### **1NC**

### **First Off**

#### **asking how the executive should be allowed to conduct war masks the fundamental question of whether war should be allowed at all – ensures a military mentality**

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 22-23)

The widespread, unquestioning acceptance of warism and the corresponding reluctance to consider pacifism as a legitimate option make it difficult to propose a genuine consideration of pacifist alternatives. Warism may be held implicitly or explicitly. Held in its implicit form, it does not occur to the warist to challenge the view that war is morally justified; war is taken to be natural and normal. No other way of understanding large-scale human conflict even comes to mind. In this sense warism is like racism, sexism, and homophobia: a prejudicial bias built into conceptions and judgments without the awareness of those assuming it. In its explicit form, warism is openly accepted, articulated, and deliberately chosen as a value judgment on nations in conflict. War may be defended as essential for justice, needed for national security, as “the only thing the enemy understands,” and so on. In both forms warism misguides judgments and institutions by reinforcing the necessity and inevitability of war and precluding alternatives. Whether held implicitly or explicitly, warism obstructs questioning the conceptual framework of the culture. If we assume (without realizing it) that war itself is morally justifiable, our moral considerations of war will be focused on whether a particular war is justified or whether particular acts within a given war are morally acceptable. These are important concerns, but addressing them does not get at the fundamental issue raised by the pacifist: the morality of war as such. In Just and Unjust Wars Michael Walzer explains that “war is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt.”8 The pacifist suggestion is that there is a third judgment of war that must be made prior to the other two: might war, by its very nature, be morally wrong? This issue is considered by Walzer only as an afterthought in an appendix, where it is dismissed as naïve. Perhaps Walzer should not be faulted for this omission, since he defines his task as describing the conventional morality of war and, as has been argued above, conventional morality does take warism for granted. To this extent Walzer is correct. And this is just the point: our warist conceptual frameworks— our warist normative lenses— blind us to the root question. The concern of pacifists is to expose the hidden warist bias and not merely describe cultural values. Pacifists seek to examine cultural values and recommend what they ought to be. This is why the pacifist insists on judging war in itself, a judgment more fundamental than the more limited assessments of the morality of a given war or the morality of specific acts within a particular war.

#### this mindset is important – our consciousness of war guarantees endless violence that ensures planetary destruction and structural violence

Lawrence 9 (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is dripping violence. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a war consciousness that allows it to prosper. That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### The alternative must begin in our minds – we need to free ourselves of the presumption towards war and advocate for peace and social justice to stop the flow of militarism that threatens existence

Demenchonok 9 – Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49

Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence—a Hobbesian bellum omnium contra omnes? Or international cooperation, social justice, and genuine collective—political and human—security? Down which path lies cowering, fragile hope?¶ Humanistic thinkers approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They examine in depth the root causes of these problems, warning about the consequences of escalation and, at the same time, indicating the prospect of their possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by Immanuel Kant, Leo Tolstoy, Mahatma Gandhi, Martin Luther King, and many contemporary philosophers—supported by peace and civil rights movements—counter the paralyzing fear with hope and offer a realistic alternative: a rational approach to the solutions to the problems, encouraging people to be the masters of their own destiny.¶ Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War, which polarized the world, power politics was challenged by the common perspective of humanity, of the supreme value of human life, and the ethics of peace. Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-intellectual efforts to find solutions to these problems generated ideas of "new thinking," aiming for peace, freedom, and democracy. Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative. In the asymmetry of power, despite being frustrated by war-prone politics, peaceful projects emerge each time, like a phoenix arising from the ashes, as the only viable alternative for the survival of humanity. The new thinking in philosophy affirms the supreme value of human and nonhuman life, freedom, justice, and the future of human civilization. It asserts that the transcendental task of the survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests of nations, social classes, and so forth. In applying these principles to the nuclear age, it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons and from war and organized violence.44 In tune with the Charter of the United Nations, it calls for the democratization of international relations and for dialogue and cooperation in order to secure peace, human rights, and solutions to global problems. It further calls for the transition toward a cosmopolitan order.¶ The escalating global problems are symptoms of what might be termed a contemporary civilizational disease, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, the possibility of an effective "treatment" today depends on whether or not humankind will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. Hence the need for a new philosophy of humanity and an ethics of nonviolence and planetary co-responsibility to help us make sense not only of our past historical events, but also of the extent, quality, and urgency of our present choices.

### **Second Off**

#### Debt ceiling likely to be increased now without GOP extracting concessions

Beutler, 9/24 --- Salon's political writer (Brian, “Ted Cruz’s complaints are meaningless; Republicans are painting their way to a debt limit cave, and the government (and Obamacare) will be funded,” <http://www.salon.com/2013/09/24/ted_cruzs_complaints_are_meaningless/>))

Several commentators have watched the defund campaign go flaccid and responded by reissuing breathless exhortations that the risk of a debt default next month is much more severe than the risk of a shutdown ever was.¶ Here’s Steve Benen, Ezra Klein and Jonathan Chait, just today.¶ But it seems to me the past week’s events set up the following equation — cave on defunding Obamacare + ??? = win the debt limit fight — and it’s up to one of these guys to solve for ???¶ They all proceed from the same basic premise — the GOP’s demands are so extreme, and the Democrats’ commitment not to negotiating so ironclad, that Congress simply can’t increase the debt limit without one party folding. Parties don’t like to fold, ergo the risk of default is high.¶ I think this logic is flawed for a few reasons. Parties fold all the time. The GOP’s demands are actually wishes couched as demands. Their insistence on concessions from President Obama isn’t actually as black and white as the doomsayers portray it.¶ But on top of these misapprehensions, the debt limit freakout caucus also misrepresents a straightforward argument that the fight will be resolved fairly harmlessly as a lazily reductive assumption.¶ Chait says, “The debt-ceiling showdowns of 2011 and last spring both resolved themselves without triggering an economic meltdown, and so most people have come to assume the same will happen again this fall.”¶ This is a caricature, which allows doomsayers to grapple with a few basic facts. I and many others are pretty sanguine about this debt limit fight not because everything worked out OK earlier this year and in 2011, but because 1) everyone has said the debt limit will be increased; 2) the votes are there to increase the debt limit; 3) there are multiple procedural avenues that lead to votes on a debt limit increase; 4) at least two of them lead there without Republicans extracting concessions from President Obama.¶ House Republicans have a whole laundry list of non-starter debt limit “demands,” the most high-profile of which is a rider that would “delay” (as opposed to “defund”) Obamacare. Assuming John Boehner can pass that bill with GOP votes, it’ll come to the Senate, which is currently giving the public an object lesson in how Democrats can strip all of these riders on their own, while Republicans pretend they fought to the bitter end to extort the president. Don’t believe me? See the McConnell quote at the top of this article and replace the word “defund-” with “delay-.”¶ John Boehner doesn’t want to default on the national debt. He’s said he’s not willing to allow it. And lucky for him, there are enough votes in the House to pass the clean (or nearly entirely clean) debt limit bill that comes back from the Senate.¶ There are other ways out of this mess too. They’re not as harmless for individual Senate Republicans. But if for some reason Boehner can’t clear a debt limit bill on his own, one of them will prevail.¶ The process might be loud, it might shake economic confidence over the coming few weeks. It’s in Democrats’ best interest to play up the dangers and Republicans’ interest to play up their craziness until the fight is resolved. But the risk of default remains extremely low.

#### Losing authority would embolden the GOP on the debt ceiling fight and undermine the economy

Seeking Alpha, 9/10 (“Syria Could Upend Debt Ceiling Fight,” 9/10/2013, <http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight>)

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.¶ I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four.¶ While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling.¶ Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues.¶Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight.¶ I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011.¶ As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%. Investors must be prepared for this "black swan" event.¶Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time.¶ Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade.¶ I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks.¶ The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama.¶ Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.

#### **And drone courts cause massive fights**

Munoz 13

(Carlo Munoz, National Security writer, “Turf battle builds quietly in Congress over control of armed drone program”, The Hill, 4/9/13, http://thehill.com/homenews/administration/292501-turf-battle-builds-quietly-over-control-of-armed-drone-program)

A turf war is quietly building between congressional defense and intelligence committees over who will oversee the Obama administration’s controversial armed drone program. ¶ Lawmakers are scrambling to make their case for or against a White House proposal that would hand control of the drones to the Pentagon. ¶ Gordon Adams, a senior defense analyst at the Stimson Center, called the looming battle a “turf fight in the [disguise] of a policy debate.”¶ The Pentagon and CIA operate their own armed drone programs, which are both geared toward eliminating senior al Qaeda leaders and other high-level terror targets around the world. Under the Obama administration’s proposal, the CIA would continue to supply intelligence on possible targets, but actual control over the drone strikes would fall to the Pentagon. ¶ Senate Intelligence Committee Chairwoman Dianne Feinstein (D-Calif.) publicly questioned whether the Defense Department (DOD) would be able to shoulder the program alone. ¶ “We’ve watched the intelligence aspect of the drone program, how they function, the quality of the intelligence, watching the agency exercise patience and discretion,” Feinstein told reporters in March. “The military [armed drone] program has not done that nearly as well.” ¶ Sen. John McCain and other defense lawmakers say the drone program would be better off being run by the Pentagon. ¶ “It’s not the job of the Central Intelligence Agency. ... It’s the military’s job,” the Arizona Republican said in March. ¶ The fight is a typical battle over who on Capitol Hill will retain power over the program, according to several analysts, who described it as predictable. ¶ “There is always going to be a turf battle” when dealing with congressional oversight, said Lawrence Korb, a former DOD official and defense analyst at the liberal-leaning Center for American Progress. ¶ But that battle could become particularly heated, given the high-profile nature of the drone program, which since the Sept. 11, 2001, attacks has become a huge factor in shaping counterterrorism policy, given its success, Korb said. ¶ For congressional panels, the fight over who will control the drone program will have a say in the relevancy of the two committees. ¶ Korb, for example, noted that national security spending on unmanned aircraft and special operations forces will likely increase, even as the budget for defense spending overall is expected to trend downward. ¶ Ironically, Pentagon officials pushed back against using armed drones in the late 1990s, fearing they would replace fighter jets as the weapon of choice in future wars, Korb said. ¶ That decision essentially handed control of the armed drone program to the CIA, he said. Early versions of the unmanned aircraft flown during the 2001 invasion of Afghanistan belonged to the agency, not the Defense Department, according to Korb. ¶ Taking that influence away from Langley and intelligence lawmakers was bound to spark a fight, he said.

#### Entertaining GOP negotiating demands will drag the process out and trigger economic collapse

Lobello, 8/27 --- business editor at TheWeek.com (Carmel, 8/27/2013, “How the looming debt ceiling fight could screw up the U.S. economy; Yup, this is happening — again,” [http://theweek.com/article/index/248775/how-the-looming-debt-ceiling-fight-could-screw-up-the-us-economy)](http://theweek.com/article/index/248775/how-the-looming-debt-ceiling-fight-could-screw-up-the-us-economy%29))

Ready for more debt-ceiling drama?¶ The Treasury Department said Monday it would hit its borrowing limit in mid-October, which means that Congress will need to raise its $16.7 trillion debt ceiling to pay the nation's bills.¶ The sooner-than-expected deadline comes at an inconvenient moment, because Congress is already facing a budget deadline for the stopgap "continuing resolution" that finances the federal government, which is set to run out September 30. Failure to come to an agreement would trigger a government shutdown.¶ Having two big deadlines fall two weeks apart could be a recipe for disaster. Republicans, led by Speaker John Boehner (R-Ohio), have been musing about the possibility of using the debt ceiling, instead of a government shutdown, as leverage to delay the implementation of ObamaCare.¶ But as Ezra Klein put it in The Washington Post, "Trading a government shutdown for a debt-ceiling breach is like trading the flu for septic shock":¶ Anything Republicans might fear about a government shutdown is far more terrifying amidst a debt-ceiling breach. The former is an inconvenience. The latter is a global financial crisis. It’s the difference between what happened in 1995, when the government did shutdown, and what happened in 2008, when global markets realized a bedrock investment they thought was safe (housing in that case, U.S. treasuries in this one) was full of risk. [The Washington Post]¶ Indeed, a debt ceiling debate in 2011 that went on to the last possible minute had real economic consequences, leading Standard & Poor's to downgrade the United States' credit rating. The move "left a clear and deep dent in US economic and market data," said Matt Phillips at Quartz.¶ Investors pulled huge amounts of cash from the stock market, and consumer confidence was hurt as well. When the same problem cropped up again in May 2012, because Congress failed to reach a long-term deal, Betsey Stevenson and Justin Wolfers in Bloomberg explained how confidence plummeted the first time around:¶ [Confidence] went into freefall as the political stalemate worsened through July. Over the entire episode, confidence declined more than it did following the collapse of Lehman Brothers Holdings Inc. in 2008. After July 31, when the deal to break the impasse was announced, consumer confidence stabilized and began a long, slow climb that brought it back to its starting point almost a year later. [Bloomberg]¶ This morning, Wolfers had this to say:¶ Treasury Secretary Jack Lew visited CNBC Tuesday morning to reiterate President Obama's promise not to go down he same road. "The president has made it clear: We're not going to negotiate over the debt limit," Lew said.¶ He also explained why in a letter to Boehner Monday morning. "Protecting the full faith and credit of the United States is the responsibility of Congress, because only Congress can extend the nation's borrowing authority," he wrote. "Failure to meet that responsibility would cause irreparable harm to the American economy."

#### This will destroy the U.S. and global economy and collapse trade

Davidson, 9/10 (Adam - co-founder of NPR’s “Planet Money” 9/10/2013, “Our Debt to Society,” <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0)>)

This is the definition of a deficit, and it illustrates why the government needs to borrow money almost every day to pay its bills. Of course, all that daily borrowing adds up, and we are rapidly approaching what is called the X-Date — the day, somewhere in the next six weeks, when the government, by law, cannot borrow another penny. Congress has imposed a strict limit on how much debt the federal government can accumulate, but for nearly 90 years, it has raised the ceiling well before it was reached. But since a large number of Tea Party-aligned Republicans entered the House of Representatives, in 2011, raising that debt ceiling has become a matter of fierce debate. This summer, House Republicans have promised, in Speaker John Boehner’s words, “a whale of a fight” before they raise the debt ceiling — if they even raise it at all.¶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.

### **Third Off**

#### Judicial deference to executive war powers high now

McCormack 13, Professor of Law at Utah

(8/20, Wayne, U.S. Judicial Independence: Victim in the “War on Terror”, today.law.utah.edu/projects/u-s-judicial-independence-victim-in-the-war-on-terror/

One of the principal victims in the U.S. so-called “war on terror” has been the independence of the U.S. Judiciary. Time and again, challenges to assertedly illegal conduct on the part of government officials have been turned aside, either because of overt deference to the Government or because of special doctrines such as state secrets and standing requirements. The judiciary has virtually relinquished its valuable role in the U.S. system of judicial review. In the face of governmental claims of crisis and national security needs, the courts have refused to examine, or have examined with undue deference, the actions of government officials.

#### **Judicial restriction of Presidential War Powers makes warfighting impossible**

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(8/22, Stephen F., War by Lawyer, www.libertylawsite.org/2013/08/22/war-by-lawyer/)

It is important to keep this in mind in light of the recent National Security Agency surveillance “scandal” which has led to calls for increased judicial oversight of the nation’s intelligence community. These calls, unfortunately, are not coming solely from the usual liberal suspects, but from conservatives who proclaim their devotion to the Constitution. This is an unfortunate turn of events, for if legislating from the bench is inappropriate in the domestic arena, it is completely unwarranted, and altogether dangerous, in the national security arena. This newfound appreciation for judicial activism from normally sober-minded conservatives can be seen in Senator Rand Paul’s (R-KY) and Representative Justin Amash’s (R-MI) proposal that class action lawsuits be filed against the National Security Agency in order to alter its practices. Paul recently announced that he would challenge “this [NSA surveillance] at the Supreme Court level. I’m going to be asking all the Internet providers and all of the phone companies, ask your customers to join me in a class-action lawsuit. If we get 10 million Americans saying ‘We don’t want our phone records looked at,’ then somebody will wake up and say things will change in Washington.” A program authorized by Congress, managed by the executive, and sanctioned by the FISA court will now be challenged by a class action lawsuit, mimicking the traditional liberal tactic of going to court when you cannot prevail in the political process. Additionally, Senator Patrick Leahy (D-VT), a longtime critic of the American intelligence community, has sponsored legislation with Senator Mike Lee (R-Utah) to “increase judicial review” of terrorist related surveillance requests. The FISA Accountability and Privacy Protection Act of 2013 would, as its sponsors put it, add more “meaningful judicial review” of requests by the government to intercept suspected terrorist communications. On top of this, President Obama has proposed that a “special advocate” be appointed to serve as an adversary to the government in FISA court proceedings. In other words, government officials will have to joust in front of a judge with a lawyer concerned about the civil rights of a suspected Al Qaeda sympathizer living in the United States. While it is not surprising that President Obama and Patrick Leahy would adopt these positions, it is surprising to see prominent Republicans, including potential 2016 GOP nominees, jumping on Pat Leahy’s bandwagon. Terrorist attacks directed from abroad are acts of war against the United States, requiring a response by the nation’s armed forces under the direction of the commander-in-chief. Unity in the executive is critical to the conduct of war, as Alexander Hamilton noted in The Federalist, and war by committee, especially a committee of lawyers, brings to armed conflict the very qualities that are the antithesis of Publius’s “decision, activity, secrecy, and dispatch.” The American military, with the assistance of the American intelligence community, fulfill the constitutional mandate to provide for the common defense. The nation’s defense establishment is not the Internal Revenue Service or the Department of Health and Human Services; if one dislikes the social welfare policies of the Obama administration or disagrees with President Obama for whatever reason, that is all well and good, but true conservatives should reject the principle that judicial review is applicable to the conduct of national defense. The founders understood that the decision to use force, the most important decision any government can make, were non-judicial in nature and were to be made by the elected representatives of the people. Nonetheless, for those weaned during an era when “privacy” was elevated to the be-all and end-all of the American experiment, the war power and related national security powers granted by the Constitution to the elected branches are trumped by modern notions of a limitless “right to privacy.” The civil liberties violations of the War on Terror are considered so egregious as to require the intervention of an appointed judiciary lacking any Constitutional mandate, and lacking the wherewithal, including information and staff, to handle sensitive national security matters. This is judicial activism at its worst and further evidence that the “political questions doctrine,” the idea of deferring to the elected branches of government on matters falling under their constitutional purview, is, for all practical purposes, dead (See the case of Totten vs. U.S., 1875, for an example of judicial deference to the elected branches on intelligence matters. This deference persisted until the late 20th century). Simply put, according to the Constitution and to almost 220 years of tradition, Congress and the President are constitutionally empowered, among other things, to set the rules regarding the measures deemed necessary to gather intelligence and conduct a war. One of the latest demands from advocates of increased judicial oversight is for a “targeted killing court.” In a similar vein, Senator Marco Rubio has called for the creation of a “Red Team” review of any executive targeting of American citizens, which would include a 15 day review process – “decision, activity, secrecy, and dispatch” be damned. A 15 day review process of targeting decisions would horrify Alexander Hamilton and all the framers of the Constitution. No doubt our 16th President would be horrified as well – imagine Abraham Lincoln applying for targeting permits on American citizens suspected of assisting the Confederacy. (“Today, we begin a 15 day review of case #633,721, that of Beauregard Birdwell of Paducah, Kentucky.”) War by lawyer might in the not too distant future include these types of targeting decisions, followed by endless appeals to unelected judges. All of this is a prescription for defeat. We are, sadly, almost at this point, for a new conception about war and national security has taken root in our increasingly legalistic society. We saw this during the Bush years when the Supreme Court for the first time in its history instructed the executive and legislative branches on the appropriate manner of treating captured enemy combatants. The Courts are now micromanaging the treatment of detainees at Guantanamo, to the point of reviewing standards for groin searches of captured Al Qaeda members. True conservatives understand the pitfalls of this legalism, especially of the ill-defined international variety. Conservatives should be especially alert to the dangers arising from elevating international law over the national interest as the standard by which to measure American conduct. The legalistic approach to the war on terror now being endorsed by prominent conservatives would cede presidential authority to executive branch lawyers and to their brethren in the judiciary who are playing a role they were never intended to play. Michael Scheuer, the former head of the CIA’s unit charged with tracking down Osama bin Laden, observed that “at the end of the day, the U.S. intelligence community is palsied by lawyers, and everything still depends on whether the lawyers approve it or not.” This is as far removed from conducting war, as Hamilton described it, with decision and dispatch, and with the “exercise of power by a single hand,” as one can get. War conducted by the courts is not only unconstitutional, it is, to borrow a phrase from author Philip K. Howard, part of the ongoing drift toward the death of common sense.

#### This is particularly true with the plan because…..

#### Drones are key to warfighting – they are the future of combat

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(Daniel, Drones: The Future of Warfare?, www.e-ir.info/2012/04/10/drones-the-future-of-warfare/)

Since President Obama took office, the use of and hype surrounding drones has greatly increased. Obama has conducted more than three times as many drone strikes per year compared to his predecessor in the White House. The increase use of drones points to a potential revolution in warfare, or at least a shift in the perspective of how wars will be fought in the future. As robotics expert P.W. Singer argues, “the introduction of unmanned systems to the battlefield doesn’t change simply how we fight, but for the first time changes who fights at the most fundamental level. It transforms the very agent of war, rather than just its capabilities.” The three major reasons drones are seen as the future of warfare are: they remove the risk to our soldiers, they make fewer mistakes than other weapons platforms, and technology will continue to improve such that drones become even more precise, efficient, and infallible in the future, thus rendering less precise, efficient and fallible human forms of war obsolete. Drones are thus seen as marking “a step forward in humanitarian technology,” and viewed as “a weapon of choice for future presidents, future administrations, in future conflicts and circumstances of self-defense and vital national security of the United States.” Yet, there has been much criticism of these assertions. Journalists challenge the claim that there are diminished civilian deaths from drone strikes, while just war scholars suggest that drones loosen the moral restraints on the use of force and legal scholars grapple with the relation between drones and international law. Notwithstanding these ethical and legal challenges, and despite what advocates say about their place in the future of armed combat, drones are, like any weapons platform, inherently limited in what they can do. In this brief article, I make three claims to contextualize the idea that drones are the future of war to shed light on the circumscribed role they might play in the foreseeable future. First, that drones are an improvement – in terms of providing surveillance capabilities and satisfying the rules of war – compared to previous technology. Their technical advantages (loitering capacity, removal of risk to pilots, and precision) make them an important addition to any military arsenal.

#### Loss of warfighting effectiveness ensures nuclear war in every hotspot

Kagan and O’Hanlon 07, resident scholar at AEI and senior fellow in foreign policy at Brookings

(Frederick and Michael, The Case for Larger Ground Forces, April, http://www.aei.org/files/2007/04/24/20070424\_Kagan20070424.pdf)

We live at a time when **wars not only rage in nearly every region but threaten to erupt in many places where the current relative calm is** tenuous. To view this as **a strategic military challenge for the U**nited **S**tates **is not to espouse a specific theory of America’s role in the world** or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that **overseas threats must be countered before they can directly threaten this country’s shores**, that the **basic stability of the international system is essential to American peace** and prosperity, **and that no country besides the U**nited **S**tates **is in a position to lead the way in countering major challenges to the global order**. Let us highlight the **threats and their consequences** with a few concrete examples, emphasizing those **that involve key strategic regions of the world such as the Persian Gulf and East Asia, or** key potential **threats to American security, such as the spread of nuclear weapons and** the strengthening of the global **Al Qaeda**/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? North **Korea**, of course, has already done so, and the ripple effects are beginning to spread. Japan’s recent election to supreme power of a leader who has promised to rewrite that country’s constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, Sino Taiwanese tensions continue to flare, as do tensions between India and Pakistan, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world’s nonintervention in Darfur troubles consciences from Europe to America’s Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in Iraq today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing. Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop armed forces capable of protecting America’s vital interests throughout this dangerous time**.** Doing so requires a military capable of a wide range of missions—including not only deterrence of great power conflict in dealing with potential hotspots in Korea, the Taiwan Strait, and the Persian Gulf but also associated with a variety of Special Forces activities and stabilization operations. For today’s US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing Army and Marine Corps to handle personnel intensive missions such as the ones now under way in Iraq and Afghanistan.

### **Fourth Off**

#### The United States federal government should substantially increase statutory restrictions on the war powers authority of the President of the United States by establishing a federal court with jurisdiction over drone strikes.

#### The affirmative plan text establishes federal court jurisdiction over all targeted killing. This includes both drone strikes and Special ops. The counterplan is just drone strikes

#### Special forces conduct important targeted killings – turns case - key to Afghanistan stability and preventing terrorist attacks

Sascha-Dominik Bachmann 13, Reader in International Law (University of Lincoln), 2013, “Targeted Killings: Contemporary Challenges, Risks and Opportunities,” Journal of Conflict and Security Law, doi: 10.1093/jcsl/krt007

Targeted killing has also been used by the USA in theatres of actual combat operations, such as Afghanistan and Iraq, as well as outside these theatres of war and as part of CIA and US military run covert operations in Pakistan. The USA is using drone strikes and Special Forces there to conduct pre-emptive as well as defensive targeted killing operations against Al-Qaeda and the Taliban. The argument is brought forward that such operations are necessary to protect US forces and its allies in Afghanistan and to disrupt the existent terrorist infrastructure. The focus of such operations is on the so-called ‘Tribal Areas’ of Pakistan, Waziristan, where the Taliban have effectively established an autonomous sphere of influence to the exclusion of the central government in Peshawar.32 Other such covert operations have seen CIA operated drone strikes in Yemen, Somalia as well Sudan, where a lack of cooperation and/or relative capabilities of the respective governments have created areas which are outside effective state control.33

#### Special forces operations are key to counter-prolif---solves nuclear war

Jim Thomas 13, Vice President and Director of Studies at the Center for Strategic and Budgetary Assessments, and Chris Dougherty is a Research Fellow at the Center for Strategic and Budgetary Assessments, 2013, “BEYOND THE RAMPARTS THE FUTURE OF U.S. SPECIAL OPERATIONS FORCES,” http://www.csbaonline.org/wp-content/uploads/2013/05/SOF-Report-CSBA-Final.pdf

WMD do not represent new threats to U.S. security interests, but as nascent nuclear powers grow their arsenals and aspirants like Iran continue to pursue nuclear capabilities, the threat of nuclear proliferation, as well as the potential for the actual use of nuclear weapons, will increase. Upheaval in failing or outlaw states like Libya and Syria, which possess chemical weapons and a range of missiles, highlights the possibility that in future instances of state collapse or civil war, such weapons could be used by failing regimes in an act of desperation, fall into the hands of rebel forces, or be seized by parties hostile to the United States or its interests. SOF can contribute across the spectrum of counter-WMD efforts, from stopping the acquisition of WMD by hostile states or terrorist groups to preventing their use. The global CT network SOF have built over the last decade could be repurposed over the next decade to become a global counter-WMD network, applying the same logic that it takes a network to defeat a network. Increasing the reach and density of a global counter-WMD network will require expanding security cooperation activities focused on counter-proliferation. Finally, SOF may offer the most viable strategic option for deposing WMD-armed regimes through UW campaigns should the need arise.

### **Prolif**

#### **U.S. drone use doesn’t cause prolif – no international precedent.**

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(Aimtai Etzioni, adviser to the Carter administration, “The Great Drone Debate”, Military Review, 4/2013, http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview\_20130430\_art004.pdf)

Other critics contend that by the United States ¶ using drones, it leads other countries into making and ¶ using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK ¶ and author of a book about drones argues that, “The ¶ proliferation of drones should evoke reﬂection on the ¶ precedent that the United States is setting by killing ¶ anyone it wants, anywhere it wants, on the basis of ¶ secret information. Other nations and non-state entities are watching—and are bound to start acting in ¶ a similar fashion.”60 Indeed scores of countries are ¶ now manufacturing or purchasing drones. There can ¶ be little doubt that the fact that drones have served ¶ the United States well has helped to popularize them. ¶ However, it does not follow that United States ¶ should not have employed drones in the hope that such a show of restraint would deter others. First ¶ of all, this would have meant that either the United ¶ States would have had to allow terrorists in hard-to-reach places, say North Waziristan, to either ¶ roam and rest freely—or it would have had to use ¶ bombs that would have caused much greater collateral damage. ¶ Further, the record shows that even when the ¶ United States did not develop a particular weapon, ¶ others did. Thus, China has taken the lead in the ¶ development of anti-ship missiles and seemingly ¶ cyber weapons as well. One must keep in mind ¶ that the international environment is a hostile ¶ one. Countries—and especially non-state actors—¶ most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ ¶ whatever weapons they can obtain that will further ¶ their interests. The United States correctly does ¶ not assume that it can rely on some non-existent ¶ implicit gentleman’s agreements that call for the ¶ avoidance of new military technology by nation X ¶ or terrorist group Y—if the United States refrains ¶ from employing that technology. I am not arguing that there are no natural norms ¶ that restrain behavior. There are certainly some ¶ that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of ¶ diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of ¶ mass destruction). However drones are but one ¶ step—following bombers and missiles—in the ¶ development of distant battleﬁeld technologies. ¶ (Robotic soldiers—or future ﬁghting machines—¶ are next in line). In such circumstances, the role ¶ of norms is much more limited.

#### Long timeframe – no one wants to invest in the near term

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

Based on current trends, it is unlikely that most states will have, within ten years, the complete system architecture required to carry out distant drone strikes that would be harmful to U.S. national interests. However, those candidates able to obtain this technology will most likely be states with the financial resources to purchase or the industrial base to manufacture tactical short-range armed drones with limited firepower that lack the precision of U.S. laser-guided munitions; the intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and crossborder adversaries who currently face attacks or the threat of attacks by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into Yemen. When compared to distant U.S. drone strikes, these contingencies do not require system-wide infrastructure and host-state support. Given the costs to conduct manned-aircraft strikes with minimal threat to pilots, it is questionable whether states will undertake the significant investment required for armed drones in the near term.

#### Long timeframe for norms

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

Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama administration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

#### Don’t solve transparency – CIA is still covert post-plan

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

Drone strikes outside of defined battlefields are inherently difficult to assess and analyze. Programs and missions are highly classified. Unlike other controversial counterterrorism programs that expanded in the wake of 9/11, the Bush administration never openly discussed any aspects of its targeted killing policies. In comparison, the Obama administration has been much more transparent, beginning with its first official acknowledgment of the practice of targeted killings by drones in April 2012. Nevertheless, strikes by the CIA remain covert, defined by law as “an activity or activities . . . where it is intended that the role of the United States Government will not be apparent or acknowledged publicly,”while drone strikes conducted by JSOC in Yemen or Somalia are publicly reported to Congress as “direct actions,” albeit with no specificity.

#### No escalation- crises will be resolved through negotiations

Alagappa, Distinguished Senior Fellow at the East-West Center, PhD in International Affairs from the Fletcher School of Law and Diplomacy, 2009 (Muthiah, “Nuclear Weapons Reinforce Security and Stability in 21st Century Asia”, Vol 4 No 1)

The stabilizing effect of nuclear weapons may be better illustrated in India-Pakistan relations, as the crises between these two countries during the 1999–2002 period are often cited as demonstrating nuclear weapon-induced instability. Rather than simply attribute these crises to the possession of nuclear weapons, a more accurate and useful reading would ground them in Pakistan’s deliberate policy to alter the status quo through military means on the premise that the risk of escalation to nuclear war would deter India from responding with full-scale conventional retaliation; and in India’s response, employing compellence and coercive diplomacy strategies. In other words, particular goals and strategies rather than nuclear weapons per se precipitated the crises. Further, the outcomes of these two crises revealed the limited utility of nuclear weapons in bringing about even a minor change in the territorial status quo and highlighted the grave risks associated with offensive strategies. Recognition of these limits and the grave consequences in part contributed to the two countries’ subsequent efforts to engage in a comprehensive dialogue to settle the many disputes between them. The crises also led to bilateral understandings and measures to avoid unintended hostilities. Though it is too soon to take a long view, it is possible to argue that, like the Cuban missile crisis in 1962, the 1999 and 2001–02 crises between India and Pakistan mark a watershed in their strategic relations: the danger of nuclear war shifted their focus to avoiding a major war and to finding a negotiated settlement to bilateral problems. Large-scale military deployments along the common border, Pakistan-supported insurgent activities in India, and cross-border terrorism continue; and the two countries regularly conduct large-scale military exercises and test nuclear-capable missiles that have each other’s entire territory within range. Despite these activities, the situation has become relatively less tense; stability with the ability to absorb shocks even like that created by the November 26terrorist attack in Mumbai has begun to characterize the bilateral relationship.

#### Nuclear deterrence is stable between India and Pakistan

Ganguly, poli sci prof- Indiana, 08 (Sumit, Nuclear Stability in South Asia, Intl Security Vol 33, No 2, Fall)

The Robustness of Nuclear Deterrence As the outcomes of the 1999 and 2001–02 crises show, nuclear deterrence is robust in South Asia. Both crises were contained at levels considerably short of full-scale war. That said, as Paul Kapur has argued, Pakistan's acquisition of a nuclear weapons capability may well have emboldened its leadership, secure in the belief that India had no good options to respond. India, in turn, has been grappling with an effort to forge a new military doctrine and strategy to enable it to respond to Pakistani needling while containing the possibilities of conflict escalation, especially to the nuclear level.78 Whether Indian military planners [End Page 65] can fashion such a calibrated strategy to cope with Pakistani probes remains an open question. This article's analysis of the 1999 and 2001–02 crises does suggest, however, that nuclear deterrence in South Asia is far from parlous, contrary to what the critics have suggested. Three specific forms of evidence can be adduced to argue the case for the strength of nuclear deterrence. First, there is a serious problem of conflation in the arguments of both Hoyt and Kapur. Undeniably, Pakistan's willingness to provoke India has increased commensurate with its steady acquisition of a nuclear arsenal. This period from the late 1980s to the late 1990s, however, also coincided with two parallel developments that equipped Pakistan with the motives, opportunities, and means to meddle in India's internal affairs—particularly in Jammu and Kashmir. The most important change that occurred was the end of the conflict with the Soviet Union, which freed up military resources for use in a new jihad in Kashmir. This jihad, in turn, was made possible by the emergence of an indigenous uprising within the state as a result of Indian political malfeasance.79 Once the jihadis were organized, trained, armed, and unleashed, it is far from clear whether Pakistan could control the behavior and actions of every resulting jihadist organization.80 Consequently, although the number of attacks on India did multiply during the 1990s, it is difficult to establish a firm causal connection between the growth of Pakistani boldness and its gradual acquisition of a full-fledged nuclear weapons capability. Second, India did respond with considerable force once its military planners realized the full scope and extent of the intrusions across the Line of Control. Despite the vigor of this response, India did exhibit restraint. For example, Indian pilots were under strict instructions not to cross the Line of Control in pursuit of their bombing objectives.81 They adhered to these guidelines even though they left them more vulnerable to Pakistani ground fire.82 The Indian military exercised such restraint to avoid provoking Pakistani fears of a wider attack into Pakistan-controlled Kashmir and then into Pakistan itself. Indian restraint was also evident at another level. During the last war in [End Page 66] Kashmir in 1965, within a week of its onset, the Indian Army horizontally escalated with an attack into Pakistani Punjab. In fact, in the Punjab, Indian forces successfully breached the international border and reached the outskirts of the regional capital, Lahore. The Indian military resorted to this strategy under conditions that were not especially propitious for the country. Prime Minister Jawaharlal Nehru, India's first prime minister, had died in late 1964. His successor, Lal Bahadur Shastri, was a relatively unknown politician of uncertain stature and standing, and the Indian military was still recovering from the trauma of the 1962 border war with the People's Republic of China.83 Finally, because of its role in the Cold War, the Pakistani military was armed with more sophisticated, U.S.-supplied weaponry, including the F-86 Sabre and the F-104 Starfighter aircraft. India, on the other hand, had few supersonic aircraft in its inventory, barring a small number of Soviet-supplied MiG-21s and the indigenously built HF-24.84 Furthermore, the Indian military remained concerned that China might open a second front along the Himalayan border. Such concerns were not entirely chimerical, because a Sino-Pakistani entente was under way. Despite these limitations, the Indian political leadership responded to Pakistani aggression with vigor and granted the Indian military the necessary authority to expand the scope of the war. In marked contrast to the politico-military context of 1965, in 1999 India had a self-confident (if belligerent) political leadership and a substantially more powerful military apparatus. Moreover, the country had overcome most of its Nehruvian inhibitions about the use of force to resolve disputes.85 Furthermore, unlike in 1965, India had at least two reserve strike corps in the Punjab in a state of military readiness and poised to attack across the border if given the political nod.86 Despite these significant differences and advantages, the Indian political leadership chose to scrupulously limit the scope of the conflict to the Kargil region. As K. Subrahmanyam, a prominent Indian defense analyst and political commentator, wrote in 1993: [End Page 67] The awareness on both sides of a nuclear capability that can enable either country to assemble nuclear weapons at short notice induces mutual caution. This caution is already evident on the part of India. In 1965, when Pakistan carried out its "Operation Gibraltar" and sent in infiltrators, India sent its army across the cease-fire line to destroy the assembly points of the infiltrators. That escalated into a full-scale war. In 1990, when Pakistan once again carried out a massive infiltration of terrorists trained in Pakistan, India tried to deal with the problem on Indian territory and did not send its army into Pakistan-occupied Kashmir.87 Subrahmanyam's argument takes on additional significance in light of the overt acquisition of nuclear weapons by both India and Pakistan. Third, Sagan's assertion about the dominance of the Pakistani military in determining Pakistan's security policies is unquestionably accurate. With the possible exception of the Kargil conflict, however, it is far from clear that the Pakistani military has been the primary force in planning for and precipitating aggressive war against India. The first Kashmir war, without a doubt, had the explicit approval of Pakistan's civilian authorities.88 Similarly, there is ample evidence that the highly ambitious foreign minister, Zulfikar Ali Bhutto, goaded President Ayub Khan to undertake the 1965 war.89 Finally, once again Bhutto, as much as the Pakistani military dictator Yahya Khan, was complicit in provoking a war with India in 1971, following the outbreak of a civil war in East Pakistan.90

#### Wouldn’t cause extinction

Copley News Service, 02 (Bruce Lieberman, “Fallout from nuclear war in South Asia seen as unlikely to reach U.S.”, http://www.globalsecurity.org/org/news/2002/020610-indopak1.htm)

The horror of a nuclear war between India and Pakistan could decimate South Asia's largest cities, killing up to 12 million people and bringing misery to countless others. But a war, if limited to those two nations and the nuclear arsenals they are thought to possess, poses little danger of radioactive fallout reaching North America, physicists and atmospheric scientists say. There are fundamental reasons. First, India and Pakistan are believed armed with less potent weapons, probably no larger than the equivalent of 15,000 tons of TNT, about the same size as the bombs the United States dropped on Hiroshima and Nagasaki in 1945. In contrast, the typical nuclear weapon in the U.S. stockpile today is 10 to 20 times more powerful than the weapons held by India and Pakistan, according to GlobalSecurity.org. Second, the two countries are thought to have no more than 200 warheads between them - not enough, scientists believe, to endanger populations far beyond South Asia. More than 31,000 nuclear weapons, by contrast, are maintained by eight known nuclear powers, and 95 percent are in the United States and Russia, according to the Bulletin of Atomic Scientists, which monitors nuclear proliferation. Third, the approaching summer in the Northern Hemisphere will mean an absence of fast-moving winter storms that could carry nuclear fallout quickly across the globe. Further, South Asia's monsoon season, which begins this month and extends into October, could wash nuclear fallout back to Earth, confining the worst environmental damage to that part of the world. "Of course, there will be some radiation reaching globally, but the amounts will be small compared to the levels that would produce health effects," said Charles Shapiro, a physicist at San Francisco State University, who co-authored a 1985 study on the environmental effects of nuclear war. Irradiated particles blasted into the atmosphere from a nuclear war between India and Pakistan, carried aloft by the jet stream, would eventually reach every part of the globe and rain back down to Earth as fallout, scientists say. Atmospheric studies conducted by scientists at the Scripps Institution of Oceanography in La Jolla, Calif., have found that particulate from pollution in South Asia can reach the West Coast of the United States in as few as six days. However, those studies focused on the migration of haze in South Asia that covers thousands of square kilometers - a much greater area than that affected by a nuclear explosion, said V. Ramanathan, an atmospheric scientist at Scripps. "It's very risky to extrapolate" data from the pollution study, he said. Ramanathan's study found that particulates larger than 10 microns in diameter fell to Earth before reaching North America, so it's unclear how much radioactive fallout might reach the West Coast, or how dispersed it would be, he said. "I think East Asia has more to worry about, as well as Europe," Ramanathan said. Larry Riddle, a climatologist at Scripps, said the levels of radiation reaching the United States probably would not be any higher than background radiation. Humans are exposed every day to radiation from space, from deep in the Earth, and from man-made sources such as medical X-rays and other consumer products. "Essentially, it would have no effect," Riddle said.

### **Terror**

#### **Drones key to fighting Al-Qaeda – empirically successful in crippling their leadership.**

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[Steven Simon - Adjunct Senior Fellow for Middle Eastern Studies at CFR; Jonathan Stevenson- Professor of Strategic Studies at the US Naval War College; Survival, Volume 51, Issue 5 October 2009]

Accordingly, Washington might continue its current policy of eliminating al-Qaeda's leadership through targeted killing. Although it is a controversial policy, the Obama administration's position in the freighted domestic policy debate on the nature of counter-terrorism is entirely consistent with it. Despite its declared post-11 September national security policy, which acknowledged roles for both law enforcement and military force in combating terrorism, in practice the Bush administration gave short shrift to law enforcement and strongly favoured military measures. Obama, both during the presidential campaign and after assuming office, decried what he and others viewed as the excessive militarisation of counter-terrorism in practice, and endorsed a more fluid, open-minded and pragmatic approach. While he would prefer to fight transnational terrorists with law-enforcement tools, he understood that that could not always be done effectively. In particular, he realised that the United States could not, practically speaking, dispatch FBI special agents to Pakistan's anarchical tribal areas and other ungoverned spaces in an unmarked Ford Crown Victoria to arrest al-Qaeda suspects and bring them back to federal district court in Washington for trial, so measures like targeted killing from drones were needed. Thus, Obama continued and in fact ramped up the targeted killing policy when he became president. The new president confirmed his instrumental view of counter-terrorism in an impassioned but grounded May 2009 speech, in which he stated for the record that the counter-terrorism tool chosen should fit the particular circumstances. Though he nodded clearly to the preferred status of the law enforcement approach in focusing on closing the Guantanamo Bay detention facility and ending the use of so-called enhanced interrogation techniques, he also argued more generally for 'strategically applying our power' as well as our principles, and doing so 'pragmatically'. The president further noted that 'absolutists' on the 'national security' and the 'law enforcement' side of the counter-terrorism debate were both wrong, and endorsed a middle course of 'common sense'.12 One key implication of the speech was that re-orientating American counter-terrorism policy away from the use of military force would render Islamist militancy more containable by demonstrating US restraint and emphasising American respect for the rule of law. The other, though, was that military force remained indispensable in certain circumstances. It does appear that targeted killing, while only an operational tool and not a strategic solution in itself, can help manage a terrorist threat.13 Open-source information indicates that the recent US campaign in Pakistan, in particular, has been effective. Over the past 18 months or so, the United States has used two related types of unmanned aerial vehicles, the Predator and the faster, higher altitude Reaper, which is capable of carrying two Hellfire anti-tank missiles and precision-guided bombs, to attack individuals and safe houses, eliminating about a dozen key al-Qaeda operatives and dozens more other militants. There were 36 such attacks in 2008 and about 20 in the first eight months of 2009. As of the end of August 2009, they had eliminated Abu Jihad al-Masri, al-Qaeda's intelligence chief; Khalid Habib, head of its Pakistan operations and fourth in the chain of command overall; Abu Khabab al-Masri, the group's ranking explosives expert; and Abu Laith al-Libi, al-Qaeda's commander in Afghanistan. One of the missiles killed Pakistan Taliban leader Baitullah Mehsud in August.14 The success of the air-strikes has resulted from improved technical and human intelligence on al-Qaeda operations in the border area. The logic of the strategy is to make it increasingly difficult for al-Qaeda to repopulate its command structure, and US officials believe the programme has produced the broadest and deepest impact on al-Qaeda senior leadership in several years. Continued success could yield the practical neutralisation of al-Qaeda in Pakistan. Bureaucratically, the Obama administration has already set the table for adopting this strategy: for FY 2010, it has requested $79.7m for Hellfire missiles and $489.4m for 24 Reapers, nearly doubling the 2009 number.

#### Drones deescalate conflict

Anderson 10, Professor of Law @ American University

(Kenneth, Visiting Fellow on the Hoover Task Force on National Security and Law and Professor of Law at American University, “Predators over Pakistan,” The Weekly Standard Vol. 15, No. 24, 3/8/10, accessed 6/25/10, <http://www.weeklystandard.com/print/articles/predators-over-pakistan>, SSD)

**Targeting terrorists and militants with Predator drone strikes is one campaign promise President Obama has kept to the letter. Missiles fired from remote-piloted “unmanned aerial vehicles” (UAVs) at al Qaeda and Taliban leadership steadily and sharply increased over the course of 2009. Senior U.S. military and intelligence officials have called them one of the most effective tactics available to strike directly at al Qaeda and the Taliban. Indeed, CIA director Leon Panetta says that drones are “the only game in town in terms of confronting or trying to disrupt the al Qaeda leadership.” There is every reason to believe him.¶ In January 2010 alone, a dozen strikes were launched just in the Pakistani tribal region of Waziristan. With the beginning of the promised offensive against the Taliban in Afghanistan, Predator attacks have likewise surged against targets in Pakistan, concurrent with moves by Pakistani intelligence to detain Taliban leaders, and also concurrent with the extensive use of UAVs on the battlefield in the Afghan offensive (primarily as an urban surveillance tool but also for missile strikes). Obama promised that his administration would go after al Qaeda and Taliban in their refuges in Pakistan​—​with or without the permission of the Pakistani government, he pointedly said—and so he has done.¶ The aggressive expansion of the Predator targeted killing program is the Obama administration’s one unambiguous innovation in the war against terrorists. The adaptation of UAV surveillance craft into missile platforms took place as an improvisation in 2002 under the Bush administration—but its embrace as the centerpiece of U.S. counterterrorism operations belongs to Obama. It is not the whole of it—the Obama administration has expanded joint operations with Pakistan and Yemen, and launched commando operations in Somalia against terrorists. But of all the ways it has undertaken to strike directly against terrorists, this administration owns the Predator drone strategy. It argued for it, expanded it, and used it, in the words of the president’s State of the Union address, to “take the fight to al Qaeda.”¶ As al Qaeda, its affiliates, and other transnational jihadists seek shelter in lightly governed places such as Yemen or Somalia, the Obama administration says the United States will follow them and deny them safe haven. Speaking at West Point, the president obliquely referred to so-called targeted killings—we will have to be “nimble and precise” in the use of military power, he said, adding that “high-ranking al Qaeda and Taliban leaders have been killed, and we have stepped up the pressure on al Qaeda worldwide.”¶ The Predator drone strategy is a rare example of something that has gone really, really well for the Obama administration. Counterterrorism “on offense” has done better, ironically, under an administration that hoped it could just play counterterrorism on defense—wind down wars, wish away the threat as a bad dream from the Bush years, hope the whole business would fade away so it could focus on health care. Yet for all that, the Obama administration, through Predator strikes, is taking the fight to the enemy.¶ And, let’s face it, in dealing with terrorist groups in ungoverned places in the world, we have few good options besides UAVs. Drones permit the United States to go directly after terrorists, rather than having to fight through whole countries to reach them. Maybe that’s not enough to win. Maybe “light-footprint” counterterrorism via drones turns out to be just the latest chimera in the perennial effort to find a way to win a war through strategic airpower. Yet even in a serious counterinsurgency on the ground, drones will still be important as a means of attacking terrorists while clearing and holding territory. The upshot? As long as we engage in counterterrorism, drones will be a critical part of our offense.**

#### **No correlation between drone use and recruitment levels.**

Etzioni 13, Professor of International Relations @ George Washington University

(Aimtai Etzioni, senior adviser to the Carter administration, “Everything Libertarians and Liberals Get Wrong About Drones”, The Atlantic, 4/30/13, http://www.theatlantic.com/politics/archive/2013/04/everything-libertarians-and-liberals-get-wrong-about-drones/275356/)

Some critics worry that relying upon drones will engender significant resentment and potentially aid terrorist recruitment efforts. However, those who are inclined towards terrorism already loathe the United States for a thousand other reasons. Pew surveys show that anti-Americanism thrives in regions where there have been no drone strikes (for example, in Egypt) and, where drones have been active, high levels of anti-Americanism predated their arrival (for instance in Pakistan).

#### Killing terrorists solves terrorism –their recruitment arguments are backwards

Peters 4, Masters in International Relations

(Ralph, Fmr Military Officer and Author, Parameters, Summer)

And we shall hear that killing terrorists only creates more terrorists. This is sophomoric nonsense. The surest way to swell the ranks of terror is to follow the approach we did in the decade before 9/11 and do nothing of substance. Success breeds success. Everybody loves a winner. The clichés exist because they’re true. Al Qaeda and related terrorist groups metastasized because they were viewed in the Muslim world as standing up to the West successfully and handing the Great Satan America embarrassing defeats with impunity. Some fanatics will flock to the standard of terror, no matter what we do. But it’s far easier for Islamic societies to purge themselves of terrorists if the terrorists are on the losing end of the global struggle than if they’re allowed to become triumphant heroes to every jobless, unstable teenager in the Middle East and beyond. Far worse than fighting such a war of attrition aggressively is to pretend you’re not in one while your enemy keeps on killing you. Even the occupation of Iraq is a war of attrition. We’re doing remarkably well, given the restrictions under which our forces operate. But no grand maneuvers, no gestures of humanity, no offers of conciliation, and no compromises will persuade the terrorists to halt their efforts to disrupt the development of a democratic, rule-of-law Iraq. On the contrary, anything less than relentless pursuit, with both preemptive and retaliatory action, only encourages the terrorists and remaining Baathist gangsters.

AQAP threat is overblown – they’re not expanding operations – this is the most qualified source.

Shephard 13 (Michelle, Toronto Star National Security reporter, “Yemeni Al Qaeda expert casts doubt on terror threat claims”, TheStar, 8/8/13, http://www.thestar.com/news/world/2013/08/08/yemeni\_al\_qaeda\_expert\_casts\_doubt\_on\_terror\_threat\_claims.html)

Yemen’s foremost Al Qaeda researcher says recent U.S. drone strikes have failed to kill senior leaders of the organization, and he dismisses claims that a plot to bomb a Canadian-owned oil facility was foiled by Yemeni authorities.¶ Abdulrazzaq al-Jamal, a journalist and researcher who has been given exclusive access to the terrorist group’s Yemen branch, Al Qaeda in the Arabian Peninsula (AQAP), said the series of drone strikes in the past 12 days have killed 32 people, including low-level foot soldiers and civilians.¶ “Among those killed are the ones who are largely . . . on the periphery of the organization,” Jamal said from Yemen’s capital, Sanaa, in a wide-ranging phone interview with the Toronto Star on Thursday.¶ It is not uncommon to have conflicting reports about those killed in drone attacks — AQAP leaders have been reported dead, only to release statements weeks later.¶ The Associated Press reported that 34 suspected Al Qaeda militants were killed in recent strikes, including 12 deaths in three strikes on Thursday. Reuters put Thursday’s death toll at eight, for a two-week total of 25 suspected militants.¶ The contradictory claims add to confusion about why the U.S. has dramatically increased its drone strikes in Yemen, and what prompted it to issue a worldwide travel warning last Friday and keep 19 embassies throughout Africa and the Middle East closed this week.¶ Jamal says he is skeptical of many of the recent reports on the matter, including a claim that the unprecedented security measures are due to an intercepted direct communication between AQAP leader Nasser al-Wahishi and Ayman al-Zawahiri, who became Al Qaeda’s leader in 2011 after Osama bin Laden was killed. U.S. officials have stated that Wahishi was recently appointed to Al Qaeda’s No. 2 position.¶ “I did not hear any of this through the usual channels,” Jamal said. But he noted that “whether Wahishi is No. 2 or 10 or 20, it’s irrelevant. Al Qaeda’s activities continue as usual.” In addition, AQAP operates independently and would not need direction from Zawahiri, he said.¶ Jamal is considered among journalists to have the best access to AQAP’s inner circle, although he said he has not personally met Wahishi or the group’s elusive bomb-maker, Ibrahim al-Asiri.¶ In 2011, Jamal spent weeks with AQAP members when the group had control of the town of Zinjibar, leading some critics to accuse him of writing sympathetic portrayals of the organization. Jamal also interviewed a top Al Qaeda leader, Fahd al-Quso, before he was killed in a drone strike in Yemen last year. Quso was the alleged planner of the bombing of the USS Cole in 2000, which killed 17 American sailors. ¶ Two of Thursday’s drone strikes reportedly hit Yemen’s eastern province of Hadramaut, where Yemeni authorities claimed AQAP was poised to take over the provincial capital Mukalla, a key sea port, and attack the Canadian-owned Mina al-Dhaba oil terminal nearby.¶ “It’s not true at all,” Jamal said. “Al Qaeda does not attack places of public interest.” He accused the Yemeni government of “spreading this talk to justify the drone attacks by the U.S.”¶ Jamal is not the only one doubting claims by Yemeni government officials.¶ “Along with many, I’m skeptical of the reports that AQAP was about to seize ports in Yemen,” Gregory Johnsen, a Princeton scholar and expert on Yemen, wrote on Twitter Wednesday.¶ “I second that,” responded Mohammed Albasha, a spokesman for the Yemeni embassy in Washington, contradicting the claims of the government he represents.¶ Earlier in the day Albasha wrote: “For the record: AQAP doesn’t have the manpower nor the capabilities to capture a city the size of Mukalla.”¶ Foreign-owned oil facilities and Western embassies have always been considered “legitimate” targets by AQAP, Jamal said, but he questioned whether the threat was high enough now to prompt the current terror alert.¶ The U.S., Britain and other European governments evacuated non-essential personnel from Yemen earlier this week and the U.S. embassies in the region were shut due to an unspecified threat “emanating from the Arabian Peninsula.” Some U.S. officials have warned that it’s the greatest risk since the Sept. 11 attacks.¶ “I don’t think Al Qaeda will do anything in the coming weeks because their military activities had been reduced in Sanaa,” Jamal said. “A military operation would distract them from expanding into other areas, where it wants to increase its presence.” ¶ So what is behind the threat?¶ “Yemenis are asking the very same question and they can’t find an answer,” Jamal said. “Most of them don’t think it has anything to do with Al Qaeda,” he said, echoing a popular theory in Sanaa that the U.S. has evacuated its citizens in advance of a planned military operation.

### **Solvency**

#### **Drone court fails – can’t consider all legal factors in time.**

Groves 13, Senior Research Fellow @ Heritage Foundation

(Steven Groves, Senior Research Fellow in the Margaret Thatcher Center for Freedom @ Heritage Foundation, J.D. from Ohio Northern University, BA in History, “Drone Strikes: The Legality of U.S. Targeting Terrorists Abroad”, The Heritage Foundation, 4/10/13, http://www.heritage.org/research/reports/2013/04/drone-strikes-the-legality-of-us-targeting-terrorists-abroad)

Certain former Obama Administration officials, the editorial board of The New York Times, and at least one U.S. Senator have called for the establishment of a special oversight panel or court to review the Administration’s targeting determinations, particularly in instances in which a U.S. citizen is targeted.[49] Essentially, such a court would scrutinize the Administration’s targeting decisions, presumably including its decisions to place individuals on the “disposition matrix.” The court would apparently have the authority to overrule and nullify targeting decisions. The creation of such a court is ill advised and of doubtful constitutionality.¶ The proponents of a drone court apparently do not appreciate the potential unintended consequences of establishing such an authority. The idea is wrongheaded and raises more questions than it answers. For instance, could the drone court decide as a matter of law that a targeted strike is not justified because the United States is not engaged in an armed conflict with al-Qaeda? Could the drone court rule that members of a force associated with al-Qaeda (e.g., AQAP) may not be targeted because AQAP was not directly involved in the September 11 attacks and therefore the strike is not authorized under the AUMF? The proposed drone court cannot avoid these fundamental questions since the justification for the targeted strikes is dependent on the answers to these questions.¶ Even if the proposed drone court attempts to eschew intervention into foundational questions such as the existence of an armed conflict, it still would not be in a position to rule on the “easy” questions involved in each and every drone strike. Does the target constitute an “imminent threat” to the United States? When civilian casualties may occur as a result of the strike, does the drone court have the authority to overrule the targeting decision as a violation of the principle of proportionality? Is the target an innocent civilian or a civilian “directly participating in hostilities”? Should U.S. forces attempt to capture the target before resorting to a drone strike? Is capture feasible? Any drone court, even if constituted with former military and intelligence officials, is ill suited to weigh all of the competing factors that go into a decision to target an al-Qaeda operative and make a timely decision, particularly when there is often only a short window of time to order a strike.¶ Regardless, creating a judicial or quasi-judicial review process will not ameliorate, much less resolve, objections to U.S. targeted killing practices. Critics will continue to demand more judicial process, including appeals from the proposed drone court, and additional transparency no matter what kind of forum is established to oversee targeting decisions.

### **2NC**

### **K**

#### **structural violence is invisible and exponential – ethics**

Nixon 11

(Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 2-3)

Three primary concerns animate this book, chief among them my conviction that we urgently need to rethink-politically, imaginatively, and theoretically-what I call "slow violence." By slow violence I mean a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all. Violence is customarily conceived as an event or action that is immediate in time, explosive and spectacular in space, and as erupting into instant sensational visibility. We need, I believe, to engage a different kind of violence, a violence that is neither spectacular nor instantaneous, but rather incremental and accretive, its calamitous repercussions playing out across a range of temporal scales. In so doing, we also need to engage the representational, narrative, and strategic challenges posed by the relative invisibility of slow violence. Climate change, the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, and a host of other slowly unfolding environmental catastrophes present formidable representational obstacles that can hinder our efforts to mobilize and act decisively. The long dyings-the staggered and staggeringly discounted casualties, both human and ecological that result from war's toxic aftermaths or climate change-are underrepresented in strategic planning as well as in human memory. Had Summers advocated invading Africa with weapons of mass destruction, his proposal would have fallen under conventional definitions of violence and been perceived as a military or even an imperial invasion. Advocating invading countries with mass forms of slow-motion toxicity, however, requires rethinking our accepted assumptions of violence to include slow violence. Such a rethinking requires that we complicate conventional assumptions about violence as a highly visible act that is newsworthy because it is event focused, time bound, and body bound. We need to account for how the temporal dispersion of slow violence affects the way we perceive and respond to a variety of social afflictions-from domestic abuse to posttraumatic stress and, in particular, environmental calamities. A major challenge is representational: how to devise arresting stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects. Crucially, slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded.

#### The world cannot survive militarism – it leads to endless wars and environmental destruction

Sullivan 9 (Mary Beth, Outreach Coordinator, “Alternative to Missile Defense: Global Security through Conversion of the Global War Machine,” Global Network Against Weapons and Nuclear Power in Space, April 17)

It is fair to say that we are living in very dark times. As we come to the waning years of the first decade in the 21st Century, we can assess the damage done by the far-reaching arm of U.S. militarism: the wars and subsequent occupations of Iraq and Afghanistan; increasing numbers of US military bases around the world; NATO expansion; weapons sales around the world; space technology used to enhance war fighting; military budgets that continue to increase at the expense of meeting human needs. This list goes on and on…¶ But the dawn is coming. The people of the Czech Republic turned its government on its head in large part because of its efforts to bring a U.S. missile defense radar base on its land. Global climate change has made many in the U.S. realize we must change our priorities to create a renewable energy infrastructure – and it is evident to some of us that the only serious source of funds to engage that effort is in the Pentagon. The seeds that were planted twenty years ago by economist Seymour Melman and many others who talked about conversion of American industry from one that creates wars to one that creates peaceful enterprise for the future of our planet might finally be taking root.¶ With the global economic crisis, the militarists will persist in demanding that industry continue building weapons systems. But they will lose. They must lose, if the planet is to survive.¶ The Aegis destroyer is a good metaphor for the times we live in.¶ My hometown of Bath, Maine has one of two shipyards in the U.S. that builds naval destroyers – Bath Iron Works or BIW. Of course, these destroyers are outfitted with Aegis systems and operate as part of the sea-based missile defense systems.¶ Currently there is a conflict going on inside the US government. On the one hand is the Pentagon saying it no longer wants the newest class of naval destroyers made at BIW. There are two reasons: first, intelligence reports say they are quite vulnerable to numerous types of foreign missile attacks. Second, these big ships are very expensive – with estimates saying the current price is just under $5 billion each.¶ On the other hand is the U.S. Congress. Maine has two powerful women Republican Senators who are committed to building this new war ship at BIW. They recently collaborated with key Democratic leaders and threatened to cut off funding for all surface combat ships in 2009 if the contract for the new destroyer is not continued at BIW.¶ The Pentagon finally agreed to keep the contract to build this ship it doesn't want. ¶ Meanwhile, we know from past and current research studies, that money spent on military production creates significantly fewer jobs, in some cases half as many jobs, than if those same dollars were spent on building rail systems, solar power, education, health care, or weatherizing homes to make them more energy efficient.¶ In my mind, this very large, very expensive naval ship is a perfect symbol of the 20th Century's blind excesses that must be curtailed.¶ Meanwhile, inside the shipyard we have a friend named Peter Woodruff. He suffers from knowing the role the Aegis destroyers built at BIW played in the U.S. shock and awe bombardment of Iraq in 2003.¶ A group of us have come together to look at the issue of conversion of the military industrial complex. We know that corporate globalization sent U.S. industrial jobs oversees seeking lower wages and lower environmental regulations. We know that over many decades, the U.S. Congress handed over the U.S. industrial base to the Pentagon. We know that the top U.S. industrial export product is weapons. U.S. industry arms the world, and the corporations reap great profits when the world is engaged in war.¶ We also know that this planet cannot survive a 21st Century that perpetuates militarism as a jobs program, and as the only solution to world conflict. Unless the workers at BIW soon become engaged in building wind turbines and mass transit rail cars, Maine's economy will sink under the weight of the destroyer the navy doesn't want. Our friend Peter Woodruff recently started circulating a petition among the workers at BIW demanding that they begin building the renewable energy infrastructure – building wind turbines– and that BIW be the location for that work. We are forming collaborations with environmentalists, union workers, peace activists, and other political activists to express a unified voice across our state that says we must cut the budget of the Pentagon. We must convert U.S. industry to one that builds the renewable energy infrastructure…..In an odd way, the Aegis destroyer connects many of us here in this room. Ships that are built in my hometown are used in the missile defense testing in Hawaii. They are ported in Japan. They are used in war-gaming exercises off the shores of Korea and Australia. Every one of our international friends here knows of an American military installation near your homes, on land that should be used for something else. In every instance, the myth is that the American military base provides jobs that are good for the community. In every instance, the American military base is polluting the land it sits on. The 21st Century started with the military invasion of Afghanistan. And then the pre-emptive strike against Iraq. This Century begins with one million, three hundred thousand Iraqi deaths over the last six years.¶ The 21st Century began with tens of thousands of humanity's sons and daughters flying the planes, steering the ships, pulling the levers and squeezing the triggers that unleashed the technology to accumulate that unbearable number of deaths.¶ Deepak Chopra is a medical doctor and popular Indian-American personality who has written 50 books on subjects of spirituality and mind-body healing. On January first of this year, Deepak Chopra wrote an open letter to Barack Obama offering 9 steps to Peace. His nine steps included subsidizing conversion of military companies to peaceful uses; calling a moratorium on future weapons technologies; making foreign arms sales illegal over time; and phasing out all foreign military bases. His bottom line was this: "Without a conversion of our present war economy to a peace economy, the high profits of the military-industrial complex ensures that [war] will never end." ¶ The seeds to that notion were planted more than 20 years ago by a vast array of international peace movement organizers. The time has come to focus our attention on the profound knowledge within that seed, and make it bear fruit in our world.¶ Those of us in Maine will continue to work to transform BIW into a facility that begins production of the renewable energy infrastructure. We can see it. We know it to be true.  We must bring that certainty to our neighbors and engage them in the vision.  Together, we will take courage from the people of the Czech Republic, and we will believe we can convince our political leaders this is so. We must close the bases of this US empire and protect our mother earth.

#### **Our mental relationship to war and peace is a controlling factor in the policy research that we do and the choices we make about militarism – we have a responsibility to be conscious of the way we represent war in our scholarship – their decision to represent war as a necessary but regulate-able evil solidifies militarism**

Jenkins 73 – Professor of Philosophy @ University of Alabama

[Iredell Jenkins, “The Conditions of Peace”, The Monist, Vol. 57, No. 4, Philosophy of War (OCTOBER, 1973), pp. 507-526, http://www.jstor.org/stable/27902329] Gender Edited

I shall argue in this paper that our thinking about the question of war and peace is vitiated at its source by a series of mistaken assumptions and intentions. These misconceptions pass as sound coin because they have the air of truisms: they appear to direct our inquiries along lines that are sure to be successful and are anyway the only ones available. At the same time, these errors are so basic that they distort both theory and practice from the start: they are red herrings, putting us on a false scent from which we never free ourselves because we cannot get close enough to the quarry to recognize our mistake. It is my purpose to expose these errors and point the way to their correction. Three basic mistakes have misled our thinking about war and peace. We have employed the wrong categories. We have studied the wrong data. And we have pursued the wrong goal. These errors are intimately related, with each in turn entailing the next. The categories we think in focus our attention too narrowly. The data we pore over yield distorted conclusions. The goals we are thus led to pursue are mirages that grow fainter the closer we approach them. It will be necessary to discuss these errors serially, but it must be remembered that they are in reality tightly forged links in a closed chain. 1. The controlling factor in all human undertakings is the conceptual apparatus that men [people] employ-the terms in which they think. These modes of thought largely determine the data we examine, the phenomena we are interested in, the questions we ask, and the purposes we pursue. In more homely language, this apparatus defines where we look, what we look for, and what we hope to do. And it is here, at their very first step, that our dealings with the problem of war and peace go astray. Our mistake is simple but critical: we think in terms that focus our attention on only one side of the issue, and that the more superficial and derivative side. What we do, in brief, is to treat war as an independent variable, which is to be understood in isolation from any larger context and dealt with strictly on its own terms. We appear to act on the assumption that wars are ultimate and ineradicable features of reality, so there are only two things we can do about them: delay their occurrence and make sure we win them when they occur. Seen in the light of reason, this procedure is paradoxical. The real and final object of our concern is peace. We want to establish amicable relations among people, and create a community of feeling and interests. Yet the overwhelming proportion of our thinking, talking, and acting is concerned with war. It is war, in fact and in threat, that constantly preoccupies us. So the universe of discourse in which we treat the problem of war and peace has a vocabulary that is derived entirely from only one of these elements: war. The concepts that dominate our thinking are 'nation states', 'sovereignty', 'foreign powers', 'treaties', 'alliances', 'the balance of power', 'nuclear deterrents', and other such. War so fascinates us that we are incapable of viewing it in perspective and putting it in context. So we fail to see that war is only one element in a complex set of human relationships, which can be neutralized by other and very different elements. Instead, we persist in thinking that the threat of war can be averted, and war itself 'won', only in the terms that it itself poses: namely, the appeal to force. Peace may be the object of our prayers, but war is the object of our efforts. I remarked above that there is something extremely paradoxical about this situation. But there is nothing unusual about it: this is not an isolated case, but an instance of a general type of behavior. In one context after another, we find men neglecting to pursue the good they seek and thinking only of averting the evil they fear. Many dichotomies of this sort come easily to mind: peace-war, health-illness, justice-injustice, equality-discrimination, rehabilitation-punishment. In every instance, it is the second item on which we lavish our efforts. It simply seems to be the case that in all of the contexts of life men [people] tend to take sound and satisfactory situations for granted, and to be concerned only with those that are unpleasant, threatening, or harmful. So instead of trying to preserve peace, we think only of preventing wars-or winning them. In short, we are in the odd position of not seeking the ends that we desire, but merely trying to avert or cure the outcomes we fear. Indeed, we do not even think much about these goods, and we usually define them as the absence of their opposites. So though our approach to the problem of war and peace is paradoxical, it is not anomolous. 2. Our initial mistake in dealing with the issues of war and peace is to employ the wrong categories: our thinking is done exclusively in terms of 'war' and concepts associated with it. The immediate result of this mistake is to focus our attention on a narrow and inadequate range of data. The common meaning of 'war' is a conflict between nation states, waged by armies using every weapon of force available, in which each party seeks to defeat the other (the "enemy") and reduce it to a condition of total subservience. As Clausewitz put it in his classic treatise, "War therefore is an act of violence intended to compel our opponent to fulfill our will".1 Since we think in terms of war, and this is what war means, these are the data we turn to when we seek enlightenment on the issues of war and peace: we look only at the relations between sovereign states, and then only when these states are in a condition of actual or threatened violent conflict. We thus find ourselves in the absurd position of trying to understand peace by studying war. This is like trying to understand motion by studying rest, as the ancients did, or trying to derive the character of man from the nature of God, as the mediaevalists did. We deride these latter efforts as exercises in futility. But we employ an exactly analogous procedure in our approach to peace, and we are perpetually surprised and frustrated when it does not succeed. What we are doing, in sum, is using the pathological case as a paradigm for studying the sound case. So we become expert only in the pathology of international relations. Our fascination with the phenomena of war leads us to certain conclusions that become as unshakeable as they are deceptive. We regard the sovereign state as at once a brute fact and an impenetrable mystery. We assume that there must be irreconcilable conflicts of interest among such states. Since these conflicts can be neither resolved nor arbitrated, they must eventually lead to trial by force. Given the facts that we study, these conclusions follow naturally.

#### **The lenses with which we view war and peace influence the policy options we consider – academia is a critical space to address these issues**

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 115-117)

The very notion of restraint in war— common to all positions along ¶ the full continuum in varying degrees— puts the burden of proof on going to war and on how the fighting is done. These are the activities in ¶ need of justification. The moral presumption should be to peace, positive peace, rather than the pervasive presumption of warism and negative peace. Recognizing the grip that warism has on dominant culture ¶ may be the most formidable task of genuine peacemaking for the fore-¶ seeable future because it is warism that blocks evolution toward more ¶ pacifistic societies. Only occasionally will individuals back into the ¶ most absolute form of pacifism; the cultural predisposition to warism ¶ confines most of us to a narrow range of options toward the war- realist ¶ end of the scale. This brings us full circle and we end this consideration of a moral continuum on the morality of war and peace where we ¶ began, confronting warism.¶ The normative lenses of warism, the spectacles through which we ¶ in modern culture tend to see and interpret all that happens, turn out ¶ to be as much like blinders as lenses because they restrict our vision to ¶ a narrow range of options. Nietzsche said that if the only tool you have ¶ is a hammer, everything begins to look like a nail. Under such conditions it is pretty hard to resist hammering. Analogously, if the only ¶ vision we have is warist and the only tools we build are weapons, then ¶ every conflict invites military intervention and it is hard to resist war-¶ ring. Unless we envision a wider value perspective than the warist, we ¶ will not see the nonviolent options before us. But to see more widely ¶ we need to acknowledge and remove the blinders.¶ Peace education is a small, struggling, but growing segment of ¶ contemporary education. The dominant presumption of warism has ¶ made it difficult for those committed to peace education to develop ¶ and establish it as a legitimate discipline devoid of the image of mere ¶ anti- militarist propaganda. Some scholars call themselves peace educators while many within the traditional disciplines are reluctant to be ¶ so labeled; they may be sympathetic with genuine peace research and ¶ teaching but afraid of the stigma that goes with the label. Those scholars interested in applying their professional training and skills to peace ¶ issues face a monumental task. Education at all levels must address ¶ warism, just as they have had to address racism, sexism, ageism, classism, homophobia, and other forms of domination.4 There is increasing ¶ academic interest in what scholars call “institutional violence”— social ¶ structures like racism, sexism, and poverty that involve constraints ¶ that injure and violate; systems that have entrapping, coercive effects. Institutional forms of violence tend to be more covert than overt; ¶ nonetheless pacifists— peacemakers—of various sorts tend to work ¶ toward the recognition and abolition of these forms of oppression as ¶ the natural manifestation of their commitment to positive peace. Such ¶ work involves recovery of lost or neglected history, consideration of a ¶ full range of options beyond traditional social constraints holding the ¶ forms of domination in place, and serious, systematic, and legitimized ¶ study of conditions constituting positive peace. Preparing for war in ¶ an effort to prevent war and preserve the status quo must be distinguished from preparing for genuine positive peace in an effort to en-¶ courage cooperation and preclude a resort to war. Unless such issues ¶ are entertained routinely across all educational levels— including the ¶ recognition of how the various forms of domination are entangled in ¶ and reinforced by warism— the presumption of warism will continue ¶ to drive us toward war realism and prevent progress toward an evolving positive peace.5 Easing the grip of warism may be unlikely, but ¶ then racial integration in public schools, abolition of slavery, women ¶ voting and holding public office, the end of apartheid in South Africa ¶ and the Iron Curtain in Europe, the election of an African American ¶ as U.S. president, all were exceedingly unlikely not long before they ¶ became realities. People imagine, work for, and sacrifice for important ¶ goals even if they never are achieved. To the wonder of us all, unlikely ¶ goals are sometimes reached. Martin Luther King, Jr., believed that “the arc of history bends ¶ toward justice.” He knew that racial segregation would end . . . some-¶ day . . . so he called on Americans to “plan for the inevitable.”6 Similarly, pacifists envision a broad cultural evolution from warism toward ¶ (and eventually, to) pacifism, so pacifists ask us to prepare for the inevitable by recognizing and backing away from warism and by working to ¶ create and sustain the conditions of genuine positive peace. While education is crucial, peace educators cannot bear the burden of the ¶ wider cultural failure to see beyond warism. Scholars and teachers in ¶ traditional disciplines must address the relevant warist/pacifist issues ¶ of their fields just as feminist scholarship has been undertaken by academics in all fields, and just as racist claims have been tested and dispelled by research in all disciplines. Anti-warism work and positive ¶ peace making cannot be ghettoized in token departments and journals ¶ and dismissed for pushing an agenda; they must be undertaken across every curriculum, not marginalized but central, if we are to assist in ¶ preparing for the inevitable. It is remarkable how low peace research is ¶ among government and foundation priorities. The moral continuum ¶ here may prove useful in eroding warist obstacles to taking peace positively if only because it recognizes gradual variations among views ¶ within a single moral tradition rather than encouraging polarized ¶ views. Peace research and study need not lead to any conversion experiences; it would be surprising were they to do so, despite popular ¶ fears.

#### Research bias – academics want to confirm that violence is inevitable and they turn up those results – 47 counterexamples prove non-violent societies are possible

**Paige 2** - Professor of political science @ University of Hawaii [Glenn D., Nonkilling Global Political Science ]

Case studies of homicide presented by psychiatrist George F. Solomon (1970) make killing understandable and plausibly preventable in contrast to helpless reference to “human nature.” In one case, the socialization experience of a seemingly unemotional, random sniper-killer of women included: parental neglect by his gambling father, seduction by his alcoholic and promiscuous mother, fascination with guns, and drug use to block out “horrible images” of incestuous guilt. In another case, the background of a killer of his ex-wife’s new husband included: poverty, hatred of father for violence against his mother, convulsion after a paternal beating on the head, maternal ridicule, being beaten by his sisters, becoming a first sergeant in the Marine Corps, marriage to a prostitute met in a brothel, fathering two children by her, assault upon her and slashing his own wrists after discovering her infidelity while he was on duty overseas, being threatened by her with a .38 caliber handgun, and possession of his service pistol with which he killed—not her—but her new husband amidst a three-sided, living room quarrel about child support and visitation rights. Solomon concludes: As a psychiatrist I have a firm commitment to the idea that human behavior can be modified. Our failures in prevention and treatment have been based on ignorance, which can be ameliorated through further research; on lack of implementation of accepted principles; [and] on a reluctance to innovate; and on a vindictiveness toward social deviancy far more than any intrinsic “incurability” of the violence-prone person. The human’s capacity for growth and healing is great and, hopefully, his proclivity for violence can be halted (387). In anthropology, **new interest in understanding human capacities for nonviolence and peace as contrasted with customary emphasis upon violence and aggression is producing knowledge to question the assumption that a nonkilling society is impossible** (Sponsel and Gregor 1994b; Sponsel 1996). As Leslie E. Sponsel explains, “Nonviolent and peaceful societies appear to be rare—not because they are, in fact, rare but because **nonviolence and peace are too rarely considered in research**, the media, and other areas.” He adds, “It is as important to understand the characteristics, conditions, causes, functions, processes, and consequences of nonviolence and peace as it is to understand those of violence and war” (Sponsel 1994a: 18–9). Scientific questioning of the Hobbesian assumption of universal lethality among early humans has been advanced by Piero Giorgi (1999) and J.M.G. van der Dennen (1990; 1995). In a review of evidence for war and feuding for 50,000 “primitive” peoples recorded in the ethnographic literature over the past century, van der Dennen finds explicit confirmation for only 2,000 groups. Acknowledging that absence of information about “belligerence” for the remaining groups does not necessarily prove their peacefulness, van der Dennen cautions against dogmatic acceptance of the assumption of universal human bellicosity (1990: 257, 259, 264-9). He cites ethnographic evidence for 395 “highly unwarlike” peoples from Aboriginals to Zuni (1995: 595–619). Reviewing the anthropological literature, Bruce D. Bonta (1993) identifies forty-seven societies that demonstrate human capacities for “peacefulness.” Peacefulness . . . is defined as a condition whereby people live with a relatively high degree of interpersonal harmony; experience little physical violence among adults, between adults and children, and between the sexes; have developed workable strategies for resolving conflicts and averting violence; are committed to avoiding violence (such as warfare) with other peoples; raise their children to adopt peaceful ways; and have a strong consciousness of themselves as peaceful (4). Bonta finds evidence of peacefulness among the Amish, Anabaptists, Balinese, Batek, Birhor, Brethren, Buid, Chewong, Doukhobors, Fipa, Fore, G/wi, Hutterites, Ifaluk, Inuit, Jains, Kadar, !Kung, Ladakhis, Lepchas, Malapandaram, Mbuti, Mennonites, Montagnais-Naskapi, Moravians, Nayaka, Nubians, Onge, Orang Asli, Paliyan, Piaroa, Quakers, Rural Northern Irish, Rural Thai, San, Sanpoil, Salteaux, Semai, Tahitians, Tanka, Temiar, Toraja, Tristan Islanders, Waura, Yanadi, Zapotec, and Zuni. In a further study of conflict resolution among twenty-four of these peoples, Bonta (1996) concludes: Several common notions about conflict and conflict resolution that are asserted by Western scholars can be questioned in light of the success of these societies in peacefully resolving conflicts: namely, that violent conflict is inevitable in all societies; that punishment and armed force prevent internal and external violence; that political structures are necessary to prevent conflicts; and that conflict should be viewed as positive and necessary. The contrary evidence is that over half of the peaceful societies have no recorded violence; they rarely punish adults (except for the threat of ostracism); they handle conflicts with outside societies in the same peaceful ways that they approach internal conflicts; they do not look to outside governments when they have internal disputes; and they have a highly negative view of conflict (403).

#### **Quest for negative peace trades off with positive peace – can’t combine the aff and the alt**

Pankhurst 3

(Donna-, May 1, Development in Practice, “The 'sex war' and other wars: towards a feminist approach to peace building”, Vol. 13 # 2&3, Infomaworld; Jacob)

Turning to the meanings of the term ‘peace’, Galtung’s (1985) conception of negative peace has come into widespread use, and is probably the most common meaning given to the word, i.e. the end or absence of widespread violent conflict associated with war. A ‘peaceful’ society in this sense may therefore include a society in which social violence (against women, for instance) and/or structural violence (in situations of extreme inequality, for example) are prevalent. Moreover, this limited ‘peace goal’, of an absence of specific forms of violence associated with war, can and often does lead to a strategy in which all other goals become secondary. The absence of analysis of the deeper (social) causes of violence also paves the way for peace agreements that leave major causes of violent conflict completely unresolved. Negative peace may therefore be achieved by accepting a worse state of affairs than that which motivated the outburst of violence in the first place, for the sake of (perhaps short-term) ending organised violence. Galtung’s alternative vision, that of positive peace, requires not only that all types of violence be minimal or non-existent, but also that the major potential causes of future conflict be removed. In other words, major conflicts of interest, as well as their violent manifestation, need to be resolved. Positive peace encompasses an ideal of how society should be, but the details of such a vision often remain implicit, and are rarely discussed. Some ideal characteristics of a society experiencing positive peace would include: an active and egalitarian civil society; inclusive democratic political structures and processes; and open and accountable government. Working towards these objectives opens up the field of peace building far more widely, to include the promotion and encouragement of new forms of citizenship and political participation to develop active democracies. It also opens up the fundamental question of how an economy is to be managed, with what kind of state intervention, and in whose interests. But more often than not discussion of these important issues tends to be closed off, for the sake of ‘ending the violence’, leaving major causes of violence and war unresolved—including not only economic inequalities, but also major social divisions and the social celebration of violent masculinities.

### **PIC**

#### TK includes special ops missions

Masters, Deputy Editor at the Council on Foreign Relations, 5/23/13

(Targeted Killings, [www.cfr.org/counterterrorism/targeted-killings/p9627](http://www.cfr.org/counterterrorism/targeted-killings/p9627))

What methods of targeted killing does the United States employ?

Drone Strikes

Targeted attacks launched from unmanned aerial vehicles, or drones, have ballooned under the Obama administration. A study undertaken by the New American Foundation reports that in his first two years of office, President Obama authorized nearly four times the number of strikes in Pakistan as President Bush did in his eight years. The report, which relies solely on media accounts of attacks, claims that some 291 strikes have been launched since 2009, killing somewhere between 1,299 and 2,264 militants, as of January 2013. Alternate reports also document the escalation in drone strikes in recent years, but the accounting of militant and civilian deaths can vary widely depending on the source. Traditionally the CIA has managed the bulk of U.S. drone operations outside recognized war zones, such as in Pakistan, while the Defense Department (DOD) has commanded operations in established theaters of conflict, such as in Iraq, Afghanistan, and Libya. But in some instances, the drone operations of both the CIA and DOD are integrated, as in the covert drone campaign in Yemen. In early 2013, the Obama administration shifted some of the CIA's authority over lethal drone operations to the Defense Department in an effort to streamline counterterrorism operations and increase transparency, analysts say.

Kill/Capture Missions

Since President Obama assumed office, the Pentagon has also increased the use of special operations raids (aka kill/capture missions) from 675 covert raids in 2009 to roughly 2,200 in 2011. According to the Pentagon, approximately 90 percent of these night raids end without a shot fired. As conventional U.S. forces begin to drawdown, "the role of counterterrorism operations, and in particular these kinds of special missions, will become prominent," says ISAF commander General John Allen. The covert raids are directed by an elite element within the U.S. military known as Joint Special Operations Command (JSOC). The clandestine command draws top personnel from groups like the Navy SEALs and Army Delta Force, and maintains a direct relationship with the executive branch. JSOC has tripled in size since 9/11 and currently operates in a dozen countries. Jeremy Scahill of The Nation writes, "The primacy of JSOC within the Obama administration's foreign policy--from Yemen and Somalia to Afghanistan and Pakistan--indicates that he has doubled down on the Bush-era policy of targeted assassination as a staple of U.S. foreign policy." Civilians and local governments have condemned night raids as culturally offensive, given that U.S. soldiers often enter homes in the dead of night, with women present, and utilize dogs (which are viewed as impure in Muslim culture) in their search. In April 2012, the United States reached a seminal agreement with Afghanistan to give Kabul greater oversight over special operations raids and put Afghan forces in the lead of those activities.

#### Special ops targeted killing key to stop terrorism

Bachmann 13, Reader in International Law at University of Lincoln

(Targeted Killings: Contemporary Challenges, Risks and Opportunities, jcsl.oxfordjournals.org/content/early/2013/05/31/jcsl.krt007.full)

Targeted killing seems to achieve tangible returns in terms of ‘decapitating’ terrorist networks: recent reports indicate that Obama’s policy of targeting Al-Qaeda’s top and mid-level leadership has led to significant losses among the ranks of leadership of the organization.16 Another emerging field of security threats where targeted killing may be used in the future, is in response to countering so-called ‘Hybrid Threats’, which refers to asymmetric threats like terrorism and cyber threats, and which will be discussed in more detail below. The use of UCAS and Special Forces has other benefits too: it serves as a ‘force multiplier’, which basically allows achieving more in terms of tangible military objective with less ‘boots on the ground’. Such considerations matter in times of shrinking defence budgets and an increasing unwillingness in the West to suffer casualties in combat.

#### Judicial review makes targeted killing ineffective

McCormack 13, Law Prof at Utah

(Judicial Review of Targeted Killing: A Bad Idea by a Good Person, jurist.org/forum/2013/03/wayne-mccormack-targeted-killing.php)

Despite the rule of law, we have recognized since the dawn of the republic, indeed since the dawn of civilization, that some executive action must be taken clandestinely for the safety of the nation. In my view, it is better that such action be left in the shadows rather than given a patina of legitimacy by judicial authority. The concept of a "license to kill" cannot be entirely fictitious for the simple reason that some threats are not capable of being met by the rule of law.Threats that could justify clandestine executions, however, must be rare. I would certainly demand a much higher degree of "imminent threat" than the DOJ white paper envisions. And, like the Israeli High Court of Justice, I would insist on some reasonably independent after-action review to be sure that such extraordinary power is being used advisedly. I would much prefer to see a sharply curtailed number of instances than what we have seen lately, if for no other reason than that such indiscriminate use of violence fuels the jihadist fervor against us. Although it is a good idea that there be a relatively independent review board over clandestine executions, the judiciary is not the place to put such an obligation. Let us preserve the judiciary for the function it does well, the evaluation of arguments on the basis of principle rather than guesswork over secret intelligence.

**Prolif causes nuclear war, conventional conflicts, and increases the risk of nuclear terrorism – turns case**

**Quester 94,** Professor of Government & Politics at the University of Maryland, And Utgoff, Deputy Director of the Strategy, Forces, & Resources Division of the Intitute for Defense Analyses, 94 (George & Victor, “Toward an International Nuclear Security Policy,” The Washington Quarterly, Autumn, V. 17, N. 4, P. 2)

The concerns that have been expressed for decades about the dangers of nuclear proliferation are obviously real; indeed they may have been understated. Thus, if raising the national costs of obtaining nuclear weapons is an insufficient barrier to proliferation, the United States cannot resign itself to the unimpeded spread of weapons of mass destruction. Rather, what is required, as outlined here, is an intensified effort to reduce any advantages a nation sees in proliferation. In the absence of such an effort, the world is headed toward what could be characterized as a "six-gun" society. As in the old U.S. Wild West, too many of the globe's nation-state citizens would wear nuclear "big iron" on their hips. Even if such weapons were rarely used, unprecedented levels of violence would emerge when relations got completely out of hand. The risk of catastrophic attacks on U.S. and other cities is only a part of the cost of widespread proliferation, however. The mere threat of such attacks would make the cooperative management of international problems generally more difficult. The states whose power is based primarily on population and productivity will be under constant pressure from those that have little more than frighteningly powerful weapons. The latter, dissatisfied with the distribution of global wealth and power, may periodically challenge the status quo in a most dangerous confrontation of will. As individual cases of proliferation occur, additional risks may be run. Specifically, states acquiring nuclear weapons may be tempted to translate new-found military power into concrete geopolitical gains before their neighbors have acquired bombs of their own. More than a little good luck was involved in getting the existing nuclear powers through five decades with no nuclear detonations in anger. New proliferants will encounter new and unique problems, where a stable nuclear balance may not evolve. As its concerns about the breakup of the Soviet Union have demonstrated, the United States also has even more reason now to worry about control over nuclear weapons by less reliable governments. The greater number of states that have such weapons, the greater the danger that political breakups, changes of government, or sloppy weapons custody will put nuclear weapons into irresponsible hands.

### **1NR**

### **DA**

#### Hamdi and Rasul were too small to reverse deference – they were minimalist to avoid backlash

Devins 2010 - Professor of Law and Professor of Government, College of William & Mary (February, Neal, “Symposium: Presidential Power In Historical Perspective: Reflections on Calabresi and Yoo's the Unitary Executive: Talk Loudly and Carry a Small Stick: The Supreme Court and Enemy Combatants” 12 U. Pa. J. Const. L. 491, Lexis)

 [\*514] Small Steps: Hamdi and Rasul. These decisions were a minimalist opening volley in Court efforts to place judicial limits on the Bush administration. While rejecting claims of executive branch unilateralism in national security matters, the Court said next-to-nothing about how it would police the President's enemy combatant initiative. Rasul simply held that Guantanamo Bay was a "territory over which the United States exercises exclusive jurisdiction and control," and, consequently, that the President's enemy combatant initiative is subject to existing habeas corpus legislation. n122 This ruling "avoided any constitutional judgment" and offered no guidance on "what further proceedings may become necessary" after enemy combatants filed habeas corpus petitions. n123 Hamdi, although ruling that United States citizens have a constitutional right to challenge their detention as an enemy combatant, placed few meaningful limits on executive branch detentions. Noting that "enemy-combatant proceedings may be tailored to alleviate their uncommon potential to burden the Executive," the Court ruled both that hearsay evidence was admissible, and that "the Constitution would not be offended by a presumption in favor of the Government's evidence." n124

#### Obama’s Syria move increased Presidential war powers because it maintained ultimate control with the executive

Balkin 9/3, Law Prof at Yale

(Jack, What Congressional Approval Won't Do: Trim Obama's Power or Make War Legal, www.theatlantic.com/politics/archive/2013/09/what-congressional-approval-wont-do-trim-obamas-power-or-make-war-legal/279298/)

One of the most misleading metaphors in the discussion of President Obama’s Syria policy is that the president has “boxed himself in” or has “painted himself into a corner.” These metaphors treat a president’s available actions as if they were physical spaces and limits on action as if they were physical walls. Such metaphors would make sense only if we also stipulated that Obama has the power to snap his fingers and create a door or window wherever he likes. The Syria crisis has not created a new precedent for limiting presidential power. To the contrary, it has offered multiple opportunities for increasing it. If Congress says no to Obama, it will not significantly restrain future presidents from using military force. At best, it will preserve current understandings about presidential power. If Congress says yes, it may bestow significant new powers on future presidents -- and it will also commit the United States to violating international law. For Obama plans to violate the United Nations Charter, and he wants Congress to give him its blessing. People who believe Obama has painted himself into a corner or boxed himself in might not remember that the president always has the option to ask Congress to authorize any military action he proposes, thus sharing the responsibility for decision if the enterprise goes sour. If Congress refuses, Obama can easily back away from any threats he has made against Syria, pointing to the fact that Congress would not go along. There is no corner. There is no box. Wouldn’t congressional refusal make the United States look weak, as critics including Senator John McCain warn loudly? Hardly. The next dictator who acts rashly will face a different situation and a different calculus. The UN Security Council or NATO may feel differently about the need to act. There may be a new threat to American interests that lets Obama or the next president offer a different justification for acting. It just won’t matter very much what Obama said about red lines in the past. World leaders say provocative things all the time and then ignore them. Their motto is: That was then, and this is now. If Congress turns him down, won’t Obama be undermined at home, as other critics claim? In what sense? It is hard to see how the Republicans could be less cooperative than they already are. And it’s not in the interest of Democrats to fault a president of their own party for acceding to what Congress wants instead of acting unilaterally. Some commentators argue (or hope) that whatever happens, Obama’s request for military authorization will be an important precedent that will begin to restore the constitutional balance between the president and Congress in the area of war powers. Don’t bet on it. By asking for congressional authorization in this case, Obama has not ceded any authority that he ­or any other president ­has previously asserted in war powers. Syria presents a case in which previous precedents did not apply. There is no direct threat to American security, American personnel, or American interests. There is no Security Council resolution to enforce. And there is no claim that America needs to shore up the credibility of NATO or another important security alliance. Nor does Obama have even the feeble justification that the Clinton Administration offered in Kosovo­: that congressional appropriations midway through the operation offered tacit and retroactive approval for the bombings. It is naive to think that the next time a president wants to send forces abroad without congressional approval, he or she will be deterred by the fact that Barack Obama once sought congressional permission to bomb Syria. If a president can plausibly assert that any of the previous justifications apply -- ­including those offered in the Libya intervention -- the case of Syria is easily distinguishable.

#### 1) Expertise – the judiciary doesn’t have it – ensures ineffective warfighting

Hudson 99 – Major in US Army

(Walter, March, Racial Extremism in the Army, Military Law Review (159 Mil. L. Rev. 1)

Where Brennan’s argument may appear to be the most persuasive is where the potential “penalties” cut into the interests that the adjudicative process is best suited to protect–namely, constitutional protections. In dealing with constitutional protections, individual rights often trump majority concerns. Discerning whether individuals should be granted these protections may not be particularly complex, on the surface.234 When viewing the grant of constitutional protections in relation to the military’s goal–successful combat operations–this argument loses force. This is because “simplicity” as defined in civilian contexts often does not have the same meaning in the military context. Clausewitz, the Prussian general and author of the military classic, On War, once famously stated: “Everything in war is very simple, but the simplest thing is difficult.”235 Clausewitz terms all the uncertainties and problems that accompany wartime operations as “friction.”236 Friction can be defined as the “realm of uncertainty and chance, even more [is] it the realm of suffering, confusion, exhaustion, and fear”237 that accompanies military wartime operations. All these exist to a much higher degree in war, because, as Clausewitz points out, in war, not only is chance and uncertainty a constant, 238 but also one side is trying to impose its will on its opponent, which is an “animate object that reacts.”239 In other words, in war, you are seeking to overcome an opponent who is reacting to (and may be anticipating) your movements, who is trying not only to defeat but to destroy you, and who may not be constrained by your own laws, customs, and behavior. It is not thus simply the lack of judicial competence in military affairs, but the effects that the lack of competence may have that is an additional “friction” in the military environment. The problem in applying a standard of review similar to the kind used for civilian society is not just that the court may err, but the ramifications of such an error given the uncertainty of conflict.240 An error in military policy making could impede military effectiveness and thereby jeopardize national security.241 These judicial decisions put the courts squarely into the political arena. Judges unwittingly become “strategists”–unelected and ill-equipped officials deciding matters of potentially ultimate importance. Judicial deference, therefore, is generally appropriate to military decision-making, and in particular, a unit commander’s decision-making on extremism. Extremism’s disproportionate impact on the community where it occurs is an impact that can only be magnified in a military unit. The best way to appreciate that impact is to look at the gravest danger posed by racial extremists–the violent hate crime.

#### 2) Flexibility – deference gives the president the freedom needed to successfully wage war

Yoo 3 – prof of law @ UC Berkeley

(John, December, George Washington Law Review, “Judicial Review and the War on Terrorism,” 72 Geo. Wash. L. Rev. 427)

Nonetheless, courts continue to play a role in war by hearing cases involving the domestic ramifications of a decision that the United States is in a state of war. Yet, as we have seen with cases involving the surveillance and detention of terrorists, courts have adopted a deferential standard of scrutiny that provides the political branches with the flexibility to conduct war successfully. By doing so, the exercise of judicial review is playing more than its usual role as a check and balance on the actions of the other branches. Rather, judicial review presents the President and Congress with new weapons with which to fight the war on terrorism. In the case of FISA surveillance, for example, deferential judicial review allows the executive branch to intercept terrorist communications under a standard similar to that which applies to military surveillance, all the while preserving the possibility of the use of the evidence in a federal prosecution. With its deferential review toward the detention of enemy combatants, federal courts not only provide the executive with a different way of holding terrorists, but they also present the option, perhaps, of later moving the detainees into the federal court system for prosecution. In both cases, the more deferential standard of scrutiny allows the political branches to undertake immediate wartime actions under the more flexible rules of the laws of war, without forsaking later use of the federal criminal justice system as means of sanctioning and incapacitating members of al Qaeda. By presenting more options to the war fighting branches of government, the courts act not merely as a traditional check on government, but as a potential weapon that can assist the United States’ war on terrorism.

### **Case**

#### **Drones have the least civilian casualties – other numbers are inflated.**

Byman 13 Professor in Security Studies @ Georgetown

(Daniel Byman, , Senior Fellow in Middle East Policy at the Brookings Institution, Foreign Affairs Vol. 92 Iss. 4, “Why Drones Work”, EBSCO, acc. 6/26/13)

Despite the obvious benefits of using drones and the problems associated with the alternatives, numerous critics argue that drones still have too many disadvantages. First among them is an unacceptably high level of civilian casualties. Admittedly, drones have killed innocents. But the real debate is over how many and whether alternative approaches are any better. The Bureau of Investigative Journalism reports that in 2011 alone, nearly 900 noncombatants, including almost 200 children, were killed by U.S. drone strikes. Columbia Law School's Human Rights Clinic also cites high numbers of civilian deaths, as does the Pakistani organization Pakistan Body Count. Peter Bergen of the New America Foundation oversees a database of drone casualties culled from U.S. sources and international media reports. He estimates that between 150 and 500 civilians have been killed by drones during Obama's administration. U.S. officials, meanwhile, maintain that drone strikes have killed almost no civilians. In June 2011, John Brennan, then Obama's top counterterrorism adviser, even contended that U.S. drone strikes had killed no civilians in the previous year. But these claims are based on the fact that the U.S. government assumes that all military-age males in the blast area of a drone strike are combatants -- unless it can determine after the fact that they were innocent (and such intelligence gathering is not a priority).¶ The United States has recently taken to launching "signature strikes," which target not specific individuals but instead groups engaged in suspicious activities. This approach makes it even more difficult to distinguish between combatants and civilians and verify body counts of each. Still, as one U.S. official told The New York Times last year, "Al Qaeda is an insular, paranoid organization -- innocent neighbors don't hitchhike rides in the back of trucks headed for the border with guns and bombs." Of course, not everyone accepts this reasoning. Zeeshan-ul-hassan Usmani, who runs Pakistan Body Count, says that "neither [the United States] nor Pakistan releases any detailed information about the victims … so [although the United States] likes to call everybody Taliban, I call everybody civilians."¶ The truth is that all the public numbers are unreliable. Who constitutes a civilian is often unclear; when trying to kill the Pakistani Taliban leader Baitullah Mehsud, for example, the United States also killed his doctor. The doctor was not targeting U.S. or allied forces, but he was aiding a known terrorist leader. In addition, most strikes are carried out in such remote locations that it is nearly impossible for independent sources to verify who was killed. In Pakistan, for example, the overwhelming majority of drone killings occur in tribal areas that lie outside the government's control and are prohibitively dangerous for Westerners and independent local journalists to enter.¶ Thus, although the New America Foundation has come under fire for relying heavily on unverifiable information provided by anonymous U.S. officials, reports from local Pakistani organizations, and the Western organizations that rely on them, are no better: their numbers are frequently doctored by the Pakistani government or by militant groups. After a strike in Pakistan, militants often cordon off the area, remove their dead, and admit only local reporters sympathetic to their cause or decide on a body count themselves. The U.S. media often then draw on such faulty reporting to give the illusion of having used multiple sources. As a result, statistics on civilians killed by drones are often inflated. One of the few truly independent on-the-ground reporting efforts, conducted by the Associated Press last year, concluded that the strikes "are killing far fewer civilians than many in [Pakistan] are led to believe."¶ But even the most unfavorable estimates of drone casualties reveal that the ratio of civilian to militant deaths -- about one to three, according to the Bureau of Investigative Journalism -- is lower than it would be for other forms of strikes. Bombings by F-16s or Tomahawk cruise missile salvos, for example, pack a much more deadly payload. In December 2009, the United States fired Tomahawks at a suspected terrorist training camp in Yemen, and over 30 people were killed in the blast, most of them women and children. At the time, the Yemeni regime refused to allow the use of drones, but had this not been the case, a drone's real-time surveillance would probably have spotted the large number of women and children, and the attack would have been aborted. Even if the strike had gone forward for some reason, the drone's far smaller warhead would have killed fewer innocents. Civilian deaths are tragic and pose political problems. But the data show that drones are more discriminate than other types of force.

#### No link to recruitment

Anderson 2013 - senior fellow in Governance Studies at Brookings and a professor of law at American University (May 24, Kenneth, “The Case for Drones” <http://www.realclearpolitics.com/articles/2013/05/24/the_case_for_drones_118548.html>)

That leaves the broader claim of global blowback—the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the evidence is so diffuse as to be pointless. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes—or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism—Mark Mazzetti’s new book, The Way of the Knife, is a good example—because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. The blowback argument is also peculiarly susceptible to raising the behavioral bar the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up. From a strategic standpoint, however, the trouble with the blowback theory is simple: It will always counsel doing nothing rather than doing something. It’s the kibitzer’s lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blowback scenario.

#### The link and impact can’t both be true – if China and Russia model the US they will use drones in an extremely limited fashion

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This critique often leads, however, to the further objection that the American use of drones is essentially laying the groundwork for others to do the same. Steve Coll wrote in the New Yorker: “America’s drone campaign is also creating an ominous global precedent. Ten years or less from now, China will likely be able to field armed drones. How might its Politburo apply Obama’s doctrines to Tibetan activists holding meetings in Nepal?” The United States, it is claimed, is arrogantly exerting its momentary technological advantage to do what it likes. It will be sorry when other states follow suit. But the United States does not use drones in this fashion and has claimed no special status for drones. The U.S. government uses drone warfare in a far more limited way, legally and morally, and entirely within the bounds of international law. The problem with China (or Russia) using drones is that they might not use them in the same way as the United States. The drone itself is a tool. How it is used and against whom—these are moral questions. If China behaves malignantly, drones will not be responsible. Its leaders will be.

#### **Courts fail – can’t micromanage tactical decisions.**

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(David Rittgers, reserve judge advocate, served in Afghanistan as a special forces officer, Cato Institute, “Both Left and Right Are Wrong about Drones”, 2/25/10, http://www.cato.org/publications/commentary/both-left-right-are-wrong-about-drones)

Liberal critics should refrain from erroneously labeling drone strikes as "nonjudicial killings." Even the most controversial drone strikes—those that kill American citizens who have joined al Qaeda affiliates overseas—are permissible under the laws of war. Neither Congress nor the courts should micromanage tactical decisions such as whether the president can order soldiers to seize a particular hill or employ a certain weapon. Referring to drone strikes as "nonjudicial" implies that the courts should be given the ability to rule out specific drone attacks. Vetting these targets for accuracy of intelligence and minimization of collateral damage is essential, and the record continues to improve on that front.

Courts fail – judicial norms don’t apply to armed conflict.

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(\*Richard, AT&T Professor of Law, Texas Tech University School of Law, and \*Afsheen John, Professor, William Mitchell College of Law, former assistant general counsel at the CIA, “Due Process and Targeted Killing of Terrorists,” 32 Cardozo L. Rev. 405, November, Lexis Law)

But on another view, nothing could be more absurd than courts ¶ attempting to conform armed conflict to judicial norms. Justice Thomas ¶ has been a vocal proponent for this view.24 Indeed, he used the 2002 ¶ Predator strike cited at the beginning of this Article to mount a reductio ¶ ad absurdum attack on his colleagues‘ efforts in Hamdi to impose due ¶ process on the detention of enemy combatants.25 Dissenting, he ¶ contended that the controlling plurality‘s approach led to the absurd ¶ conclusion that the government should give terrorists notice and an ¶ opportunity to be heard before firing a missile at them.26 More broadly, ¶ Justice Thomas asserted that the courts have neither the authority nor ¶ the competence to second-guess the executive‘s detention of enemy ¶ combatants.27 Implicit is that courts should not second-guess the killing ¶ of enemy combatants either.