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## Inherency

CONTENTION ONE: INHERENCY

Status quo administration policy delineates between geographic zones, but our legal justification for war everywhere remains in place

Anthony Dworkin 13, senior policy fellow at the European Council on Foreign Relations, “Drones And Targeted Killing: Defining A European Position”, July, http://ecfr.eu/page/-/ECFR84\_DRONES\_BRIEF.pdf

Two further points are worth noting. First, the administration has acknowledged that in the case of American citizens, even when they are involved in the armed conflict, the US Constitution imposes additional requirements of due process that bring the threshold for targeted killing close to that involved in a self-defence analysis. These requirements were listed in a Department of Justice white paper that became public earlier this year.26 Second, the administration has at times suggested that even in the case of non-Americans its policy is to concentrate its efforts against individuals who pose a significant and imminent threat to the US. For example, John Brennan said in his Harvard speech in September 2011 that the administration’s counterterrorism efforts outside Afghanistan and Iraq were “focused on those individuals who are a threat to the United States, whose removal would cause a significant – even if only temporary – disruption of the plans and capabilities of al-Qaeda and its associated forces”.27

However, the details that have emerged about US targeting practices in the past few years raise questions about how closely this approach has been followed in practice. An analysis published by McClatchy Newspapers in April, based on classified intelligence reports, claimed that 265 out of 482 individuals killed in Pakistan in a 12-month period up to September 2011 were not senior al-Qaeda operatives but instead were assessed as Afghan, Pakistani, and unknown extremists.28 It has been widely reported that in both Pakistan and Yemen the US has at times carried out “signature strikes” or “Terrorist Attack Disruption Strikes” in which groups are targeted based not on knowledge of their identity but on a pattern of behaviour that complies with a set of indicators for militant activity. It is widely thought that these attacks have accounted for many of the civilian casualties caused by drone strikes. In both Pakistan and Yemen, there may have been times when some drone strikes – including signature strikes – could perhaps best be understood as counterinsurgency actions in support of government forces in an internal armed conflict or civil war, and in this way lawful under the laws of armed conflict. Some attacks in Pakistan may also have been directly aimed at preventing attacks across the border on US forces in Afghanistan. However, by presenting its drone programme overall as part of a global armed conflict. the Obama administration continues to set an expansive precedent that is damaging to the international rule of law.

Obama’s new policy on drones

It is against this background that Obama’s recent counterterrorism speech and the policy directive he announced at the same time should be understood. On the subject of remotely piloted aircraft and targeted killing, there were two key aspects to his intervention. First, he suggested that the military element in US counterterrorism may be scaled back further in the coming months, and that he envisages a time in the not-too-distant future when the fight against the al-Qaeda network will no longer qualify as an armed conflict. He said that “the core of al Qaeda in Afghanistan and Pakistan is on the path to defeat” and that while al-Qaeda franchises and other terrorists continued to plot against the US, “the scale of this threat closely resembles the types of attacks we faced before 9/11”.29 Obama promised that he would not sign legislation that expanded the mandate of the AUMF, and proclaimed that the United States’ “systematic effort to dismantle terrorist organizations must continue […] but this war, like all wars, must end”. The tone of Obama’s speech contrasted strongly with that of US military officials who testified before the Senate Committee on Armed Services the week before; Michael Sheehan, the Assistant Secretary of Defence for Special Operations and Low-Intensity Conflict, said then that the end of the armed conflict was “a long way off” and appeared to say that it might continue for 10 to 20 years.30

Second, the day before his speech, Obama set out regulations for drone strikes that appeared to restrict them beyond previous commitments (the guidance remains classified but a summary has been released). The guidance set out standards and procedures for drone strikes “that are either already in place or will be transitioned into place over time”.31 Outside areas of active hostilities, lethal force will only be used “when capture is not feasible and no other reasonable alternatives exist to address the threat effectively”. It will only be used against a target “that poses a continuing, imminent threat to US persons”. And there must be “near certainty that non-combatants will not be injured or killed”.

In some respects, these standards remain unclear: the president did not specify how quickly they would be implemented, or how “areas of active hostilities” should be understood. Nevertheless, taken at face value, they seem to represent a meaningful change, at least on a conceptual level. Effectively, they bring the criteria for all targeted strikes into line with the standards that the administration had previously determined to apply to US citizens. Where the administration had previously said on occasions that it focused in practice on those people who pose the greatest threat, this is now formalised as official policy. In this way, the standards are significantly more restrictive than the limits that the laws of armed conflict set for killing in wartime, and represent a shift towards a threat-based rather than status-based approach. In effect, the new policy endorses a self-defence standard as the de facto basis for US drone strikes, even if the continuing level of attacks would strike most Europeans as far above what a genuine self-defence analysis would permit.32 The new standards would seem to prohibit signature strikes in countries such as Yemen and Somalia and confine them to Pakistan, where militant activity could be seen as posing a cross-border threat to US troops in Afghanistan. According to news reports, signature strikes will continue in the Pakistani tribal areas for the time being.33

However, the impact of the new policy will depend very much on how the concept of a continuing, imminent threat is interpreted. The administration has not given any definition of this phrase, and the leaked Department of Justice white paper contained a strikingly broad interpretation of imminence; among other points, the white paper said that it “does not require the United States to have clear evidence that a specific attack on US persons or interests will take place in the immediate future” and that it “must incorporate considerations of the relevant window of opportunity, the possibility of reducing collateral damage to civilians, and the likelihood of heading off future disastrous attacks on Americans”.34 The presidential policy guidance captures the apparent concerns behind the administration’s policy more honestly by including the criterion of continuing threat, but this begs the question of how the notions of a “continuing” and “imminent” threat relate to each other. Even since Obama’s speech, the US is reported to have carried out four drone strikes (two in Pakistan and two in Yemen) killing between 18 and 21 people – suggesting that the level of attacks is hardly diminishing under the new guidelines.35

It is also notable that the new standards announced by Obama represent a policy decision by the US rather than a revised interpretation of its legal obligations. In his speech, Obama drew a distinction between legality and morality, pointing out that “to say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance”. The suggestion was that the US was scaling back its use of drones out of practical or normative considerations, not because of any new conviction that the its previous legal claims went too far. The background assertion that the US is engaged in an armed conflict with al-Qaeda and associated forces, and might therefore lawfully kill any member of the opposing forces wherever they were found, remains in place to serve as a precedent for other states that wish to claim it.

## Drone Prolif

CONTENTION TWO: DRONE PROLIFERATION

It’s inevitable – only the plan establishes norms for restrained use that solves global war

Kristen Roberts 13, news editor for the National Journal, master in security studies from Georgetown, “When the Whole World Has Drones”, March 22, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321

The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last display at a trade show in Beijing, China showed off 25 different unmanned aerial vehicles. Not toys or models, but real flying machines.

It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use. This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following.

America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts.

To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones to kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order.

Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you. In Pakistan, Yemen, and Afghanistan.

This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation.

THE WRONG QUESTION

The United States is the indisputable leader in drone technology and long-range strike. Remote-piloted aircraft have given Washington an extraordinary ability to wage war with far greater precision, improved effect, and fewer unintended casualties than conventional warfare. The drones allow U.S. forces to establish ever greater control over combat areas, and the Pentagon sees the technology as an efficient and judicious force of the future. And it should, given the billions of dollars that have gone into establishing and maintaining such a capability.

That level of superiority leads some national security officials to downplay concerns about other nations’ unmanned systems and to too narrowly define potential threats to the homeland. As proof, they argue that American dominance in drone warfare is due only in part to the aircraft itself, which offers the ability to travel great distances and loiter for long periods, not to mention carry and launch Hellfire missiles. The drone itself, they argue, is just a tool and, yes, one that is being copied aggressively by allies and adversaries alike. The real edge, they say, is in the unparalleled intelligence-collection and data-analysis underpinning the aircraft’s mission.

“There is what I think is just an unconstrained focus on a tool as opposed to the subject of the issue, the tool of remotely piloted aircraft that in fact provide for greater degrees of surety before you employ force than anything else we use,” said retired Lt. Gen. David Deptula, the Air Force’s first deputy chief of staff for intelligence, surveillance, and reconnaissance. “I think people don’t realize that for the medium altitude aircraft—the MQ-1 [Predator] and MQ-9 [Reaper] that are generally written about in the press—there are over 200 people involved in just one orbit of those aircraft.… The majority of those people are analysts who are interpreting the information that’s coming off the sensors on the aircraft.”

The analysts are part of the global architecture that makes precision strikes, and targeted killing, possible. At the front end, obviously, intelligence—military, CIA, and local—inform target decisions. But in as near-real time as technologically possible, intel analysts in Nevada, Texas, Virginia, and other locations watch the data flood in from the aircraft and make calls on what’s happening on target. They monitor the footage, listen to audio, and analyze signals, giving decision-makers time to adjust an operation if the risks (often counted in potential civilian deaths) outweigh the reward (judged by the value of the threat eliminated).

“Is that a shovel or a rifle? Is that a Taliban member or is this a farmer? The way that warfare has advanced is that we are much more exquisite in our ability to discern,” Maj. Gen. Robert Otto, commander of the Air Force Intelligence, Surveillance, and Reconnaissance Agency, told National Journal at Nellis Air Force Base in Nevada. “We’re not overhead for 15 minutes with a fighter that’s about to run out of gas, and we have to make a decision. We can orbit long enough to be pretty sure about our target.”

Other countries, groups, and even individuals can and do fly drones. But no state or group has nearly the sophisticated network of intelligence and data analysis that gives the United States its strategic advantage. Although it would be foolish to dismiss the notion that potential U.S. adversaries aspire to attain that type of war-from-afar, pinpoint-strike capability, they have neither the income nor the perceived need to do so.

That’s true, at least today. It’s also irrelevant. Others who employ drones are likely to carry a different agenda, one more concerned with employing a relatively inexpensive and ruthlessly efficient tool to dispatch an enemy close at hand.

“It would be very difficult for them to create the global-strike architecture we have, to have a control cell in Nevada flying a plane over Afghanistan. The reality is that most nations don’t want or need that,” said Peter Singer, director of the Brookings Institution’s Center for 21st Century Security and Intelligence and one of the foremost experts in advanced military technology. “Turkey’s not looking to conduct strikes into the Philippines.... But Turkey is looking to be able to carry out long-duration surveillance and potentially strike inside and right on its border.”

And that’s a NATO ally seeking the capability to conduct missions that would run afoul of U.S. interests in Iraq and the broader Middle East. Already, Beijing says it considered a strike in Myanmar to kill a drug lord wanted in the deaths of Chinese sailors. What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea? Or if India uses the aircraft to strike Lashkar-e-Taiba militants near Kashmir?

“We don’t like other states using lethal force outside their borders. It’s destabilizing. It can lead to a sort of wider escalation of violence between two states,” said Micah Zenko, a security policy and drone expert at the Council on Foreign Relations. “So the proliferation of drones is not just about the protection of the United States. It’s primarily about the likelihood that other states will increasingly use lethal force outside of their borders.”

LOWERING THE BAR

Governments have covertly killed for ages, whether they maintained an official hit list or not. Before the Obama administration’s “disposition matrix,” Israel was among the best-known examples of a state that engaged, and continues to engage, in strikes to eliminate people identified by its intelligence as plotting attacks against it. But Israel certainly is not alone. Turkey has killed Kurds in Northern Iraq. Some American security experts point to Russia as well, although Moscow disputes this.

In the 1960s, the U.S. government was involved to differing levels in plots to assassinate leaders in Congo and the Dominican Republic, and, famously, Fidel Castro in Cuba. The Church Committee’s investigation and subsequent 1975 report on those and other suspected plots led to the standing U.S. ban on assassination. So, from 1976 until the start of President George W. Bush’s “war on terror,” the United States did not conduct targeted killings, because it was considered anathema to American foreign policy. (In fact, until as late as 2001, Washington’s stated policy was to oppose Israel’s targeted killings.)

When America adopted targeted killing again—first under the Bush administration after the September 11 attacks and then expanded by President Obama—the tools of the trade had changed. No longer was the CIA sending poison, pistols, and toxic cigars to assets overseas to kill enemy leaders. Now it could target people throughout al-Qaida’s hierarchy with accuracy, deliver lethal ordnance literally around the world, and watch the mission’s completion in real time.

The United States is smartly using technology to improve combat efficacy, and to make war-fighting more efficient, both in money and manpower. It has been able to conduct more than 400 lethal strikes, killing more than 3,500 people, in Afghanistan, Pakistan, Yemen, Somalia, and North Africa using drones; reducing risk to U.S. personnel; and giving the Pentagon flexibility to use special-forces units elsewhere. And, no matter what human-rights groups say, it’s clear that drone use has reduced the number of civilians killed in combat relative to earlier conflicts. Washington would be foolish not to exploit unmanned aircraft in its long fight against terrorism. In fact, defense hawks and spendthrifts alike would criticize it if it did not.

“If you believe that these folks are legitimate terrorists who are committing acts of aggressive, potential violent acts against the United States or our allies or our citizens overseas, should it matter how we choose to engage in the self-defense of the United States?” asked Rep. Mike Rogers, R-Mich., chairman of the House Intelligence Committee. “Do we have that debate when a special-forces team goes in? Do we have that debate if a tank round does it? Do we have the debate if an aircraft pilot drops a particular bomb?”

But defense analysts argue—and military officials concede—there is a qualitative difference between dropping a team of men into Yemen and green-lighting a Predator flight from Nevada. Drones lower the threshold for military action. That’s why, according to the Council on Foreign Relations, unmanned aircraft have conducted 95 percent of all U.S. targeted killings. Almost certainly, if drones were unavailable, the United States would not have pursued an equivalent number of manned strikes in Pakistan.

And what’s true for the United States will be true as well for other countries that own and arm remote piloted aircraft.

“The drones—the responsiveness, the persistence, and without putting your personnel at risk—is what makes it a different technology,” Zenko said. “When other states have this technology, if they follow U.S. practice, it will lower the threshold for their uses of lethal force outside their borders. So they will be more likely to conduct targeted killings than they have in the past.”

The Obama administration appears to be aware of and concerned about setting precedents through its targeted-strike program. When the development of a disposition matrix to catalog both targets and resources marshaled against the United States was first reported in 2012, officials spoke about it in part as an effort to create a standardized process that would live beyond the current administration, underscoring the long duration of the counterterrorism challenge.

Indeed, the president’s legal and security advisers have put considerable effort into establishing rules to govern the program. Most members of the House and Senate Intelligence committees say they are confident the defense and intelligence communities have set an adequate evidentiary bar for determining when a member of al-Qaida or an affiliated group may be added to the target list, for example, and say that the rigor of the process gives them comfort in the level of program oversight within the executive branch. “They’re not drawing names out of a hat here,” Rogers said. “It is very specific intel-gathering and other things that would lead somebody to be subject for an engagement by the United States government.”

BEHIND CLOSED DOORS

The argument against public debate is easy enough to understand: Operational secrecy is necessary, and total opacity is easier. “I don’t think there is enough transparency and justification so that we remove not the secrecy, but the mystery of these things,” said Dennis Blair, Obama’s former director of national intelligence. “The reason it’s not been undertaken by the administration is that they just make a cold-blooded calculation that it’s better to hunker down and take the criticism than it is to get into the public debate, which is going to be a hard one to win.”

But by keeping legal and policy positions secret, only partially sharing information even with congressional oversight committees, and declining to open a public discussion about drone use, the president and his team are asking the world to just trust that America is getting this right. While some will, many people, especially outside the United States, will see that approach as hypocritical, coming from a government that calls for transparency and the rule of law elsewhere.

“I know these people, and I know how much they really, really attend to the most important details of the job,” said Barry Pavel, a former defense and security official in the Bush and Obama administrations who is director of the Brent Scowcroft Center on International Security at the Atlantic Council. “If I didn’t have that personal knowledge and because there isn’t that much really in the press, then I would be giving you a different rendering, and much more uncertain rendering.”

That’s only part of the problem with the White House’s trust-us approach. The other resides in the vast distance between the criteria and authorization the administration says it uses in the combat drone program and the reality on the ground. For example, according to administration officials, before a person is added to the targeted strike list, specific criteria should be met. The target should be a 1) senior, 2) operational 3) leader of al-Qaida or an affiliated group who presents 4) an imminent threat of violent attack 5) against the United States.

But that’s not who is being targeted.

Setting aside the administration’s redefining of “imminence” beyond all recognition, the majority of the 3,500-plus people killed by U.S. drones worldwide were not leaders of al-Qaida or the Taliban; they were low- or mid-level foot soldiers. Most were not plotting attacks against the United States. In Yemen and North Africa, the Obama administration is deploying weaponized drones to take out targets who are more of a threat to local governments than to Washington, according to defense and regional security experts who closely track unrest in those areas. In some cases, Washington appears to be in the business of using its drone capabilities mostly to assist other countries, not to deter strikes against the United States (another precedent that might be eagerly seized upon in the future).

U.S. defense and intelligence officials reject any suggestion that the targets are not legitimate. One thing they do not contest, however, is that the administration’s reliance on the post-9/11 Authorization for Use of Military Force as legal cover for a drone-strike program that has extended well beyond al-Qaida in Afghanistan or Pakistan is dodgy. The threat that the United States is trying to deal with today has an ever more tenuous connection to Sept. 11. (None of the intelligence officials reached for this article would speak on the record.) But instead of asking Congress to consider extending its authorization, as some officials have mulled, the administration’s legal counsel has chosen instead to rely on Nixon administration adviser John Stevenson’s 1970 justification of the bombing of Cambodia during the Vietnam War, an action new Secretary of State John Kerry criticized during his confirmation hearing this year.

Human-rights groups might be loudest in their criticism of both the program and the opaque policy surrounding it, but even the few lawmakers who have access to the intelligence the administration shares have a hard time coping with the dearth of information. “We can’t always assume we’re going to have responsible people with whom we agree and trust in these positions,” said Sen. Angus King, I-Maine, who sits on the Senate Intelligence Committee. “The essence of the Constitution is, it shouldn’t matter who is in charge; they’re still constrained by principles and rules of the Constitution and of the Bill of Rights.”

PEER PRESSURE

Obama promised in his 2013 State of the Union to increase the drone program’s transparency. “In the months ahead, I will continue to engage Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world,” the president said on Feb. 12. Since then, the administration, under pressure from allies on Senate Intelligence, agreed to release all of the legal memos the Justice Department drafted in support of targeted killing.

But, beyond that, it’s not certain Obama will do anything more to shine light on this program. Except in situations where leaks help it tell a politically expedient story of its skill at killing bad guys, the administration has done little to make a case to the public and the world at large for its use of armed drones.

Already, what’s become apparent is that the White House is not interested in changing much about the way it communicates strike policy. (It took Sen. Rand Paul’s 13-hour filibuster of CIA Director John Brennan’s nomination to force the administration to concede that it doesn’t have the right to use drones to kill noncombatant Americans on U.S. soil.) And government officials, as well as their surrogates on security issues, are actively trying to squash expectations that the administration would agree to bring the judicial branch into the oversight mix. Indeed, judicial review of any piece of the program is largely off the table now, according to intelligence officials and committee members.

Under discussion within the administration and on Capitol Hill is a potential program takeover by the Pentagon, removing the CIA from its post-9/11 role of executing military-like strikes. Ostensibly, that shift could help lift the secret-by-association-with-CIA attribute of the program that some officials say has kept them from more freely talking about the legitimate military use of drones for counterterrorism operations. But such a fix would provide no guarantee of greater transparency for the public, or even Congress.

And if the administration is not willing to share with lawmakers who are security-cleared to know, it certainly is not prepared to engage in a sensitive discussion, even among allies, that might begin to set the rules on use for a technology that could upend stability in already fragile and strategically significant places around the globe. Time is running out to do so.

“The history of technology development like this is, you never maintain your lead very long. Somebody always gets it,” said David Berteau, director of the International Security Program at the Center for Strategic and International Studies. “They’re going to become cheaper. They’re going to become easier. They’re going to become interoperable,” he said. “The destabilizing effects are very, very serious.”

Berteau is not alone. Zenko, of the Council on Foreign Relations, has urged officials to quickly establish norms. Singer, at Brookings, argues that the window of opportunity for the United States to create stability-supporting precedent is quickly closing. The problem is, the administration is not thinking far enough down the line, according to a Senate Intelligence aide. Administration officials “are thinking about the next four years, and we’re thinking about the next 40 years. And those two different angles on this question are why you see them in conflict right now.”

That’s in part a symptom of the “technological optimism” that often plagues the U.S. security community when it establishes a lead over its competitors, noted Georgetown University’s Kai-Henrik Barth. After the 1945 bombing of Hiroshima and Nagasaki, the United States was sure it would be decades before the Soviets developed a nuclear-weapon capability. It took four years.

With drones, the question is how long before the dozens of states with the aircraft can arm and then operate a weaponized version. “Pretty much every nation has gone down the pathway of, ‘This is science fiction; we don’t want this stuff,’ to, ‘OK, we want them, but we’ll just use them for surveillance,’ to, ‘Hmm, they’re really useful when you see the bad guy and can do something about it, so we’ll arm them,’ ” Singer said. He listed the countries that have gone that route: the United States, Britain, Italy, Germany, China. “Consistently, nations have gone down the pathway of first only surveillance and then arming.”

The opportunity to write rules that might at least guide, if not restrain, the world’s view of acceptable drone use remains, not least because this is in essence a conventional arms-control issue. The international Missile Technology Control Regime attempts to restrict exports of unmanned vehicles capable of carrying weapons of mass destruction, but it is voluntary and nonbinding, and it’s under attack by the drone industry as a drag on business. Further, the technology itself, especially when coupled with data and real-time analytics, offers the luxury of time and distance that could allow officials to raise the evidentiary bar for strikes—to be closer to certain that their target is the right one.

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.

Geographic restrictions are key

Rosa Brooks, Professor of Law, Georgetown University Law Center, Bernard L. Schwartz Senior Fellow, New America Foundation, 4/23/13, The Constitutional and Counterterrorism Implications of Targeted Killing, http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf

Mr. Chairman, I would like to turn now to the legal framework applicable to US drone strikes. Both the United States and the international community have long had rules governing armed conflicts and the use of force in national self-defense. These rules apply whether the lethal force at issue involves knives, handguns, grenades or weaponized drones. When drone technologies are used in traditional armed conflicts—on “hot battlefields” such as those in Afghanistan, Iraq or Libya, for instance – they pose no new legal issues. As Administration officials have stated, their use is subject to the same requirements as the use of other lawful means and methods of warfare.28

But if drones used in traditional armed conflicts or traditional self-defense situations present no “new” legal issues, some of the activities and policies enabled and facilitated by drone technologies pose significant challenges to existing legal frameworks.

As I have discussed above, the availability of perceived low cost of drone technologies makes it far easier for the US to “expand the battlefield,” striking targets in places where it would be too dangerous or too politically controversial to send troops. Specifically, drone technologies enable the United States to strike targets deep inside foreign states, and do so quickly, efficiently and deniably. As a result, drones have become the tool of choice for so-called “targeted killing” – the deliberate targeting of an individual or group of individuals, whether known by name or targeted based on patterns of activity, inside the borders of a foreign country. It is when drones are used in targeted killings outside of traditional or “hot” battlefields that their use challenges existing legal frameworks.

Law is almost always out of date: we make legal rules based on existing conditions and technologies, perhaps with a small nod in the direction of predicted future changes. As societies and technologies change, law increasingly becomes an exercise in jamming square pegs into round holes. Eventually, that process begins to do damage to existing law: it gets stretched out of shape, or broken. Right now, I would argue, US drone policy is on the verge of doing significant damage to the rule of law.

A. The Rule of Law

At root, the idea of “rule of law” is fairly simple, and well understood by Americans familiar with the foundational documents that established our nation, such as the Declaration of Independence, the Constitution and the Bill of Rights. The rule of law requires that governments follow transparent, clearly defined and universally applicable laws and procedures. The goal of the rule of law is to ensure predictability and stability, and to prevent the arbitrary exercise of power. In a society committed to the rule of law, the government cannot fine you, lock you up, or kill you on a whim -- it can restrict your liberty or take your property or life only in accordance with pre-established processes and rules that reflect basic notions of justice, humanity and fairness.

Precisely what constitutes a fair process is debatable, but most would agree that at a minimum, fairness requires that individuals have reasonable notice of what constitutes the applicable law, reasonable notice that they are suspected of violating the law, a reasonable opportunity to rebut any allegations against them, and a reasonable opportunity to have the outcome of any procedures or actions against them reviewed by some objective person or body. These core values are enshrined both in the US Constitution and in international human rights law instruments such as the International Covenant on Civil and Political Rights, to which the United States is a party.

In ordinary circumstances, this bundle of universally acknowledged rights (together with international law principles of sovereignty) means it is clearly unlawful for one state to target and kill an individual inside the borders of another state. Recall, for instance, the 1976 killing of Chilean dissident Orlando Letelier in Washington DC. When Chilean government intelligence operatives planted a car bomb in the car used by Letelier, killing him and a US citizen accompanying him, the United States government called this an act of murder—an unlawful political assassination.

B. Targeted Killing and the Law of Armed Conflict

Of course, sometimes the “ordinary” legal rules do not apply. In war, the willful killing of human beings is permitted, whether the means of killing is a gun, a bomb, or a long-distance drone strike. The law of armed conflict permits a wide range of behaviors that would be unlawful in the absence of an armed conflict. Generally speaking, the intentional destruction of private property and severe restrictions on individual liberties are impermissible in peacetime, but acceptable in wartime, for instance. Even actions that a combatant knows will cause civilian deaths are lawful when consistent with the principles of necessity, humanity, proportionality,29 and distinction.30

It is worth briefly explaining these principles. The principle of necessity requires parties to a conflict to limit their actions to those that are indispensible for securing the complete submission of the enemy as soon as possible (and that are otherwise permitted by international law). The principle of humanity forbids parties to a conflict to inflict gratuitous violence or employ methods calculated to cause unnecessary suffering. The principle of proportionality requires parties to ensure that the anticipated loss of life or property incidental to an attack is not excessive in relation to the concrete and direct military advantage expected to be gained.

Finally, the principle of discrimination or distinction requires that parties to a conflict direct their actions only against combatants and military objectives, and take appropriate steps to distinguish between combatants and non-combatants.31

This is a radical oversimplification of a very complex body of law.32 But as with the rule of law, the basic idea is pretty simple. When there is no war -- when ordinary, peacetime law applies -- agents of the state aren't supposed to lock people up, take their property or kill them, unless they have jumped through a whole lot of legal hoops first. When there is an armed conflict, however, everything changes. War is not a legal free-for-all33 -- torture, rape are always crimes under the law of war, as is killing that is willful, wanton and not justified by military necessity34 -- but there are far fewer constraints on state behavior.

Technically, the law of war is referred to using the Latin term “lex specialis” – special law. It is applicable in—and only in -- special circumstances (in this case, armed conflict), and in those special circumstances, it supersedes “ordinary law,” or “lex generalis,” the “general law” that prevails in peacetime. We have one set of laws for “normal” situations, and another, more flexible set of laws for “extraordinary” situations, such as armed conflicts.

None of this poses any inherent problem for the rule of law. Having one body of rules that tightly restricts the use of force and another body of rules that is far more permissive does not fundamentally undermine the rule of law, as long as we have a reasonable degree of consensus on what circumstances trigger the “special” law, and as long as the “special law” doesn’t end up undermining the general law.

To put it a little differently, war, with its very different rules, does not challenge ordinary law as long as war is the exception, not the norm -- as long as we can all agree on what constitutes a war -- as long as we can tell when the war begins and ends -- and as long as we all know how to tell the difference between a combatant and a civilian, and between places where there's war and places where there's no war.

Let me return now to the question of drones and targeted killings. When all these distinctions I just mentioned are clear, the use of drones in targeted killings does not necessarily present any great or novel problem. In Libya, for instance, a state of armed conflict clearly existed inside the borders of Libya between Libyan government forces and NATO states. In that context, the use of drones to strike Libyan military targets is no more controversial than the use of manned aircraft.

That is because our core rule of law concerns have mostly been satisfied: we know there is an armed conflict, in part because all parties to it agree that there is an armed conflict, in part because observers (such as international journalists) can easily verify the presence of uniformed military personnel engaged in using force, and in part because the violence is, from an objective perspective, widespread and sustained: it is not a mere skirmish or riot or criminal law enforcement situation that got out of control. We know who the “enemy” is: Libyan government forces. We know where the conflict is and is not: the conflict was in Libya, but not in neighboring Algeria or Egypt. We know when the conflict began, we know who authorized the use of force (the UN Security Council) and, just as crucially, we know whom to hold accountable in the event of error or abuse (the various governments involved).35

Once you take targeted killings outside hot battlefields, it’s a different story. The Obama Administration is currently using drones to strike terror suspects in Pakistan, Somalia, Yemen, and –perhaps—Mali and the Philippines as well. Defenders of the administration's increasing reliance on drone strikes in such places assert that the US is in an armed conflict with “al Qaeda and its associates,” and on that basis, they assert that the law of war is applicable -- in any place and at any time -- with regard to any person the administration deems a combatant.

The trouble is, no one outside a very small group within the US executive branch has any ability to evaluate who is and who isn’t a combatant. The war against al Qaeda and its associates is not like World War II, or Libya, or even Afghanistan: it is an open-ended conflict with an inchoate, undefined adversary (who exactly are al Qaeda’s “associates”?). What is more, targeting decisions in this nebulous “war” are based largely on classified intelligence reporting. As a result, Administration assertions about who is a combatant and what constitutes a threat are entirely non-falsifiable, because they're based wholly on undisclosed evidence. Add to this still another problem: most of these strikes are considered covert action, so although the US sometimes takes public credit for the deaths of alleged terrorist leaders, most of the time, the US will not even officially acknowledge targeted killings.

This leaves all the key rule-of-law questions related to the ongoing war against al Qaeda and its "associates" unanswered.36 Based on what criteria might someone be considered a combatant or directly participating in hostilities? What constitutes “hostilities” in the context of an armed conflict against a non-state actor, and what does it mean to participate in them? And just where is the war? Does the war (and thus the law of war) somehow "travel" with combatants? Does the US have a “right” to target enemy combatants anywhere on earth, or does it depend on the consent of the state at issue? Who in the United States government is authorized to make such determinations, and what is the precise chain of command for such decisions?

I think the rule of law problem here is obvious: when “armed conflict” becomes a term flexible enough to be applied both to World War II and to the relations between the United States and “associates” of al Qaeda such as Somalia’s al Shabaab, the concept of armed conflict is not very useful anymore. And when we lack clarity and consensus on how to recognize “armed conflict,” we no longer have a clear or principled basis for deciding how to categorize US targeted killings. Are they, as the US government argues, legal under the laws of war? Or are they, as some human rights groups have argued, unlawful murder?

C. Targeted Killing and the International Law of Self-Defense

When faced with criticisms of the law of war framework as a justification for targeted killing, Obama Administration representatives often shift tack, arguing that international law rules on national self-defense provide an alternative or additional legal justification for US targeted killings. Here, the argument is that if a person located in a foreign state poses an "imminent threat of violent attack" against the United States, the US can lawfully use force in self-defense, provided that the defensive force used is otherwise consistent with law of war principles.

Like law of war-based arguments, this general principle is superficially uncontroversial: if someone overseas is about to launch a nuclear weapon at New York City, no one can doubt that the United States has a perfect right (and the president has a constitutional duty) to use force if needed to prevent that attack, regardless of the attacker's nationality.

But once again, the devil is in the details. To start with, what constitutes an "imminent" threat? Traditionally, both international law and domestic criminal law understand that term narrowly: 37 to be "imminent," a threat cannot be distant or speculative.38 But much like the Bush Administration before it, the Obama Administration has put forward an interpretation of the word “imminent” that bears little relation to traditional legal concepts.

According to a leaked 2011 Justice Department white paper39—the most detailed legal justification that has yet become public-- the requirement of imminence "does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future." This seems, in itself, like a substantial departure from accepted international law definitions of imminence.

But the White Paper goes even further, stating that "certain members of al Qaeda are continually plotting attacks...and would engage in such attacks regularly [if] they were able to do so, [and] the US government may not be aware of all... plots as they are developing and thus cannot be confident that none is about to occur." For this reason, it concludes, anyone deemed to be an operational leader of al Qaeda or its "associated forces" presents, by definition, an imminent threat even in the absence of any evidence whatsoever relating to immediate or future attack plans. In effect, the concept of "imminent threat" (part of the international law relating to self-defense) becomes conflated with identity or status (a familiar part of the law of armed conflict).

That concept of imminence has been called Orwellian, and although that is an overused epithet, in this context it seems fairly appropriate. According to the Obama Administration, “imminent” no longer means “immediate,” and in fact the very absence of clear evidence indicating specific present or future attack plans becomes, paradoxically, the basis for assuming that attack may perpetually be “imminent.”

The 2011 Justice Department White Paper notes that the use of force in self-defense must comply with general law of war principles of necessity, proportionality, humanity, and distinction. The White Paper offers no guidance on the specific criteria for determining when an individual is a combatant (or a civilian participating directly in hostilities), however. It also offers no guidance on how to determine if a use of force is necessary or proportionate.

From a traditional international law perspective, this necessity and proportionality inquiry relates both to imminence and to the gravity of the threat itself, but so far there has been no public Administration statement as to how the administration interprets these requirements. Is any threat of "violent attack" sufficient to justify killing someone in a foreign country, including a U.S. citizen? Is every potential suicide bomber targetable, or does it depend on the gravity of the threat? Are we justified in drone strikes against targets who might, if they get a chance at some unspecified future point, place an IED that might, if successful, kill one person? Ten people? Twenty? 2,000? How grave a threat must there be to justify the use of lethal force against an American citizen abroad -- or against non-citizens, for that matter?

As I have noted, it is impossible for outsiders to fully evaluate US drone strikes, since so much vital information remains classified. In most cases, we know little about the identities; activities or future plans of those targeted. Nevertheless, given the increased frequency of US targeted killings in recent years, it seems reasonable to wonder whether the Administration conducts a rigorous necessity or proportionality analysis in all cases.

So far, the leaked 2011 Justice Department White Paper represents the most detailed legal analysis of targeted killings available to the public. It is worth noting, incidentally, that this White Paper addresses only the question of whether and when it is lawful for the US government to target US citizens abroad. We do not know what legal standards the Administration believes apply to the targeting of non-citizens. It seems reasonable to assume, however, that the standards applicable to non-citizens are less exacting than those the Administration views as applicable to citizens.

Defenders of administration targeted killing policy acknowledge that the criteria for determining how to answer these many questions have not been made public, but insist that this should not be cause for concern. The Administration has reportedly developed a detailed “playbook” outlining the targeting criteria and procedures,40, and insiders insist that executive branch officials go through an elaborate process in which they carefully consider every possible issue before determining that a drone strike is lawful.41

No doubt they do, but this is somewhat cold comfort. Formal processes tend to further normalize once-exceptional activities -- and "trust us" is a rather shaky foundation for the rule of law. Indeed, the whole point of the rule of law is that individual lives and freedom should not depend solely on the good faith and benevolence of government officials.

As with law of war arguments, stating that US targeted killings are clearly legal under traditional self-defense principles requires some significant cognitive dissonance. Law exists to restrain untrammeled power. It is no doubt possible to make a plausible legal argument justifying each and every U.S. drone strike -- but this merely suggests that we are working with a legal framework that has begun to outlive its usefulness.

The real question isn't whether U.S. drone strikes are "legal." The real question is this: Do we really want to live in a world in which the U.S. government's justification for killing is so malleable?

5. Setting Troubling International Precedents

Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice.

Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder.

Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter,43 or in self-defense "in the event of an armed attack."

The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular.

It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem.

This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an ill- defined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

Collapse of zone of conflict clarity results in escalatory war and miscalaculation

Dean 13

Adriana Dean, University of Southern California in Philosophy, Politics and Law, 2013, Targeted Killings Behind the Veil of Ignorance, http://www.academia.edu/3832442/Targeted\_Killings\_Behind\_the\_Veil\_of\_Ignorance

While there are some justifiable points for the targeted killing program that individuals behind the veil of ignorance may find appealing, there is something to be said for the intuition that the possibility of a superpower state running rogue with a lethal program that has little to no oversight and a high probability for civilian casualties would be unnerving to anyone behind the veil of ignorance. Behind the veil, individual states cannot definitively determine if they would be on the sending or receiving end of a Hellfire missile. This **uncertainty alone** would **pose truly terrifying implications for every state involved**. It can be just as reasonably argued behind the veil of ignorance that al-Qaeda could have the drones and the whole of the United States would be under attack. This reality would place the entire American populace at risk. Al-Qaeda has definitively identified the United States as the single greatest threat to Islam. Unlike the United States, which has said repeatedly that it is not at war with Islam or with Muslims in general; al-Qaeda would not discriminate between leaders, military members, and civilians. While flawed, there is still a general attempt by the United States to minimize civilian casualties. Al-Qaeda would not be so kind. Perhaps even more chilling than simply the role reversal of the United States and al-Qaeda, the use of drones by the United States has had a consequence that no one could have predicted. Drones seem to have effectively erased the conventional understanding of “battlefields.” While the United States operates in Pakistan with some semblance of approval from the government, it is generally understood that Pakistan is not approving every single strike that is carried out on its soil. If the President only signs off on a third of personality strikes in Pakistan, how many strikes can we reasonably assume that the Pakistani government is informed of? And what of signature strikes? The incessant pursuit of terrorists by the United States has opened up the entire world to the realm of drone strikes. Indeed, although not covered in this paper, the United States has also expanded its use of drones to both Yemen and Somalia, and these three states only constitute the states in which that the international community knows drone strikes are taking place. If the United States is capable of riding roughshod over the world and the general principles of engagement, it has set a dangerous precedent for the future use of drones by other states. The global implications of modern drone warfare would be fully realized if the conditions of the veil of ignorance were simply equalized, meaning that every state, and perhaps even all terrorist organizations, had access to drones. While it can be easily argued that terrorist organizations would never abide by legal rules of “drone engagement,” just as they do not follow military rules of engagement now, the United States has certainly done itself no favors by not regulating itself with respect to drone usage. If states such as Iran, who are openly hostile to the United States, had access to drones (a possibility that is not entirely far- fetched given Iran’s current possession of a downed US drone) it could pose a threat even more terrifying than nuclear proliferation. Drones are silent, precision weapons. In a world where numerous states had obtained drones, they could be utilized covertly without much risk of discovery. It is easy to envision scenarios in which political figures could be assassinated, military instillations targeted, and major civilian population centers attacked without any indication as to who the perpetrator might be. The lack of oversight and accountability championed by the United States in today’s targeted killing program only lends to this horrifying scenario of globalized drone usage. If the United States cannot regulate itself in its own usage of drones, it cannot reasonably expect that any other state would listen to international cries for oversight once it obtained drones of its own. The view of targeted killings from behind the veil of ignorance should disturb any state or group. In the first place, the equal likelihood that a state could be the exactor or victim of drone strikes should be enough to deter states from any inclination to utilize drone strikes in which there is no definitive oversight program and the possibility to use signature strikes. Secondly, the knowledge that the loose standards for using targeted killings within ones own country could lead to unfettered global drone warfare among a host of different states should be an even greater incentive for states to adopt more egalitarian means by which to utilize drones. This is not to say that the use of drones is outright unjustifiable. More to the point, it can simply be said that certain components and the resulting implications of the program are categorically unfair.

Those conflicts go nuclear

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A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them.

Turkey follows US precedent to strike the PKK – collapses negotiations and Erdogan’s presidency

Stein 13 (Aaron, Ph.D candidate at King’s College, London and the Nonproliferation Program Director at the Center for Economics and Foreign Policy Studies an independent think tank in Istanbul, “Turkey’s Negotiations with the Kurdistan Workers’ Party and Armed Drones” February 26, 2013, Turkey Wonk Blog)

Prime Minister Recep Tayyip Erdogan has recently re-intiated peace talks with Abdullah Ocalan and the Kurdistan Worker’s Party (PKK). Erdogan’s AKP, like Turgut Ozal’s Motherland Party, has sought to address Turkey’s Kurdish Issue – or the Kurds’ Turkey Problem – by focusing on the two groups’ shared muslim identity, rather than the previous policy of forced ethnic assimilation. Erdogan has previously engaged the PKK in peace talks, however, these efforts were unsuccessful. During the previous round of negotiations, Erdogan opted to hold the talks in secret, rather than subject himself to the inevitable backlash from Turkish nationalists (An important AKP voting bloc by the way).

The talks, despite having made some progress, broke down after President Abdullah Gul went public with the negotiations and the subsequent celebration at the Habur border gate in 2009 when Kurdish fighters returned from the PKK camps in Iraqi Kurdistan to Turkish territory. The AKP appeared to have been caught off guard and ill-prepared to deal with the imagery of thousands of Kurds welcoming home the PKK fighters as national heroes. The Turkish nationalist backlash, combined with the AKP’s political ambitions, led to the end of the talks and the re-militarization of the Kurdish issue.

This time around, Erdogan has opted to publicize the talks, which has, in my opinion, placed the responsibility for success squarely on the shoulders of Abdullah Ocalan. Erdogan’s public statements, as well as the policies that his party is now pursuing are politically dangerous, though the powerful Prime Minister has a number of reasons to solve the Kurdish issue. Most importantly, the AKP has shown an off and on commitment to ending the Turkish – Kurdish conflict, which has claimed an estimated 40,000 lives since the current conflict began in 1984. Moreover, Erdogan, who has made no secret of his desire to move to an executive Presidency, has an incentive to engage and secure the support of the Kurdish BDP for his proposed constitution. In addition, Erdogan’s 2009 – 2012 alliance with Turkey’s ultra-nationalist MHP has alienated Turkish liberals, which, despite being less religious than the AKP, are keen on implementing European Union reforms and deepening the country’s democratic system (Both AKP campaign themes).

Erdogan, I am assuming, is betting that if he solves the PKK problem, the majority of Turks, who continue to be wary of negotiating with what they consider to be a terrorist group akin to Al Qaeda, will eventually support his decision. This of course hinges on his kicking out the fighters from Turkish territory, so as to ensure a drop in violence, which would in turn give him the credibility to go before the wary Turkish electorate and claim that he has brought peace. This political path is fraught with potential pitfalls, as illustrated by the recent attack of BDP MPs in the nationalist strongholds of Sinop and Samsun (For an excellent overview of the recent attack, see this blog post by the excellent Frederike Geerdink).

The AKP, however, receives a tremendous amount of political support from nationalists. The AKP, which faces little resistance from the main opposition Republican People’s Party (CHP), is far more concerned about the potential for its base to splinter, which would in turn lead to it loosing some votes to the MHP, the BDP, and the Islamist Saadet Party. The AKP, therefore, is seeking to balance the current PKK negotiations with its need to continue to engage and appeal to Turkish nationalists. It is an incredibly difficult policy to pursue and is likely the reason why Erdogan’s messaging has vacillated wildly between themes like re-instituting the death penalty and the need to open chapters for Turkey’s stalled European Union bid.

However, because the AKP has shown an incredible ability to set Turkey’s political agenda – using coordinated leaks, trial balloons, and speeches, which are framed by overarching themes like justice and development (The translation of the AKP’s name) – I believe that the AKP is capable of keeping its coalition together and ending the conflict with the PKK. (The PKK also has a lot to with this, but that is the subject for another blog post.)

However, as I explain in my current piece on Foreign Policy, Ankara has opted to follow Washington’s example of using drones for counter-terrorism missions. Turkey, as I explain in the piece, has developed a surveillance drone and is seeking to use the current platform to develop an armed version. While Ankara has been characteristically opaque about the drones’ development, it does not take a genius to figure out that the Turkish military hopes to use armed drones to shorten to “kill-chain” for targeted strikes against PKK operatives. However, Turkey has not publicized who makes the decisions about when to use deadly force, nor has it publicly explained the legal rationale for using armed drones to assassinate Turkish citizens without due process. (As an EU candidate country, one would assume Turkey would try and figure this out).

Moreover, if the drone is used in the southeast to attack PKK militants, it is likely that some of those killed will be Turkish citizens. Given the trajectory of the cease fire talks, I see a disconnect between Erdogan’s intentions, the likely use of armed drones in the future, and the military establishment’s opaque drone policy. To be clear, I am not advocating that Ankara disarm or cease in its efforts to further develop its anti-terror capabilities. However, I do think it would be prudent for the Turkish government to publicize its drone policies, in order to build trust with the Kurdish minority. Moreover, Turkey should also seek to clarify the current legal structure that has been put in place for the killing of Turkish citizens. (If one does not exist, Ankara should start writing.) It would also be prudent for the Turkish government to explain whether or not it conducts signature strikes (I think it does, one need not look any further than the Uludere tragedy for confirmation).

If Ankara presses ahead with its armed drone program (and it will), the government should seek to be more forthcoming with information about the program’s goals and its intended use. Otherwise, it risks undermining trust with the Kurdish minority and, should the two sides agree to a cease fire, could risk re-igniting the conflict. Moreover, the program, which is still in the design phase, provides Ankara with a political opportunity. On the one hand, Erodgan can tout the program as a symbol of Turkey’s strength – which would win him support from the nationalists. However, he could pair the rhetoric with a clear articulation of Turkey’s drone policy, which should include a clear legal framework for the strikes, in order to assuage Turkish liberals and Turkey’s Kurds. This would allow for him to continue to balance the two sides’ political demands and, from the perspective of AKP political operatives, help them grow their voter base.

Key to Turkish model --- solves Middle East instability

Kirişci 8/15/13 (Kemal Kirişci is the TÜSİAD senior fellow and director of the Center on the United States and Europe's Turkey Project at Brookings, with an expertise in Turkish foreign policy and migration studies, “ The Rise and Fall of Turkey as a Model for the Arab World “ August 15, 2013, Brookings Institution)

As the Arab Spring spread from Tunisia to the rest of the Middle East early in 2011, the longtime opposition figure Rashid al-Gannouchi, also the co-founder and leader of Tunisia’s an-Nahda party, was among the many leaders who pointed to Justice and Development Party (AKP)-led Turkey as a model for guiding the transformation of the Middle East. Gannouchi maintained close relations with AKP and its leadership, which later became closely involved in Tunisia’s transformation efforts. Yet, after a May 2013 talk on “Tunisia’s Democratic Future” at The Brookings Institution, Gannouchi’s response to a question asking him which countries he thought constituted a model for Tunisia was striking because he did not mention Turkey. It is probably not a coincidence that he responded the way he did because the news about the harsh police response to the initial stages of the anti-government protests in Turkey was just breaking out. Subsequently, in an interview he gave to Jackson Diehl of The Washington Post early in June, he also took a critical view of both Mohammed Morsi and Recep Tayyip Erdoğan for their majoritarian understanding of democracy, a view that he said an-Nahda renounces. So what happened to Turkey’s model credentials? What might have led Gannouchi to change his views so dramatically? Are there any prospects for Turkey to reclaim these credentials?

For a long time, Turkish schoolchildren were taught how the 1923 establishment of the Turkish Republic on the ashes of the Ottoman Empire and the reforms introduced by the founder of the republic Kemal Atatürk constituted an example for nearly all the national liberation struggles against colonial powers during the first half of the 20th century. As the Soviet Union collapsed and the question of reform and democratization emerged in its former republics, The Economist announced Turkey to be the “Star of Islam” and a model particularly for the newly independent Central Asian republics. Roughly a decade later, the idea of Turkey as a “model” was raised once again, this time by U.S. President George W. Bush, when he launched the Broader Middle East and North Africa Initiative after intervening against Saddam Hussein in Iraq. In both cases, Turkey’s “model” credentials were promoted by the West because Turkey was both a secular Muslim country and a democracy with a liberal market and close ties to the West. But many Turkish leaders were somewhat reluctant to take up the mantle of a role model and some even feared that this could undermine Turkey’s national identity and secularism.

The Arab Spring brought about a different context. This time it seemed that it was the Arab world that was keen to take Turkey as a model. Public opinion surveys run by the Turkish Economic and Social Studies Foundation (TESEV) between 2010 and 2012 repeatedly showed that approximately 60 percent of the Arab public saw Turkey as a model and believed that Turkey could contribute positively to the transformation of the Arab world. A number of factors made Turkey attractive to the post-Spring Arab public. The most visible one was Turkey’s economic performance. The impressive growth rates that the Turkish economy achieved at a time when Western economies were suffering caught attention. This was accompanied by the growing visibility of Turkish manufactured goods and investments in the region. Furthermore, the Turkish government’s efforts to encourage regional economic integration and the signing of free trade agreements with a string of countries including Syria and Lebanon was welcomed as development that would help the region’s economic development. The AKP government’s policy to liberalize visa requirements also made it possible for an ever-growing number of Arab tourists, professionals and students to come and see this economic performance with their own eyes. The fact that a political party with Islamist roots was in power in Turkey since 2002 and that it had introduced a long list of reforms to improve the quality of Turkey’s democracy was another factor that strengthened Turkey’s model credentials. In the early stages of the AKP’s government, Turkey’s close relations with the EU and its prospects of membership also attracted considerable positive attention and appreciation.

Turkey’s popularity was also strengthened by the “zero problems with neighbors” policy of Turkish Minister of Foreign Affairs Ahmet Davutoğlu. In the Middle East, the cornerstone of this policy was Turkey’s ability to improve its relations with neighboring countries and to talk to all parties involved in the region’s disputes. In Lebanon, Turkey was able to engage with Hezbollah as well as with the Christian and Sunni leaderships. The same was true of Iraq, where Turkey maintained close contacts with Sunni, Shi’a, Kurdish and Turkmen parties during much of the 2000s. Longstanding tensions with Syria over territorial disputes, water rights and the Kurdish issue were replaced by much closer and warmer relations. Additionally, Erdoğan’s critical stance toward Israel and his support for the Palestinian cause galvanized the Arab street even if it did raise some eyebrows in diplomatic circles.

However, this positive climate did not last very long and, as a result of at least two important developments, Turkey’s credentials began to weaken. Firstly, as the excitement over the region’s prospects of transformation from authoritarian to more democratic regimes waned and peaceful revolutions were replaced by civil war, sectarian strife and instability, Turkey increasingly became embroiled in the regional conflicts rather than an arbiter of them. The worst of this turnabout occurred in the case of Turkey’s relationship with Syria, once presented as a resounding success of Turkey’s “zero problems” policy at its best, which has deteriorated into virtual undeclared warfare. Practically all the gains achieved with respect to visa liberalization and economic integration has collapsed. The free trade agreement with Syria was suspended in December 2011, the one in Lebanon could not be activated and relations with the Nouri al-Maliki government in Iraq entered an impasse. Most recently the new Egyptian regime appears inclined to reassess Egypt’s relations with Turkey in reaction to Erdoğan’s bitter criticisms of the military intervention and pro-Morsi stand. As a result, many commentators have come to characterize this dramatic transformation in Turkish foreign policy as “zero neighbors without problems.”

Secondly, the brutal police repression used against the anti-government protests in Istanbul and across Turkey coupled with Erdoğan’s choice of denigrating language toward the protestors raised doubts about the quality of Turkey’s democracy. Even before the protests broke out, these doubts had already started to be expressed, particularly with respect to press freedoms and the freedom of expression. Turkey had increasingly been cited as a country that had a greater number of journalists in jail than did China, Iran and Russia. Furthermore, Turkey’s inability to resolve its Kurdish problem — ironically at a time when the prime minister was launching an effort to address the problem — began to be seen as yet another weakness that engendered views critical of Turkey’s model credentials. The coup de grace came as Erdoğan in his third term of office, after a resounding electoral victory in 2011, began to adopt an increasingly authoritarian style of leadership in his third term of office, grew unwilling to accept criticisms and displayed a majoritarian understanding of democracy. His discourse and policies became more and more at odds with a country characterized by diversity in all senses of the word: culturally, ethnically, religiously, socially and politically. It is then not surprising that Gannouchi should have reconsidered his views about Turkey’s model credentials for Tunisia’s transformation and taken a critical view of Erdoğan’s own democratic credentials.

Is this then the end of the road for Turkey as a model for the transformation of the Middle East? The answer will clearly depend a lot on the lessons that Erdoğan and his government will draw from the protests in Turkey as well as the loss that Turkey’s role-model status has suffered recently. It is difficult to see how Turkey could revitalize these credentials if Erdoğan maintains his current domestic and regional courses of action. It is also difficult to see how, under these circumstances, Turkey would be able to finally resolve the thorny Kurdish issue, continue to keep the economy growing, maintain Turkey as a major attraction for tourism, raise new generations of youth capable of keeping up with the challenges of globalization and, perhaps most importantly, manage the Syrian crisis in a manner that does not draw Turkey into it. The alternative course of action would revisit the pragmatism and inclusiveness that characterized the first two AKP governments. Such a course of action would revitalize Turkey’s democratic transition and credentials as a model capable of reconciling Western liberal values with a religiously conservative society. Indeed, such a Turkey would regain its constructive role in its neighborhood and also energize its relationship with the EU. Yet, if the current course of action is maintained, it may well drag Turkey into turmoil and the kind of instability and polarization that could cause Turkey to look more like the post-Arab Spring Middle East rather than an inspiration for pluralist democracy, consensus building and tolerance.

And, Turkish intervention goes nuclear

Snyder 11 (Michael T. Snyder is a graduate of the McIntire School of Commerce at the University of Virginia and has two law degrees from the University of Florida. He is an attorney that has worked for some of the largest and most prominent law firms in Washington D.C. and who now resides outside of Seattle, Washington. He is a very active blogger and is also a respected researcher, writer, speaker and activist, “Could We Actually See A War Between Syria And Turkey?” 6/28/11, endoftheamericandream.com/archives/could-we-actually-see-a-war-between-syria-and-turkey)

In recent days, there have been persistent rumors that we could potentially be on the verge of a military conflict between Syria and Turkey. As impossible as such a thing may have seemed just a few months ago, it is now a very real possibility. Over the past several months, we have seen the same kind of "pro-democracy" protests erupt in Syria that we have seen in many of the other countries in the Middle East. The Syrian government has no intention of being toppled by a bunch of protesters and has cracked down on these gatherings harshly. There are reports in the mainstream media that say that over 1,300 people have been killed and more than 10,000 people have been arrested since the protests began. Just like with Libya, the United States and the EU are strongly condemning the actions that the Syrian government has taken to break up these protests. The violence in Syria has been particularly heavy in the northern sections of the country, and thousands upon thousands of refugees have poured across the border into neighboring Turkey. Syria has sent large numbers of troops to the border area to keep more citizens from escaping. Turkey has responded by reinforcing its own troops along the border. Tension between Turkey and Syria is now at an all-time high. So could we actually see a war between Syria and Turkey? A few months ago anyone who would have suggested such a thing would have been considered crazy. But the world is changing and the Middle East is a powder keg that is just waiting to explode. Since the Syrian government began cracking down on the protests, approximately 12,000 Syrians have flooded into Turkey. The Turkish government is deeply concerned that Syria may try to strike these refugees while they are inside Turkish territory. Troop levels are increasing on both sides of the border and tension is rising. One wrong move could set off a firestorm. The government of Turkey is demanding that Syrian military forces retreat from the border area. The government of Syria says that Turkey is just being used to promote the goals of the U.S. and the EU. Syria also seems to be concerned that Turkey may attempt to take control of a bit of territory over the border in order to provide a "buffer zone" for refugees coming from Syria. What makes things even more controversial is that the area where many of the Syrian refugees are encamped actually used to belong to Syria. In fact, many of the maps currently in use inside Syria still show that the area belongs to Syria. War between Syria and Turkey has almost happened before. Back in the 1990s, the fact that the government of Syria was strongly supporting the Kurds pushed the two nations dangerously close to a military conflict. Today, the border between Syria and Turkey is approximately 850 kilometers long. The military forces of both nations are massing along that border. One wrong move could set off a war. Right now, it almost sounds as though the U.S. government is preparing for a war to erupt in the region. U.S. Secretary of State Hillary Clinton recently stated that the situation along the border with Turkey is "very worrisome" and that we could see "an escalation of conflict in the area". Not only that, but when you study what Clinton and Obama have been saying about Syria it sounds very, very similar to what they were saying about Libya before the airstrikes began. In a recent editorial entitled "There Is No Going Back in Syria", Clinton wrote the following.... Finally, the answer to the most important question of all -- what does this mean for Syria's future? -- is increasingly clear: There is no going back. Syrians have recognized the violence as a sign of weakness from a regime that rules by coercion, not consent. They have overcome their fears and have shaken the foundations of this authoritarian system. Syria is headed toward a new political order -- and the Syrian people should be the ones to shape it. They should insist on accountability, but resist any temptation to exact revenge or reprisals that might split the country, and instead join together to build a democratic, peaceful and tolerant Syria. Considering the answers to all these questions, the United States chooses to stand with the Syrian people and their universal rights. We condemn the Assad regime's disregard for the will of its citizens and Iran's insidious interference. "There is no going back"? "Syria is headed toward a new political order"? It almost sounds like they are already planning the transitional government. The EU has been using some tough language as well. A recent EU summit in Brussels issued a statement that declared that the EU "condemns in the strongest possible terms the ongoing repression and unacceptable and shocking violence the Syrian regime continues to apply against its own citizens. By choosing a path of repression instead of fulfilling its own promises on broad reforms, the regime is calling its legitimacy into question. Those responsible for crimes and violence against civilians shall be held accountable." If you take the word "Syrian" out of that statement and replace it with the word "Libyan" it would sound exactly like what they were saying about Gadhafi just a few months ago. The EU has hit Syria with new economic sanctions and it is also calling on the UN Security Council to pass a resolution condemning the crackdown by the Syrian government. It seems clear that the U.S. and the EU want to see "regime change" happen in Syria. The important thing to keep in mind in all of this is that Turkey is a member of NATO. If anyone attacks Turkey, NATO has a duty to protect them. If Syria attacked Turkey or if it was made to appear that Syria had attacked Turkey, then NATO would have the justification it needs to go to war with Syria. If NATO goes to war with Syria, it is very doubtful that Iran would just sit by and watch it happen. Syria is a very close ally to Iran and the Iranian government would likely consider an attack on their neighbor to be a fundamental threat to their nation. In fact, there are already reports in the international media that Iran has warned Turkey that they better not allow NATO to use their airbases to attack Syria. So if it was NATO taking on Syria and Iran, who else in the Middle East would jump in? Would Russia and China sit by and do nothing while all of this was going on? Could a conflict in the Middle East be the thing that sets off World War III? Let's certainly hope not. More war in the Middle East would not be good for anyone. Unfortunately, tensions are rising to frightening levels throughout the region. Even if things between Syria and Turkey cool off, that doesn't mean that war won't break out some place else. Riots and protests continue to sweep across the Middle East and the entire region has been arming for war for decades. Eventually something or someone is going to snap. When it does, let us just hope that World War III does not erupt as a result.

And so does the Middle East

James A. Russell, Senior Lecturer, National Security Affairs, Naval Postgraduate School, ‘9 (Spring) “Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East” IFRI, Proliferation Papers, #26, http://www.ifri.org/downloads/PP26\_Russell\_2009.pdf

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran’s response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework. Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.

Drones cause SCS and ECS conflict – US precedent is key

Bodeen 13 (Christopher, Beijing correspondent for The Associated Press, 5/3/2013, "China's Drone Program Appears To Be Moving Into Overdrive", www.huffingtonpost.com/2013/05/03/china-drone-program\_n\_3207392.html)

Chinese aerospace firms have developed dozens of drones, known also as unmanned aerial vehicles, or UAVs. Many have appeared at air shows and military parades, including some that bear an uncanny resemblance to the Predator, Global Hawk and Reaper models used with deadly effect by the U.S. Air Force and CIA. Analysts say that although China still trails the U.S. and Israel, the industry leaders, its technology is maturing rapidly and on the cusp of widespread use for surveillance and combat strikes.

"My sense is that China is moving into large-scale deployments of UAVs," said Ian Easton, co-author of a recent report on Chinese drones for the Project 2049 Institute security think tank.

China's move into large-scale drone deployment displays its military's growing sophistication and could challenge U.S. military dominance in the Asia-Pacific. It also could elevate the threat to neighbors with territorial disputes with Beijing, including Vietnam, Japan, India and the Philippines. China says its drones are capable of carrying bombs and missiles as well as conducting reconnaissance, potentially turning them into offensive weapons in a border conflict.

China's increased use of drones also adds to concerns about the lack of internationally recognized standards for drone attacks. The United States has widely employed drones as a means of eliminating terror suspects in Pakistan and the Arabian Peninsula.

"China is following the precedent set by the U.S. The thinking is that, `If the U.S. can do it, so can we. They're a big country with security interests and so are we'," said Siemon Wezeman, a senior fellow at the arms transfers program at the Stockholm International Peace Research Institute in Sweden, or SIPRI.

"The justification for an attack would be that Beijing too has a responsibility for the safety of its citizens. There needs to be agreement on what the limits are," he said.

Though China claims its military posture is entirely defensive, its navy and civilian maritime services have engaged in repeated standoffs with ships from other nations in the South China and East China seas. India, meanwhile, says Chinese troops have set up camp almost 20 kilometers (12 miles) into Indian-claimed territory.

It isn't yet known exactly what China's latest drones are capable of, because, like most Chinese equipment, they remain untested in battle.

The military and associated aerospace firms have offered little information, although in an interview last month with the official Xinhua News Agency, Yang Baikui, chief designer at plane maker COSIC, said Chinese drones were closing the gap but still needed to progress in half a dozen major areas, from airframe design to digital linkups.

Executives at COSIC and drone makers ASN, Avic, and the 611 Institute declined to be interviewed by The Associated Press, citing their military links. The Defense Ministry's latest report on the status of the military released in mid-April made no mention of drones, and spokesman Yang Yujun made only the barest acknowledgement of their existence in response to a question.

"Drones are a new high-tech form of weaponry employed and used by many militaries around the world," Yang said. "China's armed forces are developing weaponry and equipment for the purpose of upholding territorial integrity, national security and world peace. It will pose no threat to any country."

Drones are already patrolling China's borders, and a navy drone was deployed to the western province of Sichuan to provide aerial surveillance following last month's deadly earthquake there.

They may also soon be appearing over China's maritime claims, including Japanese-controlled East China Sea islands that China considers its own. That could sharpen tensions in an area where Chinese and Japanese patrol boats already confront each other on a regular basis and Japan frequently scrambles fighters to tail Chinese manned aircraft.

SCS conflict causes extinction

Wittner 11 (Lawrence S. Wittner, Emeritus Professor of History at the State University of New York/Albany, Wittner is the author of eight books, the editor or co-editor of another four, and the author of over 250 published articles and book reviews. From 1984 to 1987, he edited Peace & Change, a journal of peace research., 11/28/2011, "Is a Nuclear War With China Possible?", www.huntingtonnews.net/14446)

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon. The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war? Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.

Senkaku conflict causes extinction

Baker 12 (Kevin R., Member of the Compensation Committee of Calfrac, Chair of the Corporate Governance and Nominating Committee, served as President and Chief Executive Officer of Century Oilfield Services Inc. from August 2005 until November 10, 2009, when it was acquired by the Corporation. He also has served as the President of Baycor Capital Inc., 9/17/2012, “What Would Happen if China and Japan Went to War?”, http://appreviews4u.com/2012/09/17/what-would-happen-if-china-and-japan-went-to-war/)

China is not an isolationist country but it is quite nationalistic. Their allies include, Russia, which is a big super power, Pakistan and Iran as well as North Korea. They have more allies than Japan, although most relations have been built on economic strategies, being a money-centric nation.

Countries potentially hostile toward China in the event of a Japan vs. China war include Germany, Britain, Australia and South Korea. So even though Japan does not outwardly build relationships with allies, Japan would have allies rallying around them if China were to attack Japan.

The island dispute would not play out as it did in the UK vs. Argentina island dispute, as both sides could cause massive damage to each other, whereas the UK was far superior in firepower compared to Argentina.

Conclusion

Even though China outweighs Japan in numbers, the likelihood that a war would develop into a nuclear war means that numbers don’t really mean anything anymore. The nuclear capabilities of Japan and China would mean that each country could destroy each other many times over. The island dispute would then escalate to possible mass extinction for the human race.

The nuclear fall out would affect most of Asia and to a certain extent the West. If the allies were then to turn on each other it would spell the end of the human race. Bear in mind that it will take an estimated 10,000 years for Chernobyl to become safe to walk around and you’ll get an idea of what state land masses will be in after a war of such magnitude. I say ‘land masses’ as countries and nations would cease to exist then and it would be a case of ‘if’ and ‘where’ could human beings, plant life and animals could exist, if at all possible, which is very doubtful. Even with underground bunkers, just how long could people survive down there? With plant and animal life eradicated above? I would say maybe 20 years at best, if there are ample supplies of course.

## Terror

CONTENTION THREE: TERRORISM

The plan is key to prevent an escalating public backlash against future drone use

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

In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war.”63 Under President Obama drone strikes have expanded and intensified, and they will remain a central component of U.S. counterterrorism operations for at least another decade, according to U.S. officials.64 But much as the Bush administration was compelled to reform its controversial coun- terterrorism practices, it is likely that the United States will ultimately be forced by domestic and international pressure to scale back its drone strike policies. The Obama administration can preempt this pressure by clearly articulating that the rules that govern its drone strikes, like all uses of military force, are based in the laws of armed conflict and inter- national humanitarian law; by engaging with emerging drone powers; and, most important, by matching practice with its stated policy by limiting drone strikes to those individuals it claims are being targeted (which would reduce the likelihood of civilian casualties since the total number of strikes would significantly decrease). The choice the United States faces is not between unfettered drone use and sacrificing freedom of action, but between drone policy reforms by design or drone policy reforms by default. Recent history demonstrates that domestic political pressure could severely limit drone strikes in ways that the CIA or JSOC have not anticipated. In support of its counterterrorism strategy, the Bush administration engaged in the extraordinary rendition of terrorist suspects to third countries, the use of enhanced interrogation techniques, and warrantless wiretapping. Although the Bush administration defended its policies as critical to protecting the U.S. homeland against terrorist attacks, unprecedented domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies, drone strikes are vulnerable to similar—albeit still largely untapped—moral outrage, and they are even more susceptible to political constraints because they occur in plain sight. Indeed, a negative trend in U.S. public opinion on drones is already apparent. Between February and June 2012, U.S. support for drone strikes against suspected terrorists fell from 83 per- cent to 62 percent—which represents less U.S. support than enhanced interrogation techniques maintained in the mid-2000s.65 Finally, U.S. drone strikes are also widely opposed by the citizens of important allies, emerging powers, and the local populations in states where strikes occur.66 States polled reveal overwhelming opposition to U.S. drone strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent), Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan (83 percent).67 This is significant because the United States cannot conduct drone strikes in the most critical corners of the world by itself. Drone strikes require the tacit or overt support of host states or neighbors. If such states decided not to cooperate—or to actively resist—U.S. drone strikes, their effectiveness would be immediately and sharply reduced, and the likelihood of civilian casualties would increase. This danger is not hypothetical. In 2007, the Ethiopian government terminated its U.S. military presence after public revelations that U.S. AC-130 gun- ships were launching attacks from Ethiopia into Somalia. Similarly, in late 2011, Pakistan evicted all U.S. military and intelligence drones, forc- ing the United States to completely rely on Afghanistan to serve as a staging ground for drone strikes in Pakistan. The United States could attempt to lessen the need for tacit host-state support by making signifi- cant investments in armed drones that can be flown off U.S. Navy ships, conducting electronic warfare or missile attacks on air defenses, allow- ing downed drones to not be recovered and potentially transferred to China or Russia, and losing access to the human intelligence networks on the ground that are critical for identifying targets. According to U.S. diplomats and military officials, active resis- tance—such as the Pakistani army shooting down U.S. armed drones— is a legitimate concern. In this case, the United States would need to either end drone sorties or escalate U.S. military involvement by attack- ing Pakistani radar and antiaircraft sites, thus increasing the likelihood of civilian casualties.68 Beyond where drone strikes currently take place, political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North Africa, which would likely require access to a new airbase in the region. To some extent, anger at U.S. sovereignty violations is an inevitable and necessary trade-off when conducting drone strikes. Nevertheless, in each of these cases, domestic anger would partially or fully abate if the United States modified its drone policy in the ways suggested below.

Public backlash culminates in a legal crackdown that hemorrhages the targeted killing program

Jack Goldsmith, Harvard Law School Professor, focus on national security law, presidential power, cybersecurity, and conflict of laws, Former Assistant Attorney General, Office of Legal Counsel, and Special Counsel to the Department of Defense, Hoover Institution Task Force on National Security and Law, March 2012, 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.

Support for the legality of global war against al-Qaeda is collapsing

Robert Chesney, University of Texas School of Law Professor, 8/29/12, Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2138623

The drawdown in Afghanistan, combined with the expansion of the shadow war model, ensures that the legal architecture of counterterrorism will be far more contested—and hence unstable—going forward than it was during the first post-9/11 decade. When U.S. involvement in overt armed conflict in Afghanistan comes to an end, so too will the other key stabilizing factor identified in Part II: the existence of at least one location as to which LOAC indisputably applies, and as to which many cases could be linked.189 The fact patterns that will matter most in the future—i.e., the instances in which the U.S. government will be most likely to wish to use lethal force or military detention—will instead increasingly be rooted in other locations, such as Yemen and Somalia.

It does not follow that LOAC accordingly will be irrelevant to future instances of detention or lethal force. To the extent that the government continues to invoke LOAC, its arguments will be more or less persuasive from case to case. In some contexts, for example, the government can make relatively-conventional arguments to the effect that the level of violence in a given state has risen to a level constituting a non-international armed conflict, quite apart from whether there also exists a borderless armed conflict with al Qaeda or its successors. Where that is the case, and where the level of U.S. participation in those hostilities warrants the conclusion that it is a party to such a conflict, LOAC arguments may prove persuasive after all. Yemen currently provides a good example of an area ripe for such an analysis.190

But even in those cases, the very nature of the shadow war approach is such that there can be no guarantees that such arguments will be accepted, certainly not as was the case during the first post-9/11 decade vis-à-vis Afghanistan. And since not all shadow war contexts will match Yemen in terms of supporting such a conventional analysis, attempts to invoke LOAC in some cases will have to stand or fall instead on the far-broader argument that the United States is engaged in a borderless armed conflict governed by LOAC wherever the parties may be found.

The borderless-conflict position at first blush appears nicely entrenched in the status quo legal architecture. It is supported, after all, by a substantial degree of cross-party consensus (it was endorsed most recently in a series of speeches by Obama administration officials).191 But it has always been fiercely disputed, including by the ICRC and many of America’s allies. That dispute was not so much resolved over the past decade as persistently avoided; the caselaw of that era almost always involved persons who could be linked in some way back to the undisputed combat zone of Afghanistan. Thanks to the U.S. government’s shift toward shadow war, however, this will not be the situation going forward when new cases arise, as they are sure to do.192

Making matters worse, the U.S. government’s position on the relevance of LOAC to its use of detention and lethal force may become harder to maintain going forward even without a drawdown in Afghanistan. The reason why has to do with the decline and fragmentation of al Qaeda. The borderless-conflict position does require, after all, identifiable parties on both sides. Even if one accepts that the United States and al Qaeda are engaged in a borderless armed conflict, in other words, organizational ambiguity of the sort described above will increasingly call into question whether specific cases are sufficiently linked to that conflict (or to any other that might be said to exist with respect to specific al Qaeda-linked groups, such as AQAP). Again Warsame’s situation provides a useful illustration, or perhaps more accurately, a cautionary tale.

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Though widely perceived at the time as a period of great legal controversy and uncertainty, the first post-9/11 decade will in retrospect be perceived as a comparatively simple state of affairs during which it was largely undisputed that LOAC applied somewhere and that the central objects of the U.S. government’s use of detention and lethal force were entities one could coherently describe as al Qaeda and the Afghan Taliban. But that period is ending, and it may be that the second post-9/11 decade will witness far more serious legal disputes as a result.

The plan is key to allied coop on counterterrorism

David Kris, Assistant Attorney General for National Security at the U.S. Department of Justice from March 2009 to March 2011, 6/15/2011, Law Enforcement as a Counterterrorism Tool, http://jnslp.com/wp-content/uploads/2011/06/01\_David-Kris.pdf

On the other side of the balance, certainly most of our friends in Europe, and indeed in many countries around the world (as well as many people in this country), accept only a law enforcement response and reject a military response to terrorism, at least outside of theaters of active armed conflict.76 As a result, some of those countries will restrict their cooperation with us unless we are using law enforcement methods. Gaining cooperation from other countries can help us win the war – these countries can share intelligence, provide witnesses and evidence, and transfer terrorists to us. Where a foreign country will not give us a terrorist (or information needed to neutralize a terrorist) for anything but a criminal prosecution, we obviously should pursue the prosecution rather than letting the terrorist go free. This does not subordinate U.S. national interest to some global test of legitimacy; it simply reflects a pragmatic approach to winning the war. If we want the help of our allies, we need to work with them.77

More generally, we need to recognize the practical impact of our treatment of the enemy and the perception of that treatment. This war is not a classic battle over land or resources, but is fundamentally a conflict of values and ways of life.78 Demonstrating that we live up to our values, thus drawing stark contrasts with the adversary, is essential to ensuring victory. When our enemy is seen in its true colors – lawless, ruthless, merciless – it loses support worldwide. For example, in Iraq, al Qaeda’s random and widespread violence against civilians eventually helped mobilize the population against the insurgents.79 On the other hand, when our actions or policies provoke questions about whether we are committed to the rule of law and our other values, we risk losing some of our moral authority. This makes it harder to gain cooperation from our allies and easier for the terrorists to find new recruits.

This is not simply abstract philosophy. It is an important reality in our military’s effort to defeat the enemy in places like Iraq and Afghanistan. As the U.S. military’s counterinsurgency field manual states, “to establish legitimacy, commanders transition security activities from combat operations to law enforcement as quickly as feasible. When insurgents are seen as criminals, they lose public support.”80 Adherence to the rule of law is central to this approach: “The presence of the rule of law is a major factor in assuring voluntary acceptance of a government’s authority and therefore its legitimacy. A government’s respect for preexisting and impersonal legal rules can provide the key to gaining widespread enduring societal support. Such respect for rules – ideally ones recorded in a constitution and in laws adopted through a credible, democratic process – is the essence of the rule of law. As such, it is a powerful potential tool for counterinsurgents.”81 Indeed, the U.S. military has been implementing such a transition to civilian law enforcement in Iraq, where detentions and prosecutions of insurgents are now principally processed through the domestic criminal justice system,82 and we are moving in that direction in Afghanistan, where transfer of detention and prosecution responsibilities to Afghan civilian authorities is our goal.83 I think these are principles that are well worth keeping in mind as we think about the impact of employing different tools in the context of our conflict with al Qaeda. It would not only be ironic, but also operationally counterproductive, if our partners in Iraq and Afghanistan rely increasingly on law enforcement tools to detain terrorists, even in areas of active hostilities, while we abandon those tools here in the United States.84

And, that’s key to drone effectiveness

Zenko 13 Micah Zenko is the Douglas Dillon fellow with the Center for Preventive Action at the Council on Foreign Relations, Newsday, January 30, 2013, "Zenko: Why we can't just drone Algeria", http://www.newsday.com/opinion/oped/zenko-why-we-can-t-just-drone-algeria-1.4536641

CNN should not have been surprised. Neither the Bush nor Obama administrations received blanket permission to transit Algerian airspace with surveillance planes or drones; instead, they received authorization only on a case-by-case basis and with advance notice.

According to Washington Post journalist Craig Whitlock, the U.S. military relies on a fleet of civilian-looking unarmed aircraft to spy on suspected Islamist groups in North Africa, because they are less conspicuous - and therefore less politically sensitive for host nations - than drones. Moreover, even if the United States received flyover rights for armed drones, it has been unable to secure a base in southern Europe or northern Africa from which it would be permitted to conduct drone strikes; and presently, U.S. armed drones cannot be launched and recovered from naval platforms.

According to Hollywood movies or television dramas, with its immense intelligence collection and military strike capabilities, the United States can locate, track, and kill anyone in the world.

This misperception is continually reinvigorated by the White House's, the CIA's, and the Pentagon's close cooperation with movie and television studios. For example, several years before the CIA even started conducting non-battlefield drone strikes, it was recommending the tactic as a plotline in the short-lived (2001-2003) drama "The Agency." As the show's writer and producer later revealed: "The Hellfire missile thing, they suggested that. I didn't come up with this stuff. I think they were doing a public opinion poll by virtue of giving me some good ideas."

Similarly, as of November there were at least 10 movies about the Navy SEALs in production or in theaters, which included so much support from the Pentagon that one film even starred active-duty SEALs.

The Obama administration's lack of a military response in Algeria reflects how sovereign states routinely constrain U.S. intelligence and military activities. As the U.S. Air Force Judge Advocate General's Air Force Operations and the Law guidebook states: "The unauthorized or improper entry of foreign aircraft into a state's national airspace is a violation of that state's sovereignty. . . . Except for overflight of international straits and archipelagic sea lanes, all nations have complete discretion in regulating or prohibiting flights within their national airspace."

Though not sexy and little reported, deploying CIA drones or special operations forces requires constant behind-the-scenes diplomacy: with very rare exceptions - like the Bin Laden raid - the U.S. military follows the rules of the world's other 194 sovereign, independent states.

These rules come in many forms. For example, basing rights agreements can limit the number of civilian, military and contractor personnel at an airbase or post; what access they have to the electromagnetic spectrum; what types of aircraft they can fly; how many sorties they can conduct per day; when those sorties can occur and how long they can last; whether the aircraft can drop bombs on another country and what sort of bombs; and whether they can use lethal force in self-defense. When the United States led the enforcement of the northern no-fly zone over Iraq from the Incirlik Air Base in southern Turkey from 1991 to 2003, a Turkish military official at the rank of lieutenant colonel or higher was always on board U.S. Air Force AWACS planes, monitoring the airspace to assure that the United States did not violate its highly restrictive basing agreement.

As Algeria is doing presently, the denial or approval of overflight rights is a powerful tool that states can impose on the United States. These include where U.S. air assets can enter and exit another state, what flight path they may take, how high they must fly, what type of planes can be included in the force package, and what sort of missions they can execute. In addition, these constraints include what is called shutter control, or the limits to when and how a transiting aircraft can collect information. For example, U.S. drones that currently fly out of the civilian airfield in Arba Minch, Ethiopia, to Somalia, are restricted in their collection activities over Ethiopia's Ogaden region, where the government has conducted an intermittent counterinsurgency against the Ogaden National Liberation Front.

Drones are effective and alternatives are worse—the plan prevents criticism

Byman 13 (Daniel Byman, Brookings Institute Saban Center for Middle East Policy, Research Director, and Foreign Policy, Senior Fellow, July/Aug 2013, “Why Drones Work: The Case for the Washington's Weapon of Choice”, www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman)

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. NOBODY DOES IT BETTER The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban—top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers. Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders. Critics of drone strikes often fail to take into account the fact that the alternatives are either too risky or unrealistic. To be sure, in an ideal world, militants would be captured alive, allowing authorities to question them and search their compounds for useful information. Raids, arrests, and interrogations can produce vital intelligence and can be less controversial than lethal operations. That is why they should be, and indeed already are, used in stable countries where the United States enjoys the support of the host government. But in war zones or unstable countries, such as Pakistan, Yemen, and Somalia, arresting militants is highly dangerous and, even if successful, often inefficient. In those three countries, the government exerts little or no control over remote areas, which means that it is highly dangerous to go after militants hiding out there. Worse yet, in Pakistan and Yemen, the governments have at times cooperated with militants. If the United States regularly sent in special operations forces to hunt down terrorists there, sympathetic officials could easily tip off the jihadists, likely leading to firefights, U.S. casualties, and possibly the deaths of the suspects and innocent civilians. Of course, it was a Navy SEAL team and not a drone strike that finally got bin Laden, but in many cases in which the United States needs to capture or eliminate an enemy, raids are too risky and costly. And even if a raid results in a successful capture, it begets another problem: what to do with the detainee. Prosecuting detainees in a federal or military court is difficult because often the intelligence against terrorists is inadmissible or using it risks jeopardizing sources and methods. And given the fact that the United States is trying to close, rather than expand, the detention facility at Guantánamo Bay, Cuba, it has become much harder to justify holding suspects indefinitely. It has become more politically palatable for the United States to kill rather than detain suspected terrorists. Furthermore, although a drone strike may violate the local state’s sovereignty, it does so to a lesser degree than would putting U.S. boots on the ground or conducting a large-scale air campaign. And compared with a 500-pound bomb dropped from an F-16, the grenade like warheads carried by most drones create smaller, more precise blast zones that decrease the risk of unexpected structural damage and casualties. Even more important, drones, unlike traditional airplanes, can loiter above a target for hours, waiting for the ideal moment to strike and thus reducing the odds that civilians will be caught in the kill zone. Finally, using drones is also far less bloody than asking allies to hunt down terrorists on the United States’ behalf. The Pakistani and Yemeni militaries, for example, are known to regularly torture and execute detainees, and they often indiscriminately bomb civilian areas or use scorched-earth tactics against militant groups.

Risk of nuclear terrorism is real and high now

Bunn 13 (Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998., 10/2/2013, “Steps to Prevent Nuclear Terrorism: Recommendations Based on the U.S.-Russia Joint Threat Assessment”, http://belfercenter.ksg.harvard.edu/publication/23430/steps\_to\_prevent\_nuclear\_terrorism.html)

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the **means**, **motives**, and **access of** would-be nuclear terrorists, and concluded that **the threat** of nuclear terrorism **is urgent and real**. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a **consensus** among political leaders from around the world that nuclear terrorism poses a **serious threat to the** peace, security, and prosperity of **our planet**. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack **requires** international **cooperation** to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a **real** and **urgent** threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in **radical interpretations of Islam;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as **numerous** government **studies have confirmed**. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons **for** almost **two decades**. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to **recruit** nuclear **expertise**. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to **provide a formal** religious **justification for nuclear use**. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, **there is no sign the group has abandoned its nuclear ambitions.** On the contrary, leadership statements as recently as 2008 indicate that the intention to **acquire and use nuclear weapons is as strong as ever**.

Drones solve safe havens – prevents an attack in the US

Johnston 12 (Patrick B. Johnston is an associate political scientist at the RAND Corporation, a nonprofit, nonpartisan research institution. He is the author of "Does Decapitation Work? Assessing the Effectiveness of Leadership Targeting in Counterinsurgency Campaigns," published in International Security (Spring 2012)., 8/22/2012, "Drone Strikes Keep Pressure on al-Qaida", www.rand.org/blog/2012/08/drone-strikes-keep-pressure-on-al-qaida.html)

Should the U.S. continue to strike at al-Qaida's leadership with drone attacks? A recent poll shows that while most Americans approve of drone strikes, in 17 out of 20 countries, more than half of those surveyed disapprove of them.

My study of leadership decapitation in 90 counter-insurgencies since the 1970s shows that when militant leaders are captured or killed militant attacks decrease, terrorist campaigns end sooner, and their outcomes tend to favor the government or third-party country, not the militants.

Those opposed to drone strikes often cite the June 2009 one that targeted Pakistani Taliban leader Baitullah Mehsud at a funeral in the Tribal Areas. That strike reportedly killed 60 civilians attending the funeral, but not Mehsud. He was killed later by another drone strike in August 2009. His successor, Hakimullah Mehsud, developed a relationship with the foiled Times Square bomber Faisal Shahzad, who cited drone strikes as a key motivation for his May 2010 attempted attack.

Compared to manned aircraft, drones have some advantages as counter-insurgency tools, such as lower costs, longer endurance and the lack of a pilot to place in harm's way and risk of capture. These characteristics can enable a more deliberative targeting process that serves to minimize unintentional casualties. But the weapons employed by drones are usually identical to those used via manned aircraft and can still kill civilians—creating enmity that breeds more terrorists.

Yet many insurgents and terrorists have been taken off the battlefield by U.S. drones and special-operations forces. Besides Mehsud, the list includes Anwar al-Awlaki of al-Qaida in the Arabian Peninsula; al-Qaida deputy leader Abu Yahya al-Li-bi; and, of course, al-Qaida leader Osama bin Laden. Given that list, it is possible that the drone program has prevented numerous attacks by their potential followers, like Shazad.

What does the removal of al-Qaida leadership mean for U.S. national security? Though many in al-Qaida's senior leadership cadre remain, the historical record suggests that "decapitation" will likely weaken the organization and could cripple its ability to conduct major attacks on the U.S. homeland.

Killing terrorist leaders is not necessarily a knockout blow, but can make it harder for terrorists to attack the U.S. Members of al-Qaida's central leadership, once safely amassed in northwestern Pakistan while America shifted its focus to Iraq, have been killed, captured, forced underground or scattered to various locations with little ability to communicate or move securely.

Recently declassified correspondence seized in the bin Laden raid shows that the relentless pressure from the drone campaign on al-Qaida in Pakistan led bin Laden to advise al-Qaida operatives to leave Pakistan's Tribal Areas as no longer safe. Bin Laden's letters show that U.S. counterterrorism actions, which had forced him into self-imposed exile, had made running the organization not only more risky, but also more difficult.

As al-Qaida members trickle out of Pakistan and seek sanctuary elsewhere, the U.S. military is ramping up its counterterrorism operations in Somalia and Yemen, while continuing its drone campaign in Pakistan. Despite its controversial nature, the U.S. counter-terrorism strategy has demonstrated a degree of effectiveness.

The Obama administration is committed to reducing the size of the U.S. military's footprint overseas by relying on drones, special operations forces, and other intelligence capabilities. These methods have made it more difficult for al-Qaida remnants to reconstitute a new safe haven, as Osama bin Laden did in Afghanistan in 1996, after his ouster from Sudan.

Decapitation works---studies

Johnston 12 (Patrick B. Johnston is Associate Political Scientist at the RAND Corporation. He wrote this article while he was a fellow at the Center for International Security and Cooperation and the Empirical Studies of Conflict Project at Stanford University and at the International Security Program at Harvard Kennedy School’s Belfer Center for Science and International Affairs., Spring 2012, International Security, Vol. 36, No. 4 (Spring 2012), pp. 47–79, "Does Decapitation Work?", www.mitpressjournals.org/doi/pdf/10.1162/ISEC\_a\_00076)

Conclusion Targeting militant leaders is now a centerpiece of U.S. strategy in Afghanistan, Pakistan, Somalia, and Yemen, but does capturing or killing militant leaders work? Most extant research eschews the notion that removing enemy leaders can help governments achieve military and political goals. Regardless of whether a government’s adversary is a state, a terrorist organization, or a guerrilla insurgency, the scholarly opinion has been that high-value targeting is ineffective at best and counterproductive at worst. The evidence presented in this article challenges this view. In previous studies, causal inference and generalizability have been difficult given research design and measurement issues. I addressed these issues by employing a data driven approach in which I analyzed variation in the consequences of successful and failed decapitation attempts in campaigns dating from the mid-1970s. After correcting for the endogeneity and measurement issues that have hindered previous studies, I found that neutralizing insurgent leaders has a substantively large and statistically significant effect on numerous metrics of countermilitancy effectiveness. Specifically, the results showed that removing insurgent leaders increases governments’ chances of defeating insurgencies, reduces insurgent attacks, and diminishes overall levels of violence. Because these effects were estimated by comparing the consequences of successful and failed decapitation attempts, I conducted additional analysis to ensure that the observed effects can be attributed to successful operations against insurgent leaders rather than to blowback from botched high-value targeting missions. This was confirmed to be the case. Yet the data also show conclusively that killing or capturing insurgent leaders is usually not a silver bullet. Neutralizing insurgent leaders significantly increases governments’ chances of reducing violence, terminating wars, and defeating insurgencies. A variety of different empirical tests consistently demonstrated that governments were more likely to defeat insurgencies following the successful removal of top insurgent leaders, but this probability was consistently estimated at around 25 to 30 percent—a far cry from the silver bullet many look for when they analyze leadership decapitation. Yet this effect indeed provides a sizable advantage, which can help explain why governments continue to invest in high-value targeting despite its legal ambiguity and normative disrepute. These are not the only findings with policy implications. Importantly, the results do not support the common argument that the costs of failed targeting outweigh the benefits of successful targeting; although there is abundant evidence that capturing or killing insurgent leaders is associated with key metrics of successful counterinsurgency, there is no credible evidence of a martyrdom effect, whereby trying but failing to neutralize militant leaders decreases governments’ chances of defeating insurgencies or increases levels of antigovernment violence. The apparently low costs of failed targeting to operational effectiveness is consistent with choices made by states, such as Israel and the United States, to continue to aggressively target individual members of insurgent and terrorist organizations—including midlevel operatives who can potentially lead them to senior leaders—despite the inherent uncertainty, difficulty, and risks of doing so, and to continue to invest in intelligence capabilities and Special Operations Forces dedicated to kinetic and nonkinetic targeting. The role, responsibilities, and budget of the U.S. Special Operations Command continue to expand even as significant budget cuts become a reality for the Department of Defense. As long as the United States continues to move its fight from the battlefield to the shadows, this trend will likely remain true.

Nuclear terrorism causes extinction

Hellman 8 (Martin E. Hellman, emeritus prof of engineering @ Stanford, “Risk Analysis of Nuclear Deterrence” SPRING 2008 THE BENT OF TAU BETA PI, http://www.nuclearrisk.org/paper.pdf)

The threat of nuclear terrorism looms much larger in the public’s mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: “A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever.” [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, “We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% .... A nuclear terrorism attack is a low-probability event, but we can’t live in a world where it’s anything but extremely low-probability.” [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years,” with 79 percent of the respondents believing “it more likely to be carried out by terrorists” than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society’s almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cosT of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.3 This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II’s fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapola- tion of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Con- gress, General Douglas MacArthur, stated, “Global war has become a Frankenstein to destroy both sides. … If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.” Former Secretary of Defense Robert McNamara ex- pressed a similar view: “If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed” [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn4 echoed those concerns when they quoted President Reagan’s belief that nuclear weapons were “totally irrational, totally inhu- mane, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: “The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) … a change in targeting could kill somewhere between 20 million and 30 million additional people on each side .... These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care … millions of people might starve or freeze during the follow- ing winter, but it is not possible to estimate how many. … further millions … might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that as- sumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire- storms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engi- neering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

Causes US-Russia miscalc – extinction

Barrett et al. 13—PhD in Engineering and Public Policy from Carnegie Mellon University, Fellow in the RAND Stanton Nuclear Security Fellows Program, and Director of Research at Global Catastrophic Risk Institute—AND Seth Baum, PhD in Geography from Pennsylvania State University, Research Scientist at the Blue Marble Space Institute of Science, and Executive Director of Global Catastrophic Risk Institute—AND Kelly Hostetler, BS in Political Science from Columbia and Research Assistant at Global Catastrophic Risk Institute (Anthony, 24 June 2013, “Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia,” Science & Global Security: The Technical Basis for Arms Control, Disarmament, and Nonproliferation Initiatives, Volume 21, Issue 2, Taylor & Francis)

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have globally catastrophic effects such as severely reducing food production for years, 1 potentially leading to collapse of modern civilization worldwide, and even the extinction of humanity. 2 Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack. 3 (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches. 4 ) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, and numerous measures also were taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter-attack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides’ development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack. 5 Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced. 6 However, it also has been argued that inadvertent nuclear war between the United States and Russia has continued to present a substantial risk. 7 While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack. 8 False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time. 9 Second, terrorist groups or other actors might cause attacks on either the United States or Russia that resemble some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb, 10 especially if such an event occurs during a crisis between the United States and Russia. 11 A variety of nuclear terrorism scenarios are possible. 12 Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States. 13 Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security. 14 It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.–Russian crisis conditions, 15 with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.–Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks. 16

Bioterror causes extinction

Mhyrvold ‘13 Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton “Strategic Terrorism: A Call to Action,” Working Draft, The Lawfare Research Paper Series Research paper NO . 2 – 2013

As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades. High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. Tomorrow’s terrorists will have vastly more deadly bugs to choose from. Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.10, 11 Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller’s variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.12, 13 Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might the same techniques allow chickenpox or another poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known antiviral therapy? I’ve asked this question of experts many times, and no one has yet replied that such a manipulation couldn’t be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal Nature published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.14 Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV , which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS , which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.15 A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV . It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.16 When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

Specfically, Al-Qaeda is gearing up for ebola bioterror attacks

Obwale 12 [David, Clinical and Experimental Medicine graduate, University College London Clinical and Experimental Medicine graduate, 8/5/12, The Observer, “Ebola a potential bio-terror weapon,” http://www.observer.ug/index.php?option=com\_content&view=article&id=20215:ebola-a-potential-bio-terror-weapon&catid=37:guest-writers&Itemid=66, accessed 9/3/12, JTF]

Ebola has capabilities of biological weaponization with catastrophic consequences, especially due to the fact that it lacks adequate and effective vaccines and therapeutics that would counter any prospective mass attacks. Its zoonotic origin, distribution route and exposure in the tropical climatic conditions conceal its incubation and concurrence in these belligerent conditions.¶ Also, Ebola, being highly contagious, presents an adaptability factor likely to be exploited by biological terrorists willing to be infected by these bio-hazardous agents. The terrorists would then have to deliberately transport themselves into their targeted areas during the incubation period in order to initiate person-to-person transmission, either by secretion contact or airborne dissemination.¶ The relatively low production cost, that only entails human contact and enormous availability of willing volunteers, which already exists amongst Al Qaeda radicals, poses a threat of unprecedented scale. Al Qaeda and its extremist networks have already carried out numerous terrorist attacks around the globe. Needless to say, arming themselves with Ebola, as a highly effective weapon, would lend them the capacity to unleash a high-impact attack causing mass civilian casualties.¶ Proliferation of the Ebola virus for bioterrorism may also arise from the way biological specimens are stored, which is unique to agents of viral hemorrhagic fevers. Most virological laboratories are not specialized and equipped adequately for rapid diagnosis and appropriate examination of the Ebola samples. The storage of Ebola virus samples requires maximum security in the specimen laboratories.¶ This has resulted into the monopoly by some reference laboratories dealing with scientific repositories’ management. This raises the issues of sharing specimens and the illicit use of these infectious agents which can stream into the possible risk of bioterrorism during diagnostic research and procedures.

Independently causes US retaliation

Lt Col Henry W **Conley 3** (Chief of the Systems Analysis Branch, Directorate of Requirements, Headquarters Air Combat Command (ACC), Langley AFB, Virginia, http://www.airpower.maxwell.af.mil/airchronicles/apj/apj03/spr03/conley.html)

The number of American casualties suffered due to a WMD attack may well be the most important variable in determining the nature of the US reprisal. A key question here is how many Americans would have to be killed to prompt a massive response by the United States. The bombing of marines in Lebanon, the Oklahoma City bombing, and the downing of Pan Am Flight 103 each resulted in a casualty count of roughly the same magnitude (150–300 deaths). Although these events caused anger and a desire for retaliation among the American public, they prompted no serious call for massive or nuclear retaliation. The body count from a single biological attack could easily be one or two orders of magnitude higher than the casualties caused by these events. Using the rule of proportionality as a guide, one could justifiably debate whether the United States should use massive force in responding to an event that resulted in only a few thousand deaths. However, what if the casualty count was around 300,000? Such an unthinkable result from a single CBW incident is not beyond the realm of possibility: “According to the U.S. Congress Office of Technology Assessment, 100 kg of anthrax spores delivered by an efficient aerosol generator on a large urban target would be between two and six times as lethal as a one megaton thermo-nuclear bomb.” Would the deaths of 300,000 Americans be enough to trigger a nuclear response**?** In this case, proportionality does not rule out the use of nuclear weapons. Besides simply the total number of casualties, the types of casualties- predominantly military versus civilian- will also affect the nature and scope of the US reprisal action. Military combat entails known risks, and the emotions resulting from a significant number of military casualties are not likely to be as forceful as they would be if the attack were against civilians.World War II provides perhaps the best examples for the kind of event or circumstance that would have to take place to trigger a nuclear response. A CBW event that produced a shock and death toll roughly equivalent to those arising from the attack on Pearl Harbor might be sufficient to prompt a nuclear retaliation. President Harry Truman’s decision to drop atomic bombs on Hiroshima and Nagasaki- based upon a calculation that up to one million casualties might be incurred in an invasion of the Japanese homeland47- is an example of the kind of thought process that would have to occur prior to a nuclear response to a CBW event. Victor Utgoff suggests that **“**if nuclear retaliation is seen at the time to offer the best prospects for suppressing further CB attacks and speeding the defeat of the aggressor, and if the original attacks had caused severe damage that had outraged American or allied publics, nuclear retaliation would be more than just a possibility, whatever promises had been made**.”**

## Plan

Plan: The United States Federal Government should restrict executive authority for targeted killing as a first resort outside zones of active hostilities.

## Solvency

CONTENTION FOUR: SOLVENCY

Plan’s mechanism is key to consensus-building on targeted killing norms

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

Legal scholars, policymakers, and state actors are embroiled in a heated debate about whether the conflict with al Qaeda is concentrated within specific geographic boundaries or extends to wherever al Qaeda members and associated forces may go. The United States' expansive view of the conflict, coupled with its broad definition of the enemy, has led to a legitimate concern about the creep of war. Conversely, the European and human rights view, which confines the conflict to a limited geographic region, ignores the potentially global nature of the threat and unduly constrains the state's ability to respond. Neither the law of international armed conflict (governing conflicts between states) nor the law of noninternational armed conflict (traditionally understood to govern intrastate conflicts) provides the answers that are so desperately needed.

The zone approach proposed by this Article fills the international law gap, effectively mediating the multifaceted liberty and security interests at stake. It recognizes the broad sweep of the conflict, but distinguishes between zones of active hostilities and other areas in determining which rules apply. Specifically, it offers a set of standards that would both limit and legitimize the use of out-of-battlefield targeted killings and law of war-based detentions, subjecting their use to an individualized threat assessment, a least-harmful-means test, and significant procedural safeguards. This approach confines the use of out-of-battlefield targeted killings and detention without charge to extraordinary situations in which the security of the state so demands. It thus limits the use of force as a first resort, protects against the unnecessary erosion of peacetime norms and institutions, and safeguards individual liberty. At the same time, the zone approach ensures that the state can effectively respond to grave threats to its security, wherever those threats are based.

The United States has already adopted a number of policies that distinguish between zones of active hostilities and elsewhere, implicitly recognizing the importance of this distinction. By adopting the proposed framework as a matter of law, the United States can begin to set the standards and build an international consensus as to the rules that ought to apply, not only to this conflict, but to future conflicts. The likely reputational, security, and foreign policy gains make acceptance of this framework a worthy endeavor.

The plan is administration policy but just needs to be formalized

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

One might be skeptical that a nation like the United States would ever accept such constraints on the exercise of its authority. There are, however, several reasons why doing so would be in the United States' best interest.

First, as described in Section II.B, the general framework is largely consistent with current U.S. practice since 2006. The United States has, as a matter of policy, adopted important limits on its use of out-of-battlefield targeting and law-of-war detention suggesting an implicit recognition of the value and benefits of restraint.

Second, while the proposed substantive and procedural safeguards are more stringent than those that are currently being employed, their implementation will lead to increased restraint and enhanced legitimacy, which in turn inure to the state. As the U.S. Counterinsurgency Manual explains, it is impossible and self-defeating to attempt to capture or kill every potential insurgent: "Dynamic insurgencies can replace losses quickly. Skillful counterinsurgents must thus cut off the sources of that recuperative power" by increasing their own legitimacy at the expense of the insurgent's legitimacy. n215 The Counterinsurgency Manual further notes, "Excessive use of force, unlawful detention ... and punishment without trial" comprise "illegitimate actions" that are ultimately "self-defeating." n216 In this vein, the Manual advocates moving "from combat operations to law enforcement as [\*1232] quickly as feasible." n217 In other words, the high profile and controversial nature of killings outside conflict zones and detention without charge can work to the advantage of terrorist groups and to the detriment of the state. Self-imposed limits on the use of detention without charge and targeted killing can yield legitimacy and security benefits. n218

Third, limiting the exercise of these authorities outside zones of active hostilities better accommodates the demands of European allies, upon whose support the United States relies. As Brennan has emphasized: "The convergence of our legal views with those of our international partners matters. The effectiveness of our counterterrorism activities depends on the assistance and cooperation of our allies who, in ways public and private, take great risks to aid us in this fight." n219 By placing self-imposed limits on its actions outside the "hot" battlefield, the United States will be in a better position to participate in the development of an international consensus as to the rules that ought to apply.

Fourth, such self-imposed restrictions are more consistent with the United States' long-standing role as a champion of human rights and the rule of law a role that becomes difficult for the United States to play when viewed as supporting broad-based law-of-war authority that gives it wide latitude to employ force as a first resort and bypass otherwise applicable human rights and domestic law enforcement norms.

Fifth, and critically, while the United States might be confident that it will exercise its authorities responsibly, it cannot assure that other states will follow suit. What is to prevent Russia, for example, from asserting that [\*1233] it is engaged in an armed conflict with Chechen rebels, and can, consistent with the law of war, kill or detain any person anywhere in the world which it deems to be a "functional member" of that rebel group? Or Turkey from doing so with respect to alleged "functional members" of Kurdish rebel groups? If such a theory ultimately resulted in the targeted killing or detaining without charge of an American citizen, the United States would have few principled grounds for objecting.

Congressional restriction key to credibility and signal

Kenneth Anderson, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University and Member of its Task Force on National Security and the Law, 5/11/2009, Targeted Killing in U.S. Counterterrorism Strategy and Law, http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511\_counterterrorism\_anderson.pdf

What Should Congress Do?

Does this analysis offer any practical policy prescriptions for Congress and the administration? The problem is not so much a need for new legislation to create new structures or new policies. The legislative category in which many instances of targeted killing might take place in the future already exists. The task for Congress and the administration, rather, is instead to preserve a category that is likely to be put under pressure in the future and, indeed, is already seen by many as a legal non-starter under international law.

Before addressing what Congress should do in this regard, we might ask from a strictly strategic political standpoint whether, given that the Obama Administration is committed to this policy anyway, whether it is politically prudent to draw public attention to the issue at all. Israeli officials might be threatened with legal action in Spain; but so far no important actor has shown an appetite for taking on the Obama Administration. Perhaps it is better to let sleeping political dogs lie.

These questions require difficult political calculations. However, the sources cited above suggest that even if no one is quite prepared at this moment to take on the Obama Administration on targeted killing, the intellectual and legal pieces of the challenge are already set up and on the table. Having asserted certain positions concerning human rights law and its application and the United States having unthinkingly abandoned its self-defense rationale for its policy, the play can be made at any time—at some later time in the Obama Administration or in the next Republican administration, prying apart the “American” position to create a de facto alliance among Democrats and Europeans and thereby undermining the ability of the United States to craft a unified American security strategy.101 The United States would be best served if the Obama Administration did that exceedingly rare thing in international law and diplomacy: Getting the United States out in front of the issue by making plain the American position, rather than merely reacting in surprise when its sovereign prerogatives are challenged by the international soft-law community.

The deeper issue here is not merely a strategic and political one about targeted killing and drones but goes to the very grave policy question of whether it is time to move beyond the careful ambiguity of the CIA’s authorizing statute in referring to covert uses of force under the doctrines of vital national interest and self-defense. Is it time to abandon strategic ambiguity with regards to the Fifth Function and assert the right to use force in self-defense and yet in “peacetime”—that is, outside of the specific context of an armed conflict within the meaning of international humanitarian law? Quite possibly, the strategic ambiguity, in a world in which secrecy is more and more difficult, and in the general fragmentation of voice and ownership of international law, has lost its raison d’etre. This is a larger question than the one undertaken here, but on a range of issues including covert action, interrogation techniques, detention policy, and others, a general approach of overt legislation that removes ambiguity is to be preferred.

The single most important role for Congress to play in addressing targeted killings, therefore, is the open, unapologetic, plain insistence that the American understanding of international law on this issue of self-defense is legitimate. The assertion, that is, that the United States sees its conduct as permissible for itself and for others. And it is the putting of congressional strength behind the official statements of the executive branch as the opinio juris of the United States, its authoritative view of what international law is on this subject. If this statement seems peculiar, that is because the task—as fundamental as it is—remains unfortunately poorly understood.

Yet if it is really a matter of political consensus between Left and Right that targeted killing is a tool of choice for the United States in confronting its non-state enemies, then this is an essential task for Congress to play in support of the Obama Administration as it seeks to speak with a single voice for the United States to the rest of the world. The Congress needs to backstop the administration in asserting to the rest of the world— including to its own judiciary—how the United States understands international law regarding targeted killing. And it needs to make an unapologetic assertion that its views, while not dispositive or binding on others, carry international authority to an extent that relatively few others do—even in our emerging multi-polar world. International law traditionally, after all, accepts that states with particular interests, power, and impact in the world, carry more weight in particular matters than other states. The American view of maritime law matters more than does landlocked Bolivia’s. American views on international security law, as the core global provider of security, matter more than do those of Argentina, Germany or, for that matter, NGOs or academic commentators. But it has to speak—and speak loudly—if it wishes to be heard. It is an enormously important instance of the need for the United States to re-take “ownership” of international law— not as its arbiter, nor as the superpower alone, but as a very powerful, very important, and very legitimate sovereign state.

Intellectually, continuing to squeeze all forms and instances of targeted killing by standoff platform under the law of IHL armed conflict is probably not the most analytically compelling way to proceed. It is certainly not a practical long-term approach. Not everyone who is an intuitively legitimate target from the standpoint of self-defense or vital national security, after all, will be already part of an armed conflict or combatant in the strict IHL sense. Requiring that we use such IHL concepts for a quite different category is likely to have the deleterious effect of deforming the laws of war, over the long term—starting, for example, with the idea of a “global war,” which is itself a certain deformation of the IHL concept of hostilities and armed conflict.

# 2AC

## Nato DA

**2) Double bind – it’s already collapsed**

**Leonard 12** (Mark Leonard is co-founder and director of the European Council on Foreign Relations, the first pan-European think tank., 7/24/2012, "The End of the Affair", www.foreignpolicy.com/articles/2012/07/24/the\_end\_of\_the\_affair)

But Obama's stellar personal ratings in Europe hide the fact that the Western alliance has never loomed smaller in the imagination of policymakers on either side of the Atlantic. Seen from Washington, there is not a single problem in the world to be looked at primarily through a transatlantic prism. Although the administration looks first to Europeans as partners in any of its global endeavors -- from dealing with Iran's nuclear program to stopping genocide in Syria -- it no longer sees the European theater as its core problem or seeks a partnership of equals with Europeans. It was not until the eurozone looked like it might collapse -- threatening to bring down the global economy and with it Obama's chances of reelection -- that the president became truly interested in Europe. Conversely, Europeans have never cared less about what the United States thinks. Germany, traditionally among the most Atlanticist of European countries, has led the pack. Many German foreign-policy makers think it was simply a tactical error for Berlin to line up with Moscow and Beijing against Washington on Libya. But there is nothing accidental about the way Berlin has systematically refused even to engage with American concerns over German policy on the euro. During the Bush years, Europeans who were unable to influence the strategy of the White House would give a running commentary on American actions in lieu of a substantive policy. They had no influence in Washington, so they complained. But now, the tables are turned, with Obama passing continual judgment on German policy while Chancellor Angela Merkel stoically refuses to heed his advice. Europeans who for many years were infantilized by the transatlantic alliance, either using sycophancy and self-delusion about a "special relationship" to advance their goals or, in the case of Jacques Chirac's France, pursuing the even more futile goal of balancing American power, have finally come to realize that they can no longer outsource their security or their prosperity to Uncle Sam. On both sides of the Atlantic, the ties that held the alliance together are weakening. On the American side, Obama's biography links him to the Pacific and Africa but not to the old continent. His personal story echoes the demographic changes in the United States that have reduced the influence of Americans of European origin. Meanwhile, on the European side, the depth of the euro crisis has crowded out almost all foreign policy from the agenda of Europe's top decision-makers. The end of the Cold War means that Europeans no longer need American protection, and the U.S. financial crisis has led to a fall in American demand for European products (although U.S. exports to Europe are at an all-time high). What's more, Obama's lack of warmth has precluded him from establishing the sorts of human relationships with European leaders that animate alliances. When asked to name his closest allies, Obama mentions non-European leaders such as Recep Tayyip Erdogan of Turkey and Lee Myung-bak of South Korea. And his transactional nature has led to a neglect of countries that he feels will not contribute more to the relationship -- within a year of being elected, Obama had managed to alienate the leaders of most of Europe's big states, from Gordon Brown to Nicolas Sarkozy to Jose Luis Rodriguez Zapatero. Americans hardly remember, but Europe's collective nose was put out of joint by Obama's refusal to make the trip to Europe for the 2010 EU-U.S. summit. More recently, Obama has reached out to allies to counteract the impression that the only way to get a friendly reception in Washington is to be a problem nation -- but far too late to erase the sense that Europe matters little to this American president. Underlying these superficial issues is a more fundamental divergence in the way Europe and the United States are coping with their respective declines. As the EU's role shrinks in the world, Europeans have sought to help build a multilateral, rule-based world. That is why it is they, rather than the Chinese or the Americans, that have pushed for the creation of institutionalized global responses to climate change, genocide, or various trade disputes. To the extent that today's world has not collapsed into the deadlocked chaos of a "G-zero," it is often due to European efforts to create a functioning institutional order. To Washington's eternal frustration, however, Europeans have not put their energies into becoming a full partner on global issues. For all the existential angst of the euro crisis, Europe is not as weak as people think it is. It still has the world's largest market and represents 17 percent of world trade, compared with 12 percent for the United States. Even in military terms, the EU is the world's No. 2 military power, with 21 percent of the world's military spending, versus 5 percent for China, 3 percent for Russia, 2 percent for India, and 1.5 percent for Brazil, according to Harvard scholar Joseph Nye. But, ironically for a people who have embraced multilateralism more than any other on Earth, Europeans have not pooled their impressive economic, political, and military resources. And with the eurozone's need to resolve the euro crisis, the EU may split into two or more tiers -- making concerted action even more difficult. As a result, European power is too diffuse to be much of a help or a hindrance on many issues. On the other hand, Obama's United States -- although equally committed to liberal values -- thinks that the best way to safeguard American interests and values is to craft a multipartner world. On the one hand, Obama continues to believe that he can transform rising powers by integrating them into existing institutions (despite much evidence to the contrary). On the other, he thinks that Europe's overrepresentation in existing institutions like the World Bank and the International Monetary Fund is a threat to the consolidation of that order. This is leading a declining America to increasingly turn against Europe on issues ranging from climate change to currencies. The most striking example came at the 2009 G-20 in Pittsburgh, when Obama worked together with the emerging powers to pressure Europeans to give up their voting power at the IMF. As Walter Russell Mead, the U.S. international relations scholar, has written, "[I]ncreasingly it will be in the American interest to help Asian powers rebalance the world power structure in ways that redistribute power from the former great powers of Europe to the rising great powers of Asia today." But the long-term consequence of the cooling of this unique alliance could be the hollowing out of the world order that the Atlantic powers have made. The big unwritten story of the last few decades is the way that a European-inspired liberal economic and political order has been crafted in the shell of the American security order. It is an order that limits the powers of states and markets and puts the protection of individuals at its core. If the United States was the sheriff of this order, the EU was its constitutional court. And now it is being challenged by the emerging powers. Countries like Brazil, China, and India are all relatively new states forged by movements of national liberation whose experience of globalization has been bound up with their new sense of nationhood. While globalization is destroying sovereignty for the West, these former colonies are enjoying it on a scale never experienced before. As a result, they are not about to invite their former colonial masters to interfere in their internal affairs. Just look at the dynamics of the United Nations Security Council on issues from Sudan to Syria. Even in the General Assembly, the balance of power is shifting: 10 years ago, China won 43 percent of the votes on human rights in the United Nations, far behind Europe's 78 percent. But in 2010-11, the EU won less than 50 percent to China's nearly 60 percent, according to research by the European Council on Foreign Relations. Rather than being transformed by global institutions, China's sophisticated multilateral diplomacy is changing the global order itself. As relative power flows Eastward, it is perhaps inevitable that the Western alliance that kept liberty's flame alight during the Cold War and then sought to construct a liberal order in its aftermath is fading fast. It was perhaps inevitable that both Europeans and Americans should fail to live up to each other's expectations of their respective roles in a post-Cold War world. After all, America is still too powerful to happily commit to a multilateral world order (as evidenced by Congress's reluctance to ratify treaties). And Europe is too physically safe to be willing to match U.S. defense spending or pool its resources. What is surprising is that the passing of this alliance has not been mourned by many on either side. The legacy of Barack Obama is that the transatlantic relationship is at its most harmonious and yet least relevant in 50 years. Ironically, it may take the election of someone who is less naturally popular on the European stage for both sides to wake up and realize just what is at stake.

Or NATO resilient

Brunnstrom 10 (David, Reuters, 11/15/2010, “NATO to stress global role despite Afghan bruising”, http://news.yahoo.com/s/nm/20101115/wl\_nm/us\_nato\_summit\_future)

Analysts say the Afghan war has been a blow to NATO's psyche, with countries keen to wind down their commitment as rapidly as possible. The widely expected messy conclusion to the conflict could be further damaging to its prestige. But they see little threat to the future of NATO itself. "I think that Afghanistan has really raised questions about the future of NATO -- but that's not to say that NATO is going away," said Rand Corporation analyst Brian Jenkins. NATO was created during the Cold War to defend against invasion by conventional forces from the former Soviet bloc. As a result it has relied mostly on weaponry such as tanks and aircraft largely unsuited to counter-insurgency operations. Critics argue the alliance has been more effective as a means of intimidation or deterrent than a fighting force, having fought only one other campaign in its history -- the successful air war against Serbia over Kosovo in 1999. "NATO now finds itself in a situation for which the allies were politically and militarily unprepared," Jenkins said, noting that the vast majority of conflicts around the world involved irregular forces.

Alt causes

A) Generational change

Ellen **Hallams and** Benjamin **Schreer**, **2012** Towards a ‘post-American’ alliance? NATO burden-sharing after Libya, The Royal Institute of International Affairs

http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2012/88\_2/88\_2hallamsschreer.pdf

Finally, generational change among the US political elite will have an impact on how American decision-makers look at the alliance. While many of those within the administration working on NATO policy represent continuity with previous administrations, there is also a new generation for whom the old transatlantic ties are simply less relevant. As a senior NATO official concedes, ‘the younger decision makers in Washington and those who influence the decision makers don’t have that NATO engagement, that strong attachment to the US in Europe in their DNA in the same way that the last generation did’.59 US strategic doyen Henry Kissinger also sees a less Europhile generation of US leaders.60 Moreover, NATO now has an image problem in Washington. As the former US ambassador to NATO Kurt Volker has pointed out, when US policy elites speak about ‘NATO’ these days they are really speaking about the ‘Europeans’—as if the US was no longer part of the alliance.61

## Sanctions

1) Obama popularity collapse kills the agenda

Jonathan Bernstein, 11/8/13, What matters, and what doesn’t, with Obama’s sliding approval numbers, www.washingtonpost.com/blogs/plum-line/wp/2013/11/08/what-matters-and-what-doesnt-with-obamas-sliding-approval-numbers/

Everyone is talking about Barack Obama’s falling numbers this week, with a new Pew Poll out today showing him at 41 percent approval, and a slide in Gallup to a post-election low earlier this week. Any careful look should go to the aggregators; the latest HuffPollster average has Obama’s approval at 43%, with a steady slide since a post-election peak back in late December. Of course, Obama is never going to appear on a ballot again. But **his popularity still matters**. In some ways, and not in others. What’s hurting the president? A week of high-coverage negative publicity on the Obamacare rollout can’t help, and in fact his approval rating from Pew on health care is down to 37 percent. On the other hand, that’s only down eight points since January, compared with an 11 point overall drop. It’s not likely Obama is getting dragged down just by health care. It’s probably a combination of things — a large part of it likely from the dramatic drop in Gallup’s economic confidence index since May, which is about when sequestration started kicking in and the deficit started shrinking rapidly. Here’s where Obama’s approval numbers do not matter: The future of the health law. There will be a lot of talk that Dems are running away from the health law because of his drop. But on health care, Democrats pretty much are all in the same boat: They want the law to work. After all, what other choice is there? Dems are not going to support repeal — they voted for the bill. So they’re stuck hoping the administration can get everything running as painlessly as possible. Democrats probably are open to small fixes to immediate problems, but even there it’s not clear how much can be done legislatively — and no fixes that would help Obamacare run better can pass the GOP-controlled House. Here’s where Obama’s approval does matter. Presidential approval has real effects on midterm elections. Right now, what matters is perceptions among elites, and potential candidates, about those elections. There’s some evidence Dems benefited from the shutdown, with a small wave of successful recruitment. If the conventional wisdom shifts to a sense that Obama (and Democrats) are doomed, it’s unlikely Democrats could build on those successes. We might see some Republican recruiting coups. Separate from that is the direct effect of presidential popularity; the better Obama is doing in November 2014, the better Dems can expect to do. **The other reason presidential approval matters is that it should**, on the margins, help or **hurt his ability to influence people**, whether Members of **Congress** or people in executive branch **agencies** **or** any of those **Washingtonians** (in Richard Neustadt’s language) **a president seeks to influence.** Low presidential approval now could also matter to Obama’s long term success. If he remains unpopular, he might have more trouble getting judges confirmed, perhaps leading to more court decisions against his programs. Another area: the more popular Obama is, the more pressure there would probably be on states to join the Medicaid expansion.

2) Even if Obama had any political capital – it would be less than useless

Reid Epstein, Politico, 11/10/13, White House seeks Republican immigration help, www.politico.com/story/2013/11/white-house-seeks-gop-immigration-help-99640.html

The government shutdown fight and Obama’s failure to establish relationships with Republicans haven’t helped either. “This whole fight we had in the … past few weeks over Obamacare and the government shutdown and everything really affected relationships with members and the White House,” Valadao said. “That, I think, had a huge impact on members who were on the fence on immigration.” Meanwhile, the conservative groups working to pass immigration reform are happy working without substantial coordination from the White House. Being seen as too close to Obama would sap their credibility with House Republicans, even as they parrot the White House talking points. “We’re keeping the White House at arms length and the White House is not really engaging with folks directly and they’re really paying heed to the reality that this has to be owned lock, stock and barrel by the House Republicans,” said Ali Noorani, executive director of the National Immigration Forum. Tamar Jacoby, president and CEO of the pro-reform business group ImmigrationWorks USA, said the biggest current obstacle of immigration reform in the House is that Republicans “don’t want to do Obama any favors” after the toxic shutdown and debt limit battles. “When Obama’s out there saying, ‘I just won a big battle … and I’m demanding you do this,’ no one’s going to want to do it on those terms,” Jacoby said. “My fear is that Obama’s not really helping [reform] when he’s sort of scolding them about it all the time.”

3) Democratic infighting blocks

Jonathan Allen, Politico, 11/14/13, Trust frays between Obama, Democrats, www.politico.com/story/2013/11/trust-frayed-between-obama-dems-99897.html?hp=t1\_3

President Barack Obama’s credibility may have taken a big hit with voters, but he’s also in serious danger of permanently losing the trust of Democrats in Congress. The Obamacare debacle has been bad enough that it’s tough for Democrats to take on faith that the president can fix the problems. **His one-time allies are no longer sure that it’s wise to follow him into battle, leaving Obama and his law not only vulnerable to existing critics, but open to new attacks from his own party**.

“I don’t know how he f—-ed this up so badly,” said one House Democrat who has been very supportive of Obama in the past.

4) Not an opportunity cost—a logical policymaker could pass the agenda item and the plan

5) Plan is Congressional legal affirmation of executive operational policy—that disproves the logic of the inter-branch fight link – That’s Daskal and Dworkin

6) Alignment means congress is down with the plan too

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60

Presidents and politicos alike have long recognized Congress's ability to reduce the political costs that the White House risks incurring by pursuing a major military initiative. While declarations of war are all but extinct in the contemporary period, Congress has repeatedly moved to authorize presidential military deployments and consequently to tie its own institutional prestige to the conduct and ultimate success of a military campaign. **Such authorizing legislation**, even if it fails to pass both chambers, **creates a sense of** shared legislative-executive responsibility for a military action's success **and provides the president with** considerable political support **for** **his chosen policy** course.34 Indeed, the desire for this political cover—and not for the constitutional sanction a congressional authorization affords—has historically motivated presidents to seek Congress's blessing for military endeavors. For example, both the elder and younger Bush requested legislative approval for their wars against Iraq, while assiduously maintaining that they possessed sufficient independent authority as commander in chief to order the invasions unilaterally.35 This fundamental tension is readily apparent in the elder Bush's signing statement to HJ Res 77, which authorized military action against Saddam Hussein in January of 1991. While the president expressed his gratitude for the statement of congressional support, he insisted that the resolution was not needed to authorize military action in Iraq. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution."36

7) If Obama is focusing capital on Immigration it disproves Obama would initiate a fight over the plan

8) And its empirically proven he’ll avoid the fight

William Howell and Jon Pevehouse, Associate Professors at the Harris School of Public Policy at the University of Chicago, 2007, When Congress Stops Wars, Foreign Affairs, EBSCO

After all, when presidents anticipate congressional resistance they will not be able to overcome, they often abandon the sword as their primary tool of diplomacy. More generally, when the White House knows that Congress will strike down key provisions of a policy initiative, it usually backs off. President Bush himself has relented, to varying degrees, during the struggle to create the Department of Homeland Security and during conflicts over the design of military tribunals and the prosecution of U.S. citizens as enemy combatants. Indeed, by most accounts, the administration recently forced the resignation of the chairman of the Joint Chiefs of Staff, General Peter Pace, so as to avoid a clash with Congress over his reappointment.

9) No deal – internal factions in Iran block and the economy is the only reason negotiations would succeed

**Applebaum 10/16**/13 - Director of the Global Transitions Program at the Legatum Institute in London. She was a member of The Post’s editorial board from 2002 to 2006 and earlier worked as the foreign and deputy editor of the Spectator magazine in London, the political editor of the Evening Standard, a columnist at several British newspapers and the Warsaw correspondent for The Economist, Degrees from Yale and Oxford (Anne, 10/16/2013, “Iran’s spots haven’t changed, whatever it tells negotiators,” http://www.washingtonpost.com/opinions/anne-applebaum-irans-stripes-havent-changed/2013/10/16/f3704948-3685-11e3-80c6-7e6dd8d22d8f\_print.html)JCP

In Geneva this week, an Iranian delegation has been holding talks with six other nations about its country’s nuclear program. These negotiations — the first to take place under the auspices of Iran’s new president, Hassan Rouhani — inspired little bursts of positive rhetoric. The BBC reported an “upbeat mood” in Geneva. A European diplomat spoke of “cautious optimism.” Rouhani himself had pledged to “resolve” the nuclear problem within the next six months. **After years of no progress with Iran, why the sudden good cheer? It’s certainly not because Rouhani represents a radical new strand of Iranian thinking about nuclear power**. After all, he was Iran’s nuclear negotiator from 2003 to 2005. Parts of the nuclear program were temporarily suspended during that time, but it was never eliminated. Nor does Rouhani’s new cabinet mark a profound break from those who have run the Islamic Republic since its inception. As his justice minister, Rouhani has appointed Mostafa Pourmohammadi, a former high official in the Ministry of Information during the bloody and violent 1980s. Among other things, Pourmohammadi was one of those primarily responsible for the mass execution of thousands of political prisoners in 1988. He moved on to the ministry’s foreign intelligence operations in the 1990s, during which its “achievements” included the bombing of a Jewish community center in Buenos Aires and the assassination of dissidents in Iran and around the world. No one is denying this bit of history. After appointing Pourmohammadi, Rouhani went out of his way to praise his “numerous experiences in the government” and his record: “he has been successful, wherever he has been.” Little appears to have changed: In the week of Sept. 23, when Rouhani was at the U.N. General Assembly in New York, more than 30 Iranians were reportedly executed without due process of law. Rouhani’s team, in other words, has not gone to Geneva after a process of profound internal transformation. On the contrary, **Iran has returned to negotiations for only one reason: The new president wants economic sanctions lifted because they have taken a powerful toll on the Iranian economy**. At a recent conference in London, I heard Iranian diaspora economists return again and again to that theme. Sanctions have destabilized Iran’s currency, oil and gas industry, international trade and investor confidence. Of course the shortcomings of sanctions are well known: They are a blunt and inefficient instrument; plenty of people defy them; and illicit trade goes on all the time. And, yes, they distribute economic pain over the entire population and don’t necessarily hit hardest the people who make the decisions. Nevertheless, three decades’ worth of overlapping unilateral and multilateral sanctions on Iran, organized at different times by the United States, the United Nations and the European Union, are, at least in a narrow sense, “working”; they have forced Iran’s leaders back to a negotiating table they had largely abandoned some years ago. The sanctions’ success has also persuaded the Iranians to try a tactic that has worked well for many other countries, including Russia: Persuade the West to keep its foreign policy concerns in silos — separating economics, human rights and nuclear weapons, as though they have nothing to do with one another. Iran’s oil ministry has even launched a kind of outreach campaign, declaring that “Iran welcomes any oil cooperation, even with American companies.” Presumably they believe that those U.S. oil companies would lobby the Obama administration, hard, to lift sanctions altogether. Such lobbying would be extremely short-sighted. If Iran is able to make concrete, verifiable nuclear proposals, of course some changes could be made to the sanctions regime. Some have suggested unfreezing Iranian assets held abroad as an option. But while negotiations continue, let’s be clear about why the world cares about Iran’s nuclear program in the first place. Certainly we in the United States aren’t overly worried about Britain’s nuclear arsenal or about India’s. The United States is hardly in a position to oppose nuclear weapons in principle, since we and several of our allies have them. No, we oppose Iran’s nuclear ambitions for one reason: because we object to the Islamic Republic of Iran, a quasi-totalitarian state that since 1979 has been led by brutal, volatile men with no respect for the rule of law. Their regime is a “domestic” problem for many Iranians, and it’s a major problem for Iran’s neighbors and the rest of the world. To put it differently: As long as men like Pourmohammadi are running Iran’s courts and prisons, as long as the Iranian judicial system is subverted by a politicized version of sharia, there will always be a limit to what can be achieved through any conversations with Tehran. Talking is fine. But the negotiators in Geneva should leave any optimism at the door.

Barriers mean Iran will never even try to develop nuclear weapons – much less succeed in a way that spurs their impacts

**Vaez 10/9**/13 - senior Iran analyst at the International Crisis Group, having previously headed the Iran project of the Federation of American Scientists in Washington, D.C., focusing on Iran’s nuclear and missile programs(Ali, 10/9/13, “Iran's nuclear program: Cause for concern, but not alarm,” http://america.aljazeera.com/articles/2013/10/9/iran-nuclear-programprimer.html)JCP

The last time President Hassan Rouhani was in charge of his country's nuclear dossier, Iran struggled to assemble 164 uranium-enrichment centrifuges. That was when Rouhani served as Tehran's chief nuclear negotiator between 2003 and 2005. Today — despite a decade of sanctions and diplomatic pressure — Iran has more than 18,000 centrifuges. Even so, **a nuclear-armed Iran is neither imminent nor inevitable**. Four issues are at the core of international concerns over Tehran's nuclear activities: Concern 1: Uranium enrichment Iran's enrichment process is based on using centrifugal force to purify the active isotope in natural uranium. Depending on the level of purity to which it is enriched, the resulting fissile material could either fuel nuclear reactors, be used medically or serve as bomb material. Iran has two main enrichment facilities and refines uranium to two levels. Less than 5 percent is used for reactors to create electricity, and 20 percent used in research reactors to produce medical isotopes. The country has one nuclear power plant in Bushehr and one research reactor in Tehran. Given that fuel for Bushehr is provided by Russia and the fact that Iran has already enriched enough fuel for the Tehran research reactor, many suspect that Iran's enrichment activities may not have exclusively innocent goals. The absence of a viable economic rationale for domestic enrichment — and the scarcity of uranium in Iran — exacerbates suspicions. But Iranian leaders contend that eventual expansion of the country's peaceful nuclear program necessitates indigenous nuclear fuel production. If Iran were denied access to nuclear fuel on which it was dependent, it would lose at least $200 million per year for each idled reactor. Iran's enrichment activities are monitored by the International Atomic Energy Agency (IAEA), which also safeguards all the nuclear material in the country. Iran's main enrichment facility is located in Natanz and houses around 15,000 centrifuges. The majority of centrifuges Iran has installed there are the so-called first generation IR-1s. These are based on a 1970's design and are prone to regular mechanical breakdowns. Consequently, Iran has been working on developing more advanced centrifuges. According to the most recent report from the IAEA, Iran had 1,008 IR-2m installed by Aug. 28, 2013, and planned to install another 2,000 in the next few months. These machines are not yet enriching uranium, but are estimated to be at least three-times more efficient. Iran's second enrichment facility, Fordow, is located under a mountain near the holy city of Qom and is believed to be impervious to an Israeli airstrike. Iran has installed nearly 3,000 IR-1 machines there, but is currently operating only one-third of them. Concern 2: Fissile material stockpile Accumulation of enriched uranium in Iranian facilities is another source of concern, as such material could more rapidly be further refined to reach weapons-grade (above 80 percent). As of Aug. 28, 2013, Iran had 6,774 kilograms of 3.5 percent and 185 kilograms of 20 percent enriched uranium. With further enrichment — if Iran expelled inspectors — that stockpile could be turned into material for five nuclear weapons in six months to a year. Iran's accumulation of uranium enriched to 20 percent is particularly worrisome, as that level of enrichment reduces by more than 90 percent the time it would take to turn natural uranium into bomb material. Tehran, however, has thus far kept the size of its 20 percent stockpile below the red line set last year by Israel's Prime Minister Benjamin Netanyahu, which is around 250 kilograms (enough for one bomb if re-enriched). It has done this by oxidizing enriched uranium and converting it into fuel rods for reactors, a process that renders weaponization far more difficult. Concern 3: Heavy-water reactor Iran is constructing a heavy-water research reactor in the city of Arak. The reactor uses natural uranium as fuel, but once operational it will produce about 9 kilograms of plutonium every year, which is sufficient for 1.5 bombs. This can open a second path — followed by most nuclear proliferators — towards nuclear weapons. Separating plutonium from a reactor's spent fuel rods, however, requires a reprocessing facility that Iran neither currently has, nor has demonstrated any intention of building. But this might not matter to Israel, which twice before has attacked suspected reactors in regional countries — in Iraq in 1981 and in Syria in 2007 — before their completion, since striking an operational reactor would prompt an environmental catastrophe. Concern 4: Past activities Iran's uranium enrichment program was born in secret through the acquisition of technical drawings, manufacturing instructions and samples of components for centrifuges from the father of Pakistan’s atomic bomb and infamous proliferator, AQ Khan. Iran's construction of undeclared nuclear enrichment and heavy-water facilities was exposed in 2002 by an exiled opposition group, triggering an international crisis. Nine years later, the IAEA also detailed charges that Tehran had before 2003 experimented with technologies critical for the development of nuclear warheads, warning that some such research work may still be ongoing. Iran nuclear facility Technicians work inside of a uranium conversion facility at Isfahan, Iran. Getty Images While the Nuclear Non-Proliferation Treaty (NPT) entitles Iran to enrich and stockpile uranium and construct a heavy-water reactor for civilian purposes, at issue is whether Tehran is in compliance with all its responsibilities under Article II of the treaty, which requires to refrain from seeking, or receiving any assistance in, the manufacture of nuclear weapons or other nuclear explosive devices. Six U.N. Security Council resolutions have demanded that Iran suspend these activities until international confidence is restored in the purely peaceful nature of its program, and a decade of negotiations between Iran and Western powers has thus far failed to resolve the nuclear standoff. So how close is Iran to being able to build nuclear weapons — assuming that is its intention? Guessing Iran's timeline for attaining nuclear-weapons status has been a popular pastime of analysts, pundits and politicians for almost two decades. But most of these **estimates are based on misplaced alarmism**, for three main reasons: Reason 1: International inspections **No state has built nuclear weapons while under scrutiny of in-country IAEA inspectors**. In fact, out of the five countries that developed nuclear weapons in the past four decades, four (Pakistan, India, South Africa and Israel) were not signatories of the NPT and therefore were never under IAEA inspection, while North Korea had expelled the inspectors before testing its nuclear device. IAEA inspectors visit Iran's nuclear facilities on an almost weekly basis. And time favours the inspectors. Alarmist warnings about Iran reaching "breakout capability — the ability to process low-enriched uranium into weapons grade fissile material — omits the simple fact that if Iran decided to produce weapons-grade uranium, it would have to reconfigure its centrifuge cascades. **That process usually takes between one to two weeks, and will undoubtedly be detected by the IAEA**. It is extremely unlikely that Iran could even buy time by delaying the inspectors visit based on fabricated pretexts, given that such action is likely to prompt an international opprobrium and even serve as a casus belli. Iran can’t begin producing bomb material without triggering an trip wire that would give the international community several weeks to react before it had created fissile material for a single bomb; and turning such material into a deliverable warhead would take would take at least a year. Reason 2: The cost-benefit rationale A country reaches the military nuclear threshold when it possesses the capacity to manufacture one or more nuclear weapons within weeks. But **it defies strategic logic for a country to accept risks of a military confrontation with more powerful adversaries simply in order to develop a single crude nuclear device. To acquire real nuclear deterrence, Iran would need a deployable nuclear arsenal, not just enough material for one bomb.** It would need to test a nuclear device and marry it with an appropriate delivery vehicle. And it is nearly impossible that Iran could reach such a capability in less than a year, without being detected and stopped by the U.S. or Israel. All previous Iranian efforts to conceal nuclear activities were exposed in their nascent stages. Likewise, it is useful to remember than given America's significant standing capabilities in the region**, it would take less than 24 hours for the U.S. to launch military strikes in response to any such Iranian undertaking.** To acquire real nuclear deterrence, Iran would need a deployable nuclear arsenal, not just enough material for one bomb Reason 3: The lack of a political decision **Iranian leaders have pledged to never make nuclear weapons**, which they consider a violation of Islam. But more importantly, according to James Clapper, the Director of the U.S. National Intelligence, Iran’s leaders have not yet decided to build nuclear weapons. Both the U.S. and Israeli intelligence communities are reasonably confident of their ability to detect such a decision. In contrast to lack of evidence of any political decision Iran to cross the Nuclear Rubicon, the Iranian government has provided plenty of evidence that it wants a nuclear deal. Besides verbal declarations by its leadership, a number of Iranian decisions in managing nuclear work have been read as signalling a desire to avoid provoking confrontation. For example, Tehran has converted approximately 60 percent of its 20 percent enriched uranium stockpile to uranium oxide, which is less prone to proliferation as its further enrichment requires weeks of chemical processing detectable by the IAEA. Tehran could also double its enrichment at Fordow by turning on nearly 2,000 centrifuges that it has installed at the facility, but which are not yet operating. The same applies to the IR-2m machines. Iran has also delayed the previously announced completion date (the first quarter of 2014) of the Arak reactor. Analysts see these moves as signs that Tehran is preparing bargaining chips to negotiate relief from the Western sanctions that have debilitated its economy. As DNI Clapper has assessed, "Iran's nuclear decision-making is guided by a cost-benefit approach, which offers the international community opportunities to influence Tehran." With 17 declared nuclear facilities and nearly five-decades in the making, Iran's nuclear program is quite extensive. It has also been expensive given the cost of harsh sanctions that the program has incurred. Yet, it has also become a point of national pride as Iran has developed indigenous nuclear know-how. That fact alone means that Iran’s nuclear program cannot be wished away or bombed away. U.S. military and intelligence chiefs have made clear that the only sustainable solution is one in which Tehran chooses to refrain from building nuclear weapons, under an accord that thickens the barrier between civilian and military nuclear activity in Iran. Such an accord would limit the scale and scope of Iran's nuclear work, enhance the IAEA's monitoring capabilities, and allow Iran to re-join the international community.

## XO CP

Obama’s lawyers won’t defend the CP – that tubes effectiveness

Kenneth Anderson 10, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University and Member of its Task Force on National Security and the Law, 3/18/10, Rise of the Drones: Unmanned Systems and the Future of War, digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1002&context=pub\_disc\_cong

26. Drone warfare, therefore, raises questions on its own – but an underappreciated question is one that drone warfare forces onto the table – whether the United States government agrees, or does not agree, with its critics that the use of force by the CIA is unlawful combatancy, and a crime under international law. And if it disagrees as it presumably must, on what basis does it justify its lawfulness? Professor Solis suggests that senior officials of the CIA have understood that question; the inexplicable silence by the legal officials of the Obama administration as to how they would defend the international lawfulness of these policies suggests, to the contrary, that they do not. I would respectfully urge that Congress ought to insist on the appearance by the relevant legal counsel to agencies in the administration to state for the record why and on what basis these practices are lawful. **Even as solely a practical matter, the silence of the administration’s lawyers threatens to undermine the legitimacy, as a practical, moral, legal, and political matter, of targeted killing** by the CIA **using drones, in the future**.

The Lack of Public Legal Justification from the Administration

27. The United States government is in a peculiar mismatch with respected to drone targeted killing, particularly as done by the CIA outside of immediate hostilities. On the one hand, senior leaders from the President and Vice-President on down, positively gush over the program and its successes. In today’s newspapers – Thursday, March 11, 2010 – CIA director Panetta was on the front pages in what was clearly a carefully conceived effort to bolster the perception of the program in the public mind, defending its many successes. He is right to do so. The program, in my view, has been a stunning success. However, the CIA director’s touting of its success is somewhat beside the point in current circumstances. The public, so far as I can tell, does not doubt the success of the program – it does precisely what the President said he would do, take the fight to the terrorists. **The question is not its success – it is its lawfulness.** And its lawfulness not as a single thing focused around drones, but instead the lawfulness of particular parts, conducted by particular actors.

28. As much as CIA director Panetta needs to put those successes to the public, he needs another public discussion entirely – one in which he puts his general counsel on stage to articulate why this form of killing people is not just effective, but legal. The utter failure of the administration’s lawyers, anywhere across the administration, to do that is breathtaking. This reticence extends beyond the general counsel of the agency directly involved, the CIA; the principal US government lawyer on international law, the State Department Legal Adviser, has likewise expressed no formal view as to the correct legal view of targeted killing using drones by the CIA in a variety of settings. The mismatch can perhaps be best imagined by thinking of President Obama and Vice-President Biden and CIA director Panetta, standing in a press conference saying the glowing things they have said about these programs and celebrating their success – taking the fight to the enemy, denying them safe haven, going even into places like Yemen or Somalia if necessary. Imagine, however, that their senior lawyers are standing beside them as they celebrate the ramping up of drone strikes month after month, far in excess of the Bush years – turning to the lawyers, all they can say is, “We have not yet reached a legal conclusion on this matter.” Would the President and Vice-President have reason to believe they had been well-served by their lawyers? Lawyers, we all know, cannot be mere yes-men, and these issues are complicated and difficult – but we are more than a year into the Obama presidency, and these programs have emerged as expanding centerpieces of its on-offense counterterrorism policy, as well they should – and yet the lawyers publicly say nothing.

29. It is no doubt unfair to say that the lawyers have not reached conclusions. In some cases, that might be true, but most likely conclusions have been reached – but not shared with the public. This seems to me a profound mistake, on legal grounds and political grounds. There are ways to articulate the legal basis of these policies without having to reveal operational matters, and the **legitimacy of these programs over the long term is distinctly at issue**.

30. **Congress could serve a useful function** in pressing the administration to articulate publicly its rationale. Moreover, if Congress believes – as certainly I believe it should – that it ought to move legislatively to provide greater personal legal protections, against legal action both domestic and abroad, for CIA and other national security officers, then a crucial component of that is the public articulation of the basis on which the United States government will tell the rest of the world that its actions are lawful. That is not possible to do if all the relevant legal analysis is hidden away in a confidential OLC opinion.

# 1AR

## Case

Economic collapse doesn’t cause war

Jervis, professor of political science – Columbia University, ‘11

(Robert, Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425)

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

Empirics prove

Barnett, senior managing director of Enterra Solutions LLC, contributing editor/online columnist for Esquire, 8/25/’9

(Thomas P.M, “The New Rules: Security Remains Stable Amid Financial Crisis,” Aprodex, Asset Protection Index, <http://www.aprodex.com/the-new-rules--security-remains-stable-amid-financial-crisis-398-bl.aspx>)

When the global financial crisis struck roughly a year ago, the blogosphere was ablaze with all sorts of scary predictions of, and commentary regarding, ensuing conflict and wars -- a rerun of the Great Depression leading to world war, as it were. Now, as global economic news brightens and recovery -- surprisingly led by China and emerging markets -- is the talk of the day, it's interesting to look back over the past year and realize how globalization's first truly worldwide recession has had virtually no impact whatsoever on the international security landscape.

None of the more than three-dozen ongoing conflicts listed by GlobalSecurity.org can be clearly attributed to the global recession. Indeed, the last new entry (civil conflict between Hamas and Fatah in the Palestine) predates the economic crisis by a year, and three quarters of the chronic struggles began in the last century. Ditto for the 15 low-intensity conflicts listed by Wikipedia (where the latest entry is the Mexican "drug war" begun in 2006). Certainly, the Russia-Georgia conflict last August was specifically timed, but by most accounts the opening ceremony of the Beijing Olympics was the most important external trigger (followed by the U.S. presidential campaign) for that sudden spike in an almost two-decade long struggle between Georgia and its two breakaway regions.

Looking over the various databases, then, we see a most familiar picture: the usual mix of civil conflicts, insurgencies, and liberation-themed terrorist movements. Besides the recent Russia-Georgia dust-up, the only two potential state-on-state wars (North v. South Korea, Israel v. Iran) are both tied to one side acquiring a nuclear weapon capacity -- a process wholly unrelated to global economic trends.

And with the United States effectively tied down by its two ongoing major interventions (Iraq and Afghanistan-bleeding-into-Pakistan), our involvement elsewhere around the planet has been quite modest, both leading up to and following the onset of the economic crisis: e.g., the usual counter-drug efforts in Latin America, the usual military exercises with allies across Asia, mixing it up with pirates off Somalia's coast). Everywhere else we find serious instability we pretty much let it burn, occasionally pressing the Chinese -- unsuccessfully -- to do something. Our new Africa Command, for example, hasn't led us to anything beyond advising and training local forces.

## Ptx

Won’t escalate

Luttwak, senior associate – CSIS, professor – Georgetown and Berkeley, 5/26/’7

(Edward, “The middle of nowhere,” Prospect Magazine)

Strategically, the Arab-Israeli conflict has been almost irrelevant since the end of the cold war. And as for the impact of the conflict on oil prices, it was powerful in 1973 when the Saudis declared embargoes and cut production, but that was the first and last time that the “oil weapon” was wielded. For decades now, the largest Arab oil producers have publicly foresworn any linkage between politics and pricing, and an embargo would be a disaster for their oil-revenue dependent economies. In any case, the relationship between turmoil in the middle east and oil prices is far from straightforward. As Philip Auerswald recently noted in the American Interest, between 1981 and 1999—a period when a fundamentalist regime consolidated power in Iran, Iran and Iraq fought an eight-year war within view of oil and gas installations, the Gulf war came and went and the first Palestinian intifada raged—oil prices, adjusted for inflation, actually fell. And global dependence on middle eastern oil is declining: today the region produces under 30 per cent of the world’s crude oil, compared to almost 40 per cent in 1974-75. In 2005 17 per cent of American oil imports came from the Gulf, compared to 28 per cent in 1975, and President Bush used his 2006 state of the union address to announce his intention of cutting US oil imports from the middle east by three quarters by 2025.

Yes, it would be nice if Israelis and Palestinians could settle their differences, but it would do little or nothing to calm the other conflicts in the middle east from Algeria to Iraq, or to stop Muslim-Hindu violence in Kashmir, Muslim-Christian violence in Indonesia and the Philippines, Muslim-Buddhist violence in Thailand, Muslim-animist violence in Sudan, Muslim-Igbo violence in Nigeria, Muslim-Muscovite violence in Chechnya, or the different varieties of inter-Muslim violence between traditionalists and Islamists, and between Sunnis and Shia, nor would it assuage the perfectly understandable hostility of convinced Islamists towards the transgressive west that relentlessly invades their minds, and sometimes their countries.

Arab-Israeli catastrophism is wrong twice over, first because the conflict is contained within rather narrow boundaries, and second because the Levant is just not that important any more.

Trust gap kills his agenda

Scott Wilson, WaPo, 11/13/13, Loss of public’s trust poses major problems ahead for Obama’s agenda, www.washingtonpost.com/politics/loss-of-publics-trust-poses-major-problems-ahead-for-obamas-agenda/2013/11/13/63f3d002-4c72-11e3-be6b-d3d28122e6d4\_story.html

Essential elements of Brand Obama in 2008 were trustworthiness and competence, virtues the candidate used to contrast himself with his predecessor, George W. Bush. Obama promised honesty in foreign policy — no unfounded claims of weapons of mass destruction to justify a military invasion. He pledged precision in governing — no Hurricane Katrinas. And he vowed to be forthright with the American public and U.S. allies when it came to post-9/11 counter-terrorism policies, shadowed by the legacy of torture, black-site prisons, and warrantless wiretapping by the National Security Agency. The emphasis on good government helped him win his first and second presidential elections and to bounce back from periods when his overall approval rating was scraping lows. People liked him, even if they didn’t like his politics, as an earnest leader who made a priority of having dinner each evening with his young family. But his likability among the general public has fallen sharply in recent weeks amid the self-inflicted problems resulting from the implementation of his health-care law and a steady stream of unexpected disclosures about government eavesdropping. A new Quinnipiac University poll this week found for the first time that a majority of Americans — 52 percent — say Obama is not honest or trustworthy. A Gallup poll released Wednesday showed a five percentage point drop since September on those same issues, and a 10 point fall since the middle of last year. Now, according to Gallup, only half the country believes Obama is honest. The pair of recent polls also showed a continuing decline in his approval rating, tracking several other national surveys that have the president near new lows in overall popularity. But Obama has rebounded from such dips before, due at least in part to the fact that much of the country still liked him personally and trusted him politically. That political cushion has virtually disappeared with his marks on honesty only slightly better than his sagging approval rating. The plummet in public confidence in Obama’s character poses a much larger problem for his governing agenda and for his legacy after office than general approval ratings. The erosion comes primarily from independent voters and from his own base, crucial to his party’s success in next year’s mid-term elections. The impact of the slide could be wide-ranging. His pursuit of a deal to curb Iran’s nuclear program, for example, may be more difficult to sell to a less-trusting public, especially given strong resistance in Congress and in Israel. Second-term trust problems Many second-term presidents run into trust problems, but in important ways the problem Obama now faces is more pressing. Honesty goes to the rationale for his election and to the core of his political philosophy that government is something to be trusted, not feared or ridiculed as his political opponents claim. Bill Clinton had the Monica Lewinsky affair shape his second term. But Clinton had to overcome questions about his fidelity during his first campaign, and never made trust a central issue. A vote for Clinton came with a “buyer beware” clause that Obama never needed. Ronald Reagan ran into trouble for the Iran-contra scandal — missile sales to Iran to illegally fund the armed opposition to Nicaragua’s Sandinista government. But Reagan was an avowed anti-communist, and while damaged by Iran-Contra, his popularity rebounded late in his term. George W. Bush promised a cleaner government than Clinton’s and a “compassionate conservatism” in domestic politics, until the Sept. 11, 2001, terrorist attacks changed his presidency into a more ideological administration. But it was Bush’s weakness in management — of post-war Iraq and of the emergency response to Katrina — that permanently harmed his presidency and shaped the candidacy of his successor. Obama’s problems now are more urgent because they have come so early in his second term, with little accomplished so far and few obvious opportunities to repair his image. His early first-term moves to rescue the auto industry, bail out an insurance giant and pass an enormous mix of spending increases and tax cuts angered conservative critics but won popular support for stabilizing a fast-falling economy. At the end of his first 100 days in office, nearly three quarters of the electorate said he was trustworthy, according to a Washington Post-ABC News poll at the time. His approval rating was only five points lower. That gap between approval and trust widened throughout his first term, giving him leeway to pursue even unpopular policies, particularly among independent voters who value competence over ideology. After the first debt-ceiling showdown in the summer of 2011, Obama’s approval rating stood at 42 percent, according to a Quinnipiac poll at the time. But 58 percent of those same respondents said Obama was trustworthy, marking a moment of wide disparity between his popularity and perceived honesty. Fifteen months later, after spending more than a billion dollars to polish his image and contrast himself with a Republican candidate whom he cast as untrustworthy, he won reelection. Little to fall back on With no election campaign ahead, Obama has fewer opportunities to focus national attention on his agenda and any fixes he has made to his administration. How he recaptures the approval independents — which are abandoning him according to a Pew Research Center poll last week — will be a challenge for his insular political team. The problem highlights Obama’s central dilemma as public trust slips away. As a champion of government’s effectiveness, Obama has little to fall back on when government fails, as it has so dramatically in rolling out the malfunctioning health-care Web site.

He’s a lame duck

Peter Nicholas, WSJ, 11/10/13, Health-Law Rollout Weighs on Obama's Ratings, Agenda, online.wsj.com/news/articles/SB10001424052702304868404579190222632451560

President Barack Obama, bogged down by problems with his signature health-care program, is seeing both his approval and personal-favorability ratings with Americans sag, **creating new complications for his second-term agenda**. During past turbulence in Washington, Americans' approval of the job Mr. Obama is doing dipped. But in those stretches, Mr. Obama was buoyed by voters' general admiration for him as a person and by their trust in his credibility. That has changed recently, particularly as thousands of Americans lose their insurance coverage under the health law's rollout, despite the president's pledge that anyone who liked their current plan could keep it. The president has apologized to Americans about the insurance-cancellation notices, and he is taking other steps to shore up his political standing. But if his reservoir of personal goodwill continues to diminish, it could hamper him at a time when his administration is trying to repair the insurance website on which much of the Affordable Care Act rests. An Obama administration official said the recent standoff over the government shutdown and raising the nation's borrowing limit was bound to take a toll on the president's popularity. "I think the president took on the least amount of water after that fight than any of the other actors involved," the official said. Going forward, Mr. Obama wants to enlist the public as allies in the push to pass an immigration overhaul, expand access to early-childhood education and raise the minimum wage. All these goals already are drawing resistance from congressional Republicans, and if the public sours on him, the job is that much more difficult. "His credibility is hurt, because he said things that aren't quite true," said Lou D'Allesandro, deputy Democratic leader in the New Hampshire Senate, referring to the vow that Americans could keep their health plans. "Unless a couple of dramatic things happen, he could be a lame duck by January." The president said he had intended to make good on the pledge but that the administration hadn't been as clear as it should have in describing the law. "Obviously, we didn't do a good enough job in terms of how we crafted the law," Mr. Obama said in an NBC News interview last week. Only 41% of Americans viewed Mr. Obama in a positive light in a late October Wall Street Journal/NBC News poll, with 45% holding a negative impression of him. That marked Mr. Obama's all-time low as president—and the first time more people saw him negatively than positively. A more fluid measure of Mr. Obama's standing—the public's assessment of his performance as president—is now also sliding. Only 42% in the late-October poll approved of the job he is doing, a low in Journal/NBC surveys, with 51% disapproving. A survey released last week by the Pew Research Center found the president's approval rating at 41%, down 10 points since May. Pew's pollsters compared Mr. Obama's fortunes to the slide that former President George W. Bush saw. At a comparable point in Mr. Bush's second term—after Hurricane Katrina had hit—Mr. Bush's job approval stood at 36%. By contrast, second-term support for Bill Clinton and Ronald Reagan held steady in Pew polling, with 58% and 62% of the public, respectively, approving of their job performance at a similar point in their presidencies. Chris Lehane, a former Clinton White House official, said that Mr. Obama's "political success depends on maintaining trust" and that the White House must work to keep intact this "most precious leadership asset." "Second-term presidents have hit those moments when they lost the trust of a critical mass of the public…which effectively made them lame ducks," Mr. Lehane said. He said he doesn't believe Mr. Obama has reached that point. Mr. Obama also is facing an increasingly uneasy Democratic contingent in Congress, with some lawmakers worried the rollout of the health law might damage their election prospects. Last week, Mr. Obama met with Democratic senators facing re-election in 2014, some of whom aired their complaints about the implementation of the health law. Later, Mr. Obama flew to Louisiana on Air Force One with one such senator, Louisiana's Mary Landrieu. After the plane landed, the president and Ms. Landrieu went separate ways: Mr. Obama to a port in New Orleans, Ms. Landrieu to an event in the western part of the state. Her office said she had a previous commitment. Mr. Obama has little influence with the Republicans he needs to make policy gains, and his sliding poll numbers figure to only weaken his hold. Susan Estrich, who managed Democrat Michael Dukakis's 1988 campaign for president, said the president needs Republican cooperation to score policy achievements, and "the more popular he is, the more clout he has at the table." But it is difficult for Mr. Obama to work in bipartisan fashion because of GOP animosity toward him, some policy activists said.

Obama won’t recover

Alex Roarty, National Journal, 11/12/13, Why Obama Won't Bounce Back, www.nationaljournal.com/hotline-on-call/why-obama-won-t-bounce-back-20131112

History says President Obama's sagging approval ratings -- which this month have neared the lows of his entire presidency -- aren't going to improve before he leaves the White House in 2017. And that's a troubling trajectory for Democrats feeling the pressure of reelection next year.

Historically, presidents whose approval plummets in their second term don't recover. Such was the case for Harry Truman back in 1950, according to Gallup surveys. After reaching a high of 46 percent in July of 1950, the 33rd president's approval never rose above 35 percent during the last two-and-a-half years of his presidency. The precipitous drop coincided with America's involvement in the Korean War.

Another war helped bring about a more recent president's downfall. George W. Bush never topped 50 percent after March 2005 and spent most his remaining tenure mired in the low to mid-30s, thanks in part to the unpopularity of the Iraq War. His approval further declined near the end of his presidency, when the financial crisis of 2008 left the economy in tatters.

In fact, no president in the last 60 years has watched his approval ratings bounce back during their second term. Either they didn't make it to another stint in office (Ford, Carter, and George H.W. Bush), never dipped in the first place (Eisenhower and Clinton) or were removed from office at the nadir of their popularity (Nixon). Lyndon Johnson recovered somewhat, but only after announcing he would not seek another term. Ronald Reagan dropped from the low 60s to the high 40s amid the Iran-Contra scandal, and his popularity never recovered entirely until his last months in office. But it also never fell to lows experienced by Truman or Bush.

"In a second term, once a president's numbers decline, they never come back up," Ed Goeas, a Republican pollster, told reporters last week during a breakfast hosted by the Christian Science Monitor. "There's a good reason for that: they don't have a reelection campaign going on. They don't have the air cover on air. They're not putting back together a campaign in contrast to the opposition."

Goeas suggested Obama has reached a similar point-of-no-return in his presidency. A spate of surveys suggest the pollster might be right: The Pew Research Center last week found only 41 percent of adults approving of his job performance, while 53 percent disapproved. The 12-point split was the largest of his presidency, the survey found. Obama's approval rating was also at 41 percent in Gallup's polling last week, including a three-day rolling sample that showed it bottoming out at 39 percent.

Obama and his supporters like to say he'll never face reelection again, so his numbers don't matter. But other Democrats -- namely red-state Sens. Mary Landrieu of Louisiana, Mark Pryor of Arkansas of North, Kay Hagan of North Carolina and Mark Begich of Alaska -- will face voters again, during next year's midterms. And a slumping president has been nothing but bad news for his party colleagues.

Dem infighting now

Charles Hurt, Washington Times, 11/12/13, HURT: It’s the Democrats, not the GOP, facing a looming civil war, www.washingtontimes.com/news/2013/nov/12/hurt-its-the-democrats-not-the-gop-facing-a-loomin/

Despite what the hysterical media will tell you, those distant blasts you heard last week rolling from New York City to Richmond were not cannon fire from the ongoing civil war within the Republican Party. They were the first shots fired in the civil war that is about to break wide open within the Democratic Party.

The hyperventilating media have gone from simply jaundiced sideline observers to outright cheerleaders, breathlessly fanning the flames of discord within the GOP at every turn. Who knew The New York Times cares so much about Republican politicians from Texas and Utah? Of course, they don’t. Unless those conservative Texans and Utahans are in a knife fight with establishment Republicans in Washington.

Last Tuesday's Democratic routs in Virginia and in New York City, the media squealed with delight, was final proof that the Republican Party is finished. Not only in sophisticated places like New York City, but also important battleground states like Virginia.

Now it is certainly true that Republicans have suffered some humiliating defeats of late. Chief among them has been their inability in three elections to win the argument against Obamacare. Now that Americans have met Obamacare, we realize just how pathetic Republicans had to have been to lose that fight.

All of that pain caused in recent years by the tea party and the conservative purists throwing overboard so many of the whorish politicians in their own midst who came to Washington only to be corrupted will pay off down the road. The growing new voices in the Republican Party sound more and more reasonable and principled by the day, especially with the hot disaster that has become of centralized socialist medicine.

Some of those battles are still yet to come, but at least the party is on the road to recovery.

Not so the Democrats. Flush with victories of their opponents’ making in recent years, they have gotten a little fat and lazy, and now they’re overreaching.

Terry McAuliffe was cruising to a double-digit win in Virginia — only to have Obamacare raise its ugly head and nearly snatch victory away at the last minute.

In New York City, voters elected an unreconstructed old-school liberal from the days of Austin Powers. New Yorkers are not nearly the doctrinaire liberals that many people tend to believe. They like politicians who make their sprawling, unruly city work. Just as soon as the crime, trash piles and taxes start rising, they will be ready to throw Bill DiBlasio out.

Democrats in the Senate realize the trouble they are in, which is why they marched down to the White House last week to blast President Obama over the political stink bomb of a health care law that he has dumped into their laps just in time for their 2014 re-election campaigns.

Best of all, the Clintons realize this, too. Tuesday’s explosive interview where former President Clinton called on Mr. Obama to “honor” his “commitment” and allow people to keep their health insurance plans if they like them was not only another blast in the Democratic civil war, it was the opening salvo by the Clinton campaign to throw Mr. Obama under the bus.