# 1NC

### T – Signature Strikes

#### Targeted killings are directed at specific persons

Alston 2011

[Philip, John Norton Pomeroy Professor of Law, New York University School of Law. The author was UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010. “ARTICLE: The CIA and Targeted Killings Beyond Borders” Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, Nexis

In a targeted killing, the specific goal of the operation is to use lethal force. This distinguishes targeted killings from unintentional, accidental, or reckless killings, or killings made without conscious choice. It also distinguishes them from law enforcement operations, e.g., against a suspected suicide bomber. Under such circumstances, it may be legal for law enforcement personnel to shoot to kill based on the imminence of the threat, but the goal of the operation, from its inception, should not be to kill.¶ Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal. This is in contrast to other terms with which "targeted killing" has sometimes been interchangeably used, such as "extrajudicial execution," "summary execution," and "assassination," all of which are, by definition, illegal. n44 Consistent with the detailed analysis developed by Nils Melzer, n45 this Article adopts the following definition: a targeted killing is the intentional, premeditated, and deliberate use of lethal force, by States or their agents acting under color of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator. n46

#### Precision is key to topic education

Anderson 2011

[Kenneth, Professor at Washington College of Law, American University; and Hoover Institution visiting fellow, member of Hoover Task Force on National Security and Law; nonresident senior fellow, Brookings Institution. “Inside Executive Branch Policy-Making on Drone Strikes” The Volokh Conspiracy, Nexis]

A crucial distinction - one first made public, so far as I know, by these Wall Street Journal reporters a couple of years ago - is between targeting "high value" terrorist targets, "personality strikes," on the one hand, and so-called "signature strikes" on groups of fighters, on the other, often low level fighters who, for example, might be moving from Pakistan to Afghanistan to fight US and Aghan forces there. The personality strikes are at the core of the US's counterterrorism program, whereas the signature strikes are much more part of the counterinsurgency campaign - attacking safe havens, fighters who would otherwise wind up in Afghanistan, etc. (A distinct legal debate, as Charlie Savage has reported in the Times, took place over the legal authority for engaging in signature strikes in places outside of Afghanistan and Pakistan's border regions, such as Yemen, but it appear to have been resolved at this point in favor of a legal view that such strikes are permitted, but as a policy matter do not make sense for the United States at this point.) Much of the policy debate within the administration seems to have revolved around the extent of signature strikes which, by their nature, attack a group of people who the US has identified as fighters, rather than individual as in a targeted killing. Indeed, this illustrates the important point that as drone uses ramify, targeted killing is only one such use (and targeted killing, too, might be carried out with a human team; targeted killing and drone warfare only partly overlap). Signature strikes are supposed to produce a larger number of people killed, because the people being targeted are supposed to be groups of fighters. But the larger number of casualties raised these other concerns within the administration: Officials asked what precautions were being taken to aim at highly valued targets, rather than foot soldiers. "Donilon and others said, 'O.K., I got it; it's war and it's confusing. Are we doing everything we can to make sure we are focused on the target sets we want?'" said a participant in the discussions. "You can kill these foot soldiers all day, every day and you wouldn't change the course of the war." A senior Obama administration official declined to comment on Mr. Donilon's closed-door discussions but said that he wasn't second-guessing the CIA's targeting methodology and pointed to his long-standing support for the program. The official said the White House wanted to use the drone program smartly to pick off al Qaeda leaders and the Haqqanis. "It's about keeping our eyes on the ball," the official said.¶ In the end, it appears that there is greater discussion over interagency concerns about targeting, but the final decisions remain with the CIA. Or, as the article's closing quote put it:¶ "It's not like they took the car keys away from the CIA," a senior official said. "There are just more people in the car."

### 9/11 Reps PIK

#### The invocation of September 11 – particularly the framing that 9/11 changed everything and so defines our current politics – turns the affirmative. It says that everything we do must respond to those actions, which is the justification for the War on Terror and current presidential war powers.

Maja Zehfuss (department of politics and international studies at University of Warwick). “Forget September 11.” Third World Quarterly 24:3. 2003.

The footage of the two planes crashing, on September 11, 2001, into the towers of the World Trade Center has been broadcast over and over again. We cannot forget it. And just in case we should, there are websites which allow us to replay the footage as shown on different television stations across the globe. September 11 has been etched on our memories not just because it can be seen as a momentous event: the superpower attacked on its very own territory, caught off guard, humiliated; a symbol of global capitalism devastated; nearly 3000 dead, innocent victims of a terrorist attack. Perhaps (although only perhaps) this was in some way new, as both US President George W Bush and Noam Chomsky argue in what must be a rare instance of agreement. That isn’t, however, why we remember. We remember not (only) the interpretation of the event. We remember the picture. The planes hitting the towers, the burst of fire—and then the collapse. This was a tragic event for those whose loved ones died. But at the same time, it was a spectacle. The ‘greatest work of art ever’, as composer Karlheinz Stock-hausen controversially, and apparently spontaneously, put it.

 We might not agree with this particular assessment, but some certainly argue that whoever masterminded this (and let’s just say for the moment that it was Osama Bin Laden) wanted you to see it. New York is not only a symbol of the American way of life, it is also a media metropolis with an exceptionally developed communication infrastructure and a large number of journalists. Thanks to the time lapse between the two aircraft hitting the two different towers of the World Trade Center TV crews were sure to be on site for the second, even had the first impact been missed. However, the interval between the first and the second collision was small and may rather have been the result of the difficulty of ensuring the simultaneity that was crucial for success; any longer interval between the two attacks would have increased the likelihood that the aircraft would have been shot down before impact. Yet professor of media studies Joan Deppa claims: ‘It was meant to be right before our eyes’. The event, in this interpretation, was designed to humiliate the superpower publicly, to impress, to show off; accordingly, those who staged it would certainly not want you to forget.

 This view has to be voiced with some caution. We know very little about the plans and aims of the terrorists. Imputing their motives and intentions from how we may have experienced the events of that day is a dangerous move, and one which I will indeed criticise later in this article. Nevertheless, wherever you may have been that day, you probably did see the impact of the two aircraft on the towers of the World Trade Center. And if you didn’t see it then, you certainly have seen it by now. You, very probably, cannot forget and we may suspect, although we certainly don’t know, that those behind the events don’t want you to.

 Perhaps we can say with more confidence that President Bush does not want you to forget. He is convinced that you do, and will, remember: ‘Each of us will remember what happened that day, and to whom it happened. We’ll remember the moment the news came—where we were and what we were doing. Some will remember the image of a fire, or a story of rescue. Some will carry memories of a face and a voice gone forever.’ Despite this confidence that you are unable to forget, he will not stop reminding you. He needs you to remember. Remember, will you, that everything our governments are doing in the so-called war against terrorism (or, alternatively of course, against evil) is a response to the events of September 11. Killing civilians in Afghanistan, arguably violating the human rights of those detained by US forces, curbing our civil liberties, this is all justified because of the events of September 11. Remember. You saw it. Thousands dead. We owe it to their memory, they say, to fight back, to make sure this doesn’t happen again. As Bush put it: ‘When we fight terror, we fight tyranny; and so we remember’. ‘We will remember the dead and what we owe them’, ‘we will always honor their memory’.

 So there is one thing Osama Bin Laden and President Bush may agree on: we must remember September 11; for both can be seen to have an interest in our memory of the events. Bin Laden might wish us to remember what his network is able to do, in other words, to grasp his power, so that we are susceptible to fear. Bush, on the other hand, can use our memory to justify his war against terrorism, and to ensure that we accept this reaction. This ‘agreement’ between Bin Laden and Bush is as good a reason as any to be suspicious. My concern here is, however, with Bush or rather with the Western reaction and the political deployment of memory involved in it, not least because much of what we may wish to say about the terrorists is necessarily based on our interpretation, rather than theirs. This article therefore explores the uses and problems of memory in relation to responses to the events of September 11, focusing largely on material from the USA and the Federal Republic of Germany as illustration. The ever present exhortation to remember is used, I claim, as justification for both a military response abroad and for curtailing civil liberties at home. However, I argue that, as long as the questions raised by this memory are not posed, we might in fact be better off forgetting September 11.

#### Thus, Thayer and I affirm the 1AC absent its representations of September 11.

#### As long as we believe 9/11 changed everything, we are indebted to acting always in response to that event, we can never live our own lives.

Maja Zehfuss (department of politics and international studies at University of Warwick). “Forget September 11.” Third World Quarterly 24:3. 2003.

Of course, very much in contrast to the ease with which our memory is treated as shared and unproblematic in the dominant discourse that seeks to use it to underpin certain policy decisions, what has been arresting about the reaction to the events has been the variety of ways and places people chose to express memories of those who died on the day. Countless personal tributes were left, for example, at the site of the World Trade Center, and many of these have now been moved to a museum. Numerous ‘memorials’ of individual people were also posted on the Internet, and personal memories reported in the media. Despite this outpouring of diverse and visible personal grief, the possibility of multiple memories seems to me to have been obscured, overshadowed by the tragedy of the crumbling twin towers. A certain way of using memory has become politically powerful. The memory of the dead has been instrumentalised to support particular courses of action. The problem then is that the supposed respect for the dead stands in the way of debate, in the way of an evaluation of what should or needs to be done. As Schama points out: ‘Apparently, the dead are owed another war. But they are not. What they are owed is a good, stand-up, bruising row over the fate of America; just who determines it and for what end?’ This view is also supported by another relative of Craig Scott Amundson, Kelly Campbell, who says that on September 11, 2002 they ‘wanted there to be alternatives in a way that looked at where we go as Americans, where we go as humans’. It is this consideration of alternatives that has been lost.

 Bush recommended the following in his address to the joint session of congress and the American people on 20 September 2001: ‘I ask you to live your lives, and hug your children’. Only weeks later the USA went to war against the Taliban in Afghanistan. What might at first have appeared to be an alternative approach to dealing with the experience of an inevitable insecurity, turned out in fact to be a deeply patronising comment, the ultimate closure of debate. Concentrate on your families. Do not concern yourselves with the difficult business of politics. The state will provide security. This is a deeply troubling attitude, not only to the question of how we should react to the events of September 11, but to the role of citizens in politics.

 This attitude is justified by the supposed enormity and exceptionality of the events of September 11, and this view of the events is based on our memory of the crumbling twin towers, of watching some of those trapped inside jumping to their death, of realizing the complete incineration of enormous office buildings and those who were inside them. The unimaginable horror of what happened that day at the World Trade Center has overshadowed not only the other attacks of that day; it has also made it difficult for us to think appropriately about how we should deal with this situation. Nothing is as it was before, we are told. Before anyone really had time to think about what it all means, about what, if anything, we should do, September 11 had already been turned into a symbol, into a watershed. As such it is an obstacle to critical debate, not only about these specific events, but about fundamental questions of politics, about who we are, about how to address our inevitable vulnerability and our responsibility towards others.

 While I would normally exhort people to remember events, to hear different stories about them, the memory of September 11 seems, so far, simply to serve the political aim of closure and the justification of confrontation. Maybe we remember September 11, but we forget that we have changed, that we are no longer who we were that day. We forget what is important to us, not as those who have been attacked, but as people and political entities having an existence other than in reaction to these events. We forget, in other words, who we were, and indeed who we are. If the memory of September 11 is so overpowering that we agree to have our own lives overturned, our freedoms *vis-à-vis* the state undermined, our values mocked by our own states’ policies, then I think we should forget September 11. It seems a better idea than forgetting ourselves in the name of the memory of the dead.

### Transparency CP

#### Text: The Executive branch of the United States should publically establish transparency standards outlining its legal rationale for its target killing policy, including the standards and procedures for target selection.

#### CP resolves drone legitimacy and resentment

Daskal 13

Jennifer Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April 2013, ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE, 161 U. Pa. L. Rev. 1165

4. Procedural Requirements¶ Currently, officials in the executive branch carry out all such ex ante review of out-of-battlefield targeting and detention decisions, reportedly with the involvement of the President, but without any binding and publicly articulated standards governing the exercise of these authorities. n163 All ex post review of targeting is also done internally within the executive branch. There is no public accounting, or even acknowledgment, of most strikes, their success and error rates, or the extent of any collateral damage. Whereas the Department of Defense provides solatia or condolence payments to Afghan civilians who are killed or injured as a result of military actions in Afghanistan (and formerly did so in Iraq), there is no equivalent effort in areas outside the active conflict zone. n164¶ Meanwhile, the degree of ex post review of detention decisions depends on the location of detention as opposed to the location of capture. Thus, [\*1219] Guantanamo detainees are entitled to habeas review, but detainees held in Afghanistan are not, even if they were captured far away and brought to Afghanistan to be detained. n165¶ Enhanced ex ante and ex post procedural protections for both detention and targeting, coupled with transparency as to the standards and processes employed, serve several important functions: they can minimize error and abuse by creating time for advance reflection, correct erroneous deprivations of liberty, create endogenous incentives to avoid mistake or abuse, and increase the legitimacy of state action.¶ a. Ex Ante Procedures¶ Three key considerations should guide the development of ex ante procedures. First, any procedural requirements must reasonably respond to the need for secrecy in certain operations. Secrecy concerns cannot, for example, justify the lack of transparency as to the substantive targeting standards being employed. There is, however, a legitimate need for the state to protect its sources and methods and to maintain an element of surprise in an attack or capture operation. Second, contrary to oft-repeated rhetoric about the ticking time bomb, few, if any, capture or kill operations outside a zone of active conflict occur in situations of true exigency. n166 Rather, there is often the time and need for advance planning. In fact, advance planning is often necessary to minimize damage to one's own troops and nearby civilians. n167 Third, the procedures and standards employed must be transparent and sufficiently credible to achieve the desired legitimacy gains.¶ These considerations suggest the value of an independent, formalized, ex ante review system. Possible models include the Foreign Intelligence [\*1220] Surveillance Court (FISC), n168 or a FISC-like entity composed of military and intelligence officials and military lawyers, in the mode of an executive branch review board. n169¶ Created by the Foreign Intelligence Surveillance Act (FISA) in 1978, n170 the FISC grants ex parte orders for electronic surveillance and physical searches, among other actions, based on a finding that a "significant purpose" of the surveillance is to collect "foreign intelligence information." n171 The Attorney General can grant emergency authorizations without court approval, subject to a requirement that he notify the court of the emergency authorization and seek subsequent judicial authorization within seven days. n172 The FISC also approves procedures related to the use and dissemination of collected information. By statute, heightened restrictions apply to the use and dissemination of information concerning U.S. persons. n173 Notably, the process has been extraordinarily successful in protecting extremely sensitive sources and methods. To date, there has never been an unauthorized disclosure of an application to or order from the FISC court.¶ An ex parte review system for targeting and detention outside zones of active hostility could operate in a similar way. Judges or the review board would approve selected targets and general procedures and standards, while still giving operators wide rein to implement the orders according to the approved standards. Specifically, the court or review board would determine whether the targets meet the substantive requirements and would [\*1221] evaluate the overarching procedures for making least harmful means-determinations, but would leave target identification and time-sensitive decisionmaking to the operators. n174¶ Moreover, there should be a mechanism for emergency authorizations at the behest of the Secretary of Defense or the Director of National Intelligence. Such a mechanism already exists for electronic surveillance conducted pursuant to FISA. n175 These authorizations would respond to situations in which there is reason to believe that the targeted individual poses an imminent, specific threat, and in which there is insufficient time to seek and obtain approval by a court or review panel as will likely be the case in instances of true imminence justifying the targeting of persons who do not meet the standards applicable to operational leaders. As required under FISA, the reviewing court or executive branch review board should be notified that such an emergency authorization has been issued; it should be time-limited; and the operational decisionmakers should have to seek court or review board approval (or review, if the strike has already taken place) as soon as practicable but at most within seven days. n176¶ Finally, and critically, given the stakes in any application namely, the deprivation of life someone should be appointed to represent the potential target's interests and put together the most compelling case that the individual is not who he is assumed to be or does not meet the targeting criteria.¶ The objections to such a proposal are many. In the context of proposed courts to review the targeting of U.S. citizens, for example, some have argued that such review would serve merely to institutionalize, legitimize, and expand the use of targeted drone strikes. n177 But this ignores the reality of their continued use and expansion and imagines a world in which targeted [\*1222] killings of operational leaders of an enemy organization outside a zone of active conflict is categorically prohibited (an approach I reject n178). If states are going to use this extraordinary power (and they will), there ought to be a clear and transparent set of applicable standards and mechanisms in place to ensure thorough and careful review of targeted-killing decisions. The formalization of review procedures along with clear, binding standards will help to avoid ad hoc decisionmaking and will ensure consistency across administrations and time.¶ Some also condemn the ex parte nature of such reviews. n179 But again, this critique fails to consider the likely alternative: an equally secret process in which targeting decisions are made without any formalized or institutionalized review process and no clarity as to the standards being employed. Institutionalizing a court or review board will not solve the secrecy issue, but it will lead to enhanced scrutiny of decisionmaking, particularly if a quasi-adversarial model is adopted, in which an official is obligated to act as advocate for the potential target.¶ That said, there is a reasonable fear that any such court or review board will simply defer. In this vein, FISC's high approval rate is cited as evidence that reviewing courts or review boards will do little more than rubber-stamp the Executive's targeting decisions. n180 But the high approval rates only tell part of the story. In many cases, the mere requirement of justifying an application before a court or other independent review board can serve as an internal check, creating endogenous incentives to comply with the statutory requirements and limit the breadth of executive action. n181 Even if this system does little more than increase the attention paid to the stated requirements and expand the circle of persons reviewing the factual basis for the application, those features in and of themselves can lead to increased reflection and restraint.¶ Additional accountability mechanisms, such as civil or criminal sanctions in the event of material misrepresentations or omissions, the granting of far-reaching authority to the relevant Inspectors General, and meaningful ex post review by Article III courts, n182 are also needed to help further minimize abuse.¶ Conversely, some object to the use of courts or court-like review as stymying executive power in wartime, and interfering with the President's Article II powers. n183 According to this view, it is dangerous and potentially unconstitutional to require the President's wartime targeting decisions to be subject to additional reviews. These concerns, however, can be dealt with through emergency authorization mechanisms, the possibility of a presidential override, and design details that protect against ex ante review of operational decisionmaking. The adoption of an Article II review board, rather than an Article III-FISC model, further addresses some of the constitutional concerns.¶ Some also have warned that there may be no "case or controversy" for an Article III, FISC-like court to review, further suggesting a preference for an Article II review board. n184 That said, similar concerns have been raised with respect to FISA and rejected. n185 Drawing heavily on an analogy to courts' roles in issuing ordinary warrants, the Justice Department's Office of Legal Counsel concluded at the time of enactment that a case and controversy existed, even though the FISA applications are made ex parte. n186 [\*1224] Here, the judges would be issuing a warrant to kill rather than surveil. While this is significant, it should not fundamentally alter the legal analysis. n187 As the Supreme Court has ruled, killing is a type of seizure. n188 The judges would be issuing a warrant for the most extreme type of seizure. n189¶ It is also important to emphasize that a reviewing court or review board would not be "selecting" targets, but determining whether the targets chosen by executive branch officials met substantive requirements much as courts do all the time when applying the law to the facts. Press accounts indicate that the United States maintains lists of persons subject to capture or kill operations lists created in advance of specific targeting operations and reportedly subject to significant internal deliberation, including by the President himself. n190 A court or review board could be incorporated into the existing ex ante decisionmaking process in a manner that would avoid interference with the conduct of specific operations reviewing the target lists but leaving the operational details to the operators. As suggested above, emergency approval mechanisms could and should be available to deal with exceptional cases where ex ante approval is not possible.¶ Additional details will need to be addressed, including the temporal limits of the court's or review board's authorizations. For some high-level operatives, inclusion on a target list would presumably be valid for some set period of [\*1225] time, subject to specific renewal requirements. Authorizations based on a specific, imminent threat, by comparison, would need to be strictly time-limited, and tailored to the specifics of the threat, consistent with what courts regularly do when they issue warrants.¶ In the absence of such a system, the President ought to, at a minimum, issue an executive order establishing a transparent set of standards and procedures for identifying targets of lethal killing and detention operations outside a zone of active hostilities. n192 To enhance legitimacy, the procedures should include target list reviews and disposition plans by the top official in each of the agencies with a stake in the outcome the Secretary of Defense, the Director of the CIA, the Secretary of State, the Director of Homeland Security, and the Director of National Intelligence, with either the Secretary of Defense, Director of National Intelligence, or President himself, responsible for final sign-off. n193 In all cases, decisions should be unanimous, or, in the absence of consensus, elevated to the President of the United States. n194 Additional details will need to be worked out, including critical questions about the standard of proof that applies. Given the stakes, a clear and convincing evidentiary standard is warranted. n195¶ While this proposal is obviously geared toward the United States, the same principles should apply for all states engaged in targeting operations. n196 States would ideally subject such determinations to independent review or, alternatively, clearly articulate the standards and procedures for their decisionmaking, thus enhancing accountability.¶ b. Ex Post Review¶ For targeted-killing operations, ex post reviews serve only limited purposes. They obviously cannot restore the target's life. But retrospective review either by a FISC-like court or review board can serve to identify errors or overreaching and thereby help avoid future mistakes. This can, and ideally would, be supplemented by the adoption of an additional Article III damages mechanism. n197 At a minimum, the relevant Inspectors General should engage in regular and extensive reviews of targeted-killing operations. Such post hoc analysis helps to set standards and controls that then get incorporated into ex ante decisionmaking. In fact, post hoc review can often serve as a more meaningful and often more searching inquiry into the legitimacy of targeting decisions. Even the mere knowledge that an ex post review will occur can help to protect against rash ex ante decisionmaking, thereby providing a self-correcting mechanism.¶ Ex post review should also be accompanied by the establishment of a solatia and condolence payment system for activities that occur outside the active zone of hostilities. Extension of such a system beyond Afghanistan and Iraq would help mitigate resentment caused by civilian deaths or injuries and would promote better accounting of the civilian costs of targeting operations. n198

**change supervision of the drone program** from Title 50 of the United States Code to Title 10 of the United States Code.

### Debt Ceiling DA

#### Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will cave

Dovere, 10/1

(Edward, Politico, “Government shutdown: President Obama holds the line” <http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### The plan causes an inter-branch fight that derails Obama’s agenda

Kriner 10

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 67-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea." While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races." Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.6° In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's highest second-term domestic priorities, such as Social Security and immigration reform, failedperhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq. When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena

#### That consumes his capital and causes a default

Lillis, 9/7

(Mike, The Hill, “Fears of wounding Obama weigh heavily on Democrats ahead of vote”

The prospect of wounding President Obama is weighing heavily on Democratic lawmakers as they decide their votes on Syria. Obama needs all the political capital he can muster heading into bruising battles with the GOP over fiscal spending and the debt ceiling. Democrats want Obama to use his popularity to reverse automatic spending cuts already in effect and pay for new economic stimulus measures through higher taxes on the wealthy and on multinational companies. But if the request for authorization for Syria military strikes is rebuffed, some fear it could limit Obama's power in those high-stakes fights. That has left Democrats with an agonizing decision: vote "no" on Syria and possibly encourage more chemical attacks while weakening their president, or vote "yes" and risk another war in the Middle East. “I’m sure a lot of people are focused on the political ramifications,” a House Democratic aide said. Rep. Jim Moran (D-Va.), a veteran appropriator, said the failure of the Syria resolution would diminish Obama's leverage in the fiscal battles. "It doesn't help him," Moran said Friday by phone. "We need a maximally strong president to get us through this fiscal thicket. These are going to be very difficult votes."

#### Collapses the global economy

Davidson 9-10

Adam Davidson 9/10/13, economy columnist for The New York Times, co-founder of Planet Money, NPR’s team of economics reporters, “Our Debt to Society,” NYT, <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0>

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.¶ While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.¶ The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

### Flex DA

#### Obama’s Syria maneuver has maximized presidential war powers because it’s on his terms

Posner 9/3

(Eric, Law Prof at University of Chicago, 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)

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 destroys causes countries to doubt the credibility of our threats – collapses security guarantees and deterrence – causes nuclear war

Zeisberg 4

(MARIAH ZEISBERG, Research Fellow, The Political Theory Project, Department of Political Science, "INTERBRANCH CONFLICT AND CONSTITUTIONAL MAINTENANCE: THE CASE OF WAR POWERS" SEPTEMBER 22, 2004, KB)

The first significant argument of pro-Presidency insularists is that flexibility is a prime value in the conduct of foreign affairs, and especially war. Implicit in this argument is the recognition that the executive is functionally superior to Congress in achieving flexibility and swiftness in war operations, a recognition I share. The Constitution cannot be meant to curtail the very flexibility that may be necessary to preserve the nation; and yet, according to the insularists, any general norm which would include Congress in decision-making about going to war could only undermine that flexibility. Writing on the War Powers Act, Eugene Rostow predicts that it would, “put the Presidency in a straightjacket of a rigid code, and prevent new categories of action from emerging, in response to the necessities of a tense and unstable world.” In fact, Rostow believes, “[t]he centralization of authority in the president is particularly crucial in matters of national defense, war, and foreign policy, where a unitary executive can evaluate threats, consider policy choices, and mobilize national resources with a speed and energy that is far superior to any other branch.” Pro-presidency insularists are fond of quoting Hamilton, who argued that “[o]f all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.” ¶ This need for flexibility, some insularists argue, is especially acute given modern conditions, where devastating wars can develop quickly. Today, “many foreign states have the power to attack U.S. forces - and some even the U.S. mainland - almost instantly,” and in such a world it is impracticable to require the President to seek advance authorization for hostilities. Such a requirement would simply be too risky to U.S. security. We furthermore face a nuclear age, and the system of deterrence that operates to contain that threat requires that a single person be capable of responding to nuclear attack with nuclear weapons immediately. Rostow writes, “the requirement for advance authorization would collapse the system of deterrence, making preemptive strikes by our enemies more likely.” Hence, “modern conditions” require the President to “act quickly, and often alone.” ¶ While this does not mean that Congress has no role to play in moments of crisis, it does mean that Congress should understand its role largely in terms of cooperating with the President to support his negotiations and decisions regarding relationships with foreign powers. Rostow writes,¶ “Congress should be able to act effectively both before and after moments of crisis or potential crisis. It may join the President in seeking to deter crisis by publicly defining national policy in advance, through the sanctioning of treaties or other legislative declarations. Equally, Congress may participate formally in policymaking after the event through legislative authorization of sustained combat, either by means of a declaration of war, or through legislative action having more limited legal and political consequences. Either of these devices, or both in combination, should be available in situations where cooperation between the two branches is indicated at many points along an arc ranging from pure diplomacy at one end to a declaration of war at the other.” ¶ In other words, for Congress to understand itself as having any justifiable role in challenging executive security determinations, especially at moments of crisis, would be to undermine the strength that the executive requires in order to protect the nation. Conflict in this domain represents political degradation.¶ Flexibility is also a key value to support the stability of the global security order, some pro-Presidency insularists argue. International security systems require guarantees that an attack on an ally will be retaliated as quickly as possible. Given such a system, the requirement of congressional consultation “vitiates the security guarantee.” It is important to note that the US does not simply play a role in international collective security systems: it is a central player in those systems, and hence “it is necessary for the system that U.S. participation be assured and credible. But this means that in order to support collective security, the fundamental function for Congress is to support the executive in ways that send a clear message of national resolve, so unequivocal and unmistakable that international pillagers and those who advise them can have no doubts.” ¶ This value of flexibility is sometimes applied to the mechanisms for foreign policy themselves. John Yoo, for example, argues that there must be a diversity of mechanisms for going to war, including unilateral action by the President. On Yoo’s account, Congress is granted authority in foreign affairs in times of peace, the President for times of danger. Yoo interprets the understructured nature of war powers to indicate that “the Framers did not intend the Constitution to establish a single, correct method for going to war. . . [d]uring times of relative peace, Congress can use its authority over funding and the raising of the military to play a leading role in foreign policy. In times of emergency or national danger, however, the President can seize the initiative in warmaking.” ¶ A second insularist argument is that the “nature of foreign affairs” is such that this domain cannot be guided by law. Jefferson’s oft-cited quote, that “[t]he transaction of business with foreign nations is Executive altogether,” is sometimes used in support of this argument, although I do not believe Jefferson understood himself to be making this point. Robert Bork is instead the most prominent insularist arguing this position. Far from believing that the President’s use of force can be bound by law, Bork denies that law governing foreign affairs—whether domestic or international—even exists. In Bork’s own words,¶ “[T]here are areas of life, and the international use of armed force seems to be one of them, in which the entire notion of law—law conceived as a body of legal principles declared in advance to control decisions to be made in the future—where that conception of law is out of place. The pretense that there is such a law and that it has been constantly violated, has debilitating effects upon our foreign policy . . . [t]wo examples come to mind: one is international law about the use of force, and the other is domestic law, that is, the War Powers Act. These two bodies of ‘law’ arise from different sources, but they are alike in that they are not law in any recognizable sense. They are not enforceable.” ¶ Since law in this domain simply cannot exist, the idea of a legislative body playing any role in guiding decisions here is simply senseless. Bork points us to the simple fact of the matter—that “Presidential use or support of force abroad will succeed when the public approves and fail when it disapproves. Law has little to do with the outcome.” ¶ The third important argument on behalf of insularity is that Congress already possesses all the power it needs to contain a wayward executive. This power is wielded mainly through Congress’ “power of the purse,” but also through Congress’ power to raise the military and commission (or de-commission) troops. It is in the course of approving Presidential requests for funding measures that Congress discusses the merits of his actions, and Congress retains the simple power to block the president’s actions simply by refusing him funds or military resources. Yoo argues,¶ “One might respond that it is unreasonable to expect Congress to use its appropriations powers to cut off troops in the field. Surely members of Congress will not take actions that might be interpreted as undermining the safety and effectiveness of the military, once committed and in the midst of hostilities. We should not mistake a failure of political will, however, for a violation of the Constitution. Congress undoubtedly possessed the power to end the Kosovo war, it simply chose not to. Affirmatively providing funding for a war, or at the very least refusing to cut off previous appropriations, represents a political determination by Congress that it will provide minimal support for a war, but that ultimately it will leave it to the President to receive the credit either for success or failure.” ¶ Furthermore, it is simply a fact that the President relies upon Congress to wage the wars he wishes to pursue. As Bobbit points out, unless Congress “by statute, provides an army, transport, weapons, and materials . . . there is nothing for the President to command.” Bobbit insists, though, that this does not mean that Congress can appropriately “interfere in the operation of that power” once handed over. Just as Congress, once it has established and vested the judiciary, has no authority to interfere in the operation of the judicial power, so too Congress, once it vests the President with command of a military, has no authority to interfere in how that command is used. Hence Bobbit believes that the only constitutionally legitimate way for Congress to engage in decisionmaking on the use of the sovereign war power is to remove forces from the command of the President. Bobbit continues, “[a]s a structural matter, Congress has the first and last word. It must provide forces before the President can commence hostilities, and it can remove those forces, by decommissioning them or by forbidding their use in pursuit of a particular policy at any time.” Bobbit is quite explicit about the implications of his position:¶ “Does this mean that presidents can simply ransack the current Defense Appropriations Act for available forces and that Congress then has no way to stop a president from unilaterally making war so long as one-third plus one of the members of one House sustains his veto - for the balance of the biennium? It may well mean that.” ¶ The fourth argument is that the kind of challenging characteristic of interbranch deliberation would endanger the well-being of troops in the field, as foreign nations interpret Congressional challenging to mean that we lack the will to support our soldiers. This argument is not about the comparative advantages of the presidency as an institution, or about the meaning of law: rather, it directly challenges the value of conflict itself. In fact, as we saw in chapter two, settlement theorists and realists seem to believe that the conditions of war and insecurity are the most congenial territory for their claims about the importance of deference and settlement, precisely because peace, stability, and the very possibility of rights-protection are all at stake in this issue. Rostow cites Dean Acheson’s comments on the Korean War:¶ “An incredulous country and world held its breath and read the mounting casualties suffered by these gallant troops, most of them without combat experience. In the confusion of the retreat even their divisional commander, Major General William F. Dean, was captured. Congressional hearings on a resolution of approval at such a time, opening the possibility of endless criticism, would hardly be calculated to support the shaken morale of the troops or the unity that, for the moment, prevailed at home. The harm it could do seemed to me to outweigh the little good that might ultimately accrue.”

### Terror Advantage

#### 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.

#### No casual relationship between drone strikes and terror recruitment in Yemen – prefer our evidence because it cites Yemini tribal leaders

Swift 12

(Christopher Swift, a fellow at the University of Virginia’s Center for National Security Law, “The Drone Blowback Fallacy” Foreign Affairs, July 1, 2012, <http://christopher-swift.com/publications/the-drone-blowback-fallacy>, KB)

Critics argue that drone strikes create new adversaries and drive al Qaeda’s recruiting. As the Yemeni youth activist Ibrahim Mothana recently wrote in The New York Times, “Drone strikes are causing more and more Yemenis to hate America and join radical militants; they are not driven by ideology but rather by a sense of revenge and despair.” The Washington Post concurs. In May, it reported that the “escalating campaign of U.S. drone strikes [in Yemen] is stirring increasing sympathy for al Qaeda-linked militants and driving tribesmen to join a network linked to terrorist plots against the United States.” The ranks of al Qaeda in the Arabian Peninsula (AQAP) have tripled to 1,000 in the last three years, and the link between its burgeoning membership, U.S. drone strikes, and local resentment seems obvious.¶ Last month, I traveled to Yemen to study how AQAP operates and whether the conventional understanding of the relationship between drones and recruitment is correct. While there, I conducted 40 interviews with tribal leaders, Islamist politicians, Salafist clerics, and other sources. These subjects came from 14 of Yemen’s 21 provinces, most from rural regions. Many faced insurgent infiltration in their own districts. Some of them were actively fighting AQAP. Two had recently visited terrorist strongholds in Jaar and Zinjibar as guests. I conducted each of these in-depth interviews using structured questions and a skilled interpreter. I have withheld my subjects’ names to protect their safety — a necessity occasioned by the fact that some of them had survived assassination attempts and that others had recently received death threats.¶ These men had little in common with the Yemeni youth activists who capture headlines and inspire international acclaim. As a group, they were older, more conservative, and more skeptical of U.S. motives. They were less urban, less wealthy, and substantially less secular. But to my astonishment, none of the individuals I interviewed drew a causal relationship between U.S. drone strikes and al Qaeda recruiting. Indeed, of the 40 men in this cohort, only five believed that U.S. drone strikes were helping al Qaeda more than they were hurting it.¶ Al Qaeda exploits U.S. errors, to be sure. As the Yemen scholar Gregory Johnsen correctly observes, the death of some 40 civilians in the December 2009 cruise missile strike on Majala infuriated ordinary Yemenis and gave AQAP an unexpected propaganda coup. But the fury produced by such tragedies is not systemic, not sustained, and, ultimately, not sufficient. As much as al Qaeda might play up civilian casualties and U.S. intervention in its recruiting videos, the Yemeni tribal leaders I spoke to reported that the factors driving young men into the insurgency are overwhelmingly economic.¶ From al Hudaydah in the west to Hadhramaut in the east, AQAP is building complex webs of dependency within Yemen’s rural population. It gives idle teenagers cars, khat, and rifles — the symbols of Yemeni manhood. It pays salaries (up to $400 per month) that lift families out of poverty. It supports weak and marginalized sheikhs by digging wells, distributing patronage to tribesmen, and punishing local criminals. As the leader of one Yemeni tribal confederation told me, “Al Qaeda attracts those who can’t afford to turn away.”¶ Religious figures echoed these words. Though critical of the U.S. drone campaign, none of the Islamists and Salafists I interviewed believed that drone strikes explain al Qaeda’s burgeoning numbers. “The driving issue is development,” an Islamist parliamentarian from Hadramout province said. “Some districts are so poor that joining al Qaeda represents the best of several bad options.” (Other options include criminality, migration, and even starvation.) A Salafi scholar engaged in hostage negotiations with AQAP agreed. “Those who fight do so because of the injustice in this country,” he explained. “A few in the north are driven by ideology, but in the south it is mostly about poverty and corruption.”¶ Despite Yemenis’ antipathy toward drones, my conversations also revealed a surprising degree of pragmatism. Those living in active conflict zones drew clear distinctions between earlier U.S. operations, such as the Majala bombing, and more recent strikes on senior al Qaeda figures. “Things were very bad in 2009,” a tribal militia commander from Abyan province told me, “but now the drones are seen as helping us.” He explained that Yemenis could “accept [drones] as long as there are no more civilian casualties.” An Islamist member of the separatist al-Harak movement offered a similar assessment. “Ordinary people have become very practical about drones,” he said. “If the United States focuses on the leaders and civilians aren’t killed, then drone strikes will hurt al Qaeda more than they help them.”¶ Some of the men I interviewed admitted that they had changed their minds about drone strikes. Separatists in Aden who openly derided AQAP as a proxy of Yemen’s recently deposed president, Ali Abdullah Saleh, privately acknowledged the utility of the U.S. drone campaign. “Saleh created this crisis in order to steal from America and stay in power,” a former official from the now-defunct People’s Democratic Republic of Yemen told me. “Now it is our crisis, and we need every tool to solve it.”¶ Yemeni journalists, particularly those with firsthand exposure to AQAP, shared this view: “I opposed the drone campaign until I saw what al Qaeda was doing in Jaar and Zinjibar,” an independent reporter in Aden said. “Al Qaeda hates the drones, they’re absolutely terrified of the drones … and that is why we need them.”¶ My interviewees also offered deeper insight into the sentiments described by Western journalists and Yemeni activists. In their view, public opposition to drones had little to do with a desire for revenge or increasing sympathy for al Qaeda. Instead, they argued, ordinary Yemenis see the drones as an affront to their national pride. “Drones remind us that we don’t have the ability to solve our problems by ourselves,” one member of the Yemeni Socialist Party said. “If these were Yemeni drones, rather than American drones, there would be no issue at all.”

#### Alt causes to Yemeni stability

Joseph Natividad, August 2011,
“Beyond Political Upheaval,” Prospect, http://prospectjournal.ucsd.edu/index.php/2011/08/beyond-political-upheaval-yemens-looming-economic-and-demographic-problems/

Below the surface of Yemen’s political strife, the country’s instability stems from the depletion of its oil reserves, a looming water shortage, high unemployment and a youth bulge in which over a half of the country’s population is under the age of sixteen. Although protesters have rejoiced in Saleh’s recent departure, much remains uncertain in Yemen’s future. Despite the political upheaval that has undermined the Yemeni government’s ability to function in the short and medium term, the country’s long-term demographic and social challenges pose a specter of calamities likely to engulf the poorest Arab nation within the next decade.

#### Oil shock not likely and no impact

Yetiv ‘12

[Steve A. Yetiv is a professor of political science and international studies at Old Dominion University. <http://www.thejakartaglobe.com/opinion/oil-shock-not-as-likely-as-you-think/508788> ETB]

Oil prices are up more than 30 percent from six months ago amid fears that Israel or the United States may strike Iran. Concerns have spread that military conflict would cause a major shock to oil prices, damaging the US and global economies. While the situation is serious, such predictions are unlikely to pan out. Understanding how such fears are exaggerated would clarify the stakes in the standoff and underscore how scholars, market analysts and oil traders often overestimate the effect geopolitical events will have on prices. For starters, Iran and Saudi Arabia have been at loggerheads since Iran’s 1979 revolution, with Tehran intermittently trying to undermine the Saudi regime. The last thing Sunni-dominated Saudi Arabia wants is a nuclear Shiite Iran to which it would have to kowtow. The Saudis are ready to use their spare and idle oil capacity to make up for any disruption in the 2.4 million barrels Iran exports per day, as the Saudi oil minister recently noted. In the event of war, it is almost certain that the United States would coordinate an oil release with the International Energy Agency. The IEA requires each of its 28 members to hold enough oil in the form of international oil company stocks and/or strategic petroleum reserves to withstand a total cutoff of imports for 90 days. When the US-led coalition attacked Iraqi forces in Kuwait in 1991, a US-IEA joint release helped significantly lower world oil prices. Even if the IEA does not act, the United States has strategic oil reserves it could release on its own. IEA members hold more than 1.6 billion barrels of oil, with the United States alone holding well over 700 million barrels. That capacity could be used to defray the loss of Iran’s oil exports for many months. President Obama referred to this capacity Friday when noting that new sanctions that target Iran’s oil exports on Iran would not harm allies. Recent tensions sparked fears that Iran would close the Strait of Hormuz, through which 17 percent of the world’s oil flows. Tehran can certainly disrupt oil transit, but, whatever its threats, it does not have the capability to challenge the US Navy for long. Such a fight would be one of history’s biggest mismatches. Another concern is that terror groups Hamas and Hezbollah, which are linked to Iran and sometimes viewed as its proxies, would attack Israel if the Jewish state or the United States strikes Iran. That is quite possible. But such conflicts have little to do with oil disruptions. Oil traders would eventually understand that an Israeli border conflict means little for oil prices unless it triggers a wider Middle East battle, such as the 1973 Arab-Israeli war. The chances of that are slim unless one believes that Sunni, Arab Egypt — a state in chaos — would suddenly align with Shiite, Persian Iran, an unprecedented alliance. And without Egypt, a broader war is not possible. Those concerned about the fallout of a war with Iran should also consider that Libya’s oil exports, which were cut off from February to October last year, are likely to reach pre-conflict levels in the next three to six months. That is one less constraint on the global oil supply. We should also consider that Europe’s economic woes, the lackluster US economy and China’s slowing rate of growth are restraining the global demand for oil. Prices would jump much more if an Iran war coincided with higher global economic growth and oil demand.

#### Oil shocks have negligible impact on the global economy

Rasmussen and Roitman 2/22

Rasmussen, senior economist at the IMF, and Roitman, economist at the IMF, 2/22/2012¶ [Tobias and Agustin, “Oil Shocks Around the World: Are They Really That Bad?,” <http://www.theoildrum.com/node/8944>]

**Conventional wisdom has it that oil shocks are bad for oil-importing countries**. This is grounded in the experience of slumps in many advanced economies during the 1970s. It is also consistent with the large body of research on the impact of higher oil prices on the US economy, **although the magnitude and channels of the effect are still being debated**. **Our recent research indicates that oil prices tend to be surprisingly closely associated with good times for the global economy**. Indeed, we find that **the US has been** somewhat of **an outlier in the way that it has been negatively affected by** oil **price increases**. **Across the world**, **oil price shock episodes have** generally **not been associated with** a contemporaneous **decline** in output but, rather, with increases in both imports and exports. **There is evidence of lagged negative effects on output**, **particularly for OECD economies**, **but the magnitude has** typically **been small**. Controlling for global economic conditions, and thus abstracting from our finding that oil price increases generally appear to be demand-driven, makes the impact of higher oil prices stand out more clearly. For a given level of world GDP, we do find that oil prices have a negative effect on oil-importing countries and also that cross-country differences in the magnitude of the impact depend to a large extent on the relative magnitude of oil imports. The effect is still not particularly large, however, **with our estimates suggesting that a 25% increase in oil prices will** typically **cause a loss of real GDP in oil-importing countries of less than half of 1%**, **spread over 2 to 3 years**.

### Modeling Advantage

#### Drone prolif now AND US restrictions don’t solve

Anderson 10 (Kenneth Anderson is a law professor at Washington College of Law, American University, a research fellow of the Hoover Institution at Stanford University and a Non-Resident Visiting Fellow at the Brookings Institution, April 10th 2010, “Acquiring UAV Technology”, http://www.volokh.com/2010/04/09/acquiring-uav-technology/, AB)

I’ve noticed a number of posts and comments around the blogosphere on the spread of UAV technology. Which indeed is happening; many states are developing and deploying UAVs of various kinds. The WCL National Security Law Brief blog, for example, notes that India is now acquiring weaponized UAVs: India is reportedly preparing to have “killer” unmanned aerial vehicles (UAVs) in response to possible threats from Pakistan and China. Until now India has denied the use of armed UAVs, but they did use UAVs that can detect incoming missile attacks or border incursions. The importance of obtaining armed UAVs grew enormously after the recent attack on paramilitary forces in Chhattisgarh that killed 75 security personnel. Sources reveal that the Indian Air Force (IAF) has been in contact with Israeli arms suppliers in New Delhi recently. The IAF is looking to operate Israeli Harop armed UAVs from 2011 onwards, and other units of the armed forces will follow. I’ve also read comments various places suggesting that increased use of drone technologies by the United States causes other countries to follow suit, or to develop or acquire similar technologies. In some cases, the dangling implication is that if the US would not get involved in such technologies, others would not follow suit. In some relatively rare cases of weapons technologies, the US refraining from undertaking the R&D, or stopping short of a deployable weapon, might induce others not to build the same weapon. Perhaps the best example is the US stopping its development of blinding laser antipersonnel weapons in the 1990s; if others, particularly the Chinese, have developed them to a deployable weapon, I’m not aware of it. The US stopped partly in relation to a developing international campaign, modeled on the landmines ban campaign, but mostly because of a strong sense of revulsion and pushback by US line officers. Moreover, there was a strong sense that such a weapon (somewhat like chemical weapons) would be not deeply useful on a battlefield – but would be tremendously threatening as a pure terrorism weapon against civilians. In any case, the technologies involved would be advanced for R&D, construction, maintenance, and deployment, at least for a while. The situation is altogether different in the case of UAVs. The biggest reason is that the flying-around part of UAVs – the avionics and control of a drone aircraft in flight – is not particularly high technology at all. It is in range of pretty much any functioning state military that flies anything at all. The same for the weaponry, if all you’re looking to do is fire a missile, such as an anti-tank missile like the Hellfire. It’s not high technology, it is well within the reach of pretty much any state military. Iran? Without thinking twice. Burma? Sure. Zimbabwe? If it really wanted to, probably. So it doesn’t make any substantial difference whether or not the US deploys UAVs, not in relation to a decision by other states to deploy their own. The US decision to use and deploy UAVs does not drive others’ decisions one way or the other. They make that decision in nearly all cases – Iran perhaps being an exception in wanting to be able to show that they can use them in or over the Iraqi border – in relation to their particular security perceptions. Many states have reasons to want to have UAVs, for surveillance as well as use of force. It is not as a counter or defense to the US use of UAVs. The real issue is not flying the plane or putting a missile on it. The question is the sensor technology (and related communication links) – for two reasons. One is the ability to identify the target; the other is to determine the level, acceptable or not, of collateral damage in relation to the target. That’s the technologically difficult part. And yet it is not something important to very many of the militaries that might want to use UAVs, because not that many are going to be worried about the use of UAVs for discrete, targeted killing. Not so discrete and not so targeted will be just fine – and that does not require super-advanced technology. China might decide that it wants an advanced assassination platform that would depend on such sensors, and in any case be interested in investing in such technology for many reasons – but that is not going to describe Iran or very many other places that are capable of deploying and using weaponized UAVs. Iran, for example, won’t have super advanced sensor technology (unless China sells it to them), but they will have UAVs. (The attached weaponry follows the same pattern. Most countries will find a Hellfire type missile just fine. The US will continue to develop smaller weapons finally capable of a single person hit. Few others will develop it, partly because they don’t care and partly because its effectiveness depends on advanced sensors that they are not likely to have.) Robots are broadly defined by three characteristics – computation, sensor inputs, and gross movement. Movement in the case of a weaponized robot includes both movement and the use of its weapon – meaning, flying the UAV and firing a weapon. The first of those, flying the UAV, is available widely; primitive weapons are available widely as well, and so is the fundamental computational power. Sensors are much, much more difficult – but only to the extent that a party cares about discretion in targeting. But it is not the case that they are making these decisions on account of US decisions about UAVs; UAVs are useful for many other reasons for many other parties, all on their own.

#### China won’t use drones to resolve territorial disputes – fears international backlash and creating a precedent for U.S. strikes in the area

Erickson and Strange 5-29

Erickson, associate professor at the Naval War College and Associate in Research at Harvard University's Fairbank Centre, and Strange, researcher at the Naval War College's China Maritime Studies Institute and graduate student at Zhejiang University, 5-29-13 (Andrew and Austin, China has drones. Now how will it use them? Foreign Affairs, McClatchy-Tribune, 29 May 2013, http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html, da 8-3-13) PC

Drones, able to dispatch death remotely, without human eyes on their targets or a pilot's life at stake, make people uncomfortable - even when they belong to democratic governments that presumably have some limits on using them for ill. (On May 23, in a major speech, US President Barack Obama laid out what some of those limits are.) An even more alarming prospect is that unmanned aircraft will be acquired and deployed by authoritarian regimes, with fewer checks on their use of lethal force.¶ Those worried about exactly that tend to point their fingers at China. In March, after details emerged that China had considered taking out a drug trafficker in Myanmar with a drone strike, a CNN blog post warned, "Today, it's Myanmar. Tomorrow, it could very well be some other place in Asia or beyond." Around the same time, a National Journal article entitled "When the Whole World Has Drones" teased out some of the consequences of Beijing's drone programme, asking, "What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea?"¶ Indeed, the time to fret about when China and other authoritarian countries will acquire drones is over: they have them. The question now is when and how they will use them. But as with its other, less exotic military capabilities, Beijing has cleared only a technological hurdle - and its behaviour will continue to be constrained by politics.¶ China has been developing a drone capacity for over half a century, starting with its reverse engineering of Soviet Lavochkin La-17C target drones that it had received from Moscow in the late 1950s. Today, Beijing's opacity makes it difficult to gauge the exact scale of the programme, but according to Ian Easton, an analyst at the Project 2049 Institute, an American think-tank devoted to Asia-Pacific security matters, by 2011 China's air force alone had over 280 combat drones. In other words, its fleet of unmanned aerial vehicles is already bigger and more sophisticated than all but the United States'; in this relatively new field Beijing is less of a newcomer and more of a fast follower. And the force will only become more effective: the Lijian ("sharp sword" in Chinese), a combat drone in the final stages of development, will make China one of the very few states that have or are building a stealth drone capacity.¶ This impressive arsenal may tempt China to pull the trigger. The fact that a Chinese official acknowledged that Beijing had considered using drones to eliminate the Myanmar drug trafficker, Naw Kham, makes clear that it would not be out of the question for China to launch a drone strike in a security operation against a non-state actor. Meanwhile, as China's territorial disputes with its neighbours have escalated, there is a chance that Beijing would introduce unmanned aircraft, especially since India, the Philippines and Vietnam distantly trail China in drone funding and capacity, and would find it difficult to compete. Beijing is already using drones to photograph the Senkaku/Diaoyu islands it disputes with Japan, as the retired Chinese major-general Peng Guangqian revealed earlier this year, and to keep an eye on movements near the North Korean border.¶ Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.

#### No Senkaku or Asian conflict- empirically denied, economic interdependence checks, and China avoids nationalism.

Carlson ’13

(Allen Carlson is an Associate Professor in Cornell University’s Government Department. He was granted his PhD from Yale University’s Political Science Department. His undergraduate degree is from Colby College. In 2005 his Unifying China, Integrating with the World: Securing Chinese Sovereignty in the Reform Era was published by Stanford University Press. He has also written articles that appeared in the Journal of Contemporary China, Pacific Affairs, Asia Policy, and Nations and Nationalism. In addition, he has published monographs for the National Committee on U.S.-China Relations and the East-West Center Washington. Carlson was a Fulbright-Hays scholar at Peking University during the 2004-2005 academic year. In 2005 he was chosen to participate in the National Committee’s Public Intellectuals Program, and he currently serves as an adviser to Cornell’s China Asia Pacific Studies program and its East Asia Program. Carlson is currently working on a project exploring the issue of nontraditional security in China’s emerging relationship with the rest of the international system. His most recent publications are the co-edited Contemporary Chinese Politics: New Sources, Methods and Field Strategies (Cambridge University Press, 2010) and New Frontiers in China’s Foreign Relations (Lexington, 2011). China Keeps the Peace at Sea China Keeps the Peace at Sea Why the Dragon Doesn't Want War Allen Carlson February 21, 2013

At times in the past few months, China and Japan have appeared almost ready to do battle over the **Senkaku** (Diaoyu) Islands --which are administered by Tokyo but claimed by both countries -- and to ignite a war that could be bigger than any since World War II. Although Tokyo and Beijing have been shadowboxing over the territory for years, the standoff reached a new low in the fall, when the Japanese government nationalized some of the islands by purchasing them from a private owner. The decision set off a wave of violent anti-Japanese demonstrations across China. In the wake of these events, the conflict quickly reached what political scientists call a state of equivalent retaliation -- a situation in which both countries believe that it is imperative to respond in kind to any and all perceived slights. As a result, it may have seemed that armed engagement was imminent. **Yet,** months later,nothing has happened. And **despite** their **aggressive posturing** in the disputed territory, **both** sides **now show** glimmers of willingness to dial down hostilities and to reestablish stability**.** Some analysts have cited North Korea's recent nuclear test as a factor in the countries' reluctance to engage in military conflict. They argue that the detonation, and Kim Jong Un's belligerence, brought China and Japan together, unsettling them and placing their differences in a scarier context. Rory Medcalf, a senior fellow at the Brookings Institution, explained that "the nuclear test gives the leadership in both Beijing and Tokyo a chance to focus on a foreign and security policy challenge where their interests are not diametrically at odds." The nuclear test, though, is a red herring in terms of the conflict over the disputed islands. In truth, the roots of the conflict -- and the reasons it has not yet exploded -- are much deeper. Put simply, **China** cannot afford military conflict **with** any of its **Asian neighbors.** It is not that China believes it would lose such a spat; the country increasingly enjoys strategic superiority over the entire region, and it is difficult to imagine that its forces would be beaten in a direct engagement over the islands, in the South China Sea or in the disputed regions along the Sino-Indian border. However**, Chinese officials see** thateven the most pronounced victory would be outweighed by the collateral damagethat such a use of force would cause **to Beijing's** two most fundamental national interests **--** economic **growth and preventing the escalation of** radical **nationalist sentiment at home.** These constraints, rather than any external deterrent**, will keep** Xi Jinping, **China's new leader, from** authorizing the use of deadly **force** in the Diaoyu Islands theater. For over three decades, **Beijing has promoted** peace and stability **in Asia** to facilitate conditions amenable to **China's** **economic** **development**. The origins of the policy can be traced back to the late 1970s, when Deng Xiaoping repeatedly contended that to move beyond the economically debilitating Maoist period, China would have to seek a common ground with its neighbors. Promoting cooperation in the region would allow China to spend less on military preparedness, focus on making the country a more welcoming destination for foreign investment, and foster better trade relations. All of this would strengthen the Chinese economy. Deng was right. Today, China's economy is second only to that of the United States. The fundamentals of Deng's grand economic strategy are still revered in Beijing. But any war in the region would erode the hard-won, and precariously held, political capital that China has gained in the last several decades. It would also disrupt trade relations, complicate efforts to promote the yuan as an international currency, and send shock waves through the country's economic system at a time when it can ill afford them. There is thus little reason to think that China is readying for war with Japan. At the same time, the specter of rising Chinese nationalism, **although** often seen as **a promoter of conflict**, further limits the prospects for armed engagement. This is because Beijing will try to discourage nationalism if it fears it may lose control or be forced by popular sentiment to take an action it deems unwise. **Ever since** the **Tiananmen Square** massacre put questions about the Chinese Communist Party's right to govern before the population, **successive generations of Chinese leaders have carefully negotiated a balance** between promoting nationalist sentiment and preventing it from boiling over. In the process, they cemented the legitimacy of their rule. A war with Japan could easily upset that balance by inflaming nationalism that could blow back against China's leaders. Consider a hypothetical scenario in which a uniformed Chinese military member is killed during a firefight with Japanese soldiers. Regardless of the specific circumstances, the casualty would create a new martyr in China and, almost as quickly, catalyze popular protests against Japan. Demonstrators would call for blood, and if the government (fearing economic instability) did not extract enough, citizens would agitate against Beijing itself. Those in Zhongnanhai, the Chinese leadership compound in Beijing, would find themselves between a rock and a hard place. It is possible that Xi lost track of these basic facts during the fanfare of his rise to power and in the face of renewed Japanese assertiveness. It is also possible that the Chinese state is more rotten at the core than is understood. That is, party elites believe that a diversionary war is the only way to hold on to power -- damn the economic and social consequences. But Xi does not seem blind to the principles that have served Beijing so well over the last few decades. Indeed, although he recently warned unnamed others about infringing upon China's "national core interests" during a foreign policy speech to members of the Politburo, he also underscored China's commitment to "never pursue development at the cost of sacrificing other country's interests" and to never "benefit ourselves at others' expense or do harm to any neighbor." Of course, wars do happen -- and still could in the East China Sea. Should either side draw first blood through accident or an unexpected move, Sino-Japanese relations would be pushed into terrain that has not been charted since the middle of the last century. However, understanding that war would be a no-win situation, China has avoided rushing over the brink. This relative restraint seems to have surprised everyone. But it shouldn't. Beijing will continue to disagree with Tokyo over the sovereign status of the islands, and will not budge in its negotiating position over disputed territory. However, it cannot take the risk of going to war over a few rocks in the sea. On the contrary, in the **coming months it will quietly** seek a way to **shelve the dispute in return for** securing **regional stability**, facilitating economic development, and keeping a lid on the Pandora's box of rising nationalist sentiment. The ensuing peace, while unlikely to be deep, or especially conducive to improving Sino-Japanese relations, will be enduring.

### Solvency

#### DOD shift now

Jack Goldsmith, Harvard Law School Professor, focus on national security law, presidential power, cybersecurity, and conflict of laws, Former Assistant Attorney General, Office of Legal Counsel, and Special Counsel to the Department of Defense, Hoover Institution Task Force on National Security and Law, 3/20/13, No More Drones For CIA, www.lawfareblog.com/2013/03/no-more-drones-for-cia/

That is the title of Dan Klaidman’s important story:¶ Three senior U.S. officials tell The Daily Beast that the White House is poised to sign off on a plan to shift the CIA’s lethal targeting program to the Defense Department. . . .The proposed plan would unify the command and control structure of targeted killings, and create a uniform set of rules and procedures. The CIA would maintain a role, but the military would have operational control over targeting. Lethal missions would take place under Title 10 of the U.S. Code, which governs military operations, rather than Title 50, which sets out the legal authorities for intelligence activities and covert operations.¶ Quick reactions:¶ (1) It is not clear what is at stake here, especially if, as Marc Ambinder reports, the Air Force currently operates and “presses the button that releases the missile” on CIA drones. At least two things appear to be involved in the shift: (a) CIA will no longer be determining who is killed, and (b) CIA might no longer “own” armed drones (Ambinder reports that CIA has 30 UAVs, but it is unclear how many are armed). Presumably CIA will still play a heavy role in the intelligence side of drone strikes – which, as I understand it, is 99% of the operation. In that light, it is unclear what Klaidman entails when he says that “a potential downside of the Agency relinquishing control of the program was the loss of a decade of expertise that the CIA has developed since it has been prosecuting its war in Pakistan and beyond,” and adds that “for a period of transition, CIA operators would likely work alongside their military counterparts to target suspected terrorists.”

#### Obama will inevitably use drone strikes despite shift

CNN 13

(Eliott McLaughlin, Jamie Crawford and Joe Sterling, 05/23/13, “Obama: U.S. will keep deploying drones -- when they are only option”, http://www.cnn.com/2013/05/23/politics/obama-terror-speech, AB)

Washington (CNN) -- Drone strikes are a necessary evil, but one that must be used with more temperance as the United States' security situation evolves, President Barack Obama said Thursday.¶ America prefers to capture, interrogate and prosecute terrorists, but there are times when this isn't possible, Obama said in a speech at the National Defense University in Washington. Terrorists intentionally hide in hard-to-reach locales and putting boots on the ground is often out of the question, he said.¶ Thus, when the United States is faced with a threat from terrorists in a country where the government has only tenuous or no influence, drones strikes are the only option -- and they're legal because America "is at war with al Qaeda, the Taliban and their associated forces," Obama said.¶ He added, however, "To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance. For the same progress that gives us the technology to strike half a world away also demands the discipline to constrain that power -- or risk abusing it."¶ Increased oversight is important, but not easy, Obama said. While he has considered a special court or independent oversight board, those options are problematic, so he plans to talk with Congress to determine how best to handle the deployment of drones, he said.¶ The nation's image was a theme throughout the speech, as Obama emphasized some actions in recent years -- drone strikes and Guantanamo Bay key among them -- risk creating more threats. The nature of threats against the United States have changed since he took office -- they've become more localized -- and so, too, must efforts to combat them, he said.¶ "From our use of drones to the detention of terror suspects, the decisions that we are making now will define the type of nation and world that we leave to our children," he said.¶ Today, al Qaeda operatives in Pakistan and Afghanistan worry more about protecting their own skin than attacking America, he said, but the threat is more diffuse, extending into places such as Yemen, Iraq, Somalia and North Africa. And al Qaeda's ideology helped fuel attacks like the ones at the Boston Marathon and U.S. diplomatic compound in Benghazi.¶ Obama said the use of lethal force extends to U.S. citizens as well.¶ On Wednesday, his administration disclosed for the first time that four Americans had been killed in counterterrorist drone strikes overseas, including one person who was targeted by the United States.¶ "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," Obama said.¶ To stop terrorists from gaining a foothold, drones will be deployed, Obama said, but only when there is an imminent threat; no hope of capturing the targeted terrorist; "near certainty" that civilians won't be harmed; and "there are no other governments capable of effectively addressing the threat." Never will a strike be punitive, he said.¶ Those who die as collateral damage "will haunt us for as long as we live," the president said, but he emphasized that the targeted individuals aim to exact indiscriminate violence, "and the death toll from their acts of terrorism against Muslims dwarfs any estimate of civilian casualties from drone strikes."¶ It's not always feasible to send in Special Forces, as in the Osama bin Laden raid, to stamp out terrorism, and even if it were, the introduction of troops could mean more deaths on both sides, Obama said.¶ "The result would be more U.S. deaths, more Blackhawks down, more confrontations with local populations and an inevitable mission creep in support of such raids that could easily escalate into new wars," he said.¶ The American public is split on where and how drones should be used, according to a March poll by Gallup.¶ Although 65% of respondents said drones should be used against suspected terrorists abroad, only 41% said drones should be used against American citizens who are suspected terrorists in foreign countries.

#### Squo laws solve- aff only risks gutting effectiveness

Friesen ‘13

(Sarah Friesen is currently a member of the Young Leaders Program at The Heritage Foundation and research expert. “Contrary to Popular Belief, Drones Not All Bad” April 18, 2013 at 4:00 pm http://blog.heritage.org/2013/04/18/contrary-to-popular-belief-drones-not-all-bad/,TSW)

Last week, Politico published an article on America’s misconception of drones, and why those misconceptions can, and should, be remedied. As technology advances, the ways in which it can be exploited grows. Drones are no exception. While steps need to be taken to ensure that privacy rights are protected from drone activities, the U.S. should not unnecessarily restrain such a valuable technology.¶ Today, the public has a negative perception of drones—to put it mildly. The connotation is generally that of Big Brother watching Americans going about their daily lives—all under the guise of keeping us “safe,” of course. This is far from reality.¶ Drones do, in fact, provide many services that keep Americans safe. These include:¶ Border patrol security¶ Emergency preparation and disaster response¶ Cargo delivery (private sector)¶ Maritime domain awareness¶ Environmental monitoring (flooding, dams, levees, etc.)¶ Law enforcement (pursuit or search and rescue)¶ Arguably, these are all things that need to be done. Drones provide a cheaper platform that keeps the pilot out of any potential danger. This raises the obvious question: If drones have good uses, then why do people think they are so bad?¶ Ellen Tauscher, former Undersecretary of State for Arms Control and International Security says that a big contributor to the problem is that “there are too many different names being used to describe the technology.” Having so many names floating about only exacerbates an already confusing topic.¶ One of the many names for drones is “unmanned aerial vehicle.” This is entirely inaccurate. Drones, like planes and helicopters, do have pilots, but they fly the drones remotely.¶ Another aspect of the confusion surrounding drones, according to Politico, is the secrecy that shrouds how the military uses them. It seems that this secrecy has led to speculation that has tainted the American public’s view of drones in general, both military and non-military. America needs to ensure that guidelines for the domestic usage of drones are based on fact, not speculation.¶ Generally, drones can and should be regulated by the laws already in place dealing with aerial surveillance. This is the route that should be taken instead of requiring a warrant for drone usage in the U.S. This would not only severely restrict the effectiveness of drones but also be a misapplication of the Fourth Amendment.¶ The government and the private sector need to present a coherent and clear picture to the American people of what drones really are. If the public’s inaccurate and negative perception of drones is not altered, it could influence policy to the point of depriving America of a truly valuable tool.

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#### AND, our interp allows a fair number of affs—sniper shots, poison letters, personality drone attacks, specific commando raids—while their interp allows reckless killings, non-premeditated attacks, and collateral damage affs AND our definition is precise and intuitive

Abresch 9 (William, 2009, “Targeted Killing in International Law” book review, original book by Nils Melzer, Oxford: Oxford University Press, 2008, <http://ejil.oxfordjournals.org/content/20/2/449.full>)

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.

#### Our evidence is qualitatively better on this issue AND the personality/signature strike distinction is the crucial to topic education—targeted killing is about counterterrorism, signature strikes is about counterinsurgency. Our ev is more precise AND their interp also adds another set of affs—restrict the type of aircraft that can strike

Anderson 2011

[Kenneth, Professor at Washington College of Law, American University; and Hoover Institution visiting fellow, member of Hoover Task Force on National Security and Law; nonresident senior fellow, Brookings Institution. “Distinguishing High Value Targeted Killing and “Signature” Attacks on Taliban Fighters” 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.

#### Vote neg --- signature strikes and targeted killings are distinct operations with entirely separate lit bases and advantages---they kill precision and limits

Kenneth Anderson 11, Professor at Washington College of Law, American University, 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.

#### They conflate overall drone strategy and tareted killings

Kenneth Anderson 13, Professor of International Law at American University, 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.

#### plan restricts the authority to enact targeted killings AND targeting on suspicion- topical version of the plan limits the restriction to personality strikes

Barela 2013

[Steven J., Postdoctoral Research Fellow, Faculty of Law, University of Geneva, “Book Reviews: Targeted Killings: Law and Morality in an Asymmetrical World” Journal of International Criminal Justice, J Int Criminal Justice (2013) 11 (1): 277, Nexis]

The concluding point here is not a critique of this book specifically, but rather to draw attention to the fact that the legal and moral contours of targeted killing continue to shift in important ways. Since this book went to press, the administration has indicated a legal focus upon the question of ′imminence′, n18 put forward the outlines of its own definition, n19 and formally admitted to drone strikes in countries where the United States is not at war. n20 Additionally, there have been significant revelations about the programme in the media. Most pointedly, there have been reports that the drone strikes in Pakistan are of two different types: (1) ′personality′ strikes where the target is a known terrorist leader; and (2) ′signature′ strikes which target groups of men believed to be militants associated with terrorist groups. n21 Since the latter action is said to constitute the bulk of the strikes carried out in that country, this suggests that much of the drone programme might be more accurately termed targeting on suspicion, rather than applying the more conventional term of ′targeted killing′.

### CASE

#### Zero chance of precedent setting – other countries don’t act based on the United States policy

Wright 12

(Robert Wright, finalist for the Pulitzer Prize, former writer and editor at The Atlantic, “The Incoherence of a Drone-Strike Advocate” NOV 14 2012, <http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/>, KB)

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.¶ Boot started out with this observation:¶ I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.¶ That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?¶ As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:¶ You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

#### No one will follow US lead on drones – especially Russia and China

Boot ‘11

[Max Boot is a leading military historian and foreign-policy analyst. The Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations in New York, he is the author of the critically acclaimed New York Times bestseller "Invisible Armies: An Epic History of Guerrilla Warfare from Ancient Times to the Present." <http://www.commentarymagazine.com/2011/10/09/drone-arms-race/> ETB]

This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran. The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example. In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests. Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone? While a decision on our part to stop drone strikes would be unlikely to alter Russian or Chinese thinking, it would have one immediate consequence: al-Qaeda would be strengthened and could regenerate the ability to attack our homeland. Drone strikes are the only effective weapon we have to combat terrorist groups in places like Pakistan or Yemen where we don’t have a lot of boots on the ground or a lot of cooperation from local authorities. We cannot afford to give them up in the vain hope it will encourage disarmament on the part of dictatorial states.

No precedent setting - drone prolif is inevitable regardless of US action

Wright ‘12

[Robert Wright, a finalist for the Pulitzer Prize. He is a former writer and editor at The Atlantic. “The Incoherence of a Drone-Strike Advocate.” <http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/> ETB]

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond. ¶ Boot started out with this observation:¶ I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.¶ That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right? ¶ As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said: ¶ You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

#### China is empirically cautious in its use of force to resolve territorial disputes

Erickson and Strange 5-29

Erickson, associate professor at the Naval War College and Associate in Research at Harvard University's Fairbank Centre, and Strange, researcher at the Naval War College's China Maritime Studies Institute and graduate student at Zhejiang University, 5-29-13 (Andrew and Austin, China has drones. Now how will it use them? Foreign Affairs, McClatchy-Tribune, 29 May 2013, http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html, da 8-3-13) PC

The restrictive position that Beijing takes on sovereignty in international forums will further constrain its use of drones. China is not likely to publicly deploy drones for precision strikes or in other military assignments without first having been granted a credible mandate to do so. The gold standard of such an authorisation is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and anti-piracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorisation, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But even with the endorsement of the international community or specific states, China would have to weigh any benefits of a drone strike abroad against the potential for mishaps and perceptions that it was infringing on other countries' sovereignty - something Beijing regularly decries when others do it.

#### This is a matter of fact

John Bennett, Defense News, 5/24/13, White House Quietly Shifts Armed Drone Program from CIA to DoD, www.defensenews.com/article/20130524/DEFREG02/305240010/White-House-Quietly-Shifts-Armed-Drone-Program-from-CIA-DoD

The White House has quietly shifted lead responsibility for its controversial armed drone program from the CIA to the Defense Department, a move that could encounter resistance on Capitol Hill.¶ The decision is a landmark change in America’s 12-year fight against al-Qaida and raises new legal and operational questions while solving others. The shift could set off a bitter congressional turf war among the leaders of the committees that oversee the military and intelligence community, who already have sparred over the issue.¶ At issue is a months-long debate about whether the CIA should remain the lead organization for planning and conducting aerial strikes on al-Qaida targets from remotely piloted aircraft.¶ The Obama administration appears to have settled that debate, opting to hand the military control of most drone strikes while returning the CIA to its core missions of collecting and analyzing intelligence.¶ In a landmark counterterrorism speech Thursday at National Defense University in Washington, Obama did not directly acknowledge the spy agency has been running the drone-strike program for years. Nor did he formally announce the Defense Department would be handed the lead role in the targeted-killing program.¶ The president offered some clues into the status of the program, opaquely signaling it will now primarily be conducted by the United States military.¶ When discussing the thorny issue that is the legality of the drone program, Obama called strikes from remotely piloted aircraft a “military tactic.”¶ “To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance, for the same progress that gives us the technology to strike half a world away also demands the discipline to constrain that power, or risk abusing it,” Obama said.¶ Minutes later, Obama, while noting drone strikes present unique geopolitical challenges for Washington, again seemed to hint his administration has concluded the military should run the drone-strike effort.¶ “Now, this is not to say that the risks are not real,” Obama said. “Any U.S. military action in foreign lands risks creating more enemies and impacts public opinion overseas.”¶ Military 'Preference'¶ A senior Obama administration official who briefed reporters before the president’s speech spoke more clearly, announcing the White House indeed has concluded the military soon will take over the lead role for planning and carrying out drone strikes on al-Qaida targets.¶ “What we do express in the PPG, though, is the preference that the United States military have the lead for the use of force not just in war zones like Afghanistan, but beyond Afghanistan where we are fighting against al-Qaida and its associated forces,” the senior administration official said.¶ The official was referring to a new presidential policy guidance Obama signed this week that adjusts Washington’s counterterrorism approach and includes the drone-program shift.

#### DOD shift now—it’s public and credible

Corn 13

David Corn, Washington bureau chief of Mother Jones magazine and an MSNBC commentator, Mother Jones, May 23, 2013, " Obama's Counterterrorism Speech: A Pivot Point on Drones and More?", http://www.motherjones.com/mojo/2013/05/obama-speech-drones-civil-liberties

So Obama's speech Thursday on counterterrorism policies—which follows his administration's acknowledgment yesterday that it had killed four Americans (including Anwar al-Awlaki, an Al Qaeda leader in Yemen)—is a big deal, for with this address, Obama is self-restricting his use of drones and shifting control of them from the CIA to the military. And the president has approved making public the rules governing drone strikes. The New York Times received the customary pre-speech leak and reported: A new classified policy guidance signed by Mr. Obama will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists. Lethal force will be used only against targets who pose "a continuing, imminent threat to Americans" and cannot feasibly be captured, Attorney General Eric H. Holder Jr. said in a letter to Congress, suggesting that threats to a partner like Afghanistan or Yemen alone would not be enough to justify being targeted. These moves may not satisfy civil-liberties-minded critics on the right and the left. Obama is not declaring an end to indefinite detention or announcing the closing of Gitmo—though he is echoing his State of the Union vow to revive efforts to shut down that prison. Still, these moves would be unimaginable in the Bush years. Bush and Cheney essentially believed the commander in chief had unchallenged power during wartime, and the United States, as they saw it, remained at war against terrorism. Yet here is Obama subjecting the drone program to a more restrictive set of rules—and doing so publicly. This is very un-Cheney-like. (How soon before the ex-veep arises from his undisclosed location to accuse Obama of placing the nation at risk yet again?) Despite Obama's embrace of certain Bush-Cheney practices and his robust use of drones, the president has tried since taking office to shift US foreign policy from a fixation on terrorism. During his first days in office, he shied away from using the "war on terrorism" phrase. And his national security advisers have long talked of Obama's desire to reorient US foreign policy toward challenges in the Pacific region. By handing responsibility for drone strikes to the military, Obama is helping CIA chief John Brennan, who would like to see his agency move out of the paramilitary business and devote more resources to its traditional tasks of intelligence gathering and analysis. With this speech, Obama is not renouncing his administration's claim that it possesses the authority to kill an American overseas without full due process. The target, as Holder noted in that letter to Congress, must be a senior operational leader of Al Qaeda or an associated group who poses an "imminent threat of violent attack against the United States" and who cannot be captured, and Holder stated that foreign suspects now can only be targeted if they pose "a continuing, imminent threat to Americans." (Certainly, there will be debates over the meaning of "imminent," especially given that the Obama administration has previously used an elastic definition of imminence.) And Obama is not declaring an end to the dicey practice of indefinite detention or a conclusion to the fight against terrorism. But the speech may well mark a pivot point. Not shockingly, Obama is attempting to find middle ground, where there is more oversight and more restraint regarding activities that pose serious civil liberties and policy challenges. The McCainiacs of the world are likely to howl about any effort to place the effort to counter terrorism into a more balanced perspective. The civil libertarians will scoff at half measures. But Obama, at the least, is showing that he does ponder these difficult issues in a deliberative manner and is still attempting to steer the nation into a post-9/11 period. That journey, though, may be a long one.

#### It’s fast and certainly happening

Klaidman 13 (Daniel, The Daily Beast, “Exclusive: No More Drones for CIA”, Mar 19, 2013, <http://www.thedailybeast.com/articles/2013/03/19/exclusive-no-more-drones-for-cia.html>, ZBurdette)

**At a time when controversy over** the **Obama** administration**’s drone program seems to be cresting, the CIA is close to taking a major step toward getting out of the targeted killing business.** Three senior U.S. officials tell The Daily Beast that the White House is poised to sign off on a plan to shift the CIA’s lethal targeting program to the Defense Department. **The move could potentially toughen the criteria for drone strikes, strengthen the program’s accountability, and increase transparency.** Currently, the government maintains parallel drone programs, one housed in the CIA and the other run by the Department of Defense. **The proposed plan would unify the command and control structure of targeted killings** and create a uniform set of rules and procedures. **The CIA would maintain a role, but the military would have operational control over targeting. Lethal missions would take place under Title 10 of the U.S. Code, which governs military operations, rather than Title 50**, **which sets out the legal authorities** for intelligence activities and covert operations. **“This is a big deal,” says one senior administration official** who has been briefed on the plan. “It would be a pretty strong statement.” **Officials anticipate** a phased-in transition in which the CIA’s drone operations would be gradually shifted over to the military, **a process that could take as little as a year.** Others say it might take longer but would occur during President Obama’s second term. “You can’t just flip a switch, but it’s on a reasonably fast track**,” says one U.S. official. During that time, CIA and DOD operators would begin to work more closely together to** ensure a smooth hand-off**.** The CIA would remain involved in lethal targeting, at least on the intelligence side, but would not actually control the unmanned aerial vehicles. Officials told The Daily Beast that **a potential downside of the agency’s relinquishing control of the program was the loss of a decade of expertise that the CIA has developed** since it has been prosecuting its war in Pakistan and beyond. At least **for a period of transition, CIA operators would likely work alongside their military counterparts to target suspected terrorists. The policy shift is part of a larger White House initiative known internally as “institutionalization,”** an effort to set clear standards and procedures for lethal operations. **More than a year in the works, the interagency process has been driven and led by** John **Brennan**, who until he became **CIA director** earlier this month was Obama’s chief counterterrorism adviser. Brennan, who has presided over the administration’s drone program from almost day one of Obama’s presidency, has grown uncomfortable with the ad hoc and sometimes shifting rules that have governed it. Moreover, Brennan has publicly stated that he would like to see the CIA move away from the kinds of paramilitary operations it began after the September 11 attacks, and return to its more traditional role of gathering and analyzing intelligence. Lately, Obama has signaled his own desire to place the drone program on a firmer legal footing, as well as to make it more transparent. He obliquely alluded to the classified program during his State of the Union address in January. “In the months ahead,” he declared, “I will continue to work with Congress to ensure that not only our targeting, detention, and prosecution of terrorists remain consistent with our laws and systems of checks and balances, but that our efforts are even more transparent to the American people and to the world.” Shortly after taking office, Obama dramatically ramped up the drone program, in part because the government’s targeting intelligence on the ground had vastly improved and because the precision technology was very much in line with the new commander in chief’s “light footprint” approach to dealing with terrorism. As the al Qaeda threat has metastasized, U.S. drone operations have spread to more remote, unconventional battlefields in places like Yemen and Somalia. With more strikes, there have been more alleged civilian casualties. Adding to the mounting pressure for the administration to provide a legal and ethical rationale for its targeting polices was the killing of Anwar al-Awlaki, a senior commander of al Qaeda’s Yemen affiliate, who also happened to be a U.S. citizen. (Two weeks later, his 16-year-old son was killed in a drone strike, which U.S. officials have called an accident.) The recent nomination of Brennan to head the CIA became a kind of proxy battle over targeted killings and the administration’s reluctance to be more forthcoming about the covert program. At issue were a series of secret Justice Department legal opinions on targeted killing that the administration had refused to make public or turn over to Congress. **It looks like the White House may now be preparing to launch a campaign to counter the growing perception**—with elites if not the majority of the public—**that Obama is running a secretive and legally dubious killing machine.** For weeks, though the White House has not confirmed it, administration officials have been whispering about the possibility that Obama would make a major speech about counterterrorism policy, including efforts to institutionalize—but also reform—the kinds of lethal operations that have been a hallmark of his war on terrorism. With an eye on posterity, Obama may feel the time has come to demonstrate publicly that his policies, for all of the criticism, have stayed within the law and American values. “Barack **Obama has got to be concerned about his legacy,” says one former adviser. “He doesn’t want drones to become his Guantánamo.”** **But for the president to step out publicly on the highly sensitive subject of targeted killings, he’s going** to have to do more than simply give an eloquent speech. An initiative like shifting the CIA program to the military, as well as other aspects of the institutionalization plan, may be just what he needs.

# 1NR

### COUNTERPLAN

#### 1 – Education – core topic education is not whether to restrict, but who does it – discussing implementation is key

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.

### POLITICS

#### We control global impact uniqueness – the status quo solves their impacts but decline undermines crucial forms of restraint

Griswold 5

Director of the Center for Trade Policy Studies at the Cato Institute (Daniel, “Peace on earth? Try free trade among men,” 12-29-2005, http://www.freetrade.org/node/282)

Buried beneath the daily stories about car bombs and insurgents is an underappreciated but comforting fact during this Christmas season: The world has somehow become a more peaceful place.¶ As one little-noticed headline on an Associated Press story recently reported, "War declining worldwide, studies say." According to the Stockholm International Peace Research Institute, the number of armed conflicts around the world has been in decline for the past half century. In just the past 15 years, ongoing conflicts have dropped from 33 to 18, with all of them now civil conflicts within countries. As 2005 draws to an end, no two nations in the world are at war with each other. The death toll from war has also been falling. According to the AP story, "The number killed in battle has fallen to its lowest point in the post-World War II period, dipping below 20,000 a year by one measure. Peacemaking missions, meanwhile, are growing in number." Those estimates are down sharply from annual tolls ranging from 40,000 to 100,000 in the 1990s, and from a peak of 700,000 in 1951 during the Korean War. Many causes lie behind the good news -- the end of the Cold War and the spread of democracy, among them -- but expanding trade and globalization appear to be playing a major role. Far from stoking a "World on Fire," as one misguided American author has argued, growing commercial ties between nations have had a dampening effect on armed conflict and war, for three main reasons. First, trade and globalization have reinforced the trend toward democracy, and democracies don't pick fights with each other. Freedom to trade nurtures democracy by expanding the middle class in globalizing countries and equipping people with tools of communication such as cell phones, satellite TV, and the Internet. With trade comes more travel, more contact with people in other countries, and more exposure to new ideas. Thanks in part to globalization, almost two thirds of the world's countries today are democracies -- a record high. Second, as national economies become more integrated with each other, those nations have more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also ruptured trade and investment ties that impose lasting damage on the economy. In short, globalization has dramatically raised the economic cost of war. Third, globalization allows nations to acquire wealth through production and trade rather than conquest of territory and resources. Increasingly, wealth is measured in terms of intellectual property, financial assets, and human capital. Those are assets that cannot be seized by armies. If people need resources outside their national borders, say oil or timber or farm products, they can acquire them peacefully by trading away what they can produce best at home. Of course, free trade and globalization do not guarantee peace. Hot-blooded nationalism and ideological fervor can overwhelm cold economic calculations. But deep trade and investment ties among nations make war less attractive. Trade wars in the 1930s deepened the economic depression, exacerbated global tensions, and helped to usher in a world war. Out of the ashes of that experience, the United States urged Germany, France and other Western European nations to form a common market that has become the European Union. In large part because of their intertwined economies, a general war in Europe is now unthinkable. In East Asia, the extensive and growing economic ties among Mainland China, Japan, South Korea, and Taiwan is helping to keep the peace. China's communist rulers may yet decide to go to war over its "renegade province," but the economic cost to their economy would be staggering and could provoke a backlash among its citizens. In contrast, poor and isolated North Korea is all the more dangerous because it has nothing to lose economically should it provoke a war. In Central America, countries that were racked by guerrilla wars and death squads two decades ago have turned not only to democracy but to expanding trade, culminating in the Central American Free Trade Agreement with the United States. As the Stockholm institute reports in its 2005 Yearbook, "Since the 1980s, the introduction of a more open economic model in most states of the Latin American and Caribbean region has been accompanied by the growth of new regional structures, the dying out of interstate conflicts and a reduction in intra-state conflicts." Much of the political violence that remains in the world today is concentrated in the Middle East and Sub-Saharan Africa -- the two regions of the world that are the least integrated into the global economy. Efforts to bring peace to those regions must include lowering their high barriers to trade, foreign investment, and domestic entrepreneurship. Advocates of free trade and globalization have long argued that trade expansion means more efficiency, higher incomes, and reduced poverty. The welcome decline of armed conflicts in the past few decades indicates that free trade also comes with its own peace dividend.

#### Timeframe – the US only has till October 17th – we’re on the brink - default immediately destroys confidence and causes financial volatility throughout the economy – default to timeframe – you can only die once

CCTV 10-1

(CCTV, “U.S. gov't shutdown, debt default threaten to weigh on economy: expert” 10-01-2013, <http://english.cntv.cn/20131002/100740.shtml>, KB)

The ongoing partial federal government shutdown and fiscal uncertainties are dampening American economic recovery, and a default on U.S. debt payments would have "immediate and substantial" negative effects on the country's economy that would be difficult to quickly reverse, said David Stockton, a senior fellow at the Peterson Institute for International Economics (PIIE).¶ "A brief shutdown is disruptive, but not likely a systemic macro event," Stockton said Tuesday at an event on the first day of the partial shutdown of the U.S. federal government agencies.¶ U.S. lawmakers failed to agree to a spending bill for keeping the federal government running beyond midnight of Sept. 30, which finally forced the U.S. federal government to a partial shutdown starting Tuesday for the first time in 17 years. Tuesday also coincided with the first day of the U.S. 2014 fiscal year.¶ The federal government shutdown each week will cost the United States about 0.15 percent of the growth in the fourth-quarter gross domestic product (GDP), predicted Stockton, also former chief economist at the U.S. Federal Reserve.¶ However, if U.S. Congress fails to meet a mid-October deadline to raise the country's debt ceiling, it will be "a major macro systemic event" and will lead to financial volatility and depressed household and business confidence, he stressed.¶ A partial government shutdown for several weeks or a month would not have a significant impact on weakening the U.S. dollar or delaying the Fed's decision of tapering off its third round of quantitative easing (QE3), compared with the potential impact of a debt default crisis, he said in answering questions posed by Xinhua.

#### Literally turns the entire aff - Congress will give Obama unfettered power in the event of an emergency

Brooks 13

(Rosa Brooks, “Mission Creep in the War on Terror” March 14, 2013, <http://www.foreignpolicy.com/articles/2013/03/14/mission_creep_in_the_war_on_terror>, KB)

AUMF or no AUMF, if the United States finds credible evidence of an imminent and grave terrorist attack -- of the 9/11 variety -- no one's going to give the president a hard time if he kills the bad guys before they have a chance to attack us. And trust me: If the president has solid evidence of such an impending attack, it won't matter if the terrorists are an al Qaeda offshoot or a rogue group of Canadian girl scouts.¶ And if, despite our best efforts at prevention, another serious terrorist attack occurs in the future, Congress will undoubtedly be quick to give the president any additional authorities he needs -- with the same speed with which Congress passed its 2001 authorization to use force.¶ In the end, it's not that complicated. If we can't shoehorn drone strikes against every "associate of an associate" of al Qaeda into the 2001 AUMF, we should stop trying to stretch or change the law. Instead, we should scale back the targeted killings.¶ It's past time for a serious overhaul of U.S. counterterrorism strategy. This needs to include a rigorous cost-benefit analysis of U.S. drone strikes, one that takes into account issues both of domestic legality and international legitimacy, and evaluates the impact of targeted killings on regional stability, terrorist recruiting, extremist sentiment, and the future behavior of powerful states such as Russia and China. If we undertake such a rigorous cost-benefit analysis, I suspect we'll come to see scaling back drone strikes less as an inconvenience than as a strategic necessity -- and we may come to a new appreciation of counterterrorism measures that don't involve missiles raining from the sky.¶ This doesn't mean we should never use armed drones -- drones, like any other weapons-delivery mechanism, will at times be justifiable and useful. But it does mean we should rediscover a long-standing American tradition: reserving the use of exceptional authorities for rare and exceptional circumstances.

#### This is true even if they win PC theory is wrong

Huq 12

Aziz Huq, Assistant Professor of Law, University of Chicago Law School, 2012, Binding the Executive (by Law or by Politics), https://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/uploads/79\_2/06%20Huq%20BKR.pdf

Consider first a simple measure of Presidents’ ability to obtain policy change: Do they obtain the policy changes they desire? Every President enters office with an agenda they wish to accomplish.53 President Obama came into office, for example, promising health care reform, a cap-and-trade solution to climate change, and major immigration reform.54 President George W. Bush came to the White House committed to educational reform, social security reform, and a new approach to energy issues.55 One way of assessing presidential influence is by examining how such presidential agendas fare, and asking whether congressional obstruction or legal impediments— which could take the form of existing laws that preclude an executive policy change or an absence of statutory authority for desired executive action—is correlated with presidential failure. Such a correlation would be prima facie evidence that institutions and laws play some meaningful role in the production of constraints on executive discretion. Both recent experience and long-term historical data suggest presidential agenda items are rarely achieved, and that legal or institutional impediments to White House aspirations are part of the reason. In both the last two presidencies, the White House obtained at least one item on its agenda—education for Bush and health care for Obama—but failed to secure others in Congress. Such limited success is not new. His famous first hundred days notwithstanding, Franklin Delano Roosevelt saw many of his “proposals for reconstruction [of government] . . . rejected outright.”56 Even in the midst of economic crisis, Congress successfully resisted New Deal initiatives from the White House. This historical evidence suggests that the diminished success of presidential agendas cannot be ascribed solely to the narrowing scope of congressional attention in recent decades; it is an older phenomenon. Nevertheless, in more recent periods, presidential agendas have shrunk even more. President George W. Bush’s legislative agenda was “half as large as Richard Nixon’s first-term agenda in 1969–72, a third smaller than Ronald Reagan’s first-term agenda in 1981–84, and a quarter smaller than his father’s first-term agenda in 1989–92.”57 The White House not only cannot always get what it wants from Congress but has substantially downsized its policy ambitions. Supplementing this evidence of presidential weakness are studies of the determinants of White House success on Capitol Hill. These find that “presidency-centered explanations” do little work.58 Presidents’ legislative agendas succeed not because of the intrinsic institutional characteristics of the executive branch, but rather as a consequence of favorable political conditions within the momentarily dominant legislative coalition.59 Again, correlational evidence suggests that institutions and the legal frameworks making up the statutory status quo ante play a role in delimiting executive discretion.

#### Yes passage ---

#### 1) Momentum – the shutdown created it which gives Obama the edge over the GOP

Klein 9-28

Ezra Klein 9/28/13, writer @ the Washington Post, “The House GOP’s shutdown plan is great news,” Washington Post, <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/09/28/the-house-gops-shutdown-plan-is-great-news/>

House Republicans plan to attach a one-year delay of Obamacare to the continuing resolution. That sharply increases the chances of a government shutdown beginning Monday night.¶ Good.¶ Speaker Boehner's original plan was to pass a clean bill to fund the government and then attach the one-year delay of Obamacare to the debt-ceiling bill. It was a strategy that would minimize the chances of a shutdown but maximize the chances of a default.¶ Boehner wanted that strategy because he thought Republicans had more leverage on the debt limit than they do on the shutdown. A shutdown, after all, is just bad for the economy. A default is catastrophic for it. You'd have to be insanely reckless to permit the federal government to default on its debts. And Boehner believes that House Republicans are insanely reckless and that President Obama isn't.¶ But that strategy failed. Boehner's members refused to wait for the debt ceiling. They want their showdown now. And that's all for the better.¶ Moving the one-year delay of Obamacare to the CR maximizes the chances of a shutdown but makes a default at least somewhat less likely. If a shutdown begins Monday night, Republicans and Democrats will have more than two weeks to resolve it before hitting the debt ceiling.¶ As Alec Phillips put it in a research note for Goldman Sachs, "If a shutdown is avoided, it is likely to be because congressional Republicans have opted to wait and push for policy concessions on the debt limit instead. By contrast, if a shutdown occurs, we would be surprised if congressional Republicans would want to risk another difficult situation only a couple of weeks later. The upshot is that while a shutdown would be unnecessarily disruptive, it might actually ease passage of a debt limit increase."¶ One way a shutdown makes the passage of a debt limit increase easier is that it can persuade outside actors to come off the sidelines and begin pressuring the Republican Party to cut a deal. One problem in the politics of the fiscal fight so far is that business leaders, Wall Street, voters and even many pundits have been assuming that Republicans and Democrats will argue and carp and complain but work all this out before the government closes down or defaults. A shutdown will prove that comforting notion wrong, and those groups will begin exerting real political pressure to force a resolution before a default happens.

#### 2) We control the direction – their ev doesn’t assume PC – Obama won’t budge – that’s key to a deal

Parnes 9-30

(Amie Parnes, White House correspondent at The Hill, “Not giving an inch is seen as best strategy for win at White House” 09/30/13, http://thehill.com/homenews/administration/325663-not-giving-an-inch-is-seen-as-best-strategy-for-win-at-white-house,%20accessed%2010-1-13, KB)

There was no shadow of doubt at the White House as the clocked ticked down to midnight Monday.¶ Officials suggested that a refusal to negotiate over funding the government was the winning strategy.¶ White House officials expressed confidence they wouldn’t have to back down in the slightest, while aides close to Obama, former administration officials and top Democratic strategists who confer with the White House say the chances of them negotiating with Republicans are slim to none.¶ Sources said the White House believes GOP divisions, and polls showing more people would blame Republicans in Congress for a shutdown, mean Obama — who has been blamed for giving in too much in previous bargaining sessions — won’t have to give an inch.¶ White House officials were even more emboldened by support from Senate Republicans, including Sen. Susan Collins of Maine, who said publicly that she disagreed with the House Republican strategy of linking the Affordable Care Act with “the continuing functioning of government.”¶ Some Republicans in the House on Monday also expressed public support for moving a clean funding measure, something the White House will see as giving it more leverage.¶ Those close to the White House say Republicans have backed themselves into a corner with few options remaining.¶ “This is truly [Speaker] John Boehner’s [R-Ohio] worst nightmare,” one former senior administration official said. “This is Republican on Republican violence right now. This has absolutely nothing to do with Democrats or the president. So all Obama has to do now is sit back.”¶ The battle isn’t about “lack of engagement,” the former official added.¶ “The president could go to the Capitol and give the speech of his life on why we shouldn’t shut down the government. But you have this Tea Party base that will never be placated, and they’re itching for a fight. But I have news for them: They won’t win it,” the official said.¶ Another former administration official added, “The question isn’t, should he negotiate. It’s who does he negotiate with. Who up there is actually empowered to cut a deal. It’s not clear. They can’t make up their minds amongst themselves, so who can he negotiate with to reach a deal that sticks?”¶ White House senior adviser Dan Pfeiffer backed that sentiment in an interview on CNN.¶ “What the Republicans want is to extract some ideological concession in order to save face for the Tea Party that funds the government for two months,” Pfeiffer said. “What happens two months from now? What are they going to want then? Full repeal of ObamaCare? Overturn of Roe v. Wade? An installment of [Mitt] Romney as president? At some point, we have to bring this cycle of hostage taking and brinksmanship to an end.”¶ In the lead-up to the shutdown, Obama sent strong signals that he felt he was on the right side of the fight. On Saturday, with the House in session and voting on legislation to avoid the shutdown, the president played a round of golf. ¶ Likewise, Senate Majority Leader Harry Reid (D-Nev.) — who has been coordinating closely with the White House — was in no rush to convene the upper chamber on Sunday.¶ The first former senior administration official credited Reid with stepping up his role in the fight. “Harry Reid is basically saying, ‘No way, not again,’ ” the former official said.¶ Some Republicans accused the White House of over-confidence Monday and said Obama risked getting plenty of blame for a shutdown by not negotiating with Republicans.¶ “If we’re unable to avoid a crisis in the next few weeks, the president will have to explain why he sat at home and did nothing to help find a solution,” said Brendan Buck, a spokesman for Boehner.¶ “Obama is the president, and his job is to lead,” said Kirsten Kukowski, a spokeswoman at the Republican National Committee. “The longer he refuses to come to the table, the more Americans will realize he’s the typical politician he promised he wouldn’t be.”¶ With cable news networks displaying countdown clocks until the deadline Monday, Obama did telegraph a willingness to at least talk to congressional leaders.¶ “I suspect I will be speaking to the leaders today, tomorrow and the next day,” Obama told reporters earlier in the day.¶ Later in the day, however, he signaled a tougher line, stating that “one faction of one party in one house of Congress in one branch of government doesn’t get to shut down the entire government just to refight an election.”¶ “You don’t get to extract a ransom for doing your job,” Obama said. ¶ Those close to the White House predicted that a deal would eventually be reached, even after the deadline. But they reaffirmed the confidence that it would be Republicans who would suffer the consequences.¶ In the meantime, as the debt-ceiling fight heats up, they said Obama would ramp up the rhetoric and use the bully pulpit to drive home that point. In addition, one former senior official said Obama has to get the business community and Wall Street to say, “What the f--- is happening here?”¶ “As people realize what this will do to the stock market, they’ll ask Boehner and the Tea Party, ‘Is this what you really want?’” the official added.¶ “The more he can remain a bit above the fray and say, ‘I’m not going to get on your level’, the better. ”

#### 3) Status quo gains - Obama is ahead and the GOP will cave, but PC is key

Foster 10-1

(Peter Foster, the Telegraph's US Editor based in Washington DC, “US government shutdown: Barack Obama likely to come out on top” 01 Oct 2013, <http://www.telegraph.co.uk/news/worldnews/us-politics/10346071/US-government-shutdown-Barack-Obama-likely-to-come-out-on-top.html>, KB)

“One faction, of one party, in one house of Congress, in one branch of government doesn't get to shut down the entire government just to refight the results of an election,” Mr Obama said, pointing the finger at the small rump of Tea Party conservatives who have ultimately engineered this shutdown.¶ In the days ahead, Washington will play the blame game, as both sides try to prove that the other is responsible for this wholly preventable act of lunacy; but at first glance there are several reasons that explain Mr Obama’s obvious confidence that he will come out on top.¶ The first is the opinion polls, which show that nearly two-thirds of the US public do not want a shutdown of the government - even though a majority still do not like the healthcare reforms that the Tea Party so virulently opposes.¶ As John McCain, a Republican senator ruefully observed at the start of this process, the Obamacare legislation was passed by Congress, ratified by the US Supreme Court and campaigned over in the 2012 election – a vote Mr Obama clearly won.¶ The second is the lesson of history. The last time the US government shutdown in 1996, back when a bombastic Newt Gingrich was the Republican Speaker of the House, the GOP took the lion’s share of the blame and Bill Clinton sailed to victory in that year’s presidential election.¶ Democrats believe history will repeat itself. So when Republicans say Mr Obama "wants" this shutdown as a boost to his personal ratings, there is no doubt a grain of truth to that – particularly when the shutdown is coming largely on the White House’s terms.¶ Thirdly, as Mr Obama demonstrated to some effect last night, he has the advantage of the White House bully pulpit from which he will continue to castigate Republicans for what he will characterize as reckless and irresponsible behaviour.¶ The president will be greatly helped in this argument by the fact that many Republicans privately – and even not so privately - agree with him, and are furious that the Tea Party wing of their party has picked a fight that they have repeatedly been warned they cannot win.¶ In private, senior Republicans were last night talking of the need for the Tea Party rump – who only represent about 10 per cent of Congress and about 20 per cent of the US public - to be “taught a lesson” and “put in their place” for the sake of the wider credibility of the party.¶ Even so, many Tea Party types will celebrate the shutdown as the fulfillment of their electoral promise to fight Obamacare tooth and nail and – even if they lose this particular fight, as they surely must – a victory in the wider battle to fire up the party base before the 2014 mid-term elections.¶ And Tea Party Republicans will, of course, still do their best to blame the White House and Senate Democrats for refusing to compromise, but it is plain to many people that using the funding of the US government as a tool to blackmail Mr Obama over healthcare reforms is simply indefensible.¶ The equivalent, in reverse, would be for Mr Obama to promise to veto a Republican-resolution to fund the government unless it included a rider forcing Republicans to agree to the gun reforms Mr Obama demanded – but was denied – after the Sandy Hook massacre.¶ So whether it takes a day, a week or a month or more, the winners of this political contest will be whoever convinces the public they have right on their side, and in this Mr Obama has a considerable head-start.¶ The losers – the working American public, anyone with a share portfolio or a retirement fund, some 800,000 federal workers and indeed the already tattered credibility of the government of the United States – have already been determined.

#### 4) Holding the line – it gives Obama leverage over the GOP

Epstein 10-1

(Reid Epstein, writer for POLITICO, “Government shutdown: President Obama holds the line,” 10-1-13, http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=l4, KB)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency.¶ All it took was a government shutdown.¶ This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no.¶ For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal.¶ After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress.¶ Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk.¶ “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?”¶ The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding.¶ This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.”¶ Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.”¶ “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics.¶ Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations.¶ “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.”¶ While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu.¶ White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything.¶ “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.”¶ Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing.¶ Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend.¶ “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.”¶ The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans.¶ The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is.¶ If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”