# Quarters UGA – UGA FB

# 1NC

## 1NC Round 4

### Off 1

#### A. Interpretation – targeted killing is distinct from signature strikes – precise definitions are key

Uebersax 12 (John, psychologist, writer and former RAND Corporation military analyst, "The Four Kinds of Drone Strikes," http://satyagraha.wordpress.com/2012/05/23/the-four-kinds-of-drone-strikes/)

We must begin with clear terms, and that is the purpose of the present article. Drone strikes, that is, the launching of explosive missiles from a remotely operated aerial vehicle, come in four varieties: targeted killings, signature strikes, overt combat operations, and covert combat operations. We shall consider each in turn.¶ Targeted killing. This occurs when a drone strike is used to kill a terrorist whose identity is known, and whose name has been placed on a hit list, due to being deemed a ‘direct and immediate threat’ to US security. The government would like people to think this means these strikes target a terrorist literally with his or her hand on a detonator. But, in actuality, the only real criterion is that the government believes the target is sufficiently closely affiliated with terrorist organizations (e.g., a propagandist or financier) to justify assassination. This is likely the rarest form of drone strike. However it receives the most publicity, because the government likes to crow when it kills a high-ranking terrorist.¶ Signature strikes. In signature strikes, the target is a person whose name is not known, but whose actions fit the profile (or ‘signature’) of a high-ranking terrorist. There is some ambiguity concerning the meaning of this term. Some use it in the sense just stated — i.e., a strike against an anonymous terrorist leader. Others use it more broadly to include killing of any non-identified militants, whether high-ranking or not. However from the moral standpoint it makes a major difference whether an anonymous targeted victim is a high-level leader, or simply an anonymous combatant. For this reason it is advantageous to restrict the term “signature strike” to the targeting of anonymous high-level leaders, and to assign strikes against anonymous non-leaders to the two further categories below.¶ Overt combat operation. This category includes drone strikes conducted as part of regular military operations. These strikes are presumably run by uniformed military personnel according to codes of military conduct, and are, logically and legally, not much different from ordinary air or artillery strikes. As a part of routine warfare, such strikes are subject to the provisions of the Geneva Conventions. Three items of the Geneva Conventions are of special interest here: (1) strikes should occur only in the context of a legally declared war; (2) they should be conducted by lawful combatants (which, many experts believe, excludes use of non-uniformed, civilian contractor operators); and (3) standard provisions concerning the need to report casualties, especially civilian casualties, are in effect.¶ Covert combat operation. Finally, there are covert combat operations. These, like the former category, are launched against usual military targets – e.g., any hostile militant, not just high-ranking ones. But why should these strikes be covert? The obvious answer is: to mask something shady. Covert combat strikes can evade all those irritating constraints on military tactics imposed by the Geneva Conventions, International Law, public opinion, and basic human decency.¶ The specific terms used above to distinguish these four kinds of strikes are admittedly arbitrary, and perhaps some other nomenclature would be more advantageous. But we need some fixed set of terms to refer to these fundamentally different kinds of strikes. Without such terms, the US government will continue to have its way by relying on public confusion and terminological sophistry. For example, if there is only a single generic term, the government may issue a claim such as “drone strikes comply with international law.” This is perhaps technically true for, say, overt military drone strikes, but it is not true for signature strikes. With more precise terms, it would be more difficult for the government to mislead the public.

#### B. Vote neg –

#### A. Precision – our interpretation is exclusive and has an intent to define – accurate reading of the resolution is a pre-requisite to fairness and education – they make the resolution meaningless

#### B. Limits – expanding the term to include unknown terrorist identities makes the term limitless, destroying in depth education

### Off 2

#### Obama will hold off a vote on Iran sanctions now---PC’s key---failure destroys regional and global U.S. power and cred

Leverett 1/20 (Flynt Leverett, professor at Pennsylvania State University’s School of International Affairs and is a Visiting Scholar at Peking University’s School of International Studies, and Hillary Mann Leverett, Senior Professorial Lecturer at the American University in Washington, DC and a Visiting Scholar at Peking University in Beijing, 1/20/14, “Iran, Syria and the Tragicomedy of U.S. Foreign Policy,” http://goingtotehran.com/iran-syria-and-the-tragicomedy-of-u-s-foreign-policy)

Regarding President Obama’s ongoing struggle with the Senate over Iran policy, Hillary cautions against premature claims of “victory” for the Obama administration’s efforts to avert new sanctions legislation while the Joint Plan of Action is being implemented. She points out that “the foes of the Iran nuclear deal, of any kind of peace and conflict resolution in the Middle East writ large, are still very strong and formidable. For example, the annual AIPAC policy conference—a gathering here in Washington of over 10,000 people from all over the country, where they come to lobby congressmen and senators, especially on the Iran issue—that will be taking place in very early March. There’s still a lot that can be pushed and played here.” To be sure, President Obama and Secretary of State John Kerry “have put a lot of political capital on the line.” No other administration has so openly staked out its opposition to a piece of legislation or policy initiative favored by AIPAC and backed by a bipartisan majority on Capitol Hill since the 1980s, when the Reagan administration successfully defended its decision to sell AWACs planes to Saudi Arabia. But, Hillary notes, if the pro-Israel lobby is able to secure a vote on the new sanctions bill, and to sustain the promised veto of said bill by President Obama, “that would be such a dramatic blow to President Obama, and not just on his foreign policy agenda, but it would be devastating to his domestic agenda.” So Obama “has a tremendous amount to lose, and by no means is the fight anywhere near over.” Of course, to say that Obama has put a lot of political capital on the line over the sanctions issue begs the question of whether he is really prepared to spend the far larger amounts of capital that will be required to close a final nuclear deal with Tehran. As Hillary points out, if Obama were “really trying to lead this country on a much more constructive, positive trajectory after failed wars and invasions in Iraq and Afghanistan and Libya—Libya entirely on President Obama’s watch—[he] would be doing a lot more, rather than just giving these lukewarm talks, basically trying to continue to kiss up to major pro-Israel constituencies, and then trying to bring in some of political favors” on Capitol Hill. Compare Obama’s handling of Iran and other Middle East challenges to President Nixon’s orchestration of the American opening to China—including Nixon’s willingness to “break the crockery” of the pro-Taiwan lobby—and the inadequacy of Obama’s approach become glaringly apparent. And that, Hillary underscores, is why we wrote our book, Going to Tehran—because “we think it’s absolutely essential for President Obama to do what Nixon did and go to Tehran, as Nixon went to China,” for “the Middle East is the make-or-break point for the United States, not just in our foreign affairs but in our global economic power and what we’re able to do here at home. If we can’t get what we’re doing in the Middle East on a much better, more positive trajectory, not only will we see the loss of our power, credibility, and prestige in the Middle East, but we will see it globally.”

#### It’s a war powers fight that Obama wins – but failure commits us to Israeli strikes

**Merry 1/1** (Robert W. Merry, political editor of the National Interest, is the author of books on American history and foreign policy, “Obama may buck the Israel lobby on Iran”, 2014, Washington Times, factiva)

Presidential press secretary Jay Carney uttered 10 words the other day that represent a major presidential challenge to the American Israel lobby and its friends on Capitol Hill. Referring to Senate legislation designed to force President Obama to expand economic sanctions on Iran under conditions the president opposes, Mr. Carney said: “If it were to pass, the president would veto it.” For years, there has been an assumption in Washington that you can’t buck the powerful Israel lobby, particularly the American Israel Public Affairs Committee, or AIPAC, whose positions are nearly identical with the stated aims of Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu doesn’t like Mr. Obama’s recent overture to Iran, and neither does AIPAC. The result is the Senate legislation, which is similar to a measure already passed by the House. With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto. It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement. However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control. Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “an appalling new low in the Israeli government’s grip on the U.S. Congress.” While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.” That brings us back to Mr. Obama’s veto threat. The American people have made clear through polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars. That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.

#### The plan’s a perceived loss – it saps capital and causes defections

Loomis 7 --- Department of Government at Georgetown

(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>)

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### Causes Israel strikes

Perr 12/24 (Jon Perr 12/24/13, B.A. in Political Science from Rutgers University; technology marketing consultant based in Portland, Oregon, has long been active in Democratic politics and public policy as an organizer and advisor in California and Massachusetts. His past roles include field staffer for Gary Hart for President (1984), organizer of Silicon Valley tech executives backing President Clinton's call for national education standards (1997), recruiter of tech executives for Al Gore's and John Kerry's presidential campaigns, and co-coordinator of MassTech for Robert Reich (2002). (Jon, “Senate sanctions bill could let Israel take U.S. to war against Iran” Daily Kos, [http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran#](http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran))

As 2013 draws to close, the negotiations over the Iranian nuclear program have entered a delicate stage. But in 2014, the tensions will escalate dramatically as a bipartisan group of Senators brings a new Iran sanctions bill to the floor for a vote. As many others have warned, that promise of new measures against Tehran will almost certainly blow up the interim deal reached by the Obama administration and its UN/EU partners in Geneva. But Congress' highly unusual intervention into the President's domain of foreign policy doesn't just make the prospect of an American conflict with Iran more likely. As it turns out, the Nuclear Weapon Free Iran Act essentially empowers Israel to decide whether the United States will go to war against Tehran.¶ On their own, the tough new sanctions imposed automatically if a final deal isn't completed in six months pose a daunting enough challenge for President Obama and Secretary of State Kerry. But it is the legislation's commitment to support an Israeli preventive strike against Iranian nuclear facilities that almost ensures the U.S. and Iran will come to blows. As Section 2b, part 5 of the draft mandates:¶ If the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence.¶ Now, the legislation being pushed by Senators Mark Kirk (R-IL), Chuck Schumer (D-NY) and Robert Menendez (D-NJ) does not automatically give the President an authorization to use force should Israel attack the Iranians. (The draft language above explicitly states that the U.S. government must act "in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force.") But there should be little doubt that an AUMF would be forthcoming from Congressmen on both sides of the aisle. As Lindsey Graham, who with Menendez co-sponsored a similar, non-binding "stand with Israel" resolution in March told a Christians United for Israel (CUFI) conference in July:¶ "If nothing changes in Iran, come September, October, I will present a resolution that will authorize the use of military force to prevent Iran from developing a nuclear bomb."¶ Graham would have plenty of company from the hardest of hard liners in his party. In August 2012, Romney national security adviser and pardoned Iran-Contra architect Elliott Abrams called for a war authorization in the pages of the Weekly Standard. And just two weeks ago, Norman Podhoretz used his Wall Street Journal op-ed to urge the Obama administration to "strike Iran now" to avoid "the nuclear war sure to come."¶ But at the end of the day, the lack of an explicit AUMF in the Nuclear Weapon Free Iran Act doesn't mean its supporters aren't giving Prime Minister Benjamin Netanyahu de facto carte blanche to hit Iranian nuclear facilities. The ensuing Iranian retaliation against to Israeli and American interests would almost certainly trigger the commitment of U.S. forces anyway.¶ Even if the Israelis alone launched a strike against Iran's atomic sites, Tehran will almost certainly hit back against U.S. targets in the Straits of Hormuz, in the region, possibly in Europe and even potentially in the American homeland. Israel would face certain retaliation from Hezbollah rockets launched from Lebanon and Hamas missiles raining down from Gaza.¶ That's why former Bush Defense Secretary Bob Gates and CIA head Michael Hayden raising the alarms about the "disastrous" impact of the supposedly surgical strikes against the Ayatollah's nuclear infrastructure. As the New York Times reported in March 2012, "A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials." And that September, a bipartisan group of U.S. foreign policy leaders including Brent Scowcroft, retired Admiral William Fallon, former Republican Senator (now Obama Pentagon chief) Chuck Hagel, retired General Anthony Zinni and former Ambassador Thomas Pickering concluded that American attacks with the objective of "ensuring that Iran never acquires a nuclear bomb" would "need to conduct a significantly expanded air and sea war over a prolonged period of time, likely several years." (Accomplishing regime change, the authors noted, would mean an occupation of Iran requiring a "commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.") The anticipated blowback?¶ Serious costs to U.S. interests would also be felt over the longer term, we believe, with problematic consequences for global and regional stability, including economic stability. A dynamic of escalation, action, and counteraction could produce serious unintended consequences that would significantly increase all of these costs and lead, potentially, to all-out regional war.

#### Impact is nuclear war

**Reuveny** **10** (Rafael – professor in the School of Public and Environmental affairs at Indiana University, Unilateral strike on Iran could trigger world depression, p. http://www.indiana.edu/~spea/news/speaking\_out/reuveny\_on\_unilateral\_strike\_Iran.shtml)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians, but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early-warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike — or even numerous strikes — could not destroy all of its capabilities, giving Iran time to respond. A regional war Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey — all of which essentially support Iran — could be tempted to form an alliance and openly challenge the U.S. hegemony. Replaying Nixon’s nightmare Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario. Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted. If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons, but would probably not risk using force. While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

### Off 3

#### The United States Federal Government should restrict executive authority for targeted killing as a first resort outside transnational armed conflict.

#### Strict geographic restrictions create safe havens – the transnational armed conflict model retains operational flexibility without escalating to a global battlefield.

Lewis 12 [Michael W., Associate Professor of Law at Ohio Northern University Pettit College of Law, 6/2, 47 Texas International Law Journal 293, Drones and the Boundaries of the Battlefield, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1917461]

The existence of an armed conflict between, for example, al Qaeda and the United States, or between Hezbollah and Israel, should be based upon the degree of violence exchanged between those two parties, not on the level of violence that exists between al Qaeda and the nation of Afghanistan where it resides, or between Hezbollah and Lebanon where it is based. Yet it is this latter test which is being proposed by the ACLU and commentators supporting strict geographical limitations on the scope of IHL.¶ Such an application of the Tadic factors to determine whether IHL applies in a given geographical area to transnational armed conflicts confers a tremendous strategic advantage upon the very same organizations that IHL otherwise strongly disfavors. By limiting IHL to territory on which the threshold of violence for an armed conflict is currently occurring, IHL would effectively create sanctuaries for terrorist organizations in any state not currently involved in a domestic insurgency in which law enforcement is known to be ineffective. Nations such as Yemen,91 Somalia, Sudan and the FATA-area of Pakistan in which law enforcement actions against organizations like al Qaeda are either ineffective or intentionally not pursued, would become safe havens if IHL were not applied there. Al Qaeda members fulfilling a continuous combat function could effectively reacquire their civilian immunity by crossing an international boundary rather than being required to disavow al Qaeda, IHL’s preferred result.¶ This limitation on IHL’s scope in transnational armed conflicts would effectively cede the initiative 92 in a conflict between a state actor that abides by IHL and a non-state terrorist organization, which IHL disfavors in every other way because of its conduct during an armed conflict, to the terrorist organization. Members of the disfavored terrorist organization would be able to remain in these safe areas beyond the reach of law enforcement and immune from any attack that employed the tools of armed conflict, while they continued training, recruiting and planning their next attack. They alone would be allowed to decide the next battlefield’s location, whether it is New York, London, Madrid, Washington, DC, Mumbai, Detroit or Bali, and when the next confrontation would take place. IHL should not be read to privilege such a group that it actively disfavors in so many other ways. Employing neutrality law to determine IHL’s scope and the boundaries of the battlefield in transnational armed conflicts is the best way of avoiding such an anomalous interpretation of IHL.93¶ Significantly, neutrality law (or something very much like it) has already been employed in a transnational armed conflict. After the attacks of September 11, Afghanistan was put to much the same choice as Uruguay was in 1939. Become an ally of the United States in the conflict with al Qaeda and allow the use of force against al Qaeda on Afghan territory. Maintain neutrality in the conflict between the U.S. and al Qaeda by prohibiting U.S. action against al Qaeda in Afghanistan while ensuring that al Qaeda leaves Afghanistan and does not use Afghan territory as a sanctuary. Or become an enemy of the United States by refusing to uphold its duties as a neutral nation by allowing al Qaeda to use Afghan territory as a sanctuary. Afghanistan chose the third option and the United States and its NATO allies used force against both Afghan and al Qaeda forces in Afghanistan with broad international support.¶ Conclusion¶ The Air Missile Manual makes it clear that drones are legitimate weapons platforms whose use is effectively governed by current IHL applicable to aerial bombardment. Like other forms of aircraft they may be lawfully used to target enemy forces, whether specifically identifiable individuals or armed formations, if they comply with IHL’s requirements of proportionality, necessity and distinction.¶ Because drones are only able to operate effectively in permissive environments, the most significant legal challenges facing their development and employment have been based upon where they may be employed. Attempts to apply the strict geographical restrictions that govern the scope of IHL in internal non-international armed conflicts to all non-international armed conflicts, including transnational armed conflicts, threaten to significantly limit the usefulness of drones.¶ When IHL’s core principles are considered, it becomes clear that the application of strict geographical limitations on IHL’s scope in the context of transnational armed conflicts cannot be defended. The determination of whether the Tadic threshold for an armed conflict is met on the territory of a non-party to the conflict should have no bearing on whether IHL may be applied to the parties to the conflict. In other words, the fact that there is no local violence occurring in Yemen or Somalia should not be used to provide a sanctuary for non-state actors that are involved in an armed conflict with another state.¶ The answer for how the boundaries of the battlefield and the scope of IHL’s application can be properly determined is found in neutrality law. This is historically how geographical limitations have been imposed upon IHL’s scope in international armed conflicts. It was applied in the aftermath of the 9/11 attacks, with at least tacit international approval, to the situation involving the United States, al Qaeda and Afghanistan. Its application is checked by the consent of the sovereign states involved, making an escalating spiral of violence less, rather than more, likely. And perhaps most importantly, neutrality law’s application to transnational armed conflicts does not lead to the anomalous results that are produced when strict geographical limitations are applied to transnational armed conflicts in which IHL is read to favor its otherwise most disfavored groups.

### Off 4

#### US deploys drones under the armed conflict model now – it retains the capacity to execute targeted killings against non-imminent threats outside of active hostilities

Lewis 13 [Michael W., Professor of Law at Ohio Northern University, 5/24, Opinio Juris, “Guest Post: Obama Got it Right on Drones”, http://opiniojuris.org/2013/05/24/guest-post-obama-got-it-right-on-drones/]

This leads to a final point that continues to be the source of debate on OJ. Is there an armed conflict and does IHL apply outside of “hot” battlefields? Obama’s speech confirmed the US position that it is involved in an armed conflict with “al Qaeda and associated forces”. Reacting to the SASC hearings last week Gary Brown of the ICRC pointed out that the campaign outside of “hot” battlefields is not being conducted like any other “war” we have fought. Taking every strike to the NCA-level for approval is not the way warfare is conducted, which points to this conflict being something less than warfare.¶ While it may be something less than warfare, it is also clearly something more than law enforcement. And unfortunately there is a binary choice between human rights law and IHL. Even with the “human rights law continues in the background even during armed conflict” position that many human rights lawyers take, there are situations in which only one model can be operative. Status-based targeting defines IHL and is antithetical to human right law. May status-based targeting continue against members of AQAP, etc. who are not engaged in immediately threatening behavior at the time a drone finds them? In answering this question affirmatively the US is taking the position that it is involved in a more restricted form of warfare rather than a more robust form of law enforcement.

#### Limiting targeted killing to active hostilities creates safe havens in Yemen

Lewis 11 [Michael W., Professor of Law at Ohio Northern University, 5/15, Opinio Juris, “The Boundaries of the Battlefield”, http://opiniojuris.org/2011/05/15/the-boundaries-of-the-battlefield/]

NOTE: IHL = International Humanitarian Law

In analyzing the bin Laden operation Kevin expressed his belief that there is currently a NIAC between the US and “original” al Qaeda, a group to which bin Laden clearly belonged. Although there is not sufficient violence taking place within Pakistan to say that there is currently a NIAC occurring on Pakistani territory, that fact did not prohibit the use of armed force in Pakistan when a participant in the NIAC between the US and al Qaeda could be found there. Likewise, if bin Laden were in Yemen, the same outcome would have been reached, the tools of armed conflict could be employed against bin Laden in Yemen (under certain circumstances) because he was a participant in the NIAC with the US.¶ The normative reason for this conclusion is that any other reading of IHL with respect to the boundaries of the battlefield would essentially turn IHL on its head. One of IHL’s principal goals is to spare the civilian population and members of the military that are hors de combat from the ravages of warfare. To this end it insists on proportionality and military necessity for all attacks, it requires the acceptance of surrender, it ties the availability of the combatants’ privilege to organizational respect for IHL, and it removes civilian immunity from those participating in an armed conflict either temporarily for such time as they directly participate in hostilities (DPH) or more permanently for those who continuously perform a combat function (CCF). Members of al Qaeda are targetable when they are engaged in attacks (DPH), and leadership (like bin Laden) that is consistently engaged in the planning and direction of operations is targetable at all times (CCF). IHL rewards organizations that enforce the laws of war by allowing members of those orgainzations the combatants’ privilege. IHL discourages terrorist organizations like al Qaeda that target civilians and blend in with the civilian population (thereby placing them at greater risk) by denying them the combatants’ privilege and removing civilian immunity from its members.¶ However, if IHL is read to prohibit the use of the tools of armed conflict outside of certain geographically defined areas it would be conferring a tremendous strategic advantage upon these same terrorist organizations that it disfavors. By limiting the use of the tools of armed conflict to territory on which the threshold of violence for a NIAC is currently occurring, IHL would effectively create sanctuaries for terrorist organizations in any state in which law enforcement is known to be ineffective (like Yemen, Somalia, Sudan and the FATA area of Pakistan). This reading of IHL would thereby cede the initiative in the NIAC between a state actor that abides by IHL and a non-state terrorist organization (which IHL disfavors in every other way because of its conduct during an armed conflict) to the terrorist organization. The disfavored terrorist organization would get to decide when, where and how the war is to be fought because they would be immune from targeting based purely on geography. That cannot be how IHL should be read when considering the boundaries of the battlefield.

#### Aggressive targeted killing policy’s key to stability in Yemen

Alan W. Dowd 13, writes on national defense, foreign policy, and international security in multiple publications including Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Parameters, Vol. 42.4/43.1

At the beginning of President Hadi’s May offensive he, therefore, had a fractured army and a dysfunctional air force. Army leaders from competing factions were often disinclined to support one another in any way including facilitating the movement of needed supplies. Conversely, the air force labor strike had been a major setback to the efficiency of the organization, which was only beginning to operate as normal in May 2012. Even before the mutiny, the Yemen Air Force had only limited capabilities to conduct ongoing combat operations, and it did not have much experience providing close air support to advancing troops. Hadi attempted to make up for the deficiencies of his attacking force by obtaining aid from Saudi Arabia to hire a number of tribal militia fighters to support the regular military. These types of fighters have been effective in previous examples of Yemeni combat, but they could also melt away in the face of military setbacks.

Adding to his problems, President Hadi had only recently taken office after a long and painful set of international and domestic negotiations to end the 33-year rule of President Saleh. If the Yemeni military was allowed to be defeated in the confrontation with AQAP, that outcome could have led to the collapse of the Yemeni reform government and the emergence of anarchy throughout the country. Under these circumstances, Hadi needed every military edge that he could obtain, and drones would have been a valuable asset to aid his forces as they moved into combat. As planning for the campaign moved forward, it was clear that AQAP was not going to be driven from its southern strongholds easily. The fighting against AQAP forces was expected to be intense, and Yemeni officers indicated that they respected the fighting ability of their enemies.16

Shortly before the ground offensive, drones were widely reported in the US and international media as helping to enable the Yemeni government victory which eventually resulted from this campaign.17 Such support would have included providing intelligence to combatant forces and eliminating key leaders and groups of individuals prior to and then during the battles for southern towns and cities. In one particularly important incident, Fahd al Qusa, who may have been functioning as an AQAP field commander, was killed by a missile when he stepped out of his vehicle to consult with another AQAP leader in southern Shabwa province.18 It is also likely that drones were used against AQAP fighters preparing to ambush or attack government forces in the offensive.19 Consequently, drone warfare appears to have played a significant role in winning the campaign, which ended when the last AQAP-controlled towns were recaptured in June, revealing a shocking story of the abuse of the population while it was under occupation.20 Later, on October 11, 2012, US Secretary of Defense Leon Panetta noted that drones played a “vital role” in government victories over AQAP in Yemen, although he did not offer specifics.21 AQAP, for its part, remained a serious threat and conducted a number of deadly actions against the government, although it no longer ruled any urban centers in the south.

#### AQAP attacks on oil sparks global price volatility

**Harder**, 5/2/**2011** (Amy, Al-Qaeda Retaliation Would Drive Spike in Oil Prices, National Journal, p. http://www.nationaljournal.com/al-qaida-retaliation-would-drive-spike-in-oil-prices-20110502)

Global oil prices could rise and become even more volatile if al-Qaida terrorists in the Middle East try to avenge Osama bin Laden’s death. Many energy security experts caution that it’s too soon to make a judgment either way on what long-term effect bin Laden’s death will have on oil prices. Indeed, global oil prices are high largely because of the political revolutions occurring in countries such as Libya that are not directly connected to recent terrorism. Nonetheless, bin Laden's death has intensified the focus on the connection between Middle East geopolitics and oil prices. “The political trends in the Middle East and North Africa major oil exporting region is going to be the heavier influence on oil prices,” said Christine Parthemore, an energy-security fellow at the Center for New American Security. “But Yemen now sticks out as the real country to watch because it has both,” added Parthemore, referring to the fact that al-Qaida’s most active branch, al-Qaida in the Arabian Peninsula, is based in Yemen, and that the country is experiencing political upheaval. To boot, Yemen sits at the mouth of the Gulf of Aden. About 10 percent of the world’s seaborne oil passes through that gulf, including oil from Saudi Arabia, the world’s largest producer and exporter. Parthemore said terrorists regularly try to attack petroleum infrastructure in Saudi Arabia, and noted that  bin Laden’s death could trigger more efforts. “I’m particularly concerned about reprisal attacks focusing on petroleum infrastructure there [Saudi Arabia] -- probably more so than is being represented in the media now,” she said. Other experts said if terrorism occurs in Saudi Arabia or Yemen, oil prices could skyrocket. “If the al-Qaida in the Arabian Peninsula were able to stir things up a bit and do something in or near the border of Saudi Arabia … I think you would see a very sharp move upward in petroleum prices,” said Charles Ebinger, who directs the Brookings Institution’s energy-security initiative and is a senior fellow in foreign policy.

#### Oil volatility sparks great power war --- forces U.S. intervention and goes nuclear.

**King**, September **2008** (Neil, Peak Oil: A Survey of Security Concerns, Center for a New American Security, p. 14-17)

Many commentators in the United States and abroad have begun to wrestle with the question of whether soaring oil prices and market volatility could spark an outright oil war between major powers—possibly ignited not by China or Russia, but by the United States. In a particularly pointed speech on the topic in May, James Russell of the Naval Postgraduate School in California addressed what he called the increasing militarization of international energy security. “Energy security is now deemed so central to ‘national security’ that threats to the former are liable to be reflexively interpreted as threats to the latter,” he told a gathering at the James A. Baker Institute for Public Policy at Houston’s Rice University.6 The possibility that a large-scale war could break out over access to dwindling energy resources, he wrote, “is one of the most alarming prospects facing the current world system.”7 Mr. Russell figures among a growing pool of analysts who worry in particular about the psychological readiness of the United States to deal rationally with a sustained oil shock. Particularly troubling is the increasing perception within Congress that the financial side of the oil markets no longer functions rationally. It has either been taken over by speculators or is being manipulated, on the supply side, by producers who are holding back on pumping more oil in order to drive up the price. A breakdown in trust for the oil markets, these analysts fear, could spur calls for government action—even military intervention. “The perceptive chasm in the United States between new [oil] market realities and their impact on the global distribution of power will one day close,” Mr. Russell said. “And when it does, look out.”8 The World at Peak: Taking the Dim View For years, skeptics scoffed at predictions that the United States would hit its own domestic oil production peak by sometime in the late 1960s. With its oil fields pumping full out, the U.S. in 1969 was providing an astonishing 25 percent of the world’s oil supply—a role no other country has ever come close to matching. U.S. production then peaked in December 1970, and has fallen steadily ever since, a shift that has dramatically altered America’s own sense of vulnerability and reordered its military priorities. During World War II, when its allies found their own oil supplies cut off by the war, the United States stepped in and made up the difference. Today it is able to meet less than a third of its own needs. A similar peak in worldwide production would have far more sweeping consequences. It would, for one, spell the end of the world’s unparalleled economic boom over the last century. It would also dramatically reorder the wobbly balance of power between nations as energy-challenged industrialized countries turn their sights on the oil-rich nations of the Middle East and Africa. In a peak oil future, the small, flattened, globalized world that has awed recent commentators would become decidedly round and very vast again. Oceans will reemerge as a hindrance to trade, instead of the conduit they have been for so long. An energy-born jolt to the world economy would leave no corner of the globe untouched. Unable to pay their own fuel bills, the tiny Marshall Islands this summer faced the possibility of going entirely without power. That is a reality that could sweep across many of the smallest and poorest countries in Africa, Asia, and Latin America, reversing many of the tentative gains in those regions and stirring deep social unrest. Large patches of the world rely almost entirely on diesel-powered generators for what skimpy electricity they now have. Those generators are the first to run empty as prices soar. A British parliamentary report released in June on “The Impact of Peak Oil on International Development” concluded that “the deepening energy crisis has the potential to make poverty a permanent state for a growing number of people, undoing the development efforts of a generation.”9 We are seeing some of the consequences already in Pakistan – a country of huge strategic importance, with its own stash of nuclear weapons – that is now in the grips of a severe energy crisis. By crippling the country’s economy, battering the stock market, and spurring mass protests, Pakistan’s power shortages could end up giving the country’s Islamic parties the leverage they have long needed to take power. It’s not hard to imagine similar scenarios playing out in dozens of other developing countries. Deepening economic unrest will put an enormous strain on the United Nations and other international aid agencies. Anyone who has ever visited a major UN relief hub knows that their fleets of Land Rovers, jumbo jets and prop planes have a military size thirst for fuel. Aid agency budgets will come under unprecedented pressure just as the need for international aid skyrockets and donor countries themselves feel pressed for cash. A peaking of oil supplies could also hasten the impact of global climate change by dramatically driving up the use of coal for power generation in much of the world. A weakened world economy would also put in jeopardy the massively expensive projects, such as carbon capture and storage, that many experts look to for a reduction in industrial emissions. So on top of the strains caused by scarce fossil fuels, the world may also have to grapple with the destabilizing effects of more rapid desertification, dwindling fisheries, and strained food supplies. An oil-constricted world will also stir perilous frictions between haves and have-nots. The vast majority of all the world’s known oil reserves is now in the hands of national oil companies, largely in countries with corrupt and autocratic governments. Many of these governments—Iran and Venezuela top the list—are now seen as antagonists of the United **S**tates. Tightened oil supplies will substantially boost these countries’ political leverage, but that enhanced power will carry its own peril. Playing the oil card when nations are scrambling for every barrel will be a far more serious matter that at any time in the past. The European continent could also undergo a profound shift as its needs—and sources of energy—diverge all the more from those of the United States. A conservation-oriented Europe (oil demand is on the decline in almost every EU country) will look all the more askance at what it sees as the gluttonous habits of the United States. At the same time, Europe’s governments may have little choice but to shy from any political confrontations with its principal energy supplier, Russia. An energy-restricted future will greatly enhance Russia’s clout within settings like the UN Security Council but also in its dealings with both Europe and China. Abundant oil and gas have fueled Russia’s return to power over the last decade, giving it renewed standing within the UN and increasing sway over European capitals. The peak oil threat is already sending shivers through the big developing countries of China and India, whose propulsive growth (and own internal stability) requires massive doses of energy. For Beijing, running low on fuel spells economic chaos and internal strife, which in turn spawns images of insurrection and a breaking up of the continent sized country. Slumping oil supplies will automatically pit the two largest energy consumers—the United States and China—against one another in competition over supplies in South America, West Africa, the Middle East, and Central Asia. China is already taking this competition very seriously. It doesn’t require much of a leap to imagine a Cold War-style scramble between Washington and Beijing—not for like-minded allies this time but simply for reliable and tested suppliers of oil. One region that offers promise and peril in almost equal measure is the Artic, which many in the oil industry consider the last big basin of untapped hydrocarbon riches. But the Artic remains an ungoverned ocean whose legal status couldn’t be less clear, especially so long as the United States continues to remain outside the international Law of the Sea Treaty. As the ices there recede, the risk increases that a scramble for assets in the Artic could turn nasty.

### 1NC Europe Frontline

#### Allied terror coop is high now, despite frictions

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

As part of the EU’s efforts to combat terrorism since September 11, 2001, the EU made improving law enforcement and intelligence cooperation with the United States a top priority. The previous George W. Bush Administration and many Members of Congress largely welcomed this EU initiative in the hopes that it would help root out terrorist cells in Europe and beyond that could be planning other attacks against the United States or its interests. Such growing U.S.-EU cooperation was in line with the 9/11 Commission’s recommendations that the United States should develop a “comprehensive coalition strategy” against Islamist terrorism, “exchange terrorist information with trusted allies,” and improve border security through better international cooperation. Some measures in the resulting Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) and in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) mirrored these sentiments and were consistent with U.S.-EU counterterrorism efforts, especially those aimed at improving border controls and transport security. U.S.-EU cooperation against terrorism has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions. Despite some frictions, most U.S. policymakers and analysts view the developing partnership in these areas as positive. Like its predecessor, the Obama Administration has supported U.S. cooperation with the EU in the areas of counterterrorism, border controls, and transport security. At the November 2009 U.S.-EU Summit in Washington, DC, the two sides reaffirmed their commitment to work together to combat terrorism and enhance cooperation in the broader JHA field. In June 2010, the United States and the EU adopted a new “Declaration on Counterterrorism” aimed at deepening the already close U.S.-EU counterterrorism relationship and highlighting the commitment of both sides to combat terrorism within the rule of law. In June 2011, President Obama’s National Strategy for Counterterrorism asserted that in addition to working with European allies bilaterally, “the United States will continue to partner with the European Parliament and European Union to maintain and advance CT efforts that provide mutual security and protection to citizens of all nations while also upholding individual rights.”

#### Obama circumvents the aff

Lohmann 13 **(**Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>)

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

#### Drones solve terror

Sibley 13 (Robert, senior writer + editorial board member @ Ottawa Citizen, 5/31, http://webcache.googleusercontent.com/search?q=cache:neJ\_o6P3hYsJ:www2.canada.com/ottawacitizen/news/archives/story.html%3Fid%3Dfcc73060-676e-4404-b36e-0e4efd676c0c%26p%3D2+&cd=1&hl=en&ct=clnk&gl=us)

Nor should he. Independent agencies such as the New America Foundation estimate CIA drone attacks have killed as many as 4,400 in Pakistan, Yemen and Somalia. The majority - more than 3,000 - were in Pakistan. Of those, about 20 per cent - 880 - are thought to have been non-combatants. Is that too much "collateral damage?" The idea of reducing a human life to a cost-benefit calculus is, of course, repugnant, but in the real world you judge the value of a weapon in terms of whether its use shortens the fighting overall and saves more lives, soldier and civilian, than if it had not been used.¶ Drone strikes have eliminated hundreds of terrorists, and, in consequence, have likely prevented terrorist attacks that could have killed thousands. In this regard, before denouncing U.S. policy, critics need to apply Edward Luttwak's calculus: Is the use of drones more effective in minimizing non-combatant deaths, including innocents in the West, over the long run than other means of warfare? Arguably, drones allow the U.S. and its allies (including Canada) to attack terrorists directly without placing boots-on-the-ground that would lead to battles in civilian centres. As Kenneth Anderson, a professor of international law, points out in a recent article in Commentary magazine, drones offer "ethical advantages" over other weapons systems - bombers, missiles, artillery - by providing decision-makers with greater opportunity for discrimination about which targets to hit, the timing of attacks and, indeed, the last minute cancellation of strikes. As Anderson puts its, "Drone warfare is an honourable attempt to seek out terrorists and insurgents who hide among civilians."¶ Clearly, if the terrorist threat is to come to some sort of resolution, drones are an effective means to exhaust the Islamists and ensure the West emerges as the victor.

#### Terrorism goes nuclear---high risk of theft and attacks escalate

Dvorkin 12 (Vladimir Z., Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html)

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

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

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

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

#### US-EU ties resilient

Dennison 13 -- fellow at the London-based think tank, the European Council on Foreign Relations (Susi, 2/22/2013, "Kerry's first trip gives clues on EU-US relations," http://euobserver.com/opinion/119168)

When US leader Barack Obama first announced, in autumn 2011, that he was to intensify the US' role in the Asia-Pacific region, it prompted much hand-wringing in Europe. But it is unclear whether EU-US relations suffered as a result. The European Council on Foreign Relations' (ECFR) latest "scorecard," which tracks the effectiveness of European foreign policy year on year, found that in 2012 EU-US ties were resilient. We cited as evidence the success of the G8 summit at Camp David and the Nato summit in Chicago in May 2012, compared with the G20 summit in Los Cabos a month later, which delivered little and drew precious little attention. Whatever the intention may have been with regard to continuing or reducing US resources in MENA, throughout 2012, American attention kept being drawn to the region. From supporting Arab transitions, most notably in Egypt, to the ongoing conflict in Syria, to the Iranian nuclear programme and Israel's Operation Pillar of Defence in Gaza in autumn, the US remained watchful. In the majority of these dossiers co-ordination with the EU has remained close, on the E3+3 process on Iran, through the Friends of Syria Group and at the UN. As a result, the European External Action Service (EEAS) delegation in Washington is one of a select few EEAS missions which has begun to play a serious negotiation and co-ordination role in advancing EU policy.

#### US-Sino relations high – North Korea

Schell 3-7 [Orville: Arthur Ross Director of the Center on U.S.-China Relations at the Asia Society in New York. He is a former professor and Dean at the University of California, Berkeley’s Graduate School of Journalism, Can the North Korea Challenge Bring China and the U.S. Together? http://www.theatlantic.com/china/archive/2013/03/can-the-north-korea-challenge-bring-china-and-the-us-together/273777/]

What may end up being most significant about the new draft resolution in the UN Security Council to impose stricter sanctions on North Korea, which China seems willing to sign, may not be what it amounts to in terms of denuclearizing the DPRK, but what it portends for U.S.-China relations. Although it is still too early to be certain, this may represent a bold new step forward by Party General Secretary Xi Jinping and China's new leadership in signaling the U.S. that China is now interested in finding new areas of convergence. To date, China has been rather reluctant to support multilateral action toward so-called rogue regimes: China opposed NATO's military campaign in Libya and, last July, China and Russia vetoed a UN Security Council resolution, that would have threatened sanctions against Syria's leadership.¶ But now not only have China's leaders agreed to strict new sanctions on a foreign power, but on a country that is both a neighbor and a traditional ally.¶ This is a particularly tantalizing moment because it comes just as the new leaders in Beijing are beginning to define their new foreign policy perspective while at the same time Barrack Obama is reorganizing his team for his second term. It may well represent the most significant gesture China has made toward Washington in recent years of wanting to reset the bilateral relationship.¶ When he visited Washington last year, Xi called for a "new type of great power relationship." And at the 18th Party Congress last November, Xi's predecessor Hu Jintao's report to the Party spoke of a "new type of relations among major powers" characterized by "mutual respect, mutual benefits and a win-win partnership."

#### Economic ties lead to MAD with China.

Shor 12 (Francis, Professor of History – Wayne State, “Declining US Hegemony and Rising Chinese Power: A Formula for Conflict?”, Perspectives on Global Development and Technology, 11(1), pp. 157-167)

While the United States no longer dominates the global economy as it did during the first two decades after WWII, it still is the leading economic power in the world. However, over the last few decades China, with all its internal contradictions, has made enormous leaps until it now occupies the number two spot. In fact, the IMF recently projected that the Chinese economy would become the world's largest in 2016. In manufacturing China has displaced the US in so many areas, including becoming the number one producer of steel and exporter of four-fifths of all of the textile products in the world and two-thirds of the world's copy machines, DVD players, and microwaves ovens. Yet, a significant portion of this manufacturing is still owned by foreign companies, including U.S. firms like General Motors. [5] On the other hand, China is also the largest holder of U.S. foreign reserves, e.g. treasury bonds. This may be one of the reasons mitigating full-blown conflict with the U.S. now, since China has such a large stake in the U.S. economy, both as a holder of bonds and as the leading exporter of goods to the U.S. Nonetheless, "the U.S. has blocked several large scale Chinese investments and buyouts of oil companies, technology firms, and other enterprises." [6] In effect, there are still clear nation-centric responses to China's rising economic power, especially as an expression of the U.S. governing elite's ideological commitment to national security.

### 1NC Global Frontline

#### Drone prolif is slow and the impact is small

Zenko 13 (Micah, 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, “Reforming U.S. Drone Strike Policies,” January, Council Special Report No. 65, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

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

#### No impact to global drone prolif and it’s impossible to solve

Alejandro Sueldo 12, J.D. candidate and Dean’s Fellow at the University of California, Berkeley, School of Law and a PhD candidate at the Department of War Studies at King’s College London of the University of London, 4/11/12, “The coming drone arms race,” <http://dyn.politico.com/printstory.cfm?uuid=70B6B991-ECA7-4E5F-BE80-FD8F8A1B5E90>

Of particular concern are the legal and policy challenges posed if other states imitate the U.S. targeted killing program. For Washington is setting a precedent whereby states can send drones, often over sovereign borders, to kill foreigners or their own citizens, who are deemed threats.

Other states may also follow Washington’s example and develop their own criteria to define imminent threats and use drones to counter them.

Washington will find it increasingly difficult to protest other nations’ targeted killing programs — particularly when the United States has helped define this lethal practice. U.S. opposition will prove especially difficult when other states justify targeted killings as a matter of domestic affairs.

Should enough states follow the U.S. example, the practice of preemptively targeting and killing suspected threats may develop into customary international law.

Such a norm, however, which requires consistent state practice arising out of a sense of legal obligation, now looks unlikely. While targeted killing policies are arguably executed by states citing a legal obligation to protect themselves from imminent threats, widespread state practice is still uncommon.

But international law does not forbid drones. And given the lack of an international regime to control drones, state and non-state actors are free to determine their future use.

This lack of international consensus about how to control drones stems from a serious contradiction in incentives. Though drones pose grave challenges, they also offer states lethal and non-lethal capabilities that are of great appeal. Because the potential for drone technology is virtually limitless, states are now unwilling to control how drones evolve.

#### Drone arms race inevitable

USA Today 13

(1/9, http://www.usatoday.com/story/news/world/2013/01/08/experts-drones-basis-for-new-global-arms-race/1819091/, “Experts: Drones basis for new global arms race”, AB)

The success of U.S. drones in Iraq and Afghanistan has triggered a global arms race, raising concerns the remotely piloted aircraft could fall into unfriendly hands, military experts say. The number of countries that have acquired or developed drones expanded to more than 75, up from about 40 in 2005, according to the Government Accountability Office, the investigative arm of Congress. Iran and China are among the countries that have fielded their own systems. "People have seen the successes we've had," said Lt. Gen. Larry James, the Air Force's deputy chief of staff for intelligence, surveillance and reconnaissance. The U.S. military has used drones extensively in Afghanistan, primarily to watch over enemy targets. Armed drones have been used to target terrorist leaders with missiles that are fired from miles away.

#### U.S. drone use doesn’t set a precedent, restraint doesn’t solve it, and norms don’t apply to drones at all in the first place

Amitai Etzioni 13, professor of international relations at George Washington University, March/April 2013, “The Great Drone Debate,” Military Review, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage.

Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of self constraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

# 2NC Quarters

## Politics

### Impact – 2NC

#### Strikes trigger biological warfare and draw in Russia and China

Morgan 9 (Dennis Ray Morgan, Hankuk University of Foreign Studies, Yongin Campus - South Korea, Futures, Volume 41, Issue 10, December 2009, Pages 683-693)

This scenario has gained even more plausibility since a January 2007 Sunday Times report [13] of an Israeli intelligence leak that Israel was considering a strike against Iran, using low-yield bunker busting nukes to destroy Iran’s supposedly secret underground nuclear facilities. In Moore’s scenario, non-nuclear neighboring countries would then respond with conventional rockets and chemical, biological and radiological weapons. Israel then would retaliate with nuclear strikes on several countries, including a pre-emptive strike against Pakistan, who then retaliates with an attack not only on Israel butpre-emptively striking India as well. Israel then initiates the ‘‘Samson option’’ with attacks on other Muslim countries, Russia, and possibly the ‘‘anti-Semitic’’ cities of Europe. At that point, all-out nuclear war ensues as the U.S. retaliates with nuclear attacks on Russia and possibly on China as well.11

#### Extinction

Sandberg 8 (Anders Sandberg, is a James Martin Research Fellow at the Future of Humanity Institute at Oxford University; Jason G. Matheny, PhD candidate in Health Policy and Management at Johns Hopkins Bloomberg School of Public Health and special consultant to the Center for Biosecurity at the University of Pittsburgh Medical Center; Milan M. Ćirković, senior research associate at the Astronomical Observatory of Belgrade and assistant professor of physics at the University of Novi Sad in Serbia and Montenegro, 9/8/8, “How can we reduce the risk of human extinction?,” Bulletin of the Atomic Scientists,<http://www.thebulletin.org/web-edition/features/how-can-we-reduce-the-risk-of-human-extinction>)

The risks from anthropogenic hazards appear at present larger than those from natural ones. Although great progress has been made in reducing the number of nuclear weapons in the world, humanity is still threatened by the possibility of a global thermonuclear war and a resulting nuclear winter. We may face even greater risks from emerging technologies. Advances in synthetic biology might make it possible to engineer pathogens capable of extinction-level pandemics. The knowledge, equipment, and materials needed to engineer pathogens are more accessible than those needed to build nuclear weapons. And unlike other weapons, pathogens are self-replicating, allowing a small arsenal to become exponentially destructive. Pathogens have been implicated in the extinctions of many wild species. Although most pandemics "fade out" by reducing the density of susceptible populations, pathogens with wide host ranges in multiple species can reach even isolated individuals. The intentional or unintentional release of engineered pathogens with high transmissibility, latency, and lethality might be capable of causing human extinction. While such an event seems unlikely today, the likelihood may increase as biotechnologies continue to improve at a rate rivaling Moore's Law.

#### Turns case – sets a precedent to delegate authority – draws us into war

**Richman 13** (Sheldon, Counterpunch, “AIPAC's Stranglehold Congress Must Not Cede Its War Power to Israel”, <http://www.counterpunch.org/2013/12/27/congress-must-not-cede-its-war-power-to-israel/>)

The American people should know that pending right now in Congress is a bipartisan bill that would virtually commit the United States to go to war against Iran if Israel attacks the Islamic Republic. “The bill outsources any decision about resort to military action to the government of Israel,” Columbia University Iran expert Gary Sick wrote to Sen. Chuck Schumer (D-NY) in protest, one of the bill’s principal sponsors. The mind boggles at the thought that Congress would let a foreign government decide when America goes to war, so here is the language (PDF): If the government of Israel is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military and economic support to the Government of Israel in its defense of its territory, people and existence. This section is legally nonbinding, but given the clout of the bill’s chief supporter outside of Congress — the American-Israel Public Affairs Committee (AIPAC [PDF]), leader of the pro-Israel lobby — that is a mere formality. Since AIPAC wants this bill passed, it follows that so does the government of Israeli Prime Minister Benjamin Netanyahu, who opposes American negotiations with Iran and has repeatedly threatened to attack the Islamic Republic. Against all evidence, Netanyahu insists the purpose of Iran’s nuclear program is to build a weapon with which to attack Israel. Iran says its facilities, which are routinely inspected, are for peaceful civilian purposes: the generation of electricity and the production of medical isotopes. The bill, whose other principal sponsors are Sen. Robert Menendez (D-NJ) and Sen. Mark Kirk (R-IL), has a total of 26 Senate cosponsors. If it passes when the Senate reconvenes in January, it could provoke a historic conflict between Congress and President Obama, whose administration is engaged in negotiations with Iran at this time. Aside from declaring that the U.S. government should assist Israel if it attacks Iran, the bill would also impose new economic sanctions on the Iranian people. Obama has asked the Senate not to impose additional sanctions while his administration and five other governments are negotiating with Iran on a permanent settlement of the nuclear issue. A six-month interim agreement is now in force, one provision of which prohibits new sanctions on Iran. “The [Menendez-Schumer-Kirk] bill allows Obama to waive the new sanctions during the current talks by certifying every 30 days that Iran is complying with the Geneva deal and negotiating in good faith on a final agreement,” Ali Gharib writes at Foreign Policy magazine. That would effectively give Congress the power to undermine negotiations. As Iran’s foreign minister, Javad Zarif, told Time magazine, if Congress imposes new sanctions, even if they are delayed for six months, “The entire deal is dead. We do not like to negotiate under duress.” Clearly, the bill is designed to destroy the talks with Iran, which is bending over backward to demonstrate that its nuclear program has no military aims.

### PC Key – 2NC

#### Obama retains political capital on foreign policy

**Ziaberi 1/24**­ (Kourosh – interview with Kaveh Afrasiabi, the author of several books on Iran’s foreign policy and a former advisor of Center for Strategic Research , “Congress New Sanctions Bill Scuttles the Geneva Deal” Iran Review, <http://www.iranreview.org/content/Documents/Congress-New-Sanctions-Bill-Scuttles-the-Geneva-Deal.htm>)

Q: Can we interpret the conflicts and disputes between the White House and the Congress as a power struggle which has manifested itself in the nuclear standoff? Is it that the complexity of the decision-making hierarchy in the United States has resulted in a conflict between the government and the two chambers of the Congress?

A: Well, certainly this can be viewed from many different angles, such as the ‘checks’ and balance’ and Congressional role in foreign policy, not to mention traditional party politics. Since the Clinton Administration, Congress has organically inserted itself in the Iran policy and even more so during the “Obama era,” as a result of which White House’s moves on Iran are subject to intense congressional scrutiny. But, given Secretary John Kerry’s long tenure in the Senate, compared to the first Obama administration, I would say that the second Obama administration has a greater sway on Congress’s foreign policy input, otherwise the Geneva deal would not have survived the criticisms.

#### New conference means flare-up likely

Collinson 1/29 (Stephen, “Obama repels new Iran sanctions push... for now”, 2014, http://news.yahoo.com/obama-repels-iran-sanctions-push-now-032127269.html)

Washington (AFP) - President Barack Obama appears to have prevailed, for now, in a campaign to stop Congress from imposing new sanctions on Iran he fears could derail nuclear diplomacy. Several Democratic senators who previously backed a bipartisan sanctions bill publicly stepped back after Obama threatened a veto during his State of the Union address Tuesday. Several sources familiar with behind-the-scenes maneuvring say a number of other Democratic senators signed up for more sanctions had privately recoiled from a damaging vote against their own president. According to some counts in recent weeks, the measure had 59 likely votes, including 16 Democrats, and was even approaching a two-thirds veto-proof majority in the 100-seat Senate. But latest developments appear to have checked that momentum. "I am strongly supporting the bill but I think a vote is unnecessary right now as long as there's visible and meaningful progress" in the Iran negotiations, Senator Richard Blumenthal told AFP, after expressing reservations earlier this month. Democratic Senator Chris Coons made a similar declaration at a post-State of the Union event hosted by Politico. "Now is not the time for a vote on an Iran sanctions bill," he said. Another Democratic Senator, Joe Manchin, hopes Senate Majority Leader Harry Reid will not bring it up. "I did not sign it with the intention that it would ever be voted upon or used upon while we're negotiating," Manchin told MSNBC television. "I signed it because I wanted to make sure the president had a hammer if he needed it and showed him how determined we were to do it and use it if we had to." The White House mounted an intense campaign against a bill it feared would undermine Tehran's negotiators with conservatives back home or prompt them to ditch diplomacy. Obama aides infuriated pro-sanctions senators by warning the measure could box America into a march to war to halt Tehran's nuclear program if diplomacy died. The campaign included a letter to Reid from Democratic committee chairs urging a vote be put off. Another letter was orchestrated from a group of distinguished foreign policy experts. Multi-faith groups weighed in and coordinated calls from constituents backing Obama on nuclear diplomacy poured into offices of key Democrats. The campaign appears for now to have overpowered the pro-sanctions push by hawkish senators and the Israel lobby, whose doubts on the Iran nuclear deal mirror those of Israeli Prime Minister Benjamin Netanyahu. Senator Johnny Isakson, a Republican co-sponsor of the legislation, said: "It looks like we're kind of frozen in place." Those behind the anti-sanctions campaign though privately concede they may have won a battle, not a war. 'A crucial victory' The push for new sanctions will flare again ahead of the American Israel Public Affairs Committee's (AIPAC) annual conference in March, which Netanyahu is expected to address. It could also recur if the talks with Iran on a final pact extend past the six-month window set by the interim deal. But for now, groups that supported the push against sanctions are jubilant. "This is a major victory, a crucial victory for the American public who don't want to see a war," said Kate Gould of the Friends Committee on National Legislation. But she warned: "There'll be other efforts to try and sabotage the process."

### 2NC AT: Healtchare

#### Iran sanctions are at the top of the agenda

Todd 1/6/14 (Chuck, Chief NBC News Correspondent, "First Thoughts: Obama's big (and important) January," http://firstread.nbcnews.com/\_news/2014/01/06/22201032-first-thoughts-obamas-big-and-important-january)

4. Iran deal: Last month, we wrote that the easy part was the United States and European powers striking an interim deal with Iran to curtail its nuclear weapons. The harder part is forging a long-term deal. And even harder is when members of Congress are trying to impose new sanctions on Iran, which the administration says could undermine the negotiations. “Bipartisan legislation was introduced in the U.S. Senate on Thursday [Dec. 19] that would authorize new economic sanctions on Iran if it breaches an interim agreement to limit its nuclear program or fails to strike a final accord terminating those ambitions,” CNN reported. “The proposal led by Foreign Relations Committee Chairman Robert Menendez, a New Jersey Democrat, and Mark Kirk, an Illinois Republican, emerged despite Obama administration appeals for Congress to defer pursuing new sanctions with diplomatic efforts ongoing. The White House said new sanctions would undermine those delicate efforts on the global stage and President Barack Obama would veto the legislation if Congress were to approve it now.”

#### Obama is controlling the spin on Obamacare now

**Dionne 1/20** (EJ – senior fellow at Brookings , “Year Six of Hope and Change” <http://www.realclearpolitics.com/articles/2014/01/20/year_six_of_hope_and_change_121282.html>)

It's true that the last several weeks have allowed Obama to stage something of a comeback from the low point he reached after the collapse of the website that was supposed to ease the way to health insurance coverage for millions of Americans. Obamacare is now working more smoothly than those who wrongly predicted its inevitable demise thought possible. Some Republicans are even proposing fixing the law rather than killing it. In the absence of health care horror stories, the president has been able to put some of his own concerns back on the public agenda with his moving event last Thursday on those college access plans and his unveiling of modest initiatives on behalf of manufacturing. Republicans seem to have pulled away from strategies that produced chaos in the budgeting process, and Congress even passed a normal spending bill. On Friday, the president announced reforms of how the National Security Agency collects and uses telephone records. And the nation's political conversation has been shifting toward issues Obama has always wanted to highlight. Even conservatives are now acknowledging declining social mobility, rising inequality and the persistence of poverty. And, yes, immigration reform is still a possibility.

### AT: Sanctions Good

#### The bill shatters international enforcement and greenlights an Israeli strike

Krass 12/31 (Richard Klass, retired USAF Colonel; Lt. General (USA Ret.) Robert Gard, the chairman of the Center for Arms Control and Non-Proliferation, contributed to this piece, Huffington Post, “The Road to Wars”, 2013, <http://www.huffingtonpost.com/richard-klass/the-road-to-wars_b_4524280.html>)

Senator Robert Menendez (D-NJ), chairman of the Senate Foreign Relations Committee, has introduced legislation that sets the United States on the road to war with Iran and the road to an internal war within the Democratic Party. The bill (S.1881), which has many Democratic co-sponsors, increases the chances for war in two major ways. First, it undercuts ongoing negotiations to build on the first-step nuclear agreement with Iran by adding additional sanctions before the current six month negotiating period plays out. Iran has threatened to withdraw from these negotiations if a bad faith act, such as adding new sanctions, transpires. The U.S. would do the same if, for example, Iran's parliament passed legislation to open a new nuclear production facility. If the first-step deal collapses, there will be no problem in quickly instituting new sanctions. And there will certainly be calls for military action, no matter how short-term the results would be. But if the collapse is triggered by a U.S. unilateral action, the coalition now enforcing those sanctions could well collapse. This undermining of the president's negotiating authority and international cooperation is as unprecedented as it is dangerous. The second danger in this bill is that it encourages an Israeli attack on Iran. The bill states that "... if the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide ..., diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence...." While the language is "should," not "must," and there are bows to the Constitution and congressional authority, this is a clear signal to Israel that it can count on U.S. support for a "unilateral" air strike. And Iran cannot be blamed if it takes it that way. No one should doubt who will determine if the Iranian program provides an existential threat to Israel. The Israeli government's position is that any enrichment in Iran is such a threat. Yet reaching any agreement with Iran will undoubtedly require some residual domestic enrichment capability. Military experts agree that Israel would need substantial U.S. help for any effective attack. This would include not only intelligence and aerial refueling, but also combat search and rescue for downed Israeli pilots, possible suppression of enemy air defenses and other direct combat missions. In short, war. This language, while not requiring that the U.S. support an Israeli attack, certainly will be taken that way in Israel and Iran. Also, it just might be enough to doom a diplomatic settlement and unleash the dogs of war.

#### New sanctions wreck the deal and cause Israeli strikes

**McGeough, 1/5/14 –** chief foreign correspondent for the Sydney Morning Herald (Paul, “US, Iranian hardliners work to give war a chance” Sydney Morning Herald, <http://www.smh.com.au/comment/us-iranian-hardliners-work-to-give-war-a-chance-20140104-30amw.html>)

They're the congressional hardliners, a bit like the fundamentalists in Iran, who would love to scupper the opening deal agreed in November by Iran and the so-called P5+1 countries, under which Tehran has agreed to a six-month freeze of its nuclear program in return for nominal relief from crippling sanctions. They have dressed up their intervention as a helping hand for the idiots at the negotiating table - the threat of more sanctions is just what is needed, the vandals reckon, to force Iran to cave in. The P5+1 are not to be brushed off lightly. The P5 bit are the permanent members of the United Nations Security Council - the US, Russia, China, France and Britain. The 1 is Germany. You'd think that, if these six could agree tentatively on steps towards fixing an intractable problem, it might be constructive for Congress' bellyachers to have wound down for their postprandial Christmas nap. Instead, in the week before Christmas, more than two dozen senators, from both parties, put up a bill demanding even harsher sanctions on Iran. They have ignored White House pleas and intelligence assessments that their bill, likely to be debated in the next week or so, undermines the chances of a final agreement with Iran. Apart from being against the spirit of the interim deal, under which there would be no new sanctions, the senators' bill also demands that, in any final agreement, Iran must dismantle its uranium enrichment program. But Iranians know their history and there's been nothing well meant in the blows they've been dealt by Washington - the CIA's overthrow of the democratically elected Mosaddegh government in 1953 and the reinstalling of the shah and his SAVAK secret police, American support for Iraq after it began the 1980s war with Iran and former president George W. Bush's inclusion of Iran in his ''axis of evil''. Iranians might be forgiven for thinking the latest sanctions bill in DC is a continuation of that malevolent history. They're not on their own - some thoughtful international commentators and analysts see it that way, too. But, even with all that history, the significantly changed mood in Tehran after Hassan Rouhani's election as president demands that the international community explore all steps short of war to resolve this crisis. Hence there's a conclusion being drawn in some quarters that the Senate push is calculated to make agreement impossible. And, because the senators are opposed to a nuclear Iran, the only conclusion to be drawn is that they want to force President Barack Obama's hand on the military option. There was no surprise then that this ''tit'' by the American senators was met with a ''tat'' from their Iranian counterparts - hardliners who oppose the interim deal and anything that looks like concessions by Iran to the international community. So they have drafted their own legislation to be debated in the Iranian parliament, calling for any new sanctions to be met by an escalation in Iran's uranium enrichment to a near bomb-grade level of 60 per cent. In both countries, we have influential rejectionists who rely on each other to make their worst prognostications believable. Neither side is interested in a diplomatic solution. Citing the respective attitudes to Israel, Bill Keller portrays this self-serving dynamic in his blog for The New York Times: ''To the Iranian hard core, Israel is a nuclear-armed interloper and America's conjoined infidel twin; to their American counterparts, Israel's values and interests are inextricable from our own and Benjamin Netanyahu is a more trustworthy defender of our security than Barack Obama.'' Keller draws a dismal, scary conclusion: ''A failure of negotiations would delight both of them - American hawks because Israel could get on with the business of bombing; Iranian hawks because there's nothing like an attack by the infidels to unify a fractious public behind an authoritarian regime.''

#### Failed deal turns credibility which jacks norms and decimates allied coop

**Leverett, 11/10/13 -** senior fellow at the New America Foundation in Washington, D.C. and a professor at the Pennsylvania State University School of International Affairs(Flynt, “Nuclear Negotiations and America’s Moment of Truth About Iran” <http://www.campaigniran.org/casmii/?q=node/13358>)

America’s Iran policy is at a crossroads. Washington can abandon its counterproductive insistence on Middle Eastern hegemony, negotiate a nuclear deal grounded in the Nuclear Non-Proliferation Treaty (NPT), and get serious about working with Tehran to broker a settlement to the Syrian conflict. In the process, the United States would greatly improve its ability to shape important outcomes there. Alternatively, America can continue on its present path, leading ultimately to strategic irrelevance in one of the world’s most vital regions—with negative implications for its standing in Asia as well. U.S. policy is at this juncture because the costs of Washington’s post-Cold War drive to dominate the Middle East have risen perilously high. President Obama’s self-inflicted debacle over his plan to attack Syria after chemical weapons were used there in August showed that America can no longer credibly threaten the effective use of force to impose its preferences in the region. While Obama still insists “all options are on the table” for Iran, the reality is that, if Washington is to deal efficaciously with the nuclear issue, it will be through diplomacy. In this context, last month’s Geneva meeting between Iran and the P5+1 brought America’s political class to a strategic and political moment of truth. Can American elites turn away from a self-damaging quest for Middle Eastern hegemony by coming to terms with an independent regional power? Or are they so enthralled with an increasingly surreal notion of America as hegemon that, to preserve U.S. “leadership,” they will pursue a course further eviscerating its strategic position? The proposal for resolving the nuclear issue that Iran’s foreign minister, Javad Zarif, presented in Geneva seeks answers to these questions. It operationalizes the approach advocated by Hassan Rohani and other Iranian leaders for over a decade: greater transparency on Iran’s nuclear activities in return for recognizing its rights as a sovereign NPT signatory—especially to enrich uranium under international safeguards—and removal of sanctions. For years, the Bush and Obama administrations rejected this approach. Now Obama must at least consider it. The Iranian package provides greater transparency on Tehran’s nuclear activities in two crucial respects. First, it gives greater visibility on the conduct of Iran’s nuclear program. Iran has reportedly offered to comply voluntarily for some months with the Additional Protocol (AP) to the NPT—which it has signed but not yet ratified and which authorizes more proactive and intrusive inspections—to encourage diplomatic progress. Tehran would ratify the AP—thereby committing to its permanent implementation—as part of a final deal. Second, the package aims to validate Iran’s declarations that its enrichment infrastructure is not meant to produce weapons-grade fissile material. Iran would stop enriching at the near-20 percent level of fissile-isotope purity needed to fuel the Tehran Research Reactor and cap enrichment at levels suitable for fueling power reactors. Similarly, Iran is open to capping the number of centrifuges it would install—at least for some years—at its enrichment sites in Natanz and Fordo. Based on conversations with Iranian officials and political figures in New York in September (during Rohani and Zarif’s visit to the UN General Assembly) and in Tehran last month, it is also possible to identify items that the Iranian proposal almost certainly does not include. Supreme Leader Ayatollah Seyed Ali Khamenei has reportedly given President Rohani and his diplomats flexibility in negotiating a settlement—but he has also directed that they not compromise Iran’s sovereignty. Thus, the Islamic Republic will not acquiesce to American (and Israeli) demands to suspend enrichment, shut its enrichment site at Fordo, stop a heavy-water reactor under construction at Arak, and ship its current enriched uranium stockpile abroad. On one level, the Iranian package is crafted to resolve the nuclear issue based on the NPT, within a year. Iran’s nuclear rights would be respected; transparency measures would reduce the proliferation risks of its enrichment activities below what Washington tolerates elsewhere. On another level, though, the package means to test America’s willingness and capability to resolve the issue on this basis. It tests this not just for Tehran’s edification, but also for that of other P5+1 states, especially China and Russia, and of rising powers like India and South Korea. America can fail the Iranian test in two ways. First, the Obama administration—reflecting America’s political class more broadly—may prove unwilling to acknowledge Iran’s nuclear rights in a straightforward way, insisting on terms for a deal that effectively suborn these rights and violate Iranian sovereignty. There are powerful constituencies—e.g., the Israel lobby, neoconservative Republicans, their Democratic “fellow travelers,” and U.S.-based Iran “experts”—that oppose any deal recognizing Iran’s nuclear rights. They understand that acknowledging these rights would also mean accepting the Islamic Republic as an enduring entity representing legitimate national interests; to do so, America would have to abandon its post-Cold War pretensions to Middle Eastern hegemony. Those pretensions have proven dangerously corrosive of America’s ability to accomplish important objectives in the Middle East, and of its global standing. Just witness the profoundly self-damaging consequences of America’s invasion and occupation of Iraq, and how badly the “global war on terror” has eviscerated the perceived legitimacy of American purposes in the Muslim world. But, as the drama over Obama’s call for military action against Syria indicates, America’s political class remains deeply attached to imperial pretense—even as the American public turns away from it. If Washington could accept the Islamic Republic as a legitimate regional power, it could work with Tehran and others on a political solution to the Syrian conflict. Instead, Washington reiterates hubristic demands that President Bashar al-Assad step down before a political process starts, and relies on a Saudi-funded “Syrian opposition” increasingly dominated by al-Qa’ida-like extremists. If Obama does not conclude a deal recognizing Iran’s nuclear rights, it will confirm suspicions already held by many Iranian elites—including Ayatollah Khamenei—and in Beijing and Moscow about America’s real agenda vis-à-vis the Islamic Republic. It will become undeniably clear that U.S. opposition to indigenous Iranian enrichment is not motivated by proliferation concerns, but by determination to preserve American hegemony—and Israeli military dominance—in the Middle East. If this is so, why should China, Russia, or rising Asian powers continue trying to help Washington—e.g., by accommodating U.S. demands to limit their own commercial interactions with Iran—obtain an outcome it does not actually want?

### 2NC AT: No Escalation

#### Israel will escalate to nuclear first-use---they perceive Iran as an existential threat

James M. Lindsay 10, Senior Vice President, Director of Studies, and Maurice R. Greenberg Chair at the Council on Foreign Relations, and Ray Takeyh, Senior Fellow at the Council on Foreign Relations, March/April 2010, “After Iran Gets the Bomb,” Foreign Affairs, Vol. 89, No. 2

Such a doomsday scenario could pan out. Whether it did would depend greatly on how the United States and others, starting with Israel, responded to Iran's nuclearization. Whether Israeli Prime Minister Benjamin Netanyahu forgoes a preventive strike against Iran's nuclear facilities or opts for launching an attack and it fails, the Israeli government will continue to regard the Iranian regime as an existential threat to Israel that must be countered by any means possible, including the use of nuclear weapons. Given Israel's unique history and Ahmadinejad's contemptible denials of the Holocaust, no Israeli prime minister can afford to think otherwise.

#### Israel strikes cause global nuclear war

Trabanco 9 (José Miguel Alonso, Independent researcher of geopoltical and military affairs, “The Middle Eastern Powder Keg Can Explode at Anytime,” 1-13, http://www.globalresearch.ca/index.php?context=va&aid=11762)

In case of an Israeli and/or American attack against Iran, Ahmadinejad's government will certainly respond. A possible countermeasure would be to fire Persian ballistic missiles against Israel and maybe even against American military bases in the regions. Teheran will unquestionably resort to its proxies like Hamas or Hezbollah (or even some of its Shiite allies it has in Lebanon or Saudi Arabia) to carry out attacks against Israel, America and their allies, effectively setting in flames a large portion of the Middle East. The ultimate weapon at Iranian disposal is to block the Strait of Hormuz. If such chokepoint is indeed asphyxiated, that would dramatically increase the price of oil, this a very threatening retaliation because it will bring intense financial and economic havoc upon the West, which is already facing significant trouble in those respects. In short, the necessary conditions for a major war in the Middle East are given. Such conflict could rapidly spiral out of control and thus a relatively minor clash could quickly and dangerously escalate by engulfing the whole region and perhaps even beyond. There are many key players: the Israelis, the Palestinians, the Arabs, the Persians and their respective allies and some great powers could become involved in one way or another (America, Russia, Europe, China). Therefore, any miscalculation by any of the main protagonists can trigger something no one can stop. Taking into consideration that the stakes are too high, perhaps it is not wise to be playing with fire right in the middle of a powder keg.

## Europe Advantage

### AT: Allied Backlash

#### Allies agree that TKs are appropriate as a first resort even outside of conflict zones

Geoffrey S. Corn 12, Professor of Law and Presidential Research Professor, South Texas College of Law, 2012, “Blurring the Line Between the Jus ad Bellum and the Jus in Bello,” in Non-International Armed Conflict in the Twenty-First Century, p. 75-76 The statement by Legal Advisor Koh following the Bin Laden raid addressing U.S. legal authority for the mission and for killing Bin Laden is perhaps as clear an articulation of a legal basis for a military action ever provided by the Department of State.175 Indeed, the fact that Koh articulated an official U.S. interpretation of both the jus ad helium and jus in bello makes his use of a website titled Opinio Juris176 especially significant (as such a statement by a government official in Koh's position is clear evidence of opinio juris). Unlike his earlier statement at a meeting of the American Society of International Law,'77 Koh did not restrict his invocation of law to the jus ad helium. Instead, he asserted the U.S. position that the mission was justified pursuant to the inherent right of self-defense, but also that Bin Laden's killing was lawful pursuant to the jus in bello. Koh properly noted that as a mission executed in the context of the armed conflict with al Qaeda, the LOAC imposed no obligation on U.S. forces to employ minimum necessary force. Instead, Bin Laden's status as an enemy belligerent justified the use of deadly force as a measure of first resort, and Bin Laden bore the burden of manifesting his surrender in order to terminate that authority. Hence, U.S. forces were in no way obligated to attempt to capture Bin Laden before resorting to deadly force.178 A recent statement made by John Brennan, Deputy National Security Advisor for Homeland Security and Counterterrorism, further clarifies the current administration's justification for using deadly force as a first resort against al Qaeda operatives: The United States does not view our authority to use military force against al-Qa'ida as being restricted solely to "hot" battlefields like Afghanistan. Because we are engaged in an armed conflict with al-Qa'ida, the United States takes the legal position that... we have the authority to take action against al-Qa'ida and its associated forces without doing a separate self-defense analysis each time---- This Administration's counterterrorism efforts outside of Afghanistan and Iraq are 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-Qa'ida and its associated forces. Practically speaking, then, the question turns principally on how you define "imminence." We are finding increasing recognition in the international community that a more flexible understanding of "imminence" may be appropriate when dealing with terrorist groups, in part because threats posed by non-state actors do not present themselves in the ways that evidenced imminence in more traditional conflicts…

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Over time, an increasing number of our international counterterrorism partners have begun to recognize that the traditional conception of what constitutes an "imminent" attack should be broadened in light of the modern-day capabilities, techniques, and technological innovations of terrorist organizations.1'9

## Global Advantage

### 2NC South China Sea

#### No South China Sea conflict – rhetoric isn’t inevitable – the history of dialogue proves countries will cooperate. There’s also mutually assured interest – loss of maritime trade hurts both countries the same. That’s MAD – Gupta.

#### No SCS escalation---China can’t project power, US intervention solves

James Dobbins 12, directs the International Security and Defense Policy Center at the RAND Corporation, previously served as American Ambassador to the European Community and Assistant Secretary of State, August/September 2012, “War with China,” Survival, Vol. 54, No. 4, p. 7-24

Depending on the nature and severity of a conflict, US objectives could range from enforcing freedom of navigation against a Chinese effort to control maritime activities in the South China Sea, to helping the Philippines defend itself against an air and maritime attack, to supporting Vietnam and shielding Thailand (another treaty ally) in the event of a land war in Southeast Asia. Any likely contingency in the South China Sea or Southeast Asia would make demands on US air and naval power to assure friendly dominance of t

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he battlespace. A war on land could create a demand for US land forces, especially special-forces and forced-entry capabilities. China’s current ability to project substantial power into the South China Sea region is limited; in particular, China’s land-based combat aircraft lack adequate range to operate efficiently so far from home. This assessment will change if China builds aircraft-carrier and air-refuelling capabilities in the coming years. Direct defence in the South China Sea and Southeast Asia should remain a viable strategy for the next 20 years.

### 2NC No Signal

#### U.S. can’t effectively signal

Zenko 13 (Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise)

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### Their impacts are all based on drones being used in ways different from current US policy---this proves that precedent is irrelevant and that they can’t solve because the plan doesn’t drone-espionage or killing activists

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

This critique often leads, however, to the further objection that the American use of drones is essentially laying the groundwork for others to do the same. Steve Coll wrote in the New Yorker: "America's drone campaign is also creating an ominous global precedent. Ten years or less from now, China will likely be able to field armed drones. How might its Politburo apply Obama's doctrines to Tibetan activists holding meetings in Nepal?"

The United States, it is claimed, is arrogantly exerting its momentary technological advantage to do what it likes. It will be sorry when other states follow suit. But the United States does not use drones in this fashion and has claimed no special status for drones. The U.S. government uses drone warfare in a far more limited way, legally and morally, and entirely within the bounds of international law. The problem with China (or Russia) using drones is that they might not use them in the same way as the United States. The drone itself is a tool. How it is used and against whom -- these are moral questions. If China behaves malignantly, drones will not be responsible. Its leaders will be.

# 1NR

## CP

### A2: Perm – Do Both (Politics)

#### A) Congress gets the blame – they’re the target of perception

CSM 97 (Christian Science Monitor, Robert Marquand, Staff writer. “Why America Puts Its Supreme Court On Lofty Pedestal.” Lexis.)

Today this holds true even more. In one sense, the reason is obvious: With divided government and partisan sniping in Washington, when politicians must create a TV image and constantly raise funds, the scholarly-looking justices seem a refreshing alternative. They come out in black robes from behind red silk curtains, and everyone stands. They ask incisive questions. They disappear. It looks like competence personified. And there's some truth to it. The members of the court don't need to campaign for office every few years. They were selected for life. They don't need speech writers or have to check the polls. The current justices, unlike earlier courts, generally write their own opinions. They are free to dissent, and their rulings are not tied to interest-group pressure. Moreover, as an institution, the court is uniquely constituted. It is not one targetable political persona, as is a single chief executive. Yet it is smaller than a Congress of 535 people. Congress is covered by TV four times as much as the court is. The White House is covered eight times as much, says Lee Epstein of Washington University in St. Louis. The court stands out now because it is not part of Washington's political swamp. The carefully cultivated aloofness of the Supreme Court is, in the Washington scene, almost countercultural in nature. The court's warts don't show. "People don't see the court infighting; it seems more harmonious and less political," says one court-watcher. "With Congress and the White House, we see the blood-letting on the street." Importantly, say scholars, current justices benefit from courageous stands the court took in cases like Brown school desegregation, and the Roe abortion-rights case - when the majority was fragile and the justices felt under great pressure. Those decisions are a main reason the court image is so buffed today.

#### No political cover

Toner 90 (Robin, Staff – NYT, New York Times, 6-28, Lexis)

Flag burning has tormented Congress since the Supreme Court handed down its first decision on the matter last year. Much of that torment has to do with the constant tension in this country between the commitment to freedom of expression and the anger at ''the obnoxious and offensive people'' who often exercise it most fully, as Representative Barney Frank, Democrat of Massachusetts, puts it. A burning flag is one of the most gripping visual images, communicating in an instant an ugly rejection of the values most Americans embrace. Any politician can imagine its use in a campaign commercial. ''I can see it now,'' said Senator Bob Kerrey, the Nebraska Democrat who is one of the strongest voices against the amendment, '' 'Bob Kerrey votes for gun control, and he won't vote to protect the flag.' It's a great 30-second spot.'' It fits neatly with the new politics of values, used so effectively by George Bush against Michael S. Dukakis in the 1988 Presidential campaign. Mr. Bush continues to appeal to those values and symbols. Today, he received a replica of the Iwo Jima Memorial at a Rose Garden ceremony and urged Congress to pass an amendment on flag burning by the Fourth of July. ''Amending the Constitution to protect the flag is not a matter of partisan politics,'' said Mr. Bush. ''It's an American issue.'' And now Congress is approaching one of those moments when there is **little political cover**. The Supreme Court has acted, and the President has spoken. It is now up to the lawmakers in the middle

#### B) Docket overload – new legislation trades-off with other agenda items

Myers 8 (Richard E. II, Assistant Professor of Law – University of North Carolina School of Law, “Responding To The Time-Based Failures Of The Criminal Law Through A Criminal Sunset Amendment”, Boston College Law Review, November, 49 B.C. L. Rev 1327, Lexis)

[Click here to return to the footnote reference.](http://www.lexis.com/research/retrieve?_m=706e0475a6935532ed28e1c6a79a7833&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLzVtz-zSkAB&_md5=4744a69fb491033b807fe92e0397f12c&focBudTerms=The%20legislative%20process%20is%20not%20costless;%20time&focBudSel=all#r352)n352 Edward A. Zelinsky, Are Tax "Benefits" Constitutionally Equivalent to Direct Expenditures? [112 HARV. L. REV. 379, 401 (1998)](http://www.lexis.com/research/buttonTFLink?_m=c825051c6f71f0adc5d224dd9f578892&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b49%20B.C.%20L.%20Rev%201327%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=499&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b112%20Harv.%20L.%20Rev.%20379%2cat%20401%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVtz-zSkAB&_md5=468c19d31c7c7db1e8ca57be145437a2) (citing JAMES M. BUCHANAN & GORDON TULLOCK, THE CALCULUS OF CONSENT: LOGICAL FOUNDATIONS OF CONSTITUTIONAL DEMOCRACY 43-84 (1962)). Zelinsky summarizes, "The legislative process is not costless; time and man-hours devoted to one piece of legislation are not available for others; by expending political capital on one law, a legislator has less to expend on others; even routine legislation can absorb significant amounts of legislative time, energy, and decisionmaking capacity." Id.

### Avoids Politics – 2NC

#### Evaluate through offense/defense paradigm – if the CP solve most of the case, there is a larger risk of the link in with the aff than the CP – so you still vote neg

#### Courts are politically independent

Stephenson 99 (Donald Grier Jr., Professor of Government – Franklin and Marshall College and Ph.D. – Princeton University, Campaigns and the Court, p. 231-232)

Additionally, practically every stage of the decision-making process and every step in the way the Court conducts its business set the judicial function apart from the legislative and executive functions. The justices seem not just different but aloof, even mysterious. One journalist has called the Court “at once one of the most open and one of the least accessible of the major institutions of government. It is open because the public has access to nearly all legal documents that are filed and to the oral argument of cases. Yet the decisions themselves emerge from a deliberative process cloaked in secrecy. Leaks prior to official announcements of decisions are so rare that they make headlines when they occur. “The very idea of cooking up opinions in conclave, begets suspicions that something passes which fears the public ear,” Thomas Jefferson protested to Justice William Johnson. The Court’s penchant for secrecy may even occasionally fuel the “paranoid style in American politics,” which “evokes the qualities of heated exaggeration, suspiciousness, and conspiratorial fantasy”. And the Supreme Court’s aversion to televised or broadcasted proceedings and to still photography in the courtroom makes even its most public activity seem set apart. “The only groups who don’t appear on television,” observes journalist Fred Graham, “are the Supreme Court and the Mafia.

#### Court is isolated – no lobbying link

Baum 4 (Lawrence, Professor of Political Science – Ohio State University, The Supreme Court, p. 146)

As members of Congress do their work, they constantly deal with people who want something from them: constituents who seek help from the government, reporters who look for good stories, lobbyists who argue for the positions of interest groups, and executive branch officials who want to build support for their legislative proposals. Members could try to ignore all these people. But they do not, because their ability to stay in office and their effectiveness as legislators depend on building favorable relationships with constituents, interest groups, and others in their political environment. The Supreme Court is a very different kind of institution. The justices make their decisions in **relative isolation** from people outside the Court. This isolation stems in part from norms associated with courts in general and the Supreme Court in particular, norms that **create some distance** between the Court and those who seek to influence its decisions. Unlike members of Congress, the justices do not interact with lobbyists while they consider issues. More important, their lifetime appointments free the justices from worries about maintaining their positions. Popular or unpopular, they can continue to do their work on the Court.

#### Still insulated from politics

ALL READ

AFP 05 (Agence France Presse, 7/20. “Power in the hands of nine: the US Supreme Court.” Lexis.)

The US Supreme Court wields enormous influence over American life, serving as the arbiter of the Constitution, the ultimate court of appeal, and as a check on the power of Congress and the President. One of the three branches of the US government, the court, based in an ornate white marble building opposite the US Capitol, has the power to strike down any state or federal law it deems unconstitutional. Its nine justices also serve as the final court of appeal for criminal and civil cases and have the power to set or change legal precedents. The court is the crucible where key decisions on such issues as death sentences, abortion and same-sex marriage are made. Decisions of the court can only be overturned by another Supreme Court ruling. Supreme Court justices are appointed for life, and as such are supposed to be shielded from the twists of public opinion and partisan politics. Appeals court Judge John Roberts, 50, nominated to the court by President George W. Bush on Tuesday, likely replaces Justice Sandra Day O'Connor, the first ever female justice, who announced her retirement on July 1. The framers of the US Constitution insulated the justices to ensure they could take potentially unpopular decisions in order to protect the rights of individuals from the rule of the majority. The ideological make-up of the court shifts over time as justices retire and are replaced. A fresh appointment gives presidents an opportunity to shape US policy long after they step down. The most recent addition to the bench was Justice Stephen Breyer, appointed by then president Bill Clinton in 1994. Clinton also named the second woman ever to serve on the court Ruth Bader Ginsburg in 1993. Nominees to the Supreme Court must be confirmed by the US Senate, which has rejected 28 candidates of whom the most recent was Robert Bork, nominated by then-president Ronald Regan in 1987. Judges can choose to retire at the age of 70 or resign as a result of illness. They are also subject to dismissal in cases of treason, corruption or other crimes and offenses. The Supreme Court sits from October through June and generally rules on about 80 of the 8,000 cases submitted for review. Once a case is accepted, the parties present a written argument. They are then called for 30 minutes of oral arguments before at least four justices. Rulings are adopted based on a simple majority of votes and the voting records of judges are public. One judge generally writes the majority opinion while those who disagree will often write dissenting opinions.

### A2: No Solvency

#### The only no solvency warrant was that congress was key to signaling – we solve that better

Knowles 9 (Robert, Acting Assistant Professor, New York University School of Law, "Article: American Hegemony and the Foreign Affairs Constitution," 41 Ariz. St. L.J. 87, Spring, lexis)

The accountability justification generally overstates the degree to which courts are insulated from politics. n288 On the domestic front, Supreme Court appointments have become an increasingly prominent issue in presidential elections, at least since Roe v. Wade and the nominations of Robert Bork and Clarence Thomas. n289 Although foreign affairs have not played much of a role in these debates thus far, this is almost certainly due to the courts' generally deferential approach to foreign relations controversies. When the courts have been bolder, such as in the enemy combatant cases, they have captured the attention of policy-makers and the public, creating issues for presidential campaigns. n290 Moreover, accountability cuts both ways. It is a core purpose of the separation of powers. n291 The courts can serve an important information-forcing role that assists the People in holding the executive branch accountable for foreign affairs decisions, many of which are shrouded in secrecy. n292 Court cases require the government to clearly [\*134] articulate the rationales for its policies and the procedures through which those policies were enacted. Habeas corpus forces federal officers to justify their detention of individuals whose imprisonment would otherwise remain unscrutinized. n293

#### Court action solves targeted killing policy – clarifies the limits of authority and deters executive error and abuse

Jaffer 13 (Jameel, human rights and civil liberties attorney who is deputy legal director of the American Civil Liberties Union, "Judicial Review of Targeted Killings," http://www.harvardlawreview.org/media/pdf/forvol126\_jaffer.pdf)

The argument for some form of judicial review is compelling, not least¶ because such review would clarify the scope of the government’s authority¶ to use lethal force. The targeted killing program is predicated on sweeping¶ constructions of the 2001 Authorization for Use of Military Force (AUMF)¶ and the President’s authority to use military force in national self-defense.¶ The government contends, for example, that the AUMF authorizes it to use¶ lethal force against groups that had nothing to do with the 9/11 attacks and¶ that did not even exist when those attacks were carried out. It contends¶ that the AUMF gives it authority to use lethal force against individuals located far from conventional battlefields. As the Justice Department’s recently leaked white paper makes clear, the government also contends that¶ the President has authority to use lethal force against those deemed to present “continuing” rather than truly imminent threats.¶ These claims are controversial. They have been rejected or questioned¶ by human rights groups, legal scholars, federal judges, and U.N. special¶ rapporteurs. Even enthusiasts of the drone program have become anxious¶ about its legal soundness. (“People in Washington need to wake up and realize the legal foundations are crumbling by the day,” Professor Bobby¶ Chesney, a supporter of the program, recently said.) Judicial review could¶ clarify the limits on the government’s legal authority and supply a degree¶ of legitimacy to actions taken within those limits.¶ It could also encourage executive officials to observe these limits. Executive officials would be less likely to exceed or abuse their authority if¶ they were required to defend their conduct to federal judges. Even Jeh¶ Johnson, the Defense Department’s former general counsel and a vocal de- fender of the targeted killing program, acknowledged in a recent speech¶ that judicial review could add “rigor” to the executive’s decisionmaking¶ process. In explaining the function of the Foreign Intelligence Surveillance Court, which oversees government surveillance in certain national¶ security investigations, executive officials have often said that even the¶ mere prospect of judicial review deters error and abuse.¶ But to recognize that judicial review is indispensible in this context is¶ not to say that Congress should establish a specialized court, still less that¶ it should establish such a court to review contemplated killings before they¶ are carried out.

#### Judicial restrictions solve targeted killing – perception of neutral, fair arbiters and judicial review deters executive overreach

Kwoka 11 (Lindsay, JD Candidate @ Univ. of Pennsylvania, "Trial by Sniper: The Legality of Targeted Killing in the War on Terror," 14 U. Pa. J. Const. L. 301, lexis)

The executive's decision to target an individual for death should be reviewed by an Article III judge before the killing is carried out. [\*322] The use of an Article III judge as a neutral decisionmaker would legitimize the executive's actions and hold the executive branch accountable during wartime.¶ Providing an intra-executive process is not sufficient in the context of targeted killing of a U.S. citizen outside of a war zone. n122 Murphy and Radsan argue that due process would be satisfied if, after a strike has already occurred, the executive branch launched an investigation of its legality. n123 They argue that interference from the judicial branch would undermine the executive's decisionmaking and compromise state secrets. n124¶ On the contrary, judicial intervention would not undermine the executive's decisionmaking, but rather would serve to legitimize the executive's actions. Even during wartime, many are critical of actions taken by the executive to deprive individuals of rights without intervention by the judicial branch. For instance, many objected to the Military Commissions Act on the grounds that it did not afford the accused of an independent judiciary. n125¶ Furthermore, as noted above, the concerns about minimizing the disclosure of state secrets would be alleviated by permitting only the decisionmaker to review the evidence. The hearing would be conducted privately and the information would be conveyed on a "need-to-know" basis only. Thus the confidentiality problems associated with affording suspected terrorists a full jury trial are not present in a process where the judge reviews the evidence in confidence.¶ Not only would judicial intervention decrease public skepticism of the executive's decisions, but would also promote accuracy and fairness. n126 Because mistakes are possible (and have happened regarding misclassification of terrorists), accuracy is better preserved by allowing the judiciary to check the actions of the executive. n127 The process [\*323] would likely be fairer because federal judges are appointed for life tenure, and thus are less likely to be subject to public pressure. n128 Moreover, having a federal judge decide on whether targeted killing is permissible would alleviate executive branch pressure. If a member of the executive branch were to be the neutral decisionmaker, he would have incentive to permit the President to do whatever he deems necessary. A federal judge would not likely be subject to such influence.¶ Advocates for judicial deference argue that the executive branch should be given extensive authority during wartime, and the judicial branch should not interfere with executive decisionmaking. Justice Thomas' dissent in Hamdi reflects this sentiment. He argues that allowing process on the battlefield would undermine the executive's authority. n129 He asserts that the constitutional structure is based upon the notion of a unitary executive with extensive war powers, and that this structure would be undermined by judicial interference. n130 As a result of this structure, he argues that due process merely requires a "good-faith executive determination." n131¶ Similarly, others argue that the lack of judicial deference during a war could disrupt the system of political cooperation in wartime. n132 Under this argument, the executive branch is better suited to interpret laws relating to wartime and foreign affairs. n133 As a result, the executive branch is better able to make determinations regarding wartime issues not only because it has expertise in this area, but also because the executive branch is more politically accountable than the judicial branch. n134 Because the judicial branch lacks expertise in these areas, the judicial branch must afford significant deference to the executive branch [\*324] during wartime. n135¶ These arguments in favor of judicial deference are problematic for a number of reasons. First, permitting the decision to target an individual for death to take place solely within the executive branch would strengthen precedent for an unchecked executive in wartime. To allow the executive to act without judicial review would legitimize a constitutional doctrine whereby the executive would be subject to no limitations and would not be constrained by any requirements of due process. n136 Permitting the judiciary to review decisions made by the executive in the context of the war on terror would uphold a constitutional system of checks and balances whereby the executive branch is subject to constraints.¶ Secondly, even if the argument of "executive expertise" is accepted, judicial intervention would serve the interests of the public by ensuring that the executive does not have a blank check to unilaterally determine who should be killed. n137 Even during wartime, it is inappropriate to allow the executive branch to act as all three branches of government. n138 The judicial branch should be involved in cases relating to terrorism in order to prevent an arbitrary exercise of power by the executive. n139¶ Finally, the Court itself has rejected the notion that the judicial branch must defer when the rights of a citizen are involved. The Hamdi Court places great emphasis on the notion that the Courts play a key role even in the context of war. n140 Given the importance of the civil rights and liberties at stake, it would be counterintuitive to deprive the courts of their role in such a circumstance. n141 Thus, there is tremendous support for judicial involvement in the war on terror. Judicial intervention would increase the accuracy of the determination while also giving legitimacy to the executive's decision and upholding civil rights.

Dworkin ev –

1AC quote:

Behind the scenes, though, it is not data protection and surveillance that produces the most complications for the transatlantic intelligence relationship, but rather America's use of armed drones to kill terrorist suspects away from the battlefield. Incidents such as the [recent killing](http://www.reuters.com/article/2013/07/03/us-pakistan-drone-attack-idUSBRE96205820130703) of at least 17 people in Pakistan are therefore only likely to heighten European unease.

### A2: End Runs

#### Courts solve – err Neg – selection bias – and, this links to the Aff Baum 3 (Lawrence, Professor of Political Science – Ohio State, “The Supreme Court in American Politics”, Annual Review of Political Science, 6(1), p. 172)

Yet both this impression and what it suggests about the Court are misleading in two respects. First, the early research overstated the Court’s implementation failures. For one thing, scholars emphasized failures more than successes. Was it more remarkable that so many schools maintained religious exercises prohibited by the Court or that so many others eliminated exercises that had strong public support? The absence of desegregation in the Deep South in the decade after Brown was noteworthy, but so was the gradual elimination of school segregation in the border states. Moreover, this research reflected a strong selection bias in that scholars were attracted to the study of decisions that had run into visible implementation problems. Later research that avoided this bias indicates that, at least at the federal level, judges and administrators respond more favorably to Supreme Court decisions in general than the early research suggested (Johnson 1987, Songer et al. 1994, Stidham & Carp 1982, Songer 1987, Songer & Sheehan 1990, Spriggs 1997; see Canon & Johnson 1999). Second, the early research typically treated implementation of Supreme Court decisions as a unique phenomenon. Scholarship on imperfect hierarchy elsewhere in government (e.g., Kaufman 1960, Pressman & Wildavsky 1973) and in work organizations (e.g., Mechanic 1962, Crozier 1964) had little impact on the judicial research. As a consequence, judicial scholars seldom considered whether noncompliance with Supreme Court decisions resulted chiefly from universal imperfections in implementation rather than special weaknesses of courts. The first possibility has become even more credible with the accumulation of research on policy implementation (e.g., Lipsky 1980, Wilson 1989, Brehm & Gates 1997).

#### Many barriers to Congressional roll-back

Shipan 97 (Charles R., Assistant Professor of Political Science – University of Iowa, Designing Judicial Review, p. 9)

In the final stage of the policy process, political actors may attempt to overcome court actions—for example, Congress may write a law that overturns a court decision. However, members of Congress will not want to rely on such actions as the only means of dealing with the courts. To begin with, Congress is not always successful in its attempts to overturn court decisions. Part of any lack of success undoubtedly stems from the inherent difficulties involved in passing legislation. For example, even when a majority in Congress prefers to overturn a court decision, this majority may be so hampered by institutional features of Congress that it is unable to achieve its goals (Marks 1988). Another contributing factor is that members of Congress often defer to judicial judgments. This norm of congressional deference to the courts is especially strong for the Judiciary Committee (Miller 1990, 1992). An additional factor is that most members of Congress are often just plain unaware of court decisions, especially if the decision was issued by a lower court (Katzmann 1988, 1992)