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### 1NC T

#### Restrictions on war powers create areas where the President can NOT act

Fisher 12—Louis, Scholar in Residence at The Constitution Project; served for four decades at the Library of Congress, as Senior Specialist, Congressional Research Service [“Basic Principles of the War Power,” 2012, Journal of National Security Law & Policy, 5 J. Nat'l Security L. & Pol'y 319]

Article II designates the President as Commander in Chief, but that title does not carry with it an independent authority to initiate war or act free of legislative control. Article II provides that the President "shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States." Congress, not the President, does the calling. Article I grants Congress the power to provide "for calling forth the Militia to execute the laws of the Union, suppress Insurrections, and repel invasions." Presidential use of the militia depends on policy enacted by Congress.

The Commander in Chief Clause is sometimes interpreted as an exclusive, plenary power of the President, free of statutory checks. It is not. Instead, it offers several protections for republican, constitutional government. Importantly, it preserves civilian supremacy over the military. The individual leading the armed forces is an elected civilian, not a general or admiral. Attorney General Edward Bates in 1861 concluded that the President is Commander in Chief not because he is "skilled in the art of war and qualified to marshal a host in the field of battle." He possesses that title for a different reason. Whatever military officer leads U.S. forces against an enemy, "he is subject to the orders of the civil magistrate, and he and his army are always "subordinate to the civil power.'" n23 Congress is an essential part of that civil power.

The Framers understood that the President may "repel sudden attacks," especially when Congress is out of session and unable to assemble quickly, but the power to take defensive actions does not permit the President to initiate wars and exercise the constitutional authority of Congress. President Washington took great care in instructing his military commanders that operations against Indians were to be limited to defensive actions. n24 Any offensive action required congressional authority. He wrote in 1793: "The Constitution vests the power of declaring war with Congress; therefore no offensive expedition of importance can be undertaken until after they have deliberated upon the subject, and authorized such a measure." n25

 [\*324] In 1801, President Jefferson directed that a squadron be sent to the Mediterranean to safeguard American interests against the Barbary pirates. On December 8, he informed Congress of his actions, asking lawmakers for further guidance. He said he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense ... ." It was up to Congress to authorize "measures of offense also." n26 In 1805, after conflicts developed between the United States and Spain, Jefferson issued a public statement that articulates fundamental constitutional principles: "Congress alone is constitutionally invested with the power of changing our condition from peace to war." n27 In the Smith case of 1806, a federal circuit court acknowledged that if a foreign nation invades the United States, the President has an obligation to resist with force. But there was a "manifest distinction" between going to war with a nation at peace and responding to an actual invasion: "In the former case, it is the exclusive province of congress to change a state of peace into a state of war." n28

The second value that the Founders embraced in the Commander-in-Chief Clause is accountability. Hamilton in Federalist No. 74 wrote that the direction of war "most peculiarly demands those qualities which distinguish the exercise of power by a single hand." The power of directing war and emphasizing the common strength "forms a usual and essential part in the definition of the executive authority." n29 Presidential leadership is essential but it cannot operate outside legislative control. The President is subject to the rule of law, including statutory and judicial restrictions.

#### Their conditions for acting don’t meet.

COURT OF APPEALS 12 [STATE OF WASHINGTON DEPARTMENT OF HEALTH, THE COURT OF APPEALS OF THE STATE OF WASHINGTON, DIVISION I, RANDALL KINCHELOE Appellant. vs. Respondent, BRIEF OF APPELLANT, http://www.courts.wa.gov/content/Briefs/a01/686429%20Appellant%20Randall%20Kincheloe's.pdf]

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; A limitation often imposed in a deed or lease respecting the use to which the property may be put.

The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as;

To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

#### Vote Neg—Smaller predictable case list comes for Prohibitions only, and allowing modifications creates a bi-directional topic where they can IMPROVE war-fighting by the president.

### 1NC K

#### Using national security to justify restraints on the executive is self-defeating. Security discourse consolidates authoritarian politics.

Aziz RANA Law at Cornell 11 [“Who Decides on Security?” Cornell Law Faculty Working Papers, Paper 87, http://scholarship.law.cornell.edu/clsops\_papers/87 p. 1-7]

Today politicians and legal scholars routinely invoke fears that the balance between liberty and security has swung drastically in the direction of government’s coercive powers. In the post-September 11 era, such worries are so commonplace that in the words of one commentator, “it has become part of the drinking water of this country that there has been a trade-off of liberty for security.”1 According to civil libertarians, centralizing executive power and removing the legal constraints that inhibit state violence (all in the name of heightened security) mean the steady erosion of both popular deliberation and the rule of law. For Jeremy Waldron, current practices, from coercive interrogation to terrorism surveillance and diminished detainee rights, provide government the ability not only to intimidate external enemies but also internal dissidents and legitimate political opponents. As he writes, “We have to worry that the very means given to the government to combat our enemies will be used by the government against its enemies.”2 Especially disconcerting for many commentators, executive judgments—due to fears of infiltration and security leaks—are often cloaked in secrecy. This lack of transparency undermines a core value of democratic decisionmaking: popular scrutiny of government action. As U.S. Circuit Judge Damon Keith famously declared in a case involving secret deportations by the executive branch, “Democracies die behind closed doors. . . . When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.”3 In the view of no less an establishment figure than Neal Katyal, now the Principal Deputy Solicitor General, such security measures transform the current presidency into “the most dangerous branch,” one that “subsumes much of the tripartite structure of government.”4 Widespread concerns with the government’s security infrastructure are by no means a new phenomenon. In fact, such voices are part of a sixty-year history of reform aimed at limiting state (particularly presidential) discretion and preventing likely abuses. What is remarkable about these reform efforts is that, every generation, critics articulate the same basic anxieties and present virtually identical procedural solutions. These procedural solutions focus on enhancing the institutional strength of both Congress and the courts to rein in the unitary executive. They either promote new statutory schemes that codify legislative responsibilities or call for greater court activism. As early as the 1940s, Clinton Rossiter argued that only a clearly established legal framework in which Congress enjoyed the power to declare and terminate states of emergency would prevent executive tyranny and rights violations in times of crisis.5 After the Iran-Contra scandal, Harold Koh, now State Department Legal Adviser, once more raised this approach, calling for passage of a National Security Charter that explicitly enumerated the powers of both the executive and the legislature, promoting greater balance between the branches and explicit constraints on government action.6 More recently, Bruce Ackerman has defended the need for an “emergency constitution” premised on congressional oversight and procedurally specified practices.7 As for increased judicial vigilance, Arthur Schlesinger argued nearly forty years ago, in his seminal book The Imperial Presidency (1973), that the courts “had to reclaim their own dignity and meet their own responsibilities” by abandoning deference and by offering a meaningful check to the political branches.8 Today, Lawrence Tribe and Patrick Gudridge once more imagine that, by providing a powerful voice of dissent, the courts can play a critical role in balancing the branches. They write that adjudication can “generate[]—even if largely (or, at times, only) in eloquent and cogently reasoned dissent—an apt language for potent criticism.”9 The hope—returned to by constitutional scholars for decades—has been that by creating clear legal guidelines for security matters and by increasing the role of the legislative and judicial branches, government abuse can be stemmed. Yet despite this reformist belief, presidential and military prerogatives continue to expand even when the courts or Congress intervene. Indeed, the ultimate result has primarily been to entrench further the system of discretion and centralization. In the case of congressional legislation (from the 200 standby statutes on the books to the postSeptember 11 and Iraq War Authorizations for the Use of Military Force to the Detainee Treatment Act and the Military Commissions Acts), this has often entailed Congress self-consciously playing the role of junior partner—buttressing executive practices by providing its own constitutional imprimatur to them. Thus, rather than rolling back security practices, greater congressional involvement has tended to further strengthen and internalize emergency norms within the ordinary operation of politics.10 As just one example, the USA PATRIOT Act, while no doubt controversial, has been renewed by Congress a remarkable ten consecutive times without any meaningful curtailments.11 Such realities underscore the dominant drift of security arrangements, a drift unhindered by scholarly suggestions and reform initiatives. Indeed, if anything, today’s scholarship finds itself mired in an argumentative loop, re-presenting inadequate remedies and seemingly incapable of recognizing past failures. What explains both the persistent expansion of the federal government’s security framework as well as the inability of civil libertarian solutions to curb this expansion? In this article I argue that the current reform debate ignores the broader ideological context that shapes how the balance between liberty and security is struck. In particular, the very meaning of security has not remained static but rather has changed dramatically since World War II and the beginning of the Cold War. This shift has principally concerned the basic question of who decides on issues of war and emergency. And as the following pages explore, at the center of this shift has been a transformation in legal and political judgments about the capacity of citizens to make informed and knowledgeable decisions in security domains. Yet, while underlying assumptions about popular knowledge—its strengths and limitations—have played a key role in shaping security practices in each era of American constitutional history, this role has not been explored in any sustained way in the scholarly literature. As an initial effort to delineate the relationship between knowledge and security, I will argue that throughout most of the American experience, the dominant ideological perspective saw security as grounded in protecting citizens from threats to their property and physical well-being (especially those threats posed by external warfare and domestic insurrection). Drawing from a philosophical tradition extending back to John Locke, politicians and thinkers—ranging from Alexander Hamilton and James Madison at the founding to Abraham Lincoln and Roger Taney—maintained that most citizens understood the forms of danger that imperiled their physical safety. The average individual knew that securing collective life was in his or her own interest, and also knew the institutional arrangements and practices that would fulfill this paramount interest. A widespread knowledge of security needs was presumed to be embedded in social experience, indicating that citizens had the skill to take part in democratic discussion regarding how best to protect property or to respond to forms of external violence. Thus the question of who decides was answered decisively in favor of the general public and those institutions—especially majoritarian legislatures and juries—most closely bound to the public’s wishes. What marks the present moment as distinct is an increasing repudiation of these assumptions about shared and general social knowledge. Today the dominant approach to security presumes that conditions of modern complexity (marked by heightened bureaucracy, institutional specialization, global interdependence, and technological development) mean that while protection from external danger remains a paramount interest of ordinary citizens, these citizens rarely possess the capacity to pursue such objectives adequately. Rather than viewing security as a matter open to popular understanding and collective assessment, in ways both small and large the prevailing concept sees threat as sociologically complex and as requiring elite modes of expertise. Insulated decision-makers in the executive branch, armed with the specialized skills of the professional military, are assumed to be best equipped to make sense of complicated and often conflicting information about safety and self-defense.12 The result is that the other branches—let alone the public writ large—face a profound legitimacy deficit whenever they call for transparency or seek to challenge presidential discretion. Not surprisingly, the tendency of procedural reform efforts has been to place greater decision-making power in the other branches and then to watch those branches delegate such power back to the very same executive bodies. How did the governing, expertise-oriented concept of security gain such theoretical and institutional dominance and what alternative formulations exist to challenge its ideological supremacy? In offering an answer to these questions, I begin in Part II by examining the principal philosophical alternatives that existed prior to the emergence of today’s approach, one of which grounded early American thought on security issues. I refer to these alternatives in the Anglo-American tradition as broadly ‘Hobbesian’ and ‘Lockean’ and develop them through a close reading of the two thinkers’ accounts of security. For all their internal differences, what is noteworthy for my purposes is that each approach rejected the idea—pervasive at present—that there exists a basic divide between elite understanding and mass uncertainty. In other words, John Locke and even Thomas Hobbes (famous as the philosopher of absolutism) presented accounts of security and self-defense that I argue were normatively more democratic than the current framework. Part III will then explore how the Lockean perspective in particular took constitutional root in early American life, focusing especially on the views of the founders and on the intellectual and legal climate in the mid nineteenth century. In Part IV, I will continue by detailing the steady emergence beginning during the New Deal of our prevailing idea of security, with its emphasis on professional expertise and insulated decision-making. This discussion highlights the work of Pendleton Herring, a political scientist and policymaker in the 1930s and 1940s who co-wrote the National Security Act of 1947 and played a critical role in tying notions of elite specialization to a new language of ‘national security.’ Part V will then show how Herring’s ‘national security’ vision increasingly became internalized by judicial actors during and after World War II. I argue that the emblematic figure in this development was Supreme Court Justice Felix Frankfurter, who not only defended security expertise but actually sought to redefine the very meaning of democracy in terms of such expertise. For Frankfurter, the ideal of an ‘open society’ was one premised on meritocracy, or the belief that decisions should be made by those whose natural talents make them most capable of reaching the technically correct outcome. According to Frankfurter, the rise of security expertise meant the welcome spread of meritocratic commitments to a critical and complex arena of policymaking. In this discussion, I focus especially on a series of Frankfurter opinions, including in Ex parte Quirin (1942), Hirabayashi v. United States (1943), Korematsu v. United States (1944), and Youngstown Steel & Tube Co. v. Sawyer (1952), and connect these opinions to contemporary cases such as Holder v. Humanitarian Law Project (2010). Finally, by way of conclusion, I note how today’s security concept—normatively sustained by Frankfurter’s judgments about merit and elite authority—shapes current discussions over threat and foreign policy in ways that often inhibit rather than promote actual security. I then end with some reflections on what would be required to alter governing arrangements. As a final introductory note, a clarification of what I mean by the term ‘security’ is in order. Despite its continuous invocation in public life, the concept remains slippery and surprisingly under-theorized. As Jeremy Waldron writes, “Although we know that ‘security’ is a vague and ambiguous concept, and though we should suspect that its vagueness is a source of danger when talk of trade-offs is in the air, still there has been little or no attempt in the literature of legal and political theory to bring any sort of clarity to the concept.”13 As a general matter, security refers to protection from those threats that imperil survival—both of the individual and of a given society’s collective institutions or way of life. At its broadest, these threats are multidimensional and can result from phenomena as wide-ranging as environmental disasters or food shortages. Thus, political actors with divergent ideological commitments defend the often competing goals of social security, economic security, financial security, collective security, human security, food security, environmental security, and—the granddaddy of them all—national security. But for my purposes, when invoked without any modifier the word ‘security’ refers to more specific questions of common defense and physical safety. These questions, emphasizing issues of war and peace, are largely coterminous with what Franklin Delano Roosevelt famously referred to in his “Four Freedoms” State of the Union Adresss as “the freedom from fear”: namely ensuring that citizens are protected from external and internal acts of “physical aggression.”14 This definitional choice is meant to serve two connected theoretical objectives. First, as a conceptual matter it is important to keep the term security analytically separate from ‘national security’—a phrase ubiquitous in current legal and political debate. While on the face of it, both terms might appear synonymous, my claim in the following pages is that ‘national security’ is in fact a relatively novel concept, which emerged in the mid twentieth century as a particular vision of how to address issues of common defense and personal safety. Thus national security embodies only one of a number of competing theoretical and historical approaches to matters of external violence and warfare. Second, and relatedly, it has become a truism in political philosophy that the concept of liberty is plural and multifaceted.15 In other words, different ideals of liberty presuppose distinct visions of political life and possibility. Yet far less attention has been paid to the fact that security is similarly a plural concept, embodying divergent assumptions about social ordering. In fact, competing notions of security—by offering different answers to the question of “who decides?”—can be more or less compatible with democratic ideals. If anything, the problem of the contemporary moment is the dominance of a security concept that systematically challenges those sociological and normative assumptions required to sustain popular involvement in matters of threat and safety.

#### National security frame justifies extinction in the name of saving human life.

Dillon 96—Michael, University of Lancaster [October 4, 1996, “Politics of Security: Towards a Political Philosophy of Continental Thought”]

The way of sharpening and focusing this thought into a precise question is first provided, however, by referring back to Foucault; for whom Heidegger was the philosopher. Of all recent thinkers, Foucault was amongst the most committed to the task of writing the history of the present in the light of the history of philosophy as metaphysics. 4 That is why, when first thinking about the prominence of security in modern politics, I first found Foucault’s mode of questioning so stimulating. There was, it seemed to me, a parallel to be drawn between what he saw the technology of disciplinary power/knowledge doing to the body and what the principle of security does to politics.

What truths about the human condition, he therefore prompted me to ask, are thought to be secreted in security? What work does securing security do for and upon us? What power-effects issue out of the regimes of truth of security? If the truth of security compels us to secure security, why, how and where is that grounding compulsion grounded? How was it that seeking security became such an insistent and relentless (inter)national preoccupation for humankind? What sort of project is the pursuit of security, and how does it relate to other modern human concerns and enterprises, such as seeking freedom and knowledge through representative-calculative thought, technology and subjectification? Above all, how are we to account—amongst all the manifest contradictions of our current (inter)national systems of security: which incarcerate rather than liberate; radically endanger rather than make safe; and engender fear rather than create assurance—for that terminal paradox of our modern (inter)national politics of security which Foucault captured so well in the quotation that heads this chapter. 5 A terminal paradox which not only subverts its own predicate of security, most spectacularly by rendering the future of terrestrial existence conditional on the strategies and calculations of its hybrid regime of sovereignty and governmentality, but which also seems to furnish a new predicate of global life, a new experience in the context of which the political has to be recovered and to which it must then address itself: the globalisation of politics of security in the global extension of nihilism and technology, and the advent of the real prospect of human species extinction.

#### Alternative—Challenge to *conceptual* framework of national security. Legal restraint without conceptual change is futile.

Aziz RANA Law at Cornell 11 [“Who Decides on Security?” Cornell Law Faculty Working Papers, Paper 87, http://scholarship.law.cornell.edu/clsops\_papers/87 p. 45-51]

If both objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars—emphasizing new statutory frameworks or greater judicial assertiveness—is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants—danger too complex for the average citizen to comprehend independently—it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that no popular base exists to raise these questions. Unless such a base emerges, we can expect our prevailing security arrangements to become ever more entrenched.

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#### Immigration will pass

BUCKHOUT 10 – 23 – 13 NDN Staff Blogger [Emma Buckhout, Immigration Reform: Alive, Not Dead, in the House, <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.

See these articles:

Speaker Hopeful of Immigration Reform This Year, Donna Cassata, Associated Press, October 23, 2013

“Reps. Mike Coffman, R-Colo., and David Valadao, R-Calif., joined immigrants brought illegally to the U.S. as children who want to join the military at a Capitol Hill news conference. Coffman and Valadao have been working with Majority Leader Eric Cantor, R-Va., and Judiciary Committee Chairman Robert Goodlatte, R-Va., on legislation that would offer citizenship to the children.”

Boehner Says He Might Bring Up Immigration Reform This Year, David Lawder and Caren Bohan, Reuters, October 23, 2013

House Speaker Boehner: "I still think that immigration reform is an important subject that needs to be addressed and I am hopeful."

Immigration Reform: Still Not Quite Dead, Greg Sargent, Washington Post, October 22, 2013

Rep. Mario Diaz-Balart (R, Fla.) says he is working with a number of representatives to figure out: “what to do with the millions of undocumented who are here in a way that completely conforms with the rule of law.”

House Republicans Drafting Immigration Measures, Kristina Peterson, Wall Street Journal, October 22, 2013

“Rep. Mario Diaz-Balart (R., Fla.) and a small group of other lawmakers are working on one proposal that includes elements of –but is expected to diverge from– a bipartisan plan Mr. Diaz-Balart had worked on earlier this year.”

“Rep. Darrell Issa (R., Calif.) is also working on a proposal that would offer temporary legal status to qualifying illegal immigrants, his spokesman said Tuesday.”

Is Immigration Really Dead in the House?, Fawn Johnson, National Journal, October 22, 2013

“Powerful House Republicans like Boehner, Majority Leader Eric Cantor, and Budget Committee Chairman Paul Ryan all want to see something happen on immigration.”

An Immigration Challenge for Boehner, William Galston, Wall Street Journal, October 22, 2013

“…a majority of rank-and-file Republicans, backed by evangelical leaders and business, favor immigration reform….”

Did Shutdown “Poison the Well” for Immigration Reform?, Carrie Dann, NBC News, October 20, 2013

"Another proposal being worked on by Majority Leader Eric Cantor, R-Va., and House Judiciary Chairman Bob Goodlatte, R-Va., would allow some children who were brought the United States illegally as children to obtain legal status.”

Written Off for Dead, Immigration Reform Could Still Live On, Byron York, Washington Examiner, October 17, 2013

"’There is still a window,’ says one House GOP aide involved in crafting a reform proposal. ‘The leadership has said keep working on it and see what you can do.’”

Time Running Out for Immigration Reform, Dan Nowicki, Arizona Republic, October 20, 2013

"’We're still committed to moving forward on step-by-step, common-sense reforms,’ Boehner spokesman Michael Steel told The Arizona Republic in an email. ‘The Judiciary Committee has already passed several bills that could see floor action.’"

#### It’s Obama’s top priority – his pressure is key

STOKOLS 10 – 17 – 13 Fox31 Denver Staff Writer [Eli Stokols, ANALYSIS: Obama’s quick pivot to immigration reform, <http://kdvr.com/2013/10/17/analysis-obamas-quick-pivot-to-immigration-reform/>]

Just hours after signing the legislation ending the government shutdown and raising the debt ceiling, President Barack Obama told the country that “there are no winners” after the two-week stalemate that cost the country’s economy more than $20 billion.

But, in the political world, there is a clear winner — the president.

Republicans, by following a bone-headed strategy in pursuit of an unattainable goal, have put their own approval ratings in the toilet 13 months before the 2014 midterm election.

Further, they’ve put some wind back in the sails of an administration that had been rudderless and adrift almost from the start of the president’s second term.

On Thursday morning, Obama looked to press his advantage by urging Republicans in Congress to end the political brinksmanship and to start working together with Democrats on budget negotiations, immigration reform and the farm bill that has stalled in the House.

“To all my friends in Congress, understand that how business is done in this town has to change,” Obama said, implicitly chiding the Republicans who seemingly oppose his administration at every turn.

“You don’t like a particular policy, or a particular president, then argue for your position,” Mr. Obama said in the 15-minute statement. “Go out there and win an election. Push to change it. But don’t break it.”

While another stern lecture from the president isn’t likely to improve relations between the White House and Capitol Hill, Obama does have a stronger hand in the upcoming political fights; and by pivoting quickly to immigration reform, he’s taking advantage of a sudden window of opportunity.

During his remarks Thursday, Obama re-framed the debate over comprehensive immigration reform, reminding the country of the Senate proposal, passed with broad bipartisan support earlier this year, that’s lingering in the House.

“There’s already a broad coalition across America that’s behind this effort of comprehensive immigration reform — from business leaders to faith leaders to law enforcement,” the president said.

“In fact, the Senate has already passed a bill with strong bipartisan support that would make the biggest commitment to border security in our history; would modernize our legal immigration system; make sure everyone plays by the same rules, makes sure that folks who came here illegally have to pay a fine, pay back taxes, meet their responsibilities.”

The legislation, crafted by a bipartisan group of eight senators including Colorado Sen. Michael Bennet, a Democrat, would spend $46 billion to enhance security on the U.S. Mexico border and create a 13-year path to citizenship for undocumented immigrants.

“It will establish a sensible and rational system for the future flow of immigrants to this country, put in place a process to reunite families and provide a path to citizenship for millions of people who came to this country for a better but are living in the shadows of our society,” Bennet said. “I suggest the House take a hard look at the Senate bill. There is no reason we can’t work out a final bill to pass into law in the coming months.”

Obama noted that the legislation is likely to grow the nation’s economy over the next several decades.

“Our economy would be 5 percent larger two decades from now,” the president said. “That’s $1.4 trillion in new economic growth.

“The majority of Americans think this is the right thing to do. And it’s sitting there waiting for the House to pass it. Now, if the House has ideas on how to improve the Senate bill, let’s hear them. Let’s start the negotiations. But let’s not leave this problem to keep festering for another year, or two years, or three years. This can and should get done by the end of this year.”

The president is speaking to a House GOP caucus that is fractured into factions, the body’s growing dysfunction writ large by the debacle of the last two weeks.

While many of the conservative hard-liners who aimed to dismantle Obamacare by shutting down the government will never support comprehensive immigration reform, more moderate Republicans — those concerned with the GOP’s ability to win national elections, not just their own grip on their safe, gerrymandered, primary-ripe seats — have likely been chastened by recent polls showing their approval ratings in the 20s.

#### Plan kills Obama’s agenda

KRINER 10—Assistant professor of political science at Boston University [Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, pg. 276-77]

One of the mechanisms by which congressional opposition influences presidential cost-benefit calculations is by sending signals of American disunity to the target state. Measuring the effects of such congressional signals on the calculations of the target state is always difficult. In the case of Iraq it is exceedingly so, given the lack of data on the non-state insurgent actors who were the true “target” of the American occupation after the fall of the Hussein regime. Similarly, in the absence of archival documents, such as those from the Reagan Presidential Library presented in chapter 5, it is all but impossible to measure the effects of congressional signals on the administration’s perceptions of the military costs it would have to pay to achieve its objectives militarily.

By contrast. measuring the domestic political costs of congressional opposition, while still difficult, is at least a tractable endeavor. Chapter 2 posited two primary pathways through which congressional opposition could raise the political costs of staying the course militarily for the president. First, high-profile congressional challenges to a use of force can affect real or anticipated public opinion and bring popular pressures to bear on the president to change course. Second, congressional opposition to the president’s conduct of military affairs can compel him to spend considerable political capital in the military arena to the detriment of other major items on his programmatic agenda. On both of these dimensions, congressional opposition to the war in Iraq appears to have had the predicted effect.

#### Ag industry’s collapsing now---immigration’s key

Alfonso Serrano 12, Bitter Harvest: U.S. Farmers Blame Billion-Dollar Losses on Immigration Laws, Time, 9-21-12, http://business.time.com/2012/09/21/bitter-harvest-u-s-farmers-blame-billion-dollar-losses-on-immigration-laws/

The Broetjes and an increasing number of farmers across the country say that a complex web of local and state anti-immigration laws account for acute labor shortages. With the harvest season in full bloom, stringent immigration laws have forced waves of undocumented immigrants to flee certain states for more-hospitable areas. In their wake, thousands of acres of crops have been left to rot in the fields, as farmers have struggled to compensate for labor shortages with domestic help.¶ “The enforcement of immigration policy has devastated the skilled-labor source that we’ve depended on for 20 or 30 years,” said Ralph Broetje during a recent teleconference organized by the National Immigration Forum, adding that last year Washington farmers — part of an $8 billion agriculture industry — were forced to leave 10% of their crops rotting on vines and trees. “It’s getting worse each year,” says Broetje, “and it’s going to end up putting some growers out of business if Congress doesn’t step up and do immigration reform.”¶ (MORE: Why Undocumented Workers Are Good for the Economy)¶ Roughly 70% of the 1.2 million people employed by the agriculture industry are undocumented. No U.S. industry is more dependent on undocumented immigrants. But acute labor shortages brought on by anti-immigration measures threaten to heap record losses on an industry emerging from years of stiff foreign competition. Nationwide, labor shortages will result in losses of up to $9 billion, according to the American Farm Bureau Federation.

#### Extinction

Lugar 2k Chairman of the Senator Foreign Relations Committee and Member/Former Chair of the Senate Agriculture Committee (Richard, a US Senator from Indiana, is Chairman of the Senate Foreign Relations Committee, and a member and former chairman of the Senate Agriculture Committee. “calls for a new green revolution to combat global warming and reduce world instability,” pg online @ http://www.unep.org/OurPlanet/imgversn/143/lugar.html)

In a world confronted by global terrorism, turmoil in the Middle East, burgeoning nuclear threats and other crises, it is easy to lose sight of the long-range challenges. But we do so at our peril. One of the most daunting of them is meeting the world’s need for food and energy in this century. At stake is not only preventing starvation and saving the environment, but also world peace and security. History tells us that states may go to war over access to resources, and that poverty and famine have often bred fanaticism and terrorism. Working to feed the world will minimize factors that contribute to global instability and the proliferation of [WMDs] weapons of mass destruction. With the world population expected to grow from 6 billion people today to 9 billion by mid-century, the demand for affordable food will increase well beyond current international production levels. People in rapidly developing nations will have the means greatly to improve their standard of living and caloric intake. Inevitably, that means eating more meat. This will raise demand for feed grain at the same time that the growing world population will need vastly more basic food to eat. Complicating a solution to this problem is a dynamic that must be better understood in the West: developing countries often use limited arable land to expand cities to house their growing populations. As good land disappears, people destroy timber resources and even rainforests as they try to create more arable land to feed themselves. The long-term environmental consequences could be disastrous for the entire globe. Productivity revolution To meet the expected demand for food over the next 50 years, we in the United States will have to grow roughly three times more food on the land we have. That’s a tall order. My farm in Marion County, Indiana, for example, yields on average 8.3 to 8.6 tonnes of corn per hectare – typical for a farm in central Indiana. To triple our production by 2050, we will have to produce an annual average of 25 tonnes per hectare. Can we possibly boost output that much? Well, it’s been done before. Advances in the use of fertilizer and water, improved machinery and better tilling techniques combined to generate a threefold increase in yields since 1935 – on our farm back then, my dad produced 2.8 to 3 tonnes per hectare. Much US agriculture has seen similar increases. But of course there is no guarantee that we can achieve those results again. Given the urgency of expanding food production to meet world demand, we must invest much more in scientific research and target that money toward projects that promise to have significant national and global impact. For the United States, that will mean a major shift in the way we conduct and fund agricultural science. Fundamental research will generate the innovations that will be necessary to feed the world. The United States can take a leading position in a productivity revolution. And our success at increasing food production may play a decisive humanitarian role in the survival of billions of people and the health of our planet.

### 1NC CP

#### The Executive branch should publicly articulate its legal rationale for its targeted killing policy, including the process and safeguards in place for target selection.

#### The CP’s the best middle ground

Byman 13—Daniel Byman is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution [“Why Drones Work,” *Foreign Affairs*, Jul/Aug2013, Vol. 92 Issue 4, p. 32-43, EBSCO]

Despite President Barack Obama's recent call to reduce the United States' reliance on drones, they will likely remain his administration's weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused.

Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage.

So drone warfare is here to stay, and it is likely to expand in the years to come as other countries' capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid.

### 1NC Terror Advantage

#### Turn—Restricting targeted killing as a first resort outside active hostilities collapses counter-terrorism by signaling availability of safe havens

Geoffrey Corn 13, Professor of Law and Presidential Research Professor, South Texas College of Law, 5/16/13, Statement before the Senate Armed Services Committee, CQ Congressional Testimony, lexis

3. What is the geographic scope of the AUMF and under what circumstances may the United States attack belligerent targets in the territory of another country?

In my opinion, there is no need to amend the AUMF to define the geographic scope of military operations it authorizes. On the contrary, I believe doing so would fundamentally undermine the efficacy of U.S. counter-terror military operations by overtly signaling to the enemy exactly where to pursue safe-haven and de facto immunity from the reach of U.S. power. This concern is similar to that associated with explicitly defining co- belligerents subject to the AUMF, although I believe it is substantially more significant. It is an operational and tactical axiom that insurgent and non-state threats rarely seek the proverbial "toe to toe" confrontation with clearly superior military forces. Al Qaeda is no different. Indeed, their attempts to engage in such tactics in the initial phases of Operation Enduring Freedom proved disastrous, and ostensibly caused the dispersion of operational capabilities that then necessitated the co-belligerent assessment. Imposing an arbitrary geographic limitation of the scope of military operations against this threat would therefore be inconsistent with the strategic objective of preventing future terrorist attacks against the United States.

I believe much of the momentum for asserting some arbitrary geographic limitation on the scope of operations conducted to disrupt or disable al Qaeda belligerent capabilities is the result of the commonly used term "hot battlefield." This notion of a "hot" battlefield is, in my opinion, an operational and legal fiction. Nothing in the law of armed conflict or military doctrine defines the meaning of "battlefield." Contrary to the erroneous assertions that the use of combat power is restricted to defined geographic locations such as Afghanistan (and previously Iraq), the geographic scope of armed conflict must be dictated by a totality assessment of a variety of factors, ultimately driven by the strategic end state the nation seeks to achieve. The nature and dynamics of the threat -including key vulnerabilities - is a vital factor in this analysis. These threat dynamics properly influence the assessment of enemy capabilities and vulnerabilities, which in turn drive the formulation of national strategy, which includes determining when, where, and how to leverage national power (including military power) to achieve desired operational effects. Thus, threat dynamics, and not some geographic "box", have historically driven and must continue to drive the scope of armed hostilities. The logic of this premise is validated by (in my opinion) the inability to identify an armed conflict in modern history where the scope of operations was legally restricted by a conception of a "hot" battlefield. Instead, threat dynamics coupled with policy, diplomatic considerations and, in certain armed conflicts the international law of neutrality, dictate such scope. Ultimately, battlefields become "hot" when persons, places, or things assessed as lawful military objectives pursuant to the law of armed conflict are subjected to attack.

I do not, however, intend to suggest that it is proper to view the entire globe as a battlefield in the military component of our struggle against al Qaeda, or that threat dynamics are the only considerations in assessing the scope of military operations. Instead, complex considerations of policy and diplomacy have and must continue to influence this assessment. However, suggesting that the proper scope of combat operations is dictated by a legal conception of "hot" battlefield is operationally irrational and legally unsound. Accordingly, placing policy limits on the scope of combat operations conducted pursuant to the legal authority provided by the AUMF is both logical and appropriate, and in my view has been a cornerstone of U.S. use of force policy since the enactment of the AUMF. In contrast, interpreting the law of armed conflict to place legal limits on the scope of such operations to "hot" battlefields, or imposing such a legal limitation in the terms of the AUMF, creates a perverse incentive for the belligerent enemy by allowing him to dictate when and where he will be subject to lawful attack.

I believe this balance between legal authority and policy and diplomatic considerations is reflected in what is commonly termed the "unable or unwilling" test for assessing when attacking an enemy belligerent capability in the territory of another country is permissible. First, it should be noted that the legality of an attack against an enemy belligerent is determined exclusively by the law of armed conflict when the country where he is located provides consent for such action (is the target lawful within the meaning of the law and will attack of the target comply with the targeting principles of distinction, proportionality and precautions in the attack). In the unusual circumstance where a lawful object of attack associated with al Qaeda and therefore falling within the scope of the AUMF is identified in the territory of another country not providing consent for U.S. military action, policy and diplomacy play a decisive role in the attack decision-making process. Only when the U.S. concludes that the country is unable or unwilling to address the threat will attack be authorized, which presupposes that the nature of the target is determined to be sufficiently significant to warrant a non-consensual military action in that territory. I believe the Executive is best positioned to make these judgments, and that to date they have been made judiciously. I also believe that imposing a statutory scope limitation would vest terrorist belligerent operatives with the benefits of the sovereignty of the state they exploit for sanctuary. It strikes me as far more logical to continue to allow the President to address these sovereignty concerns through diplomacy, focused on the strategic interests of the nation.

### AT: Domestic Backlash

#### Zero impact to backlash

Stephen Holmes 13, the Walter E. Meyer Professor of Law, New York University School of Law, July 2013, “What’s in it for Obama?,” The London Review of Books, <http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama>

This is the crux of the problem. We stand at the beginning of the Drone Age and the genie is not going to climb back into the bottle. The chances that this way of war will, over time, reduce the amount of random violence in the world are essentially nil. Obama’s drone policy has set an ominous precedent, and not only for future residents of the White House. It promises, over the long term, to engender more violence than it prevents because it excites no public backlash. That, for the permanent national security apparatus that has deftly moulded the worldview of a novice president, is its irresistible allure. It doesn’t provoke significant protest even on the part of people who condemn hit-jobs done with sticky bombs, radioactive isotopes or a bullet between the eyes – in the style of Mossad or Putin’s FSB. That America appears to be laidback about drones has made it possible for the CIA to resume the assassination programme it was compelled to shut down in the 1970s without, this time, awakening any politically significant outrage. It has also allowed the Pentagon to wage a war against which antiwar forces are apparently unable to rally even modest public support.

### AT: Intel Coop

#### Intel sharing is sustainable

NYT 13, 1/30, “Drone Strike Prompts Suit, Raising Fears for U.S. Allies”

The issue is more complex than drone-strike foes suggest, the current and former officials said, and is based on decades of cooperation rather than a shadowy pact for the United States to do the world’s dirty work. The arrangements for intensive intelligence sharing by Western allies go back to World War II, said Richard Aldrich, professor of international security at the University of Warwick, when the United States, Canada, Britain, Australia and New Zealand agreed to continue to collaborate. “There’s a very high volume of intelligence shared, some of which is collected automatically, so it’s impossible to track what every piece is potentially used for,” said Mr. Aldrich, who is also the author of a history of the Government Communications Headquarters, the British signal-intelligence agency. Britain’s history and expertise in South Asia means that the intelligence it gathers in Pakistan, Afghanistan and the tribal areas in between is in high demand, Mr. Aldrich said. The arrangement has been focused recently by a chill in relations between the United States and Pakistan, and by the shared war in Afghanistan. Other nations, too, intercept communications in the region that are shared broadly with the United States, he said. In Afghanistan, for example, German and Dutch forces run aggressive electronic interception operations, he said, because their rules on collaborating with local interpreters are less stringent than those of the United States. A spokesman for the coalition forces in Afghanistan, Lt. Col. Lester Carroll, declined to give details about intelligence sharing, saying agreements were classified. But he confirmed that American military forces “do share information with other U.S. government organizations on a need-to-know basis.” Few argue against the notion that European nations, many of which have been attacked by terrorists, have benefited from the drone killing, however controversial, of many of the most hardened Islamic extremist leaders.

### Terror D

#### Terrorists wouldn’t use nuclear weapons against Russia—fear of retaliation

Frost 5—Robin, Professor of Political Science @ Simon Fraser University, British Colombia [Nuclear Terrorism after 9/11, Adelphi Papers]

In both the Palestinian and Chechen cases, would-be WMD terrorists would have to consider the threat of massive retaliation. Not only is Israel an unambiguous—albeit undeclared—nuclear-weapon state, it typically exacts disproportionate vengeance on Palestinians in response to even moderate attacks, which might deter any sane Palestinian. In the Chechen case, Moscow has repeatedly demonstrated that it is willing to use disproportionate force in dealing with domestic security threats. A nuclear attack by Chechen nationalists would provide a pretext for responding in kind and solving the Chechen problem once and for all. Even for Chechen nationalists, while there are some factors that increase the likelihood of nuclear terrorism, a sober calculation of the risks and benefits involved should show what an exceptionally dangerous move this would be.

Extinction claims ignore the factual impact of nuclear explosions.

Mueller ‘10 (John, Woody Hayes Chair of National Security Studies at the Mershon Center for International Security Studies and a Professor of Political Science at The Ohio State University, A.B. from the University of Chicago, M.A. and Ph.D. @ UCLA, *Atomic Obsession—Nuclear Alarmism from Hiroshima to Al-Qaeda*, Oxford University Press, Accessed @ Emory)

To begin to approach a condition that can credibly justify applying such extreme characterizations as societal annihilation, a full-out attack with hundreds, probably thousands, of thermonuclear bombs would be required. Even in such extreme cases, the area actually devastated by the bombs' blast and thermal pulse effects would be limited: 2,000 I-MT explosions with a destructive radius of 5 miles each would directly demolish less than 5 percent of the territory of the United States, for example. Obviously, if major population centers were targeted, this sort of attack could inflict massive casualties. Back in cold war days, when such devastating events sometimes seemed uncomfortably likely, a number of studies were conducted to estimate the consequences of massive thermonuclear attacks. One of the most prominent of these considered several possibilities. The most likely scenario--one that could be perhaps be considered at least to begin to approach the rational-was a "counterforce" strike in which well over 1,000 thermonuclear weapons would be targeted at America's ballistic missile silos, strategic airfields, and nuclear submarine bases in an effort to destroy the country's strategic ability to retaliate. Since the attack would not directly target population centers, most of the ensuing deaths would be from radioactive fallout, and the study estimates that from 2 to 20 million, depending mostly on wind, weather, and sheltering, would perish during the first month.

#### No nuclear terrorism—no capability nor intent reject their alarmism

* Many reasons to doubt both the capability and interest of terrorists getting nuclear devices
* Dangers of a loose nuke from Russia is far over-stated
* Even if a terrorist group got a nuclear weapon using it would be very difficult
* Terrorists and connections between rogue states is exaggerates
* Iran and North Korea are not going to give terrorists nukes because their arsenals are small
* What can go wrong will go wrong—multiple intensifying and compounding probability make terrorist failure inevitable
* Their evidence uses worst case scenarios which is alarmist and false
* Insider documents within Al-Qaeda show they don’t want nuclear weapons and prefer convention weapons
* Their evidence about them wanting nukes is wrong the 90s and out of date
* Even if they did want a nuke it was only to deter a U.S. invasion

Gavin 10—Francis J. Gavin is Tom Slick Professor of International Affairs and Director of the Robert S. Strauss Center for International Security and Law, Lyndon B. Johnson School of Public Affairs, University of Texas at Austin [International Security, Vol. 34, No. 3 (Winter 2009/10), pp. 7–37, the President and Fellows of Harvard College and the Massachusetts Institute of Technology, “Same As It Ever Was Nuclear Alarmism, Proliferation, and the Cold War”, http://www.mitpressjournals.org/doi/pdf/10.1162/isec.2010.34.3.7]

Nuclear Terrorism. The possibility of a terrorist nuclear attack on the United States is widely believed to be a grave, even apocalyptic, threat and a likely possibility, a belief supported by numerous statements by public officials. Since the collapse of the Soviet Union, “the inevitability of the spread of nuclear terrorism” and of a “successful terrorist attack” have been taken for granted.48 Coherent policies to reduce the risk of a nonstate actor using nuclear weapons clearly need to be developed. In particular, the rise of the Abdul Qadeer Khan nuclear technology network should give pause.49 But again, the news is not as grim as nuclear alarmists would suggest. Much has already been done to secure the supply of nuclear materials, and relatively simple steps can produce further improvements. Moreover, there are reasons to doubt both the capabilities and even the interest many terrorist groups have in detonating a nuclear device on U.S. soil. As Adam Garfinkle writes, “The threat of nuclear terrorism is very remote.”50 Experts disagree on whether nonstate actors have the scientific, engineering, financial, natural resource, security, and logistical capacities to build a nuclear bomb from scratch. According to terrorism expert Robin Frost, the danger of a “nuclear black market” and loose nukes from Russia may be overstated. Even if a terrorist group did acquire a nuclear weapon, delivering and detonating it against a U.S. target would present tremendous technical and logistical difficulties.51 Finally, the feared nexus between terrorists and rogue regimes may be exaggerated. As nuclear proliferation expert Joseph Cirincione argues, states such as Iran and North Korea are “not the most likely sources for terrorists since their stockpiles, if any, are small and exceedingly precious, and hence well-guarded.”52 Chubin states that there “is no reason to believe that Iran today, any more than Sadaam Hussein earlier, would transfer WMD [weapons of mass destruction] technology to terrorist groups like al-Qaida or Hezbollah.”53 Even if a terrorist group were to acquire a nuclear device, expert Michael Levi demonstrates that effective planning can prevent catastrophe: for nuclear terrorists, what “can go wrong might go wrong, and when it comes to nuclear terrorism, a broader, integrated defense, just like controls at the source of weapons and materials, can multiply, intensify, and compound the possibilities of terrorist failure, possibly driving terrorist groups to reject nuclear terrorism altogether.” Warning of the danger of a terrorist acquiring a nuclear weapon, most analyses are based on the inaccurate image of an “infallible tenfoot-tall enemy.” This type of alarmism, writes Levi, impedes the development of thoughtful strategies that could deter, prevent, or mitigate a terrorist attack: “Worst-case estimates have their place, but the possible failure-averse, conservative, resource-limited five-foot-tall nuclear terrorist, who is subject not only to the laws of physics but also to Murphy’s law of nuclear terrorism, needs to become just as central to our evaluations of strategies.”54 A recent study contends that al-Qaida’s interest in acquiring and using nuclear weapons may be overstated. Anne Stenersen, a terrorism expert, claims that “looking at statements and activities at various levels within the al-Qaida network, it becomes clear that the network’s interest in using unconventional means is in fact much lower than commonly thought.”55 She further states that “CBRN [chemical, biological, radiological, and nuclear] weapons do not play a central part in al-Qaida’s strategy.”56 In the 1990s, members of al-Qaida debated whether to obtain a nuclear device. Those in favor sought the weapons primarily to deter a U.S. attack on al-Qaida’s bases in Afghanistan. This assessment reveals an organization at odds with that laid out by nuclear alarmists of terrorists obsessed with using nuclear weapons against the United States regardless of the consequences. Stenersen asserts, “Although there have been various reports stating that al-Qaida attempted to buy nuclear material in the nineties, and possibly recruited skilled scientists, it appears that al-Qaida central have not dedicated a lot of time or effort to developing a high-end CBRN capability.... Al-Qaida central never had a coherent strategy to obtain CBRN: instead, its members were divided on the issue, and there was an awareness that militarily effective weapons were extremely difficult to obtain.”57 Most terrorist groups “assess nuclear terrorism through the lens of their political goals and may judge that it does not advance their interests.”58 As Frost has written, “The risk of nuclear terrorism, especially true nuclear terrorism employing bombs powered by nuclear fission, is overstated, and that popular wisdom on the topic is significantly fiawed.”59

### 1NC Drone Norms

#### No causal link between U.S. drone doctrine and other’ countries choices---means can’t set a precedent

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

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday Times predicting an “arms race” in military drones. The methodology essentially looks at the US as the leader, followed by Israel – countries that have built, deployed and used drones in both surveillance and as weapons platforms. It then looks at the list of other countries that are following fast in US footsteps to both build and deploy, as well as purchase or sell the technology – noting, correctly, that the list is a long one, starting with China. The predicament is put this way:

Eventually, the United States will face a military adversary or terrorist group armed with drones, military analysts say. But what the short-run hazard experts foresee is not an attack on the United States, which faces no enemies with significant combat drone capabilities, but the political and legal challenges posed when another country follows the American example. The Bush administration, and even more aggressively the Obama administration, embraced an extraordinary principle: that the United States can send this robotic weapon over borders to kill perceived enemies, even American citizens, who are viewed as a threat.

“Is this the world we want to live in?” asks Micah Zenko, a fellow at the Council on Foreign Relations. “Because we’re creating it.”

By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it – and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?)

It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be.

Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project). UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable – and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this – the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so.

But the point is that this was happening anyway, and the technology was already available. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is not a credible understanding of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it.

Moving on from the avionics, weaponizing the craft is also not difficult. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do – but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.

#### Zero chance that U.S. self-restraint causes any other country, specifically China, to give up their plans for drones

Max Boot 11, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 10/9/11, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, <http://www.commentarymagazine.com/2011/10/09/drone-arms-race/>

The New York Times engages in some scare-mongering today about a drone ams race. Scott Shane notes correctly other nations such as China are building their own drones and in the future U.S. forces could be attacked by them–our forces will not have a monopoly on their use forever. Fair enough, but he goes further, suggesting our current use of drones to target terrorists will backfire:

If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them.

“The problem is that we’re creating an international norm” — asserting the right to strike preemptively against those we suspect of planning attacks, argues Dennis M. Gormley, a senior research fellow at the University of Pittsburgh and author of Missile Contagion, who has called for tougher export controls on American drone technology. “The copycatting is what I worry about most.”

This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran.

The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example. In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests.

Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone?

While a decision on our part to stop drone strikes would be unlikely to alter Russian or Chinese thinking, it would have one immediate consequence: al-Qaeda would be strengthened and could regenerate the ability to attack our homeland. Drone strikes are the only effective weapon we have to combat terrorist groups in places like Pakistan or Yemen where we don’t have a lot of boots on the ground or a lot of cooperation from local authorities. We cannot afford to give them up in the vain hope it will encourage disarmament on the part of dictatorial states.

#### SCS tension inevitable but won’t escalate, even if they win a huge internal link

Michal Meidan 12, China Analyst at the Eurasia Group, 8/7/12, “Guest post: Why tensions will persist, but not escalate, in the South China Sea,” <http://blogs.ft.com/beyond-brics/2012/08/07/guest-post-why-tensions-will-persist-but-not-escalate-in-the-south-china-sea/#axzz2Cbw54ORc>

These tensions are likely to persist. And Beijing is not alone in perpetuating them. Vietnam and the Philippines, concerned with the shifting balance of powers in the region, are pushing their maritime claims more aggressively and increasing their efforts to internationalise the question by involving both ASEAN and Washington. Attempts to come up with a common position in ASEAN have failed miserably but as the US re-engages Asia, it is drawn into the troubled waters of the South China Sea.¶ Political dynamics in China – with a once in a decade leadership transition coming up, combined with electoral politics in the US and domestic constraints for both Manila and Hanoi – all augur that the South China Sea will remain turbulent. No government can afford to appear weak in the eyes of domestic hawks or of increasingly nationalistic public opinions. The risk of a miscalculation resulting in prolonged standoffs or skirmishes is therefore higher now than ever before. But there are a number of reasons to believe that even these skirmishes are unlikely to escalate into broader conflict.¶ First, despite the strong current of assertive forces within China, cooler heads are ultimately likely to prevail. While a conciliatory stance toward other claimants is unlikely before the leadership transition, China’s top brass will be equally reluctant to significantly escalate the situation, since this will send southeast Asian governments running to Washington. Hanoi and Manila also recognize that despite their need for assertiveness to appease domestic political constituencies, a direct confrontation with China is overly risky.¶ Second, military pundits in China also realize that the cost of conflict is too high, since it will strengthen Washington’s presence in the region and disrupt trade flows. And even China’s oil company CNOOC, whose portfolio of assets relies heavily on the South China Sea, is diversifying its interests in other deepwater plays elsewhere, as its attempted takeover of Nexen demonstrates.

#### Erdogan has 99 problems, and backlash to the lack of drone transparency is probably number 47ish.

Omer Zarpli, 7/8/2013. Research associate at The Century Foundation. “Erdogan Weakened, Turkey Polarized,” The National Interest, http://nationalinterest.org/commentary/erdogan-weakened-turkey-polarized-8699.

Turkey’s turmoil is not over. While it is still too early to say anything definitive, a weaker Erdogan looks in the offing, as he is facing an increasingly unfavorable domestic and international environment. And the fall of his good friend Mohamed Morsi is hardly good news for him.

An Unrepentant Erdogan

Erdogan remains defiant in the face of the biggest challenge to his decade of rule. He is focused on shoring up his large political base with a polarizing rhetoric. He has identified the progovernment crowds with “real Turkey”, labeled the protestors “terrorists,” commended the police for their “heroic acts,” and blamed the troubles on foreign press and nefarious business elements. He pledges to go after everyone responsible for instigating unrest.

Some view the unprecedented protests as a setback but one that should not deeply affect Erdogan’s political fortunes. He still enjoys broad public support. Despite the recent troubles in the stock market, the fall of the lira, and the growing deficit, the economy has not tanked—yet. The opposition is in its usual disarray and utterly lacking in caliber to challenge Erdogan. Though his hardline, uncompromising stance has worried important supporters, including the Gulen movement, no major defection has taken place. Erdogan seems bent on increasing his support by rallying his masses under a religious, nationalist-conservative banner.

**But the Stars Are Not in Alignment**

**Despite what optimists say, an uncertain future awaits Erdogan**. He faces immediate existential, politically contentious issues: the unending war in Syria, the need to finally come forth with politically difficult proposals to deal with Kurdish concerns; and constitutional change, including his unpopular proposal for a strong presidential system. Even if Erdogan manages to keep his support base intact, **these issues pose enormous challenges**.

Syria has become a deepening political liability. His policy of regime change in Damascus and embroilment in the conflict are highly unpopular. The recent attack in the border town of Reyhanli, which left more than fifty Turkish citizens dead, has deepened opposition to his Syrian policy and worsened Sunni-Alevi differences. Nor have the Americans on whom he relied ridden to the rescue. His good friend Obama gave him little tangible support on his recent visit to Washington.

Erdogan has staved off criticisms with a combination of sectarian discourse and limiting public discussion of the issue. But, unless the Syrian scene radically changes, it will be increasingly difficult for the government to keep trying to compartmentalize the Syria issue from domestic politics. The costly influx of Syrian refugees continues. As the United States increases its involvement by supplying weapons to the rebels, Turkey will play an even more active role in the Syrian war. There is little assurance of success, and popular opposition could become far more vociferous.

The Kurdish peace process also carries great political risks. Six months ago, his government started negotiations with the imprisoned leader of the Kurdistan Workers Party (PKK), Abdullah Ocalan, to end the three-decade long war. While Erdogan is seemingly committed, the public is today more interested but still ambivalent about the peace process. Negotiating with the reviled Ocalan arouses the public’s ire. Erdogan runs the danger of alienating the nationalist bloc, which he has been courting since the protests began to consolidate his support bases.

The Kurds so far have stuck with Erdogan and avoided seriously going after him for his handling of the demonstrations. But they also want to see concrete steps from the government in addressing their demands. Erdogan is procrastinating, waiting presumably for the last PKK militant to leave Turkey before announcing and implementing political reforms much further down the pike. But recent events have shown that as the process drags on and the government delays implementing reforms, peace becomes increasingly fragile. Failure to make major reforms will ultimately derail the most serious attempt to resolve the Kurdish issue. And walking a fine line between the concerns of the Turkish public and the demands of the Kurds will be even harder as his political position grows uncertain.

Worse perhaps, Erdogan’s hopes for becoming president of Turkey under a new constitution with greater executive powers may have gone down the drain. There is now even less public backing for the idea. Many in conservative circles, including the Gulen movement, never liked his plan, but now they are also increasingly questioning his personal style of governance and intolerance for opposition. They believe a presidential system would deepen his authoritarian tendencies. As a result, Erdogan might have to contend himself with a presidency with mostly ceremonial powers, hopefully leaving in charge a pliable successor as prime minister. Regardless of who replaces him as prime minister, he runs the risk of gradually losing effective control over the party. Further, without the strong and charismatic leader, **the AKP faces the risk of losing its popularity** like the center-right parties of the early 1990s, which suffered when their leaders left for the presidential palace.

It’s Not Over ‘Til It’s Over

Erdogan is uncharacteristically looking at a very uncertain future. He may win the upcoming local elections by mobilizing the religious/political right which constitutes the majority in the Turkish society. **But electoral victory may mean much less in the context of increasing polarization and political instability**. Popular pressures on him will increase as he takes controversial steps to address his most pressing issues. His foreign efforts are so far not cooperating, and his regional aspirations will suffer further with the loss of his important ally in Cairo. If the economy declines—an increasing possibility—his broad support could wither away.

#### Turkey is no longer the peace-broker of the Middle East anyway—they have done way too much to tarnish their image.

Piotr Zalewski, 8/22/2013. Istanbul-based freelance writer for Foreign Policy, Time and The National, among others. “How Turkey Went From 'Zero Problems' to Zero Friends. And lost its leverage everywhere,” Foreign Policy, http://www.foreignpolicy.com/articles/2013/08/21/how\_turkey\_foreign\_policy\_went\_from\_zero\_problems\_to\_zero\_friends?page=0,1.

Not so long ago, Turkey seemed to have found the elusive formula for foreign policy success. Its newly-adopted philosophy, "zero problems with neighbors," won praise both at home and abroadas Ankara reengaged with the Middle East following a half century of estrangement. It expanded business and trade links with Arab states, as well as Iran, lifted visa restrictions with neighboring countries, and even helped mediate some of the region's toughest disputes, brokering talks between Syria and Israel, Fatah and Hamas, and Pakistan and Afghanistan.

Just a few years later, in the wake of the Arab Spring and its aftermath, **that once-reliable formula is starting to look like alchemy**. Prime Minister Recep Tayyip Erdogan has now burned his bridges with the military regime in Egypt, squabbled with Gulf monarchies for refusing to stand by deposed Egyptian President Mohamed Morsy, and started a war of words with Israel for having a hand in the coup that removed Morsy from power.

For a fleeting moment, Egypt was the centerpiece of Turkey's foreign policy in the Arab world. When Erdogan visited Cairo in September 2011, after the revolution that toppled Hosni Mubarak, he arrived to a hero's welcome, feted not only as the first major world leader to call on him to step down but as a regional power broker. That has now all changed: Turkey and Egypt pulled their ambassadors from each country amidst the dispute, and Erdogan publicly slammed the new government in Cairo. "Either Bashar [al-Assad] or [Egyptian army chief Abdel Fattah al-Sisi], there is no difference between them," he said last week. "I am saying that state terrorism is currently underway in Egypt."

This week, Erdogan dragged Israel into the dispute, saying that Israel was "behind" the coup in Cairo. The evidence for this perfidy, his office would later confirm, was a 2011 video of former Israeli Foreign Minister Tzipi Livni and French philosopher Bernard-Henri Levy discussing the Arab Spring.

Former Israeli Foreign Minister Avigdor Lieberman shot back at Erdogan on Wednesday, saying that "everyone who hears [Erdogan's] hateful words and incitement understands beyond a doubt that he follows in the footsteps of Goebbels." Not to be outdone, an Egyptian government spokesman slammed Erdogan as a "Western agent."

Such disputes have left Turkey watchers wondering if **Erdogan's bombastic approach is undermining his effectiveness**. "Turkey did the right thing" by deploring the Egyptian coup, a former high-ranking Turkish diplomat told me, but found itself "on the wrong side of the international community."

Ankara should have thrown its weight around well before the Muslim Brotherhood was ousted from power, the diplomat added. "Turkey put too much emphasis on the success story of democracy in Egypt and did not see properly the wrong things that were being done by the Morsy regime."

The truth of the matter is that it was always only a matter of time before Turkey's heralded "zero problems" policy foundered. Having zero problems meant keeping your nose out of other countries' domestic affairs, and even cozying up to regional strongmen. That was possible so long as the regional status quo held: Turkey kept mum on post-election violence in Iran in 2009, for instance, and nurtured an alliance with Syria's Assad before the bloody revolt in that country. And in Libya, Erdogan had been only too happy to ignore Muammar al-Qaddafi's dismal human rights record, if that was the price to pay for Turkish businessmen to ink construction deals with his regime.

By blowing the regional status quo into oblivion, the Arab Spring forced Turkey out of this policy of non-interference. Ankara has struggled with the notion that it could not bend the region to its will: In Libya, before it ended up helping unseat Qaddafi, Turkey argued that the West had no business intervening against him. In Syria, it has broken completely with Assad, embroiling itself in a conflict that shows no sign of ending. And in Egypt, of course, it is setting itself on a collision course with the most populous state in the Arab world.

The extent to which Turkey has since ditched its softly-softly approach to the region has been surprising. One of the commandments of "zero problems" was what Foreign Minister Ahmet Davutoglu referred to as "equidistance" -- that is, the refusal to take sides in regional disputes///

. This was always something of a myth, particularly when it came to the Israeli-Palestine dispute, where the government seldom missed a chance to bolster its regional and Islamic credentials by slighting the Israelis. But in the wake of the Arab Spring, equidistance appears to have gone into the gutter.

**It's not only in Egypt where Turkey is now seen as a partisan actor, rather than a neutral problem-solver**. In Iraq, it has openly defied Prime Minister Nouri al-Maliki's government, accusing it of fomenting sectarian strife and going behind its back to negotiate oil deals with the Kurdish Regional Government, which administers the country's north. In Syria, it has lent unqualified support to the anti-regime rebels, letting them operate freely on its soil, turning a blind eye to their atrocities, and reportedly criticizing the United States for branding the al Qaeda-linked Jabhat al-Nusra a terrorist group.

## \*\*\* 2NC

### 2NC domestic backlash

#### The government won’t take up that backlash

Benjamin Wittes, editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law, 2/27/13, In Defense of the Administration on Targeted Killing of Americans, www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/

This view has currency among European allies, among advocacy groups, and in the legal academy. Unfortunately for its proponents, it has no currency among the three branches of government of the United States. The courts and the executive branch have both taken the opposite view, and the Congress passed a broad authorization for the use of force and despite many opportunities, has never revisited that document to impose limitations by geography or to preclude force on the basis of co-belligerency—much less to clarify that the AUMF does not, any longer, authorize the use of military force at all. Congress has been repeatedly briefed on U.S. targeting decisions, including those involving U.S. persons.[5] It was therefore surely empowered to either use the power of the purse to prohibit such action or to modify the AUMF in a way that undermined the President’s legal reasoning. Not only has it taken neither of these steps, but Congress has also funded the relevant programs. Moreover, as I noted above, Congress’s recent reaffirmation of the AUMF in the 2012 NDAA with respect to detention, once again contains no geographical limitation. There is, in other words, a consensus among the branches of government on the point that the United States is engaged in an armed conflict that involves co-belligerent forces and follows the enemy to the new territorial ground it stakes out. It is a consensus that rejects the particular view of the law advanced by numerous critics. And it is a consensus on which the executive branch is entitled to rely in formulating its legal views.

#### Empirics are overwhelming

Chesney ’12

(Robert Chesney, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, and Cofounder of the Lawfare Blog, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” August 29, 2012, U Texas School of Law, Public Law and Legal Theory Research Paper No. 227)

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas. The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a **mend-it-don’t-end-it approach** culminating in passage of the Military Commissions Act of 2009, **which addressed a number of key objections** to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but the system as a whole is **far more stable today** than at any point in the past decade.51 There have been strong elements of cross-party continuity between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, the legality of **using lethal force** not just in contexts of overt combat deployments but also in **areas physically remote from the “hot battlefield.**” Indeed, the Obama administration **quickly outstripped the Bush administration in terms of the quantity and location** of its airstrikes outside of Afghanistan,52 and it also greatly surpassed the Bush administration in its efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also **succeeded in fending off a lawsuit challenging the legality of the drone strike program** (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54 The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. Far from it; a steady drumbeat of criticism persists, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, this criticism no longer seemed likely to spill over **in the form of disruptive judicial rulings, newly restrictive legislation,** or significant spikes in diplomatic or domestic political pressure, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an extended period of **cross-branch and cross-party consensus**, and this in turn left the impression that the underlying legal architecture had reached a stage of stability that was good enough for the time being.

### AT: Gold Smith

#### Goldsmith takes out solvency. The plan will not stop CCR from seeking out ways to sue U.S. officials. There is no part of this card that describes the plan’s mechanism or even hints that accountability solves.

Jack Goldsmith, 2012. Harvard University law professor. “Power and Constraint,” p. 199-201.

For the GTMO Bar and its cousin NGOs and activists, however, the al-Aulaqi lawsuit, like other lawsuits on different issues, was merely an early battle in a long war over the legitimacy of U.S. targeting practices—a war that will take place not just in the United States, but in other countries as well. When the CCR failed to achieve what it viewed as adequate accountability for Bush administration officials in the United States in connection with interrogation and detention practices, it started pursuing, and continues to pursue, lawsuits and prosecutions against U.S. officials in Spain, Germany, and other European countries. "You look for every niche you can when you can take on the issues that you think are important," said Michael Ratner, explaining the CCR's strategy for pursuing lawsuits in Europe.¶ Clive Stafford Smith, a former CCR attorney who was instrumental in its early GTMO victories and who now leads the British advocacy organization Reprieve, is using this strategy in the targeted killing context. "There are endless ways in which the courts in Britain, the courts in America, the international Pakistani courts can get involved" in scrutinizing U.S. targeting killing practices, he argues. "It's going to be the next 'Guantanamo Bay' issue."' Working in a global network of NGO activists, Stafford Smith has begun a process in Pakistan to seek the arrest of former CIA lawyer John Rizzo in connection with drone strikes in Pakistan, and he is planning more lawsuits in the United States and elsewhere against drone operators." "The crucial court here is the court of public opinion," he said, explaining why the lawsuits are important even if he loses. His efforts are backed by a growing web of proclamations in the United Nations, foreign capitals, the press, and the academy that U.S. drone practices are unlawful. What American University law professor Ken Anderson has described as the "international legal-media-academic-NGO-international organization-global opinion complex" is hard at work to stigmatize drones and those who support and operate them."¶ This strategy is having an impact. The slew of lawsuits in the United States and threatened prosecutions in Europe against Bush administration officials imposes reputational, emotional, and financial costs on them that help to promote the human rights groups' ideological goals, even if courts never actually rule against the officials. By design, these suits also give pause to current officials who are considering controversial actions for fear that the same thing might later happen to them. This effect is starting to be felt with drones. Several Obama administration officials have told me that they worry targeted killings will be seen in the future (as Stafford Smith predicts) as their administration's GTMO. The attempted judicial action against Rizzo, the earlier lawsuits against top CIA officials in Pakistan and elsewhere, and the louder and louder proclamations of illegality around the world all of which have gained momentum after al-Aulaqi's killing—are also having an impact. These actions are rallying cries for protest and political pushback in the countries where the drone strikes take place. And they lead CIA operators to worry about legal exposure before becoming involved in the Agency's drone program." We don't know yet whether these forces have affected actual targeting practices and related tactics. But they induce the officials involved to take more caution. And it is only a matter of time, if it has not happened already, before they lead the U.S. government to forgo lawful targeted killing actions otherwise deemed to be in the interest of U.S. national security.

### Intel Sust

#### Extremely broad support for intel sharing

Maciej Osowski 11, 3/8, EU-US intelligence sharing post 9/11: predictions for the future, [www.e-ir.info/2011/03/08/eu-us-intelligence-sharing-post-911-predictions-for-the-future/](http://www.e-ir.info/2011/03/08/eu-us-intelligence-sharing-post-911-predictions-for-the-future/)

Intelligence cooperation between the US and other EU member states. The 9/11 attacks started increased intelligence cooperation not only between the ‘old allies’ such as the US and the UK but also by necessity with many other states, many of them European Union member states[37]. Suffice it to mention the words of the Deputy Secretary of State Richard Armitage: “Probably the most dramatic improvement in our intelligence collection and sharing has come in bilateral cooperation with other nations — those we considered friendly before 9/11, and some we considered less friendly. This is marked change, and one that I believe comes not just from collective revulsion at the nature of the attacks, but also the common recognition that such groups present a risk to any nation with an investment in the rule of law”[38]. It is reasonable to assume that all European partners were considered friendly before 9/11. However, what is the most important in this quote is that Armitage recognises that cooperation comes from the common position of states whereby Islamic terrorism is a serious danger for every state, not only European. The majority of academic voices claim that “Since 9/11, liaison relationships between the United States and foreign services have increased in number and, in the case of pre-existing partnerships, have grown deeper”[39]. This is confirmed by many European intelligence responsible civil servants: “Contacts have been increased and there is more cooperation in all areas,”[40] revealed to the journalists the director of Spain’s National Intelligence Centre Jorge Dezcallar. It has been taking place in many areas despite political condemnation of the US military actions in Iraq or covert programs such as extraordinary renditions. Immediately after 9/11 all members of EU and NATO were supporting the US in their anti-terrorist actions and military mission in the Afghanistan. It changed radically when the US started the operation in Iraq on the basis of weak preconditions that Saddam Hussein is in possession of WMD and cooperates with Al-Qaeda. The ‘Old Europe’ (France, Germany) was against this intervention, probably because they knew the weakness of the evidence confirming American assumptions (especially as it was partially delivered by them – the German agent from Iraq known as ‘Curveball’). Despite this withdrawal of the political support, both Germany and France, as well as the rest of Europe have been closely cooperating with the US since after 9/11 and still are, as will be demonstrated in this sub-chapter. Usually reluctant towards Americans, France started close cooperation with the US just after the 9/11 attacks. An article in the daily Le Monde “Nous sommes tous Américains” expressed not only emotions and cultural unity with the USA, but was also a sign of what was bound to happen on the platform of secret intelligence sharing. In 2002, the CIA and the French Direction Générale de la Sécurité Extérieure (DGSE) established an intelligence cooperation centre in Paris called ‘Alliance Base’[41]. According to newspaper articles[42], ‘Alliance Base’ is led by a French general from the DGSE and staffed with intelligence officers from Germany, Britain, France, Australia, Canada and in large numbers from the United States. This secret institution is more than just intelligence sharing body. It is forum for operational collaboration and covert actions in anti-terrorist actions, also those involved extraordinary renditions condemned by whole EU. There is a paradox in the fact that while publicly criticising American program of renditions, European governments took part in it. This kind of hypocrisy was fiercely criticised by the CIA Director Michael Hayden who pointed to European political leaders that they publicly condemn the CIA, but privately enjoy the protection of the enhanced security provided by joint intelligence operations[43]. Indeed, recent history suggests that intelligence cooperation ties are affected by disagreements over ideals, strategy, politics or Human Rights observance, at least within the Transatlantic relationships. This is crucially important to the whole issue of intelligence liaison, as it shows that practice of intelligence sharing is independent of politics. This can have both its advantages and disadvantages. It is surely profitable that the US and the EU members can cooperate in the area of intelligence while disagreeing in politics. However, this bias can be the result of the lack of control by governments and parliaments over European intelligence services actions. Should this be the case, it should be used as food for thought in European capitals. Nevertheless, in the meantime the cooperation between American and EU member states intelligence services has arguably been highly successful. For example, decisions and steps taken by Algemene Inlichtingen- en Veiligheidsdienst (the Dutch General Intelligence and Security Service) allowed to prevent the attack on US embassy just after the 9/11 events in the US[44]. This was possible thanks to the international intelligence cooperation. Germany and the US have share intelligence on terrorism since 1960s. This relation has remained robust after the 9/11 attacks and has even increased, not only through the ‘Alliance Base’ but also in bilateral relation. A case in point here is the unfortunate example of the German intelligence service HUMINT source agent named ‘Curveball’. The final outcome of that case, which led to the US’s invasion of Iraq – based on false suspicions that the country possessed WMD – seems to suggest that sharing information here was faulty and misleading. However, it seems less so in light of the declassified documents[45]. These show that the case of ‘Curveball’ was properly described by Bundesnachrichtendienst, especially as far as his credibility was concerned – it was in fact believed to be dubious and unclear. However, as it was the only American human source, and it was delivering information desired by the Executive, the BND kept sending reports to the United States Defense Intelligence Agency. In other words, cooperation between both services was smooth, it was the American side that used the information despite warnings coming even from home intelligence[46]. Based on this case, it can be assumed that intelligence sharing between Germany and the US has increased to the extent that even not confirmed sources were delivered to the US on special request. Once again, this confirms the argument whereby intelligence cooperation between the US and European partners has existed despite European reluctance to the US international policy. To take this argument even further, it can be argued that the transatlantic intelligence liaison will increase in the future, as long as a new threat in the form of Islamic terrorism is deemed serious danger by both the US and the European Union member states. Apart from the UK, a traditional ally of the US, there has been a group of newly accepted EU members which were, most of them, supporting the US policy after 9/11, including the intervention in Iraq. It can be assumed that those states (Poland, the Czech Republic, Hungary, Romania, Bulgaria, and the Baltic states) were prepared to seek intelligence cooperation with the US. However, it is obvious that these states did not probably have much intelligence to offer, while their first concern has always been Russia and its actions. It this particular case, there are all reasons to suspect that the ‘complex’ intelligence liaison took place. It has been confirmed in the cases of Poland and Romania when both states have hosted the secret CIA prisons used for extraordinary renditions. That they did host such prisons was confirmed by both the European Parliament inquiry[47] and investigative journalists[48]. In exchange, those states received a mixture of military, political and intelligence support. From the above analysis it appears that after the 9/11 attacks the US increased intelligence cooperation with the EU member states. There is also no doubt that most European states were willing to increase this cooperation as they saw real threat that Islamic terrorism constituted not only for the US but also for European states. It was the nature of both in multilateral and bilateral relationships. The level of cooperation has been different depending on a state. Usually, the biggest ally of the US – the UK, has led in intelligence liaison. But it is now visible that the rest of the EU has not stayed behind, and tried to contribute to the liaison in many different ways. All those alleged facts lead to the conclusion that the future liaison between the US and the European member states will increase even further as long as there will be a common strong threat to the security to all participating states.

#### They need us more than we need them

Nick Perry 7/16/13, AP Correspondent for New Zealand and the South Pacific, and Paisley Dodds, London Bureau Chief for AP,

http://www.military.com/daily-news/2013/07/16/experts-say-us-spy-alliance-will-survive-snowden.html

WELLINGTON, New Zealand - Britain needed U.S. intelligence to help thwart a major terror attack. New Zealand relied on it to send troops to Afghanistan. And Australia used it to help convict a would-be bomber.¶ All feats were the result of a spying alliance known as Five Eyes that groups together five English-speaking democracies, and they point to a vital lesson: American information is so valuable, experts say, that no amount of global outrage over secret U.S. surveillance powers would cause Britain, Canada, Australia and New Zealand to ditch the Five Eyes relationship.¶ The broader message is that the revelations from NSA leaker Edward Snowden are unlikely to stop or even slow the global growth of secret-hunting - an increasingly critical factor in the security and prosperity of nations.¶ "Information is like gold," Bruce Ferguson, the former head of New Zealand's foreign spy agency, the Government Communications Security Bureau, told The Associated Press. "If you don't have it, you don't survive."¶ The Five Eyes arrangement underscores the value of this information - as well as the limitations of the information sharing.¶ The collaboration began during World War II when the allies were trying to crack German and Japanese naval codes and has endured for more than 70 years. The alliance helps avoid duplication in some instances and allows for greater penetration in others. The five nations have agreed not to spy on each other, and in many outposts around the world, Five Eyes agencies work side by side, allowing for information to be shared quickly.¶ But Richard Aldrich, who spent a decade researching a book on British surveillance, said some Five Eyes nations have spied on each other, violating their own rules.¶ The five countries "generally know what's in each other's underwear drawers so you don't need to spy, but occasionally there will be issues when they don't agree" - and when that happens they snoop, Aldrich said.¶ In Five Eyes, the U.S. boasts the most advanced technical abilities and the biggest budget. Britain is a leader in traditional spying, thanks in part to its reach into countries that were once part of the British Empire. Australia has excelled in gathering regional signals and intelligence, providing a window into the growing might of Asia. Canadians, Australians and New Zealanders can sometimes prove useful spies because they don't come under the same scrutiny as their British and American counterparts.¶ "The United States doesn't share information," said Bob Ayers, a former CIA officer, "without an expectation of getting something in return."¶ Britain is home to one of the world's largest eavesdropping centers, located about 300 kilometers (186 miles) northwest of London at Menwith Hill. It's run by the NSA but hundreds of British employees are employed there, including analysts from Britain's eavesdropping agency, the Government Communications Headquarters - or GCHQ. Australia is home to Pine Gap, a sprawling satellite tracking station located in the remote center of the country, where NSA officials work side-by-side with scores of locals. The U.S. also posts three or four analysts at a time in New Zealand, home to the small Waihopai and Tangimoana spy stations.¶ The intelligence-sharing relationship enabled American and British security and law enforcement officials to thwart a major terror attack in 2006 - the trans-Atlantic liquid bomb plot to blow up some 10 airliners.¶ The collaboration, sometimes called ECHELON, takes place within strict parameters. Two U.S. intelligence officials, who spoke on condition of anonymity because they weren't authorized to speak about the program to the news media, said only U.S. intelligence officers can directly access their own vast database.¶ A Five Eyes ally can ask to cross-check, say, a suspicious phone number it has independently collected to see if there is any link to the U.S., the officials said. But the ally must first show the request is being made in response to a potential threat to Western interests.¶ Ferguson said that in New Zealand, cooperation with the U.S. improved markedly after the Sept. 11, 2001, terrorist attacks. Still, he said, his agency was kept on a need-to-know basis. He said he never knew what information was being provided to other Five Eyes nations, and none of the countries would have shared all their intelligence anyway.¶ Ferguson said a small country like New Zealand benefited by a ratio of about five-to-one in the information it received compared to what it provided. He said that as chief of the defense force, a role he held before taking over the spy agency in 2006, he could never have sent troops to Afghanistan without the on-the-ground intelligence provided by the U.S. and other allies. He said New Zealand continues to rely on Five Eyes information for most of its overseas deployments, from peacekeeping to humanitarian efforts. The intelligence is vital, he added, for thwarting potential cyber threats.¶ In Australia, prosecutors in 2009 used evidence from a U.S. informant who had been at a terrorist training camp in Pakistan to help convict one of nine Muslim extremists found guilty of planning to bomb an unspecified Sydney target. The Australian Security Intelligence Organisation wrote in an email to The AP that "intelligence sharing between countries is critical to identifying and preventing terrorism and other transnational security threats."¶ Canada's Department of National Defence had a similar response, saying it "takes an active role in building relationships with allies. Collaborating with the personnel of the Five Eyes community in support of mutual defense and security issues is part of this relationship building."¶ Both agencies declined requests to provide more specific information.¶ In the decades since World War II, the allies have formed various other intelligence allegiances, although few as comprehensive or deep as Five Eyes. While the Snowden revelations will test the relationship, it has survived tests in the past.¶ New Zealand has long asserted an independent foreign policy by banning nuclear ships, and some are now calling for the country to go further and opt out of Five Eyes. Lawmaker Russel Norman, co-leader of New Zealand's Green Party, is one of many people calling for a public review of the relationship.¶ "I want to live in a free society, not a total surveillance state," he said. "The old Anglo-American gang of five no longer runs the world."¶ But John Blaxland, a senior fellow at the Australian National University's Strategic and Defence Studies Centre, said politicians Down Under have often criticized the security relationship until they've gotten into power and been briefed on its benefits.¶ Then, he said, they tend to go silent.¶ "The perception is that the advantages are so great, they'd be crazy to give it up," he said.

### allied coop

#### PRISM and detention are massive alt-causes

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

Although the United States and the EU both recognize the importance of sharing information in an effort to track and disrupt terrorist activity, data privacy has been and continues to be a key U.S.-EU sticking point. As noted previously, the EU considers the privacy of personal data a basic right; EU data privacy regulations set out common rules for public and private entities in the EU that hold or transmit personal data, and prohibit the transfer of such data to countries where legal protections are not deemed “adequate.” In the negotiation of several U.S.-EU informationsharing agreements, from those related to Europol to SWIFT to airline passenger data, some EU officials have been concerned about whether the United States could guarantee a sufficient level of protection for European citizens’ personal data. In particular, some Members of the European Parliament (MEPs) and many European civil liberty groups have long argued that elements of U.S.-EU information-sharing agreements violate the privacy rights of EU citizens. In light of the public revelations in June 2013 of U.S. National Security Agency (NSA) surveillance programs and news reports alleging that U.S. intelligence agencies have monitored EU diplomatic offices and computer networks, many analysts are worried about the future of U.S.-EU information-sharing arrangements. As discussed in this section, many of these U.S.-EU information-sharing agreements require the approval of the European Parliament, and many MEPs (as well as many officials from the European Commission and the national governments) have been deeply dismayed by the NSA programs and other spying allegations. In response, the Parliament passed a resolution expressing serious concerns about the U.S. surveillance operations and established a special working group to conduct an in-depth investigation into the reported programs.17 In addition, led by the European Commission and the U.S. Department of Justice, the United States and the EU have convened a joint expert group on the NSA’s surveillance operations, particularly the so-called PRISM program (in which the NSA reportedly collected data from leading U.S. Internet companies), to assess the “proportionality” of such programs and their implications for the privacy rights of EU citizens.18 U.S. officials have sought to reassure their EU counterparts that the PRISM program and other U.S. surveillance activities operate within U.S. law and are subject to oversight by all three branches of the U.S. government. Some observers note that the United States has been striving to demonstrate that it takes EU concerns seriously and is open to improving transparency, in part to maintain European support for existing information-sharing accords, such as SWIFT (which will be up for renewal in 2015), and the U.S.-EU Passenger Name Record agreement (up for renewal in 2019). Nevertheless, many experts predict that the revelations of programs such as PRISM will make the negotiation of future U.S.-EU information-sharing arrangements more difficult, and may make the European Parliament even more cautious and skeptical about granting its approval.

### 2NC—No Retal

#### No US nuclear retaliation

Neely 3/21—Meggaen Neely, The George Washington University Master of Arts (M.A.), Security Policy Studies 2012—2014 (expected) Baylor University Master of Arts (M.A.), Public Policy and Administration 2010—2012, Richard D. Huff Distinguished Masters Student in Political Science (2012) Baylor University Bachelor of Arts (B.A.), Political Science and Government, Research Assistant, Elliott School at George Washington University, Research Intern, Project on Nuclear Issues (PONI) at Center for Strategic and International Studies (CSIS) Communications Intern at Federation of American Scientists Graduate Assistant at Department of Political Science, Baylor University [March 21, 2013, “Doubting Deterrence of Nuclear Terrorism,” http://csis.org/blog/doubting-deterrence-nuclear-terrorism]

Because of the difficulty of deterring transnational actors, many deterrence advocates shift the focus to deterring state sponsors of nuclear terrorism. The argument applies whether or not the state intended to assist nuclear terrorists. If terrorists obtain a nuclear weapon or fissile materials from a state, the theory goes, then the United States will track the weapon’s country of origin using nuclear forensics, and retaliate against that country. If this is U.S. policy, advocates predict that states will be deterred from assisting terrorists with their nuclear ambitions. Yet, let’s think about the series of events that would play out if a terrorist organization detonated a weapon in the United States. Let’s assume forensics confirmed the weapon’s origin, and let’s assume, for argument’s sake, that country was Pakistan. Would the United States then retaliate with a nuclear strike? If a nuclear attack occurs within the next four years (a reasonable length of time for such predictions concerning current international and domestic politics), it seems unlikely. Why? First, there’s the problem of time. Though nuclear forensics is useful, it takes time to analyze the data and determine the country of origin. Any justified response upon a state sponsor would not be swift. Second, even if the United States proved the country of origin, it would then be difficult to determine that Pakistan willingly and intentionally sponsored nuclear terrorism. If Pakistan did, then nuclear retaliation might be justified. However, if Pakistan did not, nuclear retaliation over unsecured nuclear materials would be a disproportionate response and potentially further detrimental. Should the United States launch a nuclear strike at Pakistan, Islamabad could see this as an initial hostility by the United States, and respond adversely. An obvious choice, given current tensions in South Asia, is for Pakistan to retaliate against a U.S. nuclear launch on its territory by initiating conflict with India, which could turn nuclear and increase the exchanges of nuclear weapons. Hence, it seems more likely that, after the international outrage at a terrorist group’s nuclear detonation, the United States would attempt to stop the bleeding without a nuclear strike. Instead, some choices might include deploying forces to track down those that supported the suicide terrorists that detonated the weapon, pressuring Pakistan to exert its sovereignty over fringe regions such as the Federally Administered Tribal Areas, and increasing the number of drone strikes in Waziristan. Given the initial attack, such measures might understandably seem more of a concession than the retaliation called for by deterrence models, even more so by the American public. This is not an argument against those technologies associated with nuclear forensics. The United States and International Atomic Energy Agency (IAEA) should continue their development and distribution. Instead, I question the presumed American response that is promulgated by deterrence advocates. By looking at possibilities for a U.S. response to nuclear terrorism, a situation in which we assume that deterrence has failed, we cast doubt on the likelihood of a U.S. retaliatory nuclear strike and hence cast doubt on the credibility of a U.S. retaliatory nuclear strike as a deterrent. Would the United States launch a nuclear weapon now unless it was sure of another state’s intentional sponsorship of nuclear terrorism? Any reasonable doubt of sponsorship might stay the United States’ nuclear hand. Given the opaqueness of countries’ intentions, reasonable doubt over sponsorship is inevitable to some degree. Other countries are probably aware of U.S. hesitance in response to terrorists’ use of nuclear weapons. If this thought experiment is true, then the communication required for credible retaliatory strikes under deterrence of nuclear terrorism is missing.

### 2NC—No Nuclear Terrorism

#### No nuclear terrorism—there are an overwhelming number of reasons to doubt both the capability and interest of terrorist organization from getting nuclear weapons—even if a terrorist organization got a nuclear weapon it could not deploy the weapon—the connections to rogue states are oversimplified and wrong—multiple compounding probabilities make the risk near zero—that’s Gavin—prefer our evidence it cites internal terrorist documents and finds support of the conclusion terrorists prefer conventional weapons and proliferation would still only be used for defense

### AT: Drone Prolif—No Escalation

#### No risk of drone wars

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

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.

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

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

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

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

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

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

#### Drones don’t lower the threshold for conflict.

Samuel Issacharoff and Richard H. Pildes, 6/1/2013. NYU School of Law. “Drones and the Dilemma of Modern Warfare,” New York University Public Law and Legal Theory Working Papers, Paper 404, http://lsr.nellco.org/nyu\_plltwp/404/.

In our view, there are four myths about the modern use of drones to target specific, identifiable individuals for lethal force. The first myth is that targeting specific individuals for death is a modern innovation in military practice. But targeted killings have long been a part of military practice; the invention of the long rifle, for example, gave snipers the ability to pick off opposing field officers. The modern practice, however, begins with the discrete act of seeking out military enemies outside normal wartime engagements based on an individualized assessment of the threat they present. The use of lethal force is not incidental to a battlefield objective of capturing a particular piece of territory but becomes a distinct response to the generalized threat posed by a particular individual. Killing is now not secondary to a distinct military objective but becomes the objective itself because of a specific determination about the threat posed by the continued operation of an individual. At a more fundamental level, as Eyal Benvenisti argues, the laws of war had two major premises that fail in modern asymmetric conflict. First, it was possible to distinguish military and civilian objectives, and, second, battle could be directed to military objectives, as with the capturing of territory or overtaking a military installation. Neither premise necessarily characterizes military engagements in asymmetric war—or put another way, the military objective becomes killing itself. 28 The object of the targeted attack changes as well, in a way that seems morally defensible. Drones enable military planners to focus on high-level targets, and there is a further morality in that—we should appreciate a technology that can discriminate between low-level and high-level combatants, and minimize the loss of life to foot soldiers of the other side by concentrating fire on the leaders. Precision targeted killings should be seen as a substantial humanitarian advance in warfare, assuming that use of force is justified in the first place. Whereas the tradition LOAC placed the foot soldier at greatest risk of being killed in combat, the new targeted killing regime initially redirected lethal force to the command structure of the enemy. In our view, it is a mistake to focus exclusively on the level of force being used without also understanding that the targets (if accurately identified) bear a moral culpability for unlawful warfare completely distinct from anything that could be attributed to conventional soldiers in a stateauthorized war, especially in the case of conscript armies. As the technology improved, most notably with drones, the targets could expand from the command structure to operational centers, as with attacks on remote sites at which enemy combatants trained or assembled. A second myth concerning targeted killings as a new form of warfare is that this ability to project force from a distance itself raises new legal issues. But this view is simply an exercise at drawing a technological line that, in our view, has little moral or legal force in and of itself. Drones present the same legal issues as any other weapons system involving the delivery of lethal force. Advances in military technology have always been about the ability to project force from a distance. Drones are a technology, the latest technological development in the history of warfare, but they do not change the legal issues, under either domestic or international law, relevant to deciding whether particular uses of force are justified. In technologically advanced countries, militaries have long been in the business of delivering lethal force at great distances from their targets. The U.S. Navy has engaged enemy personnel by firing cruise missiles from ships in the Mediterranean into Libya, Iraq, and Sudan. Air Force pilots frequently take off from bases far removed from the actual theater of conflict and drop their bombs based on computer-generated targeting information from thousands of feet above the ground; the bombing campaign over Serbia during the Kosovo war, for example, involved pilots taking off from the Midwest in the United States and returning there. Ancient advances, such as catapults and longbows, involved the delivery of force from a distance, instead of hand-to-hand personalized combat. U.S. drone operations reportedly follow the same rules of engagement and use the same procedures as manned aircraft that use weapons to support ground troops. 29 At least the military’s use of drones operates within the same military chain of command, subject to civilian oversight, as all other uses of military force. 30 One can view the technological advances that make drone warfare possible with horror or with fascination, but the idea of projected force beyond hand-to-hand warfare does not of itself present radically new legal issues. As the philosopher David Luban rightly concludes, targeted killings “are no different in principle from other wartime killings, and they have to be judged by the same standards of necessity and proportionality applied to warfare in general: sometimes they are justified, sometimes not.” 31 A third prevalent misconception, in our view, is that drones and targeted killing pose a major threat to the humanitarian purposes and aims of the laws of war. The key principles of the laws of war are the principles of necessity, distinction and proportionality—the principles that force should intentionally be used only against military targets and that the damage to individual citizens should be minimized and proportionate. Drones, as against other uses of military force, better realize these principles than any other technology currently available. Indeed, they allow for the most discriminating uses of force in the history of military technology and warfare, in contexts in which the use of force is otherwise justified. If the alternative is sending US ground forces into Yemen or the frontier regions of Pakistan, the result will be far greater loss of civilian life, and far greater loss of combatant lives, than with drone technology. A more subtle concern that perhaps underlies the humanitarian critique of targeted killings is that drone warfare might make the use of force “too easy.” Since powerful states do not have to put their own pilots or soldiers directly at risk, will they resort to force and violence more easily? This is a serious issue, but **some historical perspective might help put this concern in a broader frame**. Throughout the modern history of warfare, there has been concern that humanitarian developments in the way war is conducted will, perversely, make it more likely that states will go to war. The argument is essentially that there is a Faustian tradeoff between the laws of war and the initial decision to go to war. This is an enduring, moral complex issue that has attended virtually every effort in the paradoxical-sounding project of making warfare more humane; pacifists in the 19th century objected to the formation of the International Committee of the Red Cross and its efforts to mitigate the horrors of war. 32 Moreover, the same paradox surrounds even purely humanitarian aid during wartime; in some contexts, access to such aid has become a strong economic incentive to continue the war, for the very purpose of extracting more of this financial assistance. 33 A more complicated picture emerges if we shift from the perspective of the civilian leaders who authorize the use of force to those who actually deliver that force. One of the consequences created by individuating the responsibility of specific enemies, combined with drone technology, is the possibility of a much greater sense of personal responsibility and accountability on the part of drone operators for lethal uses of force than that exhibited by prior generations of fighters. At least some drone operators **report exactly this kind of experience of personal responsibility for their actions**, including their mistakes, that was much less likely in earlier generations when “the enemy” was faceless and undifferentiated in most circumstances. 34 Of course, if such a perverse tradeoff does end up driving state practice, the same concern could be applied to the use of force for humanitarian purposes, as in Libya. Did the use of drones in the Libya operation make humanitarian interventions “too easy?” The right question, it seems to us, should focus on whether the use of force is justified in the first place. Moreover, one should be careful not to romanticize traditional combat and the pressures toward excessive violence it nearly always unleashes. To the extent the humanitarian critique of the use of drones is that sending in ground troops acts as a restraint on the use of force, compared to the use of force from remote locations, such as with drones technology, this idea might have matters backwards, at least once the decision to use force at all has been made (and made, hopefully, for appropriate and lawful reasons). Dramatic overuse of force is most likely when scared kids come under attack on an active battlefield and respond with massive uses of force directed at only vaguely identified targets. Remoteness from the immediate battlefield—with operators able to see much more of what is going on—almost **surely enables much more deliberative responses**. One Air Force combat officer who became a drone operator supports this conclusion; he comments that compared to conventional combat, both in the air and on the ground, the distance involved with drones enable operations to be “deliberate instead of reactionary;” 35 compared to manned combat flights, he experienced drones as affording “the ability to think clearly at zero knots and one G”; 36 and he observed that other “methods of warfare could be, and often were, much more destructive” 37 —indeed, he goes so far as to comment that when marines were sent into operations, they “broke things and killed people” while drones enabled U.S. military force to be “less brutal.” 38 Whether one accepts or not this particular self-reported drone operator experience, a realistic appraisal of all the costs and benefits of the use of drones must confront the “compared to what” question. Perhaps in some contexts, if drones were not available, no force would be used; but in many cases, it seems likely that much greater force would be used instead. Put another way, powerful nation-states are unlikely to remain passive in the face of significant risks to the physical security of their citizens and property that emanate from other nations that are unwilling or unable to control these threats. Nor is it clear why states should be understood to have a moral obligation to permit their citizens and territory to be attacked. If states have the capacity to do so, they will neutralize these threats through killing or capture; and at times, the humanitarian costs of capture, in terms of harm to and loss of innocent life will be great, and at other times, capture might not be practicable for any number of reasons (a complex issue to which we return below). As a result, it seems to us that any general humanitarian critique of the targeted killing has a moral obligation to offer a credible, practical alternative that a state can realistically employ to protect the lives of its citizens and that better serves the humanitarian aims of the laws of war.

### XO CP Solves Norms—Whibley

#### Whibley doesn’t say accountability gives us the ability to shape norms, just says that the U.S. doing specific bad practices like killing citizens sets a bad precedent—the CP solves that.

James Whibley, 2/6/2013. MA International Relations @ Victoria University of Wellington. “The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent,” Georgetown Journal of International Affairs, http://journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/.

If drones are destined to proliferate, the more important issue may become whether American drone doctrine is setting a precedent for other states over how drones are used, and if so, is American drone use weakening the long-standing international norm against assassination?  Current US practices include the use of drones in countries without a declaration of war, the routine targeting of rescuers at the scene of drone attacks and the funerals of victims, and the killing of US citizens.  **The existence of such practices lends legitimacy to illiberal actions and significantly diminishes the moral authority of the US to condemn similar tactics used by other states**, whether against rebellious populations in their own territory or enemies abroad.

While drone advocates such as Max Boot argue that other countries are unlikely to follow any precedents about drone use established by America, power has an undeniable effect in establishing which norms are respected or enforced.  America used its power in the international system after World War 2 to embed norms about human rights and liberal political organization, not only in allies, but in former adversaries and the international system as a whole.  Likewise, the literature on rule-oriented constructivism presents a powerful case that norms have set precedents on the appropriate war-fighting and deterrence policies when usingweapons of mass destruction  and the practices of colonialism and human intervention.  Therefore, drones advocates must consider the possible unintended consequences of lending legitimacy to the unrestricted use of drones.  However, with the Obama administration only now beginning to formulate rules about using drones and seemingly uninterested in restraining its current practices, the US may miss an opportunity to entrench international norms about drone operations.

If countries begin to follow the precedent set by the US, there is also the risk of weakening pre-existing international norms about the use of violence.  In the summer 2000 issue of International Security, Ward Thomas warned that, while the long-standing norm against assassination has always been less applicable to terrorist groups, the targeting of terrorists is, “likely to undermine the norm as a whole and erode the barriers to the use of assassination in other circumstances.”  Such an occurrence would represent a deleterious unintended consequence to an already inhumane international system, justifying greater scrutiny of the drone program.

Realism cautions scholars not to expect ethical behaviour in international politics.  Yet, the widespread use of drones by recent administrations with little accountability and the lack of any normative framework about their deployment on the battlefield could come to be seen as a serious strategic error and moral failing.  If the Obama administration was nervous about leaving an amorphous drone policy to a possible Romney Presidency, then surely China or Russia possessing such a program would be terrifying.

### AT: Caucausus

#### Always saber-rattling. Never war.

Joshua Kucera, 12/28/2011. Freelance journalist specializing in Central Asia and the Caucasus. “Predicting Conflict in 2012: Karabakh? Tajikistan? Uzbekistan? Iran?” EurasiaNet, http://www.eurasianet.org/node/64765.

In Nagorno Karabakh, Jackson sees a continuation of tension, but no escalation:

Along the Line of Contact in Karabakh, the grim litany of skirmishes and deaths by sniper fire will rumble along. Both Armenia and Azerbaijan are now deploying drones along the LoC, so expect the conflict to gain a new, aerial dimension (we’ve seen the first signs already). Sabre-rattling, military exercises and soaring defence budgets will all continue, **but - as previously—don’t expect a new shooting war**.

\*Alex Jackson is an independent writer focusing on politics, security, economics and energy in the Caspian region and conducting research and analysis for a number of think tanks.

#### ICG makes these escalation predictions yearly. It’s just fear-mongering.

Marina Ananikyan, 9/27/2013. “Who pays ICG for forecasting new war in Karabakh?” PanArmenian, http://www.panarmenian.net/eng/news/170539/Who\_pays\_ICG\_for\_forecasting\_new\_war\_in\_Karabakh.

A well known International Crisis Group issued yet another analysis on the Karabakh conflict. As usual, the pessimistic ICG forecasts resumption of a war, escalation of tensions, however, being untruthful in an attempt to preserve the appearance of objectivity.

In its overview titled Armenia and Azerbaijan: A Season of Risks, the group predicts that “should a full-scale conflict between Armenia and Azerbaijan break out again, some or all of the regional powers—Russia, Turkey and Iran—could be drawn in, directly.”

“Vigorous international engagement is needed to lessen chances of violent escalation during coming weeks and months,” the Group believes, setting hopes on Russia: “Russia, which is highly influential in all aspects of the conflict and would be the most directly affected of the Minsk co-chairs by a new war, should act more decisively to broker an agreement. It could advance this by announcing a suspension of arms supplies to both sides.”

Now, about being untruthful. In its analysis, the Group says. “Peace talks on Nagorno-Karabakh bogged down in 2011, accelerating an arms race and intensifying strident rhetoric. Terms like “Blitzkrieg’’, “pre-emptive strike’’ and ‘‘total war” have gained currency with both sides’ planners.”

The truth is, Armenian side does not engage in military rhetoric, the latter being Azerbaijan’s “privilege,” with the country’s leadership missing no chance to express their aggressive moods. Armenia’s “strident rhetoric” is limited to mere expressions of readiness to resist Azeri attacks.

Same with “accelerating an arms race.” Baku is the one overtly purchasing and manufacturing inordinate amounts of weaponry, in violation of all international quotas to compensate for lack of expertise in its army, which has already been defeated once.

But back to the analysis. “An immediate concern is military miscalculation, with implications that could far exceed those of a localized post-Soviet frozen conflict, as the South Caucasus, a region where big powers meet and compete, is now also a major energy corridor. Clashes increasingly occur along the Azerbaijani-Armenian frontier far from Nagorno Karabakh, the conflict’s original focus,” the analysis says.

Now what the analysis dubs as “clashes” are incessant Azeri-staged provocations, with Baku sinking as low as shelling Armenian villages or preventing a doctor from aiding a person blown up on a mine who later bled to death, as they did only recently.

As the analysis notes, “the possibility of internal political unrest in both countries increases the uncertainty. Unrest at home might tempt leaders to deflect attention by raising military tensions or to embark on risky attempts to capitalize on their adversary’s troubles.”

Last year, Sabine Freizer, Director of the European Programs in the International Crisis Group gave yet another prediction of an oncoming war in Karabakh.

“Armenian -Azerbaijani clashes may grow into a war in the region, where BP Company and its partners invested USD 35 billion in energy projects. Both parties to the conflict maintain weak control of the line of contact. Large-scale hostilities may soon erupt by accident, as a consequence of retaliatory measures taken,” she said.

Probably reluctant to seem Cassandra-like and be slammed by Yerevan or Baku, Sabine Freizer hurried to add, “Neither Azerbaijan, nor Armenia intend to wage large-scale offensive in short terms. In case of renewal of hostilities, the war will by protracted due to militarily parity of the sides. Besides, the security guarantees issued by Russia and Turkey may get them involved,” she said, adding that Russia’s military base in Gyumri may extend Armenia assistance, with both countries being CSTO member-states and Azerbaijan having close ethnic, political and economic ties with Turkey.

Luckily, Freizer’s predictions failed to come true, similarly to previous analysis-based forecasts of the ICG. The question is, who pays the Group to issue somber predictions and escalate the tension over the issue? Because the only thing the ICG managed to achieve throughout the years is become resented - both in Armenia and Azerbaijan.

### AT: Senkakus

#### No war is the Senkakus

Reuters 12 “Japan, China Military Conflict Seen Unlikely Despite Row,” 9/24, http://www.cnbc.com/id/49142182

Hawkish Chinese commentators have urged Beijing to prepare for military conflict with Japan as tensions mount over disputed islands in the East China Sea, but most experts say chances the Asian rivals will decide to go to war are slim. A bigger risk is the possibility that an unintended maritime clash results in deaths and boosts pressure for retaliation, but even then Tokyo and Beijing are expected to seek to manage the row before it becomes a full-blown military confrontation. "That's the real risk — a maritime incident leading to a loss of life. If a Japanese or Chinese were killed, there would be a huge outpouring of nationalist sentiment," said Linda Jakobson, director of the East Asia Program at the Lowy Institute for International Policy in Sydney. "But I still cannot seriously imagine it would lead to an attack on the other country. I do think rational minds would prevail," she said, adding economic retaliation was more likely. A feud over the lonely islets in the East China Sea flared this month after Japan's government bought three of the islands from a private owner, triggering violent protests in China and threatening business between Asia's two biggest economies. Adding to the tensions, China sent more than 10 government patrol vessels to waters near the islands, known as the Diaoyu in China and the Senkaku in Japan, while Japan beefed up its Coast Guard patrols. Chinese media said 1,000 fishing boats have set sail for the area, although none has been sighted close by. Despite the diplomatic standoff and rising nationalist sentiment in China especially, experts agree neither Beijing nor Tokyo would intentionally escalate to a military confrontation what is already the worst crisis in bilateral ties in decades. US Pressure "The chances of a military conflict are very, very slim because neither side wants to go down that path," said former People's Liberation Army officer, Xu Guangyu, now a senior consultant at a government-run think tank in Beijing. Pressure from the United States, which repeated last week that the disputed isles were covered by a 1960 treaty obliging Washington to come to Japan's aid if it were attacked, is also working to restrain both sides, security experts said. "I very seriously do not think any of the involved parties — Japan, China and including the United States because of its defence treaty (with Japan) — want to see a military conflict over this dispute," said the Lowy Institute's Jakobson. "They don't want to risk it, they don't seek it and they do not intend to let it happen." Still, the possibility of a clash at sea remains. While the presence of the Chinese surveillance ships — none of which is a naval vessel — and Japan Coast Guard ships in the area might appear to set the stage for trouble, military experts said each side would try to steer clear of the other. "The bad news is that China sent ships to the area. The good news is that they are official ships controlled by the government," said Narushige Michishita at the National Graduate Institute for Policy Studies in Tokyo. "This is good news because they are not likely to engage in aggressive action because that would really exacerbate the situation and turn it into a major crisis," said Michishita. The Chinese ships, he said, had another mission besides asserting China's claims to the islands and nearby waters. "My guess is that some (Chinese) official patrol boats are there to watch out for fishing boats ... to stop them from making problems," Michishita said. Fishing Boats Wild Card Military specialists say the Chinese patrol vessels are well disciplined as are the Japan Coast Guard ships, while the two sides have grown accustomed to communicating. "Both sides are ready, but both sides are very well under control," said a former senior Japanese military official. What worries observers most is the risk that a boat carrying Chinese fishermen slips through or activists try to land, sparking clashes with Japan's Coast Guard that result in deaths - news of which would spread like wildfire on the Internet. In 1996, a Hong Kong activist drowned in the nearby waters. Diplomatic and economic relations chilled sharply in 2010 after Japan arrested a Chinese trawler captain whose boat collided with a Japan Coast Guard vessel. This time, tensions are already high and China is contending with a tricky once-in-a-decade leadership change while Japan's ruling party faces a probable drubbing in an election expected in months. "Two rational governments of major countries would not intentionally decide to enter into a major war with each other over a few uninhabited rocks," said Denny Roy, an Asia security expert at the East-West Center in Hawaii. "But unfortunately, you can arrive at war in ways other than that — through unintended escalation, in which both countries start out at a much lower level, but each of them think that they must respond to perceived provocation by the other side, both very strongly pushed into it by domestic pressure. That seems to be where we are now and it is difficult to see how countries can get out of that negative spiral." Others, however, were more confident that an unplanned clash could be kept from escalating into military conflict. "That's not really a major possibility, because there are still broad channels of communication between the two sides, and they would help prevent that happening. Both sides could still talk to each other," said former senior PLA officer Xu. "Even before anything happened, you would also have the U.N Secretary General and others stepping in to ensure that the situation does not get out of control."

### AT: Perm Do Both

#### Links to the NB or severs

#### The counterplan alone is key to effective drone operations—the permutation sends the signal that the rest of the government sides with critics of drones over the executive—that delegitimizes drones and collapses the program

Anderson 10—Kenneth Anderson, Professor of International Law at American University [March 8, 2010, “Predators Over Pakistan,” The Weekly Standard, http://www.weeklystandard.com/print/articles/predators-over-pakistan]

Obama deserves support and praise for this program from across the political spectrum. More than that, though, the drone strikes need an aggressive defense against increasingly vocal critics who are moving to create around drone warfare a narrative of American wickedness and cowardice and of CIA perfidy.

Here the administration has dropped the ball. It has so far failed to provide a robust affirmation of the propositions that underwrite Predator drone warfare. Namely:

n Targeted killings of terrorists, including by Predators and even when the targets are American citizens, are a lawful practice;

n Use of force is justified against terrorists anywhere they set up safe havens, including in states that cannot or will not prevent them;

n These operations may be covert—and they are as justifiable when the CIA is tasked to carry them out secretly as when the military does so in open armed conflict.

n All of the above fall within the traditional American legal view of “self-defense” in international law, and “vital national security interests” in U.S. domestic law.

There are good reasons for Republicans and centrist Democrats to make common cause in defending these propositions. On the one hand, they should want to aggressively protect the administration against its external critics—the domestic and international left—who are eager to prosecute Americans for their actions in the war on terror. They should also want to make clear that in defending drone strikes, they are defending the American (and not just the Obama) legal and strategic position. Moreover, it will be the American view of domestic and international law for future administrations, Democratic and Republican.

At the same time, congressional Republicans and centrist Democrats need to put Obama’s senior legal officials on the record and invite them to defend their own administration, defend it to the full extent that the Obama administration’s actions require. Which is to say, Congress needs to hear publicly from senior administration lawyers and officials who might be personally less-than-enthused about targeted killings of terrorists and not eager to endorse them publicly, or to do so only with hedged and narrow legal rationales from which they can later walk away.

Consider, for instance, the diffidence of Harold Koh, the legal adviser of the Department of State. In an informal public discussion with his predecessor, John Bellinger, aired on C-SPAN on February 17, he was asked about drones and targeted killings and declined to say that the practice was lawful. (Granted, it was in an unscripted setting, which cannot be taken as anyone’s last word and on which it would be unfair to place too much weight.) All he said was that if he concluded that it was unlawful, he would, if he thought it appropriate, resign his position. He added that he remained at his post. The statement falls far short of the defense one might hope for from such a high-ranking administration lawyer. More than a year into the new administration, that ought surely to strike the general counsels of the CIA, the Pentagon, the Director of National Intelligence, the NSC, and other agencies directly conducting these activities as somewhat less than reassuring.

In fact, the administration’s top lawyers should offer a public legal defense of its policies, and congressional Republicans and Democrats should insist on such a defense. This is partly to protect the full use-of-force tools of national security for future administrations, by affirming the traditional U.S. view of their legality. But it is also to protect and reassure the personnel of the CIA, NSC, and intelligence and military agencies who carry out these policies that they are not just effective but lawful policies of the U.S. government and will be publicly defended as such by their superiors.

Even as the Obama administration increasingly relies on Predator strikes for its counterterrorism strategy, the international legal basis of drone warfare (more precisely, its perceived international legal legitimacy) is eroding from under the administration’s feet—largely through the U.S. government’s inattention and unwillingness to defend its legal grounds, and require its own senior lawyers to step up and defend it as a matter of law, legal policy, and legal diplomacy. On the one hand, the president takes credit for the policy—as frankly he should—as taking the fight to the enemy. His vice president positively beams with pride over the administration’s flock of Predator goslings. On the other hand, the Obama administration appears remarkably sanguine about the campaign gearing up in the “international law community” aimed at undermining the legal basis of targeted killing as well as its broad political legitimacy, and ultimately at stigmatizing the use of Predators as both illegal and a coward’s weapon.

Stigmatizing the technology and the practice of targeted killing is only half of it, though. The other half is to undermine the idea that the CIA may use force and has the authority to act covertly under orders from the president and disclosure to Congress, as long provided in U.S. law. The aim is to create a legal and political perception that, under international law, all uses of force must be overt—either as law enforcement or as armed conflict conducted by uniformed military.

The Obama administration is complacent about this emerging “international soft law” campaign. But Obama’s opponents in this country, for their part, likewise underestimate and ignore the threat such a campaign presents to national security. That’s apparently because many on the right find it hard to imagine that mere congeries of NGOs, academics, activists, U.N. officials, and their allies could ever overcome “hard” American national security interests, particularly when covered by the magic of the Obama administration. Both liberal and conservative national security hands, looking at the long history of accepted lawfulness of targeted killings under American law, think, “Come on, there’s obvious sense to this, legal and political. These arguments in domestic and international law have long been settled, at least as far as the U.S. government is concerned.” But if there’s a sense to it, there’s a sensibility as well, one that goes to the overall political and legal “legitimacy” of the practice within a vague, diaphanous, but quite real thing called “global public opinion,” the which is woven and spun by the interlocking international “soft law” community and global media.

It’s a mistake to remain oblivious to either the sense or the sensibility. Outside of government, the oblivious include hard-realist conservatives. Inside government, some important political-legal actors are struggling impressively both to overcome bureaucratic inertia and get in front of this issue, and to overcome factions within government unpersuaded by, if not overtly opposed to, this program—particularly as conducted by the CIA. Those actors deserve political support from congressional Republicans and Democrats. Because obliviousness to the sensibility of lawfulness and legitimacy—well, we should all know better by now. Does anyone still believe that the international legal-media-academic-NGO-international organization-global opinion complex cannot set terms of debate over targeted killing or covert action? Or that it cannot overcome “hard” American security interests? Or that this is merely another fringe advocacy campaign of no real consequence, whether in the United States, or abroad in Europe, or at the United Nations?

The Obama administration assumes that it uniquely sets the terms of legal legitimacy and has the final word on political sensibility. This is not so—certainly not on this issue. The international soft-law campaign looks to the long-term if necessary, and will seek the political death of targeted killings, Predator drones, and their progeny, and even perhaps to CIA covert action, by a hundred thousand tiny paper cuts. The campaign has already moved to the media. Starting with Jane Mayer’s narrative of Predator drone targeted killing in the New Yorker last October, and followed by many imitators, the ideological framework of the story has shifted. In the space of a year—Obama’s year, no less—it has moved from Candidate Obama’s brave articulation of a bold new strategy for attacking terrorists to the NGOs’ preferred narrative of a cowardly, secretive American CIA dealing collateral damage from the skies. Here’s the thumbnail version of drone warfare, as portrayed in the media.

### CP Solves—Norms/Precedent/Drone Prolif

#### Executive-branch transparency and bringing U.S. practice in line with policy builds the international diplomatic capital to press for drone norms

Roberts 13—Kristin Roberts, News Editor, National Journal [March 22, 2013, “When the Whole World Has Drones,” http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321]

But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions.

A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs.

Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists.

The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

### CP Solves—Legitimacy

#### Transparency solves U.S. image—we need to clear the air

Cohen 13—Michael A Cohen, regular columnist for the Guardian and Observer on US politics, he is also a fellow of the Century Foundation [May 23, 2013, “Give President Obama a chance: there is a role for drones,” The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified]

Beyond the legal issues there is also the question of transparency. Obama administration officials have still not revealed their targeting procedures. They refuse to acknowledge the use of signature strikes, nor have they released the Justice Department memo that legally justified the killing of a US citizen in Yemen, who had joined al Qaida. The recent decision to move the drone program from the CIA to the US military is a positive step in the right direction and has the potential to offer more clarity about what the US is doing. But this only a first step.

Moreover, the drone program appears to operate in a sort of strategic netherworld in which counter-terrorism operations continue ad infinitum in an unceasing game of Whack-a-Terrorist. Drones are and should be an integral part of any effective counter-terrorism program. There is little doubt that they have played an effective role in reducing al Qaida ranks in Pakistan and putting cells in Yemen on the run (a fact acknowledged by Osama bin Laden). So long as there are jihadist terrorists intent on striking America, a drone capability will likely be necessary.

Yet at the same time it begs the question—how does this end? Considering that the Obama administration has basically defined the battlefield in the war on terror as global it's hard to see what, if any, limits exist on the use of drones. In fact, the irony of drones being such an effective and precise killing tool is that their use could theoretically continue forever. If they're not killing civilians, what's the harm?

Indeed, the focus on security from terrorism has seemed to cloud the vision of policymakers and blinded them to the public image of the US being created by the drone program as well as the recruitment capabilities for al Qaida and others. There has been, as of yet, no serious backlash from the Obama Administration's promiscuous use of drones. But the optimal word here is "yet."

As the president delivers a major national security speech, it is incumbent upon him to offer more information about the program, explain how targets are chosen and above all place clear and identifiable limitations on their use—limitations that will continue after he leaves office and that can be codified for international norms guiding the use of drones. In addition, if the administration believes that drones should be used in the fight against militants in Pakistan then it needs to ensure it has clear legal justification//

 to do so—and not rely on a wink and nod to legal niceties.

In the end, it is Obama's lack of candor on the drone program that has led to so much disinformation has undermined whatever legitimacy the program should theoretically enjoy. It's not too late for the White House to correct the record and place not just the drone program but it's larger counter-terrorism efforts in a clear legal and institutional framework. Until then, the questions and accusations will keep coming.

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### Overview

#### Food shortages lead to extinction.

Brown, founder of the Worldwatch Institute and the Earth Policy Institute, ‘9

[Lester, “Can Food Shortages Bring Down Civilization?” Scientific American, May]

The biggest threat to global stability is the potential for food crises in poor countries to cause government collapse. Those crises are brought on by ever worsening environmental degradation One of the toughest things for people to do is to anticipate sudden change. Typically we project the future by extrapolating from trends in the past. Much of the time this approach works well. But sometimes it fails spectacularly, and people are simply blindsided by events such as today's economic crisis. For most of us, the idea that civilization itself could disintegrate probably seems preposterous. Who would not find it hard to think seriously about such a complete departure from what we expect of ordinary life? What evidence could make us heed a warning so dire--and how would we go about responding to it? We are so inured to a long list of highly unlikely catastrophes that we are virtually programmed to dismiss them all with a wave of the hand: Sure, our civilization might devolve into chaos--and Earth might collide with an asteroid, too! For many years I have studied global agricultural, population, environmental and economic trends and their interactions. The combined effects of those trends and the political tensions they generate point to the breakdown of governments and societies. Yet I, too, have resisted the idea that food shortages could bring down not only individual governments but also our global civilization. I can no longer ignore that risk. Our continuing failure to deal with the environmental declines that are undermining the world food economy--most important, falling water tables, eroding soils and rising temperatures--forces me to conclude that such a collapse is possible. The Problem of Failed States Even a cursory look at the vital signs of our current world order lends unwelcome support to my conclusion. And those of us in the environmental field are well into our third decade of charting trends of environmental decline without seeing any significant effort to reverse a single one. In six of the past nine years world grain production has fallen short of consumption, forcing a steady drawdown in stocks. When the 2008 harvest began, world carryover stocks of grain (the amount in the bin when the new harvest begins) were at 62 days of consumption, a near record low. In response, world grain prices in the spring and summer of last year climbed to the highest level ever.As demand for food rises faster than supplies are growing, the resulting food-price inflation puts severe stress on the governments of countries already teetering on the edge of chaos. Unable to buy grain or grow their own, hungry people take to the streets. Indeed, even before the steep climb in grain prices in 2008, the number of failing states was expanding [see sidebar at left]. Many of their problem's stem from a failure to slow the growth of their populations. But if the food situation continues to deteriorate, entire nations will break down at an ever increasing rate. We have entered a new era in geopolitics. In the 20th century the main threat to international security was superpower conflict; today it is failing states. It is not the concentration of power but its absence that puts us at risk.States fail when national governments can no longer provide personal security, food security and basic social services such as education and health care. They often lose control of part or all of their territory. When governments lose their monopoly on power, law and order begin to disintegrate. After a point, countries can become so dangerous that food relief workers are no longer safe and their programs are halted; in Somalia and Afghanistan, deteriorating conditions have already put such programs in jeopardy.Failing states are of international concern because they are a source of terrorists, drugs, weapons and refugees, threatening political stability everywhere. Somalia, number one on the 2008 list of failing states, has become a base for piracy. Iraq, number five, is a hotbed for terrorist training. Afghanistan, number seven, is the world's leading supplier of heroin. Following the massive genocide of 1994 in Rwanda, refugees from that troubled state, thousands of armed soldiers among them, helped to destabilize neighboring Democratic Republic of the Congo (number six).Our global civilization depends on a functioning network of politically healthy nation-states to control the spread of infectious disease, to manage the international monetary system, to control international terrorism and to reach scores of other common goals. If the system for controlling infectious diseases--such as polio, SARS or avian flu--breaks down, humanity will be in trouble. Once states fail, no one assumes responsibility for their debt to outside lenders. If enough states disintegrate, their fall will threaten the stability of global civilization itself.

#### Military primacy requires the best scientists – denying foreign access kills heg.

**Paarlberg 04** [Prof. of Poli. Sci. at Wellesley, and Assoc.at the Weatherhead Center for International Affairs at Harvard Science, Military Dominance, and U.S. Security, Robert L. Paarlberg, International Security 29.1 (2004) 122-151]

Military primacy today rests on scientific primacy, and the scientific primacy ofthe United States rests on a remarkably durable foundation. Rather than threatening U.S. primacy in science, globalization has strengthened it. Yet science-based military primacy on the battlefield is clearly not a guarantee of security. Determined adversaries can innovate increasingly asymmetric tactics against an endless list of soft targets, and the more domination and resentment they feel under U.S. conventional military hegemony, the more incentive they will have to move toward these unconventional responses. Conventional victories that make new enemies may encourage a dangerous shift toward asymmetry, and if the United States then responds by indiscriminately denying foreigners access to the homeland, U.S. primacy in science could itself be critically weakened. The war against international terror should be fought with science, rather than at the expense of science. The homeland security strategy of the United States should include much larger science investments in disciplines such as chemistry, physics, biotechnology, nanotechnology, and information technology, where promising new counterterror applications are sure to be found. Smart societies can develop not only smart new weapons for conventional use abroad, but also smart new capabilities for threat detection and soft target protection [End Page 150] at home. For example, nanofabrication may hold the key to a timely detection system for some terror bombing threats. Silicon polymer nanowires 2,000 times thinner than a human hair can cheaply detect traces of TNT and piric acid in both water and air, and might someday be developed and deployed into "smart" cargo containers, to protect against terrorist bombs. New information technologies using powerhouse terascale computing capabilities may soon be able to help in tracking and anticipating the behavior of terror networks.90 New systems capable of detecting dangerous amounts of radiation are increasingly affordable and unobtrusive, and the Department of Homeland Security has proposed development of a fully networked national sensor system to monitor the air continuously for pathogens, dangerous chemicals, and other public hazards. One line of defense already in place in thirty cities is a Lawrence Livermore National Laboratory-designed system for monitoring the air for biological attack.

### 1nr U Wall

#### AND – here’s more – the VOTES are there if Obama can keep the pressure on.

NY DAILY NEWS 10 – 20 – 13 It's time to press House Republicans to bring immigration reform to a vote, <http://www.nydailynews.com/new-york/time-press-gop-immigration-reform-article-1.1490008>

It is now or never for immigration reform.

Yes, I know, we have heard that one before, but when last Tuesday President Obama promised he would push for an immigration reform vote in the House “the day after” Congress reached an agreement to reopen the government and raise the debt ceiling, he breathed new life into the trite phrase.

“Once that’s done, you know, the day after — I’m going to be pushing to say, call a vote on immigration reform,” Obama told a Los Angeles affiliate of the Spanish-language TV network Univision.

“And if I have to join with other advocates and continue to speak out on that, and keep pushing, I’m going to do so because I think it’s really important for the country. And now is the time to do it.”

The agreement to reopen the government and raise the debt ceiling, as we all are well aware of, finally happened on Wednesday after 16 irresponsible, wasted days of political brinkmanship ended in humiliation for the Republican Party and its radical Tea Party faction.

Obama told Univision that the votes are there to pass the Senate’s immigration reform bill, and that the only thing that’s blocking its passage is “Speaker Boehner not willing to call the bill on the floor of the House of Representatives.”

There could be an opening to pass immigration reform in the House: Taking action now could enable the GOP to regain some respect.

“This is the time to find out if Boehner learned anything from their defeat,” said Javier Valdés, co-executive director of Make the Road New York, a grassroots organization with offices in Queens, Brooklyn and Staten Island. “Hopefully, Republicans understand now they cannot let themselves be dominated by the Tea Party.”

Make the Road will travel to Washington this Wednesday, to remind a group of Republican House members of their promise to vote for reform. On Friday, the group will hold a vigil in front of the Varick Street immigration detention center in Manhattan, to demand the end of deportations.

“We are going to keep escalating our actions until we get results,” Valdés said. “This is a rare opportunity, and we cannot waste it.”

The President’s efforts are important enough to bring a touch of hope to the proponents of reform. But House Republicans are a crazily unpredictable bunch, so no one can really say if Boehner will finally allow a vote or if anything will be approved, even if he does .

“It is hard to be optimistic about the prospects for anything happening in a bipartisan manner on Capitol Hill these days, but the President and I agree that immigration reform is very likely to be taken up before the end of the year,” said Rep. Luis Gutiérrez (D-Ill.), a national leader for the cause . “When we emerge from this crazy partisan eruption from the Republicans, there will be a huge incentive for sensible Republicans who want to repair some of the damage they have done to themselves.”

#### Capital means it’ll pass

LATINOS POST 10 – 18 – 13 [Immigration Reform 2013 News: Obama Uses Political Showdown in Congress to Push for Immigration Reform, <http://www.latinospost.com/articles/30029/20131018/immigration-reform-2013-news-obama-uses-political-showdown-congress-push-immigration-reform.htm>]

The last few weeks of partisan politics and the 16-day government shutdown may surprisingly give leeway for immigration reform to reemerge as an issue in the national discourse.

The political showdown in Washington ended Wednesday when the House GOP conceded to reopening the government and passing a last-minute bill that narrowly avoided a national default. Now President Obama is using the political capitol he gained during the standoff to call on Congress to revisit the country's broken immigration system and pass comprehensive legislation by the end of the year.

In a speech on Thursday, Obama called for a renewed, bipartisan effort to pass immigration reform.

"This can and should get done by the end of this year," he said at the White House, reports NPR.

He continued stating, "There's already a broad coalition across America that's behind this effort of comprehensive immigration reform--from business leaders to faith leaders to law enforcement," he said. In fact, he added, the Senate has already passed a bill, and "economists estimate that if that bill becomes law, our economy would be 5 percent larger two decades from now. That's $1.4 trillion in new economic growth."

#### Obama has to keep the pressure on

THE HILL 10 – 18 – 13 Obama’s hollow debt victory, <http://thehill.com/homenews/administration/329219-obamas-hollow-debt-victory>

Another former White House official saw things differently and argued Obama now has a real shot at securing a victory on the immigration bill.

“The trick here is to capitalize on the moment without spiking the football,” the former official said. “On immigration, if he could tailor what he’s doing as part of functionality and not as politics, that would be key."

Cal Jillson, a professor of political science at Southern Methodist University said Obama could capitalize on the victory simply by seizing on a Republican Party “in disarray.”

#### AND – here’s the only conclusive cards -

### A2 no b/c shutdown bitter

#### Shutdown bitterness won’t hurt immigration

NOWICKI 10 – 20 – 13 Arizona Republic [Dan Nowicki, Time running out for immigration reform, <http://www.usatoday.com/story/news/nation/2013/10/20/hopes-dim-for-immigration-reform/3062199/>]

Immigration reform, the centerpiece of President Barack Obama's second-term domestic agenda, lost momentum amid the partisan brinkmanship that led to the government shutdown. Some reform opponents believe the profound lack of trust between House Republicans and the White House all but ensures the issue won't proceed this year.

Obama, however, last week signaled that he is not surrendering on one of the issues he ran on when he was first elected president in 2008.

In an interview with Univision's Los Angeles affiliate, Obama indicated he will press forward on immigration reform immediately after the dust settles from the fiscal fight and demand that House Speaker John Boehner, R-Ohio, and other Republican leaders allow a vote on a Senate-passed comprehensive bill.

"And if I have to join with other advocates and continue to speak out on that, and keep pushing, I'm going to do so because I think it's really important for the country," Obama said. "And now is the time to do it."

Reform supporters have remained optimistic that the GOP-controlled House of Representatives will consider several immigration-related bills in November. Their hope is that the House will pass legislation that could lead to negotiations with the Democrat-controlled Senate. On June 27, the upper chamber passed a comprehensive bill that includes a massive investment in border security and a pathway to citizenship for many of the estimated 11 million undocumented immigrants who have settled in the United States. Most observers believe, as a practical matter, lawmakers have at most a few months to act on immigration reform before Congress is paralyzed by 2014 midterm election politics.

But many of the crucial pieces of immigration legislation in the House, such as a bill that could address the legal status of undocumented immigrants already settled in the United States, have yet to surface.

Recognizing time is running out,immigration activists and reform advocates are pressuring lawmakers in pursuit of a breakthrough before Thanksgiving or, at the latest, mid-December.

Reform supporters say if the House delays action on immigration reform until 2014, it's as good as dead because there will be little appetite to debate such a hot-button issue in a congressional midterm election year. If that happens, there likely won't be another serious legislative push until after the 2016 presidential race.

Despite the distractions of the recent Syria crisis and the bitter fiscal fight, reform proponents say they are heartened by the fact that influential House Republicans are still inclined to press ahead with legislation. Majority Leader Eric Cantor of Virginia and House Judiciary Committee Chairman Bob Goodlatte of Virginia have been crafting a bill that would address the legal status of the young undocumented immigrants commonly called "dreamers" while Rep. Paul Ryan of Wisconsin, the 2012 GOP vice-presidential nominee and a possible 2016 White House candidate, is said to be working on a proposal directed at the broader undocumented population.

The impact of the past several weeks of partisan bitterness on the immigration-reform dynamics remains unclear, with some House Republicans harboring hard feelings toward Obama and others seeing a positive post-shutdown opportunity to govern "and show the country that we can do our jobs," said Tamar Jacoby, president of ImmigrationWorks USA, a national coalition of business groups that backs immigration reform. Which House GOP faction wins out in the short term remains to be seen, although the bruised egos represent a fresh challenge for reform supporters.

### A2 Obama Backfires

#### People who thought Obama should previously have backed off have changed their tune – HE SHOULD DO MORE OF WHAT HE IS DOING NOW

LA TIMES 10 – 24 – 13 Obama softens tone on immigration reform [http://www.latimes.com/nation/la-na-immigration-obama-20131025,0,6755968.story#axzz2iqIj5Usd](http://www.latimes.com/nation/la-na-immigration-obama-20131025%2C0%2C6755968.story#axzz2iqIj5Usd)

Rep. Luis V. Gutierrez (D-Ill.), who asked the president in a meeting at the White House earlier this year to step back from negotiations in Congress for fear his involvement would spook Republicans, thought Obama struck the right tone Thursday.

"He didn't say, 'It's my way or the highway,'" said Gutierrez, who is involved in discussions with House Republicans on immigration proposals. Gutierrez wants Obama to step up his involvement in crafting a deal, including bringing together both sides for a face-to-face meeting.

"Camp David is a nice place in the fall," Gutierrez said.

#### Bill advocates want Obama more involved – fears of backfire are wrong

NOWICKI 10 – 24 – 13 AZ Central Staff [Dan Nowicki, <http://www.azcentral.com/news/politics/articles/20131024pleas-by-obama-hindering-push.html>]

Frank Sharry, executive director of the pro- reform organization America’s Voice and an expert in immigration politics, said the restraint that Obama has shown thus far is testament to how badly the president wants a bill passed.

For example, Obama has refrained from trying to punish Republicans politically for holding it up, he said.

“Come on, he’s the president. He gets to use the bully pulpit to try to set the agenda,” Sharry said. “Obviously, it’s only going to happen if the House Republicans decide to do it. Everybody in the world knows that everybody wants to get it done except for the divided House GOP. They have to decide whether they want to be the party of responsible governance or the party of confrontational nihilism. So, it’s their call.”

Another immigrant advocate called on Obama to show more leadership by curtailing his administration’s “outrageous number of deportations,” which affect many people who could benefit from reform, although such a step also could rile House Republicans.

Some GOP lawmakers already have suggested they don’t trust the Obama administration to properly enforce any new immigration or border- security laws that might be passed.

“From our perspective, the president is definitely a big stakeholder and player in getting immigration reform done,” said Cristina Jimenez, managing director of the immigrant-youth network United We Dream.

“We don’t believe that for the president to step up and push Congress to get this done undermines the efforts,” she said. “But we also believe that the president himself could do more.”

### A2 Boehner Won’t break “Hastert Rule”

#### A2 Hastert – said he’d bring it to the floor

REUTERS 10 – 23 – 13 Boehner says he might bring up immigration reform this year, <http://www.reuters.com/article/2013/10/23/us-usa-immigration-boehner-idUSBRE99M0NN20131023>

House of Representatives speaker John Boehner on Wednesday held out the possibility that he might bring U.S. immigration legislation to the floor by the end of the year.

Asked at a question-and-answer session with reporters if he intends to bring up immigration reform this year, Boehner, a Republican, replied: "I still think that immigration reform is an important subject that needs to be addressed and I am hopeful."

#### break the Hastert rule & motivated to act

USA TODAY 10 – 17 – 13 <http://www.usatoday.com/story/news/politics/2013/10/17/government-shutdown-shift-immigration-reform/3000575/>

And while Cruz was marginalized during Senate hearings on the immigration law, his opposition to the bill may get new life through the more conservative wing of the House.

"As we've recently seen, he has the ear of a number of people in the House and I think he's going to be a factor," said Rep. Mario Diaz-Balart, R-Fla., another member of the bipartisan House immigration group who is confident something can pass.

But Democrats say the inability of GOP conservatives to delay or defund Obamacare, and their caving on their opposition to raising the nation's $16.7 trillion debt ceiling, shows that the Cruz and conservatives cannot get everything they want.

"You could hear the hissing sound of the pent-up, perceived power being relieved," said Rep. Joe Garcia, D-Fla., who filed the House version of a sweeping immigration bill that has now garnered 182 Democratic co-sponsors.

Rep. Luis Gutierrez, D-Ill., a main proponent of getting an immigration bill through Congress, is looking to history for signs of optimism.

Gutierrez was in the House during the last government shutdown in 1996, and he says Republicans emerged from the damaging closure scurrying to pass "big things" to show the country they could get things done. In the aftermath of that shutdown, the government passed welfare reform, the Kennedy-Kassebaum health care law and an increase in the minimum wage.

"It was in people's self-interest to pass some good stuff," Gutierrez said. "That's what's going to drive a lot of what goes on around here."

Rep. Xavier Becerra, R-Calif., chairman of the House Democratic Caucus, looks to more recent examples for hope. He said Boehner has violated the so-called 'Hastert Rule' — requiring support from a majority of the majority party in the House before a bill can come to the floor — on several votes that were critical, including emergency relief for victims of Superstorm Sandy.

Becerra sees a similar situation developing on immigration, where the vast majority of Democrats and a small number of Republicans could pass a bill through the House.

"Once again, the speaker for the majority party is going to be placed in a position of deciding whether he's going to put country before party and get something done," Becerra said. "We just need a few courageous Republicans to stand up and say they're ready."

**Boehner will waive the Hastert rule on CIR if Obama can win moderate GOP support**

**Gomez, 10/17/13** (Alan, USA Today, “Shutdown over, Democrats say immigration is next”

<http://www.usatoday.com/story/news/politics/2013/10/17/government-shutdown-shift-immigration-reform/3000575/>

Democrats in the House saw something else going on Wednesday.

In the end, the Affordable Care Act was not delayed or dismantled and House Republicans agreed to raise the nation's $16.7 trillion debt ceiling.

"You could hear the hissing sound of the pent-up, perceived power being relieved," said Rep. Joe Garcia, D-Fla., who filed the House version of a sweeping immigration bill that has now garnered 182 Democratic co-sponsors.

Rep. Luis Gutierrez, D-Ill., one of the main proponents of getting an immigration bill through Congress, is looking to history for signs of optimism that the House can pass something.

Gutierrez was in the House during the last government shutdown in 1996, and he says Republicans emerged from the damaging closure scurrying to pass "big things" to show the country they could get things done. In the aftermath of that shutdown, the government passed welfare reform, the sweeping Kennedy-Kassebaum health care law and an increase in the minimum wage.

"It was in people's self-interest to pass some good stuff," Gutierrez said. "That's what's going to drive a lot of what goes on around here."

Rep. Xavier Becerra, R-Calif., chairman of the House Democratic Caucus, looks to more recent examples for hope. He said Boehner has violated the so-called 'Hastert Rule' — requiring support from a majority of the majority party in the House before a bill can come to the floor — on several votes that were critical, including emergency relief for victims of Superstorm Sandy.

Becerra sees a similar situation developing on immigration, where the vast majority of Democrats and a small number of Republicans could pass a bill through the House.

"Once again, the speaker for the majority party is going to be placed in a position of deciding whether he's going to put country before party and get something done," Becerra said. "We just need a few courageous Republicans to stand up and say they're ready."

### A2 Impeachment Calls Hurt it

#### Impeachment strategy will fail – House leadership not on board

THE HILL 10 – 19 – 13 Dem: Republicans eye 'impeachment circus', <http://thehill.com/blogs/blog-briefing-room/news/329449-dem-gop-planning-impeachment-circus-to-thwart-immigration-reform>

A number of Republicans, including Texas Reps. Steve Stockman and Blake Farenthold, as well as Sen. Jim Inhofe (R-Okla.) and Rep. Michele Bachmann (R-Minn.) have suggested that the House of Representatives could consider impeachment procedures.

Still, there's been no movement by House Republican leadership to pursue such a strategy.

McDermott predicted that even if Republicans fulfilled his prophecy and did undertake impeachment proceedings, they would not prevail.

"That`s exactly what they did to Clinton and they are going to fail at this," McDermott told MSNBC on Friday. "They simply believe that it`s an impeachable offense if they don't agree with it."

### Yes – Conference

#### Will pass – conference committee

WND 10 – 21 – 13 HOUSE POISED TO SLAP DOWN NEXT BIG OBAMA PUSH, <http://www.wnd.com/2013/10/house-poised-to-slap-down-next-big-obama-push/>

The enemy within

That’s what led Rep. Michele Bachmann, R-Minn., to describe amnesty as a “Trojan horse” and to spell out in detail what she believes is the plan to legalize those millions of potential Democrats.

In an exclusive interview with WND, Bachmann explained how an immigration bill approving amnesty could make it through the Republican-controlled House without the approval of most GOP lawmakers.

She said the House will likely approve a bill blocking amnesty, but it will then go to a conference committee to reconcile it with a Senate bill allowing amnesty.

“The good guts of the Trojan horse bill will be pulled out,” she said. “The very bad amnesty provisions will be put in the bill. The bill will go to the House floor, and it won’t be Republicans that pass it.

“It’ll be Nancy Pelosi leading all the House Democrats to vote for it, and just enough Republicans will vote for the bill and you’ll have amnesty,” predicted Bachmann.

### PC Yes

#### Obama has capital

ALLARD & WEN 10 – 19 – 13 Sydney Morning Herald [Tom Allard, Philip Wen, The buck stopped, almost, <http://www.smh.com.au/world/the-buck-stopped-almost-20131018-2vs9l.html>]

The Republican retreat this week in Congress has been widely viewed in the US as a scarifying defeat.

The narrative that the party and its Tea Party wing held the nation - and the world - hostage in a mad attempt to cruel Obama's health- care reforms has resonated.

Polling is dreadful for the Republicans and there are upcoming mid-term congressional elections.

It would suggest Obama has some political capital to play with.

Joe Hockey, who was in Washington and New York this week as the negotiations started, stalled and then limped to the finish line, says the ''salient lesson'' for Australia is to take control of its budget, reduce debt and refocus on growing markets in Asia.

Asked about China's response, and the broader geopolitical fallout, Hockey repeats an observation he made to plenty of politicians, bankers and officials in the US.

''Washington is like being in a home where mum and dad are constantly fighting. The danger is, if it goes on, a time will come when the kids will be looking for another home. They look at moving into the home across the road.''

### A2 Budget Thumper

#### Budget has been dumped – immigration is the top now

WND 10 – 21 – 13 HOUSE POISED TO SLAP DOWN NEXT BIG OBAMA PUSH, <http://www.wnd.com/2013/10/house-poised-to-slap-down-next-big-obama-push/>

Priorities

The president made getting a budget deal his top priority and passing an immigration bill second on his list.

But Obama’s relationship with Congress has been so troubled, he has not managed to pass a budget in four years. Now that his goodwill with the House has deteriorated to a new low, passing a budget appears even less likely. That would put immigration at the top of his wish list, but it is already getting a chilly reception in the House.

### 2NC/1NR—Losers Lose

#### Losers LOSE—perception matters

LOOMIS 7—Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown [Andrew J. Loomis, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php]

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context,

In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not.

Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies

The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### Despite unpopularity of using Targeted Killing—Critics aren’t touching it because to do so would DESTROY obama’s agenda

HUGHES 2/6/13 White House Correspondent—The Washington Examiner [Brian Hughes, Obama's base increasingly wary of drone program, http://washingtonexaminer.com/obamas-base-increasingly-wary-of-drone-program/article/2520787]

The heightened focus on President Obama's targeted killings of American terror suspects overseas has rattled members of his progressive base who have stayed mostly silent during an unprecedented use of secret drone strikes in recent years.

During the presidency of George W. Bush, Democrats, including then-Sen. Obama, hammered the administration for employing enhanced interrogation techniques, which critics labeled torture.

Liberals have hardly championed the president's drone campaign but have done little to force changes in the practice, even as the White House touts the growing number al Qaeda casualties in the covert war.

The issue grates on some Democrats who backed Obama over Hillary Clinton because of her vote in favor of the war in Iraq, only to see the president ignore a campaign promise to close the detainee holding camp in Guantanamo, Cuba, and mount a troop surge in Afghanistan.

With the confirmation hearing Thursday for John Brennan, Obama's nominee for CIA director -- and the architect of the drone program -- Democrats will have a high-profile opportunity to air their concerns over the controversial killings.

"You watch and see -- the left wing of the party will start targeting Obama over this," said Larry Sabato, a political scientist at the University of Virginia. "It's inevitable. The drumbeat will increase as time goes on, especially with each passing drone strike."

Obama late Wednesday decided to share with Congress' intelligence committees the government's legal reasoning for conducting drones strikes against suspected American terrorists abroad, the Associated Press reported. Lawmakers have long demanded to see the full document, accusing the Obama administration of stonewalling oversight efforts.

Earlier in the day, one Democrat even hinted at a possible filibuster of Brennan if given unsatisfactory answers about the drone program.

"I am going to pull out all the stops to get the actual legal analysis, because with out it, in effect, the administration is practicing secret law," said Sen. Ron Wyden, D-Ore., a member of the Senate Select Intelligence Committee. "This position is no different [than] that the Bush administration adhered to in this area, which is largely 'Trust us, we'll make the right judgments.' "

In a Justice Department memo released this week, the administration argued it could order the killing of a suspected American terrorist even with no imminent threat to the homeland.

White House press secretary Jay Carney insisted on Wednesday that the administration had provided an "unprecedented level of information to the public" about the drone operations. Yet, questions remain about who exactly orders the killings, or even how many operations have been conducted.

"There's been more noise from senators expressing increased discomfort [with the drone program]," said Joshua Foust, a fellow at the American Security Project. "For Brennan, there's going to be more opposition from Democrats than Republicans. It's not just drones but the issue of torture."

Facing concerns from liberals, Brennan had to withdraw his name from the running for the top CIA post in 2008 over his connections to waterboarding during the Bush administration.

Since becoming president, Obama has championed and expanded most of the Bush-era terror practices that he decried while running for the White House in 2008.

It's estimated that roughly 2,500 people have died in drone strikes conducted by the Obama administration.

However, most voters have embraced the president's expanded use of drone strikes. A recent Pew survey found 62 percent of Americans approved of the U.S. government's drone campaign against extremist leaders. And some analysts doubted whether Democratic lawmakers would challenged Obama and risk undermining his second-term agenda.

"Democrats, they're going to want the president to succeed on domestic priorities and don't want to do anything to erode his political capital," said Christopher Preble, vice president for defense and foreign policy studies at the Cato Institute. "It's just so partisan right now. An awful lot of [lawmakers] think the president should be able to do whatever he wants."