### DA

#### Comprehensive reform will pass now – Obama’s going all-in to work with moderates.

Daily Mail 10/17 [“Immigration battle threatens to dwarf debt-limit fight as many Republicans fear power of 17 MILLION newly legalized loyal Democrats,” http://www.dailymail.co.uk/news/article-2464112/Immigration-battle-threatens-dwarf-debt-limit-fight-Republicans-fear-power-17-MILLION-newly-legalized-loyal-Democrats.html#ixzz2i182BrcS]

The White House has shifted gears and put its policy team in immigration overdrive, zooming past the debt crisis that threatened to sink the republic and on to the task of normalizing the estimated 11 million U.S. residents who have no legal basis for being there. The Democrat-dominated U.S. Senate passed a bill in June that would provide a citizenship path for those who have been in the U.S. since the end of 2011. But as with the early days of the debt crisis and the partial government shutdown, Republican leaders in the House of Representatives aren't eager to consider it. The White House has avoided saying that it take advantage of a weak House and spend its political capital to push an immigration policy, but Republicans have reason to suspect the other shoe is about to drop. The Center for Immigration Studies, a Washington, D.C. think-tank, projects that the Senate bill, S.744, would add 17.3 million new legal, voting-age U.S. residents to 14.9 million whom analysts already expect to appear without the proposed law. 'To place these figures in perspective,' writes Steven Camarota, the group's director of research, 'the last four presidential elections were decided by 4.5 million votes on average.' Obama has been 'trying to destroy the Republican Party' with the debt standoff, says Rep. Raul Labrador, 'and I think that anything we negotiate right now with the president on immigration will be with that same goal in mind' Obama has been 'trying to destroy the Republican Party' with the debt standoff, says Rep. Raul Labrador, 'and I think that anything we negotiate right now with the president on immigration will be with that same goal in mind' Converting illegal immigrants into citizens has long been a Democratic Party brass ring. And not only, as President Barack Obama told business leaders on Sept. 18, because 'we know ... that that can add potentially a trillion dollars to our economy, and that we will continue to attract the best and brightest talent around the world.' Hispanics are the biggest ethnic group involved in U.S. immigration. In the 2012 elections, 77 per cent of those who voted supported Democratic candidates for Congress, according to the polling group Latino Decisions. Seventy-five per cent voted for Obama. Among Hispanic voters who weren't born in the U.S., Democratic congressional candidates picked up 81 per cent of the vote. Obama rated 80 per cent. In fact, Republicans' share of Hispanic votes in presidential elections peaked in 2004, at 43 per cent before tumbling in the next two elections. And the Pew Research Center has consistently found that large majorities Hispanic voters favor policies that produce governments with bigger footprints and more social programs. 'There are things that we know will help strengthen our economy that we could get done before this year is out,' the president said Wednesday night as focus on the debt-limit fix bill moved from the Senate to the House. 'A law to fix our broken immigration system' was first on his wish-list. More... Report: Senate immigration bill includes nearly $300 million in slush funds for immigrants' rights groups, in language drafted by the former policy chief for one such organization 'Immigrants will be the job creators of tomorrow': Facebook's Mark Zuckerberg goes public with backing of immigration reform Obama HECKLED as he tries to woo Hispanic voters by hailing importance of immigrants to U.S. AMNESTY? 'Gang Of Eight' immigration reform will turn illegal aliens into citizens - in 13 YEARS, and after a 2,000 dollar fine 'You have no right to be in the UK and you should leave': Extraordinary moment immigration minister tells five-time failed asylum seeker to go home on live TV 'We had a very strong Democratic and Republican vote in the Senate,' Obama told the Los Angeles affiliate of the Spanish-language network Univision on Tuesday, comparing it to the debt battle. 'The only thing right now that’s holding it back is again, Speaker Boehner not willing to call the bill on the floor of the House of Representatives.' 'So we’re going to have to get through this crisis that was unnecessary, that was created because of the obsession of a small faction of the Republican Party on the Affordable Care Act. Once that’s done – you know, the day after – I'm going to be pushing to say, "call a vote on immigration reform."' GOP lawmakers hear from conservative who want the borders closed before any immigrants get a path to citizenship, and from those worried about the impact on reduced wages and employment for citizens Demonstrators marched toward Capitol Hill during a immigration rally in Washington on Oct. 8. They wanted to put pressure on House Republicans to vote on a stalled immigration reform bill Republicans in the House are less split on Obamacare than on immigration, with some arguing that rewarding lawbreakers sets a bad example and others pointing to economic advantages of a larger workforce willing to undertake manual labor, and a boom in fast-tracked visas for those with specialized skills. But if Obama thinks he has the GOP on the ropes, an aide to a conservative House Republican lawmaker told MailOnline, he will be surprised by the party unity that will return as soon as someone breathes 'the "A"-word: "Amnesty".' 'Everyone in the House Republican caucus wants to get rid of Obamacare,' the aide said, 'but not everyone agreed killing it was worth going to the mat.' So-called 'DREAMers' are young illegal immigrants who were brought to the U.S. as children. Some Republicans see virtue in providing them special status So-called 'DREAMers' are young illegal immigrants who were brought to the U.S. as children. Some Republicans see virtue in providing them special status 'But we're talking about changing voting patterns for maybe 100 years and creating natural advantages for candidates who will run against our guys. It's like giving my boss 40 pounds of rocks to carry over his shoulder, and letting his challenger walk around with a fanny pack full of feathers.' The debt-limit and shutdown fights, says Idaho GOP Rep. Raul Labrador, may have made immigration advocates' uphill climb even steeper, especially for Republicans who suspect President Obama of having an ulterior motive. 'I think what he's done over the last two and half weeks [is] he’s trying to destroy the Republican Party,' Labrador said Wednesday at the monthly Conversations with Conservatives meeting organized by the Heritage Foundation. 'And I think that anything we negotiate right now with the president on immigration will be with that same goal in mind, which is to destroy the Republican Party and not to get good policies.' 'There are things that we are on the same page about,' Labrador said, 'and if he is unwilling to negotiate on those things I don’t see how he could in good faith negotiate with us on immigration.' House Republicans' strategy so far has been to approach the Senate bill piecemeal, advancing parts of it – border security and more fences, for instance – that GOP leaders like. Speaker John Boehner has said Senate Democrats' more comprehensive approach won't reach the House floor, even though 14 Senate Republicans gave it 'yes' votes. But the fight over the partial government shutdown that occupied half of October may have given Democrats insights into how to combat that strategy. House Republicans offered a series of nearly a dozen one-off bills to fund government agencies and initiatives whose absence became a black eye, including the National Institutes of Health, the Department of Veterans Affairs and salary payments for active-duty military. Obama found he could stave off the pressure to sign all but a few, insisting on an all-or-nothing approach – which he eventually got. 'There are things that we know will help strengthen our economy that we could get done before this year is out,' Obama said Wednesday night: 'We still need to pass a law to fix our broken immigration system' 'There are things that we know will help strengthen our economy that we could get done before this year is out,' Obama said Wednesday night: 'We still need to pass a law to fix our broken immigration system' Immigration reform activists marched in Washington on Oct. 8, occupying portions of the National Mall that wre officially closed as part of a government shutdown Immigration reform activists marched in Washington on Oct. 8, occupying portions of the National Mall that wre officially closed as part of a government shutdown. The National Park Service later said the Obama administration ordered it to provide security. Several Democratic members of Congress were arrested. 'It's different, of course, because there's no economic catastrophe awaiting if Republicans sit on their hands with immigration,' a Democratic campaign strategist told MailOnline on Wednesday. 'But the White House has learned how stubborn some of the Republicans are willing to be. And more important, they've figured out which ones are worth trying to reason with.' House Minority Leader Nancy Pelosi has said she will bring 'any' immigration proposal to her Democratic colleagues in the Senate House Minority Leader Nancy Pelosi has said she will bring 'any' immigration proposal to her Democratic colleagues in the Senate While some Republican moderates will be unwilling to cross the tea party caucus while the sting of the debt defeat is still in the air, others have already signaled their openness to meet Democrats halfway, mostly in one-off measures that carve out pet projects from the larger immigration issue. California Rep. Nancy Pelosi, a long-time supporter of immigration reform, said this month that she will do 'whatever it takes' to find a bill that the House can bring to the Senate. She's open to going to a House-Senate legislative conference with 'one bill, two bills, one at a time, singly, jointly, severally, whatever,' betting that whatever emerges from such a meeting would including 'comprehensive immigration reform that will lead to a pathway to citizenship.' Pelosi may find some help from a few Republicans. The Associated Press reported on Sept. 30 that Rep. Bob Goodlatte, who chairs the House Judiciary Committee, has been openly discussing how to change the immigration status of the 11 million illegal immigrants in the U.S. without awarding them special status. His idea is to allow illegal immigrants to have legal work status – a 'green card' – and then to allow them access to a list of existing routes to citizenship. They could be sponsored by a U.S. company, for instance, or by a relative who's already a citizen. Goodlatte favors this more narrow approach to the Senate's catch-all bill, which has a companion bill in the House that no Republicans have been willing to endorse. House Majority Leader Eric Cantor, another Virginia Republican, is also helping Goodlatte with a bill that would provide a path to citizenship for immigrants brought illegally to the U.S. as children. Idaho Rep. Raul Labrador and Texas Rep. Ted Poe are trying to create a visa program that would target low-skilled workers for migration into the U.S. Several of these narrow proposals have already passed through House committees, and their Republican chairman are hoping they see action. The U.S.-Mexico border fence stretches through the port of entry at San Ysidro. Millions pass through this checkpoint every year, many of them smuggled in. And countless others cross parts of the border where there are no fences The U.S.-Mexico border fence stretches through the port of entry at San Ysidro. Millions pass through this checkpoint every year, many of them smuggled in. And countless others cross parts of the border where there are no fences Some Latinos are angry at President Obama because he hasn't delivered on his promise of comprehensive immigration reform Some Latinos are angry at President Obama because he hasn't delivered on his promise of comprehensive immigration reform. Others are frustrated that the president has dramatically increased the number of illegal immigrants who are deported back to their home countries House Homeland Security Committee chairman Mike McCaul of Texas told the AP that he thinks a series of immigration bills 'would be the next agenda item in the queue after we're done with this [debt limit] mess.' Cantor spokesman Doug Heye insists, however, that while 'moving immigration forward remains a priority ... right now there's no firm timetable.' Goodlatte has said, though, that he wants to see some movement by the end of October on a bill that could give the Senate some basis to negotiate. A senior aide to a southern Republican House member said that ultimately, some Republicans don't want their party to be 'on the wrong side of the new electoral math,' and 'if we can create our own grateful constituency, that's just good politics in addition to doing the right thing.'

#### Disagreements over authority trigger constitutional showdowns – even if the executive wants the plan – it’s about who decides, not the decision itself

Posner 10 and Vermeule - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 75-77)

Showdowns occur when the location of constitutional authority for making an important policy decision is ambiguous, and multiple political agents (branches, parties, sections, governments) have a strong interest in establishing that the authority lies with them. Although agents often have an interest in negotiating a settlement, asymmetric information about the interests and bargaining power of opposing parties will sometimes prevent such a settlement from being achieved. That is when a showdown occurs. Ultimately, however, someone must yield; this yielding to or acquiescence in the claimed authority of another agent helps clarify constitutional lines of authority, so that next time the issue arises, a constitutional impasse can be avoided. From a normative standpoint, constitutional showdowns thus have an important benefit, but they are certainly not costless. As long as the showdown lasts, the government may be paralyzed, unable to make important policy decisions, at least with respect to the issue under dispute. We begin by examining a simplified version of our problem, one involving just two agents—Congress and the executive. We assume for now that each agent is a unitary actor with a specific set of interests and capacities. We also assume that each agent has a slightly different utility function, reflecting their distinct constituencies. If we take the median voter as a baseline, we might assume that Congress is a bit to the left (or right) of the median voter, while the president is a bit to the right (or left). We will assume that the two agents are at an equal distance from the median, and that the preferences of the population are symmetrically distributed, so that the median voter will be indifferent between whether the president or Congress makes a particular decision, assuming that they have equal information.39 But we also will assume that the president has better information about some types of problems, and Congress has better information about other types of problems, so that, from the median voter’s standpoint, it is best for the president to make decisions about the first type of problem and for Congress to make decisions about the second type ofproblem.40 Suppose, for example, that the nation is at war and the government must decide whether to terminate it soon or allow it to continue. Congress and the president may agree about what to do, of course. But if they disagree, their disagreement may arise from one or both of two sources. First, Congress and the president have different information. For example, the executive may have better information about the foreign policy ramifications of a premature withdrawal, while Congress has better information about home-front morale. These different sources of information lead the executive to believe that the war should continue, while Congress believes the war should be ended soon. Second, Congress and the president have different preferences because of electoral pressures of their different constituents. Suppose, for example, that the president depends heavily on the continued support of arms suppliers, while crucial members of Congress come from districts dominated by war protestors. Thus, although the median voter might want the war to continue for a moderate time, the president prefers an indefinite extension, while Congress prefers an immediate termination. So far, we have explained why the president and Congress might disagree about when to terminate the war, but mere policy disagreement does not result in a showdown. Showdowns arise only when there is a disagreement about authority. If Congress believes that the president has the sole authority to terminate the war, then his view will prevail. Congress may try to pressure him or influence him by offering support for other programs desired by the president, or by trying to rile up the public, but these activities are part of normal politics, and do not provoke a constitutional showdown. Similarly, if the president believes that Congress has the sole authority to terminate the war, then Congress’s view will prevail. This outcome is shown in cell 3 in table 2.1. Similarly, no showdown occurs when the two branches agree both about authority and policy—for example, that the president decides, and Congress agrees with his decision (cell 1). The first column represents the domain of normal politics. Showdowns can arise only when Congress and the president disagree about who decides. Here, there are two further possibilities. First, Congress and the president disagree about who decides but agree about the correct policy outcome (cell 2). In these situations, which arise with some frequency, the two branches are often tempted to paper over their differences because an immediate policy choice is not at stake. But sometimes a showdown will occur. We will discuss this special case later. Second, Congress and the president disagree about the policy outcome and about authority (cell 4). In this case, showdowns are likely, because a policy decision must be made, and if the parties cannot agree about what it should be, then they cannot avoid resolving the question of authority. We focus on this case for now.

#### Immigration is critical to the growth – every day its delayed is a linear risk for long-term competitiveness

Garfield 13 [Dean Garfield, president and CEO of the Information Technology Industry Council, Mercury News, 02/12/2013, “Dean Garfield: Immigration reform means a stronger Silicon Valley and U.S. economy,” http://www.mercurynews.com/opinion/ci\_22570060/dean-garfield-immigration-reform-means-stronger-silicon-valley]

The recent jobs report and the decline in fourth-quarter GDP growth reinforce that the U.S. economy is teetering on the edge of stalling. The policy decisions made in 2013 will be critical in determining our fate. To ensure a future of renewed prosperity and innovation, we should move quickly to advance immigration reform. As an immigrant who spent six years separated from his mother as she dealt with the immigration bureaucracy, I understand the moral imperative of immigration reform. That said, there should be no doubt that reform is in the best interest of Silicon Valley, of California and of our nation. The data are undeniable. When a foreign-born, advanced-degree graduate from a U.S. university decides to stay here and work in a math or science field, an additional 2.6 jobs are created. Multiply that by 50,000 or 100,000 foreign graduate students, and you begin to see just how forcefully immigration reform can propel the economy. From 1995 through 2005, immigrants founded 25 percent of the venture-backed startups in the U.S., and nearly 50 percent in Silicon Valley. In 2011, immigrant entrepreneurs were responsible for more than one in four new U.S. businesses, and immigrant businesses employ one in every 10 people working for private companies. Immigrants and their children founded 40 percent of Fortune 500 companies. These firms, including dynamic brands like Apple, Google, eBay and IBM, collectively generated $4.2 trillion in revenue in 2010 -- more than the GDP of every country in the world except the United States, China and Japan. Immigration is innovation. Every day that goes by without immigration reform is another day when new jobs and new industries start in foreign countries instead of on American shores. If we want next-generation industries to be founded in San Jose instead of Shenzhen, then our policymakers must seize this moment and produce legislation that all sides can support. If done right, immigration reform will result in a stronger innovation economy for the U.S., with new industries, new jobs and new opportunities. To achieve our full economic potential, we must deal with the entire spectrum of immigrants. Reforming our high-skill system will allow companies to fill tens of thousands of good-paying but vacant jobs in knowledge-dependent sectors. ITI recently co-authored a report with the U.S. Chamber of Commerce and the Partnership for a New American Economy on this topic. It found that immigrants working in science, technology, engineering and math (STEM) fields in the U.S. do not compete with American workers but complement them. Reform can help address our STEM skills gap, reward entrepreneurship and fund a pipeline of homegrown STEM students. If Congress can reach agreement on a fair process to legalize the millions of undocumented immigrants in the United States, experts predict that they would add $1.5 trillion to the U.S. gross domestic product during the next 10 years. This would create a cycle that exerts upward pressure on the wages of both American and immigrant workers. Higher wages and better jobs translate into increased consumer purchasing power, which benefits the U.S. economy. Fortunately, the president and Republicans and Democrats in Congress are forging common ground on a set of policy principles that would serve the national interest. This leadership is a once-in-a-generation opportunity, and all of us who have a stake in an effective immigration system should work to build support for it. We cannot afford to miss this opportunity to turn away from old, misguided stereotypes and toward a stronger American future.

#### Economic collapse causes global nuclear war.

Merlini, Senior Fellow – Brookings, 11

[Cesare Merlini, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome. He served as IAI president from 1979 to 2001. Until 2009, he also occupied the position of executive vice chairman of the Council for the United States and Italy, which he co-founded in 1983. His areas of expertise include transatlantic relations, European integration and nuclear non-proliferation, with particular focus on nuclear science and technology. A Post-Secular World? DOI: 10.1080/00396338.2011.571015 Article Requests: Order Reprints : Request Permissions Published in: journal Survival, Volume 53, Issue 2 April 2011 , pages 117 - 130 Publication Frequency: 6 issues per year Download PDF Download PDF (~357 KB) View Related Articles To cite this Article: Merlini, Cesare 'A Post-Secular World?', Survival, 53:2, 117 – 130]

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism.

### CP

#### Text: The President of the United States should issue an executive order mandating that jus ad bellum and jus in bello are used to restrict the President’s war powers authority to conduct targeted killings.

#### Executive can restrain itself --- it is subject to internal separation of powers

Sales, 12 --- Assistant Professor of Law, George Mason University School of Law (7/3/2012, Nathan Alexander Sales, Journal of National Security Law & Policy, “Self-Restraint and National Security,” 6 J. Nat'l Security L. & Pol'y 227, Lexis))

III. Self-Restraint as Cost-Benefit Asymmetry

As we've seen, certain officials within military and intelligence agencies - general counsels, legal advisors, and other watchdogs - are responsible for ensuring that national security operations comply with the relevant domestic and international legal requirements. These players intervene to rule out missions they believe would cross a legal line. But sometimes they go beyond that basic function - ensure compliance with the law, full stop - and reject operations that, while lawful, are thought to be undesirable on policy grounds. That is, they impose self-restraints that are stricter than the applicable laws. Why?[\*261] One way to answer that question is to consider the individual and institutional incentives that color the behavior of military and intelligence officials. Looking at the government's national security apparatus through the lens of public choice theory (especially the idea that bureaucrats are rationally self interested actors who seek to maximize their utility n152) and basic agency relationships (e.g., the relationships between senior policymakers and the subordinates who act on their behalf n153) reveals a complex system in which power is distributed among a number of different nodes. The executive branch "is a "they,' not an "it.'" n154 The national security community in particular is subdivided into various semi-autonomous entities, each of which promotes its own parochial interests within the system and, in so doing, checks the like ambitions of rival entities; n155 the government thus is subject to what Neal Katyal has called the "internal separation of powers." n156 These basic insights into how military and intelligence agencies operate suggest several possible explanations for why self-restraint occurs. As elaborated in this Part, such constraints might result from systematic asymmetries in the expected value calculations of senior policymakers and their lawyers. In addition, as explained in Part IV, self-restraint might occur due to bureaucratic empire building by officials who review operations for compliance with domestic and international law.

### DA

#### Congressional restrictions cause adversaries to doubt the resolve of U.S. deterrence – causes crisis escalation.

Waxman 8/25 [Matthew Waxman 8/25/13, Professor of Law – Columbia and Adjunct Senior Fellow for Law and Foreign Policy – CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN]

A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it **establishes easily-visible impediments to the President’s authority** to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that **any serious restrictions** on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off **explosive confrontations.”**178 He continued:¶ In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the most important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation **which might escalate.**179

#### Credible conventional deterrence checks nuclear aggression

Gerson 09

MICHAEL S. GERSON, research analyst at the Center for Naval Analyses, Policy Fellow with the ONE Campaign, a visiting fellow with the Center for Public Justice, and a former senior fellow at the Council on Foreign Relations,“Conventional Deterrence in the Second Nuclear Age”, Strategic Studies Institute, Autumn 2009 //jchen

Although implicit or explicit nuclear threats may lack credibili- ty against non-WMD regimes, many potential adversaries believe that the United States will use conventional firepower, especially because America has conventional superiority and a demonstrated willingness to use it. Consequently, when dealing with non-WMD-related threats, conventional deterrence will be the most likely mechanism for deterring hostile actions.

According to Admiral Michael Mullen, the current Chairman of the Joint Chiefs of Staff, “A big part of credibility, of course, lies in our convention- al capability. The capability to project power globally and conduct effective theater-level operations . . . remains essential to deterrence effectiveness.”14

Conventional deterrence also plays an important role in preventing nonnuclear aggression by nuclear-armed regimes. Regional nuclear pro- liferation may not only increase the chances for the use of nuclear weap- ons, but, equally important, the possibility of conventional aggression. The potential for conventional conflict under the shadow of mutual nucle- ar deterrence was a perennial concern throughout the Cold War, and that scenario is still relevant. A nuclear-armed adversary may be emboldened to use conventional force against US friends and allies, or to sponsor ter- rorism, in the belief that its nuclear capabilities give it an effective deter- rent against US retaliation or intervention.15 For example, a regime might calculate that it could undertake conventional aggression against a neigh- bor and, after achieving a relatively quick victory, issue implicit or explicit nuclear threats in the expectation that the United States (and perhaps coali- tion partners) would choose not to get involved.

In this context, conventional deterrence can be an important mech- anism to limit options for regional aggression below the nuclear threshold. By deploying robust conventional forces in and around the theater of potential conflict, the United States can credibly signal that it can respond to conventional aggression at the outset, and therefore the opponent can- not hope to simultaneously achieve a quick conventional victory and use nuclear threats to deter US involvement. Moreover, if the United States can convince an opponent that US forces will be engaged at the beginning of hostilities—and will therefore incur the human and financial costs of war from the start—it can help persuade opponents that the United States would be highly resolved to fight even in the face of nuclear threats be- cause American blood and treasure would have already been expended.16 Similar to the Cold War, the deployment of conventional power in the re- gion, combined with significant nuclear capabilities and escalation dom- inance, can help prevent regimes from believing that nuclear possession provides opportunities for conventional aggression and coercion.

#### Foreign policy resolve’s key to prevent a host of impacts---now’s key

Chapin and Hanson 9 – Bernard Chapin- interviewer, and Victor Davis Hanson, the Martin and Illie Anderson senior fellow at the Hoover Institution, December 7, 2009, “Change, weakness, disaster,” online: http://pajamasmedia.com/blog/change-weakness-disaster-obama-answers-from-victor-davis-hanson/

BC: Are we currently sending a message of weakness to our foes and allies? Can anything good result from President Obama’s marked submissiveness before the world? Dr. Hanson: Obama is one bow and one apology away from a circus. The world can understand a kowtow gaffe to some Saudi royals, but not as part of a deliberate pattern. Ditto the mea culpas. Much of diplomacy rests on public perceptions, however trivial. We are now in a great waiting game, as regional hegemons, wishing to redraw the existing landscape — whether China, Venezuela, Iran, North Korea, Pakistan, Syria, etc. — are just waiting to see who’s going to be the first to try Obama — and whether Obama really will be as tenuous as they expect. If he slips once, it will be 1979 redux, when we saw the rise of radical Islam, the Iranian hostage mess, the communist inroads in Central America, the Soviet invasion of Afghanistan, etc. BC: With what country then — Venezuela, Russia, Iran, etc. — do you believe his global repositioning will cause the most damage? Dr. Hanson: I think all three. I would expect, in the next three years, Iran to get the bomb and begin to threaten ever so insidiously its Gulf neighborhood; Venezuela will probably cook up some scheme to do a punitive border raid into Colombia to apprise South America that U.S. friendship and values are liabilities; and Russia will continue its energy bullying of Eastern Europe, while insidiously pressuring autonomous former republics to get back in line with some sort of new Russian autocratic commonwealth. There’s an outside shot that North Korea might do something really stupid near the 38th parallel and China will ratchet up the pressure on Taiwan. India’s borders with both Pakistan and China will heat up. I think we got off the back of the tiger and now no one quite knows whom it will bite or when.

### K

#### Their attempt to order the world through multilateralism ignores the inherently chaotic nature of politics – destroys all that makes life valuable and makes the aff fail

Der Derian 98 (James, Professor of International Studies at the Watson Institute for International Studies at Brown University “The Value of Security: Hobbes, Marx, Nietzsche, and Baudrillard”, On Security, CIAO)

The will to power, then, should not be confused with a Hobbesian perpetual desire for power. It can, in its negative form, produce a reactive and resentful longing for only power, leading, in Nietzsche's view, to a triumph of nihilism. But Nietzsche refers to a positive will to power, an active and affective force of becoming, from which values and meanings--including self-preservation--are produced which affirm life. Conventions of security act to suppress rather than confront the fears endemic to life, for ". . . life itself is essentially appropriation, injury, overpowering of what is alien and weaker; suppression, hardness, imposition of one's own forms, incorporation and at least, at its mildest, exploitation--but why should one always use those words in which slanderous intent has been imprinted for ages." 35 Elsewhere Nietzsche establishes the pervasiveness of agonism in life: "life is a consequence of war, society itself a means to war." 36 But the denial of this permanent condition, the effort to disguise it with a consensual rationality or to hide from it with a fictional sovereignty, are all effects of this suppression of fear.¶ The desire for security is manifested as a collective resentment of difference--that which is not us, not certain, not predictable. Complicit with a negative will to power is the fear-driven desire for protection from the unknown. Unlike the positive will to power, which produces an aesthetic affirmation of difference, the search for truth produces a truncated life which conforms to the rationally knowable, to the causally sustainable. In The Gay Science , Nietzsche asks of the reader: "Look, isn't our need for knowledge precisely this need for the familiar, the will to uncover everything strange, unusual, and questionable, something that no longer disturbs us? Is it not the instinct of fear that bids us to know? And is the jubilation of those who obtain knowledge not the jubilation over the restoration of a sense of security?" 37¶ The fear of the unknown and the desire for certainty combine to produce a domesticated life, in which causality and rationality become the highest sign of a sovereign self, the surest protection against contingent forces. The fear of fate assures a belief that everything reasonable is true, and everything true, reasonable. In short, the security imperative produces, and is sustained by, the strategies of knowledge which seek to explain it. Nietzsche elucidates the nature of this generative relationship in The Twilight of the Idols :¶ The causal instinct is thus conditional upon, and excited by, the feeling of fear. The "why?" shall, if at all possible, not give the cause for its own sake so much as for a particular kind of cause --a cause that is comforting, liberating and relieving. . . . That which is new and strange and has not been experienced before, is excluded as a cause. Thus one not only searches for some kind of explanation, to serve as a cause, but for a particularly selected and preferred kind of explanation--that which most quickly and frequently abolished the feeling of the strange, new and hitherto unexperienced: the most habitual explanations. 38¶ A safe life requires safe truths. The strange and the alien remain unexamined, the unknown becomes identified as evil, and evil provokes hostility--recycling the desire for security. The "influence of timidity," as Nietzsche puts it, creates a people who are willing to subordinate affirmative values to the "necessities" of security: "they fear change, transitoriness: this expresses a straitened soul, full of mistrust and evil experiences." 39¶ The unknowable which cannot be contained by force or explained by reason is relegated to the off-world. "Trust," the "good," and other common values come to rely upon an "artificial strength": "the feeling of security such as the Christian possesses; he feels strong in being able to trust, to be patient and composed: he owes this artificial strength to the illusion of being protected by a god." 40 For Nietzsche, of course, only a false sense of security can come from false gods: "Morality and religion belong altogether to the psychology of error : in every single case, cause and effect are confused; or truth is confused with the effects of believing something to be true; or a state of consciousness is confused with its causes." 41¶ Nietzsche's interpretation of the origins of religion can shed some light on this paradoxical origin and transvaluation of security. In The Genealogy of Morals , Nietzsche sees religion arising from a sense of fear and indebtedness to one's ancestors:¶ The conviction reigns that it is only through the sacrifices and accomplishments of the ancestors that the tribe exists --and that one has to pay them back with sacrifices and accomplishments: one thus recognizes a debt that constantly grows greater, since these forebears never cease, in their continued existence as powerful spirits, to accord the tribe new advantages and new strength. 42¶ Sacrifices, honors, obedience are given but it is never enough, for¶ The ancestors of the most powerful tribes are bound eventually to grow to monstrous dimensions through the imagination of growing fear and to recede into the darkness of the divinely uncanny and unimaginable: in the end the ancestor must necessarily be transfigured into a god . 43¶ As the ancestor's debt becomes embedded in institutions, the community takes on the role of creditor. Nietzsche mocks this originary, Hobbesian moment: to rely upon an "artificial strength": "the feeling¶ One lives in a community, one enjoys the advantages of communality (oh what advantages! we sometimes underrate them today), one dwells protected, cared for, in peace and trustfulness, without fear of certain injuries and hostile acts to which the ~~man~~ outside , the "~~man~~ without peace," is exposed . . . since one has bound and pledged oneself to the community precisely with a view to injury and hostile acts. 44¶ The establishment of the community is dependent upon, indeed it feeds upon, this fear of being left outside. As the castle wall is replaced by written treaty, however, and distant gods by temporal sovereigns, the martial skills and spiritual virtues of the noble warrior are slowly debased and dissimulated. The subject of the individual will to power becomes the object of a collective resentment. The result? The fear of the external other is transvalued into the "love of the neighbor" quoted in the opening of this section, and the perpetuation of community is assured through the internalization and legitimation of a fear that lost its original source long ago.¶ This powerful nexus of fear, of external and internal otherness, generates the values which uphold the security imperative. Indeed, Nietzsche locates the genealogy of even individual rights, such as freedom, in the calculus of maintaining security:¶ - My rights - are that part of my power which others not merely conceded me, but which they wish me to preserve. How do these others arrive at that? First: through their prudence and fear and caution: whether in that they expect something similar from us in return (protection of their rights); or in that they consider that a struggle with us would be perilous or to no purpose; or in that they see in any diminution of our force a disadvantage to themselves, since we would then be unsuited to forming an alliance with them in opposition to a hostile third power. Then : by donation and cession. 45¶ The point of Nietzsche's critical genealogy is to show that the perilous conditions that created the security imperative--and the western metaphysics that perpetuate it--have diminished if not disappeared; yet, the fear of life persists: "Our century denies this perilousness, and does so with a good conscience: and yet it continues to drag along with it the old habits of Christian security, Christian enjoyment, recreation and evaluation." 46 Nietzsche's worry is that the collective reaction against older, more primal fears has created an even worse danger: the tyranny of the herd, the lowering of ~~man~~, the apathy of the last ~~man~~ which controls through conformity and rules through passivity. The security of the sovereign, rational self and state comes at the cost of ambiguity, uncertainty, paradox--all that makes a free life worthwhile. Nietzsche's lament for this lost life is captured at the end of Daybreak in a series of rhetorical questions: ¶ Of future virtues--How comes it that the more comprehensible the world has grown the more solemnities of every kind have decreased? Is it that fear was so much the basic element of that reverence which overcame us in the presence of everything unknown and mysterious and taught us to fall down before the incomprehensible and plead for mercy? And has the world not lost some of its charm for us because we have grown less fearful? With the diminution of our fearfulness has our own dignity and solemnity, our own fearsomeness , not also diminished? 47¶ It is of course in Nietzsche's lament, in his deepest pessimism for the last ~~man~~, that one finds the celebration of the overman as both symptom and harbinger of a more free-spirited yet fearsome age. Dismissive of utopian engineering, Nietzsche never suggests how he would restructure society; he looks forward only so far as to sight the emergence of "new philosophers" (such as himself?) who would restore a reverence for fear and reevaluate the security imperative. Nietzsche does, however, go back to a pre-Christian, pre-Socratic era to find the exemplars for a new kind of security. In The Genealogy of Morals , he holds up Pericles as an example, for lauding the Athenians for their "rhathymia "--a term that incorporates the notion of "indifference to and contempt for security." 48¶ It is perhaps too much to expect Nietzsche's message to resonate in late modern times, to expect, at the very time when conditions seem most uncertain and unpredictable, that people would treat fear as a stimulus for improvement rather than cause for retrenchment. Yet Nietzsche would clearly see these as opportune times, when fear could be willfully asserted as a force for the affirmation of difference, rather than canalized into a cautious identity constructed from the calculation of risks and benefits.

#### Security logic has become a system of future predicting and pre-programing of response priori to a authentic engagement. The orientation precludes a ethical engagement with others and makes it impossible to have a objective perspective. Do nothing is a policy of resistance that changes the very concept of policy making.

Mcquillan 08 (Derrida and Policy: Is Deconstruction Really a Social Science? Derrida Today)

One might think that Derrida's invocation of International Law in his later writings would represent an example of a concrete relation between his writing and something that could take the manner of a policy formulation. In fact, while Derrida speaks eloquently of the need for International Law and demonstrates its philosophical genealogy, he actually does very little by way of elaborating what such a law might look like. Once again we return to the insurmountable difficulty of deconstruction's refusal to programme or pre-empt the arrival of an unknowable future. In fact, looked at in these terms, policy-making would seem to have a distinct relation to fortune telling, divination and other such modes of predicting the future. Future-ologists are of course a specialist sub-branch of policy-makers. In the context of university administration, I have never written a 'forward-looking strategic plan' that did not have to be rewritten six months later due to unforeseen circumstances. Derrida's discussion of International Law in the early 1990s was certainly prescient, given the way in which International Law has moved from the margins of legal specialism to become the locus of global politics through the development of the International Criminal Court, the test cases of 'universal jurisdiction', the demands of globalisation and the obfuscations of the war on terror. However, the question of International Law in Derrida remains to be determined according to a double braid of reading: firstly, the deconstruction of the inherited western model of law and ethics which prevails in the discourse on the international, humanitarian and cosmopolitical; secondly, a responsible philosophical response to singular events as they arrive in the present calling for an exercise of public, critical reason. In other words, the deconstruction of International Law will proceed on a provisional and strategic basis. International Law is, of course, only an example for Derrida of a wider mutation in the conditions of sovereignty in the world today. This account of sovereignty is in turn part of a more general undoing of the logocentric schema, in Derrida, which points out that sovereignty as such is always already decentred by its inability to master the unconditionality of the other which it seeks to suppress, thus rendering the sovereign no longer sovereign. For example, the unconditionality of literature makes it both powerless in the sovereign public realm of techno-media-politics and simultaneously the one thing that this sovereignty cannot master, thus demonstrating the impotence of sovereignty and the all-powerful powerlessness of unconditionality. This is a scenario that can be moved around the tropes of the Derridean corpus in so far as it describes the familiar strategies of and resistances to phallogocentrism in a more general sense. Policy without conditions or a policy of unconditionality would seem to be no policy at all, or at least nothing policy-makers would recognise as policy in its proper sense. After all a policy without limits or purpose would be policy without utility and would be of no use to anyone, except as a policy of resistance.¶ Here is the rub, the moment that one begins to attempt a thought experiment of this kind one runs into immediate and insurmountable difficulties, not because deconstruction has nothing to say to politics or that deconstruction is a weak ontology, parasitical on the strong discourse of political culture but because if one were to take seriously (if not literally) what Derrida has to say about the disarticulation of the inherited metaphysical models of the political, it quickly becomes apparent that a new politics does not require that 'deconstruction' (if such a thing exists) be translated into a number of thematic policy choices but that the entire political model which rests upon policy as an enactable idea be subject to complete and irreversible displacement. Policy-making as it stands is untenable from a deconstructive point of view because political culture as such is untenable. The unconditionality and infinite responsibility of deconstruction, does not mean simply that we should make better policy (or that we should make better policy, simply) but that in doing so the entire apparatus of western political culture be removed and rethought in an unpredictable and emerging future. The frustration that many feel with deconstruction's reading of the political lies in this refusal to provide 'concrete policies'. However, it is this refusal to decide on the undecideable in advance which is the whole point of deconstruction. It is the promise of deconstruction. This is not the same thing as opposition politicians saying they could not say what their expenditure plans would be until they were in government and saw the state of the accounts (that is just a lie for political expediency and such people always have well developed plans for what they would do). The promise of deconstruction would be that in encountering the other, justice ought to be done, even if the progressive structure of the promise relied on the necessary, in principle, ability for promises to be broken or to fail. The politics of deconstruction can then only ever follow the dual strategy we saw above: the critical reading of the western inheritance and the disarticulation of the event as it arrives in the present. In this sense, deconstruction cannot be a political science because it has no means of securing the predictive force necessary to a science. Rather, deconstruction is that which puts all and every such prediction in doubt. As Bismarck remarked, politics is not a science it is an art. Elsewhere, he is said to have noted that it was the art of the possible. As Derek Attridge has put it, for Derrida, it is the art of the impossible (Attridge 2007). It is, nevertheless, an art and as such is on the side of the unconditional rather than the sovereign.

### Case - Pakistan

#### Data disproves blowback effect in Pakistan

Qazi 12

The Diplomat, Shehzad H. Qazi is a research associate at the Institute for Social Policy and Understanding. Shoaib Jillani is a graduate student in the Wilf Family Department of Politics at New York University, “Four Myths about Drone Strikes”, http://thediplomat.com/2012/06/09/four-myths-about-drone-strikes/2/ //jchen

The second myth, promoted in Pakistan, is that drone strikes are counter-productive. There are two aspects to this argument from a security perspective: drone strikes are harmful because they cause militants to retaliate by launching terrorist attacks, and they also help their recruitment efforts. The data so far, however, seems to suggest otherwise as terrorist attacks have fallen in Pakistan with the escalation of the drone program. Furthermore, a recent study also found a negative correlation between drone strikes and terrorist activity the Federally Administered Tribal Areas. There’s no evidence to suggest that recruitment by militant groups has increased either.

#### Both military and ruling parties support strikes – opposition groups don’t matter

Qazi 12

The Diplomat, Shehzad H. Qazi is a research associate at the Institute for Social Policy and Understanding. Shoaib Jillani is a graduate student in the Wilf Family Department of Politics at New York University, “Four Myths about Drone Strikes”, http://thediplomat.com/2012/06/09/four-myths-about-drone-strikes/2/ //jchen

The third myth is that the Pakistani government opposes the drone campaign. While there’s genuine opposition amongst many members of the Pakistani parliament and political opposition parties, the military and ruling government have long offered some support for the program. Gen. Ashfaq Kayani, the Army chief, has in the past even asked for more strikes. Furthermore, until recently, drones often flew out of Pakistan, and human intelligence support for the strikes continues to come from Pakistan.

Pakistan has not, of course, given the U.S. carte blanche over drone use. It had long asked to be notified prior to any strike, and last April the U.S. and Pakistan reached a compromise on this. Tensions over the program in the aftermath of the Salala incident arise not from Pakistan’s opposition to it, but from its desire for an increased role in the decision-making process. Pakistan reportedly told the United States that indiscriminate strikes had to stop and, according to former Pakistan Army Chief Gen. Jehangir Karamat, the military also asked that its authorization be sought for future strikes.

#### No Indo-Pak war.

Loudon 8 [Bruce, The Australian, Doomsday dread, December 04, 2008, http://www.theaustralian.news.com.au/story/0,25197,24746635-25837,00.html]

THE doomsayers' published assessments tell the grim story: upwards of 12 million people killed on the first day of a nuclear exchange, more than 150 million dead in a longer nuclear conflict. Devastation and destruction on a scale that is almost unimaginable. A catastrophe that would vastly transcend that seen at Hiroshima and Nagasaki at the end of World War II. That is why, as India and Pakistan muscle up to each other after the Mumbai massacre and leaders from across the world hurry to counsel cool heads and caution in New Delhi and Islamabad, the unspoken fear everywhere is that the two South Asian neighbours could be pushed into the unthinkable: their fourth war, and one in which they would mobilise their nuclear arsenals. It is, it must be said, **an unlikely prospect.** No one in either capital -- even among the hotheads -- is thinking in those terms. **Experienced strategic analysts rule it out**. "Don't even think about it. It ain't going to happen," one says. But as the crisis over terrorism across South Asia deepens and jihadist groups linked to al-Qa'ida launch devastating attacks such as the one in Mumbai last week -- attacks designed to exacerbate tensions between India and Pakistan -- there is, in the view of most analysts, always the potential for events to tumble out of control and lead to a doomsday nuclear conflagration, with enormous loss of life. "South Asia's a nuclear tinderbox," a leading military analyst in New Delhi tells The Australian. "Yes, of course, I'd just about rule it out in the context of the face-off following the Mumbai attack. "But it's always there, always nagging at the edges of the constant tensions in the subcontinent. And there's no doubt that Osama (bin Laden) is doing his bit to stir the pot and do what he can to increase those tensions, since conflict between India and Pakistan serves the jihadist cause." Yesterday, US military officials in Washington, DC, closely monitoring the situation described the military temperature between the two neighbours as "pretty low right now", adding that although Pakistan has moved some aircraft and air defence units closer to the Indian border since the Mumbai attack, "on the nuclear side there is nothing". Which is hardly surprising, for the political will in both sides, despite the muscle-flexing, is **overwhelmingly against** resort to their nuclear arsenals. India, since it demonstrated its nuclear capability in 1998, has maintained a firm no-first-strike policy and a few days ago Pakistan's President Asif Ali Zardari turned longstanding Pakistani policy on its head (some believe to the annoyance of the country's powerful generals) by articulating a similar stance. On both sides there is a **mood of extreme caution** on the subject of any possible use of nuclear weapons, matched only by the intense secrecy that surrounds their arsenals.

#### Afzal says they won’t go radical – that proves no radical terror

#### Strikes still seen as sovereignty violation – aff doesn’t fix main reason for backlash

Foreign Affairs 12

Omar Bashir, Ph.D. candidate in the Department of Politics at Princeton University and a graduate of the Department of Aeronautics and Astronautics at MIT, “Who Watches the Drones? The Case for Independent Oversight ”, 9/24/12, http://www.foreignaffairs.com/articles/138141/omar-s-bashir/who-watches-the-drones //jchen

Aside from enabling accountability at home, the oversight system could also help with foreign publics and governments. The United States has taken expensive steps in order to avoid perceptions of recklessness abroad: for instance, Georgetown professor David Koplow argues that the Pentagon's recent investments in less-destructive weaponry reflect, in part, a growing emphasis on global perceptions. Washington should thus worry that more than half of respondents in 17 of 20 countries disapprove of U.S. drone strikes, according to a Pew Global survey. An independent oversight program is not going to change minds in Lahore or Karachi, where opposition to drones seems to be driven more by the perceived violation of sovereignty than by indiscriminate killing (there are indications that opposition to drones is actually lower in regions where drone strikes are clustered). Still, because the drone is a salient symbol of American recklessness, oversight might reduce public opposition to U.S. policy in Europe and elsewhere. That would make it easier for foreign leaders to overcome domestic opposition to security cooperation with the United States.

#### No bioterror – funding, technical barriers.

Musson 12 [Gail C, Lieutenant, United States Navy, Title Smallpox as a Bioweapon Should We Be Concerned Publisher Monterey, California: Naval Postgraduate School Issue Date 2012-03, http://calhoun.nps.edu/public/bitstream/handle/10945/6839/12Mar\_Musson.pdf?sequence=1]

In spite of these seeming scientific advances, some reputable scientists remain unconvinced. A professor of immunology at University of California at Los Angeles believes that these claims are exaggerated: “It is almost inconceivable that any terrorist organization we know of [could develop] a bioweapon capable of causing mass casualties on American soil.” 155 There is no reason to assume that well-equipped terrorists are inherently less capable than well-equipped scientists. Once it is scientifically possible, anyone with the right knowledge and equipment would be capable of synthesizing the Variola virus. One scientist has assessed the cost of additional equipment (beyond standard laboratory supplies) that would be required in order to synthesize a virus. He calculated that buying the required nucleotide sequences for Variola through the mail would cost $50,000. 156 The equipment required to assemble the pieces (a DNA synthesizer, a DNA sequencer, a thermocycler, centrifuges, hoods, and sterilization equipment) would cost an additional four- to five-hundred thousand dollars. 157 This amount of money would not be prohibitive to all terrorist organizations; for example, Aum Shinrikyo managed to raise between $300 million and $1.4 billion in assets for its terrorism projects.158 The case of Aum Shinrikyo also demonstrates that funding is not the sole hurdle that must be overcome in chemical or biological attack. As with smallpox, there are other barriers to weaponization that must be addressed by scientists with biotechnical backgrounds. Following the proper procedures and precautions to grow smallpox safely and correctly while remaining undetected is one challenge that the terrorists would likely find difficult to resolve. They must also choose a means of weaponization, and either resort to using infected suicide volunteers, or perfect the required procedures to disseminate smallpox in a liquid or dry form. All three dissemination methods present barriers to success due to either the low chance of transmission, large amount of technological accessories required, or danger to weaponizers during the process. Although the Soviet Union was able to overcome these difficulties, its weaponization program was funded by the state, provided with multiple well-equipped laboratories designed for bioweapons research, supplemented with a high-tech missile inventory to aid in dissemination, and staffed with credibly trained scientists. It is probable that these benefits would not be available to individual bioterrorists; this makes it less likely that one could successfully weaponize smallpox. Additionally, the Soviet government devoted resources to protecting the secrecy of its program. A non-state program trying to hide its activities would be more susceptible to discovery, which could act as an additional deterrent.

#### No Pakistan loose nukes.

Hundley 9/5 [Tom, senior editor at the Pulitzer Center on Crisis Reporting. This article for Foreign Policy is part of the Pulitzer Center's Gateway project on nuclear security. SEPTEMBER 5, 2012 http://www.foreignpolicy.com/articles/2012/09/05/race\_to\_the\_end?page=full]

To outsiders, Pakistan appears to be permanently teetering on the brink of collapse. The fact that large swaths of the country are literally beyond the control of the central government is not reassuring. But a weak state does not mean a weak society, and powerful internal dynamics based largely on kinship and tribe make it highly unlikely that Pakistan would ever fall under the control of an outfit like the Taliban. During the country's intermittent bouts of democracy, its civilian leaders have been consistently incompetent and corrupt, but even in the worst of times, the military has maintained a high standard of professionalism. And there is nothing that matters more to the Pakistani military than keeping the nuclear arsenal -- its crown jewels -- out of the hands of India, the United States, and homegrown extremists. "Pakistan struggled to acquire these weapons against the wishes of the world. Our nuclear capability comes as a result of great sacrifice. It is our most precious and powerful weapon -- for our defense, our security, and our political prestige," Talat Masood, a retired Pakistani lieutenant general, told me. "We keep them safe."

#### Official rhetoric is exaggerated – senior leaders actually support drone strikes

Williams 13

Brian Glyn Williams is Professor of Islamic History at the University of Massachusetts-Dartmouth and author of Predators: The CIA’s Drone War on Al Qaeda, “Private Approval, Public Condemnation: Drone Warfare’s Implications for Pakistani Sovereignty”, Terrorism Monitor Volume: 11 Issue: 7, 4/4/13, Jamestown Foundation, http://www.jamestown.org/single/?no\_cache=1&tx\_ttnews[tt\_news]=40697&tx\_ttnews[backPid]=7&cHash=88db476b68cd2df314ccc081b0c319ea#.Uiejg7yRYXx //jchen

Subsequently, however, Zardari claimed that the drone strikes were “counter-productive and violated Pakistan’s sovereignty” (The Nation [Islamabad], March 26). This perfunctory statement was obviously meant to garner the support of Pakistanis who strongly disliked the idea of a foreign power operating with impunity on their own soil, killing what many believe are almost exclusively innocent Pakistani citizens. Many Pakistani voters wanted their leaders to publicly stand up to the American “invaders.” However, Zardari was said to have secretly told the Americans: “Kill the seniors. Collateral damage worries you Americans. It does not worry me.” [2] Zardari also told a group of Pakistani reporters in Lahore “There are no differences between Pakistan and the U.S. over any issue, including drone attacks.” (Daily Times [Lahore], January 21, 2010). He also made a plea for the United States to “give me the drones so my forces can take out the militants.” In that way, Zardari suggested, “we cannot be criticized by the media or anyone else for actions our army takes to protect our sovereignty.” (Dawn [Karachi], May 20, 2011). ¶ Zardari also seemed to appreciate the fact that the drone attacks were helping his country avoid military casualties they would have sustained had they directly attacked the terrorists’ lairs in Pakistan’s Federally Administered Tribal Areas (FATA). A U.S. diplomatic cable from the Islamabad embassy related that after a drone strike in the tribal region that killed 60 militants, “Zardari reported that his military aide believed a Pakistani operation to take out this site would have resulted in the deaths of over 60 Pakistani soldiers.” [3] ¶ Similarly, a spokesperson for Zadari’s Pakistan People’s Party (PPP) declared: “There is a segment in the country who support the drone attacks and they feel that drone attacks have been helpful in eliminating many of the militants” (CNN, December 22, 2010). One Pakistani military officer told the AFP news service: “The Pakistani army supports drone strikes because they are efficient for eliminating TTP people… and give it a good reason not to start a dangerous offensive in North Waziristan” (AFP, October 10, 2011). Pakistan’s ambassador to the United States further stated: “Pakistan has never said that we do not like the elimination of terrorists through predator drones” (Dawn [Karachi], July 18, 2010). ¶ Wikileaks cables from 2009/2010 show that Pakistani Prime Minister Yousaf Gilani similarly opined in private: “I don’t care if they do it as long as they get the right people. We’ll protest in the National Assembly and then ignore it.” [4] General Shah Shuja Pasha summed up his view of the Taliban/al-Qaeda when he said: “We would obviously like to fix these rogues. They are killing our own people and are certainly not the friends of this country.” [5] In addition, General Ashfaq Parvaz Kayani, chief-of-staff of the Pakistani military, secretly asked the United States for “continuous Predator coverage of the conflict area” during his forces’ campaigns against the Taliban in FATA (Express Tribune [Karachi], May 21, 2011. This request was answered in the affirmative during Pakistani operations in South Waziristan. ¶ In his book The Most Dangerous Place. Pakistan’s Lawless Frontier, Pakistani journalist Imtiaz Gul wrote of the disconnect between what the Pakistani leadership secretly wanted, and their public stance: ¶ Most Pakistanis, including members of the media and mainstream political leaders, view the attacks as a violation of their national sovereignty. But privately, even top generals support drone strikes. In a recent meeting with a handful of Pakistani journalists, a very senior general told us, “As long as they take out the guys who are [a] threat to us all, why crib about it?” Leading government officials, including Prime Minister Gilani, will agree, even if publicly they condemn the drone strikes. [6] ¶ A recent analysis by a former Pakistan Army brigadier, A.R. Jerral, suggested that it was worth recalling that “the former Chief of Air Staff had publicly stated that the Pakistan Air Force had the capability to intercept and destroy the drones provided the government ordered it to do so. But the government of Pakistan never tasked it for this. This too implies that there was tacit approval and consent for the drone attacks that killed innocent Pakistani nationals.” The brigadier added, however, that “if these attacks were without consent, it was an act of war and those in the government failed to protect the lives of the citizens as well as national sovereignty” (The Nation [Islamabad], March 26). ¶ Even as the Pakistani government summoned U.S. ambassador Anne Patterson to be publicly warned in “strong” terms that Pakistan had had enough of the drone strikes, these same Pakistani leaders secretly condoned the use of drones. Behind closed doors many of Pakistan’s leaders seemed to have believed that the targeted assassinations of terrorists were in their country’s best interests despite their public pronouncements to the contrary.

#### The U.S. is committed to counterterrorism – absent drones they would find alternatives

Wittes and Singh 12

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Cortright’s example, the use of drones along the Afghanistan-Pakistan border, is a case in point. He notes Defense Secretary Panetta’s argument that drones are the “only game in town” and explains why this is: They are more precise than conventional air strikes, and “Ground operations by commando units … would entail severe risks to our troops” (emphasis added). The result is that the availability of drones creates a military option where none would otherwise exist.

Just to be clear, I prefer that American troops be deployed with a minimum of “severe risks.” And Cortright’s confidence that absent drones, policymakers would not perceive “severe risks to our troops” as risks worth taking to confront al Qaeda seems misplaced to me. One cannot assume that because major troop commitments are politically unthinkable given the availability of lesser uses of force that they would be similarly unthinkable in the absence of these alternative military means. Cortright assumes that absent drones, the United States would simply not be engaged militarily in Pakistan. His assumption is naive. Absent drones, American involvement in Pakistan would probably be militarily messier, greater, and bloodier on both sides. It is a mistake that colors his entire argument.

#### The alternatives are bombs and cruise missiles – drastically increases civilian casualties

The News Tribune 13

The News Tribune, “Drones: Wise, maybe; constitutional, certainly”, 2/17/13, http://www.thenewstribune.com/2013/02/17/2478932/drones-wise-maybe-constitutional.html //jchen

The realistic alternative to drone strikes include kidnapping – something many of the same critics condemn – and conventional air strikes.

Bombs and cruise missiles are far less humane than Predators, though, when targeting enemies who deliberately hide themselves among civilians. By all accounts, drones – which can linger in the air until the target is reasonably identified and isolated – have drastically reduced the deaths of innocent bystanders.

### Case ­– Norms

#### 1. International norm against drones fail – states won’t give up tech advantage

Megret 13

Frédéric Mégret, Associate-Professor, Faculty of Law, McGill University, Research Chair in the Law of Human Rights and Legal Pluralism, Centre for Human Rights and Legal Pluralism, “The Humanitarian Problem with Drones”, March 5, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2228659 //jchen

A good classic example of this is the invention of the crossbow which conferred a very considerable military advantage to those troops that mastered its art; another example is the onset of modern aviation and the possibility, only just barely contemplated towards the end of the First World War, of aerial bombardment. In both cases, an attempt was made to reinstate the laws of war’s broad symmetry by trying to outlaw the weapon. In the case of the crossbow, Pope Innocent II famously pronounced it to be hateful to God and unfit for Christians; in the case of aerial bombardment, a Commission of Jurists was set up as part of the 1921 Washington Conference on the Limitations of armaments which adopted a fairly restrictive code for aerial warfare. It is no surprise that calls to severely regulate or perhaps even outlaw certain means and methods of combat were at their strongest in conditions of technological asymmetry, i.e.: when one side stood to benefit disproportionality from such regulation (the side that did not master the technology).

Both the attempts at regulating the crossbow and aerial bombardment were almost unmitigated catastrophes. In the case of the crossbow, the weapon was first only prohibited between Christians, allowing crusaders to use it at will against the Saracens; but quickly used between Christian nations as well, ultimately showing that a technological advance such as this was too precious to be relinquished against real foes. The Washington conference never led to a Convention and was essentially a fiasco. In both cases, it seems, the normative effort was suspected of, under humanitarian guise, unduly reining in technological progress, not adding much to what could be distilled from general principles of the laws of war, and unduly restricting states’ ability to develop a military advantage. If the precedents of the crossbow and aerial bombardment are any indication, then it is likely that efforts to regulate drone warfare would be headed the same way because it is simply beggars belief to think that powers that have such an edge would voluntarily limit, let alone relinquish it.

#### 2. Even if they model, drone prolif is slow- no investment

Micah Zenko 2013 (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 on foreign relations, "Reforming US Drone Strike Policies" 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.

#### 3. No Asian war

Acharya 12 [Amitav Acharya is Professor of International Relations at American University, Washington, DC. This article is from East Asia Forum (www.eastasiaforum.org) at the Crawford School, ANU. China’s rise and security in the Asian century May 6th, 2012 Author: Amitav Acharya, AU http://www.eastasiaforum.org/2012/05/06/china-s-rise-and-security-in-the-asian-century/]

The problem with these scenarios is that they **ignore significant changes** that have taken place in Asia in recent decades. Asian security in the aftermath of World War II was shaped by three forces: economic nationalism, security bilateralism (anchored on the US’s ‘hub-and-spoke’ alliances), and political authoritarianism. Over the decades, Asia has seen a major growth in economic internationalism, multilateral institutions and democratisation. Since the mid-1950s, intra-Asian trade has nearly doubled to over 50 per cent of the region’s total trade. The effect of economic interdependence and multilateral institutions in promoting peace has been well documented by international relations scholars. In Asia today, production networks straddle national boundaries, making them especially costly to break; multipurpose regional institutions have proliferated; and cooperative institutions now outnumber formal military alliances, thus reversing the Cold War pattern. Democracies in Asia today outnumber autocracies and, despite fears that democratic transitions might produce aggressively nationalistic regimes, no newly democratic regime in Asia has behaved this way. The Asian regional order today resembles neither the 19th century Concert of Europe, nor the EU of today. The EU model is implausible in a highly sovereignty-conscious Asia. An Asian concert of powers is unrealistic and dangerous. The two most important pitfalls of this idea are long-known. First, for a concert to function successfully it requires a degree of ideological convergence among the major powers. Such a convergence does not exist pending China’s democratisation. On the other hand, a concert based on current ideological conditions would be a welcome gift to China’s authoritarian rulers, as it would preserve a conservative status quo that would arrest China’s democratisation. A concert of this type would also necessarily marginalise weaker states. The Concert of Europe, as historian Richard Elrod points out, ensured a degree of self-restraint among the great powers toward each other, but also brought about ‘great power tutelage over the rest of Europe’ before collapsing over ideological divergence. An Asian concert would imply de facto Sino–US joint rule, but will the rest of Asia really want to live under Chinese or US tutelage? In contrast, Asia’s regional groups like the ASEAN Regional Forum or the East Asian Summit facilitate the peaceful engagement of great powers with each other and with the region, without reducing weaker states to the status of vassals and pawns. The rise of China requires adjustments and strengthening of the current order — not reinventing an outdated model. Asia’s future need not resemble Europe’s past or present. Nor will it resemble past US foreign policy. The revival of a tributary order would be similarly countered by the economic, strategic and cultural influence of the US, Japan, India and Russia. Moreover, a concert model may not serve Australia’s security interests because it will almost certainly be excluded from it. Asia and Australia are better served by a model based on the kind of ‘entrepreneurial’ and ‘intellectual’ leadership to which Japan, Australia and ASEAN (now South Korea, Indonesia and India) have made a contribution, and which has brought about the simultaneous engagement of China and the US. For all its recent diplomatic assertiveness, China supports and sustains Asian economic interdependence and institutions, as do the US, Japan and India. At the same time, US alliances and security ties with India offer a hedge against any future uncertainty in Chinese behaviour. In Asia today there are **multiple mechanisms of stability**: economic interdependence raises the stakes of mutual survival and well-being; US-centred alliances preserve the balance of power; and cooperative institutions develop a habit of dialogue and thereby moderate extreme, unilateral behaviour. None of these is sufficient by itself to guarantee order, but together they create the conditions for stability.

#### 4. Drone use won’t spread – limited strategic options

Time 12

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

This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.

What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy.

In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region.

#### 5. Deterrence logic still applies – nations won’t recklessly deploy drones

Time 12

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

Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.

Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.

What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.

Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.

Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.

Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### 6. Accidental war unlikely

Farley, 13 (Robert, assistant professor at the Patterson School of Diplomacy and International Commerce – University of Kentucky, April 5, “North Korea and the Fallacy of Accidental Wars”, The Diplomat, http://thediplomat.com/2013/04/05/north-korea-and-the-fallacy-of-accidental-wars/?all=true)

Accidental wars rarely happen. Historians have demonstrated that most wars initially deemed “accidental,” (perhaps most notably the First World War), have in actuality resulted from deliberative state policy, even if the circumstances of the war were unplanned. While war seems discordant, it actually requires a great deal of cooperation and coordination. Fundamentally, two parties have to agree to conduct a war; otherwise, you have either a punitive raid or an armed surrender negotiation.

**Their interpretation links to all their offense Cap K and Econ DA proves  
Counter interpretation – we get 2 conditional advocacies  
That’s good  
1.) Innovation –the alternative is teams only run what they are good at, and don’t try new arguments, leads to stale education and dogmatism**

**.2.) Neg Flex –key to check 2ac addons and  2ar persuasion outweighs time benefits of the block. transportation topic is skewed toward the aff.**

**3.) Breadth – Depth is impossible – teams would just read more shitty answers and hope we drop them, only a chance we force critical thinking. Breadth of information allows for multiple access points to education, forces research**

**4) Turns 2ac strategy – force them to read their best offense like turns and addons-Multiple Perms are worse they tempt aff condtionality and skew us worse, voter.  
-Time skew inev – some teams are faster than others, we can run an infinite number of SPEC arguments.   
-Aff didn’t specify their agent – kills agent cps and all implementation based education, voter for fairness education.  
-No Strat Skew – 2ac always has a strategic option - stop crying, 1ar must articulate specific inround abuse  
-Theory is a reason to reject the argument not the team (reasonability)  
A2: Dispo  
Dispo is condo – good teams can kick out of anything.  
a.)    Kills Neg Flex – forces 2nr choice, kills strategic thinking  
b.)    Dogmatism – forces us to defend racism  
c.)     Exhausts education – leads to the worst debates, over-researches a topic.**

#### Still links to net benefits –

#### 1. politics – plan requires massively unpopular congressional legislation

#### 2. Resolve DA – Congressional interference devastates perception of Obama’s resolve – sends the signal to global rivals that we don’t have the political will for warfighting.

Newton 12 [Michael, Prof. of Law – Vanderbilt, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW•VOL. 45, Inadvertent Implications of the War Powers Resolution]

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as **the Achilles heel** of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to “seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression.”62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the “risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact.”63 In his letter to Congress “consistent with the War Powers Resolution,” the president reported that the strikes “were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities” and “were intended to prevent and deter additional attacks by a clearly identified terrorist threat.”64 The following day, in a radio address to the nation, the president explained his decision to take military action, stating, “Our goals were to disrupt bin Laden’s terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden’s network is associated, which was producing an ingredient essential for nerve gas.”65 Citing “compelling evidence that the bin Laden network was poised to strike at us again” and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes.66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.67 Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.68 Seeking to bolster legislative support and to better explain the strategic objectives, he explained that: It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability. They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon, and an important weight in the scales. To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment **can only weaken our effectiveness**. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure. An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand.69 Following the spectacularly successful terrorist attack on the Marine barracks in Beirut, President Reagan withdrew the Marines. Osama bin Laden later cited this as an example of American weakness that could not withstand the jihadist fury he sought.70 The legal battles over the scope and effect of the War Powers Resolution have highlighted the focus on national political will as the fulcrum of successful military operations by requiring assurances that military operations are limited in nature, duration, and scope, and therefore well within the president’s constitutional authority as Commander-in-Chief and chief executive. President Obama’s report to Congress in the context of the Libya operations in 2011 cited precedent from air strikes in Bosnia that took just over two weeks and involved more than 2,300 US sorties and the deployment of US forces in Somalia in 1992 and Haiti in 1993.71 The White House released a memorandum from the OLC, similar to previous interventions, explaining how the authorization to use such force was constitutional on the basis that “‘war’ within the meaning of the [Constitution’s] Declaration of War Clause” does not encompass all military engagements, but only those that are “prolonged and substantial . . . typically involving exposure of U.S. military personnel to significant risk over a substantial period.”72 President Obama consistently maintained that the US role in Libya was limited, unlikely to expose any US persons to attack (especially given the role of missiles and drones and the utter inability of Qaddafi’s forces to strike back with conventional means), and likely to end expeditiously.73 By that logic, it did not require authorization from Congress. The administration ultimately adopted a legal analysis that the US military’s activities fell short of “hostilities,” and thus, the president needed no permission from Congress to continue the mission after the expiration of the sixty-day reporting window specified in the War Powers Resolution.74 The president’s reasoning rested on previous OLC opinions that what counts as war depends on “a fact- specific assessment of the ‘anticipated nature, scope, and duration’ of the planned military operations.”75 Present justifications for bypassing the War Powers Resolution hinge on interpretations that it requires “prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period.”76 The OLC engaged in similar reasoning in the Bosnia intervention in 1995, explaining that in deciding whether the proposed deployment into Bosnia amounted to a “‘war’ in the constitutional sense, considerable weight was given to the consensual nature and protective purposes of the operation.”77 That deployment was similarly intended to be a limited mission but that mission, in contrast to the present one, was in support of an agreement that the warring parties had reached and it was at the invitation of the parties that led to the belief that little or no resistance to the deployment would occur. Though some scholars argued that the Libya OLC Memorandum defended its reasoning for why the operation did not amount to “war,” it did not address whether the administration believed that it will have to stop operations upon expiration of the sixty-ninety-day clock under the War Powers Resolution.78 The deadline passed with little fanfare. The memorandum also relied upon quite distinguishable precedent to serve as a guiding point in this intervention. Professor Goldsmith argued the opinion broke “new ground . . . in its extension of the ‘no war’ precedents beyond the Bosnia and Haiti situations—which involved consensual peacekeeping-like introductions of ground troops but no significant uses of force—to cover two weeks of non-consensual aerial bombardments.”79 Thus, even as it incentivizes short term, limited deployments, the War Powers Resolution embeds an inevitable constitutional collision between the coordinate branches. Our enemies can rely upon constitutional carping from Congress, and in fact can adapt tactics and statements that seek to undermine political will in the US Congress and among the American people from the first days of an operation. The Resolution helps to ensure that such debates over the national political will take center stage sooner rather than later, and an asymmetric enemy can in theory erode our political will even before it solidifies.

#### Even if they have evidence saying Congress could do the plan, none of it speaks to the necessity of Congressional action. The counterplan has the force of law and functions like statute.

#### At worst, their solvency deficits apply equally to the aff –

#### 1. Statute can’t constrain Presidents – get reinterpreted or ignored

Pildes 12 [Richard H., Sudler Family Professor of Constitutional Law, NYU School of Law and Co-Director, NYU Center on Law and Security. 2/27/12 BOOK REVIEWS LAW AND THE PRESIDENT THE EXECUTIVE UNBOUND: AFTER THE MADISONIAN REPUBLIC. By Eric A. Posner and Adrian Vermeule. New York, N.Y.: Oxford University Press. 2010. Pp. 249. $29.95. New York University Public Law and Legal Theory Working Papers]

The general outlines of this history are familiar. But in a bracing new book, The Executive Unbound, Professors Eric Posner and Adrian Vermeule want to take this story to a different quantum level. Posner and Vermeule insist not just that presidential powers have expanded dramatically in recent decades but that these powers are not effectively constrained by law. The stark reality of presidential power, as they put it, is that “law does little to constrain the modern executive” (p. 15). This is true, they assert, not just in exceptional circumstances, such as times of crisis or emergency, but in general in the modern state. This unconstrained power allegedly exists not just with respect to limited substantive arenas, such as foreign affairs or military matters, but across the board, with respect to domestic matters as well.18 Thus, while some have long argued that inter arma enim silent leges (in times of war, the laws are silent),19 Posner and Vermeule argue that the laws are always silent, in effect, when it comes to presidential power. Finally, they contend that this proposition is not just true with respect to some sources of potential legal constraint, such as the Constitution; it is central to their argument that statutes that purport to regulate presidential conduct are also largely ineffective. As they say, “the basic aspiration of liberal legalism to constrain the executive through statutory law has largely failed” (p. 112). Thus, when Congress does impose legislative constraints, Posner and Vermeule assert, the laws are typically vague, leaving ample room for executive discretion. Statutes “have a Potemkin quality: they stand about in the landscape, providing an impressive facade of legal constraint on the executive, but actually blocking very little action that presidents care about” (p. 88). Those legal constraints that do exist, whether constitutional or statutory, are not aggressively enforced by courts — first, because American courts stay out of many controversies concerning presidential power, and second, because when courts do play a role, they defer substantially to executive action and interpretation (pp. 52–58). Indeed, presidents can act directly in the face of even clear law and can force other institutions, such as Congress and the courts, to try to stop them. Much of the time, these other institutions will be unable or unwilling to do so.

#### 2. President will disregard prohibitions or find another justification.

Goldsmith 9/3 [Jack Goldsmith is the Henry L. Shattuck Professor at Harvard Law School, where he teaches and writes about national security law, presidential power, cybersecurity, international law, internet law, foreign relations law, and conflict of laws. Before coming to Harvard, Professor Goldsmith served as Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003. Professor Goldsmith is a member of the Hoover Institution Task Force on National Security and Law. Full bio » It is Hard to Write an AUMF http://www.lawfareblog.com/2013/09/it-is-hard-to-write-an-aumf/]

First, Congress needs to pay attention to the distinction between an authorization and a prohibition. Authorizing strikes for sixty days, and only for sixty days, will not by itself prohibit the President from using force beyond sixty days. The reason: the President thinks he has independent, inherent Article II authority to engage in the strikes. If Congress wants to limit the President, it must do so through authorizations combined with prohibitions. The President can in theory **disregard a prohibition** as a violation of his Commander in Chief power. But in this context, where the constitutional arguments for inherent power are already weak, the arguments for an exclusive presidential power are much weaker yet (and the political costs of defying a congressional restriction in this context would be enormous). Second, limiting the purposes of the attack to avoid toppling Assad’s government won’t by itself stop the President from acting to topple Assad’s government if he can do so pursuant to some more benign purpose, such as deterring use of WMDs. Recall that the administration had no overt authorization from the Security Council to topple Gaddafi. But ultimately it read the Security Council authorization “to take all necessary measures . . . to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya” as sanction to pursue and attack Gaddafi. Writing an AUMF that adequately empowers and constraints the President is hard.

#### Presidential mandate solves – establishes oversight, increases transparency, and sets international precedent

Zenko 13

Micah Zenko, Douglas Dillon Fellow at the Council on Foreign Relations, April 2013“Transferring CIA Drone Strikes to the Pentagon”, <http://www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434> //jchen

Consolidating Executive Authority

In 2004, the 9/11 Commission recommended that the "lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department" to avoid the "creation of redundant, overlapping capabilities and authorities in such sensitive work." The recommendation was never seriously considered because the CIA wanted to retain its covert action authorities and, more important, it was generally believed such operations would remain a rarity. (At the time, there had been only one nonbattlefield targeted killing.) Nearly a decade later, there is increasing bipartisan consensus that consolidating lead executive authority for drone strikes would pave the way for broader strategic reforms, including declassifying the relevant legal memoranda, explicitly stating which international legal principles apply, and providing information to the public on existing procedures that prevent harm to civilians. During his February 2013 nomination hearing, CIA director John O. Brennan welcomed the transfer of targeted killings to the DOD: "The CIA should not be doing traditional military activities and operations."

The main objection to consolidating lead executive authority in DOD is that it would eliminate the possibility of deniability for U.S. covert operations. However, any diplomatic or public relations advantages from deniability that once existed are minimal or even nonexistent given the widely reported targeted killings in Pakistan and Yemen. For instance, because CIA drone strikes cannot be acknowledged, the United States has effectively ceded its strategic communications efforts to the Pakistani army and intelligence service, nongovernmental organizations, and the Taliban. Moreover, Pakistani and Yemeni militaries have often taken advantage of this communications vacuum by shifting the blame of civilian casualties caused by their own airstrikes (or others, like those reportedly conducted by Saudi Arabia in Yemen) to the U.S. government. This perpetuates and exacerbates animosity in civilian populations toward the United States. If the United States acknowledged its drone strikes and collateral damage—only possible under DOD Title 10 authorities—then it would not be held responsible for airstrikes conducted by other countries.

The CIA should, however, retain the ability it has had since 9/11 to conduct lethal covert actions in extremely rare circumstances, such as against immediate threats to the U.S. homeland or diplomatic outposts. Each would require a separate presidential finding, and should be fully and currently informed to the intelligence committees. Of the roughly 420 nonbattlefield targeted killings that the United States has conducted, very few would have met this criteria.

The president should direct that U.S. drone strikes be conducted as DOD Title 10 operations. That decision would enhance U.S. national security in the following ways:

Improve the transparency and legitimacy of targeted killings, including what methods are used to prevent civilian harm.

Focus the finite resources of the CIA on its original core missions of intelligence collection, analysis, and early warning. (There is no reason for the CIA to maintain a redundant fleet of armed drones, or to conduct military operations that are inherently better suited to JSOC, the premier specialized military organization. As "traditional military activities" under U.S. law, these belong under Title 10 operations.)

Place all drone strikes under a single international legal framework, which would be clearly delineated for military operations and can therefore be articulated publicly.

Unify congressional oversight of specific operations under the armed services committee, which would end the current situation whereby there is confusion over who has oversight responsibility.

Allow U.S. government officials to counter myths and misinformation about targeted killings at home and abroad by acknowledging responsibility for its own strikes.

Increase pressure on other states to be more transparent in their own conduct of military and paramilitary operations in nonbattlefield settings by establishing the precedent that the Obama administration claims can have a normative influence on how others use drones.

#### EOs have the force of law – as good as statute.

Mayer 1 [Kenneth, Professor of Political Science @ University of Wisconsin – Madison, With the Stroke of a Pen]

These chronicles of presidential decisiveness and unilateral action are at odds with the prevailing scholarly view of presidential power. Among political scientists the conventional wisdom is that the president is weak, hobbled by the separation of powers and the short reach of his formal legal authority. Presidential power, far from being a matter of prerogative or legal rule, “is the power to persuade,” wrote Richard Neustadt in the single most influential statement about the office in the past fifty years.6 Yet throughout U.S. history presidents have relied on their executive authority to make unilateral policy without interference from either Congress or the courts. In this book, I investigate how presidents have used a tool of executive power—the executive order—to wield their inherent legal authority. Executive orders are, loosely speaking, presidential directives that require or authorize some action within the executive branch (though they often extend far beyond the government).They are presidential edicts, legal instruments that create or modify laws, procedures, and policy by fiat. Working from their position as chief executive and commander in chief, presidents have used executive orders to make momentous policy choices, creating and abolishing executive branch agencies, reorganizing administrative and regulatory processes, determining how legislation is implemented, and taking whatever action is permitted within the boundaries of their constitutional or statutory authority. Even within the confines of their executive powers, presidents have been able to “legislate” in the sense of making policy that goes well beyond simple administrative activity. Y ale Law School professor E. Donald Elliot has argued that many of the thousands of executive orders “plainly ‘make law’ in every sense,”7 and Louis Fisher finds that despite the fact that the Constitution unambiguously vests the legislative function in Congress, “the President’s lawmaking role is substantial, persistent, and in many cases disturbing.”8

#### Presidential action is perceived globally.

Sunstein 95 [Cass, Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School and Department of Political Science, “An Eighteenth Century Presidency in a Twenty-First Century World” Arkansas Law Review, 48 Ark. L. Rev. 1, Lexis]

With the emergence of the United States as a world power, the President's foreign affairs authority has become far more capacious than was originally anticipated. For the most part this is because the powers originally conferred on the President have turned out - in light of the unanticipated position of the United States in the world - to mean much more than anyone would have thought. The constitutionally granted authorities have led to a great deal of unilateral authority, simply because the United States is so central an actor on the world scene. The posture of the President means a great deal even if the President acts clearly within the scope of his constitutionally-granted power. Indeed, mere words from the President, at a press conference or during an interview, can have enormous consequences for the international community.

#### Pakistan is fine with it.

Washington Post 10/23 [Secret memos reveal explicit nature of U.S., Pakistan agreement on drones, Greg Miller and Bob Woodward, Published: October 23 http://www.washingtonpost.com/world/national-security/top-pakistani-leaders-secretly-backed-cia-drone-campaign-secret-documents-show/2013/10/23/15e6b0d8-3beb-11e3-b6a9-da62c264f40e\_story.html]

Despite repeatedly denouncing the CIA’s drone campaign, top officials in Pakistan’s government have for years secretly endorsed the program and routinely received classified briefings on strikes and casualty counts, according to top-secret CIA documents and Pakistani diplomatic memos obtained by The Washington Post. The files describe dozens of drone attacks in Pakistan’s tribal region and include maps as well as before-and-after aerial photos of targeted compounds over a four-year stretch from late 2007 to late 2011 in which the campaign intensified dramatically. Markings on the documents indicate that many of them were prepared by the CIA’s Counterterrorism Center specifically to be shared with Pakistan’s government. They tout the success of strikes that killed dozens of alleged al-Qaeda operatives and assert repeatedly that no civilians were harmed. Pakistan’s tacit approval of the drone program has been one of the more poorly kept national security secrets in Washington and Islamabad. During the early years of the campaign, the CIA even used Pakistani airstrips for its Predator fleet. But the files expose the explicit nature of a secret arrangement struck between the two countries at a time when neither was willing to publicly acknowledge the existence of the drone program. The documents detailed at least 65 strikes in Pakistan and were described as “talking points” for CIA briefings, which occurred with such regularity that they became a matter of diplomatic routine. The documents are marked “top ­secret” but cleared for release to Pakistan.

#### The alternatives are bombs and cruise missiles – drastically increases civilian casualties

The News Tribune 13

The News Tribune, “Drones: Wise, maybe; constitutional, certainly”, 2/17/13, http://www.thenewstribune.com/2013/02/17/2478932/drones-wise-maybe-constitutional.html //jchen

The realistic alternative to drone strikes include kidnapping – something many of the same critics condemn – and conventional air strikes.

Bombs and cruise missiles are far less humane than Predators, though, when targeting enemies who deliberately hide themselves among civilians. By all accounts, drones – which can linger in the air until the target is reasonably identified and isolated – have drastically reduced the deaths of innocent bystanders.

Norms

#### Countries use realist calculations for drones – they’ll pick whatever weapons help them

Etzioni 13

Amitai Etzioni, professor of in- ternational relations at George Washington University and author of Hot Spots: American Foreign Pol- icy in a Post-Human-Rights World, “The Great Drone Debate”, March-April 2013, Military Review //jchen

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the co- founder 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 enti- ties 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 col- lateral 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 self- constraining 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.

#### Deterrence logic still applies – nations won’t recklessly deploy drones

Time 12

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

Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.

Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.

What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.

Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.

Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.

Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### 6. Accidental war unlikely

Farley, 13 (Robert, assistant professor at the Patterson School of Diplomacy and International Commerce – University of Kentucky, April 5, “North Korea and the Fallacy of Accidental Wars”, The Diplomat, http://thediplomat.com/2013/04/05/north-korea-and-the-fallacy-of-accidental-wars/?all=true)

Accidental wars rarely happen. Historians have demonstrated that most wars initially deemed “accidental,” (perhaps most notably the First World War), have in actuality resulted from deliberative state policy, even if the circumstances of the war were unplanned. While war seems discordant, it actually requires a great deal of cooperation and coordination. Fundamentally, two parties have to agree to conduct a war; otherwise, you have either a punitive raid or an armed surrender negotiation.

#### The plan is an UNPRECEDENTED move by Congress to restrict the President's war making authority. Others will perceive this as a decline in US resolve to use military force when necessary. This emboldens challengers who will miscalculate and take actions against US interests. The misperception of this resolve undermines conventional deterrence, results in a US response, and conflict ensues.

#### Lack of US resolve is a rallying point for terrorism – makes us seem defeatable

Dennis and Shannon 7 – Michael Dennis, Ph.D. Candidate in Government at the University of Texas-Austin, and Vaughn P. Shannon, Assistant Professor of Political Science at the University of Northern Iowa and Director of UNI’s Center for International Peace and Security Studies, April 2007, “Militant Islam and the Futile Fight for Reputation,” Security Studies, Vol. 16, No. 2, p. 287-317

Being motivated to see an adversary as weak leads to a tendency to make analogies that rely on confirmatory behaviors. Our theory suggests that the paper tiger image combines perceptions of an adversary as quantitatively superior but culturally inferior. This combination generates views of an adversary that is aggressive but also weak, vulnerable, spineless, morally bankrupt, and thus, defeatable. The combination of backward and advanced attributes has been found in asymmetric conflict studies and those of ethnic conflict, and explains the ambitious agenda of al Qaeda against the materially stronger United States.55 In short, militant Islamists know their adversary is stronger but think its character is weaker and irresolute. The paper tiger phenomenon, fueled by motivated beliefs and the actions of the paper tiger itself, suggests a strong and evil opponent against whom resistance is not futile; if pushed, they will yield to the just cause and will of the weaker power. Such visions are fed by the motivated biased interpretation of previous actions, completing our quest for the source of reputational analogies. An adversary's withdrawal from battle confirms the reputation formed, blending events and preconceptions.

In analogical terms (AX:BX::AY:BY, where A resembles event B in having characteristic X; A has characteristic Y) therefore it is inferred that B also has characteristic Y, militant Islamist perceptions of desirable superpower withdrawals from Muslim areas would take the following form: Islamist resistance (X) in Lebanon (A) resulted in the withdrawal of an infidel superpower (Y); thus Islamist resistance in Afghanistan, Somalia, and Iraq (B,C,D) will result in the withdrawal of infidel superpowers as well.

The infidel superpower garners a reputation for irresolution when withdrawing from such battles with militant Islam. The militants take credit for the desirable outcomes, but there is a link to the character of the opponent in the analogical story. The superpowers are paper tigers, the type of state that flees in the face of jihad.

What we have presented is a psychologically based alternative to the Mercer thesis that enemies do not generate reputations for their adversaries desired behavior. In our formulation, audience preconceptions and biases matter, as do the actions that either fuel preconceptions or deny such images ammunition. Superpower withdrawals after terrorist actions allow terrorists to believe and perpetrate the paper tiger reputation, confirming a lesson to be applied in future similar arenas.

#### Obama cred key to South Asia stability.

Coes 11 [Ben, a former speechwriter in the George H.W. Bush administration, managed Mitt Romney’s successful campaign for Massachusetts Governor in 2002 and author, “The disease of a weak president”, The Daily Caller, http://dailycaller.com/2011/09/30/the-disease-of-a-weak-president/]

The disease of a weak president usually begins with the Achilles’ heel all politicians are born with — the desire to be popular. It leads to pandering to different audiences, people and countries and creates a sloppy, incoherent set of policies. Ironically, it ultimately results in that very politician losing the trust and respect of friends and foes alike. In the case of Israel, those of us who are strong supporters can at least take comfort in the knowledge that Tel Aviv will do whatever is necessary to protect itself from potential threats from its unfriendly neighbors. While it would be preferable for the Israelis to be able to count on the United States, in both word and deed, the fact is right now they stand alone. Obama and his foreign policy team have undercut the Israelis in a multitude of ways. Despite this, I wouldn’t bet against the soldiers of Shin Bet, Shayetet 13 and the Israeli Defense Forces. But Obama’s weakness could — in other places — have implications far, far worse than anything that might ultimately occur in Israel. The triangular plot of land that connects Pakistan, India and China is held together with much more fragility and is built upon a truly foreboding foundation of religious hatreds, radicalism, resource envy and nuclear weapons. If you can only worry about preventing one foreign policy disaster, worry about this one. Here are a few unsettling facts to think about: First, Pakistan and India have fought three wars since the British de-colonized and left the region in 1947. All three wars occurred before the two countries had nuclear weapons. Both countries now possess hundreds of nuclear weapons, enough to wipe each other off the map many times over. Second, Pakistan is 97% Muslim. It is a question of when — not if — Pakistan elects a radical Islamist in the mold of Ayatollah Khomeini as its president. Make no mistake, it will happen, and when it does the world will have a far greater concern than Ali Khamenei or Mahmoud Ahmadinejad and a single nuclear device. Third, China sits at the northern border of both India and Pakistan. China is strategically aligned with Pakistan. Most concerning, China covets India’s natural resources. Over the years, it has slowly inched its way into the northern tier of India-controlled Kashmir Territory, appropriating land and resources and drawing little notice from the outside world. In my book, Coup D’Etat, I consider this tinderbox of colliding forces in Pakistan, India and China as a thriller writer. But thriller writers have the luxury of solving problems by imagining solutions on the page. In my book, when Pakistan elects a radical Islamist who then starts a war with India and introduces nuclear weapons to the theater, America steps in and removes the Pakistani leader through a coup d’état. I wish it was that simple. The more complicated and difficult truth is that we, as Americans, must take sides. We must be willing to be unpopular in certain places. Most important, we must be ready and willing to threaten our military might on behalf of our allies. And our allies are Israel and India. There are many threats out there — Islamic radicalism, Chinese technology espionage, global debt and half a dozen other things that smarter people than me are no doubt worrying about. But the single greatest threat to America is none of these. The single greatest threat facing America and our allies is a weak U.S. president. It doesn’t have to be this way. President Obama could — if he chose — develop a backbone and lead. Alternatively, America could elect a new president. It has to be one or the other. The status quo is simply not an option.

#### Domestic political wrangling is different from foreign policy – not even the GOP have tried to restrain Presidential war authorities. Plan is still a unique perception

#### Shutdown doesn’t affect resolve

Drezner 10/3 [Daniel W. Drezner is professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University, Chuck Hagel and The Credibility Fairy, October 3, 2013 http://drezner.foreignpolicy.com/posts/2013/10/03/chuck\_hagel\_and\_the\_credibility\_fairy]

This is not the first time that Secretary of Defense Chuck Hagel has.... let's say exaggerated the impact of a policy decision on U.S. credibility abroad in recent weeks. (To be fair, if we were talking about the debt ceiling, then I'd agree with Hagel. But even a few weeks of government shutdown is unlikely to cause U.S. allies or adversaries to question U.S. resolve or commitments overseas.) Indeed, the government shutdown is less linked to overall foreign policy than, say, Syria -- and even there, the scope of the credibility issue seems remarkably constrained.

#### Empirically no impact.

Drezner 10/3 [Daniel W. Drezner is professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University, Chuck Hagel and The Credibility Fairy, October 3, 2013 http://drezner.foreignpolicy.com/posts/2013/10/03/chuck\_hagel\_and\_the\_credibility\_fairy]

The second issue is whether America's foreign policy credibility is really affected by a government shutdown. I think the answer here is **"no."** The last time the United States went through this kind of sustained deadlock was the 1995/1996 government shutdowns. As it turns out, this was right around the time that the United States also brokered the Dayton peace accords between the warring parties in Bosnia. There is no evidence that the former affected the latter -- I don't think Slobodan Milosevic's spine was stiffened because Newt Gingrich and Bill Clinton couldn't agree.

#### There is no warrant made in this card – just an assertion. Make them explain the link turn before they can access it.

#### Waxman says the mere existence of Congress is what makes threats credible – the plan doesn’t access this as a unique turn

#### Strongly enforced restrictions make the President less likely to make threats and exert influence – this is AFTER their cutting

Waxman 8/25 [Matthew Waxman 8/25/13, Professor of Law – Columbia and Adjunct Senior Fellow for Law and Foreign Policy – CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN]

Even if Congress already wields informal political influence over threatened force, more potent and formal requirements of legislative force authorization or stricter enforcement of existing ones would still probably push U.S. policy a narrower set of commitments and more reserved use of threats – a more selective coercive and deterrent strategy – in several ways. For a President, knowing that he requires legally authorization from Congress to carry through on threats raises the expected political costs of making them (even very popular ones would require spending some political capital to obtain formal legislative backing). A more formal and substantial role for Congress in authorizing the carrying out of threats would also probably amplify some of the informational effects of executive-legislative dialogue and congressional debate described in the previous section: these processes – which could become more robust and attract greater attention – make it difficult to conceal or misrepresent preferences about war and peace, and therefore reduce opportunities for bluffing.

#### CP avoids the link to politics – no need for political capital expenditure.

Sovacool and Sovacool 9 [Dr. Benjamin K. Sovacool 2009 is a Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization., Kelly E. Sovacool is a Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of SingaporeArticle: Preventing National Electricity-Water Crisis Areas in the United States, Columbia Journal of Environmental Law 2009 34 Colum. J. Envtl. L. 333]

Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horse-trading and compromise such legislative activity entails.292 Speediness of implementation can be especially important when challenges require rapid and decisive action. After the September 11, 2001 attacks on the Pentagon and World Trade Center, for instance, the Bush Administration almost immediately passed Executive Orders forcing airlines to reinforce cockpit doors and freezing the U.S. based assets of individuals and organizations involved with terrorist groups.293 These actions took Congress nearly four months to debate and subsequently endorse with legislation. Executive Orders therefore enable presidents to rapidly change law without having to wait for congressional action or agency regulatory rulemaking.

#### EOs aren’t politically controversial – Obama’s been issuing them, and more are coming.

Sink 9/15 [Justin, The Hill, Obama looks to fill fall scorecard with regulations, going small-bore, http://thehill.com/blogs/e2-wire/e2-wire/322237-obama-looks-to-fill-fall-scorecard-with-regs-going-small-bore]

President Obama hopes to fill his 2012 campaign scorecard this fall by focusing on executive actions and smaller-bore legislative items. Progress on the president’s big-ticket agenda of gun control, immigration reform and the budget has been stymied by a gridlocked Congress, but the White House thinks Obama can still score several political victories. “We’ll continue to work with folks on both sides of the aisle to find common ground around common-sense ideas that’ll help middle class families. In the meantime, the president has also taken a series of executive actions,” said White House spokesman Bobby Whithorne. “These steps aren’t a substitute for the bold action from Congress to create jobs and grow the economy, but they’ll make a difference.” The White House points to the president's recent call on the FCC to impose a fee on cellular phone customers that would finance connecting 99 percent of school classrooms to high-speed Internet as one example of how the president has used executive authority to forward his agenda. In the coming week, the president can again flex his muscles with the formal introduction of new stringent rules on the construction of new coal-fired power plants. The regulations will implement stricter pollution limits and require the installation of carbon control technology, allowing Obama to deliver on a campaign promise to environmental supporters.

**Drezer only uses on data point – prefer our evidence**

**Statistics go neg**

Brock Blomberg, Professor of Economics at Wellesley College, Gregory Hess, Professor of Economics at Oberlin College, February 2002, “The Temporal Links between Conflict and Economic Activity,” Journal of Conflict Resolution

To begin this temporal “causal” investigation, we first need to develop a statistical framework to estimate the joint, dynamic determination of the occurrence of internal conflict, external conflict, and growth. Because conflict is measured as a discrete variable, researchers typically estimate the occurrence as a probability, or if we consider both internal and external conflict, we can always estimate the joint probability distribution. But are there similar interpretations of economic activity as a discrete state? Indeed, a broad literature considers the evolution of states in the economy as the natural progression of phases. In fact, one of the key historical studies of U.S. and international business cycles, undertaken by Burns and Mitchell (1944), treated the state of the economy as either an expansion or contraction, on which the National Bureau of Economic Research’s dating procedure for recessions was founded. 4 The relevance for our study is that breakpoints in the state of the economy, either expansion or recession, are analogous to break points in peace—internal or external conflicts.5 Using an unbalanced panel of data covering 152 countries from 1950 to 1992, we therefore consider the joint determination of internal conflict, external conflict, and the state of the economy as measured by the aforementioned discrete variables. We find that the relationship between the variables is not a simple one. Conflict does appear to be highly related to the economy for the entire sample. However, it seems to be most highly related when considering certain nation-groups. For nondemocracies or in regions highly populated by nondemocracies, there seems to be an intimate link between a poor economy and the decision to go to war—both internally and externally. These results confirm much of the original hypotheses put forth in Blomberg, Hess, and Thacker (2001)—namely, that there is compelling evidence of a conditional poverty-conflict trap.

Immigrations key to the economy – failure to reform crushes growth

Mead 13 [Walter Russell Mead, The American Interest, Feb. 13, 2013, “We Need To Make It Easier For Skilled Immigrants To Work In America” http://blogs.the-american-interest.com/wrm/2013/02/13/the-immigration-reform-america-needs/#ixzz2Koq5WoBQ]

You’d be forgiven for missing the key sentence on immigration reform in President Obama’s State of the Union speech last night. After addressing border security and the pathway to citizenship that undocumented aliens might look forward to, Obama went on to say, “real reform means fixing the legal immigration system to cut waiting periods and attract the highly skilled entrepreneurs and engineers that will help create jobs and grow our economy.” It was a good applause line. And we at VM applaud as well. A number of reports have shown that despite their considerable contributions to the American economy, highly-trained immigrants holding valuable STEM degrees are finding it extremely difficult to work in America due to country-based immigration quotas. According to the FT, workers have reported waiting as long as eight years to receive permanent residency, and that annual caps on skilled immigrants are often hit only ten weeks into the year, making it nearly impossible for others to enter. This is a serious problem as skilled immigrants contribute greatly to the economy. One study found that immigrants are responsible for three-quarters of patents from top universities, while the above FT article cites a study claiming that STEM immigrants each create 2.62 American jobs. And unlike their low-skilled counterparts, these immigrants are entering fields where demand for workers is high and so they don’t have the same negative effect on wages.

Nope—all experts and data go neg – solves econ

Farrell 12

Chris Farrell, BusinessWeek, December 13, 2012, “Obama’s Next Act: Immigration Reform” http://www.businessweek.com/articles/2012-12-13/obamas-next-act-immigration-reform

The economic return from attracting skilled immigrants to the U.S. is well known. Foreign-born newcomers account for some 13 percent of the population, yet they are responsible for one-third of U.S. patented innovations. The nation’s high-tech regions such as Silicon Valley, the Silicon Hills of Austin, Tex., and Boston’s Route 128 rely on immigrant scientists, engineers, entrepreneurs, and employees. Better yet, economist Enrico Moretti at the University of California at Berkeley calculates that a 1 percent increase in the share of college-educated immigrants in a city hikes productivity and wages for others in the city. Less appreciated is how much the economy gains from the efforts of less-skilled immigrants, including illegal workers. Throughout the country, foreign-born newcomers have revived beaten-down neighborhoods as immigrant entrepreneurs have opened small businesses and immigrant families have put down stakes. Immigrant workers have played a vital role keeping a number of industries competitive, such as agriculture and meatpacking. Cities with lots of immigrants have seen their per capita tax base go up, according to David Card, an economist at UC Berkeley. Despite the popular impression that a rising tide of immigrants is associated with higher crime rates, research by Robert Sampson of Harvard University and others offer a compelling case that it’s no coincidence that the growing ranks of immigrants tracks the reduction in crime in the U.S. But don’t newcomers—legal and illegal—drive down wages and job opportunities for American workers? Not really. A cottage industry of economic studies doesn’t find any negative effect on native-born wages and employment on the local level. On the national level the research shows the impact on native-born Americans doesn’t drift far from zero, either positively or negatively. “In both cases, immigrants are more likely to complement the job prospects of U.S.-born citizens than they are to compete for the same jobs as U.S.-born citizens,” Giovanni Peri, an economist at the University of California at Davis, writes in Rationalizing U.S. Immigration Policy: Reforms for Simplicity, Fairness, and Economic Growth. The counterintuitive results reflect a numbers of factors. Immigrants expand the size of the economic pie by creating new businesses, new jobs, and new consumers. Middle-class families find it easier to focus on careers with affordable immigrant labor offering gardening, child care, and other services. Many illegal immigrants aren’t fluent in English, so they don’t compete for the same jobs as native-born workers. Another factor behind the lack of direct competition is the higher educational level of native-born Americans. In 1960 about half of U.S.-born working-age adults hadn’t completed high school, while the comparable figure today is about 8 percent. The real downside concern is on the fiscal side of the immigrant ledger. Yes, more taxes would go into Social Security, Medicare, and the like with legalization, but more people would qualify for Medicaid, welfare, and other benefits. At the local level, many school districts are strained financially from educating immigrant children, legal and illegal. That said, the prospect of fiscal costs would diminish as newly legalized immigrant workers move freely around the country seeking jobs, entrepreneurs are comfortable expanding their payrolls, and immigrant parents push their children to live the American Dream. “Over time, as entrepreneurs emerge and families are better able to get their kids through high school and college, you’re reducing the long-run fiscal claim of the group,” says Hanson. There is no economic evidence that making roughly 6 percent of the workforce illegal will benefit the economy. Plenty of research supports the opposite case. A fast track to legality offers Washington a rare twofer: a just move that’s economically efficient.

1. This argument is just racist. You should reject them to disincentivize reading blatantly racist arguments.

#### That’s key to US-India relations

LA Times 12

1/9/2012, cites B. Lindsay Lowell, director of policy studies for the Institute for the Study of International Migration at Georgetown University “Other countries eagerly await U.S. immigration reform” http://latimesblogs.latimes.com/world\_now/2012/11/us-immigration-reform-eagerly-awaited-by-source-countries.html

"Comprehensive immigration reform will see expansion of skilled labor visas," predicted B. Lindsay Lowell, director of policy studies for the Institute for the Study of International Migration at Georgetown University. A former research chief for the congressionally appointed Commission on Immigration Reform, Lowell said he expects to see at least a fivefold increase in the number of highly skilled labor visas that would provide "a significant shot in the arm for India and China." There is widespread consensus among economists and academics that skilled migration fosters new trade and business relationships between countries and enhances links to the global economy, Lowell said. "Countries like India and China weigh the opportunities of business abroad from their expats with the possibility of brain drain, and I think they still see the immigration opportunity as a bigger plus than not," he said.

Ties Prevent A South Asian Nuclear War

Dugger 02, (Celia W., journalist, “Wider Military Ties with India Offer U.S. Diplomatic Leverage,” THE NEW YORK TIMES, June 10, 2002, p. A1, LN)

Military cooperation between India and the United States has remarkably quickened since Sept. 11, with a burst of navy, air force and army joint exercises, the revival of American military sales to India and a blur of high-level visits by generals and admirals. The fledgling relationship between American and Indian military leaders will be important to Mr. Rumsfeld in talks intended to put to rest fears of war between India and Pakistan. "We can hope this translates into some influence and trust, though I don't want to overstate it," a senior American defense official said in an interview on Thursday. "I don't want to predict this guarantees success." The American diplomatic efforts yielded their first real gains on Saturday when India welcomed a pledge by Pakistan's military ruler to stop permanently the infiltration of militants into Kashmir. India indicated that it would soon take steps to reduce tensions, but a million troops are still fully mobilized along the border -- a situation likely to persist for months -- and the process of resolving the crisis has just begun. India has linked the killing of civilians in Kashmir to a Pakistan-backed insurgency there and has presented its confrontation with Pakistan as part of the global campaign against terrorism. India itself made an unstinting offer of support to the United States after Sept. 11, and Washington responded by ending the sanctions placed on India after its 1998 nuclear tests. With that, the estrangement that prevailed between the world's two largest democracies during the cold war, when India drew close to the Soviet Union and the United States allied with Pakistan, has eased. India, for decades a champion of nonalignment, seeks warmer ties with the United States in hopes of gaining access to sophisticated military technology and help in dealing with Pakistan. From the start of President Bush's term, some influential officials in his administration saw India as a potential counterweight to that other Asian behemoth, China, whose growing power was seen as a potential strategic threat. But since Sept. 11, the priority has been terrorism.The United States is hoping its deeper military and political ties with India will give it some measure of leverage to prevent a war between India and Pakistan that could lead to a nuclear holocaust and would play havoc with the hunt for Al Qaeda in Pakistan. The military relationship has certainly accelerated in recent months. "We've moved from crawling to walking and we're preparing to run," said an American military official. American warships have been docking in the Indian cities of Bombay, Cochin and Madras. The first major sale of military equipment to India -- $140 million of artillery-finding radar made by Raytheon -- has been approved by Congress. Aircraft engines, submarine combat systems and helicopter parts are in the pipeline. In the largest-ever joint ground and air operations, American and Indian paratroopers jumped last month from the same aircraft over the city of Agra. Later this year, for the first time, Indian troops will venture to the United States for exercises in Alaska. American and Indian naval ships are jointly patrolling the Strait of Malacca to protect commercial shipping, while the number of Indian military officers training in the United States has jumped to 150 this year from 25 in 1998. A parade of military brass has been marching through each other's capitals. "The current level of military to military cooperation between our nations is unprecedented," Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, said upon arriving in New Delhi in February.

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#### Will pass – their snapshot ev ignores trends and growing momentum.

MacGillis 10/24 [Alec, New Republic, Seven Reasons To Stop Being Fatalistic About Immigration Reform http://www.newrepublic.com/article/115341/immigration-reform-may-actually-pass]

But the natural optimist in me thinks that the odds for some sort of serious immigration reform happening in the months ahead are better than many realize. A few reasons why, in no particular order: **Boehner has space**. To the extent that there was any logic to the Speaker’s letting the government shutdown and debt-ceiling brinkmanship drag out as long as he did, it was that he had strengthened his position with his caucus’s hard-right flank and thereby created some room to maneuver on other fronts. “Boehner’s hold is a little stronger than it was” a few months ago, his near-predecessor as speaker, the lobbyist supreme Bob Livingston, told me when I ran into him at a function Wednesday night. Well, there is no better opportunity for Boehner to show that this is the case – to retroactively justify a gambit that cost the country billions of dollars – than to press forward with immigration reform. To do that will require more than just casual comments like the one he tossed off Wednesday – it will require making clear that the leadership is serious about this and setting aside time on the calendar for it. But wouldn’t pushing the issue forward mean once again breaking the not-so-hallowed Hastert Rule, which requires leadership to bring up for a vote only measures supported a majority of the caucus? Well, yes and no. There is increasing talk of taking a piecemeal route in the House – with, among others, one Dream Act-style measure to legalize those who came into the country as minors, one to stiffen border enforcement, one to expand visas for skilled foreign workers, and, yes, one to provide some sort of eventual path to citizenship for illegal immigrants beyond the Dreamers. The latter would not get a majority of House GOP support, but perhaps if brought through in a stream of other measures would not set off the Hastert Rule alarms as loudly. There would remain the question of how to reconcile whatever passed with the comprehensive reform bill already passed by the Senate – House conservatives say they are wary of a conference committee. But the fact remains that there is a conceivable path forward – if Boehner wants to pursue it. “He’s in a much stronger place for himself job-security-wise all around,” says one House Democratic aide. **It’s in the Republicans’ interest.** Why would the cautious, conflict-averse Boehner want to put himself through the hassle, even if he does have a path forward? Because, of course, he and so many other leaders of his party and the conservative movement – Paul Ryan, Karl Rove, Grover Norquist – grasp that the party cannot continue be seen as obstructing immigration reform by the country’s growing legions of Hispanic and Asian-American voters. Yes, many of the same leaders were warning the hard-liners in the House and Senate off of the defund-Obamacare government-shutdown path to no avail, but those warnings were highly ambivalent, a matter of tactical disagreement after years in which the leaders had been banging the same anti-Obamacare drum. Whereas in this case the leaders are truly in favor of immigration reform, even if just for reasons of self-preservation. It’s not Obamacare. This is the other reason why Boehner might be able to push forward on this front: as incendiary an issue as immigration reform has been for many Republican voters in recent years, it’s actually less threatening than the two-headed beast of Obamacare and government spending. For one thing, it predates Obama as an issue – it was fellow Republicans George W. Bush and John McCain who were most identified with the 2007 push. For another, some of the most ardent anti-Obamacare soldiers are in favor of immigration reform to varying degrees, from Idaho Rep. Raul Labrador to border congressmen like New Mexico's Steve Pearce to the evangelical groups that have come out for reform. “In the grand scheme of Republican issues, it just doesn’t match up to Obamacare – that’s health care and Obama. That’s partly because they haven’t yet made it about Obama,” said the House Democratic aide. **Follow the money**. Put simply: the pro-reform side has lots of it, the opponents not so much. Again, this is a crucial contrast with the battles over Obamacare, where the Club for Growth, Koch Brothers and the like are spending heavily to thwart the reformers, even to the point of punishing Republican state legislators who dare to contemplate embracing federal funds for Medicaid expansion. In the immigration realm, the big bucks are coming from these guys. The pro-reform side isn’t giving up. This is the element too often discounted in drawn-out legislative battles: the energy and resolve of the footsoldiers. And it has not abated as much on the pro-reform side as much as the pessimistic Beltway take on the issue would have one think. There are millions of people in this country with a huge stake in this fight, and plenty others who have taken up arms in their support, and not just in the usual places: I was amazed to see several dozen people agitating for reform at the annual Fancy Farm political picnic in far western Kentucky, in August. Advocates have gotten further than ever before – they’ve gotten a bipartisan vote in their favor in the Senate, and they’ve gotten key agreements between the AFL-CIO and Chamber of Commerce and growers and farmworkers in California, among others. They’re not about to give up now. “This is the absolute best opportunity we have to pass reform,” says Angelica Salas, executive director of the Coalition for Humane Immigrant Rights of Los Angeles. “If we were going to leave it to the national pundits, this issue would have died a long time ago, but the reality is that it’s in the hands of the immigration rights movement and people are not going to end the fight until there’s a fix to this cruel situation that we’re living in.” Obama wants to make it happen. One might think this would be the biggest obstacle for reform, in that Republicans would be unwilling to grant the president a legislative triumph. In fact, Democrats are having to contend with the reverse, a suspicion among many House Republicans that Obama and the Democrats secretly want reform to fail, so that they can keep bludgeoning Republicans with the issue among Hispanic voters. This is hogwash, as far as Obama is concerned: he desperately wants a major achievement in his second term, not least given the troubles that have arisen in implementing his main first-term one. As for the Republicans’ suspicion, there’s an easy way to keep Democrats from using immigration as a wedge issue: voting for a reform package. “It’s a self-fulfilling prophecy,” says the Democratic House aide. **Redemption**. This one applies to both sides of the aisle. This may be overly naïve, but I suspect there are members of both parties who are genuinely abashed by how badly Congress has come across in recent weeks, not to mention recent years, and would like to be able to show that they can come to Washington and address a major national problem. For the reasons listed above, this could offer just the ticket. And it sure beats spending the next year talking about chained CPI.

#### House proposals prove immigration is still in play – Obama needs to keep the press on.

Buckhout 10/23 [Immigration Reform: Alive, Not Dead, in the House Submitted by Emma Buckhout on 10/23/13, New Democrat Network, http://ndn.org/blog/2013/10/immigration-reform-alive-not-dead-house]

A surprising number of recent media reports declare once again that immigration reform is dead- surprising because **numerous House Republicans are signaling the exact opposite**. It is true that responsibility for action lies with the House GOP after the Senate passed its bipartisan comprehensive immigration reform bill in June, House Democrats have introduced both CIR ASAP and H.R. 15 (now with 184 cosponsors), and President Obama has declared immigration reform a legislative priority. However, the House GOP passed five separate bills out of committee, and this week members have affirmed they are still working on more related to legalization of undocumented immigrants. As long as a contingent of the House majority is willing to keep moving on meaningful pieces of legislation, immigration reform is **very much alive.**

Fighting to defend war powers saps Obama’s capital – tanks his agenda.

Kriner 10 [Douglas, assistant professor of political science at Boston University, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69]

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### Obama can’t regenerate capital in his second term

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Ken Walsh, covers the White House and politics for U.S. News, 2012/12/20, “Setting Clear Priorities Will Be Key for Obama” http://www.usnews.com/news/blogs/Ken-Walshs-Washington/2012/12/20/setting-clear-priorities-will-be-key-for-obama

And there is an axiom in Washington: Congress, the bureaucracy, the media, and other power centers can do justice to only one or two issues at a time. Phil Schiliro, Obama's former liaison to Congress, said Obama has "always had a personal commitment" to gun control, for example. But Schiliro told the New York Times, "Given the crisis he faced when he first took office, there's only so much capacity in the system to move his agenda." So Obama might be wise to limit his goals now and avoid overburdening the system, or he could face major setbacks that would limit his power and credibility for the remainder of his presidency.