Feinstein, D-Calif., who chairs the Senate Intelligence Committee. Many pro-military House Democrats, such as HASC member Rep. Hank Johnson, D-Ga., and Larsen favor giving the Pentagon full ownership.

**CIR creates a backlog – impossible to solve**

David **North 10**, former Assistant to the U.S. Secretary of Labor and Center for Immigration Studies Fellow, April 7, 2010, “Would Legalization Backlogs Delay Other USCIS Applications? Probably,” Center for Immigration Studies, http://cis.org/north/legalization-backlogs

An interesting question has arisen as a result of a congressional hearing: would a massive legalization program, as many advocates want, slow the processing of applications filed routinely by citizens and legal aliens wanting immigration benefits? The numbers are daunting. U.S. Citizenship and Immigration Services (USCIS) currently faces six million applications a year according to one news story. The estimates of the number of illegal aliens in the nation runs to 11 or 12 million. Could USCIS handle both these multi-million caseloads with its current paper-based systems? There are many complaints that the backlogs are currently too long on the normal collection of six million cases a year. The government's expert on such things, Frank W. Deffer, Assistant Inspector General for Information Technology in the Department of Homeland Security, told a congressional committee on March 23: "adding 12 million more people to the system would be the **mother of all backlogs**. Clearly to us the systems **could not handle it** now."\

## 2ac pc

#### Budget deal and farm bill thump the disad

Gamboa 10/17(Suzanne Gamboa, 10/17/2013,“Immigration reform No. 2 on Obama’s to do list for Congress” <http://nbclatino.com/2013/10/17/immigration-reform-no-2-on-obamas-to-do-list-for-congress/>)

With the impasse of the past few weeks lifted, **President Barack Obama rolled out a “to do” list for Congress with immigration reform as Item No. 2. Obama has been pledging to push anew on immigration reform once the political brinkmanship that had shut down the government and pushed the country close** to defaulting on its debt was resolved. A **temporary solution came Wednesday afternoon**, spurring Obama to set forth an agenda for the remaining weeks of the quickly dwindling congressional year. **Along with passing a budget, No. 1 and a farm bill, No. 3, Obama said “we should finish the job of fixing our broken immigration system.”**

**Presidential leadership’s irrelevant**

**Jacobs and King 10** – University of Minnesota, Nuffield College, (Lawrence and Desmond, “Varieties of Obamaism: Structure, Agency, and the Obama Presidency,” Perspectives on Politics (2010), 8: 793-802)

But personality is not a solid foundation for a persuasive explanation of presidential impact and the shortfalls or accomplishments of Obama's presidency. Modern presidents have brought divergent individual traits to their jobs and yet they have routinely failed to enact much of their agendas. Preeminent policy goals of Bill Clinton (health reform) and George W. Bush (Social Security privatization) met the same fate, though these presidents' personalities vary widely. And presidents like Jimmy Carter—whose personality traits have been criticized as ill-suited for effective leadership—enjoyed comparable or stronger success in Congress than presidents lauded for their personal knack for leadership—from Lyndon Johnson to Ronald Reagan.7 Indeed, a personalistic account provides little leverage for explaining the disparities in Obama's record—for example why he succeeded legislatively in restructuring health care and higher education, failed in other areas, and often accommodated stakeholders. Decades of rigorous research find that impersonal, structural forces offer the most compelling explanations for presidential impact.8 **Quantitative research that compares legislative success and** presidential **personality** **finds no** overall **relationship**.9 In his magisterial qualitative and historical study, Stephen Skowronek reveals that institutional dynamics and ideological commitments structure presidential choice and success in ways that trump the personal predilections of individual presidents.10 **Findings point to** the **predominant** **influence** **on presidential legislative success of** the **ideological** and partisan **composition of Congress, entrenched** **interests**, identities, and institutional design, and a constitutional order that invites multiple and competing lines of authority. The widespread presumption, then, that Obama's personal traits or leadership style account for the obstacles to his policy proposals is called into question by a generation of scholarship on the presidency. Indeed, the presumption is not simply problematic analytically, but practically as well. For the misdiagnosis of the source of presidential weakness may, paradoxically, induce failure by distracting the White House from strategies and tactics where presidents can make a difference. Following a meeting with Obama shortly after Brown's win, one Democratic senator lamented the White House's delusion that a presidential sales pitch will pass health reform—“Just declaring that he's still for it doesn't mean that it comes off life support.”11 Although Obama's re-engagement after the Brown victory did contribute to restarting reform, the senator's comment points to the importance of ideological and partisan coalitions in Congress, organizational combat, institutional roadblocks, and anticipated voter reactions. **Presidential sales pitches go only so far.**

## 2AC Econ

**Their timeframe for the economy collapsing is super long – aff clearly outweighs**

**They don’t solve the economy**

**Fox 1-29**-13

[**citing Steve camarota director for Center of Immigration studies and CBO reports**, <http://www.foxnews.com/politics/2013/01/28/cost-giving-illegal-immigrants-path-to-citizenship-could-outweigh-fiscal/>]

Any immigration reform plan that allows the roughly 11 million individuals now in the United States illegally to stay in the country would bring with it a mix of new revenues and increased costs. And as President Obama and a bipartisan group of senators separately press the issue this week, past studies suggest it is doubtful that the fiscal benefits of such policy changes would outweigh the costs. By legally joining the workforce, the immigrants in question would generate additional and much-needed income tax but also would become eligible for a certain level of government assistance. Research shows creating a path to citizenship for so many illegal immigrants would result in significant costs to state, local and federal governments. “This doesn’t make them bad people, but (lawmakers) should be honest with the public,” Steve Camarota, director of research for the Washington-based Center for Immigration Studies, says. “Don’t sell them a bill of goods.” While most studies, including one by the nonpartisan Congressional Budget Office, have focused on the impact at the state and local levels, where most of the socials services for illegal immigrants are provided, Camarota has also looked at the impact on the federal government. He estimated in an often-cited 2004 study that illegal immigrants paying taxes and getting access to such social services as Medicaid or food stamps would cost taxpayers $29 billion annually. Contrary to the conventional wisdom, he argued, the main reason illegal immigrants create a large deficit is not their heavy use of social services but **their lack of education, which results in low-paying jobs and small income-tax contributions.** “On average, the costs that illegal households impose on federal coffers are less than half that of other households, but their tax payments are only one-fourth that of other households,” writes Camarota, in his 2004 study “The High Cost of Cheap Labor: Illegal Immigration and the Federal Budget.” More recent studies of the fiscal benefits and costs of immigration reform are hard to come by, and the CBO study, too, dates back to 2007. Even so, Camarota points outs that more recent data unmistakably show less-skilled and less-educated citizens have been hit hardest by the recent economic downturn and that the proposed legislation would put them in direct competition with illegal immigrants with similar qualifications. “While it would be a mistake to think that every job taken by an illegal immigrant is a job lost by a native, it would also be a mistake to imagine that allowing illegal immigrants to stay permanently in their jobs has no impact on labor market outcomes for U.S.-born workers,” Camarota said last month. The bipartisan Senate proposal unveiled Monday in part calls for a path to citizenship for illegal immigrants already in the country, contingent upon better securing the Mexico border and tracking of people here on visas; awarding green cards to immigrants who obtain advanced degrees in science, math, technology or engineering from a U.S. university; and establishing an agricultural worker program. The lawmakers hope to have a complete bill by late March and a Senate vote by late spring or early summer. Obama, who has made comprehensive immigration reform a second-term priority, will be in Las Vegas on Tuesday to talk about his goals. Darrell West, vice president and director of governance studies at the liberal-leaning Brookings Institute, argues immigration studies have largely focused just on the short-term economic consequences of comprehensive illegal immigration reform. He said Monday that legally picking fruits and vegetables, for example, is indeed a low-paying job, but filling those vacant spots would help farms reach maximum productivity and in turn perhaps increase wages and hire more people. West also argued illegal immigrants have a strong entrepreneurial spirit and that their children historically are economically better off.