# 2AC

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#### We meet and we’re key to the topic

Micah Zenko, Douglas Dillon fellow in the Center for Preventive Action at the Council on Foreign Relations and former official in the Congressional Research Service and the State Department’s Office of Policy Planning, “Targeted Killings and Signature Strikes,” 6-16-2012, 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?

#### Plan text limits targets to leaders of terrorist groups – means we still meet by banning individually targeting low level leaders

#### Signature strikes target individuals

Shazad Ali, contributing analyst at Open Briefing and PhD in European Studies at the University of Karachi and member of the editorial board of Perspectives on Terrorism, and Chris Abbott, founder and executive director of Open Briefing and Honorary Visiting Research Fellow in the School of Social and International Studies at the University of Bradford and the former deputy director of Oxford Research Group, 10-24-2013, “US Drone Strikes in Pakistan: ineffective and illegitimate,” Sustainable Security, http://sustainablesecurity.org/2013/10/24/us-drone-strikes-in-pakistan/

Signature strikes target individuals based on predetermined ‘signatures’ of behaviour that US intelligence links to militant activity. In other words, people are targeted merely on the basis of their behaviour patterns. This is different to personality strikes, which use intelligence to target specific terror suspects. In a June 2013 report that cited classified documents, NBC News revealed that one in four people killed in drone strikes in Pakistan between 3 September 2010 and 30 October 2011 were classified as ‘other militants’ by CIA. This means the CIA were unable to determine the affiliation, if any, of those killed.

#### Even if they’re right – plan text doesn’t say signature strikes – means it’s solvency not T

#### 1AC ev is from policy makers and contextually prove sig strikes are heart of the topic – prefer ev from policymakers making policy recommendations – ensures best literature and clash

#### Daskal ev indicates signature strikes are still targeted – they aren’t random cruise missile strikes

#### Zenko indicates it’s the centerpiece for targeted killing policy globally

#### Targeted killing is lethal force against someone not in custody – broad interps are better because there isn’t one definition – our interp synthesizing leading definitions

Jan Guardian, translator at the International Monetary Fund, 2013 “Targeted Killings: A Summary,” http://acontrarioicl.com/2013/02/27/targeted-killings-a-summary/

Currently there is no legal definition of targeted killings in either international or domestic law.[1] ‘Targeted killing’ is rather a descriptive notion frequently used by international actors in order to refer to a specific action undertaken in respect to certain individuals.¶ Various scholars propose different definitions. Machon, for example, refers to ‘targeted killing’ as an “intentional slaying of a specific individual or group of individuals undertaken with explicit governmental approval,”[2] whereas Solis suggests that for there to be a targeted killing (i) there must be an armed conflict, either international or non-international in character; (ii) the victim must be specifically targeted; (iii) he must be beyond a reasonable possibility of arrest; (iv) the killing must be authorized by senior military commanders or the head of government; (v) and the target must be either a combatant or someone directly participating in the hostilities.[3] But whereas some scholars seek to use a human rights-based definition, [4] others propose those which do not entail the applicability of international humanitarian law. [5]¶ However, such definitions are incorrect for several reasons. First of all, the definition of a ‘targeted killing’ has to be broad enough as to cover a wide range of practices and flexible enough as to encompass situations within and outside the scope of an armed conflict, thus, being subject to the application of both international human rights law and international humanitarian law, as opposed to the definition provided by some scholars and even states themselves.[6] Secondly, one should bear in mind that defining an act as an instance of ‘targeted killing’ should not automatically render the illegality of such an act at stake.[7] Moreover, the definition also has to cover situations where such an act is carried out by other subjects of international law, rather than only by states.¶ Therefore, maintaining an element-based approach and synthesizing common characteristics of multiple definitions, it is more advisable to use the one employed by Alston and Melzer, which refers to targeted killings as a use of lethal force by a subject of international law (encompassing non-state actors) that is directed against an individually selected person who is not in custody and that is intentional (rather than negligent or reckless), premeditated (rather than merely voluntary), and deliberate (meaning that ‘the death of the targeted person [is] the actual aim of the operation, as opposed to deprivations of life which, although intentional and premeditated, remain the incidental result of an operation pursuing other aims).[8]

#### Two net benefits

#### Aff creativity – neg generics are inevitable – preserving aff innovation is key to all t spec edu

#### Ground – their interp overlimits by eliminating an entire part of the topic – limits us to terrible affs with terrible DAs

#### Reasonability – C/I is a race to the bottom

## Case

### Solvency – AT: No Sigs

#### No changes

Paul D. Shinkman, national security reporter for U.S. News & World Report, 2-5-2014, “Report: U.S. Ceases Drone Strikes for Pakistan, Taliban Talks,” US News and World Report, http://www.usnews.com/news/articles/2014/02/05/report-us-ceases-drone-strikes-for-pakistan-taliban-talks

The public relationship between the two governments has been on rocky footing in recent years, largely due to populist outrage in Pakistan over the sweeping U.S. drone program. The strikes became a central talking point of the Pakistani election in May, particularly for cricket star-turned-politician Imran Khan, who regularly threatens to call upon supporters in the tribal northern reaches of the country to shut down NATO supply routes into Afghanistan. The Pakistani ambassador to the U.S. has said previously that the strikes represent a “red line” for the Islamic nation. The Pakistani government also did not appear to have any forewarning of the 2011 raid that killed Osama bin Laden in Abbottabad.Yet CIA documents obtained by The Washington Post and released in October say that Pakistan has known about U.S. strikes on its soil, and perhaps has been complicit in planning some of them.Wednesday’s report would not mark the first time the U.S. supposedly has withheld strikes to support Pakistani political concerns. No drone strikes occurred from April 17 through last year’s election in Pakistan, according to numbers compiled by The Long War Journal. Drone strike expert Karl Kaltenthaler, a professor at the University of Akron, said every drone strike “is a little bit of gasoline on the fire” for the Pakistani public, adding the lull last year was likely due to concerns that the political blowback would spiral out of control. The Long War Journal has not yet recorded any drone strikes in Pakistan in 2014. But the strikes likely will continue. A pair of drone strikes in November targeted a suspected senior Taliban official and a high-profile member of the extremist group the Haqqani network. The latter was one of six killed in a reported strike in the Khyber Pakhtunkhwa province of far northern Pakistan. A senior administration official tells the Post the U.S. is “continuing to aggressively identify and disrupt terrorist threats in the Afghan war theater and outside areas of active hostilities in line with our established [counterterrorism] objectives and legal and policy standards.” The official denies that the U.S. has ceased strikes for Pakistani political considerations.

#### Obvi sig strikes in Yemen

Jason Ditz, 1-15-2014, “US Drone Strike Kills Yemeni Farmer,” AntiWar, http://news.antiwar.com/2014/01/15/us-drone-strike-kills-yemeni-farmer/

There was already growing anger about the US drone strikes against Yemen in recent weeks after the December attack on a wedding procession, a “signature strike” in which the US assumed the convoy of cars had to be terror related without any attempt to identify any of the people involved. The attack killed 15 civilians. So far the US has taken the same strategy as with Pakistan, simply remaining mum on the strikes and continuing to attack whenever they feel like it. Yemen’s president, Abd-Rabbu Mansour Hadi, has endorsed the drone program, and there seems to be little effort by the rest of Yemen’s government to do much about the deaths.

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#### Signature strikes don’t disrupt terror networks and cause blowback and instability

John Arquilla, Professor of Defense Analysis at the U.S. Naval Postgraduate School, 6-3-2013, “Drones Are Too Slow to Kill Terrorists” http://www.foreignpolicy.com/articles/2013/06/03/drones\_are\_too\_slow\_to\_kill\_terrorists?page=full

Sadly, political acumen all too often makes for poor strategy -- as it surely does in this case. In the matter of drones, the problem is that the instrument itself -- an unmanned but armed aircraft -- has very serious operational and ethical constraints. During the past decade, over 400 drone attacks have taken place -- the vast majority on President Obama's watch, most of them striking on sovereign Pakistani territory. This is simply too slow a tempo, allowing enemy networks plenty of time to absorb whatever losses are inflicted and to recover from them. The problematic aerial offensive also comes at the serious cost of creating both outrage and instability in the countries where innocents are sometimes killed in drone attacks -- particularly in places targeted for "signature strikes," where those in the crosshairs simply fit a suspicious profile.

#### XX

### Norms – Turkey Strike

#### US precedent causes Turkey to strike PKK

Aaron Stein, Ph.D candidate at King’s College, London and the Nonproliferation Program Director at the Center for Economics and Foreign Policy Studies an independent think tank in Istanbul, “Turkey’s Negotiations with the Kurdistan Workers’ Party and Armed Drones” 2-26-2013, Turkey Wonk Blog

Prime Minister Recep Tayyip Erdogan has recently re-intiated peace talks with Abdullah Ocalan and the Kurdistan Worker’s Party (PKK). Erdogan’s AKP, like Turgut Ozal’s Motherland Party, has sought to address Turkey’s Kurdish Issue – or the Kurds’ Turkey Problem – by focusing on the two groups’ shared muslim identity, rather than the previous policy of forced ethnic assimilation. Erdogan has previously engaged the PKK in peace talks, however, these efforts were unsuccessful. During the previous round of negotiations, Erdogan opted to hold the talks in secret, rather than subject himself to the inevitable backlash from Turkish nationalists (An important AKP voting bloc by the way). The talks, despite having made some progress, broke down after President Abdullah Gul went public with the negotiations and the subsequent celebration at the Habur border gate in 2009 when Kurdish fighters returned from the PKK camps in Iraqi Kurdistan to Turkish territory. The AKP appeared to have been caught off guard and ill-prepared to deal with the imagery of thousands of Kurds welcoming home the PKK fighters as national heroes. The Turkish nationalist backlash, combined with the AKP’s political ambitions, led to the end of the talks and the re-militarization of the Kurdish issue. This time around, Erdogan has opted to publicize the talks, which has, in my opinion, placed the responsibility for success squarely on the shoulders of Abdullah Ocalan. Erdogan’s public statements, as well as the policies that his party is now pursuing are politically dangerous, though the powerful Prime Minister has a number of reasons to solve the Kurdish issue. Most importantly, the AKP has shown an off and on commitment to ending the Turkish – Kurdish conflict, which has claimed an estimated 40,000 lives since the current conflict began in 1984. Moreover, Erdogan, who has made no secret of his desire to move to an executive Presidency, has an incentive to engage and secure the support of the Kurdish BDP for his proposed constitution. In addition, Erdogan’s 2009 – 2012 alliance with Turkey’s ultra-nationalist MHP has alienated Turkish liberals, which, despite being less religious than the AKP, are keen on implementing European Union reforms and deepening the country’s democratic system (Both AKP campaign themes). Erdogan, I am assuming, is betting that if he solves the PKK problem, the majority of Turks, who continue to be wary of negotiating with what they consider to be a terrorist group akin to Al Qaeda, will eventually support his decision. This of course hinges on his kicking out the fighters from Turkish territory, so as to ensure a drop in violence, which would in turn give him the credibility to go before the wary Turkish electorate and claim that he has brought peace. This political path is fraught with potential pitfalls, as illustrated by the recent attack of BDP MPs in the nationalist strongholds of Sinop and Samsun (For an excellent overview of the recent attack, see this blog post by the excellent Frederike Geerdink). The AKP, however, receives a tremendous amount of political support from nationalists. The AKP, which faces little resistance from the main opposition Republican People’s Party (CHP), is far more concerned about the potential for its base to splinter, which would in turn lead to it loosing some votes to the MHP, the BDP, and the Islamist Saadet Party. The AKP, therefore, is seeking to balance the current PKK negotiations with its need to continue to engage and appeal to Turkish nationalists. It is an incredibly difficult policy to pursue and is likely the reason why Erdogan’s messaging has vacillated wildly between themes like re-instituting the death penalty and the need to open chapters for Turkey’s stalled European Union bid. However, because the AKP has shown an incredible ability to set Turkey’s political agenda – using coordinated leaks, trial balloons, and speeches, which are framed by overarching themes like justice and development (The translation of the AKP’s name) – I believe that the AKP is capable of keeping its coalition together and ending the conflict with the PKK. (The PKK also has a lot to with this, but that is the subject for another blog post.) However, as I explain in my current piece on Foreign Policy, Ankara has opted to follow Washington’s example of using drones for counter-terrorism missions. Turkey, as I explain in the piece, has developed a surveillance drone and is seeking to use the current platform to develop an armed version. While Ankara has been characteristically opaque about the drones’ development, it does not take a genius to figure out that the Turkish military hopes to use armed drones to shorten to “kill-chain” for targeted strikes against PKK operatives. However, Turkey has not publicized who makes the decisions about when to use deadly force, nor has it publicly explained the legal rationale for using armed drones to assassinate Turkish citizens without due process. (As an EU candidate country, one would assume Turkey would try and figure this out). Moreover, if the drone is used in the southeast to attack PKK militants, it is likely that some of those killed will be Turkish citizens. Given the trajectory of the cease fire talks, I see a disconnect between Erdogan’s intentions, the likely use of armed drones in the future, and the military establishment’s opaque drone policy. To be clear, I am not advocating that Ankara disarm or cease in its efforts to further develop its anti-terror capabilities. However, I do think it would be prudent for the Turkish government to publicize its drone policies, in order to build trust with the Kurdish minority. Moreover, Turkey should also seek to clarify the current legal structure that has been put in place for the killing of Turkish citizens. (If one does not exist, Ankara should start writing.) It would also be prudent for the Turkish government to explain whether or not it conducts signature strikes (I think it does, one need not look any further than the Uludere tragedy for confirmation). If Ankara presses ahead with its armed drone program (and it will), the government should seek to be more forthcoming with information about the program’s goals and its intended use. Otherwise, it risks undermining trust with the Kurdish minority and, should the two sides agree to a cease fire, could risk re-igniting the conflict. Moreover, the program, which is still in the design phase, provides Ankara with a political opportunity. On the one hand, Erodgan can tout the program as a symbol of Turkey’s strength – which would win him support from the nationalists. However, he could pair the rhetoric with a clear articulation of Turkey’s drone policy, which should include a clear legal framework for the strikes, in order to assuage Turkish liberals and Turkey’s Kurds. This would allow for him to continue to balance the two sides’ political demands and, from the perspective of AKP political operatives, help them grow their voter base.

#### Turkey intervention causes nuclear war

Michael T. Snyder, a graduate of the McIntire School of Commerce at the University of Virginia and has two law degrees from the University of Florida, 6-28-2011, “Could We Actually See A War Between Syria And Turkey?” endoftheamericandream.com/archives/could-we-actually-see-a-war-between-syria-and-turkey

In recent days, there have been persistent rumors that we could potentially be on the verge of a military conflict between Syria and Turkey. As impossible as such a thing may have seemed just a few months ago, it is now a very real possibility. Over the past several months, we have seen the same kind of "pro-democracy" protests erupt in Syria that we have seen in many of the other countries in the Middle East. The Syrian government has no intention of being toppled by a bunch of protesters and has cracked down on these gatherings harshly. There are reports in the mainstream media that say that over 1,300 people have been killed and more than 10,000 people have been arrested since the protests began. Just like with Libya, the United States and the EU are strongly condemning the actions that the Syrian government has taken to break up these protests. The violence in Syria has been particularly heavy in the northern sections of the country, and thousands upon thousands of refugees have poured across the border into neighboring Turkey. Syria has sent large numbers of troops to the border area to keep more citizens from escaping. Turkey has responded by reinforcing its own troops along the border. Tension between Turkey and Syria is now at an all-time high. So could we actually see a war between Syria and Turkey? A few months ago anyone who would have suggested such a thing would have been considered crazy. But the world is changing and the Middle East is a powder keg that is just waiting to explode. Since the Syrian government began cracking down on the protests, approximately 12,000 Syrians have flooded into Turkey. The Turkish government is deeply concerned that Syria may try to strike these refugees while they are inside Turkish territory. Troop levels are increasing on both sides of the border and tension is rising. One wrong move could set off a firestorm. The government of Turkey is demanding that Syrian military forces retreat from the border area. The government of Syria says that Turkey is just being used to promote the goals of the U.S. and the EU. Syria also seems to be concerned that Turkey may attempt to take control of a bit of territory over the border in order to provide a "buffer zone" for refugees coming from Syria. What makes things even more controversial is that the area where many of the Syrian refugees are encamped actually used to belong to Syria. In fact, many of the maps currently in use inside Syria still show that the area belongs to Syria. War between Syria and Turkey has almost happened before. Back in the 1990s, the fact that the government of Syria was strongly supporting the Kurds pushed the two nations dangerously close to a military conflict. Today, the border between Syria and Turkey is approximately 850 kilometers long. The military forces of both nations are massing along that border. One wrong move could set off a war. Right now, it almost sounds as though the U.S. government is preparing for a war to erupt in the region. U.S. Secretary of State Hillary Clinton recently stated that the situation along the border with Turkey is "very worrisome" and that we could see "an escalation of conflict in the area". Not only that, but when you study what Clinton and Obama have been saying about Syria it sounds very, very similar to what they were saying about Libya before the airstrikes began. In a recent editorial entitled "There Is No Going Back in Syria", Clinton wrote the following.... Finally, the answer to the most important question of all -- what does this mean for Syria's future? -- is increasingly clear: There is no going back. Syrians have recognized the violence as a sign of weakness from a regime that rules by coercion, not consent. They have overcome their fears and have shaken the foundations of this authoritarian system. Syria is headed toward a new political order -- and the Syrian people should be the ones to shape it. They should insist on accountability, but resist any temptation to exact revenge or reprisals that might split the country, and instead join together to build a democratic, peaceful and tolerant Syria. Considering the answers to all these questions, the United States chooses to stand with the Syrian people and their universal rights. We condemn the Assad regime's disregard for the will of its citizens and Iran's insidious interference. "There is no going back"? "Syria is headed toward a new political order"? It almost sounds like they are already planning the transitional government. The EU has been using some tough language as well. A recent EU summit in Brussels issued a statement that declared that the EU "condemns in the strongest possible terms the ongoing repression and unacceptable and shocking violence the Syrian regime continues to apply against its own citizens. By choosing a path of repression instead of fulfilling its own promises on broad reforms, the regime is calling its legitimacy into question. Those responsible for crimes and violence against civilians shall be held accountable." If you take the word "Syrian" out of that statement and replace it with the word "Libyan" it would sound exactly like what they were saying about Gadhafi just a few months ago. The EU has hit Syria with new economic sanctions and it is also calling on the UN Security Council to pass a resolution condemning the crackdown by the Syrian government. It seems clear that the U.S. and the EU want to see "regime change" happen in Syria. The important thing to keep in mind in all of this is that Turkey is a member of NATO. If anyone attacks Turkey, NATO has a duty to protect them. If Syria attacked Turkey or if it was made to appear that Syria had attacked Turkey, then NATO would have the justification it needs to go to war with Syria. If NATO goes to war with Syria, it is very doubtful that Iran would just sit by and watch it happen. Syria is a very close ally to Iran and the Iranian government would likely consider an attack on their neighbor to be a fundamental threat to their nation. In fact, there are already reports in the international media that Iran has warned Turkey that they better not allow NATO to use their airbases to attack Syria. So if it was NATO taking on Syria and Iran, who else in the Middle East would jump in? Would Russia and China sit by and do nothing while all of this was going on? Could a conflict in the Middle East be the thing that sets off World War III? Let's certainly hope not. More war in the Middle East would not be good for anyone. Unfortunately, tensions are rising to frightening levels throughout the region. Even if things between Syria and Turkey cool off, that doesn't mean that war won't break out some place else. Riots and protests continue to sweep across the Middle East and the entire region has been arming for war for decades. Eventually something or someone is going to snap. When it does, let us just hope that World War III does not erupt as a result.

## Schmitt

### 2AC Framework – Theory

#### Our interpretation is that plan focus is good

#### Aff choice – other frameworks moot the 1AC

#### Topic education – only focusing on the resolution ensures different ground from year to year

#### Reject non-policy alts and links not based on the plan text

#### Debate should only include discussions that are policy relevant – their K self marginalizes itself out of politics and is therefore useless

Joseph Nye, professor at Harvard University and former dean of the Harvard Kennedy School, 4-13-2009, Washington Post, http://www.washingtonpost.com/wp-dyn/content/article/2009/04/12/AR2009041202260\_pf.html 4-13-09

President Obama has appointed some distinguished academic economists and lawyers to his administration, but few high-ranking political scientists have been named. In fact, the editors of a recent poll of more than 2,700 international relations experts declared that "the walls surrounding the ivory tower have never seemed so high." While important American scholars such as Henry Kissinger and Zbigniew Brzezinski took high-level foreign policy positions in the past, that path has tended to be a one-way street. Not many top-ranked scholars of international relations are going into government, and even fewer return to contribute to academic theory. The 2008 Teaching, Research and International Policy (TRIP) poll, by the Institute for Theory and Practice in International Relations, showed that of the 25 scholars rated as producing the most interesting scholarship during the past five years, only three had ever held policy positions (two in the U.S. government and one in the United Nations). The fault for this growing gap lies not with the government but with the academics. Scholars are paying less attention to questions about how their work relates to the policy world, and in many departments a focus on policy can hurt one's career. Advancement comes faster for those who develop mathematical models, new methodologies or theories expressed in jargon that is unintelligible to policymakers. A survey of articles published over the lifetime of the American Political Science Review found that about one in five dealt with policy prescription or criticism in the first half of the century, while only a handful did so after 1967. Editor Lee Sigelman observed in the journal's centennial issue that "if 'speaking truth to power' and contributing directly to public dialogue about the merits and demerits of various courses of action were still numbered among the functions of the profession, one would not have known it from leafing through its leading journal." As citizens, academics might be considered to have an obligation to help improve on policy ideas when they can. Moreover, such engagement can enhance and enrich academic work, and thus the ability of academics to teach the next generation. As former undersecretary of state David Newsom argued a decade ago, "the growing withdrawal of university scholars behind curtains of theory and modeling would not have wider significance if this trend did not raise questions regarding the preparation of new generations and the future influence of the academic community on public and official perceptions of international issues and events. Teachers plant seeds that shape the thinking of each new generation; this is probably the academic world's most lasting contribution." Yet too often scholars teach theory and methods that are relevant to other academics but not to the majority of the students sitting in the classroom before them. Some academics say that while the growing gap between theory and policy may have costs for policy, it has produced better social science theory, and that this is more important than whether such scholarship is relevant. Also, to some extent, the gap is an inevitable result of the growth and specialization of knowledge. Few people can keep up with their subfields, much less all of social science. But the danger is that academic theorizing will say more and more about less and less. Even when academics supplement their usual trickle-down approach to policy by writing in journals, newspapers or blogs, or by consulting for candidates or public officials, they face many competitors for attention. More than 1,200 think tanks in the United States provide not only ideas but also experts ready to comment or consult at a moment's notice. Some of these new transmission belts serve as translators and additional outlets for academic ideas, but many add a bias provided by their founders and funders. As a group, think tanks are heterogeneous in scope, funding, ideology and location, but universities generally offer a more neutral viewpoint. While pluralism of institutional pathways is good for democracy, the policy process is diminished by the withdrawal of the academic community. The solutions must come via a reappraisal within the academy itself. Departments should give greater weight to real-world relevance and impact in hiring and promoting young scholars. Journals could place greater weight on relevance in evaluating submissions. Studies of specific regions deserve more attention. Universities could facilitate interest in the world by giving junior faculty members greater incentives to participate in it. That should include greater toleration of unpopular policy positions. One could multiply such useful suggestions, but young people should not hold their breath waiting for them to be implemented. If anything, the trends in academic life seem to be headed in the opposite direction.

### 2AC Perm

#### Perm do both – double bind – either the alt can’t overcome the status quo or it can overcome residual link to the plan

#### Perm do the plan and all non-mutually exclusive parts of the alternative

#### The alt abdicates the bureaucracy – that ensures failure of all progressive politics

Chantal Mouffe, Professor of Political Theory at the Centre for the Study of Democracy, University of Westminster, 2009, "The Importance of Engaging the State", What is Radical Politics Today?, Edited by Jonathan Pugh, pp. 233-7.

In both Hardt and Negri, and Virno, there is therefore emphasis upon ‘critique as withdrawal’. They all call for the development of a non-state public sphere. They call for self-organisation, experimen-tation, non-representative and extra-parliamentary politics. They seeforms of traditional representative politics as inherently oppressive. So they do not seek to engage with them, in order to challenge them. They seek to get rid of them altogether. This disengagement is, fo rsuch influential personalities in radical politics today, the key to every political position in the world. The Multitude must recognise imperial sovereignty itself as the enemy and discover adequate means of sub-verting its power. Whereas in the disciplinary era I spoke about earlier, sabotage was the fundamental form of political resistance, these authors claim that, today, it should be desertion. It is indeed through desertion, through the evacuation of the places of power, that they think that bat-tles against Empire might be won. Desertion and exodus are, for theseimportant thinkers, a powerful form of class struggle against imperialpostmodernity.According to Hardt and Negri, and Virno, radical politics in the pastwas dominated by the notion of ‘the people’. This was, according tothem, a unity, acting with one will. And this unity is linked to the exis-tence of the state. The Multitude, on the contrary, shuns political unity.Itisnotrepresentablebecauseitisanactiveself-organisingagentthatcannever achieve the status of a juridical personage. It can never convergein a general will, because the present globalisation of capital and work-ers’ struggles will not permit this. It is anti-state and anti-popular. Hardtand Negri claim that the Multitude cannot be conceived any more interms of a sovereign authority that is representative of the people. They therefore argue that new forms of politics, which are non-representative, are needed. They advocate a withdrawal from existing institutions. This is something which characterises much of radical politics today. The emphasis is not upon challenging the state. Radical politics today is often characterised by a mood, a sense and a feeling, that the state itself is inherently the problem. I will now turn to presenting the way I envisage the form of social criticism best suited to radical politics today. I agree with Hardt andNegri that it is important to understand the transition from Fordism topost-Fordism. But I consider that the dynamics of this transition is bet-ter apprehended within the framework of the approach outlined in the book Hegemony and Socialist Strategy: Towards a Radical Democratic Politics (Laclau and Mouffe, 2001). What I want to stress is that many factors have contributed to this transition from Fordism to post-Fordism, and that it is necessary to recognise its complex nature. My problem withHardt and Negri’s view is that, by putting so much emphasis on theworkers’ struggles, they tend to see this transition as if it was driven by one single logic: the workers’ resistance to the forces of capitalism in the post-Fordist era. They put too much emphasis upon immaterial labour. In their view, capitalism can only be reactive and they refuse to accept the creative role played both by capital and by labour. To put it another way, they deny the positive role of political struggle. In Hegemony and Socialist Strategy: Towards a Radical Democratic Politics we use the word ‘hegemony’ to describe the way in which meaning is given to institutions or practices: for example, the way in which a giveninstitution or practice is defined as ‘oppressive to women’, ‘racist’ or‘environmentally destructive’. We also point out that every hegemonic order is therefore susceptible to being challenged by counter-hegemonic practices – feminist, anti-racist, environmentalist, for example. This is illustrated by the plethora of new social movements which presently exist in radical politics today (Christian, anti-war, counter-globalisation, Muslim, and so on). Clearly not all of these are workers’ struggles. In their various ways they have nevertheless attempted to influence and have influenced a new hegemonic order. This means that when we talkabout ‘the political’, we do not lose sight of the ever present possibility of heterogeneity and antagonism within society. There are many differ-ent ways of being antagonistic to a dominant order in a heterogeneous society – it need not only refer to the workers’ struggles. I submit that it is necessary to introduce this hegemonic dimension when one envisages the transition from Fordism to post-Fordism. This means abandoning the view that a single logic (workers’ struggles) is at work in the evolu-tion of the work process; as well as acknowledging the pro-active roleplayed by capital.In order to do this we can find interesting insights in the work of Luc Boltanski and Eve Chiapello who, in their book The New Spirit of Capitalism (2005), bring to light the way in which capitalists manage to use the demands for autonomy of the new movements that developed in the 1960s, harnessing them in the development of the post-Fordist networked economy and transforming them into new forms of con-trol. They use the term ‘artistic critique’ to refer to how the strategies of the counter-culture (the search for authenticity, the ideal of self-management and the anti-hierarchical exigency) were used to promote the conditions required by the new mode of capitalist regulation, replac-ing the disciplinary framework characteristic of the Fordist period. From my point of view, what is interesting in this approach is that it shows how an important dimension of the transition from Fordism to post-Fordism involves rearticulating existing discourses and practices in new ways. It allows us to visualise the transition from Fordism to post-Fordism in terms of a hegemonic intervention. To be sure, Boltanski andChiapello never use this vocabulary, but their analysis is a clear example of what Gramsci called ‘hegemony through neutralisation’ or ‘passive revolution’. This refers to a situation where demands which challenge the hegemonic order are recuperated by the existing system, which is achieved by satisfying them in a way that neutralises their subversive potential. When we apprehend the transition from Fordism to post-Fordism within such a framework, we can understand it as a hegemonic move by capital to re-establish its leading role and restore its challenged legitimacy. We did not witness a revolution, in Marx’s sense of the term. Rather, there have been many different interventions, challenging dominant hegemonic practices. It is clear that, once we envisage social reality in terms of ‘hegemonic’ and ‘counter-hegemonic’ practices, radical politics is not about with-drawing completely from existing institutions. Rather, we have no other choice but to engage with hegemonic practices, in order to challenge them. This is crucial; otherwise we will be faced with a chaotic situation. Moreover, if we do not engage with and challenge the existing order, if we instead choose to simply escape the state completely, we leave the door open for others to take control of systems of authority and regula-tion. Indeed there are many historical (and not so historical) examples of this. When the Left shows little interest, Right-wing and authoritarian groups are only too happy to take over the state. The strategy of exodus could be seen as the reformulation of the idea of communism, as it was found in Marx. There are many points in common between the two perspectives. To be sure, for Hardt and Negri it is nolonger the proletariat, but the Multitude which is the privileged politicalsubject. But in both cases the state is seen as a monolithic apparatus of domination that cannot be transformed. It has to ‘wither away’ in order to leave room for a reconciled society beyond law, power and sovereignty. In reality, as I’ve already noted, others are often perfectly willing to take control. If my approach – supporting new social movements and counter-hegemonic practices – has been called ‘post-Marxist’ by many, it is precisely because I have challenged the very possibility of such a recon-ciled society. To acknowledge the ever present possibility of antagonism to the existing order implies recognising that heterogeneity cannot be eliminated. § Marked 17:34 § As far as politics is concerned, this means the need to envisage it in terms of a hegemonic struggle between conflicting hegemonic projects attempting to incarnate the universal and to define the symbolic parameters of social life. A successful hegemony fixes the meaning of institutions and social practices and defines the ‘commonsense’ through which a given conception of reality is established. However, such a result is always contingent, precarious and susceptible to being challenged by counter-hegemonic interventions. Politics always takes place in a field criss-crossed by antagonisms. A properly political intervention is always one that engages with a certain aspect of the existing hegemony. It can never be merely oppositional or conceived as desertion, because it aims to challenge the existing order, so that it may reidentify and feel more comfortable with that order. Another important aspect of a hegemonic politics lies in establishing linkages between various demands (such as environmentalists, feminists, anti-racist groups), so as to transform them into claims that will chal-lenge the existing structure of power relations. This is a further reason why critique involves engagement, rather than disengagement. It is clear that the different demands that exist in our societies are often in con-flict with each other. This is why they need to be articulated politically, which obviously involves the creation of a collective will, a ‘we’. This, in turn, requires the determination of a ‘them’. This obvious and simple point is missed by the various advocates of the Multitude. For they seem to believe that the Multitude possesses a natural unity which does not need political articulation. Hardt and Negri see ‘the People’ as homo-geneous and expressed in a unitary general will, rather than divided by different political conflicts. Counter-hegemonic practices, by contrast, do not eliminate differences. Rather, they are what could be called an ‘ensemble of differences’, all coming together, only at a given moment, against a common adversary. Such as when different groups from many backgrounds come together to protest against a war perpetuated by a state, or when environmentalists, feminists, anti-racists and others come together to challenge dominant models of development and progress. In these cases, the adversary cannot be defined in broad general terms like ‘Empire’, or for that matter ‘Capitalism’. It is instead contingent upon the particular circumstances in question – the specific states, interna-tional institutions or governmental practices that are to be challenged. Put another way, the construction of political demands is dependent upon the specific relations of power that need to be targeted and trans-formed, in order to create the conditions for a new hegemony. This is clearly not an exodus from politics. It is not ‘critique as withdrawal’, but ‘critique as engagement’. It is a ‘war of position’ that needs to be launched, often across a range of sites, involving the coming together of a range of interests. This can only be done by establishing links between social movements, political parties and trade unions, for example. The aim is to create a common bond and collective will, engaging with a wide range of sites, and often institutions, with the aim of transforming them. This, in my view, is how we should conceive the nature of radical politics.

### 2AC Alt Vagueness

#### Public support for drones is resilient – no way public constraints work – turns the alt

Chris Cillizza, reporter, 2-7-2013, “The American public loves drones,” http://www.washingtonpost.com/blogs/the-fix/wp/2013/02/06/the-american-public-loves-drones/

The ongoing debate between Congress and the White House over its use of drone strikes — a conversation spurred by the leak of an Administration memo detailing broad leeway for unmanned drone strikes to be used against U.S. citizens — will reach fever pitch in the nation’s capital Thursday when John Brennan’s confirmation hearings to be the next CIA Director begin.¶ But, when it comes to drones, the fight in Washington has no parallel in the public at large. Put simply: Americans love drones.¶ Reuters photo¶ Reuters photo¶ A look across the polling landscape on the Obama Administration’s increased reliance on drones suggests that support for the strikes is not only wide but also bipartisan.¶ A February 2012 Washington Post-ABC poll showed that eight in ten Americans (83 percent) approved of the Obama Administrations use of unmanned drones against suspected terrorists overseas — with a whopping 59 percent strongly approving of the practice. Support for the drone attacks was also remarkably bipartisan. Seventy six percent of Republicans and 58 percent of Democrats approved of the policy.¶ In that same poll, respondents were asked whether they supported using drones to target American citizens who are suspected terrorists, the question that stands at the heart of the recent flare-up in Congress over the practice. Two thirds of people in the survey said they approved of doing so.¶ It’s not just Post-ABC polling that suggests the use of drones is widely popular with the American public. A September 2011 Pew poll showed that 69 percent of people said that the increased use of drones was a good thing while just 19 percent said it was a bad thing.¶ The reason drone strikes are popular? Because they are perceived to be effective in reducing the threat of terrorism without endangering American lives. (Polling on the wars in Iraq and Afghanistan has, for several years now, suggested that a majority of the public believes neither was worth fighting almost certainly due to the losses of American lives.) In a September 2011 Post-ABC poll, three-quarters of the public said drone strikes against suspected terrorists in Yemen and Pakistan had been either ”very” or “somewhat” effective to reduce the threat of terrorism.¶ Now there are all sorts of “to be sure” statements regarding the data above. To be sure, the average American isn’t paying close attention to the issue of drones and how they are being used. To be sure, the debate over what the government can and can’t do as well as how much or little it should be required to tells its citizenry its doing is a worthy one. To be sure, making policy decisions simply based on what the public wants (or thinks it wants) is a dangerous game.¶ But, it’s also important to remember as the drone debate gains steam in Washington that there is little public appetite for an extended look at how unmanned attacks fit into our broader national security policy. Minds are made up on the matter. And, if the public has anything to do with it, drones are here to stay.

#### The alt is vague – it’s a voting issue

#### Spikes our offense – no way for aff to win

#### Skews 2AC time

#### Damage is done – 2NC clarification rewards them because 1AR will always be behind

#### Kills the political project

#### Use of the law is the best way to prevent authoritarian excess

Leila Brännström, Assistant Professor, Lund University Faculty of Law, April 2008, “How I learned to stop worrying¶ and use the legal argument,” http://www.helsinki.fi/nofo/NoFo5Brannstrom.pdf

G¶ iorgio Agamben’s¶ Homo Sacer. Sovereign Power and Bare Life¶ (1998 [1995]),¶ and¶ State of Exception¶ (2005 [2003]) are, among other things, efforts to¶ explore the deep structures shaping contemporary tendencies in the development of¶ law and politics.¶ 1¶ Agamben offers us the diagnosis that we live in a ‘permanent state¶ of exception’ – a situation in which law cannot be distinguished from lawlessness.¶ He also suggests a prescription; we ought to look beyond law and reach for a realm¶ of human activity ‘uncontaminated’ by law. He warns us that if we do not overcome law, we risk the ‘juridico-political’ system transforming itself into ‘a killing¶ machine’, thus causing an ‘unprecedented biopolitical catastrophe’ (Agamben 1998,¶ 188; Agamben 2005, 86).¶ In this article, I will argue against both Agamben’s diagnosis and his¶ prescription. One of the troubles with his line of reasoning, the one that I will focus¶ on, is its deadlocked and overly formalistic understanding of how law operates and¶ of how it might be used and transformed.¶ 2¶ Surely Agamben insightfully points out¶ certain dangerous trajectories in contemporary law and politics, but I believe that¶ the rigid way in which he analyses law and politics forecloses the most promising¶ ways of responding to and acting upon the problems that he outlines.¶ There is a more general rationale for scrutinizing Agamben’s analysis of law¶ and of the state of exception and the implications of his analysis. Agamben’s¶ understanding of law as a mechanism that puts limitations to our political potential¶ and imagination and his conviction that law cannot be used for emancipatory¶ purposes, is shared by many engaged in the field of critical legal and social studies¶ who assume that exposing the repressive character of law and legal practices is the¶ only possible way of conducting critical studies of law. Such an assumption is¶ problematic as it overlooks the possibility to raise legal arguments and to engage in¶ legal practices for pursuing emancipatory politics, a possibility that in many cases¶ would be both forceful and productive. Sometimes, as in Agamben’s case, these¶ assumptions are built on a perception of law as a machine whose workings, effects¶ and possibilities are given beforehand – once and for all. The objectification of law,¶ in turn, induces fear and aversion which often leads to political, social and legal¶ analyses that suffer, like Agamben’s analysis does, from an overemphasis on, and an¶ overestimation of, the legally authorized power of the state which nourishes the¶ persisting, but misleading, idea that the major threats to our freedom and to a better¶ future are to be found in repressive state-practices.¶ Since Agamben argues that Guantánamo Bay Naval Base (hereinafter ‘Guan-¶ tánamo’) – where men and boys who were captured in Afghanistan and elsewhere¶ have been imprisoned since January 2002 – is the locus par excellence of the new¶ state of exception, I will take his characterization of the situation of the detainees at¶ the Naval Base – abandoned by law and dwelling in a state of exception – as the¶ point of departure for fleshing out what Agamben means when he talks about law¶ and the permanent state of exception. The choice of Guantánamo as the starting,¶ and the focal, point is also motivated by the fact that the raising of legal arguments,¶ which is dismissed by Agamben as a constructive form of political action, seems to¶ be one of the best ways of opposing the state of affairs at Guantánamo.¶ While many have described Guantánamo as a place where law is absent, ‘a legal¶ black hole’ (Steyn 2004), ‘a lawless enclave’ (Hafetz 2006), ‘a prison beyond the law’¶ (Margulies 2004), et cetera, it has also been accurately pointed out that the situation¶ at the the naval base has been created and sustained through legal regulations and¶ measures.¶ 3¶ In the following, I will first sketch the coinciding lawlessness and legal¶ rule that govern the life of the detainees at the Naval Base, which make Agamben’s¶ portrayal of Guantánamo as a place where law and lawlessness are simultaneously¶ present and indistinguishable from one another, seem plausible. Next, however, I¶ will argue that when looked at closer Agamben’s characterization of the state of law¶ at Guantánamo turns out to be based on an ahistorical and reductive understanding¶ of law which leads to fatalistic conclusions about the fate of law at Guantánamo and¶ elsewhere. After that I will discuss the possibilities of contesting the situation of the¶ detainees at Guantánamo, and of engaging in political struggles in general by way of¶ asserting legal rights and using legal arguments and strategies.

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

William E. Scheuerman, Professor of Political Science at Indiana University, 2006, 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.

#### Our 1AC ev proves –

#### Barron – Obama is constrained by the Constitution – even if they’re right that there’s no essential power to the law presidents behave AS IF there is – Obama went to congress for Syria in an instance where US troops would be committed

#### Shah ev indicates Congress is capable of overseeing grey areas – the plan fiats their statutory authority

### Law Good

#### Advocating changes to liberal law doesn’t cede agency to the state – it fractures the state’s claim to universal authority

Todd Hedrick, Assistant Professor of Philosophy at Michigan State University, September 2012, “Democratic Constitutionalism as Mediation: The Decline and Recovery of an Idea in Critical Social Theory,” Constellations Vol 19, No 3

Habermas’ alleged abandonment of immanent critique, however, is belied by the role that

AND

, without the triumphalist pretension of ever being able to fully do so.

#### Alt can’t solve the aff – Daskal indicates drones are deployed by states as a result of articulated legal norms – double bind

#### Either the alt can’t engage the legal norms that cause drone deployment and can’t solve the aff or

#### Links to itself and proves the K is infinitely regressive

#### No link – Posner says drones are too dangerous – we’re the ONE CASE he buys for executives being restricted

### AT: Norms = Coercion

#### Norms aren’t coercive – compliance is based on incentives – those solve violence

Alyssa Prorock, professor of Political Science at University of Iowa, and Benjamin Appel, Professor of Political Science at Michigan State University, 2013, “Compliance with International Humanitarian Law: Democratic Third Parties and Civilian Targeting in Interstate War,” Journal of Conflict Resolution, http://jcr.sagepub.com/content/early/2013/03/18/0022002713478569.abstract#corresp-1

Coercion is a strategy of statecraft involving the threat or use of positive inducements and negative sanctions to alter a target state’s behavior. It influences the decision making of governments by altering the payoffs of pursuing various policies. Recent studies demonstrate, for example, that third-party states have used the carrot of preferential trade agreements (PTAs) to induce better human rights outcomes in target states (Hafner-Burton 2005, 2009), while the World Bank has withheld aid to states with poor human rights records as a form of coercive punishment (Lebovic and Voeten 2009). We focus theoretically and empirically on the expectation of coercion. As Thompson (2009) argues, coercion has already failed once an actor has to carry through on its coercive threat. Thus, an accurate understanding of coercion’s impact must account for the expectation rather than the implementation of overt penalties or benefits. It follows that leaders likely incorporate the expected reactions of third parties into their decision making when they weigh the costs/benefits of complying with international law (Goodliffe and Hawkins 2009; Goodliffe et al. 2012). Because governments care about the ‘‘economic, security, and political goods their network partners provide, they anticipate likely reactions of their partners and behave in ways they expect their partners will approve’’ (Goodliffe et al. 2012, 132).8 Anticipated positive third-party reactions for compliance increase the expected payoffs for adhering to legal obligations, while anticipated negative responses to violation decrease the expected payoffs for that course of action. Coercion succeeds, therefore, when states comply with the law because the expected reactions of third parties alter payoffs such that compliance has a higher utility than violating the law. Based on this logic, we focus on the conditions under which states expect third parties to engage in coercive statecraft. We identify when combatant states will anticipate coercion and when that expectation will alter payoffs sufficiently to induce compliance with the law. While a **growing body of literature** recognizes that international coercion can **induce compliance and contribute to international cooperation** more generally (Goldsmith and Posner 2005; Hafner-Burton 2005; Thompson 2009; Von Stein 2010), many scholars remain skeptical about coercion’s effectiveness as an enforcement mechanism. Skeptics argue that coercion is costly to implement; third parties value the economic, political, and military ties they share with target states and may suffer along with the target from cutting those ties. This may undermine the credibility of coercive threats and a third party’s ability to induce compliance through this enforcement mechanism. While acknowledging this critique of coercion, we argue that it can act as an **effective enforcement mechanism** under certain conditions. Specifically, successful coercion requires that third parties have (1) the incentive to commit to and implement their coercive threats and (2) sufficient leverage over target states in order to meaningfully alter payoffs for compliance. This suggests that only some third parties can engage in successful coercion and that it is necessary to identify the specific conditions under which third parties can generate credible coercive threats to enforce compliance with international humanitarian law. In the following sections, we argue that third-party states are most likely to effectively use coercion to alter the behavior of combatants when they have both the willingness and opportunity to coerce (e.g., Most and Starr 1989; Siverson and Starr 1990; Starr 1978). Willingness: Clarity, Democracy, and the Salience of International Humanitarian Law Enforcement through the coercion mechanism is only likely when at least one third-party state has a substantial enough interest in another party’s compliance that it is willing to act (Von Stein 2010). Third-party willingness, in turn, depends upon two conditions: (1) legal principles must be clearly defined, making violations easily identifiable and (2) third parties must regard the legal obligation as highly salient. First, scholars have long recognized that there is significant variation in the precision and clarity of legal rules, and that clarity contributes to compliance with the law (e.g., Abbott et al. 2000; Huth, Croco, and Appel 2011; Morrow 2007; Wallace 2013**).** Precise rules **increase the effectiveness of the law** by **narrowing the range of possible interpretations** and allowing all states to clearly identify acceptable versus unacceptable conduct. By clearly proscribing unacceptable behavior, clear legal obligations allow states to more precisely respond to compliant versus noncompliant behavior. In contrast, **ambiguous legal principle**s often lead to **multiple interpretations** among relevant actors, **impeding a convergence of expectations** and increasing uncertainty about the payoffs for violating (complying with) the law. Thus, the clarity of the law shapes states’ expectations by allowing them to predict the reactions of other states with greater confidence. In particular, they can expect **greater cooperation and rewards following compliance** and more punishment and sanctions for violating the law when legal obligations are clearly defined. While some bodies of law are imprecise, i**nternational humanitarian law establishes a comprehensive code of conduct** regarding the intentional targeting of noncombatants during war (e.g., Murphy 2006; Shaw 2003). Starting with the 1899 and 1907 Hague Conventions and continuing through the 1949 Geneva Convention (Protocol IV), the law clearly prohibits the intentional targeting of noncombatants in war. This clarity **allows international humanitarian law to** serve as a “bright line” **that coordinates the expectations of both war combatants and third parties** (Morrow 2007). By creating a **common set of standards,** it reduces uncertainty, narrowing the range of interpretations of the law and allowing both combatants and third parties to readily recognize violations of these standards. Third parties are, as a result, more likely to expend resources to punish conduct that transgresses legal standards or to support behavior in accordance with them. This, in turn, alters the expectations of war combatants who can expect greater support for abiding by the law and greater punishment for violating it when the clarity condition is met.

### Impact D

#### Wars for Humanity don’t exist – they’re just attempts to make Schmitt seem prescient

Benno Gerhard Teschke, IR prof at the University of Sussex, 2011, “Fatal attraction: a critique of Carl Schmitt's international political and legal theory”, International Theory (2011), 3 : pp 179-227

For at the centre of the heterodox – partly post-structuralist, partly realist – neo-Schmittian analysis stands the conclusion of The Nomos: the thesis of a structural and continuous relation between liberalism and violence (Mouffe 2005, 2007; Odysseos 2007). It suggests that, in sharp contrast to the liberal-cosmopolitan programme of ‘perpetual peace’, the geographical expansion of liberal modernity was accompanied by the intensification and de-formalization of war in the international construction of liberal-constitutional states of law and the production of liberal subjectivities as rights-bearing individuals. Liberal world-ordering proceeds via the conduit of wars for humanity, leading to Schmitt's ‘spaceless universalism’. In this perspective, a straight line is drawn from WWI to the War on Terror to verify Schmitt's long-term prognostic of the 20th century as the age of ‘neutralizations and de-politicizations’ (Schmitt 1993). But this **attempt to** read **the history of 20th century international relations in terms of a succession of confrontations between the carrier-nations of liberal modernity and the criminalized foes at its outer margins** seems unable to comprehend the complexities and specificities of ‘liberal’ world-ordering, then and now. For in the cases of Wilhelmine, Weimar and fascist Germany, the assumption that their conflicts with the Anglo-American liberal-capitalist heartland were grounded in an antagonism between liberal modernity and a recalcitrant Germany outside its geographical and conceptual lines runs counter to the historical evidence. For this reading presupposes that late-Wilhelmine Germany was not already substantially penetrated by capitalism and fully incorporated into the capitalist world economy, posing the question of whether the causes of WWI lay in the capitalist dynamics of inter-imperial rivalry (Blackbourn and Eley 1984), or in processes of belated and incomplete liberal-capitalist development, due to the survival of ‘re-feudalized’ elites in the German state classes and the marriage between ‘rye and iron’ (Wehler 1997). It also assumes that the late-Weimar and early Nazi turn towards the construction of an autarchic German regionalism – Mitteleuropa or Großraum – was not deeply influenced by the international ramifications of the 1929 Great Depression, but premised on a purely political–existentialist assertion of German national identity. Against a reading of the early 20th century conflicts between ‘the liberal West’ and Germany as ‘wars for humanity’ between an expanding liberal modernity and its political exterior, there is more evidence to suggest that these confrontations were interstate conflicts within the crisis-ridden and nationally uneven capitalist project of modernity. Similar objections and caveats to the binary opposition between the Western discourse of liberal humanity against non-liberal foes apply to the more recent period. For how can this optic explain that the ‘liberal West’ coexisted (and keeps coexisting) with a large number of pliant authoritarian client-regimes (Mubarak's Egypt, Suharto's Indonesia, Pahlavi's Iran, Fahd's Saudi-Arabia, even Gaddafi's pre-intervention Libya, to name but a few), which were and are actively managed and supported by the West as anti-liberal Schmittian states of emergency, with concerns for liberal subjectivities and Human Rights secondary to the strategic interests of political and geopolitical stability and economic access? Even in the more obvious cases of Afghanistan, Iraq, and, now, Libya, the idea that Western intervention has to be conceived as an encounter between the liberal project and a series of foes outside its sphere seems to rely on a denial of their antecedent histories as geopolitically and socially contested state-building projects in pro-Western fashion, deeply co-determined by long histories of Western anti-liberal colonial and post-colonial legacies. If these states (or social forces within them) turn against their imperial masters, the conventional policy expression is ‘blowback’. And as the Schmittian analytical vocabulary does not include a conception of human agency and social forces – only friend/enemy groupings and collective political entities governed by executive decision – **it** also lacks the categories of analysis to comprehend the social dynamics that drive the struggles around sovereign power and the eventual overcoming, for example, of Tunisian and Egyptian states of emergency without US-led wars for humanity. Similarly, it seems unlikely that the generic idea of liberal world-ordering and the production of liberal subjectivities can actually explain why Western intervention seems improbable in some cases (e.g. Bahrain, Qatar, Yemen or Syria) and more likely in others (e.g. Serbia, Afghanistan, Iraq, and Libya). Liberal world-ordering consists of differential strategies of building, coordinating, and drawing liberal and anti-liberal states into the Western orbit, and overtly or covertly intervening and refashioning them once they step out of line. These are conflicts within a world, which seem to push the term liberalism beyond its original meaning. The generic Schmittian idea of a liberal ‘spaceless universalism’ sits uncomfortably with the realities of maintaining an America-supervised ‘informal empire’, **which has to manage a persisting interstate system in diverse and case-specific ways**. But it is this persistence of a worldwide system of states, which encase national particularities, which renders challenges to American supremacy possible in the first place.

#### Legalism doesn’t escalate

John Norton, Professor of Law at the University of Virginia He formerly served as the first Chairman of the Board of the United States Institute of Peace and as the Counselor on International Law to the Department of State, Winter, 2004, “Beyond the Democratic Peace: Solving the War Puzzle”, 44 Va. J. Int'l L. 341, Lexis Law

If major interstate war is predominantly a product of a synergy between a potential nondemocratic aggressor and an absence of effective deterrence, what is the role of the many traditional "causes" of war? Past, and many contemporary, theories of war have focused on the role of specific disputes between nations, ethnic and religious differences, arms races, poverty and social injustice, competition for resources, incidents and accidents, greed, fear, perceptions of "honor," and many other factors. Such factors may well play a role in motivating aggression or generating fear and manipulating public opinion. The reality, however, is that while some of these factors may have more potential to contribute to war than others, there may well be an infinite set of motivating factors, or human wants, motivating aggression. It is not the independent existence of such motivating factors for war but rather the circumstances permitting or encouraging high-risk decisions leading to war that is the key to more effectively controlling armed conflict. And the same may also be true of democide. The early focus in the Rwanda slaughter on "ethnic conflict," as though Hutus and Tutsis had begun to slaughter each other through spontaneous combustion, distracted our attention from the reality that a nondemocratic Hutu regime had carefully planned and orchestrated a genocide against Rwandan Tutsis as well as its Hutu opponents. [n158](http://www.lexisnexis.com.proxy.lib.umich.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1329520437445&returnToKey=20_T13973620735&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.647208.6119287203#n158) Certainly if we were able to press a button and end poverty, racism, religious intolerance, injustice, and endless disputes, we would want to do so. Indeed, democratic governments must remain committed to policies that will produce a better world by all measures of human progress. The broader achievement of democracy and the rule of law will itself assist in this progress. No one, however, has yet been able to demonstrate the kind of robust correlation with any of these "traditional" causes of war that is reflected in the "democratic peace." Further, given the difficulties in overcoming many of these social problems, an approach to war exclusively dependent on their solution may doom us to war for generations to come.

#### Neither does biopolitics

Edward Ross Dickinson, U. Cincinatti, “Biopolitics, Fascism, Democracy,” 2004, Central European History 37:1, 18-19

In an important programmatic statement of 1996 Geoff Eley celebrated the fact that Foucault’s ideas have “fundamentally directed attention away from institutionally centered conceptions of government and the state . . . and toward a dispersed and decentered notion of power and its ‘microphysics.’”48 The “broader, deeper, and less visible ideological consensus” on “technocratic reason and the ethical unboundedness of science” was the focus of his interest.49 But the “power-producing effects in Foucault’s ‘microphysical’ sense” (Eley) of the construction of social bureaucracies and social knowledge, of “an entire institutional apparatus and system of practice” ( Jean Quataert), simply do not explain Nazi policy.50 The destructive dynamic of Nazism was a product not so much of a particular modern set of ideas as of a particular modern political structure, one that could realize the disastrous potential of those ideas. What was critical was not the expansion of the instruments and disciplines of biopolitics, which occurred everywhere in Europe. Instead, it was the principles that guided how those instruments and disciplines were organized and used, and the external constraints on them. In National Socialism, biopolitics was shaped by a totalitarian conception of social management focused on the power and ubiquity of the völkisch state. In democratic societies, biopolitics has historically been constrained by a rights-based strategy of social management. This is a point to which I will return shortly. For now, the point is that what was decisive was actually politics at the level of the state. A comparative framework can help us to clarify this point. Other states passed compulsory sterilization laws in the 1930s — indeed, individual states in the United States had already begun doing so in 1907. Yet they did not proceed to the next steps adopted by National Socialism — mass sterilization, mass “eugenic” abortion and murder of the “defective.” Individual  gures in, for example, the U.S. did make such suggestions.But neither the political structures of democratic states nor their legal and political principles permitted such policies actually being enacted. Nor did the scale of forcible sterilization in other countries match that of the Nazi program. I do not mean to suggest that such programs were not horrible; but in a democratic political context they did not develop the dynamic of constant radicalization and escalation that characterized Nazi policies.

### Liberalism Good – Difference

#### Liberalism can affirm cultural difference and contingency – their critique is a totalizing portrayal of liberalism that destroys progressive change

Arslan, professor of government – Polis Akademisi Güvenlik Bilimleri Fakültesi, ‘99

(Zhutu, “Taking Rights Less Seriously,” Res Publica 5)

Incredulous of foundational truth claims, the postmodernists reject the idea that human beings have certain rights simply by virtue of being human. Foucault for instance claims that, like the individual, civil liberties are nothing but expressions of governance and disciplinary power.98 Gaete writes: [A] Post-Modern perspective would assume that human rights are neither the expression of a universal truth nor a denial of it and regard their truth claims as only local moves in a game the subject enters when formulating his/her relationship to power in the language of fundamental rights.99 The postmodern hymn of relativity rules out the possibility of any universal claim to human rights. In the postmodern condition, it would be impossible to argue that individuals have some basic rights irrespective of their nationality or geography. The inevitable consequence of the relativisation of “truth-claims” is to undercut any universal, “principled, normative basis” for claiming that human rights simply exist.100 But without such a basis, we are left in a situation in which we lack any criteria to distinguish between right and wrong. This ethical vacuum may easily lead to the apparent legitimation and justification of almost any belief and practice in the realm of rights. This conservative support of the prevailing status quo is an obvious rejection of the “revolutionary” nature of universal human rights. At the end of the day, the notion of rights is forced to surrender its power as a legitimating factor of political regimes. With the demise of the subject and his/her rights, the postmodernists in fact undermine any possible resistance against oppressive orders. As Touraine asserts, “[T]he idea of the subject is a dissident idea which has always upheld the right to rebel against an unjust power.”101 Touraine also reminds the murderers of the subject what a subject-less world would look like: [T]he day when the Subject is debased to meaning introspection, and the Self to meaning compulsory social roles, our social and personal life will lose all its creative power and will be no more than a post-modern museum in which multiple memories replace our inability to produce anything of lasting importance.102 The postmodern defence of “uncertainty” and “contingency” is equally problematic. The very idea of “uncertainty” itself implies the existence of a certainty, after all: “[I]f you tried to doubt everything, you would not get as far as doubting anything. The game of doubting itself presupposes certainty.”103 Human beings live with their values, and need to rank them. Their highest values, or what Charles Taylor calls “hypergoods”,104 play a central role in our lives. Individuals define and are defined by these hypergoods, be they a divine being, Brahma, Nirvana, Justice, Reason, Science, Progress, Cogito or Superman. To kill our hypergoods therefore means an attempt to kill the sources of the self, sources which confer meaning on the lives of human beings. The need for hypergoods points to the necessity of “an absolute truth”, to use Sartre’s phrase.105 This necessity is also the precondition of any critique. Thus Habermas claims that “Nietzsche’s critique consumes the critical impulse itself”; for “if thought can no longer operate in the realms of truth and validity claims, then analysis and critique lose their meaning”. 106 Oddly, perhaps, Derrida seems to agree with Habermas when he says that he “cannot conceive of a radical critique which would not be ultimately motivated by some sort of affirmation, acknowledged or not”.107 Postmodernity, despite its dream of a “godless” epoch,108 cannot escape the necessity we have explored. Such a dream itself anyway reflects, however implicitly and unintentionally, the belief in linear progress, one of the hypergoods of modernity.109 Postmodernism turns out to be a new grand narrative: “a grand narrative of postmodernity”.110 Even Lyotard comes close to acknowledging the existence of this new metanarrative. He states that “the great narratives are now barely credible. And it is therefore tempting to lend credence to the great narrative of the decline of great narratives.”111 As a new “totalising” project, postmodernism reproduces the very predicaments of modernity,112 and its rejection of metaphysics becomes a merely “rhetorical” claim.113 The real question now is how to establish a socio-political framework in which people’s hypergoods might peacefully live side by side without people trying to kill each other. This is the project of political liberalism: but it is also to certain extent the project of postmodernism itself, as we have earlier seen.114 In other words, pluralism is the common value which in fact pervades the writings of liberals and postmodernists alike,115 even though it is expressed in different terms, and on different epistemological grounds, amounting, ironically, to both the “ethical relativism” of John Keane116 and the “moral universalism” of Habermas.117 Keane writes: [T]o defend relativism requires a social and political stance which is throughly modern. It implies the need for establishing or strengthening a democratic state and a civil society consisting of a plurality of public spheres, within which individuals and groups can openly express their solidarity with (or opposition to) others’ ideas.118 In an interview, Habermas explains what his “moral universalism” stands for: [W]hat does universalism mean, after all? That one relativizes one’s own way of life with regard to the legitimate claims of other forms of life, that one grants the strangers and the others, with all their idiosyncrasies and incomprehensibilities, the same rights as oneself, that one does not insist on universalizing one’s own identity, that one does not simply exclude that which deviates from it, that the areas of tolerance must become infinitely broader than they are today – moral universalism means all these things.119 At the core of this pluralism required by “ethical relativism” and “moral universalism” alike lies the conception of autonomy.120 Indeed, as Raz puts it, pluralism is a necessary requirement of the value of autonomy.121 Autonomy, however, is inextricably connected with rights. An autonomous individual who is “the author of his own life” has certain rights.122 In Raz’s words “autonomy is constituted by rights and nothing else: the autonomous life is a life within unviolated rights”.123 Since it is an essential part and parcel of human being (or being human), autonomy constitutes a “sufficient ontological justification” for rights and thus gives an invaluable support to those who seek for a justificatory ground for them.124 Autonomy requires the existence of the Other(s).125 The Other is not simply external to me, but he or she at the same time constitutes my identity: I am in a way parasitic on the Other. My autonomy makes sense only insofar as there exist others. As Sartre puts it, “[T]he other is indispensable to my existence, and equally so to any knowledge I can have of myself.”126 And unless I in turn recognise others as autonomous beings I shall end up in the fundamental predicament of “absolute loneliness and terror”.127 This points to the absolute necessity of living with others,128 as a “zoon politikon” in Marx’s words.129 Thus autonomy is a key value not only for “I”, but also for others. The postmodernists must take into account autonomy, if they are to present an ethical/political project part of which involves rights, however “locally”. They can do so, furthermore, without having to abandon their conceptual tools. Difference and otherness, the magical terms of postmodern discourse, are in fact quite compatible with such conceptions as autonomy and universality. As Lyotard himself argues, a human being has rights only if she is also an other human being. Likewise, as Terry Eagleton emphasises, universalism and difference are not mutually exclusive. Difference may need universalism. The idea of difference is indeed likely to be undermined by “certain militant particularisms of our day”.130 V. CONCLUSION Whatever the merits of the entirety of their arguments, the postmodernists emphasise the paramount importance of human rights: they are, after all, its starting-point. As Bauman points out, “[T]he great issues of ethics – like human rights . . . – have lost nothing of their topicality”,131 and he is well aware of the fact that “[m]oral issues tend to be increasingly compressed into the idea of ‘human rights’ ”.132 Lyotard himself likewise states that “[A] human being has rights only if he is other than a human being. And if he is to be other than a human being, he must in addition become an other human being.”133 More importantly, influenced by the communitarian and postmodern critique of metaphysical grounds for ethical and political claims, some liberal rights theorists such as Ronald Dworkin and John Rawls adopt a kind of “apologetic” attitude towards the theoretical foundation of rights, refusing to play the traditional role of moral magician by plucking ethical claims out of a metaphysical hat. In a recent essay, Rawls makes it clear that [T]hese [human] rights do not depend on any particular comprehensive moral doctrine or philosophical conception of human nature, such as, for example that human beings are moral persons and have equal worth or that they have certain particular moral and intellectual powers that entitle them to these rights. To show this would require a quite deep philosophical theory that many if not most hierarchical societies might reject as liberal or democratic or else as in some way distinctive of Western political tradition and prejudicial to other countries.134 This passage implies that in fact the idea of human rights is a product of the western liberal tradition, but in order to make it universally applicable we must refrain from any theoretical attempt to reveal this fact. Let’s pretend that human rights are simply there. They do not need any moral or philosophical ground for justification. But there need be no contradiction between the postmodernists and the liberals; nor need the latter apologize for “rights”. For, as we have seen, the postmodernists have never underestimated the importance of human rights. They argue that ethical issues such as human rights “only need to be seen, and dealt with, in a novel way”.135 Yet the postmodernists have not presented us with any postmodern “novel way” in which human rights might be seen. It seems to be difficult, if not impossible, for them to show this novel way without taking into account the conceptions of autonomous self and universality. Perhaps they need to begin taking rights more seriously.

## XO

### 2AC

#### Perm: Do Both – shields the link

#### Perm: Do CP – text implies action by the executive

#### Perm do the plan and the second sentence of the CP – it’s just the implementation of the plan

#### Self-restraint is perceived as discretionary and isn’t modeled – Congressional limits bolster accountability and prevents foreign governments from engaging in aggressive drone policy

Rebecca Griffen, political director of Peace Action West, expert on war and drone policy, 1-11-2013, “Will Congress take on drones in 2013?” Peace Action West, http://blog.peaceactionwest.org/2013/01/11/will-congress-take-on-drones-in-2013/

Since President Obama took office in 2009, his administration has dramatically increased the use of unmanned armed drones throughout the Middle East and Africa. The administration has overseen more than 300 drones strikes, with more than 2,500 killed by the CIA and the military. Thus far, Congress has not engaged on an in-depth level on important questions surrounding the reliance on this technology and the overarching policy governing its use.¶ The Obama administration reportedly began assembling parameters for the use of drones in the pursuit of suspected terrorists, but the proposed regulations have not yet been made public. Last year, President Obama stated, “One of the things we’ve got to do is put a legal architecture in place, and we need congressional help in order to do that, to make sure that not only am I reined in but any president’s reined in terms of some of the decisions that we’re making.”¶ The 113th Congress should heed this call and exercise greater oversight over drone policy. Issues to address include:¶ Defining the “battlefield” and authorization for the use of force¶ As Al-Qaeda’s presence continues to wane, the already tenuous interpretation of the authorization for the use of military force in 2001 will not provide strong justification for drone attacks like those that have occurred in Afghanistan, Pakistan, Somalia and Yemen. As former Defense Department General Counsel Jeh Johnson argued, the US should “be able to say … that our efforts should no longer be considered an armed conflict against al-Qaida and its affiliates,” and that responsibility for pursuing Al-Qaeda should shift to law enforcement agencies.¶ This is a critical time for Congress to assert its role in oversight over military force and standards for expanding or continuing the drone war outside § Marked 17:37 § of the framework of armed conflict.¶ Civilian casualties and ensuing blowback¶ It is very difficult to obtain accurate numbers of civilian casualties in drone strikes. This is exacerbated by the CIA policy of counting military-age males as militants unless they have specific evidence pointing to their innocence. US policy of using “secondary strikes,” attacking rescuers who come to the aid of victims of initial strikes, puts civilians at even greater risk.¶ An in-depth report by Stanford and NYU Law Schools disputes the characterization of drones as a precise, targeted tool with minimal impact on innocent civilians. The study notes that despite US claims downplaying civilian casualties, the best available data indicate that drone strikes in just Pakistan killed 474-881 civilians and injured 1,228-1,362. The report also highlights significant harm other than injury and death, including anxiety and psychological trauma.¶ Yemen expert Gregory Johnsen notes, “Testimonies from Qaeda fighters and interviews I and local journalists have conducted across Yemen attest to the centrality of civilian casualties in explaining Al Qaeda’s rapid growth there. The United States is killing women, children and members of key tribes. ‘Each time they kill a tribesman, they create more fighters for Al Qaeda,’ one Yemeni explained to me over tea in Sana, the capital, last month. Another told CNN, after a failed strike, ‘I would not be surprised if a hundred tribesmen joined Al Qaeda as a result of the latest drone mistake.’” Johnsen points out that Al Qaeda in the Arabian Peninsula has more than tripled in Yemen since the US started bombing the country in 2009.¶ Congress should push for greater transparency and more accurate accounting of civilian casualties, and for the end of secondary strikes. A full accounting of the impact of US drone strikes will better allow Congress and the public to weigh any potential benefits of the use of drones against their negative impacts.¶ The use of so-called “signature strikes”¶ In 2012, the Obama administration approved the use of so-called “signature strikes,” allowing the targeting of people whose identities are unknown. Targeting based on patterns of behavior rather than evidence of an imminent threat to US interests sets a dangerous precedent, increases the likelihood of blowback, and vastly increases the risk of killing innocent civilians. Congress should push for greater transparency in the use of signature strikes and ultimately to end their use.¶ Targeted assassination of US citizens¶ The Obama administration used dubious legal justification to kill a US citizen, Anwar Al-Awlaki, in Yemen. The threat Al-Awlaki posed, as well as his prominence within Al-Qaeda, has been called into question by experts on the region. The administration has resisted calls for greater transparency in this case and implications for future use of force. Other American citizens, including Awlaki’s 16-year-old son, have been killed in drone strikes in which they were not the intended targets.¶ President Obama has an unreleased list of targets for killing and capture that reportedly includes additional Americans, as well as targets as young as teenagers. Congress must demand greater transparency around targeting and rein in executive power to kill targets that could be pursued by other means, or may not pose an imminent threat to the US, including American citizens.¶ Precedent setting and future proliferation of drone technology¶ As with any technology, the United States will not maintain a monopoly on the use of armed drones. The New America Foundation cites 70 countries that currently have some kind of drone. Examining our standards for use of drones and setting specific parameters will become even more critical as we set a precedent for international drone use.¶ As Human Rights Watch points out, “Because the US treats many of the most important constraints on the use of force as matters of discretionary prudence rather than legal requirements, the US approach would not forbid the Russians to target an alleged Chechen militant in New York, or the Chinese a Uighur separatist in Washington, DC, if they said they were at war with these groups and the US didn’t apprehend them. That is a deeply troublesome precedent to set.”¶ Congress should push for clear, public standards that can contribute to an international conversation about global standards for the use of drones.

#### Captures zero of the norms advantage – Harvard indicates explicit restrictions are key to modeling

#### Doesn’t solve Pakistan – no signal and CIA circumvents everything except letter of law

#### Interpretation: The negative gets fiat of agents are not the object of the resolution

#### Violation:

#### Standards:

#### Kills topic education – fiats through core of the topic

#### Moots aff ground – forces generic advantages like SoP and contrived solvency deficits

#### Stacks the deck – answers like rollback link to the aff

#### Reject the team – key to set a precedent that saves the topic

#### XOs are perceived – previous fights prove Congress will backlash

Zachary Goldfarb, writer at the Washington Post, 2-10-2013, “Obama weighing executive actions on housing, gays and other issues” http://articles.washingtonpost.com/2013-02-10/business/37026076\_1\_actions-on-gun-violence-executive-actions-obama-administration

These and other potential actions suggest that Obama is likely to rely heavily on executive powers to set domestic policy in his second term. One White House official said that while the president does not see the actions as substitutes for more substantial legislation, he also wants to move forward on top priorities. But the approach risks angering Republican lawmakers in Congress, who say they are leery of granting the executive branch too much power and have already clashed with Obama over the issue. § Marked 17:37 § In a ruling last month, a federal appeals court said Obama exceeded his constitutional powers in naming several people to the National Labor Relations Board while the Senate was on a break. “It is a very dangerous road he’s going down contrary to the spirit of the Constitution,” Sen. Charles E. Grassley (R-Iowa) said in a recent interview. “Just because Congress doesn’t act doesn’t mean the president has a right to act.”

### Solvency – P+V

#### Posner and Vermeule are wrong – dismantling legal norms historically causes worse abuses of power – their scholarship is also generally bad

Saikrishna Prakash & Michael D. Ramsey, 2-23-2013, ”Saikrishna Prakash & Michael D. Ramsey: The Goldilocks Executive

Michael Ramsey”, <http://originalismblog.typepad.com/the-originalism-blog/2012/02/saikrishna-prakash-michael-d-ramsey-the-goldilocks-executivemichael-ramsey.html>

And here is the conclusion, which is a good summary of the review as a whole: ¶ The Executive Unbound rests on four claims, two descriptive and two normative. The descriptive claims are the book’s most prominent ones—that the modern Executive is unbound by law but bound by public opinion. The normative claims are more challenging and provocative—that a legally unbound executive is desirable because legal constraints generate suboptimal executive policies and that legal constraints are unnecessary because the restraints of public opinion are sufficient.¶ As a description of the modern executive, we think the book greatly overstates. It is true that the Executive wields greater power today than 200 years ago. The reasons for executive expansion are well-described in the book. But enhanced executive power does not equal unbound executive power. The basic Madisonian framework remains intact: the Constitution limits the powers the President can exercise; Congress and the courts wield powers that potentially or actually check the President. We agree that public opinion constrains the President, but even here the book may overstate by failing to appreciate the public’s preference for an executive bound by law. Because of this preference, public opinion reinforces legal constraints on the President while also providing additional political constraints. Thus, if the authors mean to say, as they appear to say in the conclusion, merely that legal constraints have weakened, we agree (but we do not think that claim is especially novel). If they mean to say—as they appear to say in the introduction—that legal constraints have vanished, we think their claim is manifestly implausible.¶ Stripped of its main descriptive point, the book becomes a normative argument for dismantling existing legal constraints on the Executive. This, it is said, will lead to better outcomes, especially in crises. But the book provides few, if any, concrete examples of constrained executive power leading to bad results. More significantly, the book argues forcefully that legal constraints on the Executive are worthless because there is no danger of executive tyranny. We remain skeptical. The book employs social science data to suggest that tyranny does not occur in wealthy democracies. But we find the data inconclusive and the historical record thin. And in any event, the concern is not just tyranny but executive overreaching and abuse.¶ In contrast, the current system of modest constraints on an energetic President seems the safer course. We are not persuaded that the trade-off between executive energy and executive constraint that the Framers identified has been rendered obsolete by modern developments. Although there will be various views of how the balance should be struck, some attempt to balance the two seems preferable to adopting one extreme. A system with a series of checks on a robust executive has stood the test of time, giving us something of a Goldilocks Executive. It should, we think, take powerful evidence for us to abandon it. Posner and Vermeule simply do not provide that powerful evidence. So while we might be better off with a stronger executive, and public opinion might be enough to prevent tyranny, we, at least, are unwilling to make the leap.

## Politics

### 2AC TPA

#### Miller card – already perceived

#### Obama won’t push

Kimberley A. Strassel, political columnist, 2-6-2014, “How Politics May Sink Trade Deals,” WSJ, http://online.wsj.com/news/articles/SB10001424052702303496804579367084197445494?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702303496804579367084197445494.html

Picture a little boat, christened the USS T.R., trawling out to fair seas, in search of the biggest trade deals the U.S. has seen in decades. Picture its busy deckhands, netting bonanza pacts with Pacific Rim nations and with Europe to create the world's largest free-trade zones and provide a huge stimulus to the U.S. economy. Then picture the craft, as it happily motors home, getting swamped by a perfect anti-trade storm.¶ Hitting from the north is the polar vortex known as Barack Obama. The grown-ups keep telling this leader of the free world that trade is what responsible presidents do, and so Mr. Obama does his impression of responsible.¶ He sent out Michael Froman, the United States Trade Representative, to do the deals. He sent out Jay Carney to say this is a "priority." He sent himself out to call for TPA—trade promotion authority—which would allow Congress to fast-track the Europe and trans-Pacific pacts.¶ 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.¶ A TPA vote would put the responsibility spotlight on Senate Democrats, who would have to vote with their president and infuriate their grass roots and unions, or vote against their president and infuriate business leaders and trading partners. And that's on top of ObamaCare. Mr. Reid will not be moved to change his mind on TPA, unless absolutely forced by the White House, or pressured by some alternative source of leadership in the Democratic Senate.¶ Which brings us to the Rogue Wave Ron Wyden, the liberal senator from Oregon. The White House and GOP trade proponents had been banking on some forceful trade support from Senate Finance Chairman Max Baucus, who only last month co-wrote TPA legislation with Republican Orrin Hatch. Yet Mr. Baucus was confirmed on Thursday as ambassador to China, and his expected replacement on the Finance Committee is Mr. Wyden. Since it is Mr. Reid who makes the "expected" real, he's already been dictating to Mr. Wyden a list of Finance Committee priorities. They do include Mr. Reid's desire for a juicy bill renewing tax breaks. The list does not include TPA.¶ Not that Mr. Wyden would be inclined to follow in Mr. Baucus's footsteps. Oregon is a big export state, but Mr. Wyden covets the Finance Committee for his own priorities—Medicare reform, maybe tax overhaul—and is loath to spend initial capital on a controversial trade bill. He spent this week complaining about "secrecy" in trade deals, debuting the first of the many excuses he'll have for keeping TPA on ice.¶ The House Republicans who Mr. Obama says never want to work with him are meantime aching to work with him. House Ways and Means Chairman Dave Camp has been slowly building support for TPA within his conference. But Speaker John Boehner won't force a vote unless Mr. Obama can guarantee the Senate. And should Mr. Obama agree to lard up trade deals with union and green protections to win his liberals he'll lose GOP votes.

#### Reid blocks

Eric Bradner, and Manu Raju, political analyst, 1-29-2014, “Harry Reid rejects President Obama’s trade push,” Politico, http://www.politico.com/story/2014/01/harry-reid-barack-obama-trade-deals-102819.html

President Barack Obama’s push for the two largest free trade deals in U.S. history has hit a major roadblock: Senate Majority Leader Harry Reid.¶ The Nevada Democrat said he opposes a bill that would fast-track the Pacific Rim and European Union pacts through Congress with limited debate and no amendments – which the White House says is crucial to gaining concessions from other countries to finalize those deals.¶ Reid made it abundantly clear that he has voiced his concerns to Obama’s administration, as well as the outgoing chairman of the Senate Finance Committee, Max Baucus (D-Mont.), and his replacement, Ron Wyden (D-Ore.), who would take the lead on the issue once Baucus departs to become U.S. ambassador to China.¶ “Everyone knows how I feel about this,” Reid said just off the Senate floor. “Sen. Baucus knows. Sen. Wyden knows. The White House knows. Everyone would be well-advised to not push this right now.”¶ A White House official said Reid’s opposition to the trade bill didn’t come as a surprise.¶ “Leader Reid has always been clear on his position on this particular issue,” the official said. “As the president said last night, he will continue to work to enact bipartisan trade promotion authority to protect our workers and environment and open markets to new goods stamped ‘Made in the USA,’ and we will not cede this important opportunity for American workers and businesses to our competitors.”¶ The majority leader’s position essentially kills the president’s trade push this Congress, given that Reid controls the floor schedule and leads a caucus filled with members worried that such deals would harm labor and environmental protections and siphon away U.S. jobs.

#### Everyone hates it

William Mauldin, columnist, 2-5-2014, “Fast-Track Trade Bill's Path in Congress Gets Bumpier,” WSJ, http://online.wsj.com/news/articles/SB10001424052702304851104579363163316877226?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702304851104579363163316877226.html

Opposition from the Senate's top Democrat to the White House's trade agenda has highlighted a broader reality: The quest for new overseas deals has a diminishing number of friends in Congress.¶ In the 12 years since the legislature last granted a president special trade powers, Capitol Hill has changed significantly. Republicans, especially many tea-party-backed newcomers, are increasingly leery on the trade front and reluctant to grant President Barack Obama negotiating powers known as fast track. The Senate also has lost many of its strongest pro-trade voices, and another—Max Baucus (D., Mont.)—is leaving the Senate.¶ And within his own party, Mr. Obama may have to rally support without backup either from Senate Majority Leader Harry Reid, who announced his opposition last week, or Rep. Nancy Pelosi, the top Democrat in the House, who has expressed reservations.¶ Political obstacles in Washington are threatening to derail two sets of trade negotiations—the near-complete talks with Asian-Pacific nations, including Japan, and early-stage ones with the European Union.¶ "If the president is going to go after something that's this politically difficult, he's got to use a 2-by-4," said Bill Brock, former U.S. trade representative in the Reagan administration.¶ Smooth passage of overseas trade negotiations has depended for decades on fast-track powers. The authority allows an administration to submit trade deals to Congress for an up-or-down vote, without amendments, and it can reassure U.S. negotiating partners of broad Washington support.¶ The previous fast-track bill, in 2002, passed the House by three votes. That authority expired in 2007, but a bill introduced in January would reauthorize fast-track status for global trade negotiations for four years.¶ Mr. Obama's top trade adviser, Michael Froman, acknowledged the legislative challenges. "When I'm in town and Congress is in town, I'm spending basically every day up there, and have been for months," Mr. Froman said.¶ In 2002, 27 of 222 House Republicans voted "no" on whether to give President George W. Bush fast-track authority. This time, some 60 House Republicans might oppose the legislation, according to estimates from two people following the matter.¶ Republicans have traditionally backed trade measures, trumpeting what they say are broad benefits to business and the economy, while Democrats have tended to be more cautious, amid warnings from key union backers that expanded trade can mean jobs are shipped overseas.¶ House Speaker John Boehner (R., Ohio) has asked for the support of at least 50 House Democrats to move a bill to the floor, suggesting he is concerned about broad defections in his party.¶ Trade votes are usually easier in the Senate, but Mr. Reid's move to break with Mr. Obama last week showed that more Democrats are cooling to the legislation. Sens. Sherrod Brown of Ohio, Tammy Baldwin of Wisconsin and Sheldon Whitehouse of Rhode Island are among at least seven Senate Democrats who oppose fast-track power and hold seats that once belonged to lawmakers who voted in favor.¶ "The trade model isn't working," said Rep. Marcy Kaptur (D., Ohio), who confronted Mr. Obama at a Tuesday meeting with House Democrats about the process for approving trade deals. She is urging a "pro-American" trade policy that would make sure "we have more exports going out than imports coming in."¶ The Democratic skeptics are joined by a growing number of Republicans wary of international entanglements, including newer lawmakers like Sen. Rand Paul of Kentucky.¶ The current House attitude toward fast track is similar to when President Bill Clinton, in 1998, failed to win renewal in an election year amid opposition from recently elected Republicans and Democrats not afraid to break with the president.¶ "My guess is you're going to see a pretty weird coalition at the end of the day" on fast track if it passes, said Wisconsin Rep. Ron Kind, who leads the House's New Democrats group, which supports fast track.¶ Often the business community can kick in last-minute support to help push through contentious trade legislation. David Thomas, vice president for trade policy at the Business Roundtable, said, "We think there's a window of opportunity in the first six months of this year" for passing fast track.

#### PC is a myth

Norm Ornstein, PhD in political science and resident scholar at the American Enterprise Institute, 5-16-2013, “The Myth of Presidential Leadership” http://www.nationaljournal.com/columns/washington-inside-out/the-myth-of-presidential-leadership-20130508

No one defined the agenda or negotiated more brilliantly than Reagan. Did he “work his will”? On almost every major issue, he had to make major compromises with Democrats, including five straight years with significant tax increases. But he was able to do it—as he was able to achieve a breakthrough on tax reform—because he had key Democrats willing to work with him and find those compromises. For Obama, we knew from the get-go that he had no Republicans willing to work with him. As Robert Draper pointed out in his book Do Not Ask What Good We Do, key GOP leaders such as Eric Cantor and Paul Ryan determined on inauguration eve in January 2009 that they would work to keep Obama and his congressional Democratic allies from getting any Republican votes for any of his priorities or initiatives. Schmoozing was not going to change that. Nor would arm-twisting. On the gun-control vote in the Senate, the press has focused on the four apostate Democrats who voted against the Manchin-Toomey plan, and the unwillingness of the White House to play hardball with Democrat Mark Begich of Alaska. But even if Obama had bludgeoned Begich and his three colleagues to vote for the plan, the Democrats would still have fallen short of the 60 votes that are now the routine hurdle in the Senate—because 41 of 45 Republicans voted no. And as Sen. Pat Toomey, R-Pa., has said, several did so just to deny Obama a victory.

#### Obama’s done

PBS, 1-2-2014, “Examining Obama's options to push his agenda in 2014,” http://www.pbs.org/newshour/bb/white\_house/jan-june14/yearahead\_01-02.html

Mr. Obama finished 2013 with his job approval rating near an all-time low, following the botched rollout of the health care law. What are the prospects for a turnaround in 2014? ¶ We consider that question with Susan Page, Washington bureau chief for USA Today, and Jerry Seib, Washington bureau chief for The Wall Street Journal.¶ Welcome to you both. ¶ GERALD SEIB, The Wall Street Journal: Thank you. ¶ SUSAN PAGE, USA Today: Good to be with you.¶ RELATED INFORMATION¶ Shields and Gerson on the political lessons of 2013¶ JUDY WOODRUFF: So, Susan, just what shape is the president in as he begins this new year?¶ SUSAN PAGE: Well, I think he's in pretty sorry shape and it's bad news for him, because the first year of your second term is really the opportunity you have to get things launched if you are going to get new legislative proposals through. ¶ You have just got a little bit of window there before campaign politics starts to take over again. And much that time is gone. He still has got a little time left, a little time next year in the early part of the year. But this year has been quite a disappointing one for the White House and it leaves him with some real vulnerabilities.

#### Winners win

Michael Hirsh, chief correspondent for National Journal, 2-7-2013, “There’s No Such Thing as Political Capital,” National Journal, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

In terms of Obama’s second-term agenda, what all these shifting tides of momentum and political calculation mean is this: Anything goes. Obama has no more elections to win, and he needs to worry only about the support he will have in the House and Senate after 2014. But if he picks issues that the country’s mood will support—such as, perhaps, immigration reform and gun control—there is no reason to think he can’t win far more victories than any of the careful calculators of political capital now believe is possible, including battles over tax reform and deficit reduction. Amid today’s atmosphere of Republican self-doubt, a new, more mature Obama seems to be emerging, one who has his agenda clearly in mind and will ride the mood of the country more adroitly. If he can get some early wins—as he already has, apparently, on the fiscal cliff and the upper-income tax increase—that will create momentum, and one win may well lead to others. “Winning wins.”

#### No other trade deals

#### Plan solves trade

#### Econ decline doesn’t cause war

Daniel W. Drezner, Professor of International Politics at the Fletcher School of Law and Diplomacy at Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked” http://www.cfr.org/international-organizations/irony-global-economic-governance-system-worked/p29101

The final outcome addresses a dog that hasn’t barked: the effect of the Great Recession on crossborder 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.19 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. A fundamental conclusion from a recent report by the Institute for Economics and Peace is that “the average level of peacefulness in 2012 is approximately the same as it was in 2007.”20 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.21

#### More trade pacts can’t bolster the economy – way too small to make even a dent

Paul Krugman, prof of econ at Princeton, 12-7-2012, “Macro Trumps Micro,” NYT, http://krugman.blogs.nytimes.com/2012/12/07/macro-trumps-micro/

Or, as the late James Tobin used to say, it takes a lot of Harberger triangles to fill an Okun gap.¶ Dean Baker catches David Ignatius suggesting that trade liberalization can provide enough economic boost to offset the effects of austerity. As Dean says, the arithmetic is totally off — almost two orders of magnitude off.¶ The truth is that using any conventional economic model, the costs from current levels of protectionism are very small as a share of GDP. To some extent that reflects the success of decades of trade liberalization: there just isn’t that much protection any more. But it’s a more general observation that even bad microeconomic policies, which lead to substantial distortions in the use of resources, have a hard time doing remotely as much damage as a severe economic slump, which doesn’t misallocate resources — it simply wastes them. Which is the point of that Tobin quote.¶ Right now the U.S. economy is operating something like 6 percent below capacity. You would be hard-pressed to find any microeconomic distortion that comes anywhere close to doing that much damage, or even a tenth that much damage. The one place that might qualify is health care, where we surely do waste several points of GDP. But the problem with health care in America isn’t that we don’t let the free market work, it is that we have a semi-private system in a sector where free markets can’t work.¶ Two more things — and back to Ignatius.¶ First, there’s an especially strong tendency to mythologize the power of free trade. Not that open world markets are a bad thing; they’re definitely a force for good, especially for small, poor countries. But my experience is that the less somebody knows about international trade, the more likely he or she is to imagine that modest moves toward or away from protectionism will have huge effects. Trade economists, who have actually worked with the models, have a much less grandiose view.¶ Second, even to the extent that trade liberalization would raise the efficiency of the world economy, it is not, repeat not, a route to overall job creation. Yes, everyone would export more; they would also import more. There is no reason at all to assume that the jobs gained from export creation would exceed the jobs lost to import competition.¶ Globalization is not the answer to the Lesser Depression.

#### Aff solves the impact to econ –

#### Yemen terrorism causes massive oil spikes

Amy Harder, Energy Correspondent for National Journal, 5-29-2013, “Al-Qaida Retaliation Would Drive Spike in Oil Prices,” National Journal, http://www.nationaljournal.com/al-qaida-retaliation-would-drive-spike-in-oil-prices-20110502

“But Yemen now sticks out as the real country to watch because it has both,” added Parthemore, referring to the fact that al-Qaida’s most active branch, al-Qaida in the Arabian Peninsula, is based in Yemen, and that the country is experiencing political upheaval. To boot, Yemen sits at the mouth of the Gulf of Aden. About 10 percent of the world’s seaborne oil passes through that gulf, including oil from Saudi Arabia, the world’s largest producer and exporter. Parthemore said terrorists regularly try to attack petroleum infrastructure in Saudi Arabia, and noted that bin Laden’s death could trigger more efforts. “I’m particularly concerned about reprisal attacks focusing on petroleum infrastructure there [Saudi Arabia] -- probably more so than is being represented in the media now,” she said. Other experts said if terrorism occurs in Saudi Arabia or Yemen, oil prices could skyrocket. “If the al-Qaida in the Arabian Peninsula were able to stir things up a bit and do something in or near the border of Saudi Arabia … I think you would see a very sharp move upward in petroleum prices,” said Charles Ebinger, who directs the Brookings Institution’s energy-security initiative and is a senior fellow in foreign policy.

#### Oil shocks cause global economic collapse

Matthew Kroenig, assistant professor and IR field chair in dept of govt at Georgetown, and Robert McNally, president of the Rapidan Group, an energy market and policy consulting firm, and served as Special Assistant to the President at the U.S. National Economic Council and Senior Director for International Energy at the U.S. National Security Council, March-April 2013, “Iranian Nukes and Global Oil,” The Naitonal Interest, http://www.matthewkroenig.com/Kroenig\_Iranian%20Nukes%20and%20Global%20Oil.pdf

It is difficult to overstate how much modern civilization depends on continuous access to the substantial flow of fossil fuels from producers to consumers. Concentrated and abundant energy stores of coal, gas and oil power virtually all we do at the current state of technological development. Technology changes, of course, and the prospect of radically reducing dependence on fossil fuels is no pipedream; but it is a prospect that cannot materialize overnight. Transportation, which is critical to food supply chains and other core systems society needs to function, today runs almost entirely on oil. Electrical generation is more diverse in its energy sources, but much of it, too, is fossil-fuel powered. Any sudden withdrawal of oil supply and concomitant rise in prices would tip our complex, globalized and interdependent economies into a sharp downturn and, if abrupt and sustained, a systemic crisis. Not surprisingly, then, history shows that oil price spikes invariably contribute to economic downturns. James Hamilton, an economics professor at UC San Diego, has noted that all but one of eleven recessions since World War II were associated with oil price shocks that raised production costs, hurt productivity and dampened consumer spending. 3 Most postwar oil price shocks were associated with supply disruptions due to geopolitical instability in the Middle East. The Iranian Revolution in November 1978, for example, caused a collapse in Iranian production of over 6 mb/d, triggering a large supply disruption by historical standards, and a 57 percent spike in oil prices. 4 The revolution was followed quickly by the nearly eight- year-long Iran-Iraq War, which caused major and protracted oil interruptions and contributed to the sharp economic recession of the early 1980s. So if a conflict involving Iran led to an increase in oil prices and subsequent widespread economic turmoil, it would hardly be unprecedented. The difference in the case of a nuclear Iran is that future supply disruptions could be much larger and far more protracted. Since a quick transition away from fossil fuels is not possible, economic, geological and technical realities dictate that oil demand will rise sharply in the coming decades, and the Persian Gulf will remain the most critical energy supply region. The International Energy Agency projects that world energy demand will rise 20 percent by 2020 and 47 percent by 2035. Oil and gas demand, which accounted for 47 per - cent of total energy consumption in 2010, will account for 42 percent of future energy demand growth. 5 The Persian Gulf accounts for 52 per - cent of global oil reserves, 31 percent of global oil production and all spare production capacity—mainly in Saudi Arabia. 6 Because the Persian Gulf region holds the vast majority of the world’s low-cost oil reserves, its share of global oil supply will likely increase in coming decades, even if North America’s oil boom continues. At the same time, the global oil market is becoming more sensitive to even minor geopolitical disruptions. This is because OPEC producers have not invested sufficiently to meet the galloping demand for crude while maintaining an adequate spare capacity buffer to keep prices stable . When spare capacity is low, oil prices tend to swing wildly and spike on disruption risks. The U.S. Energy Information Administration recently noted that spare capacity is “quite modest by historical standards, especially when measured as a percentage of global oil production and considered in the context of cur - rent geopolitical uncertainties, including, but not limited to, the situation in Iran.” 7 This basic predicament is likely to persist; strong demand growth and lagging net oil supply growth raise odds that OPEC will not regain a sufficient spare capacity buffer sufficient to keep prices stable in the face of geopolitical disruption risk.

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## Legalism K

### Perm/Sequencing

#### Legal restraints don’t trade off and supplement public activism

Anthony A. Leiserowitz, director of Strategic Initiatives and the Yale Project on Climate Change, and a research scientist at the School of Forestry & Environmental Studies at Yale University and Lisa O. Fernandez, the program coordinator for Strategic Initiatives and the Yale Project on Climate Change, October 2007, “Toward a New Consciousness: Values to Sustain Human and Natural Communities,” Environment, http://www.environmentmagazine.org/Archives/Back%20Issues/September-October%202008/Leiserowitz-Fernandez-full.html

Policy analysts cannot create a movement by themselves. But they can help prepare the ground so that when a movement coalesces, policy tools and leaders are ready with a clear sense of which goals to pursue and paths to take. Likewise, it is imperative that environmentalism become more than another special interest. What is required is a systems shift, a new holistic view of the world we live in. A powerful, inspiring vision of a better world, not just a critique of the status quo is needed. If widely accepted, the policy changes will follow. Policymakers and analysts can help to develop the social and political capital and policy tools for the movement that is emerging in response to the ecological, social, and economic challenges of the present and future. Use policy to encourage behavior change along with a change in values. The late Senator Daniel Patrick Moynihan (D-NY) argued that, “The central conservative truth is that culture, not politics, determines the success of a society. The central liberal truth is that politics can change a culture and save it from itself.” Sociologists have found that the engrained routinization of behavior, over time, can lead to sea changes in values. Focusing solely on changing values first may miss the opportunity to engrain new behaviors, which may themselves lead to new values. Part of the importance of policy is that laws and regulations can require changes in behavior, whether or not citizens and companies currently hold the values that would lead to those behaviors without regulation. Democratic governments, however, cannot govern without the consent of the governed and often cannot adequately enforce changes in individual behavior. Thus, policy instruments and value changes need to support each other, creating synergies and positive feedbacks that lead to large-scale changes in human behavior. Changes in smoking, seat-belt use, and drunk driving are all recent examples of the mutually reinforcing impacts of shifts in public values and attitudes on the one hand and changes in government policies on the other. • Prepare for the opportunities inherent in future crises. There is often opportunity in crisis, and the policy domain needs to be prepared to act when it occurs. Crises like Pearl Harbor, Three Mile Island, and 9/11 resulted in rapid and fundamental shifts in public priorities and institutions. As global environmental conditions continue to deteriorate, there will be inevitable surprises, shocks, and disasters. How can leaders be prepared not only to better respond to the damage and destruction of these events, but also to take advantage of these “teachable moments”? We need to prepare for future ecological crises by creating institutions, systems, and roadmaps for change so that negative responses, such as authoritarianism, do not seize the day.

### AT: Culture of Resilience

#### Public won’t restrain presidential use of drones

Howard LaFranchi, staff writer at the Christian Science Monitor, 6-3 2013, "American public has few qualms with drone strikes, poll finds", http://www.csmonitor.com/USA/Military/2013/0603/American-public-has-few-qualms-with-drone-strikes-poll-finds

When a US drone strike last week killed a top Taliban leader in Pakistan, critics of the strikes that have become a staple of President Obama’s counterterrorism policy were quick to condemn it. The killing of Waliur Rehman in the North Waziristan region on May 29 would only make reconciliation talks between the Taliban and the Afghan government – a US priority – more difficult to convene, some critics said. Others said such strikes infuriate local populations and are a recruiting tool for Al Qaeda and other Islamist extremists. But the American public appears to be unmoved by such arguments. A new Monitor/TIPP poll finds that a firm majority of Americans – 57 percent – support the current level of drone strikes targeting “Al Qaeda targets and other terrorists in foreign countries.” Another 23 percent said the use of drones for such purposes should increase. Only 11 percent said the use of drones should decrease. The poll, conducted from May 28-31, followed a major speech in which Mr. Obama suggested the use of drone strikes would decline. In the May 26 address, he also hinted at his own ambivalence about the controversial tactic, weighing the program’s efficacy against the moral questions and long-term impact. Obama acknowledged that the pluses of drone strikes – no need to put boots on the ground and the accuracy and secrecy they offer – can “lead a president and his team to view drone strikes as a cure-all for terrorism.” He balanced that against words of caution: “To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance.” The drone strikes, which under Obama have mostly been carried out in secrecy by the CIA, are credited with killing as many as 3,000 terrorists and Islamist militants – at least four of whom were American citizens. Obama is planning to shift most drone operations to the military as part of an effort to make the program more transparent. Americans are by and large comfortable with drone strikes being ordered by the president, the CIA, or by the military, according to the Monitor poll. Less popular is the idea of creating a separate “drone court” – a panel that would presumably increase the accountability of the program. Almost two-thirds of Americans (62 percent) say they approve of drone-strike authorization coming from the president, the Pentagon, or the CIA. About a quarter (26 percent) favor setting up a drone court to sign off on strikes.

### AT: Lib MPX

#### Norms aren’t coercive – compliance is based on incentives – those solve violence

Alyssa Prorock, professor of Political Science at University of Iowa, and Benjamin Appel, Professor of Political Science at Michigan State University, 2013, “Compliance with International Humanitarian Law: Democratic Third Parties and Civilian Targeting in Interstate War,” Journal of Conflict Resolution, http://jcr.sagepub.com/content/early/2013/03/18/0022002713478569.abstract#corresp-1

Coercion is a strategy of statecraft involving the threat or use of positive inducements and negative sanctions to alter a target state’s behavior. It influences the decision making of governments by altering the payoffs of pursuing various policies. Recent studies demonstrate, for example, that third-party states have used the carrot of preferential trade agreements (PTAs) to induce better human rights outcomes in target states (Hafner-Burton 2005, 2009), while the World Bank has withheld aid to states with poor human rights records as a form of coercive punishment (Lebovic and Voeten 2009). We focus theoretically and empirically on the expectation of coercion. As Thompson (2009) argues, coercion has already failed once an actor has to carry through on its coercive threat. Thus, an accurate understanding of coercion’s impact must account for the expectation rather than the implementation of overt penalties or benefits. It follows that leaders likely incorporate the expected reactions of third parties into their decision making when they weigh the costs/benefits of complying with international law (Goodliffe and Hawkins 2009; Goodliffe et al. 2012). Because governments care about the ‘‘economic, security, and political goods their network partners provide, they anticipate likely reactions of their partners and behave in ways they expect their partners will approve’’ (Goodliffe et al. 2012, 132).8 Anticipated positive third-party reactions for compliance increase the expected payoffs for adhering to legal obligations, while anticipated negative responses to violation decrease the expected payoffs for that course of action. Coercion succeeds, therefore, when states comply with the law because the expected reactions of third parties alter payoffs such that compliance has a higher utility than violating the law. Based on this logic, we focus on the conditions under which states expect third parties to engage in coercive statecraft. We identify when combatant states will anticipate coercion and when that expectation will alter payoffs sufficiently to induce compliance with the law. While a **growing body of literature** recognizes that international coercion can **induce compliance and contribute to international cooperation** more generally (Goldsmith and Posner 2005; Hafner-Burton 2005; Thompson 2009; Von Stein 2010), many scholars remain skeptical about coercion’s effectiveness as an enforcement mechanism. Skeptics argue that coercion is costly to implement; third parties value the economic, political, and military ties they share with target states and may suffer along with the target from cutting those ties. This may undermine the credibility of coercive threats and a third party’s ability to induce compliance through this enforcement mechanism. While acknowledging this critique of coercion, we argue that it can act as an **effective enforcement mechanism** under certain conditions. Specifically, successful coercion requires that third parties have (1) the incentive to commit to and implement their coercive threats and (2) sufficient leverage over target states in order to meaningfully alter payoffs for compliance. This suggests that only some third parties can engage in successful coercion and that it is necessary to identify the specific conditions under which third parties can generate credible coercive threats to enforce compliance with international humanitarian law. In the following sections, we argue that third-party states are most likely to effectively use coercion to alter the behavior of combatants when they have both the willingness and opportunity to coerce (e.g., Most and Starr 1989; Siverson and Starr 1990; Starr 1978). Willingness: Clarity, Democracy, and the Salience of International Humanitarian Law Enforcement through the coercion mechanism is only likely when at least one third-party state has a substantial enough interest in another party’s compliance that it is willing to act (Von Stein 2010). Third-party willingness, in turn, depends upon two conditions: (1) legal principles must be clearly defined, making violations easily identifiable and (2) third parties must regard the legal obligation as highly salient. First, scholars have long recognized that there is significant variation in the precision and clarity of legal rules, and that clarity contributes to compliance with the law (e.g., Abbott et al. 2000; Huth, Croco, and Appel 2011; Morrow 2007; Wallace 2013**).** Precise rules **increase the effectiveness of the law** by **narrowing the range of possible interpretations** and allowing all states to clearly identify acceptable versus unacceptable conduct. By clearly proscribing unacceptable behavior, clear legal obligations allow states to more precisely respond to compliant versus noncompliant behavior. In contrast, **ambiguous legal principle**s often lead to **multiple interpretations** among relevant actors, **impeding a convergence of expectations** and increasing uncertainty about the payoffs for violating (complying with) the law. Thus, the clarity of the law shapes states’ expectations by allowing them to predict the reactions of other states with greater confidence. In particular, they can expect **greater cooperation and rewards following compliance** and more punishment and sanctions for violating the law when legal obligations are clearly defined. While some bodies of law are imprecise, i**nternational humanitarian law establishes a comprehensive code of conduct** regarding the intentional targeting of noncombatants during war (e.g., Murphy 2006; Shaw 2003). Starting with the 1899 and 1907 Hague Conventions and continuing through the 1949 Geneva Convention (Protocol IV), the law clearly prohibits the intentional targeting of noncombatants in war. This clarity **allows international humanitarian law to** serve as a “bright line” **that coordinates the expectations of both war combatants and third parties** (Morrow 2007). By creating a **common set of standards,** it reduces uncertainty, narrowing the range of interpretations of the law and allowing both combatants and third parties to readily recognize violations of these standards. Third parties are, as a result, more likely to expend resources to punish conduct that transgresses legal standards or to support behavior in accordance with them. This, in turn, alters the expectations of war combatants who can expect greater support for abiding by the law and greater punishment for violating it when the clarity condition is met.

#### Wars for Humanity don’t exist – they’re just attempts to make Schmitt seem prescient

Benno Gerhard Teschke, IR prof at the University of Sussex, 2011, “Fatal attraction: a critique of Carl Schmitt's international political and legal theory”, International Theory (2011), 3 : pp 179-227

For at the centre of the heterodox – partly post-structuralist, partly realist – neo-Schmittian analysis stands the conclusion of The Nomos: the thesis of a structural and continuous relation between liberalism and violence (Mouffe 2005, 2007; Odysseos 2007). It suggests that, in sharp contrast to the liberal-cosmopolitan programme of ‘perpetual peace’, the geographical expansion of liberal modernity was accompanied by the intensification and de-formalization of war in the international construction of liberal-constitutional states of law and the production of liberal subjectivities as rights-bearing individuals. Liberal world-ordering proceeds via the conduit of wars for humanity, leading to Schmitt's ‘spaceless universalism’. In this perspective, a straight line is drawn from WWI to the War on Terror to verify Schmitt's long-term prognostic of the 20th century as the age of ‘neutralizations and de-politicizations’ (Schmitt 1993). But this **attempt to** read **the history of 20th century international relations in terms of a succession of confrontations between the carrier-nations of liberal modernity and the criminalized foes at its outer margins** seems unable to comprehend the complexities and specificities of ‘liberal’ world-ordering, then and now. For in the cases of Wilhelmine, Weimar and fascist Germany, the assumption that their conflicts with the Anglo-American liberal-capitalist heartland were grounded in an antagonism between liberal modernity and a recalcitrant Germany outside its geographical and conceptual lines runs counter to the historical evidence. For this reading presupposes that late-Wilhelmine Germany was not already substantially penetrated by capitalism and fully incorporated into the capitalist world economy, posing the question of whether the causes of WWI lay in the capitalist dynamics of inter-imperial rivalry (Blackbourn and Eley 1984), or in processes of belated and incomplete liberal-capitalist development, due to the survival of ‘re-feudalized’ elites in the German state classes and the marriage between ‘rye and iron’ (Wehler 1997). It also assumes that the late-Weimar and early Nazi turn towards the construction of an autarchic German regionalism – Mitteleuropa or Großraum – was not deeply influenced by the international ramifications of the 1929 Great Depression, but premised on a purely political–existentialist assertion of German national identity. Against a reading of the early 20th century conflicts between ‘the liberal West’ and Germany as ‘wars for humanity’ between an expanding liberal modernity and its political exterior, there is more evidence to suggest that these confrontations were interstate conflicts within the crisis-ridden and nationally uneven capitalist project of modernity. Similar objections and caveats to the binary opposition between the Western discourse of liberal humanity against non-liberal foes apply to the more recent period. For how can this optic explain that the ‘liberal West’ coexisted (and keeps coexisting) with a large number of pliant authoritarian client-regimes (Mubarak's Egypt, Suharto's Indonesia, Pahlavi's Iran, Fahd's Saudi-Arabia, even Gaddafi's pre-intervention Libya, to name but a few), which were and are actively managed and supported by the West as anti-liberal Schmittian states of emergency, with concerns for liberal subjectivities and Human Rights secondary to the strategic interests of political and geopolitical stability and economic access? Even in the more obvious cases of Afghanistan, Iraq, and, now, Libya, the idea that Western intervention has to be conceived as an encounter between the liberal project and a series of foes outside its sphere seems to rely on a denial of their antecedent histories as geopolitically and socially contested state-building projects in pro-Western fashion, deeply co-determined by long histories of Western anti-liberal colonial and post-colonial legacies. If these states (or social forces within them) turn against their imperial masters, the conventional policy expression is ‘blowback’. And as the Schmittian analytical vocabulary does not include a conception of human agency and social forces – only friend/enemy groupings and collective political entities governed by executive decision – **it** also lacks the categories of analysis to comprehend the social dynamics that drive the struggles around sovereign power and the eventual overcoming, for example, of Tunisian and Egyptian states of emergency without US-led wars for humanity. Similarly§ Marked 18:24 § , it seems unlikely that the generic idea of liberal world-ordering and the production of liberal subjectivities can actually explain why Western intervention seems improbable in some cases (e.g. Bahrain, Qatar, Yemen or Syria) and more likely in others (e.g. Serbia, Afghanistan, Iraq, and Libya). Liberal world-ordering consists of differential strategies of building, coordinating, and drawing liberal and anti-liberal states into the Western orbit, and overtly or covertly intervening and refashioning them once they step out of line. These are conflicts within a world, which seem to push the term liberalism beyond its original meaning. The generic Schmittian idea of a liberal ‘spaceless universalism’ sits uncomfortably with the realities of maintaining an America-supervised ‘informal empire’, **which has to manage a persisting interstate system in diverse and case-specific ways**. But it is this persistence of a worldwide system of states, which encase national particularities, which renders challenges to American supremacy possible in the first place.

### AT: P & V

#### Posner and Vermeule are wrong – dismantling legal norms historically causes worse abuses of power – their scholarship is also generally bad

Saikrishna Prakash & Michael D. Ramsey, 2-23-2013, ”Saikrishna Prakash & Michael D. Ramsey: The Goldilocks Executive

Michael Ramsey”, <http://originalismblog.typepad.com/the-originalism-blog/2012/02/saikrishna-prakash-michael-d-ramsey-the-goldilocks-executivemichael-ramsey.html>

And here is the conclusion, which is a good summary of the review as a whole: ¶ The Executive Unbound rests on four claims, two descriptive and two normative. The descriptive claims are the book’s most prominent ones—that the modern Executive is unbound by law but bound by public opinion. The normative claims are more challenging and provocative—that a legally unbound executive is desirable because legal constraints generate suboptimal executive policies and that legal constraints are unnecessary because the restraints of public opinion are sufficient.¶ As a description of the modern executive, we think the book greatly overstates. It is true that the Executive wields greater power today than 200 years ago. The reasons for executive expansion are well-described in the book. But enhanced executive power does not equal unbound executive power. The basic Madisonian framework remains intact: the Constitution limits the powers the President can exercise; Congress and the courts wield powers that potentially or actually check the President. We agree that public opinion constrains the President, but even here the book may overstate by failing to appreciate the public’s preference for an executive bound by law. Because of this preference, public opinion reinforces legal constraints on the President while also providing additional political constraints. Thus, if the authors mean to say, as they appear to say in the conclusion, merely that legal constraints have weakened, we agree (but we do not think that claim is especially novel). If they mean to say—as they appear to say in the introduction—that legal constraints have vanished, we think their claim is manifestly implausible.¶ Stripped of its main descriptive point, the book becomes a normative argument for dismantling existing legal constraints on the Executive. This, it is said, will lead to better outcomes, especially in crises. But the book provides few, if any, concrete examples of constrained executive power leading to bad results. § Marked 18:24 § More significantly, the book argues forcefully that legal constraints on the Executive are worthless because there is no danger of executive tyranny. We remain skeptical. The book employs social science data to suggest that tyranny does not occur in wealthy democracies. But we find the data inconclusive and the historical record thin. And in any event, the concern is not just tyranny but executive overreaching and abuse.¶ In contrast, the current system of modest constraints on an energetic President seems the safer course. We are not persuaded that the trade-off between executive energy and executive constraint that the Framers identified has been rendered obsolete by modern developments. Although there will be various views of how the balance should be struck, some attempt to balance the two seems preferable to adopting one extreme. A system with a series of checks on a robust executive has stood the test of time, giving us something of a Goldilocks Executive. It should, we think, take powerful evidence for us to abandon it. Posner and Vermeule simply do not provide that powerful evidence. So while we might be better off with a stronger executive, and public opinion might be enough to prevent tyranny, we, at least, are unwilling to make the leap.

## PTX

### No Pass

#### Reid blocks

Eric Bradner, and Manu Raju, political analyst, 1-29-2014, “Harry Reid rejects President Obama’s trade push,” Politico, http://www.politico.com/story/2014/01/harry-reid-barack-obama-trade-deals-102819.html

President Barack Obama’s push for the two largest free trade deals in U.S. history has hit a major roadblock: Senate Majority Leader Harry Reid.¶ The Nevada Democrat said he opposes a bill that would fast-track the Pacific Rim and European Union pacts through Congress with limited debate and no amendments – which the White House says is crucial to gaining concessions from other countries to finalize those deals.¶ Reid made it abundantly clear that he has voiced his concerns to Obama’s administration, as well as the outgoing chairman of the Senate Finance Committee, Max Baucus (D-Mont.), and his replacement, Ron Wyden (D-Ore.), who would take the lead on the issue once Baucus departs to become U.S. ambassador to China.¶ “Everyone knows how I feel about this,” Reid said just off the Senate floor. “Sen. Baucus knows. Sen. Wyden knows. The White House knows. Everyone would be well-advised to not push this right now.”¶ A White House official said Reid’s opposition to the trade bill didn’t come as a surprise.¶ “Leader Reid has always been clear on his position on this particular issue,” the official said. “As the president said last night, he will continue to work to enact bipartisan trade promotion authority to protect our workers and environment and open markets to new goods stamped ‘Made in the USA,’ and we will not cede this important opportunity for American workers and businesses to our competitors.”¶ The majority leader’s position essentially kills the president’s trade push this Congress, given that Reid controls the floor schedule and leads a caucus filled with members worried that such deals would harm labor and environmental protections and siphon away U.S. jobs.

### PC

#### Not key – 1NC Economist evidence says Dems will likely support Obama to back up the president – GOP is already on board with trade – no reason PC is key

#### Presidential leverage matters only at the margins

Andrew Rudalevige, associate prof, department of poli sci, Dickinson College, 11-26-2012, “Dinner Won’t Do It,” The Monkey Cage, http://themonkeycage.org/blog/2012/11/26/dinner-wont-do-it/

Bill Keller, for instance, argues in favor of “conciliatory outreach and a few rounds of golf with the majority leader”: “Obama knows his only route to the large legacy he craves leads through the more temperate Republicans, and he knows (as a man who voraciously consumes his press reviews) that winning votes requires something he has neglected, working the room. It requires old-fashioned schmoozing and flattery and favors, accompanied by high-minded appeals to the public.” Over the weekend, Maureen Dowd suggested that Obama learn “some leadership lessons”—from Redskins quarterback Robert Griffin III of all people. After all, RG III is a team player (on a losing team, but still…); by contrast, “Obama gets tangled up in his head — trying to decide if he’s too noble to play politics or if spending some evenings schmoozing with pols and flattering them to further his agenda will leave him too depleted…” (This has been a Dowd theme for a while. In early November she decided Obama was an introvert and approvingly quoted the Center for American Progress’s Neera Tanden as saying “it’s stunning that [Obama’s] in politics, because he really doesn’t like people.”) She goes on to note that “a Democratic senator recently told me: ‘If only the president would have us over to the White House sometimes and talk to us, it could really help. When Bill Clinton called and asked if he could have my vote, I was more prone to do it because we had developed a rapport.’” This morning, Jon Meacham piled on the ‘rapport’ bandwagon, drawing on his new biography of Thomas Jefferson to push for Obama to revive Jefferson’s “constant campaign of using his social hours — and particularly his dinner table — as a way of making the rougher edges of politics smooth.” Meacham notes that “Jefferson’s dinner campaigns were intensely practical. He believed in constant conversation between the president and lawmakers, for ‘if the members are to know nothing but what is important enough to be put in a public message,’ Jefferson wrote, ‘it becomes a government of chance and not of design.’” It is worth noting, as regards Jefferson, that James Sterling Young’s careful 1966 history of the era, The Washington Community 1800-1828 is more circumspect. Young endorses Jefferson’s culinary efforts (and the excellent imported wine he served). But he stresses that Jefferson did not hold bipartisan dinners, inviting opposition Federalists and his own Democratic-Republicans separately – after all a big part of his idea was to “cultivate a sense of comity among his partisans on the Hill” (p. 169). Further, it is not clear whether these events ‘worked’ beyond impressing legislators with Jefferson’s own brilliance. Young concludes that “based more upon the efforts Jefferson made to lead than upon legislative results, and relying largely upon the often colored testimony of contemporary legislators, most studies tend, too, to overstate Jefferson’s influence” (p. 179). Now, rapport is a good thing; so is dinner; so is French wine. No one would argue that political niceties do not make a difference – at the margins. But, as political scientists (to name a few: Jon Bond, George Edwards, Richard Fleisher, Paul Light, Mark Peterson, Steve Shull…) showed in a flurry of work starting some two decades ago, Young was right: presidential political skills are themselves a marginal factor in achieving legislative success. Structural matters, such as the partisan makeup of Congress and the constraints imposed by the distribution of public opinion, matter far more than presidential charm. Presidents do have some control over how they react to those structural features – for instance, in the agenda they select and how they frame it. They need to be careful of what Edwards calls “overreach”, which he argues undermined Obama’s first term; and they are better off avoiding a centralized legislative formulation process that privileges political point-scoring over wider, substantive input.

#### Poli Sci prove institutional constraints trump

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

#### 8% chance of the internal link

Matthew **Beckmann** **and** Vimal **Kumar 11,** Associate Professor of Political Science at UC Irvine, econ prof at the Indian Institute of Tech, “Opportunism in Polarization”, Presidential Studies Quarterly; Sep **2011**; 41, 3

The final important piece **in our theoretical model**—presidents' **political capital**—also **finds support** in these analyses, though the results here are less reliable. **Presidents** **operating under** the specter of **strong economy and high approval ratings** get an important, albeit moderate, **increase** in **their chances** **for prevailing** on “key” Senate roll-call votes (b = .10, se = .06, p < .10). Figure 4 displays the substantive implications of these results in the context of polarization, showing that **going from the lower third of political capital to the upper third increases presidents' chances** for success **by 8** percentage **points** (in a setting like 2008). Thus, **political capital's impact does provide an important boost to presidents' success** on Capitol Hill, **but it is certainly not potent enough to overcome basic congressional realities**. **Political capital is just strong enough to put a presidential thumb on the** congressional **scales**, **which often will not matter**, but can in close cases.

### AT: Econ

#### No wars from econ collapse.

Morris Miller, Winter 2000, Interdisciplinary Science Reviews, “Poverty as a cause of wars?” V. 25, Iss. 4, p pq

The question may be reformulated. Do wars spring from a popular reaction to a sudden economic crisis that exacerbates poverty and growing disparities in wealth and incomes? Perhaps one could argue, as some scholars do, that it is some dramatic event or sequence of such events leading to the exacerbation of poverty that, in turn, leads to this deplorable denouement. This exogenous factor might act as a catalyst for a violent reaction on the part of the people or on the part of the political leadership who would then possibly be tempted to seek a diversion by finding or, if need be, fabricating an enemy and setting in train the process leading to war. According to a study undertaken by Minxin Pei and Ariel Adesnik of the Carnegie Endowment for International Peace, there would not appear to be any merit in this hypothesis. After studying ninety-three episodes of economic crisis in twenty-two countries in Latin America and Asia in the years since the Second World War they concluded that:19 Much of the conventional wisdom about the political impact of economic crises may be wrong ... The severity of economic crisis - as measured in terms of inflation and negative growth - bore no relationship to the collapse of regimes ... (or, in democratic states, rarely) to an outbreak of violence ... In the cases of dictatorships and semidemocracies, the ruling elites responded to crises by increasing repression (thereby using one form of violence to abort another).