# 1NC vs. Whitman BM

## 1

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

Anderson, Professor at Washington College of Law, American University, ‘11

[Kenneth, Hoover Institution visiting fellow, Non-Resident Visiting Fellow at Brookings, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters,” August 29 2011, http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/]

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

#### Violation – The aff restricts signature strikes; these are not targeted killing.

#### Prefer our interp – allowing signature strikes in the topic destroys predictability, limits, and precision by allowing in mass attacks against enemy combatants and all kinds of air power weapons platforms

Anderson, Professor at Washington College of Law, American University, ‘11

[Kenneth, Hoover Institution visiting fellow, Non-Resident Visiting Fellow at Brookings, “Efficiency in Bello and ad Bellum: Targeted Killing Through Drone Warfare,” Sept 23 2011, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1812124]

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

#### D. T is a voter in order to preserve fairness and education

## 2

#### CP Text: The Executive branch of the United States should declare a limit targeted killings to individuals who U.S. officials claim are being targeted, provide a public accounting of how it meets the principles of distinction and proportionality that the Obama administration claims, review its current policy whereby the executive authority for drone strikes is split between the CIA and JSOC, provide information to the public, Congress and UN special rapporteurs on what procedures exist to prevent harm to civilians and never conduct non battlefield targeted killings without an accountable human being authorizing the strike. The Executive branch should propose an international treaty banning signature strikes.

#### Self-Restraint solves

Zenko 13 (Micah, Dr. Zenko is a Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR), he worked for five years at Harvard University’s Kennedy School of Government, and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning, Council Special Report No.65, January 2013, Reforming US Drone Strike Policies, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf)

History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone prolifera- tion and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international norma- tive framework, and U.S. compliance with that framework, would pre- serve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space.¶ In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would under- mine core U.S. interests, such as preventing armed conflict, promoting human rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies.¶ Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama admin- istration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.¶ The president of the United States should ■■ limit targeted killings to individuals who U.S. officials claim are being targeted—the leadership of al-Qaeda and affiliated forces or individ- uals with a direct operational role in past or ongoing terrorist plots against the United States and its allies—and bring drone strike prac- tices in line with stated policies; ■■ either end the practice of signature strikes or provide a public account- ing of how it meets the principles of distinction and proportionality that the Obama administration claims; ■■ review its current policy whereby the executive authority for drone strikes is split between the CIA and JSOC, as each has vastly different legal authorities, degrees of permissible transparency, and oversight; ■■ provide information to the public, Congress, and UN special rappor- teurs—without disclosing classified information—on what proce- dures exist to prevent harm to civilians, including collateral damage mitigation, investigations into collateral damage, corrective actions based on those investigations, and amends for civilian losses; and ■■ never conduct nonbattlefield targeted killings without an account- able human being authorizing the strike (while retaining the poten- tial necessity of autonomous decisions to use lethal force in warfare in response to ground-based antiaircraft fire or aerial combat).

## 3

#### Executive war power primacy now – Syria debate proves.

Posner, Kirkland & Ellis Professor, University of Chicago Law School, 9-3

[Eric, 9/3/13, Obama Is Only Making His War Powers Mightier, [www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html](http://www.slate.com/articles/news_and_politics/view_from_chicago/2013/09/obama_going_to_congress_on_syria_he_s_actually_strengthening_the_war_powers.html)]

¶ President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever.¶ It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”¶ Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.¶ The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.)¶ People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.

#### The plan undermines speed, flexibility and the power of the presidency in warfighting.

Blank, 13 **–** professor of law at Emory (Laurie, “LEARNING TO LIVE WITH (A LITTLE) UNCERTAINTY: THE OPERATIONAL ASPECTS AND CONSEQUENCES OF THE GEOGRAPHY OF CONFLICT DEBATE” <http://www.pennlawreview.com/online/161-U-Pa-L-Rev-Online-347.pdf>) **LOAC = Law of Armed Conflict**

Second, implementation in the context of a new law of war framework as proposed, based on distinctions between various zones of security needs and the shifting procedural obligations that result, poses even more signiﬁcant concerns. Pragmatically, threat and the concomitant need to respond to that threat will always be the primary consideration driving the strategic, operational, and tactical calculus: “Armed conﬂict is a threat-driven concept, arising when the threat necessitates resort to combat power, and extending to wherever the operational and tactical opportunity to produce a militarily valuable eﬀect on the enemy arises.”21 Divorcing a geographic analysis from this fundamental nature of military operations and decisionmaking can make the law less practical in the immediate sense, and can also, as explained below, hinder the development of the law going forward. During military operations, the law plays an essential protective role not only for those uninvolved in the conﬂict, but—just as importantly—for those who are ﬁghting.22 Beyond speciﬁc provisions that protect soldiers, sailors, airmen, and Marines (such as the obligation to care for the wounded,23 the prohibition on weapons that cause superﬂuous injury,24 and the protections provided for prisoners of war25), the law accomplishes this key purpose by striving for clarity and predictability. At the most basic level, soldiers need to know when and against whom they can use force. Uncertainty regarding that most fundamental aspect of wartime conduct places an extraordinary burden on the soldier and places him or her in grave danger beyond that already inherent in the nature of conﬂict. It may well be possible that a new law of war framework with binding rules that depend on a security calculus drawn from diﬀerent geographic zones can offer more guidance for a policymaker or other decisionmaker at the highest strategic level. For the men and women directly facing the enemy, however, it muddies the waters by introducing additional considerations to the tactical and operational decisionmaking process, a process that is measured in seconds, if not less.26

#### Perception of weak Presidential crisis response collapses heg.

Bolton, Senior Fellow at the American Enterprise Institute, ‘9

[John, Former U.S. ambassador to the United Nations, “The danger of Obama's dithering,” Los Angeles Times, October 18, http://articles.latimes.com/2009/oct/18/opinion/oe-bolton18]

**Weakness in American foreign policy in one region often** invites challenges elsewhere**, because our adversaries carefully follow** diminished American resolve. Similarly, presidential indecisiveness**, whether because of uncertainty or** internal political struggles**, signals that the United States may not respond to international challenges in clear and coherent ways.** Taken together, **weakness and indecisiveness have proved historically to be a** toxic **combination for America's global interests.** That is exactly the combination we now see under President Obama. If anything, his receiving the Nobel Peace Prize only underlines the problem. All of Obama's campaign and inaugural talk about "extending an open hand" and "engagement," especially the multilateral variety, isn't exactly unfolding according to plan. Entirely predictably, we see more clearly every day that diplomacy is not a policy but only a technique. **Absent** presidential leadership, **which at a minimum means** clear policy direction and persistence in the face of criticism and adversity**, engagement simply embodies** weakness and indecision.

#### Heg solves nuclear war.

Barnett 11 (Thomas P.M., Former Senior Strategic Researcher and Professor in the Warfare Analysis & Research Department, Center for Naval Warfare Studies, U.S. Naval War College American military geostrategist and Chief Analyst at Wikistrat., worked as the Assistant for Strategic Futures in the Office of Force Transformation in the Department of Defense, “The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads,” March 7 <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>)

Events in Libya are a further reminder for Americans that we stand at a crossroads in our continuing evolution as the world's sole full-service superpower. Unfortunately, we are increasingly seeking change without cost, and shirking from risk because we are tired of the responsibility. We don't know who we are anymore, and our president is a big part of that problem. Instead of leading us, he explains to us. Barack Obama would have us believe that he is practicing strategic patience. But many experts and ordinary citizens alike have concluded that he is actually beset by strategic incoherence -- in effect, a man overmatched by the job. It is worth first examining the larger picture: We live in a time of arguably the greatest structural change in the global order yet endured, with this historical moment's most amazing feature being its relative and absolute lack of mass violence. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our stunningly successful stewardship of global order since World War II. Let me be more blunt: As the guardian of globalization, the U.S. military has been the greatest force for peace the world has ever known. Had America been removed from the global dynamics that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable there would now be no identifiable human civilization left, once nuclear weapons entered the killing equation. But the world did not keep sliding down that path of perpetual war. Instead, America stepped up and changed everything by ushering in our now-perpetual great-power peace. We introduced the international liberal trade order known as globalization and played loyal Leviathan over its spread. What resulted was the collapse of empires, an explosion of democracy, the persistent spread of human rights, the liberation of women, the doubling of life expectancy, a roughly 10-fold increase in adjusted global GDP and a profound and persistent reduction in battle deaths from state-based conflicts. That is what American "hubris" actually delivered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war. We are clearly headed for a world order characterized by multipolarity, something the American-birthed system was designed to both encourage and accommodate. But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms, deeply embedded in the geometry to come. To continue the historical survey, after salvaging Western Europe from its half-century of civil war, the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism. America then successfully replicated globalization further in East Asia over the second half of the 20th century, setting the stage for the Pacific Century now unfolding.

## 4

#### The 1ACs atomistic approach to global problems makes extinction inevitable.

Ahmed, Executive Director of the Institute for Policy Research and Development (IPRD), ‘12

[Dr. Nafeez Mosaddeq, he has taught at the Department of International Relations, University of Sussex "The international relations of crisis and the crisis of international relations: from the securitisation of scarcity to the militarisation of society" Global Change, Peace & Security Volume 23, Issue 3, 2011 Taylor Francis]

3. From securitisation to militarisation 3.1 Complicity

This analysis thus calls for a broader approach to environmental security based on retrieving the manner in which political actors construct discourses of 'scarcity' in response to ecological, energy and economic crises (critical security studies) in the context of the historically-specific socio-political and geopolitical relations of domination by which their power is constituted, and which are often implicated in the acceleration of these very crises (historical sociology and historical materialism).¶ Instead, both realist and liberal orthodox IR approaches focus on different aspects of interstate behaviour, conflictual and cooperative respectively, but each lacks the capacity to grasp that the unsustainable trajectory of state and inter-state behaviour is only explicable in the context of a wider global system concurrently over-exploiting the biophysical environment in which it is embedded. They are, in other words, unable to address the relationship of the inter-state system itself to the biophysical environment as a key analytical category for understanding the acceleration of global crises. They simultaneously therefore cannot recognise the embeddedness of the economy in society and the concomitant politically-constituted nature of economics.¶ Hence, they neglect the profound irrationality of collective state behaviour, which systematically erodes this relationship, globalising insecurity on a massive scale - in the very process of seeking security.85 In Cox's words, because positivist IR theory 'does not question the present order [it instead] has the effect of legitimising and reifying it'.86 Orthodox IR sanitises globally-destructive collective inter-state behaviour as a normal function of instrumental reason -thus rationalising what are clearly deeply irrational collective human actions that threaten to permanently erode state power and security by destroying the very conditions of human existence. Indeed, the prevalence of orthodox IR as a body of disciplinary beliefs, norms and prescriptions organically conjoined with actual policy-making in the international system highlights the extent to which both realism and liberalism are ideologically implicated in the acceleration of global systemic crises.¶ By the same token, the incapacity to recognise and critically interrogate how prevailing social, political and economic structures are driving global crisis acceleration has led to the proliferation of symptom-led solutions focused on the expansion of state/regime military-political power rather than any attempt to transform root structural causes.88 It is in this context that, as the prospects for meaningful reform through inter-state cooperation appear increasingly nullified under the pressure of actors with a vested interest in sustaining prevailing geopolitical and economic structures, states have resorted progressively more to militarised responses designed to protect the concurrent structure of the international system from dangerous new threats. In effect, the failure of orthodox approaches to accurately diagnose global crises, directly accentuates a tendency to 'securitise' them - and this, ironically, fuels the proliferation of violent conflict and militarisation responsible for magnified global insecurity.¶ 'Securitisation' refers to a 'speech act' - an act of labelling - whereby political authorities identify particular issues or incidents as an existential threat which, because of their extreme nature, justify going beyond the normal security measures that are within the rule of law. It thus legitimises resort to special extra-legal powers. By labelling issues a matter of 'security', therefore, states are able to move them outside the remit of democratic decision-making and into the realm of emergency powers, all in the name of survival itself. Far from representing a mere aberration from democratic state practice, this discloses a deeper 'dual' structure of the state in its institutionalisation of the capacity to mobilise extraordinary extra-legal military-police measures in purported response to an existential danger.¶ The problem in the context of global ecological, economic and energy crises is that such levels of emergency mobilisation and militarisation have no positive impact on the very global crises generating 'new security challenges', and are thus entirely disproportionate.90 All that remains to examine is on the 'surface' of the international system (geopolitical competition, the balance of power, international regimes, globalisation and so on), phenomena which are dislocated from their structural causes by way of being unable to recognise the biophysically-embedded and politically-constituted social relations of which they are comprised. The consequence is that orthodox IR has no means of responding to global systemic crises other than to reduce them to their symptoms.¶ Indeed, orthodox IR theory has largely responded to global systemic crises not with new theory, but with the expanded application of existing theory to 'new security challenges' such as 'low-intensity' intra-state conflicts; inequality and poverty; environmental degradation; international criminal activities including drugs and arms trafficking; proliferation of weapons of mass destruction; and international terrorism.91 Although the majority of such 'new security challenges' are non-military in origin - whether their referents are states or individuals - the inadequacy of systemic theoretical frameworks to diagnose them means they are primarily examined through the lenses of military-political power.92 In other words, the escalation of global ecological, energy and economic crises is recognised not as evidence that the current organisation of the global political economy is fundamentally unsustainable, requiring urgent transformation, but as vindicating the necessity for states to radicalise the exertion of their military-political capacities to maintain existing power structures, to keep the lid on.93

#### The alternative is to reorient our approach to security. Developing a new political language that breaks away from the aff’s obsession with insecurity is necessary to build alternatives away from authoritarian politics.

Neocleous 08. ( Mark Neocleous is a Professor of the critique of Political Economy at Brunel University, UK and a member of the Editorial Collective of “Radical Philosophy”. *Critique of Security.* 186)

Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text *Critical Security Studies,* inwhich the latter asks: if you take away security, what do you put in the hole that's left behind? But I'm inclined to agree with Dalby: maybe there is no hole. The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up reaffirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding 'more security' (while meekly hoping that this increased security doesn't damage our liberty) is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centered on a different conception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipatory in the true sense of the word. What this might mean, precisely, must be open to debate. But it certainly requires recognizing that security is an illusion that has forgotten it is an illusion requires recognising that security is not the same as solidarity. It requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and ‘insecurities’ that come with being human; it requires accepting that ‘securitizing’ an issue does not mean dealing with it politically, but bracketing It out and handing it to the state; it requires us to be brave enough to return the gift.

## Case

### Solvency

#### The US is ending signature strikes now

Brown 13 (Report: U.S. Drops Signature Strikes In Pakistan¶ By Hayes Brown on July 25, 2013 at 3:00 pm, http://thinkprogress.org/security/2013/07/25/2356391/pakistan-drones-signature-strikes/)

The United States has ended the use of so-called signature drone strikes in Pakistan, and the total number of incidents involving armed unmanned aerial vehicles there has plummeted, according to a new report from the Associated Press.¶ In gathering hours upon hours of footage of a given location, drones allow analysts to piece together “pattern of life” data, which are then examined for clues that suspected terrorists are using the area for planning or staging purposes. The evidence used to justify strikes against these locations — “signature strikes” — doesn’t include the appearance of known terrorists, but rather often circumstantial proof such as large gatherings of men between the ages of 16-55, where they’ve traveled while under surveillance and whether or not they were in the vicinity of known targets when the strike occurred.¶ According to the Obama administration, however, drone strikes carried out since the president took office have all been against high-level members of the Taliban and al-Qaeda, making these drones a valuable tool in the fight against terrorism. Despite that insistence, President Obama announced in May that the use of drone strikes and other applications of force in fighting terrorism will be streamlined to a more limited set of targets, with a higher level of scrutiny applied when determining them. That decision was codified in the administration’s new “playbook” on counterterrorism tactics around the same time. According to a letter from Attorney General Eric Holder to Congress, in future drone strikes “will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists.”¶ That choice has apparently resulted in a corresponding drop in strikes within Pakistan, long the primary theater for Central Intelligence Agency-flown unmanned aerial vehicles. So far in 2013, there have been only 16 drone strikes carried out in Pakistan, compared to estimates of a peak of 122 in 2010 and 48 over the course of last year. Obama’s pledge and the drop in strikes suggests that the controversial — and until recently unacknowledged — method of targeting potential terrorists for execution is winding down.

#### CIA drone strikes are ending

Daily Tech 13 (Jason Mick, Drone Strikes Mostly Transferred from CIA to DoD - May 28, 2013 6:27 PM, http://www.dailytech.com/Drone+Strikes+Mostly+Transferred+from+CIA+to+DoD/article31639.htm)

Lawmakers are divided on whether transfer will improve reliability¶ As promised in his speech this week, the U.S. Department of Defense (DoD) is largely assuming control of the embattled unmanned aerial vehicle (UAV) combat operations in the Middle East. The program had been run over the past several years by the U.S. Central Intelligence Agency and was responsible for death strikes on four Americans, only one of which was an intended target for death.¶ I. DoD Takes the Reins¶ Under the new plan the DoD will take over the robotic warfare operations in the twelfth year of the nation's "war" on the Islamic militant organization known as al-Qaeda in the Middle East. The CIA will, meanwhile, refocus on its original objective of foreign intelligence gathering.¶ In his speech President Barack Hussein Obama likened drone death strikes on Americans involved in "terrorism" as similar to bullets from a SWAT team sniper. He remarked, "When a U.S. citizen goes abroad to wage war against America – and is actively plotting to kill U.S. citizens; and when neither the United States, nor our partners are in a position to capture him before he carries out a plot – his citizenship should no more serve as a shield than a sniper shooting down on an innocent crowd should be protected from a swat team."¶ In a post-speech briefing, a senior official told reporters, "There’s an indication of a preference for the Department of Defense to engage in the use of force outside of war zones."¶ Predator missile¶ The "preference" is the DoD to take the lead in drone killings. [Image Source: Drone Wars UK]¶ U.S. Defense Secretary Chuck Hagel, a former Democratic senator, commented, "The president today presented a comprehensive vision for how we will continue to protect the nation from terrorism, especially from al-Qaida and its affiliates, while remaining true to our values and laws. I have directed the Department of Defense to work closely with our interagency partners [the CIA] and allies to implement the president’s guidance."

#### Congress won’t enforce – no durable fiat.

Druck, JD – Cornell Law, ‘12

[Judah, 98 Cornell L. Rev. 209]

Of course, despite these various suits, Congress has received much of the blame for the WPR's treatment and failures. For example, Congress has been criticized for doing little to enforce the WPR in using other Article I tools, such as the "power of the purse," n76 or by closing the loopholes frequently used by presidents to avoid the WPR [\*221] in the first place. n77 Furthermore, in those situations where Congress has decided to act, it has done so in such a disjointed manner as to render any possible check on the President useless. For example, during President Reagan's invasion of Grenada, Congress failed to reach an agreement to declare the WPR's sixty-day clock operative, n78 and later faced similar "dead-lock" in deciding how best to respond to President Reagan's actions in the Persian Gulf, eventually settling for a bill that reflected congressional "ambivalence." n79 Thus, between the lack of a "backbone" to check rogue presidential action and general ineptitude when it actually decides to act, n80 Congress has demonstrated its inability to remedy WPR violations. Worse yet, much of Congress's interest in the WPR is politically motivated, leading to inconsistent review of presi-dential military decisions filled with post-hoc rationalizations. Given the political risk associated with wartime deci-sions, n81 Congress lacks any incentive to act unless and until it can gauge public reaction - a process that often occurs after the fact. n82 As a result, missions deemed successful by the public will rarely provoke "serious congressional con-cern" about presidential compliance with the WPR, while failures will draw scrutiny. n83 For example, in the case of the Mayaguez, "liberals in the Congress generally praised [President Gerald Ford's] performance" despite the constitutional questions surrounding the conflict, simply because the [\*222] public deemed it a success. n84 Thus, even if Congress was effective at checking potentially unconstitutional presidential action, it would only act when politically safe to do so. This result should be unsurprising: making a wartime decision provides little advantage for politicians, especially if the resulting action succeeds. n85 Consequently, Congress itself has taken a role in the continued disregard for WPR enforcement. The current WPR framework is broken: presidents avoid it, courts will not rule on it, and Congress will not enforce it. This cycle has culminated in President Obama's recent use of force in Libya, which created little, if any, controversy, n86 and it provides a clear pass to future presidents, judges, and congresspersons looking to continue the system of pas-sivity and deferment.

#### Military will backlash, prevents implementation

Yoo, professor of law – U California, Berkeley, ‘9

[John, 58 Duke L.J. 2277]

As conditions worsened in Iraq after the fall of Saddam Hussein's regime, the military became more critical of Sec-retary Rumsfeld. Military officers anonymously criticized the Secretary for refusing to send enough troops to pacify the country, and generally attacked him for ignoring their advice and counsel. In an April 2006 act known in the military as the "revolt of the generals," dozens of senior retired military officers called for Rumsfeld's resignation for allegedly mismanaging the war. n73 In 2006, retired general Gregory Newbold, former director of operations of the Joint Chiefs, wrote an essay in Time declaring that it was his "sincere view ... that the commitment of forces to this fight was done with a casualness and swagger that are the special province of those who have never had to execute these missions - or bury the results." n74 Part of the impetus for the revolt was the deeper lesson, taken by the officer corps from Vietnam, that the military had been too subservient to civilian leaders and that they should talk straight to the political leadership about their views. Ironically, the 2007-08 surge in forces in Iraq and the improvement in the country's rebuilding came against the advice of the senior military leadership, which had decided that the size of the American footprint in Iraq was part of the problem. n75 Dissension over Iraq was matched by contention over the continuing war on terrorism. Perhaps the most public ex-ample was Congress's consideration of the Military Commissions Act of 2006 [\*2290] (MCA), n76 which established rules for the detention and military trials of terrorists. In November 2001, President Bush issued an executive order es-tablishing military commissions, in the form of a military tribunal, to try al Qaeda members and their allies for war crimes. n77 Some members of the military's Judge Advocate Generals (JAG) corps wanted to use courts-martial instead, but civilian leaders in the Pentagon favored commissions, which promised a flexible balance between the need for an open, fair proceeding and the need to keep national security secrets. In Hamdan v. Rumsfeld, n78 the Supreme Court held that the tribunals had to operate according to the lines set out in Common Article 3 of the Geneva Conventions, n79 set-ting off Congress's consideration of the 2006 Act. During congressional hearings, JAGs for the Marines and the Army testified that commission rules withholding classified evidence from the defendant, but not his lawyer, would still vio-late the Geneva Conventions, whereas the civilian representative of the Department of Justice testified to the opposite effect. n80 Military disagreement over civilian policy in the war on terrorism extended back to the beginning of the conflict. JAGs challenged President Bush's decision in February 2002, after extensive debate within the executive branch, that members of al Qaeda and the Taliban were not to receive the status of prisoners of war under the Geneva Conventions. n81 After that decision, JAGs reportedly cooperated with private human rights groups to challenge the decision in federal court. Once uniformed lawyers were appointed to represent detainees in the military commission process, they [\*2291] dispensed with the secrecy and filed suit against the Bush administration directly. n82 Members of the uniformed military also challenged the legality of holding suspected al Qaeda at the U.S. Navy Station at Guantanamo Bay, Cuba. n83 Ac-cording to media reports, JAGs representing detainees in the military commission process met with members of Con-gress to seek their assistance in reversing Bush administration policies on detainees. n84 Congress's enactment of the MCA hewed closely to civilian preferences on the commissions and the designation of al Qaeda as illegal combatants. Although the Supreme Court, in Boumediene v. Bush, n85 reversed the MCA's effort to prohibit federal habeas corpus review over the detainees at Guantanamo Bay, n86 it has not yet addressed the substance of the MCA. All of this has led historians and political scientists to warn of a crisis in civil-military relations. Russell Weigley, a prominent military historian, compared General Powell's resistance to intervention in Bosnia to General McClellan's reluctance to engage General Lee during the Civil War. n87 By 2002, Richard Kohn, a distinguished military historian, had already concluded that "civilian control of the military has weakened in the United States and is threatened today." n88 According to Kohn, "the American military has grown in influence to the point of being able to impose its own per-spective on many policies and decisions." n89 He detects "no conspiracy but repeated efforts on the part of the armed forces to frustrate or evade civilian authority when that opposition seems likely to preclude outcomes the military dis-likes." n90 He believes that civilian-military relations in that period are as poor as in any other period in American histo-ry. n91 Michael Desch argues that the high tensions in civil-military relations are due [\*2292] not to the military but to the civilians, which have violated Huntington's advice in favor of "objective control" by giving the military broad dis-cretion over tactics and operations while keeping final say over politics and grand strategy. n92 In a 1999 study, Desch found that civilians prevailed in almost all of the seventy-five civil-military disputes from 1938 to 1997, but that the military has won in seven or eight of the twelve post-Cold War conflicts. n93 Some attribute this discord to the regular give-and-take inherent in the civil-military relationship, whereas others believe that the military has grown bold in ques-tioning the foreign policy decisions of the civilian leadership. n94

### Norms

#### Drone development is inevitable.

Steigerwald ‘13 (Lucy, “The Inevitability of Drones in the US and Abroad”, Anti War, 4-29-13, <http://antiwar.com/blog/2013/04/29/the-inevitability-of-drones-in-the-u-s-and-abroad/>, RSR)

The proliferation of drones will not long be an American issue alone. “The number of countries that have acquired or developed drones expanded to more than 75, up from about 40 in 2005, according to the Government Accountability Office, the investigative arm of Congress,” USA Today reported in January.¶ In spite of some heartening legislative attempts to rein in drones here at home, as well as protests over their international use, they cannot be fully put back into the box. That’s why endlessly rehashing the concerns that are fundamentally tied in with this technology is a good thing to do, even if it brings up a sense of Deja Vu for anyone even halfway paying attention. The RCP article contains no breaking news about drones, but the moment that such articles disappear, we’re in real trouble. That’s when drones have been fully accepted as the most efficient killing machines abroad, and the ideal mechanisms for surveillance at home.

#### All their “precedent” evidence relies on the assertion that there’s a causal link between U.S. drone doctrine and other’ countries choices---that’s not true---no tangible evidence

Kenneth Anderson 11, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday Times predicting an “arms race” in military drones. The methodology essentially looks at the US as the leader, followed by Israel – countries that have built, deployed and used drones in both surveillance and as weapons platforms. It then looks at the list of other countries that are following fast in US footsteps to both build and deploy, as well as purchase or sell the technology – noting, correctly, that the list is a long one, starting with China. The predicament is put this way: ¶ Eventually, the United States will face a military adversary or terrorist group armed with drones, military analysts say. But what the short-run hazard experts foresee is not an attack on the United States, which faces no enemies with significant combat drone capabilities, but the political and legal challenges posed when another country follows the American example. The Bush administration, and even more aggressively the Obama administration, embraced an extraordinary principle: that the United States can send this robotic weapon over borders to kill perceived enemies, even American citizens, who are viewed as a threat. ¶ “Is this the world we want to live in?” asks Micah Zenko, a fellow at the Council on Foreign Relations. “Because we’re creating it.” ¶ By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it – and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?) ¶ It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be. ¶ Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project). UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable – and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this – the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so. ¶ But the point is that this was happening anyway, and the technology was already available. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is not a credible understanding of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it.¶ Moving on from the avionics, weaponizing the craft is also not difficult. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do – but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.¶

#### No risk of drone wars

Joseph Singh 12, researcher at the Center for a New American Security, 8/13/12, “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2eSvaZnfQ

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology. ¶ Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team. ¶ Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones. ¶ What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use. ¶ Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best. ¶ Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations. ¶ Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### No China modeling.

Lewis, teaches international law and the law of war at Ohio Northern University School of Law, ‘11

[Michael, October 17th, 2011, "Unfounded Drone Fears," Los Angeles Times, articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017

Myth 3: The U.S. use of drones in cases such as the Awlaki killing in Yemen serves to legitimize their use by China or Russia. International law places the same restrictions on the use of drones that it places on any other use of military force**.** The U.S. used a drone on Yemeni territory to kill Awlaki because it was given permission to do so by the Yemeni government, and because Awlaki was an active member of an Al Qaeda affiliate who had repeatedly been involved in operations designed to kill Americans at home and abroad. With such permission, the U.S. could instead have employed special forces or a conventional airstrike.¶ Numerous commentators have suggested that U.S. drone use legitimizes Russian drone use in Chechnya or Chinese drone use against the Uighurs. If China or Russia were facing genuine threats from Chechen or Uighur separatists, they might be allowed under international law to use drones in neighboring states if those states gave them permission to do so. However, given the fact that Chechen separatists declared an end to armed resistance in 2009, and that the greatest concern Russians currently have with Chechnya is with the lavish subsidies that Russia is currently providing it, the likelihood of armed Russian drones over Chechnya seems remote at best.¶ Likewise, there is no Uighur separatist organization that even remotely resembles Al Qaeda. Uighur unrest has taken the form of uprisings in Urumqi and other areas, similar to the Tibetan unrest of a few years ago. The Chinese eliminated such unrest with widespread arrests and disappearances, which raised serious human rights concerns. But there has been no time in which Uighur opposition has met the threshold established by international law that would allow for the use of armed drones in response to Uighur actions.¶ It is important to recognize drones for what they are: slow, relatively low-tech anti-terrorism tools that would be of limited use on most modern battlefields and are particularly unsuited to use by terrorist organizations.

#### No Asian war—assumes their warrants

Xudong ‘12

Han, professor at the PLA University of National Defense, “Risk of armed Asian conflict on the rise, but trade links rule out war,” <http://www.globaltimes.cn/content/735653.shtml>

Island sovereignty and maritime interest disputes in the Asia-Pacific region have attracted an increasing amount of global attention recently. With external powers ready to intervene, conflicts among the relevant parties have intensified and the unrest has gotten worse. If the trend cannot be curbed, armed conflicts are more likely. With the US pivot to the Asia-Pacific region and the global economic focus moving toward the region, the region has gradually entered into a troubled period. The US has set the region as the focus of its overseas military deployment and is taking advantage of the unrest in the region so as to adjust the power structure. Moreover, the US has carried out military exercises with relevant countries to create unrest and instigated them to confront neighboring countries. For example, over the Huangyan Island dispute, the US backs the Philippines through holding joint military exercises on island defense, as it has done with Japan over the Diaoyu Islands dispute. This is the usual tactic by the US to back relevant countries' confront actions with China. As the territorial disputes among relevant countries are closely related to core national interests, no involved parties will compromise easily. Relevant countries usually use comprehensive national strength, especially military strength, as a lever to adjust their interests. Take the dispute over the South Kuril Islands between Russia and Japan. Russia has increased its military presence on the islands and used military power to deal with Japanese provocations. Similarly, South Korea has begun to deploy its forces on Dokdo Islands, where it has disputes with Japan. At present, while China has repeatedly advocated a peaceful settlement of the Diaoyu Islands dispute, the nation has sufficient confidence and courage to face up to the challenges and safeguard its sovereignty and interests. All those conflicts mentioned above have the potential to further deteriorate. After all, international politics is the continuation and manifestation of domestic politics. Since the beginning of this year, key players in hot issues of the Asia-Pacific region all have been confronted with the sensitivity of domestic power transition. Russia had its presidential election in March. And South Korea, Japan, the US and China will soon see elections or leadership change. At such a critical moment, attitudes on safeguarding the core interests of the nation had been used as a stake to gain support, as particularly seen in Japan. Currently, the right-wing forces in Japan are promoting the campaigners to form a consistent approach over the Diaoyu Islands dispute, that is, to take an increasingly tough stance and policy. Japan hasn't made a full reflection on its war crimes. The right-wing frequently blusters about the use of force to solve the territorial disputes. This adds to the uncertainty of the security situation in the Asia-Pacific region. But one certain thing is that a war is unlikely in the Asia-Pacific. Even if the parties in a dispute had a collision of forces, it wouldn't develop into full-blown war. The use of force is the highest means but the last resort to maintain core interests of nations. The current situation is totally different from other periods in history. With global economic integration, the expanding of armed conflicts will be no good to any country involved. Therefore, the relevant countries all hope the scale of conflicts could be restrained. Besides, the US is not willing to see a regional war in the Asia-Pacific. A turbulent situation without war is in its best interests. From this perspective, the Asia-Pacific region does face the potential danger of low intensity conflicts and operations. The possibility of an armed collision is on the rise, but the scale will be limited

### Pakistan

#### Drone strikes are less utilized in the status quo, and are killing record low levels of civilians- takes out their Internal link to instability

Cahall 13 (Bailey, research associate with the National Security Studies Program at the New America Foundation, July 2nd 2013, New report says CIA drone strikes in Pakistan at an all-time low, afpak.foreignpolicy.com/posts/2013/07/02/report\_cia\_drone\_strikes\_in\_pakistan\_at\_all\_time\_low

A new report released by the Bureau of Investigative Journalism on Monday notes that the number of reported civilian deaths caused by the CIA's drone campaign in Pakistan is at an all-time low (ET). The drone strikes are at their lowest level since early 2008, and the average number of people killed in each strike has also fallen sharply over the last few years. Similar data from the New America Foundation shows that, to date, there have been 13 drone strikes in Pakistan and 82 people have been killed, down from the record 122 strikes and 849 people killed in 2010. Peter Bergen and Jennifer Rowland have written repeatedly about the sharply falling civilian casualty rate for the past year on CNN.com.

#### Their Traub evidence says that Pakistanis hate drones period. No reason why a bit of oversight would solve that.

#### No public backlash in Pakistan or Yemen---just as many people love them as hate them.

Boot, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, ‘13

[Max, 2/6/13, “Obama Drone Memo is a Careful, Responsible Document,” http://www.commentarymagazine.com/2013/02/06/obama-drone-memo-is-a-careful-responsible-document/]

Drone strikes are by no means risk free, the biggest risk being that by killing innocent civilians they will cause a backlash and thereby create more enemies for the U.S. than they eliminate. There is no doubt that some of these strikes have killed the wrong people–as the New York Times account highlights in one incident in Yemen. There is also little doubt, moreover, that drone strikes are no substitute for a comprehensive counterinsurgency and state-building policy designed to permanently safeguard vulnerable countries such as Pakistan, Yemen, Somalia, Libya, and Mali from the incursions of radical jihadists. But drone strikes have been effective in disrupting al-Qaeda operations and they have been conducted with less collateral damage and more precision than in the past.¶ It is hard to assess what impact they have had on public opinion in countries such as Yemen and Pakistan, but there is at least as much evidence that these strikes are applauded by locals who are terrorized by al-Qaeda thugs as there is evidence that the strikes are reviled for killing fellow clansmen. As the Times notes: “Although most Yemenis are reluctant to admit it publicly, there does appear to be widespread support for the American drone strikes that hit substantial Qaeda figures like Mr. Shihri, a Saudi and the affiliate’s deputy leader, who died in January of wounds received in a drone strike late last year.”

#### The alternative to drones in Pakistan is full-scale military operations---obviously worse for all their impacts.

Llenza, Senior Navy Fellow at the Atlantic Council and Foreign Affairs Specialist, ‘11

[Michael, NATO ISAF, Spring 2011, “Targeted Killings in Pakistan: A Defense,” Global Security Studies, Vol. 2, No. 2, <http://globalsecuritystudies.com/Targeted%20Killings.pdf>]

Regardless of the possibility of civilian deaths, if the United States continues its policy of targeted killings, which by all signs it appears to, then the humanitarian benefits of drone strikes far outweigh their costs of the alternative. Predator strikes introduce greater discrimination in targeting than full-scale military assault or large-scale warfare would permit (Anderson, 2009, p.8). They allow the United States to seek out those who mean it harm without having to launch a full-scale invasion or placing U.S. forces at risk. Without placing U.S. and coalition forces at risk, the government can go after the terrorist without the fear of a counterassault that might increase the use of force and cause more collateral damage (Anderson, 2009, pp.7-8). ¶ Although some may see military action on the ground more palatable than a standoff killing, invading a hostile area that is predominantly civilian would inevitably result in the death and injury of far more innocent people than those caused by targeted drone strikes. In addition, this measure is more commensurate with the conditions of self-defense, that those killed be responsible for the threat being posed (Statman). Furthermore, as a strategic option, drone strikes are a prudent alternative to what may otherwise result in a larger, costlier and undesirable conflict (Anderson, 2010, p.32). ¶ Some critics of the drone operations would rather see Pakistan go after these terrorists, but from a humanitarian standpoint, one need only consider the political unreliability of their government along with the ineffectiveness of the Pakistani army and its penchant for long range artillery barrages over counterinsurgency (The Daily Times, 2010; Anderson, 2009, pp.8-9). Pakistani researchers’ state that attacks by the Pakistani military have caused far more collateral deaths than those by drones with relatively no success (Rodriguez & Zucchino).

#### They have no evidence that the US withdrawl through Uzbekistan causes the Uzbeks to get armed. They jump from the US withdrawl through Uzbekistan to arming Uzbekistan bad.

#### No great power war in central Asia.

Kucera, regular contributor to U.S. News and World Report, Slate and EurasiaNet, ‘10

[Joshua, Central Asia Security Vacuum, 16 June 2010, <http://the-diplomat.com/2010/06/16/central-asia%E2%80%99s-security-vacuum/>]

Note – CSTO = Collective Security Treaty Organization

Yet when brutal violence broke out in one of the CSTO member countries, Kyrgyzstan, just days later, the group didn’t respond rapidly at all. Kyrgyzstan’s interim president, Roza Otunbayeva, even asked Russia to intervene, but Russian President Dmitry Medvedev responded that Russians would only do so under the auspices of the CSTO. And nearly a week after the start of the violence—which some estimate has killed more than 1000 people and threatens to tear the country apart—the CSTO has still not gotten involved, but says it is ‘considering’ intervening. ‘We did not rule out the use of any means which are in the CSTO’s potential, and the use of which is possible regardless of the development of the situation in Kyrgyzstan,’ Russian National Security Chief Nikolai Patrushev said Monday. On June 10-11, another regional security group, the Shanghai Cooperation Organisation, held its annual summit in Tashkent, Uzbekistan. The SCO has similar collective security aims as the CSTO, and includes Russia, China and most of the Central Asian republics, including Kyrgyzstan. But despite the violence that was going on even as the SCO countries’ presidents met in Uzbekistan, that group also didn’t involve itself in the conflict, and made only a tepid statement calling for calm. Civil society groups in Kyrgyzstan and Uzbekistan (much of the violence is directed toward ethnic Uzbeks in Kyrgyzstan, and the centre of the violence, the city of Osh, is right on the border of Uzbekistan) called on the United Nations to intervene. And Otunbayeva said she didn’t ask the US for help. Even Uzbekistan, which many in Kyrgyzstan and elsewhere feared might try to intervene on behalf of ethnic Uzbeks, has instead opted to stay out of the fray, and issued a statement blaming outsiders for ‘provoking’ the brutal violence. The violence has exposed a security vacuum in Central Asia that no one appears interested in filling. In spite of all of the armchair geopoliticians who have declared that a ‘new Great Game’ is on in Central Asia, the major powers seem distinctly reluctant to expand their spheres of influence there. Why? It’s possible that, amid a tentative US-Russia rapprochement and an apparent pro-Western turn in Russian foreign policy, neither side wants to antagonize the other. The United States, obviously, also is overextended in Iraq and Afghanistan and has little interest in getting in the middle of an ethnic conflict in Kyrgyzstan. It’s possible that the CSTO Rapid Reaction Force isn’t ready for a serious intervention as would be required in Kyrgyzstan. (It’s also possible that Russia’s reluctance is merely a demure gesture to ensure that they don’t seem too eager to get involved; only time will tell.)

**Their Rafiq evidence gives alt causes to collapse in Pakistan with sectarian strife and the structure of the new government. No reason why the aff solves that.**

**No Pakistani collapse.**

Dasgupta, Ph.D. in political science and the director of UMBC's Political Science Program and a senior fellow at Brookings, ‘13

[Sunil, 2/25/13, "How will India respond to civil war in Pakistan," East Asia Forum, http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/]

Bill Keller of the New York Times [has described Pakistani president Asif Ail Zardari](http://www.nytimes.com/2011/12/18/magazine/bill-keller-pakistan.html?pagewanted=all&_r=0" \t "_blank) as overseeing ‘a ruinous kleptocracy that is spiraling deeper into economic crisis’. But in contrast to predictions of an unravelling nation, British journalist-scholar [Anatol Lieven argues](http://www.anu.edu.au/vision/videos/6291/" \t "_blank) that the Pakistani state is likely to continue muddling through its many problems, unable to resolve them but equally predisposed against civil war and consequent state collapse. Lieven finds that the strong bonds of family, clan, tribe and the nature of South Asian Islam prevent modernist movements — propounded by the government or by the radicals — from taking control of the entire country.¶ Lieven’s analysis is more persuasive than the widespread view that Pakistan is about to fail as a state. The formal institutions of the Pakistani state are surprisingly robust given the structural conditions in which they operate. Indian political leaders recognise Pakistan’s resilience. Given the bad choices in Pakistan, they would rather not have anything to do with it. If there is going to be a civil war, why not wait for the two sides to exhaust themselves before thinking about intervening? The 1971 war demonstrated India’s willingness to exploit conditions inside Pakistan, but to break from tradition requires strong, countervailing logic, and those elements do not yet exist. [Given the current conditions](http://www.eastasiaforum.org/2012/12/30/pakistans-bleak-outlook-lightened-by-the-game-changer-with-india/" \t "_blank) and those in the foreseeable future, India is likely to sit out a Pakistani civil war while covertly coordinating policy with the United States.

#### No conflict and no nuclear escalation in Indo-Pak - deterrence

A. Vinod Kumar 6/30/13 MPhil in disarmament studies and an Associate Fellow at Institute for Defense Studies and Analyses, New Delhi, 6/30/13, "Nuclear Deterrence Works in Indo-Pak Ties," http://www.indepthnews.info/index.php/global-issues/1650-nuclear-deterrence-works-in-indo-pak-ties

NEW DELHI (IDN | [IDSA](http://www.idsa.in/)) - For over two decades, a dominant section of western analysts harped on the volatilities of the India and Pakistan nuclear dyad, often overselling the ‘South Asia as a nuclear flashpoint’ axiom, and portending a potential nuclear flare-up in every major stand-off between the two countries. The turbulence in the sub-continent propelled such presages, with one crisis after another billowing towards serious confrontations, but eventually easing out on all occasions. While the optimists described this as evidence of nuclear deterrence gradually consolidating in this dyad, the pessimists saw in it the ingredients of instability that could lead to a nuclear conflict. Though there is no denial of the fact that the three major crises since the 1998 nuclear tests – Kargil (1999), the Parliament attack and Operation Parakram (2001-2002) and the Mumbai terror strike (2008) – brought the two rivals precariously close to nuclear showdowns, not once had their leaderships lost complete faith in the efficacy of mutual deterrence.

#### India and Pakistan peaceful now

Grare 13 -- Director and Senior Associate South Asia Program @ Carnegie Endowment for Peace (Frederic, 1/30/2013, "Is Pakistan’s Behavior Changing?" https://www.carnegieendowment.org/2013/03/01/stalin-puzzle/flpg)

Islamabad has been trying to send signals over the last few months indicating that it is pursuing a new course of action, both internally and externally, that is more in line with international norms. Pakistan has tried to improve its relationship with India. It has also indicated a preference for a negotiated peace in Afghanistan and demonstrated a new attitude toward terrorism. Of course, claims that Pakistan’s policies are changing in one way or another are not new. And in the past, the status quo ante has almost always prevailed. But this could be different. The context is different this time. The looming international troop withdrawal from Afghanistan brings considerable risks for the region in general and for Pakistan in particular. Islamabad fears that, come 2014, it will face an unstable Afghanistan and find itself isolated regionally and globally. For the United States, as new faces enter the Departments of State and Defense, reasonably good relations with Pakistan are a prerequisite for a dignified and safe exit from Afghanistan. Politically, their main challenge will be to work out necessary compromises with Islamabad without risking further deterioration of the regional situation, which could affect Washington’s larger strategic objectives in Asia. In this context, understanding Pakistan’s new policies and their limits is key. Change in Pakistan’s relations with India and Afghanistan and in its sponsorship of terrorism for political purposes is real but does not yet indicate a fundamental shift in strategic thinking. The shift thus far has been prompted by short-term considerations and reflects Pakistan’s weakness and isolation. However, if the tentative changes lead to improvement in the country’s economy and security, a meaningful shift in Pakistan’s strategic character could take hold. The Pakistan-India Normalization Process Relations with India are a good indicator of the reality of any change in Pakistan’s foreign policy. The relationship was notably bad following the 2008 Mumbai terrorist attacks, but it has warmed up since the March 2011 resumption of the so-called composite dialogue on bilateral issues. Later that year, Pakistan announced that it would grant India most-favored-nation trade status by the end of 2012, thus reciprocating India’s gesture of 1996. Interior Ministers Sushil Kumar Shinde and Rehman Malik also agreed on a new visa regime, hailed as another sign of change. But the most-favored-nation decision has not yet been implemented, and the visa regime agreement was put on hold after clashes began on January 6 along the Line of Control that forms India’s border with Pakistan in Kashmir. The two countries seem willing to ease tensions and avoid escalation, but questions about the sustainability of the normalization process are legitimate. They can be partly answered through a careful examination of the motivations behind the rapprochement. Short-term considerations may have played a part. President Asif Ali Zardari needed to show some political achievement in the face of increasing domestic criticism due to the country’s perceived poor economic performance, while the army seemed to be overstretched and in need of a respite on the eastern front so it could focus on its war against militancy in western Pakistan. This has been particularly true because relations with the United States remain complicated and characterized by deep mistrust on both sides. Longer-term, structural factors also contributed to Islamabad’s decisions. As observed by well-known Pakistani analyst Ayesha Siddiqa, peace with India remains the dividing line between the political leadership and the armed forces. A successful peace process would inevitably diminish the political weight of the military and reduce its budget. It is therefore something the civilian government would seek to bolster its own standing. Economic considerations were also important in Pakistan’s decision to change tack. In addition to governance-related problems (widespread blackouts, for example), Chinese goods are now being dumped on the Pakistani market. Small and midsize Pakistani enterprises are struggling to survive. Pakistan can no longer afford the type of triangular trade it has practiced with India in the past, shipping goods through third countries. Such a system costs it several billions of dollars every year. Direct trade with India is becoming a necessity even for basic commodities like electrical power. Under pressure from industrialists and with its significant corporate holdings suffering, the Pakistani military leadership has also lent its support to the current rapprochement with India. As Pakistan is unlikely to bring its economy back on track in the near future, its eagerness to forge closer trading ties with its old rival is likely to endure for some time. The recent clashes between Pakistani and Indian forces in Kashmir, irrespective of which side is responsible for the fighting, indicate that tensions exist within the Pakistani security establishment about Islamabad’s India policy. While occasional incidents are perhaps inevitable in the tense Kashmir environment, the alleged mutilation of the bodies of Indian soldiers could be interpreted as a provocation and an indication that the current course of action remains problematic in some quarters. Moreover, there is no visible sign that the military intends to dismantle militant organizations with a record of attacking India in Kashmir and elsewhere. So long as groups like the Lashkar-e-Taiba persist, hostilities could resume, with or without the consent of the military. However, the fact that no major terrorist attack originating within Pakistan has taken place since the 2008 Mumbai attacks may indicate that Pakistan can control some of its most dangerous jihadi organizations, even if that control is not absolute. The rapprochement with India is therefore fragile. But given the convergence of short- and long-term interests within Pakistan, the normalization could be expected to last. Should it endure, it would also enlarge the political space open to the civilian government, which has always been in favor of better economic relations with India and whose economic interests partly coincide (for once) with those of the military. And if it lasts long enough, a warmer India-Pakistan dynamic could even alter the security establishment’s perception of India. This may not be sufficient to change Pakistan’s India-centric strategic calculations, but it could create an intermediary situation that would eventually permit a more comprehensive shift. That remains, however, purely speculative at this stage.

# 2NC

## T

### Block – Including Sig Strikes destroys limits

#### Voter for limits – their interp includes assassination, killing of enemy combatants in war, intentional slaying of criminals and dissidents

**Silva 3** (Sebastian Jose Silva, Faculte de Droit de l'Universite de Montreal, “Death For Life: A Study of Targeted Killing by States In International Law,” August 2003)

**As defined by** Steven R. **David, targeted killing is the "**intentional slaying **of a specific individual** or group of individuals undertaken **with explicit** governmental approval.,,25 Though concise, **the problem with this definition is that it** fails to specify the intended targets **and** ignores the context **in which they are carried out**. By failing to define targeted killings as measures of counter-terrorism, killings of all types may indiscriminately fall under its mantle with devastating consequences. As such, the killing of political leaders in peacetime, which amounts to assassination, can fall within its scope. The same can be said about the killing of specific enemy combatants in armed conflict, which amounts to targeted military strikes, and the intentional slaying of common criminals, dissidents, or opposition leaders. Actions carried-out by governments within their jurisdictions can also be interpreted as targeted killings. Although the killing of terrorists abroad may constitute lawful and proportionate self-defense in response to armed attacks, the use of such measures by states for an unspecified number of reasons renders shady their very suggestion. David's definition is essentially correct but over-inclusive.

#### They conflate overall drone strategy and targeted killings—gives them an incredibly broad and expanding number of affs.

Anderson, Professor of International Law at American University, ‘13

[Kenneth, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6]

This feature of Predators and Reapers -- the two forms of drones really at issue today -- enables the second aspect of drone warfare: targeted killing, a method of using force that takes advantage of drone technology. But drones and targeted killing are not the same thing: One is a technology and weapon platform, the other a way to use it. Targeted killing can be done not only with drones, but with human teams, too, as seen most dramatically in the Bin Laden raid by the Navy SEALs.¶ Similarly, drones are useful for more than targeted killing. They have broad, indeed rapidly expanding, military functions as a weapons platform -- as evidenced in counterinsurgency strikes in Pakistan, Afghanistan, and Yemen against groups of fighters, not only individuals. This is conventional targeting of hostile forces in conventional conflict, just like one would see with a manned war plane. They have much in common. The pilot of a manned craft is often far away from the target, as would be a drone pilot -- over the horizon or many miles away. Unlike the drone pilot, however, he might have minimal situational awareness of the actual events on the ground at the target -- his knowledge may be nothing more than instrument data. A drone pilot may in fact have far greater visual and other sensor data than the pilot of a manned craft without handling the distractions caused by the work to keep a high-speed jet in the air.

### Block – Distinction is key to precision

#### They’re totally different procedures and ignoring the distinction flips the topic aff – they get Pakistan, Afghanistan, and Yemen affs about building relations to destroy terror networks.

Dunn, Reader in International Politics and Head of Department in the Department of Political Science and International Studies at the University of Birmingham, ‘13

[David Hastings and Stefan Wolff, Professor of International Security at the University of Birmingham in the UK, March 2013, “Drone Use in Counter-Insurgency and Counter-Terrorism: Policy or Policy Component?,” in Hitting the Target?: How New Capabilities are Shaping International Intervention, ed. Aaronson & Johnson, http://www.rusi.org/downloads/assets/Hitting\_the\_Target.pdf]

Yet an important distinction needs to be drawn here between acting on operational intelligence that corroborates existing intelligence and confirms the presence of a specific pre-determined target and its elimination – so-called ‘targeted strikes’ (or less euphemistically, ‘targeted killings’) – and acting on an algorithmic analysis of operational intelligence alone, determining on the spot whether a development on the ground suggests terrorist activity or association and thus fulfils certain (albeit, to date, publicly not disclosed) criteria for triggering an armed response by the remote pilot of a drone – so-called ‘signature strikes’.6

Targeted strikes rely on corroborating pre-existing intelligence: they serve the particular purpose of eliminating specific individuals that are deemed crucial to enemy capabilities and are meant to diminish opponents’ operational, tactical and strategic capabilities, primarily by killing mid- and top-level leadership cadres. To the extent that evidence is available, it suggests that targeted strikes are highly effective in achieving these objectives, while simultaneously generating relatively little blowback, precisely because they target individual (terrorist) leaders and cause few, if any, civilian casualties. This explains, to a significant degree, why the blowback effect in Yemen – where the overwhelming majority of drone strikes have been targeted strikes – has been less pronounced than in Pakistan and Afghanistan.7

Signature strikes, in contrast, can still be effective in diminishing operational, tactical and strategic enemy capabilities, but they do so to a certain degree by chance and also have a much higher probability of causing civilian casualties. Using drones for signature strikes decreases the dependence on pre-existing intelligence about particular leaders and their movements and more fully utilises their potential to carry out effective surveillance and respond to the conclusions drawn from it immediately. Signature strikes have been the predominant approach to drone usage in Pakistan and Afghanistan.8 Such strikes have had the effect of decimating the rank and file of the Taliban and their associates – but they have also caused large numbers of civilian casualties and, at a minimum, weakened the respective host governments’ legitimacy and forced them to condemn publicly, and in no uncertain terms, the infringement of their states’ sovereignty by the US. In turn, this has strained already difficult relations between countries which have more common than divergent interests when it comes to regional stability and the fight against international terrorist networks. That signature strikes have a high probability of going wrong and that such failures prove extremely counterproductive is also illustrated by a widely reported case from Yemen, in which twelve civilians were killed in the proximity of a car identified as belonging to an Al-Qa’ida member.9

The kind of persistent and intimidating presence of a drone policy geared towards signature strikes, and the obvious risks and consequences involved in repeatedly making wrong decisions, are both counterproductive in themselves and corrosive of efforts that seek to undercut the local support enjoyed by insurgent and terrorist networks, as well as the mutual assistance that they can offer each other. Put differently, signature strikes, in contrast to targeted killings, do anything but help to disentangle the links between insurgents and terrorists.

#### Most precise interpretations prove that TKs are premeditated against a specific individual---their interps are normative which kills predictability.

Abresch, Director, Project on Extrajudicial Executions, Center for Human Rights and Global Justice, New York University School of Law, ‘9

[William, “Targeted Killing in International Law,” European Journal of International Law, 20 (2): 449-453]

Studies of targeted killing are often situated within the politically fraught debate over Hellfire missile attacks on suspected terrorists. The scope of Melzer's analysis is, then, refreshingly broad, covering equally sniper shots used to end hostage stand-offs, poison letters sent to insurgent commanders, and commando raids launched with orders to liquidate opponents. These diverse practices are marked off from other uses of lethal force by states, such as soldiers shooting in a firefight, with a precise and intuitively satisfying definition. Melzer defines targeted killing as a use of lethal force by a subject of international law 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’) (at 3–4). It is a strength of Melzer's book that, although the concepts deployed in this definition do not correspond with those found in either international human rights law or international humanitarian law (IHL), he eschews de lege ferenda argumentation in favour of a rigorous elaboration of the implications of the lex lata for the practices covered by his definition.

[“de lege ferenda” means “what the law should be,” while “lex lata” means “what the law really is”]

### A2: Distinction doesn’t matter for debate

#### The aff kills nuanced debates.

Anderson, Professor at Washington College of Law, American University, ‘11

[Kenneth, Hoover Institution visiting fellow, Non-Resident Visiting Fellow at Brookings, “Efficiency in Bello and ad Bellum: Targeted Killing Through Drone Warfare,” Sept 23 2011, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1812124]

Speaking to the broad future of the technology, however, and given the direction of technology and cost, it appears inevitable that drones will take on many more operational roles over time, whether in conventional war, special operations, and what has here been called generically “intelligence-driven uses of force.” Drones will likely evolve – as aircraft, as well as in the weapons and sensor systems they bear – into many specialized types. They will get both bigger and smaller than they are now, for example, and they will surely evolve into those specialized for surveillance and those specialized to fire weapons. And they will also surely evolve into those specialized in high-value, “intelligence-driven” targeted killing of individuals and those that are suited to conventional operations. Bearing in mind these increasingly varied uses is essential to understanding, when it comes to targeted killing and/or drone warfare, that one-size-fits-all legal analysis is not sufficient.

#### Signature strikes are distinct from targeted killings – opening the door allows in all kinds of drone combat. Maintaining the distinction is also key to prevent government coverups.

Uebersax 12 (5/23, John, PhD, former RAND Corporation military analyst, “The Four Kinds of Drone Strikes,” http://satyagraha.wordpress.com/2012/05/23/the-four-kinds-of-drone-strikes/)

We must begin with clear terms, and that is the purpose of the present article. Drone strikes, that is, the launching of explosive missiles from a remotely operated aerial vehicle, come in four varieties: targeted killings, signature strikes, overt combat operations, and covert combat operations. We shall consider each in turn.¶ Targeted killing. This occurs when a drone strike is used to kill a terrorist whose identity is known, and whose name has been placed on a hit list, due to being deemed a ‘direct and immediate threat’ to US security. The government would like people to think this means these strikes target a terrorist literally with his or her hand on a detonator. But, in actuality, the only real criterion is that the government believes the target is sufficiently closely affiliated with terrorist organizations (e.g., a propagandist or financier) to justify assassination. This is likely the rarest form of drone strike. However it receives the most publicity, because the government likes to crow when it kills a high-ranking terrorist.¶ Signature strikes. In signature strikes, the target is a person whose name is not known, but whose actions fit the profile (or ‘signature’) of a high-ranking terrorist. There is some ambiguity concerning the meaning of this term. Some use it in the sense just stated — i.e., a strike against an anonymous terrorist leader. Others use it more broadly to include killing of any non-identified militants, whether high-ranking or not. However from the moral standpoint it makes a major difference whether an anonymous targeted victim is a high-level leader, or simply an anonymous combatant. For this reason it is advantageous to restrict the term “signature strike” to the targeting of anonymous high-level leaders, and to assign strikes against anonymous non-leaders to the two further categories below.¶ Overt combat operation. This category includes drone strikes conducted as part of regular military operations. These strikes are presumably run by uniformed military personnel according to codes of military conduct, and are, logically and legally, not much different from ordinary air or artillery strikes. As a part of routine warfare, such strikes are subject to the provisions of the Geneva Conventions. Three items of the Geneva Conventions are of special interest here: (1) strikes should occur only in the context of a legally declared war; (2) they should be conducted by lawful combatants (which, many experts believe, excludes use of non-uniformed, civilian contractor operators); and (3) standard provisions concerning the need to report casualties, especially civilian casualties, are in effect.¶ Covert combat operation. Finally, there are covert combat operations. These, like the former category, are launched against usual military targets – e.g., any hostile militant, not just high-ranking ones. But why should these strikes be covert? The obvious answer is: to mask something shady. Covert combat strikes can evade all those irritating constraints on military tactics imposed by the Geneva Conventions, International Law, public opinion, and basic human decency.¶ The specific terms used above to distinguish these four kinds of strikes are admittedly arbitrary, and perhaps some other nomenclature would be more advantageous. But we need some fixed set of terms to refer to these fundamentally different kinds of strikes. Without such terms, the US government will continue to have its way by relying on public confusion and terminological sophistry. For example, if there is only a single generic term, the government may issue a claim such as “drone strikes comply with international law.” This is perhaps technically true for, say, overt military drone strikes, but it is not true for signature strikes. With more precise terms, it would be more difficult for the government to mislead the public.

## CP

### AT Perm Do CP

#### Perm severs the agent of the plan text - that’s a voting issue because it makes the plan a moving target and allows the aff to circumvent all neg ground by altering the plan’s meaning or text

#### The counterplan competes - “statutory restrictions” require congressional action

Mortenson 11

(Julian Davis Assistant Professor, University of Michigan Law School, “Review: Executive Power and the Discipline of History Crisis and Command: The History of Executive Power from George Washington to George W. Bush John Yoo. Kaplan, 2009. Pp vii, 524,” Winter 2011, University of Chicago Law Review 78 U. Chi. L. Rev. 377)

At least two of Yoo's main examples of presidential power are actually instances of presidential deference to statutory restrictions during times of great national peril. The earliest is Washington's military suppression of the Whiskey Rebellion (III, pp 66-72), a domestic disturbance that Americans viewed as implicating adventurism by European powers and threatening to dismember the new nation. n60 The Calling Forth Act of 1792 n61 allowed the President to mobilize state militias under federal control, but included a series of mandatory procedural checks--including judicial [\*399] approval--that restricted his ability to do so. n62 Far from defying these comprehensive restrictions at a moment of grave crisis, Washington satisfied their every requirement in scrupulous detail. He issued a proclamation ordering the Whiskey Rebels to disperse. n63 When they refused to do so, he submitted a statement to Justice James Wilson of the Supreme Court describing the situation in Pennsylvania and requesting statutory certification. n64 Only when Wilson issued a letter precisely reciting the requisite statutory language (after first requiring the President to come back with authentication of underlying reports and verification of their handwriting n65) did Washington muster the troops. n66 Washington's compliance with statutory restrictions on his use of force continued even after his forces were in the field. Because Congress was not in session when he issued the call-up order, Washington was authorized by statute to mobilize militias from other states besides Pennsylvania--but only "until the expiration of thirty days after the commencement of the ensuing [congressional] session." n67 When it became clear that the Pennsylvania campaign would take longer than that, Washington went back to Congress to petition for extension of the statutory time limit that would otherwise have required him to [\*400] disband his troops. n68 Far from serving as an archetypal example of presidential defiance, the Whiskey Rebellion demonstrates exactly the opposite. FDR's efforts to supply the United Kingdom's war effort before Pearl Harbor teach a similar lesson. During the run-up to America's entry into the war, Congress passed a series of Neutrality Acts that supplemented longstanding statutory restrictions on providing assistance to foreign belligerents. Despite these restrictions, FDR sent a range of military assistance to the future Allies. n69 Yoo makes two important claims about the administration's actions during this period. First, he claims the administration asserted that "[a]ny statutory effort by Congress to prevent the President from transferring military equipment to help American national security would be of 'questionable constitutionality'" (III, p 300). Second, he suggests that American military assistance in fact violated the neutrality statutes (III, pp 295-301, 310, 327-28).

### CP solves

#### President action solves the signaling of the aff.

Singer, director – Center for 21st Century Security and Intelligence @ Brookings, and Wright, senior fellow – Brookings, 2/7/’13

[Peter W. and Thomas, "Obama, own your secret wars", www.nydailynews.com/opinion/obama-secret-wars-article-1.1265620]

It is time for a new approach. And all that is required of the President is to do the thing that he does perhaps best of all: to speak.¶ **Obama has a unique opportunity** — in fact, an urgent obligation — **to create a new doctrine**, unveiled in a major presidential speech, **for the use** and deployment **of these new tools of war**.¶ While the Republicans tried to paint the President as weak on security issues in the 2012 elections, history will record instead that his administration pushed into new frontiers of war, most especially in the new class of technologies that move the human role both geographically and chronologically further from the point of action on the battlefield.¶ The U.S. military’s unmanned systems, popularly known as “drones,” now number more than 8,000 in the air and 12,000 on the ground. And in a parallel development, the U.S. Cyber Command, which became operational in 2010, has added an array of new (and controversial) responsibilities — and is set to quintuple in size.¶ This is not just a military matter. American intelligence agencies are increasingly using these technologies as the tips of the spear in a series of so-called “shadow wars.” These include not only the more than 400 drone strikes that have taken place from Pakistan to Yemen, but also the deployment of the Stuxnet computer virus to sabotage Iranian nuclear development, the world’s first known use of a specially designed cyber weapon.¶ Throughout this period, **the administration has tried to** have it both ways — leaking out success stories of our growing **use** of **these** new **technologies but not** tying its hands **with official statements and set policies**.¶ This made great sense at first, when much of what was happening was ad hoc and being fleshed out as it went along.¶ But that position has become unsustainable. The less the U.S. government now says about our policies, the more that vacuum is becoming filled by others, in harmful ways.¶ By acting but barely explaining our actions, **we’re creating precedents for other states to exploit**. More than 75 countries now have military robotics programs, while another 20 have advanced cyber war capacities. Rest assured that nations like Iran, Russia and China will use these technologies in far more crude and indiscriminate ways — yet will do so while claiming to be merely following U.S. footsteps.¶ In turn, international organizations — the UN among them — are pushing ahead with special investigations into potential war crimes and proposing new treaties.¶ Our leaders, meanwhile, stay mum, which isolates the U.S. and drains its soft power.¶ The current policy also makes it harder to respond to growing concerns over civilian casualties. Indeed, Pew polling found 96% levels of opposition to U.S. drones in the key battleground state of Pakistan, a bellwether of the entire region. It is indisputable than many civilians have been harmed over the course of hundreds of strikes. And yet it is also indisputable that various groups have incentives to magnify such claims.¶ Yet so far, U.S. officials have painted themselves into a corner — either denying that any collateral losses have occurred, which no one believes, or reverting to the argument **that we cannot confirm or deny our involvement**, which no one believes, either.¶ Finally, the domestic support and legitimacy needed for the use of these weapons is in transition. Polling has found general public support for drone strikes, but only to a point, with growing numbers in the “not sure” category and growing worries around cases of targeting U.S. citizens abroad who are suspected of being terrorists.¶ The administration is so boxed in that, even when it recently won a court case to maintain the veil of semi-silence that surrounds the drone strike program, the judge described the current policy as having an “Alice in Wonderland” feel.¶ The White House seems to be finally starting to realize the problems caused by this disconnect of action but no explanation. **After years of silence**, occasional statements by senior aides are acknowledging the use of drones, while **lesser-noticed working level documents have been created to formalize strike policies** and even to explore what to do about the next, far more autonomous generation of weapons.¶ **These** efforts have been **good starts**, but they **have been disjointed and partial**. Most important, they are missing the much-needed stamp of the President’s voice and authority, which is essential to turn tentative first steps into established policy.¶ Much remains to be done — and said — out in the open.¶ This is why **it’s time for Obama’s voice to ring loud and clear**. Much as Presidents Harry Truman and Dwight Eisenhower were able keep secret aspects of the development of nuclear weapons, even as they articulated how and when we would use them, **Obama should publicly lay out criteria by which the U**nited **S**tates **will develop**, **deploy and use these new weapons**.¶ The President has a strong case to make — if only he would finally make it. After all, the new weapons have worked. They have offered new options for military action that are more accurate and proportionate and less risky than previously available methods.¶ But they have also posed many new complications. Explaining our position is about embracing both the good and the bad. It is about acknowledging the harms that come with war regardless of what technology is being used and making clear what structures of accountability are in place to respond.¶ **It’s** also **about** finally **defining where America** truly **stands on** some of **the** most **controversial questions**. These include the tactics of “signature” strikes, where the identity is not firmly identified, and “double tap” strikes, where rescuers aiding victims of a first attack are also brought under fire. These have been reported as occurring and yet seem to run counter to the principles under which the programs have been defended so far.¶ **The role of the President is** not to conduct some kind of retrospective of what we have done and why, but **to lay out a course of the future**. What are the key strategic goals and ethical guidelines that should drive the development and use of these new technologies? Is current U.S. and international law sufficient to cover them?¶ There are also crucial executive management questions, like where to draw the dividing line between military and civilian intelligence agency use of such technologies, and how to keep a growing range of covert actions from morphing into undeclared and undebated wars.¶ And, finally, **the President must help resolve growing tensions between the executive** branch **and** an increasingly restive **Congress**, including how to handle situations where we create the effect of war but no U.S. personnel are ever sent in harm’s way.¶ Given the sprawling complexity of these matters, only the President can deliver an official statement on where we stand. If only we somehow had a commander in chief who was simultaneously a law professor and Nobel Peace Prize winner!¶ The President’s voice on these issues won’t be a cure-all. But it will lay down a powerful marker, shaping not just the next four years but the actions of future administrations.

### A2: Theory

#### 1 – Education - 90% debate is implementation

Elmore 80

Prof. Public Affairs at University of Washington, PolySci Quarterly 79-80, p. 605, 1980

The emergence of implementation as a subject for policy analysis coincides closely with the discovery by policy analysts that decisions are not self-executing. Analysis of policy choices matter very little if the mechanism for implementing those choices is poorly understood in answering the question, "What percentage of the work of achieving a desired governmental action is done when the preferred analytic alternative has been identified?" Allison estimated that in the normal case, it was about 10 percent, leaving the remaining 90 percent in the realm of implementation.

#### 2 – Fairness - Aff gets to pick their agent and have advantages tied to that agent we should get to test it.

#### 3 – Predictable - XOs are a core part of war powers literature

Rudalevige ‘12

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

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

#### 4. Reject the arg, not the team

# 1NR

## DA

### Overview

#### Disad outweighs the AFF – heg is a controlling impact. US control of the global commons mediates for every impact. Also, a perception based impact means it outweighs on timeframe.

#### Turns case - Effective executive response is key to prevent global crises --- specifically: Iranian nuclearization, North African terrorism, Russian aggression, and Senkaku conflict

Ghitis 13

[Frida, world affairs columnist for The Miami Herald and World Politics Review. A former CNN producer and correspondent, she is the author of *The End of Revolution: A Changing World in the Age of Live Television*. “World to Obama: You can't ignore us,” 1/22, http://www.cnn.com/2013/01/22/opinion/ghitis-obama-world]

And while Obama plans to dedicate his efforts to the domestic agenda, a number of brewing international crises are sure to steal his attention and demand his time. Here are a few of the foreign policy issues that, like it or not, may force Obama to divert his focus from domestic concerns in this new term.¶ Syria unraveling: The United Nations says more than 60,000 people have already died in [a civil war t](http://www.cnn.com/2013/01/02/world/meast/syria-civil-war/index.html)hat the West has, to its shame, done little to keep from spinning out of control. Washington[has warned](http://www.nytimes.com/2012/12/04/world/middleeast/nato-prepares-missile-defenses-for-turkey.html?_r=0" \t "_blank) that the use of chemical or biological weapons might force its hand. But the regime [may have already used them](http://www.reuters.com/article/2013/01/19/us-syria-chemical-newspaper-idUSBRE90I0JV20130119" \t "_blank). The West has failed to nurture a moderate force in the conflict. Now Islamist extremists are growing [more powerful](http://www.al-monitor.com/pulse/originals/2013/01/fighter-syria-aleppo-turkey.html" \t "_blank) within the opposition. The chances are growing that worst-case scenarios will materialize. Washington will not be able to endlessly ignore this dangerous war.¶ Egypt and the challenge of democracy: What happens in Egypt strongly influences the rest of the Middle East -- and hence world peace -- which makes it all the more troubling to see liberal democratic forces lose battle after battle for political influence against Islamist parties, and to hear blatantly [anti-Semitic speech](http://www.nytimes.com/2013/01/15/world/middleeast/egypts-leader-morsi-made-anti-jewish-slurs.html" \t "_blank) coming from the mouth of Mohammed Morsy barely two years before he became president.¶ Iran's nuclear program: Obama took office promising a new, more conciliatory effort to persuade Iran to drop its nuclear enrichment program. Four years later, he has succeeded in implementing international sanctions, but Iran has continued enriching uranium, leading [United Nations inspectors](http://news.yahoo.com/un-credible-evidence-iran-working-nuke-weapons-153544271.html" \t "_blank) to find "credible evidence" that Tehran is working on nuclear weapons. Sooner or later the moment of truth will arrive. If a deal is not reached, Obama will have to decide if he wants to be the president on whose watch a nuclear weapons race was unleashed in the most dangerous and unstable part of the world.¶ North Africa terrorism: A much-neglected region of the world is becoming increasingly difficult to disregard. In recent days, [Islamist extremists](http://edition.cnn.com/2013/01/18/opinion/ghitis-algeria-hostage-crisis/index.html?hpt=op_t1) took American and other hostages in Algeria and France sent its military to fight advancing Islamist extremists in Mali, a country that once represented optimism for democratic rule in Africa, now overtaken by militants who are potentially turning it into a staging ground for international terrorism.¶ Russia repression: As Russian President Vladimir Putin succeeds in [crushing opposition](http://www.france24.com/en/20121027-russian-opposition-leaders-detained-protest-navalny-udaltsov-vladimir-putin" \t "_blank) to his [increasingly authoritarian](http://www.freedomhouse.org/report/freedom-world/2013/russia" \t "_blank)rule, he and his allies are making anti-American words and policies their favorite theme. A recent ban on adoption of Russian orphans by American parents is only the most vile example. But Washington needs Russian cooperation to achieve its goals at the U.N. regarding Iran, Syria and other matters. It is a complicated problem with which Obama will have to wrestle.¶ Then there are the long-standing challenges that could take a turn for the worse, such as the Israeli-Palestinian conflict. Obama may not want to wade into that morass again, but events may force his hand.¶ And there are the so-called "black swans," events of low probability and high impact. [There is talk](http://www.economist.com/news/asia/21569757-armed-clashes-over-trivial-specks-east-china-sea-loom-closer-drums-war" \t "_blank) that China and Japan could go to war over a cluster of disputed islands.¶ A war between two of the world's largest economies could prove devastating to the global economy, just as a sudden and dramatic reversal in the fragile Eurozone economy could spell disaster. Japan's is only the hottest of many territorial disputes between China and its Asian neighbors. Then there's North Korea with its nuclear weapons.¶ We could see regions that have garnered little attention come back to the forefront, such as Latin America, where conflict could arise in a post-Hugo Chavez Venezuela.¶ The president -- and the country -- could also benefit from unexpectedly positive outcomes. Imagine a happy turn of events in Iran, a breakthrough between Israelis and Palestinians, the return of prosperity in Europe, a successful push by liberal democratic forces in the Arab uprising countries, which could create new opportunities, lowering risks around the world, easing trade, restoring confidence and improving the chances for the very agenda Obama described in his inaugural speech.¶ The aspirations he expressed for America are the ones he should express for our tumultuous planet. Perhaps in his next big speech, the State of the Union, he can remember America's leadership position and devote more attention to those around the world who see it as a source of inspiration and encouragement.¶ After all, in this second term Obama will not be able to devote as small a portion of his attention to foreign policy as he did during his inaugural speech.

#### Independently, Russian aggression goes nuclear.

Blank, Research Professor of National Security Affairs at the Strategic Studies Institute of the U.S. Army War College, ‘9

[Dr. Stephen, March 2009, “Russia And Arms Control: Are There Opportunities For The Obama Administration?,” online: http://www.strategicstudiesinstitute.army.mil/pdffiles/pub908.pdf]

Proliferators or nuclear states like China and Russia can then deter regional or intercontinental attacks either by denial or by threat of retaliation.168 Given a multipolar world structure with little ideological rivalry among major powers, it is unlikely that they will go to war with each other. Rather, like Russia, they will strive for exclusive hegemony in their own “sphere of influence” and use nuclear instruments towards that end. However, wars may well break out **between major powers and weaker “peripheral” states** or between peripheral and semiperipheral states given their lack of domestic legitimacy, the absence of the means of crisis prevention, the visible absence of crisis management mechanisms, and their strategic calculation that asymmetric wars might give them the victory or respite they need.169 Simultaneously,¶ The states of periphery and semiperiphery have far more opportunities for political maneuvering. Since war remains a political option, these states may find it convenient to exercise their military power as a means for achieving political objectives. Thus international crises may increase in number. **This has** two important implications for the use of WMD. First, **they may be** used deliberately to offer a decisive victory **(or in** Russia’s case**, to achieve “intra-war escalation control**”—author170) to the striker, **or for defensive purposes when imbalances in military capabilities are significant**; and second, crises increase the possibilities of inadvertent or accidental wars involving WMD.171¶ Obviously nuclear proliferators or **states that are expanding their nuclear arsenals like Russia can exercise a great influence upon world politics if they chose to defy the prevailing consensus and use their weapons** not as defensive weapons, as has been commonly thought, but **as offensive weapons to threaten other states** and deter nuclear powers. Their decision to go either for cooperative security and strengthened international military-political norms of action, or for individual national “egotism” will critically affect world politics. For, as Roberts observes,¶ But if they drift away from those efforts [to bring about more cooperative security], the consequences could be profound. At the very least, **the** effective functioning of **inherited** mechanisms of world order, such as the special responsibility of the “great powers” in the management of the interstate system, especially problems of armed aggression, under the aegis of collective security, could be significantly impaired. Armed with the ability to defeat an intervention, or impose substantial costs in blood or money on an intervening force or the populaces of the nations marshaling that force, **the newly empowered tier could** bring an end to collective security operations, undermine the credibility of alliance commitments by the great powers, [undermine guarantees of extended deterrence by them to threatened nations and states] **extend alliances of their own**, **and** perhaps make wars of aggression on their neighbors or their own people.172

### No Link

#### Congressional control of targeted killing destroys war fighting and turns the case.

Issacharoff and Pildes, ‘13

[Samuel (Reiss Professor of Constitutional Law, New York University School of Law) and Richard (Family Professor of Constitutional Law, New York University School of Law; CoDirector, NYU Program on Law and Security), “Drones and the Dilemma of Modern Warfare,” PUBLIC LAW & LEGAL THEORY RESEARCH PAPER SERIES WORKING PAPER NO. 13-34 Star Chamber=politicized secret court from 15th century England, symbol of abuse]

Procedural Safeguards

As with all use of lethal force, there must be procedures in place to maximize the likelihood of correct identification and minimize risk to innocents. **In the absence of formal legal processes, sophisticated institutional entities engaged in repeated, sensitive actions** – including the military – will **gravitate toward their own internal analogues** to legal process, even **without** the **compulsion or shadow of** formal **judicial review.** This is the role of bureaucratic legalism63 in developing sustained institutional practices, even with the dim shadow of unclear legal commands. **These forms of self-regulation are generated by programmatic needs to enable the entity’s own aims to be accomplished effectively;** at times, that necessity will share an overlapping converge with humanitarian concerns to generate internal protocols or process-like protections that minimize the use of force and its collateral consequences, in contexts in which the use of force itself is otherwise justified. **But because these process-oriented protections are not codified** in statute or reflected in judicial decisions, **they typically are too invisible to draw the eye of constitutional law scholars** who survey these issues from much higher levels of generality. In theory, **such review procedures could be fashioned alternatively as a matter of judicial review** (perhaps following warrant requirements or the security sensitivities of the FISA court), **or accountability to legislative oversight** (using the processes of select committee reporting), or the institutionalization of friction points within the executive branch (as with review by multiple agencies). **Each could serve as a check on the development of unilateral excesses by the executive**. And, presumably, **each could guarantee that internal processes were adhered to and that there be accountability for wanton error.** **The centrality of dynamic targeting** in the active theaters such as the border areas between Afghanistan and Pakistan **make it difficult to integrate legislative or judicial review mechanisms**. Conceivably, **the decision to place an individual on a list for targeting could be a moment for review outside the boundaries of the executive branch**, but even this has its drawback. **Any court engaged in the ex parte review of the decision to execute someone outside the formal mechanisms of crime and punishment risks appearing as** a modern variant of the Star Chamber.64 Similarly, **there are difficulties in forcing a polarized Congress as a whole to assume collective responsibility for decisions of life and death and the incentives have turned out to not to be well aligned to get a subset of Congress**, **such as the intelligence committees, to play this role effectively**.65

#### Constraining targeted killing’s specifically turns case and causes our impacts..

Beres, Professor of Political Science and International Law at Purdue, ‘11

[Louis Rene, 2011, “After Osama bin Laden: Assassination, Terrorism, War, and International Law,” Case Western Reserve Journal of International Law, 44 Case W. Res. J. Int'l L. 93]

Even after the U.S. assassination of Osama bin Laden, we are still left with the problem of demonstrating that assassination can be construed, at least under certain very limited circumstances, as an appropriate instance of anticipatory self-defense. Arguably, the enhanced permissibility of anticipatory self-defense that follows generally from the growing destructiveness of current weapons technologies in rogue hands may be paralleled by the enhanced permissibility of assassination as a particular strategy of preemption. Indeed, where assassination as anticipatory self-defense may actually prevent a nuclear or other highly destructive form of warfare, reasonableness dictates that it could represent distinctly, even especially, law-enforcing behavior.¶ For this to be the case, a number of particular conditions would need to be satisfied. First, the assassination itself would have to be limited to the greatest extent possible to those authoritative persons in the prospective attacking state. Second, the assassination would have to conform to all of the settled rules of warfare as they concern discrimination, proportionality, and military necessity. Third, the assassination would need to follow intelligence assessments that point, beyond a reasonable doubt, to preparations for unconventional or other forms of highly destructive warfare within the intended victim's state. Fourth, the assassination would need to be founded upon carefully calculated judgments that it would, in fact, prevent the intended aggression, and that it would do so with substantially less harm [\*114] to civilian populations than would all of the alternative forms of anticipatory self-defense.¶ Such an argument may appear manipulative and dangerous; permitting states to engage in what is normally illegal behavior under the convenient pretext of anticipatory self-defense. Yet, any blanket prohibition of assassination under international law could produce even greater harm, compelling threatened states to resort to large-scale warfare that could otherwise be avoided. Although it would surely be the best of all possible worlds if international legal norms could always be upheld without resort to assassination as anticipatory self-defense, the persisting dynamics of a decentralized system of international law may sometimes still require extraordinary methods of law-enforcement. n71¶ Let us suppose, for example, that a particular state determines that another state is planning a nuclear or chemical surprise attack upon its population centers. We may suppose, also, that carefully constructed intelligence assessments reveal that the assassination of selected key figures (or, perhaps, just one leadership figure) could prevent such an attack altogether. Balancing the expected harms of the principal alternative courses of action (assassination/no surprise attack v. no assassination/surprise attack), the selection of preemptive assassination could prove reasonable, life-saving, and cost-effective.¶ What of another, more common form of anticipatory self-defense? Might a conventional military strike against the prospective attacker's nuclear, biological or chemical weapons launchers and/or storage sites prove even more reasonable and cost-effective? A persuasive answer inevitably depends upon the particular tactical and strategic circumstances of the moment, and on the precise way in which these particular circumstances are configured.¶ But it is entirely conceivable that conventional military forms of preemption would generate tangibly greater harms than assassination, and possibly with no greater defensive benefit. This suggests that assassination should not be dismissed out of hand in all circumstances as a permissible form of anticipatory self-defense under international law. [\*115] ¶ What of those circumstances in which the threat to particular states would not involve higher-order (WMD) n72 military attacks? Could assassination also represent a permissible form of anticipatory self-defense under these circumstances? Subject to the above-stated conditions, the answer might still be "yes." The threat of chemical, biological or nuclear attack may surely enhance the legality of assassination as preemption, but it is by no means an essential precondition. A conventional military attack might still, after all, be enormously, even existentially, destructive. n73 Moreover, it could be followed, in certain circumstances, by unconventional attacks.

#### The structure of Congress inherently favors delay and inaction --- that’s awful for crisis response

John Yoo 4, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “War, Responsibility, and the Age of Terrorism,” UC-Berkeley Public Law and Legal Theory Research Paper Series, http://works.bepress.com/cgi/viewcontent.cgi?article=1015&context=johnyoo

In order to weigh the advantages of the Congress-first approach, it is also important to understand its potential costs. The costs may not be obvious, since grounding the use of force in ex ante congressional consent bears a close resemblance to the process for enacting legislation. The legislative process increases the costs of government action. It is heavily slanted against the enactment of legislation by requiring the concurrence not just of the popularly elected House but also the state-representing Senate and the President. This raises decision costs by increasing the delay needed to get legislative concurrence, requiring an effort to coordinate between executive and legislature, and demanding an open, public discussion of potentially sensitive information. Decision costs are not encapsulated merely in the time-worn hypotheticals that ask whether the President must go to Congress for permissions to launch a preemptive strike against a nation about to launch its own nuclear attack. Rather, these decision costs might arise from delay in using force that misses a window of opportunity, or one in which legislative discussion alerts an enemy to a possible attack, or the uncertainty over whether congressional authorization will be forthcoming.

#### Independently, that guts effective responses to prolif.

Bohnemann ‘2

[Edward, Major, US Army, “Rapid, Decisive Operations: The Execution of Operational Art by a Standing Joint Task Force,” http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA403628%26Location=U2%26doc=GetTRDoc.pdf]

Modern campaigns, such as OPERATION DESERT STORM conducted by the United States and its allies; nineteenth century campaigns conducted by Napoleon in Europe; or the ancient campaigns conducted by the Romans or the Mongols have all sought to apply an asymmetrical advantage to the battlefield. The great captains have continuously struggled to find an advantage possessed by their forces and developed ways in which to leverage that advantage against an opponent. Lightning campaigns such as OPERATION DESERT STORM, were the result of the application of asymmetrical advantages such as: superior mobility, speed, intelligence, synchronization, and training of friendly forces. These advantages and superior technology shocked opponents and often led to the rapid conclusion of the conflict.81 As the United States enters the twenty-first century as the lone superpower, it must develop ways in which to harness the tremendous capabilities the joint forces bring to a confrontation and apply those joint capabilities in a manner consistent with the characteristics of operational art. The asymmetrical advantages currently enjoyed by the United States over potential adversaries must focus on placing him in a reactionary mode, while creating too many dilemmas for him to deal with at a particular time and space. September 11, 2001 significantly changed the way America views the world. With the attacks on the World Trade Centers and the Pentagon, the post-Cold War era ended violently and was replaced by an era of uncertainty. The forces of terror that had previously operated on distant shores now brought their violence home to Americans with the killing of innocent civilians within the borders of the United States. This single act of violence, along with the emergence of other regional powers and the proliferation of weapons of mass destruction has set the stage for the future operational environment; with it comes the military requirement to possess the capability to respond rapidly and decisively. With the need to respond rapidly and decisively to worldwide contingencies, the United States can no longer afford a system within the military that is essentially unprepared for action at the onset of each crisis. The ad hoc JTFs previously examined lacked the inherent capabilities demanded in modern crises, with rapidly unfolding situations, taking place in obscure areas around the world. All three of the examined JTFs lacked critical personnel needed to plan courses of action during the initial phases of the operation, causing problems during the execution phases. The one-dimensional approach to the crisis in Kosovo was reminiscent of the singular focus LANTCOM had before OPERATION URGENT FURY. Humanitarian aid operations, as well as other stability and support operations also require a **command** and control **system** in place to enable a rapid and effective response.

#### Prolif results in extinction – outweighs other conflicts on timeframe.

Below, Wing Commander, RAF; MA in Defence Studies, King’s College London, ‘8

[Tim, “Options for US nuclear disarmament: exemplary leadership or extraordinary lunacy?,” June 2008, Thesis for School of Advanced Air and Space Studies, Air University Maxwell Air Force Base, Alabama]

Proliferation. Roger Molander, of RAND Corporation, asserts that “in the near future, a large number of countries are each going to develop a small number of nuclear weapons.”50 The Union of Concerned Scientists considers this to be the greatest long term danger confronting both US and international security today. Proliferation increases risk in a number of ways. First, the more states that hold nuclear weapons, the more likely it is that one will have an insufficiently mature or robust nuclear doctrine to manage its capability responsibly. Tom Sauer suggests that developing states that do not have democratic political systems present a particularly high risk because in dictatorial regimes, the military are frequently in control, and as Sagan has observed, the military appear to be more inclined to initiate preventative attacks against adversaries than civilians.52 Second, the more widely proliferated nuclear weapons become, the more theoretical opportunities may be presented for theft of nuclear material. Third, proliferation increases the risk of nuclear intervention by an established nuclear power, including the five NWSs. Stephen Younger envisages several scenarios in which currently established nuclear powers might “feel a need” to intervene with nuclear weapons in present regional conflicts, especially if WMD are being employed or threatened. Moreover, since proliferation is frequently associated with reaction to nuclear development either within a bordering nation or regional counterpart, further proliferation is in turn likely to generate a quasi-exponential expansion of similar regional scenarios.53 Ambassador Lehman envisages a scenario in which proliferation may induce a chain reaction of related regional arms races that could result in unintended and unexpected consequences far removed from the objectives of the proliferating nations, and in the United States’ specific case, a risk that the nation could get sucked into a conventional regional conflict which is subsequently escalated into nuclear warfare by its allies or their opponents.

#### Congressional restraints spill over to destabilize all presidential war powers.

Heder, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, ’10

[Adam, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>]

**This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan**. 122 **A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question.** 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise**, there is no constitutional provision on whether Congress has the legislative power to limit, end, or otherwise redefine the scope of a war**. Though Justice **Powell argues** in Goldwater **that the Treaty Clause** and Article VI of the **Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone**,” 126 **the same cannot be said about Congress’s legislative authority to terminate or** limit a warin a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. **The textual and historical evidence suggests the Framers purposefully declined to grant Congress such powers**. And as this Article argues, **granting Congress this power would be inconsistent with the general war powers structure of the Constitution.** **Such a reading of the Constitution would unnecessarily empower Congress and tilt the scales heavily in its favor**. More over, **it** would strip the President of his Commander in Chief authority **to direct the movement of troops at a time when the Executive’s expertise is needed.** 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, **the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants**. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

### A2: No Heg Impact

#### Every academic discipline confirms the centrality of hegemony as a guarantor of peace.

**Wohlforth 9** [Professor of government @ Dartmouth College. [[William C. Wohlforth](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#back), “Unipolarity, Status Competition, and Great Power War,” World Politics, Volume 61, Number 1, January 2009]

Second, **I question the dominant view that status quo evaluations are relatively independent of the distribution of capabilities**. **If the status of states depends** in some measure **on** their **relative capabilities**, and if states derive utility from status, **then different distributions of capabilities** may **affect** levels of **satisfaction**, just as different income distributions may affect levels of status competition in domestic settings. [6](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f6) **Building on research in psychology and sociology**, **I argue that even capabilities distributions among major powers foster ambiguous status hierarchies, which generate** more **dissatisfaction and clashes** over the status quo. And the more stratified the distribution of capabilities, the less likely such status competition is. **Unipolarity thus generates far fewer** **incentives** than either bipolarity or multipolarity **for direct great power positional competition** over status. Elites in the other major powers continue to prefer higher status, but in a unipolar system they face comparatively weak incentives to translate that preference into costly action. And the absence of such incentives matters because **social status is a positional good—something whose value depends on how much one has in relation to others**.[7](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f7) “**If everyone has high status**,” Randall Schweller notes, “**no one does**.”[8](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f8) While one actor might increase its status, all cannot simultaneously do so. **High status is thus inherently scarce, and competitions for status tend to be zero sum**.[9](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f9) I begin by describing the puzzles facing predominant theories that status competition might solve. **Building on recent research on social identity and status seeking, I** then **show that** under certain conditions **the ways decision makers identify with the states they represent may prompt them to frame issues as positional disputes over status in a social hierarchy**. I develop hypotheses that tailor this scholarship to the domain of great power politics, showing how **the probability of status competition is likely to be linked to polarity**. The rest of the article investigates whether there is sufficient evidence for these hypotheses to warrant further refinement and testing. I pursue this in three ways: by showing that **the theory advanced here is consistent with** what we know about **large-scale patterns of great power conflict through history**; by [End Page 30] demonstrating that the causal mechanisms it identifies did drive relatively secure major powers to military conflict in the past (and therefore that they might do so again if the world were bipolar or multipolar); and by showing that observable evidence concerning the major powers’ identity politics and grand strategies under unipolarity are consistent with the theory’s expectations. Puzzles of Power and War Recent research on the connection between the distribution of capabilities and war has concentrated on a hypothesis long central to systemic theories of power transition or hegemonic stability: that **major war arises out of a power shift in favor of a rising state dissatisfied with a status quo defended by a declining satisfied state**.[10](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f10) Though they have garnered substantial empirical support, these theories have yet to solve two intertwined empirical and theoretical puzzles—each of which might be explained by positional concerns for status. First, if the material costs and benefits of a given status quo are what matters, why would a state be dissatisfied with the very status quo that had abetted its rise? The rise of China today naturally prompts this question, but it is hardly a novel situation. Most of the best known and most consequential power transitions in history featured rising challengers that were prospering mightily under the status quo. In case after case, historians argue that these revisionist powers sought recognition and standing rather than specific alterations to the existing rules and practices that constituted the order of the day. In each paradigmatic case of hegemonic war, the claims of the rising power are hard to reduce to instrumental adjustment of the status quo. In R. Ned Lebow’s reading, for example, Thucydides’ account tells us that the rise of Athens posed unacceptable threats not to the security or welfare of Sparta but rather to its identity as leader of the Greek world, which was an important cause of the Spartan assembly’s vote for war.[11](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f11) The issues that inspired Louis XIV’s and Napoleon’s dissatisfaction with the status quo were many and varied, but most accounts accord [End Page 31] independent importance to the drive for a position of unparalleled primacy. In these and other hegemonic struggles among leading states in post-Westphalian Europe, the rising challenger’s dissatisfaction is often difficult to connect to the material costs and benefits of the status quo, and much contemporary evidence revolves around issues of recognition and status.[12](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f12) Wilhemine Germany is a fateful case in point. As Paul Kennedy has argued, underlying material trends as of 1914 were set to propel Germany’s continued rise indefinitely, so long as Europe remained at peace.[13](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f13) Yet Germany chafed under the very status quo that abetted this rise and its elite focused resentment on its chief trading partner—the great power that presented the least plausible threat to its security: Great Britain. At fantastic cost, it built a battleship fleet with no plausible strategic purpose other than to stake a claim on global power status.[14](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f14) Recent historical studies present strong evidence that, far from fearing attacks from Russia and France, German leaders sought to provoke them, knowing that this would lead to a long, expensive, and sanguinary war that Britain was certain to join.[15](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f15) And of all the motivations swirling round these momentous decisions, no serious historical account fails to register German leaders’ oft-expressed yearning for “a place in the sun.” The second puzzle is bargaining failure. Hegemonic theories tend to model war as a conflict over the status quo without specifying precisely what the status quo is and what flows of benefits it provides to states.[16](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f16) Scholars generally follow Robert Gilpin in positing that the underlying issue concerns a “desire to redraft the rules by which relations among nations work,” “the nature and governance of the system,” and “the distribution of territory among the states in the system.”[17](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f17) If these are the [End Page 32] issues at stake, then systemic theories of hegemonic war and power transition confront the puzzle brought to the fore in a seminal article by James Fearon: what prevents states from striking a bargain that avoids the costs of war? [18](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f18) Why can’t states renegotiate the international order as underlying capabilities distributions shift their relative bargaining power? Fearon proposed that one answer consistent with strict rational choice assumptions is that such bargains are infeasible when the issue at stake is indivisible and cannot readily be portioned out to each side. **Most aspects of a given international order are readily divisible**, however, and, as Fearon stressed, “both the intrinsic complexity and richness of most matters over which states negotiate and the availability of linkages and side-payments suggest that intermediate bargains typically will exist.”[19](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f19) Thus, most scholars have assumed that the indivisibility problem is trivial, focusing on two other rational choice explanations for bargaining failure: uncertainty and the commitment problem.[20](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f20) In the view of many scholars, it is these problems, rather than indivisibility, that likely explain leaders’ inability to avail themselves of such intermediate bargains. Yet **recent research inspired by constructivism shows how issues that are physically divisible can become socially indivisible, depending on how they relate to the identities of decision makers**.[21](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f21) **Once issues** surrounding the status quo **are framed in positional terms as bearing on the disputants’ relative standing, then**, to the extent that they value their standing itself, **they may be unwilling to pursue intermediate bargaining solutions**. **Once linked to status, easily divisible issues** that theoretically provide opportunities for linkages and side payments of various sorts **may** themselves **be** seen as indivisible and thus **unavailable as avenues for** possible intermediate **bargains**. **The historical record surrounding major wars is rich with evidence suggesting that positional concerns over status frustrate bargaining**: expensive, **protracted conflict over** what appear to be **minor issues**; a propensity on the part of **decision makers** to **frame issues in terms of relative rank even when doing so makes bargaining harder**; **decision-makers’** [End Page 33] **inability to accept feasible divisions** of the matter in dispute **even when failing to do so imposes high costs**; demands on the part of states for observable evidence to confirm their estimate of an improved position in the hierarchy; **the inability** of private bargains **to resolve issues**; a frequently observed compulsion for the public attainment of concessions from a higher ranked state; and **stubborn resistance** on the part of states to which such demands are addressed **even when acquiescence entails limited material cost**. The literature on bargaining failure in the context of power shifts remains inconclusive, and it is premature to take any empirical pattern as necessarily probative. Indeed, Robert Powell has recently proposed that indivisibility is not a rationalistic explanation for war after all: fully rational leaders with perfect information should prefer to settle a dispute over an indivisible issue by resorting to a lottery rather than a war certain to destroy some of the goods in dispute. What might prevent such bargaining solutions is not indivisibility itself, he argues, but rather the parties’ inability to commit to abide by any agreement in the future if they expect their relative capabilities to continue to shift.[22](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f22) This is the credible commitment problem to which many theorists are now turning their attention. But how it relates to the information problem that until recently dominated the formal literature remains to be seen.[23](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f23) The larger point is that positional concerns for status may help account for the puzzle of bargaining failure. In the rational choice bargaining literature, war is puzzling because it destroys some of the benefits or flows of benefits in dispute between the bargainers, who would be better off dividing the spoils without war. Yet what happens to these models if what matters for states is less the flows of material benefits themselves than their implications for relative status? The salience of this question depends on the relative importance of positional concern for status among states. Do Great Powers Care about Status? **Mainstream theories generally posit that states come to blows** over an international status quo **only when it has implications for their security** or material well-being. The guiding assumption is that a state’s satisfaction [End Page 34] with its place in the existing order is a function of the material costs and benefits implied by that status.[24](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f24) By that assumption, once a state’s status in an international order ceases to affect its material wellbeing, its relative standing will have no bearing on decisions for war or peace. **But the assumption is undermined by cumulative research in disciplines ranging from neuroscience** and **evolutionary biology** to **economics, anthropology, sociology, and psychology that human beings are powerfully motivated by the desire for favorable social status comparisons**. **This research suggests that the preference for status is a basic disposition rather than merely a strategy for attaining other goals**.[25](http://muse.jhu.edu/journals/world_politics/v061/61.1.wohlforth.html#f25) **People often seek tangibles** not so much because of the welfare or security they bring but because of the social status they confer. Under certain conditions, **the search for status will cause people to behave in ways that directly contradict their material interest in security and**/or **prosperity**. Pg. 33-35//1ac

#### Here are more impacts to decline - great-power war, collapses trade and spreads economic nationalism.

Zhang & Shi 11 – Yuhan Zhang, researcher at the Carnegie Endowment for International Peace; Lin Shi, Columbia University, independent consultant for the Eurasia Group and consultant for the World Bank, January 22, 2011, “America’s decline: A harbinger of conflict and rivalry,” East Asia Forum, online: http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry/

Over the past two decades, no other state has had the ability to seriously challenge the US military. Under these circumstances, motivated by both opportunity and fear, many actors have bandwagoned with US hegemony and accepted a subordinate role. Canada, most of Western Europe, India, Japan, South Korea, Australia, Singapore and the Philippines have all joined the US, creating a status quo that has tended to mute great power conflicts. ¶ However, as the hegemony that drew these powers together withers, so will the pulling power behind the US alliance. The result will be an international order where power is more diffuse, American interests and influence can be more readily challenged, and conflicts or wars may be harder to avoid.¶ As history attests, power decline and redistribution result in military confrontation. For example, in the late 19th century America’s emergence as a regional power saw it launch its first overseas war of conquest towards Spain. By the turn of the 20th century, accompanying the increase in US power and waning of British power, the American Navy had begun to challenge the notion that Britain ‘rules the waves.’ Such a notion would eventually see the US attain the status of sole guardians of the Western Hemisphere’s security to become the order-creating Leviathan shaping the international system with democracy and rule of law.¶ Defining this US-centred system are three key characteristics: enforcement of property rights, constraints on the actions of powerful individuals and groups and some degree of equal opportunities for broad segments of society. As a result of such political stability, free markets, liberal trade and flexible financial mechanisms have appeared. And, with this, many countries have sought opportunities to enter this system, proliferating stable and cooperative relations.¶ However, what will happen to these advances as America’s influence declines? Given that America’s authority, although sullied at times, has benefited people across much of Latin America, Central and Eastern Europe, the Balkans, as well as parts of Africa and, quite extensively, Asia, the answer to this question could affect global society in a profoundly detrimental way.¶ Public imagination and academia have anticipated that a post-hegemonic world would return to the problems of the 1930s: regional blocs, trade conflicts and strategic rivalry. Furthermore, multilateral institutions such as the IMF, the World Bank or the WTO might give way to regional organisations.¶ For example, Europe and East Asia would each step forward to fill the vacuum left by Washington’s withering leadership to pursue their own visions of regional political and economic orders. Free markets would become more politicised — and, well, less free — and major powers would compete for supremacy.¶ Additionally, such power plays have historically possessed a zero-sum element. In the late 1960s and 1970s, US economic power declined relative to the rise of the Japanese and Western European economies, with the US dollar also becoming less attractive. And, as American power eroded, so did international regimes (such as the Bretton Woods System in 1973).¶ A world without American hegemony is one where great power wars re-emerge, the liberal international system is supplanted by an authoritarian one, and trade protectionism devolves into restrictive, anti-globalisation barriers. This, at least, is one possibility we can forecast in a future that will inevitably be devoid of unrivalled US primacy.

### No UQ

#### The executive branch is currently operation on almost unrestrained authority

Waxman et al 13  
(Matthew, Robert Chesney, Jack Goldsmith, Benjamin Wittes, All Members of the Task Force on National Security and Law for the hoover institute, “Is the War on Terror Lawful?” Hoover Institute, February 25, 2013, [http://www.hoover.org/publications/defining-ideas/article/141091 accessed 8/16/13](http://www.hoover.org/publications/defining-ideas/article/141091%20accessed%208/16/13)) ZLH

Since September 18, 2001, a joint resolution of Congress known as the Authorization to Use Military Force (AUMF) has served as the primary legal foundation for the “war on terror.” In this essay we explain why the AUMF is increasingly obsolete, why the nation will probably need a new legal foundation for next-generation terrorist threats, what the options are for this new legal foundation, and which option we think is best. The AUMF authorizes the president to “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, . . . .” The authorization of “force” in the AUMF is the main legal basis for the president’s power to detain and target members of al Qaeda and The Taliban. In addition, since September 11, Congress, two presidential administrations, and the lower federal courts have interpreted the “force” authorized by the AUMF to extend to members or substantial supporters of the Taliban and al Qaeda, and associated forces. The main reason the AUMF is becoming obsolete is that the conflict it describes – which on its face is one against the perpetrators of the September 11 attacks and those who harbor them – is growing less salient as U.S. and allied actions degrade the core of Al Qaeda and the U.S. military draws down its forces fighting the Taliban in Afghanistan. At the same time that the original objects of the AUMF are dying off, newer terrorist groups that threaten the United States and its interests are emerging around the globe. Some of the terrorist groups have substantial ties to al Qaeda and thus can be brought within the AUMF by interpretation. For example, the President has been able to use force against al Qaeda in the Arabian Peninsula (“AQAP”), a terrorist organization in Yemen, because it is a supporter or associated force of al Qaeda. But this interpretive move is increasingly difficult as newer threatening groups emerge with dimmer ties, if any, to al Qaeda. As a result, we are reaching the end point of statutory authority for the President to meet terrorist threats.

### No Impact to Flex

#### Presidential flexibility enables effective crisis response --- statutory restrictions/judicial review prevents this.

John Yoo 9, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “Crisis and Command,” E-Book

Understanding the contingency of our current circumstances brings us back to where we began, the purpose of the executive. As originally conceived, the need for the executive arose to respond to unforeseen dangers, unpredictable circumstances, and emergencies. It was given the virtues of speed, secrecy, vigor, and decisiveness to most effectively marshal society's resources in a time of crisis. The executive could correct for the instability, fractiousness, and inability to organize and decide (caused by what we today think of as transaction costs of a republican legislature) under time pressure. If the circumstances demand, the executive can even go beyond the standing laws in order to meet a greater threat to the nation's security.¶ It remains an open question whether the Constitution incorporated this prerogative. Hamilton believed that Article II's vesting of the executive power in the President necessarily included the ability to meet any challenge. To him, this power ought to "exist without limitation because" the "circumstances that endanger the safety of nations are infinite." There was no prerogative in the Lockean mold, only a President with open-ended powers in time of emergency. This broad conception of the executive underpinned the broader Hamiltonian program. A President of broad powers would guide the national government by developing proposals, managing legislation, and vigorously enforcing the law and setting foreign policy. In contrast, Jefferson believed that the President's ability to access the prerogative existed independent of the Constitution. To him, the natural right of self-preservation allowed the President to act beyond the Constitution itself when defending the nation. Whereas Locke believed that the executive would have to appeal to the heavens in the event of an exercise of the prerogative, Jefferson believed that an appeal to the nation was in order.¶ The prerogative allowed Jefferson to keep his devotion to a strict interpretation of the Constitution. If the prerogative could serve as a safety valve when emergency placed the government under stress, the Constitution would need no stretching. The government's powers would remain limited, rather than permanently extended, and individual liberty and hopefully state sovereignty would be preserved. The process for confirming the executive's use of the prerogative, an appeal to the people, advanced Jefferson's agenda to make the President the democratic representative of the nation as a whole. Jefferson did not believe that the approval of Congress or the courts alone was necessary, except insofar as they represented the will of the people.¶ History suggests that Hamilton had the better argument. The prerogative faces serious, perhaps fatal problems, chief of which is that it requires the executive to violate the Constitution. If the people bless executive lawbreaking, then they undermine the very purpose of the Constitution to bind future majorities. Although faced with the most serious threats to the nation's security, Lincoln and FDR did not claim a right to act outside the Constitution. While Lincoln suggested on several occasions that it might be necessary to violate the Constitution to save the nation, he never invoked the prerogative. In fact, he carefully argued that his every action, from using force against secession to the Emancipation Proclamation, was justified by his constitutional authorities. Roosevelt, too, never claimed the prerogative, and justified his actions by his authority as Commander-in-Chief. By the Cold War, the debate seemed to be over -- the Constitution accommodated the need to respond to extraordinary events through the President's executive power.¶ At first glance, it might appear that this understanding of the Constitution could only work to the benefit of the President. It allows him to claim a reservoir of power to meet any serious threat to the national security. But subordinating the prerogative to the law may have come with costs as well -- it has raised public expectations of the President to the point where no mere mortal can satisfy them. If the President has the constitutional authority to respond to any emergency, then the failure of the government to meet the latest national problem must be his fault.¶ A second effect may be the unwillingness of Presidents since FDR to challenge the Supreme Court. Presidents no longer claim an independent right to interpret the Constitution differently from the judiciary, giving up the inheritance of Jefferson, Jackson, Lincoln, and Roosevelt. There are understandable political reasons for this, but perhaps a deeper constitutional explanation lies in presidential adoption of the Hamiltonian theory of the executive. If the President accesses extraordinary power from the Constitution, he may seek judicial approval in order to address concerns that he is interpreting the Constitution solely for his own benefit. It is not clear whether this bargain is to the long-term benefit of the institution; abdicating the right to interpret the Constitution, in light of the President's obligation to enforce the laws, ultimately places the definition of his duties and powers solely in the hands of another branch. Presidents may have only won themselves the freedom to act in the short term, but they have left the long-term success in the hands of others.¶ The fundamental question of the prerogative lends presidential power a tragic quality. Due to the Constitution's design, the political system has great difficulty responding to unforeseen circumstances, fast-moving events, or decisions that require technical expertise or run high political risks. It will fall to the President to act at these times, which most often arise where the nation's foreign relations and national security are at stake. In exercising their constitutional powers, Presidents by definition act against the web of congressional statutes, court decisions, agency regulations, and interest groups that make up the political status quo. Invocation of executive authority is guaranteed to trigger a sharp response by the supporters of the governing regime.

#### Empirics prove --- broad powers are critical to guide the nation through existential threats

John Yoo 9, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “Crisis and Command,” Book, p. 329-30

FDR’s second challenge became another constant of the postwar world. The Soviet Union replaced Germany and Japan as the central national security threat – its nuclear weapons could have destroyed the United States in minutes, it enjoyed superiority in conventional forces, and it could project its influence globally. FDR’s successors did not have to worry about isolationism. Truman convinced Congress to cooperate in placing the United States in a permanent state of mobilization, unprecedented in American history, to counter the Soviet threat. His successors kept the United States committed to the strategy of containment over a period far longer – 45 years – than any “hot” war. While they sometimes turned to Congress for support, Presidents continued to dispatch the military into hostilities abroad on their authority, a prospect with even more dangerous consequences in a nuclear age. During the Cold War, the United States transformed its role from the arsenal of democracy to the guardian of the free world. Without recognizing broad constitutional powers in the Presidency, the United States could not have prevailed, and without Congress’s consistent provision of resources for the military and security agencies, the Presidents could not have succeeded. ¶ For guiding the nation safely through an existential threat unlike any the United States had ever faced, Presidents Truman, Eisenhower, and Regan rank among our ten greatest Presidents. This pattern has mistakenly led some to believe that war produces great Presidents. Not all Presidents, however, were up to the challenge of the Cold War. President Kennedy found his moment in the Cuban Missile Crisis but led the nation into Vietnam, where Lyndon Johnson’s ambitions foundered.

## Solvency

#### History – the history of restrictions is a history of abject failure – they check the President in the short-term – but future Congresses will acquiesce.

Posner and Vermeule, ‘10

[Eric (Professor of Law at the University of Chicago) and Adrian (Professor of Law at Harvard), The Executive Unbound, p. 84-88]

¶ If the constitutional framework of liberal legalism is too rickety to contain executive power, perhaps statutes can substitute new legal constraints. A principal hope of liberal legal theory is that the deficiencies of the constitutional framework can be patched up by framework statutes that will channel and constrain executive power. The executive comprises the president and (various types of) agencies, and liberal legalism tries to constrain both, through different statutes. As to the agencies, liberal legalists hope that general procedural statutes such as the Administrative Procedure Act (APA) can “translate” the principles and values underlying the separation of powers into a world in which agencies routinely hold consolidated powers of lawmaking, law-execution, and law-interpretation.1 As to the president, Congress has enacted many subject-specific framework statutes that attempt to constrain executive power, especially with regard to warmaking, foreign policy, and emergencies. And liberal legal theorists often propose new statutes of this sort—for example, a statute that would confine presidential emergency powers in the aftermath of a terrorist attack.2¶ These efforts all fall short of the aspirations of liberal legalism, in greater or lesser degree. The subject-specific framework statutes that attempt to constrain presidential power are the most conspicuous failure; most are dead letters. Seemingly more successful is the APA, which remains the central framework for the administrative state. We will suggest that this is something of an illusion; the greater specificity of the subject-specific statutes, and the greater plasticity and ambiguity of the APA, make the failure of the former group more conspicuous, while giving the latter a misleading appearance of constraining force.¶ The secret of the APA’s “success”—its ability to endure in a nominal sense—is that it contains a series of adjustable parameters that the courts use to dial up and down the intensity of their scrutiny over time. The APA’s basic flexibility allows courts to allow government to do what government needs to do when it needs to do it. The result is a series of legal “black holes” and “grey holes”—the latter being standards of reasonableness that have the appearance of legality, but not the substance, at least not when pressing interests suggest otherwise. This regime is a triumph for the nominal supremacy of the APA, but not for any genuine version of the rule of law. Liberal legalism’s basic aspiration, that statutes (if not the Constitution) will subject the administrative state to the rule of law, is far less successful than it appears.¶ SUBJECT-SPECIFIC FRAMEWORK STATUTES¶ With a few exceptions, most of the subject-specific firamework statutes that attempt to constrain executive power, particularly presidential power, are a product of the era after Watergate. As revelations of executive abuses by both federal and state governments multiplied and a backlash against executive power set in, all three branches of government acted to reduce the scope of executive discretion in matters touching on security and antiterrorism. In the middle to late 1970s, Congress imposed a range of statutory constraints on the powers and activities of the executive branch generally and the presidency in particular, especially in matters relating to foreign affairs and national security.¶ The most prominent examples are the War Powers Resolution,3 which constrained executive use of force abroad; the National Emergencies Act,4 which limited executive declarations of emergency; the International Economic Emergency Powers Act,5 which limited the executive’s power to impose various economic sanctions and controls; the Ethics in Government Act,6 which created independent counsels to investigate government wrongdoing; and the Inspector General Act of 1978, described below. Other constraints were imposed by litigation and judicial decree. Finally, some constraints were self-imposed, by executive guidelines that curtailed FBI authority to investigate groups with the potential to engage in terrorism. The restrictive Levi Guidelines of 19767 exemplified this executive self-constraint.¶ This framework for national security law has not endured. Indeed, a large part of the story of national security law in ensuing decades, and especially after 9/11, has involved efforts by various institutions and groups to loosen the constraints of the post-Watergate framework. By and large, those efforts have succeeded.8 The following are four major examples.¶ 1. The War Powers Resolution (1973). At its core, the resolution attempts to limit executive use of armed forces in conflicts abroad, without congressional approval, to a period of 60 or 90 days (omitting many complicated details). But the resolution has by many accounts become a dead letter, especially after President Clinton’s rather clear breach of its terms during the Kosovo conflict.9 Congress has proven unable to enforce the resolution by ex post punishment of executive violations or arguable violations; the courts have invoked various doctrines of justiciability to avoid claims for enforcement of the resolution by soldiers and others. As one Madisonian scholar puts it, “In the area of military policy making, the War Powers Resolution, in its current form, has simply proven inadequate to discipline executive branch unilateralism.”10¶ 2. The National Emergencies Act (1976). This statute abolished all preexisting states of emergency declared by executive order, and substituted a process for congressional review of new declarations. The process has proven largely ineffective, in large part because later Congresses have usually proven unable to use the statutory mechanism for overriding executive declarations. The Act’s default rule is set so that affirmative congressional action is necessary to block an executive proclamation of emergency, and congressional inertia has generally prevailed. In practice, “anything the President says is a national emergency is a national emergency.”11¶ 3. The International Emergency Economic Powers Act (1977). Enacted to regulate and constrain executive action during international economic crises, the statute has been construed by the courts to grant broad executive power. The Supreme Court held that it implicitly authorized the president to suspend claims pending in American courts against Iranian assets, as part of a deal to free hostages.12 And a lower court said that the president had unreviewable discretion to determine that the government of Nicaragua satisfied the statutory requirement of “an unusual and extraordinary threat,” thus triggering enhanced executive powers.13¶ 4. Inspector General Act of 1978. A final accountability mechanism is the cadre of inspectors general, who now hold offices within most federal agencies, including the Department of Justice. Inspectors general have the power to investigate legal violations, sometimes including crimes, within the executive branch. Some can be discharged by the agency head, but some can be discharged only by the president, and in either case Congress must be notified. It is clear that inspectors general have created a large apparatus of compliance monitoring and bureaucratic reporting, and have used a great deal of paper; what is harder to assess is whether they have been effective at promoting executive accountability, either to Congress or to the citizenry. The leading systematic study14 concludes that “the Inspectors General have been more or less effective at what they do, but what they do has not been effective. That is, they do a relatively good job of compliance monitoring, but compliance monitoring alone has not been that effective at increasing governmental accountability. Audits and investigations focus too much on small problems at the expense of larger systemic issues.”15¶ Why did these statutes prove less effective than their proponents hoped or, in the extreme, become dead letters? In all the cases, the basic pattern is similar. The statutes were enacted during a high-water mark of political backlash against strong executive power, which supermajorities in Congress attempted to translate into binding legal constraints. However, once the wave of backlash receded and the supermajorities evaporated, there was insufficient political backing for the laws to ensure their continued vigor over time. Later Congresses have not possessed sufficient political backing or willpower to employ the override mechanisms that the statutes create, such as the override of presidential declarations of emergency created by the National Emergencies Act.¶ Even where the statutes attempt to change the legal default rule, so that the president cannot act without legislative permission—as in the case of the War Powers Resolution, after the 60- or 90-day grace period has passed—the president may simply ignore the statutory command, and will succeed if he has correctly calculated that Congress will be unable to engage in ex post retaliation and the courts will be unwilling to engage in ex post review. President Clinton’s implicit decision to brush aside the resolution during the Kosovo conflict (albeit with the fig leaf of a compliant legal opinion issued by the Justice Department’s Office of Legal Counsel)16 shows that what matters is what Congress can do after the fact, not what it says before the fact.¶ Here a major problem for framework statutes is the “presidential power of unilateral action”17 to which we referred in the introduction. Statutory drafters may think they have cleverly closed off the executive’s avenues of escape when they set the legal status quo to require legislative permission. Because the president can act in the real world beyond the law books, however—the armed forces did not threaten to stand down from their Kosovo mission until Congress gave its clear approval, but instead simply obeyed the President’s orders—the actual status quo may change regardless of whether the legal situation does. Once armed forces are in action, the political calculus shifts and legislators will usually be unable to find enough political support to retaliate—especially not on the basis of an arcane framework statute passed years or decades before.

#### Motive – Congress is made of political hacks concerned mainly about re-election – political incentives make it difficult to oppose the President in a crisis

Posner and Vermeule, ‘10

[Eric (Professor of Law at the University of Chicago) and Adrian (Professor of Law at Harvard), The Executive Unbound, p. 88]

To be sure, if the framework statutes are very specific, then violating them may itself create a political cost for the president, whose political opponents will denounce him for Caesarism. This cost is real, but in the type of high-stakes matters that are most likely to create showdowns between the president and Congress in the first place, the benefits are likely to be greater than the costs so long as the president’s action is popular and credible—the crucial constraints we will discuss in chapter 4. Moreover, if the president can credibly claim to the public that the violation was necessary, then the public will be unlikely to care too much about the legal niceties. As legal theorist Frederick Schauer argues for constitutional violations18 (and, we add, the argument holds a fortiori for statutory violations), there is an interesting asymmetry surrounding illegality: if the underlying action is unpopular, then citizens will treat its illegality as an aggravating circumstance, but if the underlying action is popular, its illegality usually has little independent weight. Finally, if the president credibly threatens to violate the statute, then Congress will have strong incentives to find some face-saving compromise that allows the president to do what he wishes without forcing a showdown that, legislators anticipate, may well end badly.