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#### Text: The President of the United States should issue an executive order implementing, via the appropriate administrative agencies, cause of action for damages for those unlawfully injured by targeted killing operations or their heirs.

#### Solves –

### Pres Power

#### Executive orders concerning war powers are common, have the same effect as the plan, and withstand judicial scrutiny

Duncan 10 (John C. – Associate Professor of Law, College of Law, Florida A & M University; Ph.D., Stanford University; J.D., Yale Law School, “A CRITICAL CONSIDERATION OF EXECUTIVE ORDERS: GLIMMERINGS OF AUTOPOIESIS IN THE EXECUTIVE ROLE”, Vermont Law Review, 35 Vt. L. Rev. 333, lexis)

Executive orders make "legally binding pronouncements" in fields of authority generally conceded to the President. n92 A prominent example of this use is in the area of security classifications. n93 President Franklin Roosevelt issued an executive order to establish the system of security classification in use today. n94 Subsequent administrations followed the President's lead, issuing their own executive orders on the subject. n95 In 1994, Congress specifically required "presidential issuance of an executive order on classification," by way of an "amendment to the National Security Act of 1947 . . . ." n96 The other areas in which Congress concedes broad power to the President "include ongoing governance of civil servants, foreign service and consular activities, operation and discipline in the military, controls on government contracting, and, until recently, the management and control of public lands." n97 Although there are also statutes that address these areas, most basic policy comes from executive orders. n98 Executive orders commonly address matters "concerning military personnel" n99 and foreign policy. n100 "[D]uring periods of heightened national security activity," executive orders regularly authorize the transfer of responsibilities, personnel, or resources from selected parts of the government to the military or vice versa. n101 Many executive orders have also guided the management of public lands, such as orders creating, expanding, or decommissioning military installations, and creating reservations for sovereign Native American communities. n102 [\*347] Executive orders serve to implement both regulations and congressional regulatory programs. n103 Regulatory orders may target specific businesses and people, or may be designed for general applicability. n104 Many executive orders have constituted "delegations of authority originally conferred on the president by statute" and concerning specific agencies or executive-branch officers. n105 Congress may confer to the President, within the statutory language, broad delegatory authority to subordinate officials, while nevertheless expecting the President to "retain[] ultimate responsibility for the manner in which ." n106 "[I]t is common today for [the President] to cite this provision of law . . . as the authority to support an order." n107 Many presidents, especially after World War II, used executive orders-with or without congressional approval-to create new agencies, eliminate existing organizations, and reorganize others. n108 Orders in this category include President Kennedy's creation of the Peace Corps, n109 and President Nixon's establishment of the Cabinet Committee on Environmental Quality, the Council on Environmental Policy, and reorganization of the Office of the President. n110 At the core of this reorganization was the creation of the Office of Management and Budget. n111 President Clinton continued the practice of creating agencies, including the National Economic Council, with the issuance of his second executive order. n112 President Clinton also used an executive order "to cut one hundred thousand positions from the federal service" a decision which would have merited no congressional review, despite its impact. n113 President George W. Bush created the Office of Homeland Security as his key organizational reaction to the terrorist attacks of September 11, 2001, despite the fact that [\*348] Congress at the time appeared willing to enact whatever legislation he sought. n114 President Obama created several positions of Special Advisor to the President on specific issues of concern, for which there is often already a cabinet or agency position. n115 Other executive orders have served "to alter pay grades, address regulation of the behavior of civil servants, outline disciplinary actions for conduct on and off the job, and establish days off, as in the closing of federal offices." n116 Executive orders have often served "to exempt named individuals from mandatory retirement, to create individual exceptions to policies governing pay grades and classifications, and to provide for temporary reassignment of personnel in times of war or national emergency." n117 Orders can authorize "exceptions from normal operations" or announce temporary or permanent appointments. n118 Many orders have also addressed the management of public lands, although the affected lands are frequently parts of military reservations. n119 The fact that an executive order has the effect of a statute makes it a law of the land in the same manner as congressional legislation or a judicial decision. n120 In fact, an executive order that establishes the precise rules and regulations for governing the execution of a federal statute has the same effect as if those details had formed a part of the original act itself. n121 However, if there is no constitutional or congressional authorization, an executive order may have no legal effect. n122 Importantly, executive orders designed to carry a statute into effect are invalid if they are inconsistent [\*349] with the statute itself, for any other construction would permit the executive branch to overturn congressional legislation capriciously. n123 The application of this rule allows the President to create an order under the presumption that it is within the power of the executive branch to do so. Indeed, a contestant carries the burden of proving that an executive action exceeds the President's authority. n124 That is, as a practical matter, the burden of persuasion with respect to an executive order's invalidity is firmly upon anyone who tries to question it. n125 The President thus has great discretion in issuing regulations. n126 An executive order, with proper congressional authorization enjoys a strong presumption of validity, and the judiciary is likely to interpret it broadly. n127 If Congress appropriates funds for a President to carry out a directive, this constitutes congressional ratification thereof. n128 Alternatively, Congress may simply refer to a presidential directive in later legislation and thereby retroactively shield it from any future challenge. n1

#### Obama’s war powers maintain his presidential power

Rozell 12

[Mark Rozell is Professor of Public Policy, George Mason University, and is the author of Executive Privilege: Presidential Power, Secrecy and Accountability, From Idealism to Power: The Presidency in the Age of Obama, 2012,, <http://www.libertylawsite.org/book-review/from-idealism-to-power-the-presidency-in-the-age-of-obama/>]

And yet, as Jack Goldsmith accurately details in his latest book, President Barack Obama not only has not altered the course of controversial Bush-era practices, he has continued and expanded upon many of them. On initiating war, as a candidate for the presidency in 2007, Obama said that “the president doesn’t have the power under the Constitution to unilaterally authorize a military attack,” yet that is exactly what he did in exercising the war power in Libya. He has also said that he will exercise the power to act on his own to initiate military action in Syria if it’s leader ever crosses the “red line” (i.e., use of chemical weapons). He has issued a number of signing statements that directly violate congressional intent. He has vastly expanded, far beyond Bush’s actions, the use of unconfirmed and unaccountable executive branch czars to coordinate policies and to make regulatory and spending decisions. The president has made expanded use of executive privilege in circumstances where there is no legal merit to making such a claim and he has abused the principle of the state secrets privilege. His use of the recess appointment power on many occasions has been nothing more than a blatant effort to make an end-run around the Senate confirmation process. He has continued, and expanded upon, the practice of militarily detaining persons without trial or pressing charges (on the condition that the detention is not “indefinite”). In a complete reversal of his past campaign rhetoric, the president on a number of occasions has declared his intention to act unilaterally on a variety of fronts, and to avoid having to go to Congress whenever he can do so. There are varied explanations for the president’s total reversals. The hard-core cynics of course simply resort to the “they all lie” explanation. Politicians of all stripes say things to get elected but don’t mean much of it. Recently I saw a political bumper sticker announcing “BUSH 2.0” with a picture of Obama. Many who enthusiastically supported Obama are profoundly disappointed with his full-on embrace of Bush-like unilateralism and this administration’s continuation of many of his predecessor’s policies. Goldsmith, a law professor who led the Department of Justice’s (DOJ) Office of Legal Counsel from October 2003 to June 2004, during George W. Bush’s first term, says that there were powerful forces at work in the U.S. governmental system that ensured that the president would continue many of the policies and practices of his predecessor. The president reads the daily terrorism threat reports, which has forced him to understand that things really do look differently from the inside. From this standpoint, Obama likely determined that many of Bush’s policies actually were correct and needed to be continued. “The personal responsibility of the president for national security, combined with the continuing reality of a frightening and difficult-to-detect threat, unsurprisingly led Obama, like Bush, to use the full arsenal of presidential tools,” writes Goldsmith. He further argues that Obama lacked leeway to change course in part because many of Bush’s policies “were irreversibly woven into the fabric of the national security architecture.” For example, former president Bush’s decision to use the Guantanamo detention facility created an issue for Obama that he otherwise never would have confronted. And the use of coercion on suspects made it too complicated to then employ civilian courts to try them. In perhaps the most telling example of the limits of effecting change, Obama could not end what Bush had started, even though the president issued an executive order (never carried out) to close the detention center. Here Goldsmith somewhat overstates his case. Obama was not necessarily consigned to following Bush’s policies and practices, although undoubtedly his options may have been constrained by past decisions. But consider the decision whether the government should have investigated and then taken action against illegal and unconstitutional acts by officials in the Bush Administration, particularly in the DOJ, NSA, and CIA. President Obama said it was time to look forward, not backward, thus sweeping all under the rug. Nothing “irreversibly woven” there, but rather the new president made a choice that he absolutely did not have to make. Finally, Goldsmith adds that Obama, like most of his predecessors, assumed the executive branch’s institutional perspective once he became president. If it is true about Washington that where you stand on executive powers depends on where you sit, then should it be any surprise that President Obama’s understanding differs fundamentally from Senator Obama’s? Honestly, I find that quite sad. Do the Constitution and principles of separation of powers and checks & balances mean so little that we excuse such a fundamental shift in thinking as entirely justified by switching offices? Goldsmith’s analysis becomes especially controversial when he turns to his argument that, contrary to the critiques of presidential power run amok, the contemporary chief executive is more hampered in his ability to act in the national interest than ever before. In 2002, Vice President Richard Cheney expressed the view that in his more than three decades of service in both the executive and legislative branches, he had witnessed a withering of presidential powers and prerogatives at the hands of an overly intrusive and aggressive Congress. At a time when most observers had declared a continuing shift toward presidential unilateralism and legislative fecklessness, Cheney said that something quite opposite had been taking place. Goldsmith is far more in the Cheney camp on this issue than of the critics of modern exercises of presidential powers. Goldsmith goes beyond the usual emphasis on formal institutional constraints on presidential powers to claim that a variety of additional forces also are weighing down and hampering the ability of the chief executive to act. As he explains, “the other two branches of government, aided by the press and civil society, pushed back against the Chief Executive like never before in our nation’s history”. Defenders of former president Bush decry what they now perceive as a double standard: critics who lambasted his over expansive exercises of powers don’t seem so critical of President Obama doing the same. Goldsmith makes the persuasive case that in part the answer is that Bush was rarely mindful of the need to explain his actions as necessities rather than allow critics to fuel suspicions that he acted opportunistically in crisis situations to aggrandize power, whereas Obama has given similar actions a “prettier wrapping”. Further, Obama, to be fair, on several fronts early in his first term “developed a reputation for restraint and commitment to the rule of law”, thus giving him some political leeway later on. A substantial portion of Goldsmith’s book presents in detail his case that various forces outside of government, and some within, are responsible for hamstringing the president in unprecedented fashion: Aggressive, often intrusive, journalism, that at times endangers national security; human rights and other advocacy groups, some domestic and other cross-national, teamed with big resources and talented, aggressive lawyers, using every legal category and technicality possible to complicate executive action; courts thrust into the mix, having to decide critical national security law controversies, even when the judges themselves have little direct knowledge or expertise on the topics brought before them; attorneys within the executive branch itself advising against actions based on often narrow legal interpretations and with little understanding of the broader implications of tying down the president with legalisms. Just as he describes how a seemingly once idealistic candidate for president as Barack Obama could see things differently from inside government, so too was Goldsmith at one time on the inside, and thus perhaps it is no surprise that he would perceive more strongly than other academic observers the forces that he believes are constantly hamstringing the executive. But he is no apologist for unfettered executive power and he takes to task those in the Bush years who boldly extolled theories of the unitary executive and thereby gave credibility to critics of the former president who said that his objective was not merely to protect the country from attack, but to empower himself and the executive branch. Goldsmith praises institutional and outside-of-government constraints on the executive as necessary and beneficial to the Republic. In the end, he sees the balance shifting in a different direction than many leading scholars of separation of powers. And unlike a good many presidency scholars and observers, he is not a cheerleader for a vastly powerful chief executive. Goldsmith’s work too is one of careful and fair-minded research and analysis. He gives substantial due to those who present a counter-view to his own, and who devote their skills and resources to battling what they perceive as abuses of executive power. Whereas they see dangers to an unfettered executive, Goldsmith wants us to feel safe that there are procedural safeguards against presidential overreaching, although he also wants us to be uncomfortable with what he believes now are intrusive constraints on the chief executive’s ability to protect the country. Goldsmith may be correct that there are more actors than ever involved in trying to trip up the president’s plans, but that does not mean that our chief executives are losing power and control due to these forces. Whether it is war and anti-terrorism powers, czars, recess appointments, state secrets privilege, executive privilege, signing statements, or any of a number of other vehicles of presidential power, our chief executives are using more and more means of overriding institutional and external checks on their powers. And by any measure, they are succeeding much more than the countervailing forces are limiting them.

#### Congressional statutes restricting executive war powers destroy broader presidential powers

Freeman 7 -- JD @ Yale Law School (Daniel J., 11/1/2007, "The Canons of War," Yale Law Journal 117(280), EBSCO)

Outside the confines of partisan absolutism, determining the scope of executive war power is a delicate balancing act. Contrasting constitutional prerogatives must be evaluated while integrating framework statutes, executive orders, and quasi-constitutional custom. The Supreme Court’s preferred abacus is the elegant three-part framework described by Justice Jackson in his concurrence to Youngstown Sheet & Tube Co. v. Sawyer.9 When the President and Congress act in concert, the action harnesses the power of both branches and is unlikely to violate the principle of separation of powers. When Congress has failed either to authorize or to deny authority, the action lurks in a “zone of twilight” of questionable power. When the President and Congress act in opposition, the President’s power is “at its lowest ebb,” and the action raises conspicuous concerns over the separation of powers.10 Therein lies the rub. Justice Jackson wrote soon after the tremendous growth of the executive during the New Deal and World War II, but the scope of legislation expanded dramatically in subsequent decades. Congress waged a counteroffensive in the campaign over interbranch supremacy by legislating extensively in the fields of foreign relations and war powers. Particularly in the post-Watergate era, Congress filled nearly every shadowy corner of the zone of twilight with its own imprimatur.11 That is not to say that Congress placed a relentless series of checks on the executive. Rather, Congress strove to establish ground rules, providing a limiting framework such as the War Powers Resolution12 for each effusive authorization like the Patriot Act.13 This leaves Jackson’s second category essentially a dead letter.14 The most sensitive questions concerning the effective distribution of governmental powers and the range of permissible executive action are therefore problems of statutory interpretation. The question becomes more complicated still when successive Congresses act in apparent opposition. While recent executives have consistently pushed to expand their authority,15 shifting patterns of political allegiance between Congress and the President yield a hodgepodge of mandates and restraints.16 Whether an action falls into Jackson’s first or third category requires one to parse the complete legislative scheme. This question is most pointed in connection with the execution of authorized war powers. Presidential power in this area is simultaneously subject to enormously broad delegations and exacting statutory limitations, torn between clashing constitutional values regarding the proper balance between branches. On one side lie authorizations for the use of military force (AUMFs), statutes empowering the President to “introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated.”17 On the other side lie framework statutes, enactments defining the mechanisms and boundaries of the execution of those war powers. Nevertheless, when faced with a conflict between an authorization for the use of military force and a preexisting framework, the Supreme Court must determine the net authorization, synthesizing those statutes while effectuating the underlying constitutional, structural, and historical concerns.

#### Multiple scenario for nuclear war

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[John, Law Professor at University of California, Berkeley and Visiting Scholar at the American Enterprise Institute Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration, Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration, Energy in the Executive: Re-examining Presidential Power in the Midst of the War on Terrorism, 8/24/06, <http://www.heritage.org/research/reports/2006/04/energy-in-the-executive-reexamining-presidential-power-in-the-midst-of-the-war-on-terrorism>]

Aside from bitter controversy over Vietnam, there appeared to be significant bipartisan consensus on the overall strategy of containment, as well as the overarching goal of defeating the Soviet Union. We did not win the four-decade Cold War by declarations of war. Rather, we prevailed through the steady presidential application of the strategy of containment, supported by congressional funding of the necessary military forces. On the other hand, congressional action has led to undesirable outcomes. Congress led us into two "bad" wars, the 1798 quasi-war with France and the War of 1812. Excessive congressional control can also prevent the U.S. from entering conflicts that are in the national interest. Most would agree that congressional isolationism before World War II harmed U.S. interests and that the United States and the world would have been far better off if President Franklin Roosevelt could have brought us into the conflict much earlier. Congressional participation does not automatically, or even consistently, produce desirable results in war decision-making. Critics of presidential war powers exaggerate the benefits of declarations or authorizations of war. What also often goes unexamined are the potential costs of congressional participation: delay, inflexibility, and lack of secrecy. Legislative deliberation may breed consensus in the best of cases, but it also may inhibit speed and decisiveness. In the post-Cold War era, the United States is confronting several major new threats to national security: the proliferation of WMD, the emergence of rogue nations, and the rise of international terrorism. Each of these threats may require pre-emptive action best undertaken by the President and approved by Congress only afterwards. Take the threat posed by the al-Qaeda terrorist organization. Terrorist attacks are more difficult to detect and prevent than those posed by conventional armed forces. Terrorists blend into civilian populations and use the channels of open societies to transport personnel, material, and money. Despite the fact that terrorists generally have no territory or regular armed forces from which to detect signs of an impending attack, weapons of mass destruction allow them to inflict devastation that once could have been achievable only by a nation-state. To defend itself from this threat, the United States may have to use force earlier and more often than was the norm during the time when nation-states generated the primary threats to American national security. In order to forestall a WMD attack, or to take advantage of a window of opportunity to strike at a terrorist cell, the executive branch needs flexibility to act quickly, possibly in situations where congressional consent cannot be obtained in time to act on the intelligence. By acting earlier, perhaps before WMD components have been fully assembled or before an al-Qaeda operative has left for the United States, the executive branch might also be able to engage in a more limited, more precisely targeted, use of force. Similarly, the least dangerous way to prevent rogue nations from acquiring weapons of mass destruction may depend on secret intelligence gathering and covert action rather than open military intervention. Delay for a congressional debate could render useless any time-critical intelligence or windows of opportunity.

### PTX

#### Congress likely to pass a CR and avoid shutdown now - Boehner's tactics are merely to placate conservatives down the road

Yglesias 9/18/13 (Matthew, business/economics correspondent @ Slate, "The Odds of a Government Shutdown Are Falling, Not Rising," http://www.slate.com/blogs/moneybox/2013/09/18/government\_shutdown\_odds\_falling\_not\_rising.html)

But read on to the second graf of the piece and you'll see that the odds are not rising at all. What's happening is that John Boehner is preparing to pass an appropriations bill that also defunds Obamacare that he knows perfectly well stands no chance of passing, and he's hoping that doing this will placate the right wing of the his caucus for when he surrenders.¶ Here they explain:¶ House leaders are hoping the vote on the defunding measure will placate conservatives once the Democratically controlled Senate rejects it. The House, they are betting, would then pass a stopgap spending measure unencumbered by such policy baggage and shift the argument to the debt ceiling, which must be raised by mid-October if the government is to avoid an economically debilitating default.¶ The key thing to remember here is that the House, as a discretionary decision, operates by the "Hastert Rule" in which only bills that are supported by a majority of GOP members can be brought to the floor for a vote. There is no Hastert-compliant appropriations bill that can pass the Senate. But there very likely is majority support in the House for the kind of "clean" funding bill that can also pass the Senate. All that has to happen is for John Boehner to violate the Hastert Rule. And the Hastert Rule isn't actually a rule, it's something Boehner has put aside many times. But it's also a rule he can't flagrantly ignore, lest his caucus get too grumpy and depose him. The operating theory here is that if Boehner has the whole House GOP indulge the maximalist faction by all passing a defunding bill, that creates enough room to move to later violate the Hastert Rule and pass a continuing resolution.¶ If anything is happening to the odds of a shutdown, in other words, they're falling, not rising.

#### Drone court sparks political battles and draws in Obama – fight congressional restrictions

Hosenball 13 (Mark, “Support grows for U.S. "drone court" to review lethal strikes”, 2/8, http://www.reuters.com/article/2013/02/09/us-usa-drones-idUSBRE91800B20130209)

During a fresh round of debate this week over President Barack Obama's claim that he can unilaterally order lethal strikes by unmanned aircraft against U.S. citizens, some lawmakers proposed a middle ground: a special federal "drone court" that would approve suspected militants for targeting. While the idea of a judicial review of such operations may be gaining political currency, multiple U.S. officials said on Friday that imminent action by the U.S. Congress or the White House to create one is unlikely. The idea is being actively considered, however, according to a White House official. At Thursday's confirmation hearing for CIA director nominee John Brennan, senators discussed establishing a secret court or tribunal to rule on the validity of cases that U.S. intelligence agencies draw up for killing suspected militants using drones. The court could be modeled on an existing court which examines applications for electronic eavesdropping on suspected spies or terrorists. Senator Dianne Feinstein, Democratic chairwoman of the Senate Intelligence Committee, said Thursday that she planned to "review proposals for ... legislation to ensure that drone strikes are carried out in a manner consistent with our values, and the proposal to create an analogue of the Foreign Intelligence Surveillance Court to review the conduct of such strikes." Senator Angus King, a Maine independent, said during the hearing that he envisioned a scenario in which executive branch officials would go before a drone court "in a confidential and top-secret way, make the case that this American citizen is an enemy combatant, and at least that would be ... some check on the activities of the executive." King suggested that only drone attacks on U.S. citizens would need court approval; other proposals leave open the possibility that such a court could also rule regarding drone strikes on non-Americans. On Friday, a White House official indicated the administration was open to the idea. Without specifically mentioning drones, the official said "the White House has been discussing various ways there could be independent review of counterterrorism actions for more than a year." Even if a special court were established, however, congressional and administration officials said it would not happen quickly. Congressional aides said discussions are at a preliminary stage, with officials also reviewing proposals that law professors have floated in academic articles. On Friday, King sent a letter to Feinstein and Republican Saxby Chambliss, intelligence committee vice-chairman, asking them to work with him on legislation to create a court which could provide judicial review of proposals to target a drone attack against a U.S. citizen alleged to be a "senior operational leader of Al Qaeda." In the past, Obama administration officials have expressed a lack of interest when the idea of creating a court to vet drone targets was brought up, one congressional official said. The administration also has fought lawsuits filed by relatives of Anwar al-Awlaki, the American-born al Qaeda operative who was killed in a U.S. drone attack in Yemen in 2011.

#### Capital key

Dumain 9/18/13 (Emma, Roll Call, "Will House Democrats Balk at Sequester-Level CR?," http://blogs.rollcall.com/218/will-house-democrats-balk-at-sequester-level-cr/)

What would be helpful for the duration of the political battle over the CR between now and the end of the month, however, is if Obama more frequently took to the “bully pulpit” to blast Republicans and bolster Democrats, the aide said.¶ “The more the better,” he said.

#### Shutdown wrecks the economy

Wu 8/27/13 (Yi, “Government Shutdown 2013: Still a Terrible Idea,” PolicyMic, <http://www.policymic.com/articles/60837/government-shutdown-2013-still-a-terrible-idea>)

Around a third of House Republicans, many Tea Party-backed, sent a letter last week calling on Speaker John Boehner to reject any spending bills that include implementation of the Affordable Care Act, otherwise known as Obamacare. Some Senate Republicans echo their House colleagues in pondering this extreme tactic, which is nothing other than a threat of government shutdown as neither congressional Democrats nor President Obama would ever agree on a budget that abolishes the new health care law. Unleashing this threat would amount to holding a large number of of the federal government's functions, including processing Social Security checks and running the Centers for Disease Control, hostage in order to score partisan points. It would be an irresponsible move inflicting enormous damage to the U.S. economy while providing no benefit whatsoever for the country, and Boehner is rightly disinclined to pursue it. Government shutdowns are deleterious to the economy. Two years ago in February 2011, a similar government shutdown was looming due to a budget impasse, and a research firm estimated that quater's GDP growth would be reduced by 0.2 percentage points if the shutdown lasted a week. After the budget is restored from the hypothetical shutdown, growth would only be "partially recouped," and a longer shutdown would result in deeper slowdowns. Further, the uncertainties resulting from a shutdown would also discourage business. A shutdown was avoided last-minute that year, unlike in 1995 during the Clinton administration where it actually took place for four weeks and resulted in a 0.5 percentage-point dent in GDP growth. Billions of dollars were cut from the budget, but neither Boehner nor the Republicans at the time were reckless enough to demand cancellation of the entire health care reform enacted a year before.

#### Global nuclear war

Harris & Burrows 9 (Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### Case

#### Af-Pak drone strikes decreasing now – no high value targets left, public pressure is causing caution

Farshori 8/27/13 (Kokab, Voice of America News, "Are US Drone Strikes in Pakistan Winding Down?," http://www.voanews.com/content/drone-strikes/1737799.html)

WASHINGTON — For more than a decade, the United States has been using unmanned drones to strike at al-Qaida and Taliban militants in western parts of Pakistan that border on Afghanistan. The drone strikes, begun under President George W. Bush, dramatically increased after President Obama took office.¶ ¶ But now, more than four years later, the number of drone strikes is way down. ¶ ¶ According to the New America Foundation, which tracks the strikes, there have only been 17 drone strikes this year so far. In the first eight months of last year, there were 36 strikes, while the number of drone strikes in the first eight months of 2011 and 2010 there were 56 and 57 respectively. ¶ ¶ Under the Bush administration, there were 46 strikes in Pakistan from 2004 to 2008. The total number of strikes carried out by the Obama administration from 2009 to 2012 was 297. ¶ ¶ Experts in Washington offer a variety of reasons for the shrinking number of drone strikes in recent months. Stephen Tankel, a counter-terrorism expert and an assistant professor at American University in Washington D.C., says one of the reasons is that there aren’t many high-value targets left to be hit in the Pakistan and Afghanistan region. ¶ ¶ Tankel also says the pressure from Pakistan and international human rights organizations may be at play as well. ¶ ¶ “I think there is certainly pressure from Pakistan, from human rights organizations, and quite frankly from elements within the U.S. that the drone strikes should be reduced, if not ended entirely,” he said.

#### Drones are necessary to combat militant groups in Pakistan – key to structural stability

Raja 11 (Raza Habib, Economist at a leading development finance institution, Huff Post, "The Case for Drones," <http://www.huffingtonpost.com/raza-habib-raja/the-case-for-drones_b_897428.html>)

Is the sovereignty really violated? The answer is a tricky one because in purely theoretical terms perhaps it is. But realistically it is not violated because the areas where drones are aimed do not have the effective writ of the Pakistani state. In real terms sovereignty is not there in the first place because if it was there those areas would not have become open sanctuaries for the militants. Sovereignty is underpinned by state's monopoly over physical violence and virtual absence of state in a state syndrome. And those areas depict failure when measured against these yardsticks.¶ Over the years the Pakistani establishment and a series of governments have literally watched helplessly as militants use those safe sanctuaries to promote terrorism in the mainland. If anything, the actual violation of sovereignty is being carried out by the militants rather than the drones which are aimed at eliminating them! Realistically speaking drones are helping the Pakistani state to establish sovereignty. Of course due to the widespread anti-American sentiments, which are continuously whipped up by the mainstream media, it is impossible for a large number of urban middle class to understand it. Over the years, the urban population has developed a knee jerk reaction where anything connected with the US always ends up provoking hyper emotions which in turn makes it impossible to have rational deliberation.

**Drones not key to Pakistan stability- multiple alt causes**

Javaid 11 (Umbreen, Director Center of Asian Studies & Chairperson Department of political science University of Punjab, “Thriving Fundamentalism and Militancy in Pakistan An Analytical Overview of their Impact on the Society,” South Asian Studies, Vol. 26 No. 1. Pg. 16-17)

 ‘The recent increase of violence by jihadi groups, including suicide bombing of ¶ innocent bystanders as well attacks on the police and military, has perhaps brought ¶ more Pakistanis to consider how to strike a new balance between Islam and ¶ politics’ (Oldenburg, 2010: 158). ‘The Pakistani people also need to change their ¶ attitude, especially their outlook on religion. Suffered with anti-Americanism and ¶ religious fervor, Pakistanis are filtering their worldview through the prism of ¶ religion and the tensions between Islam and the West, making them to the radical ¶ propaganda and paralyzing their will to act against forces of extremism’ (Hussain, ¶ 2009: 11). mbreen Javaid Thriving Fundamentalism and ¶ 17¶ It is not only the task of the government to control this growing ¶ fundamentalism but the whole society needs to completely shun off these ¶ extremists. The political parties, intellectuals, sectarian and religious parties and ¶ the masses all have to openly condemn the extremists, so that they do not find any ¶ space to flourish. ‘Much still needs to be done on the home front curb religious ¶ zealotry and sectarianism, policies towards minorities, revision of school curricula, ¶ reconstructing ‘official’ history, promotion of universal education, and ¶ overhauling of the madrassah system’ (Niaz, 2011: 181). The best way to curtail the thriving fundamentalism in Pakistan is to look ¶ deeply into its causes. The whole society and especially the government needs to ¶ put in serious efforts in controlling on checking the causes if not diminishing ¶ them. It should also be understand that the issue of fundamentalism is very ¶ complex which entails number of factors which are playing their part. These ¶ include economic disparity, lack of education, religious ignorance, unemployment, ¶ extremism, judicial system, poor governance, ethnicity and sectarianism, ¶ corruption and alignment with United States, each of these have played their role ¶ separately and also a combined mix of all in flourishing militant fundamentalism ¶ in Pakistan. To control fundamentalism is not an easy task especially when it is ¶ now combined with militancy. Another major challenge for the government is that ¶ earlier the various militant extremist groups were operating separately and had ¶ divergent aims and objectives from each other but lately various local groups, AlQaeda and Taliban have all joined hands and helping each other irrespective of ¶ their particular objectives. These alignments have made these militant groups more ¶ lethal, thus making things more difficult for the government. ¶ Militant fundamentalism not only has the ability to destabilize Pakistan but it ¶ can, if not controlled, bring about serious security concerns for the region and also ¶ towards the global security and peace.

#### New technology makes drone proliferation by state and non-state actors inevitable

Wood 12 (David, American Drones Ignite New Arms Race From Gaza To Iran To China, Huffington Post, 27 November 2012, http://www.huffingtonpost.com/2012/11/27/american-drones\_n\_2199193.html)

Obama administration officials have said they are weighing various options to codify the use of armed U.S. drones, because the increased use of drones has been driven more by perceived necessity than by deliberative policy. But that effort is complicated by the wildfire spread of drone technology: how could the U.S. restrict its use of armed drones if others do not?¶ Already, the Pentagon is worried that China not only is engaged in an "alarming" effort to develop and field high-tech drones, but it intends to sell drone technology abroad, according to the Pentagon report.¶ Indeed, the momentum of the drone wars seems irresistible. "The increasing worldwide focus on unmanned systems highlights how U.S. military success has changed global strategic thinking and spurred a race for unmanned aircraft," the Pentagon study reported.¶ Modern drones were first perfected by Israel, but the U.S. Air Force took the first steps in 2001 to mount sophisticated drones with precision weapons. Today the U.S. fields some 8,000 drones and plans to invest $36.9 billion to boost its fleet by 35 percent over the next eight years.¶ Current research on next-generation drones seems certain to exacerbate the drone arms race. The U.S. and other countries are developing "nano" drones, tiny weapons designed to attack in swarms. Both the U.S. and China are working to incorporate "stealth" technology into micro drones. The Pentagon is fielding a new weapon called the Switchblade, a 5.5-pound precision-attack drone that can be carried and fired by one person -- a capability sure to be envied by terrorists.¶ "This is a robotics revolution, but it's not just an American revolution -- everyone's involved, from Hezbollah to paparazzi," Singer, the Brookings Institution expert, told The Huffington Post. "This is a revolution in which billions and trillions of dollars will be made. To stop it you'd have to first stop science, and then business, and then war."

#### Low cost makes drone prolif inevitable - US policy not key

Lewis 12 (Michael, Associate Professor of Law at Ohio Northern University, "SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield," Spring, 47 Tex. Int'l L.J. 293, lexis)

The driving force behind the western militaries' development of drone technology was to minimize the number of human lives placed at risk to collect intelligence and to deliver small amounts of ordnance with some degree of precision. However, it is the relatively low cost of drones compared to that of modern combat aircraft that will drive the proliferation of drones over the next decade. More basic drones cost less than 1/20th as much as the latest combat aircraft and even the more advanced drones that feature jet propulsion and employ some stealth technology are less than 1/10th the cost. n13 With defense budgets around the world under increasing pressure, drones will be seen as an attractive alternative to manned aircraft for certain types of missions.

### Drones Solve AQAP – 1nc

#### Drones solve Yemeni terrorism – response is proportionate and effective

Shekell 11 (Brian, JD Candidate @ Wayne State, "THE LEGALITY OF THE UNITED STATES' USE OF TARGETED KILLINGS IN THE WAR AGAINST TERROR," 57 Wayne L. Rev. 313, lexis)

U.S. use of targeted killings against many of the suspected terrorists in Yemen and similar states would meet the necessity requirement under this two-part test. Yemen is a failing state and its government has demonstrated that it is unable secure its entire territory. n50 Therefore, the Yemeni government's ability to capture, imprison and try terrorists located within its borders is highly suspect. Additional attempts by the U.S. government to help Yemen capture these terrorists have also proven ineffective. n51 Remote, targeted killings are therefore the most effective and logical means of protecting the "threatened person." Critics might argue that the targeted killings will be ineffective, as new terror leaders emerge after the capture or killing of another. However, this must not deter the U.S. in its mission to eliminate current and real threats to its security.¶ Next, it is necessary to determine the proportionality of the response to the threat. It is true that the Israeli experiences with targeted killings have resulted in the loss of innocent civilian lives. n52 However, Yemen may give the U.S. an opportunity to produce a proportional response with a minimized risk of civilian death. Most terror suspects are located [\*320] in desolate and uninhabited regions in Yemen. n53 Unlike the often crowded areas of the West Bank, Yemen allows for a greater opportunity to conduct targeted killings without the presence of civilians. Also, for targeted killing to be proportional, Predator drones or covert military operations must employ small and tactical activities to minimize risk to those civilians.

#### Direct counter-terror through drone strikes key to long term strategy – empirics prove

**Cilluffo & Watts 2011 [**Frank, previously served as Special Assistant to the President for Homeland Security and is currently Associate Vice President at The George Washington University and Director of the GW Homeland Security Policy Institute; Senior Fellow at the Homeland Security Policy Institute; “COUNTERING THE THREAT POSED BY AQAP: EMBRACE, DON’T CHASE YEMEN’S CHAOS,” Adfero Group – George Washington University Homeland Security Institute, July 14th, 2011, <http://securitydebrief.com/2011/07/14/countering-the-threat-posed-by-aqap-embrace-don%E2%80%99t-chase-yemen%E2%80%99s-chaos/>]

Johnsen: “I think this is what happens when smart people tackle a complex problem in an environment they don’t know particularly well.”¶ While we respect Johnsen’s knowledge of Yemen, we likewise believe his criticisms reflect what happens when smart regional experts encounter a complex enemy they don’t know particularly well.¶ Ten years of American counterterrorism efforts demonstrate that the best way to defeat al Qaeda is to go directly after al Qaeda. Bin Laden’s personal notes articulate that building schools in Afghanistan didn’t slow down al Qaeda but drone strikes halted many of their operations. Johnsen’s title “The Allure of Simple Solutions” suggests the only way to deter AQAP in the near term is via a complex solution instituted through a failed Saleh regime or its successor. Pursuing such a solution will fail to stop AQAP’s immediate threat to the United States and is not feasible in light of the current situation in Yemen.¶ As we noted in our original article, we believe our recommendation is neither comprehensive nor simple, but instead the best option for achieving immediate U.S. national security interests with regards to AQAP. If we’ve learned anything from the past ten years, it is ‘yes’ sometimes simple (as distinguished from simplistic) strategies with clear goals and objectives work far better in achieving our near term interests than costly, complex strategies spread across convoluted bureaucracies. Increased use of drone and SOF forces, when executed as designed, can help eliminate the immediate threat of AQAP and improve U.S. options for pursuing a long-run Yemen strategy less encumbered by counterterrorism concerns.¶ We respect Johnsen’s opinions and rely on his analysis of Yemen to improve our perspective. However, we have yet to see any other feasible near or long-term U.S. strategy for mitigating the threat of AQAP. We welcome any feasible alternative solution put forth. However, until that time, the U.S. must protect its citizens and interests. The AQAP threat remains acute and inaction is not an option.¶ We thank Gregory Johnsen for his thoughtful analysis and look forward to his policy recommendations with regards to Yemen. We’ll quickly respond to each of his individual points below with short rebuttals.

#### Alternative causalities to AQAP – poverty, instability, power vacuum

**TheWeek 8/7/13** [The Week Magazine, “Yemen terror threat – why the West is so worried by AQAP,” The Week Magazine with the First Post, <http://www.theweek.co.uk/world-news/54494/yemen-terror-threat-al-qaeda-aqap-west-worried>]

Yemen is poor and unstable: The country was only formed in 1990 when the independent north and south were united, but it remains deeply tribal and civil war broke out in 2004. It is also one of the least developed countries in the Arab world and has very small oil reserves. "After years of civil war, Yemen's central government under President Abd Rabbuh Mansour al-Hadi has little control over much of the country," notes the Daily Telegraph.

The Arab spring made things worse: Yemeni president Ali Abdullah Saleh, who had ruled the country since unification, was one of the leaders to be overthrown in 2011. Although his regime was unpopular and corrupt, his overthrow created a power vaccuum that helped radicals establish themselves in the country. Geopolitical Monitor reports that "as the Arab Spring intensified in Yemen... al-Qaeda significantly expanded its operations, particularly against the Yemeni armed forces".

### Pak

#### Af-Pak drone strikes decreasing now – no high value targets left, public pressure is causing caution

Farshori 8/27/13 (Kokab, Voice of America News, "Are US Drone Strikes in Pakistan Winding Down?," http://www.voanews.com/content/drone-strikes/1737799.html)

WASHINGTON — For more than a decade, the United States has been using unmanned drones to strike at al-Qaida and Taliban militants in western parts of Pakistan that border on Afghanistan. The drone strikes, begun under President George W. Bush, dramatically increased after President Obama took office.¶ ¶ But now, more than four years later, the number of drone strikes is way down. ¶ ¶ According to the New America Foundation, which tracks the strikes, there have only been 17 drone strikes this year so far. In the first eight months of last year, there were 36 strikes, while the number of drone strikes in the first eight months of 2011 and 2010 there were 56 and 57 respectively. ¶ ¶ Under the Bush administration, there were 46 strikes in Pakistan from 2004 to 2008. The total number of strikes carried out by the Obama administration from 2009 to 2012 was 297. ¶ ¶ Experts in Washington offer a variety of reasons for the shrinking number of drone strikes in recent months. Stephen Tankel, a counter-terrorism expert and an assistant professor at American University in Washington D.C., says one of the reasons is that there aren’t many high-value targets left to be hit in the Pakistan and Afghanistan region. ¶ ¶ Tankel also says the pressure from Pakistan and international human rights organizations may be at play as well. ¶ ¶ “I think there is certainly pressure from Pakistan, from human rights organizations, and quite frankly from elements within the U.S. that the drone strikes should be reduced, if not ended entirely,” he said.

#### Drones inevitable – global demand too strong

Mclean and Sussex 13 (Wayne McLean, PhD Researcher, Politics and International Relations Program at University of Tasmania and Matthew Sussex, Director, Politics and International Relations at University of Tasmania, May 28, 2013 “The debate over military technology: in defence of drones,” The Conversation, <http://theconversation.com/the-debate-over-military-technology-in-defence-of-drones-14627>)

Drones are therefore becoming a fact of warfare, and the US is not alone in integrating unmanned systems into its defence forces. China has an active drone program and recently considered using them in Myanmar to counter drug-trafficking. Indonesia’s drone program, underway since 2004, includes the “Wulung” drone that is primarily used for surveillance. But weaponising them is a relatively simple process.¶ For its part, Australia is actively embracing drones as vital tools on the modern battlefield. The recently released Defence White Paper tacitly calls for further integration of unmanned equipment into the force. Currently, the ADF uses leased Israeli Heron drones in Afghanistan, but lags behind many global and regional competitors. At the same time, Australia is likely to becoming increasingly linked to (and reliant on) the core US systems.¶ The answer, then, is not to fear drones irrationally. They are a reality, and will become more widespread in militaries worldwide. In fact, drones bring many benefits to the Australian Defence Force. They are cheap, for one thing: a Predator drone costs only A$4 million compared to A$67 million for an F/A-18 Super Hornet. They ameliorate many of the costs associated with maintaining large standing armies, or a large border protection service. They enable better integration with US forces, and the technology used to develop them often has highly marketable civilian applications.

#### Drone exports inevitable – only question of whether US makes enlightened use of its market share

**Carafano 13** [James Jay, vice president for foreign and defense policy studies at The Heritage Foundation, 3/25, “The Future of Drones,” http://nationalinterest.org/commentary/the-future-drones-8264]

5. To export or not to export—is that the question?

Yes—and the answer remains open. The United States has significant restrictions on the export of UAVs and related software, technology and services. At the same time, the global demand for these products is growing. If the United States does not start to grab market share, others will. And our competitors may not be nearly as conscientious as to whom they sell to and what oversight mechanisms will be put in place.

A sale of U.S. UAV systems to Italy has been on hold for months. If Washington can’t figure out how to sell drones to a long-standing NATO ally, that does not bode well for future economic growth through exports. It is a mystery how Washington can figure out how to export the F-35, the world’s most advanced fighter plane, but can’t work out a way to let U.S. companies compete for global drone business.

#### Drones are useless without the host country’s network

Zenko 13 [Micah, January, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations, “Reforming U.S. Drone Strike Policies,” Council of Foreign Relations, Council Special Report No. 65, Page 6-7]

Altogether, such advantages result in far less collateral damage from drones than other weapons platforms or special operations raids, according to U.S. military officials.8 However, drones suffer two limitations. First, the precision and discrimination of drones are only as good as the supporting intelligence, which is derived from multiple sources. In the tribal areas along the border of Afghanistan and Pakistan, for instance, the Central Intelligence Agency (CIA) reportedly maintains a paramilitary force of three thousand ethnic Pashtuns to capture, kill, and collect intelligence.9 The CIA and U.S. military also cooperate with their Pakistani counterparts to collect human and signals intelligence to identify and track suspected militants.10 In addition, the Pakistani army clears the airspace for U.S. drones, and when they inadvertently crash, Pakistani troops have repeatedly fought the Taliban to recover the wreckage.11 In states without a vast network of enabling intelligence, the CIA or Joint Special Operations Command (JSOC) have significantly less situational awareness and precise targeting information for drones.

#### US-led norms over weapons fail - nukes prove

Fisher 7 (Jason, Judicial Clerk to the Honorable James O. Browning, United States District Court for the District of New Mexico, "Targeted Killing, Norms, and International Law," 45 Colum. J. Transnat'l L. 711, lexis)

n164. Id. That is not to suggest, as realists would, that powerful States may simply impose their norms on others. Thomas, supra note 18, at 8. Prominence is necessary but not sufficient for a norm to succeed and power is an important aspect of norm prominence but it is not solely determinative of it. Florini, supra note 28, at 375. For example, consider the failure of the United States, acting as a norm entrepreneur, to "conventionalize" nuclear weapons and counter the beginnings of the nuclear taboo in the 1950s. Tannenwald, supra note 122, at 7, 23-26.

#### US drone policy doesn’t set a precedent – other countries don’t act based on our use

Boot 12 (Max, Senior Fellow for National Security Studies @ Council on Foreign Relations, "The Incoherence of a Drone-Strike Advocate," http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/)

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.¶ Boot started out with this observation:¶ I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.¶ That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?¶ As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:¶ You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

#### Other countries won’t model US legal standards or oversight

Saunders 13 (Paul J., executive director of the Center for the National Interest and associate publisher of The National Interest, 3/4, “We Won’t Always Drone Alone,” <http://nationalinterest.org/commentary/we-wont-always-drone-alone-8177?page=1>)

That said, the United States has well-established rules for the use of lethal force in war and in law enforcement operations. There are extensive rules governing surveillance, too. From this perspective, drones represent a new way of doing things that the executive branch has done for some time and do not pose a radical challenge to existing policies and procedures—except, perhaps, for strains imposed by the sheer number of strikes. Ultimately, however, America has had the drone debate before in various guises and will eventually find a way forward that satisfies legal and oversight concerns.¶ A broader and deeper challenge is how others—outside the United States—will use drones, whether armed or unarmed, and what lessons they will draw from Washington’s approach. Thus far, the principal lesson may well be that drones can be extremely effective in killing your opponents, wherever they are, without risking your own troops and without sending soldiers or law enforcement personnel across another country’s borders. It seems less likely that others will adopt U.S.-style legal standards and oversight procedures, or that they will always ask other governments before sending drones into their airspace.

#### China and Russia will inevitably use, no global support for norm creation, and Israel means targeted killing will continue

Fisher 7 (Jason, Judicial Clerk to the Honorable James O. Browning, United States District Court for the District of New Mexico, "Targeted Killing, Norms, and International Law," 45 Colum. J. Transnat'l L. 711, lexis)

The above discussion is not meant to suggest that the worldwide spread and acceptance of a targeted killing norm is preordained, rather only that it seems likely, at present, that the norm will achieve greater prominence. That prognosis could change, however, if a powerful State or group of States or collection of committed non-State actors with State support, or some combination thereof, acting as a norm entrepreneur, actively works to thwart the development of a norm permitting targeted killing for counter-terrorism purposes. n179 Several Arab and Middle Eastern States, the European Union, Russia, and others have made statements criticizing targeted killing after high-profile targeted killings have been carried out. n180 Yet none of them, it seems, has yet attempted to assume the position of norm entrepreneur and to engage in a sustained effort to end use of the tactic. Moreover, there is evidence that Russia and China, perhaps revealing their true preferences, have themselves employed targeted killing - Russia in its ongoing conflict with Chechen rebels and China in its hostilities with members of the East Turkistan Islamic Movement in Xinjiang province. n181 Currently, it does not appear that a norm entrepreneur with the status or relevance of the United States or Israel has emerged to challenge the targeted killing norm, something that would seem to be necessary if its present trajectory is to be altered.¶ A norm permitting the use of targeted killing for counter-terrorism purposes may be viewed as having already achieved a certain degree of prominence because of the status and visibility of the two States that are known to have adopted it: the United States and Israel. Furthermore, given the positioning of the United States and [\*742] Israel in the international system and the absence of a significant norm entrepreneur pushing in the opposite direction, it seems likely that, whether by emulation, restrained norm entrepreneurship, or both, a targeted killing norm will achieve even greater prominence.

## 2nc

#### Only the CP solves – the president will refuse the plan’s limitation

Siegel 97 (Jonathan R. – Associate Professor of Law, George Washington University Law School, “SUING THE PRESIDENT: NONSTATUTORY REVIEW REVISITED”, October, 97 Colum. L. Rev. 1612, lexis)

If an executive official refuses to obey a court's judgment, the court can order the official jailed for contempt. But who puts the official in jail? Not the judges personally. And the Marshals Service works for the President. n320 If the President really wanted to resist to the fullest a judgment against any federal official, he could order the marshals not to enforce any contempt judgment against that official. n321 The courts, therefore, are always dependent on the President for the enforcement of their judgments against executive officials. n322 The fact that a court's judgment will be unenforceable if the President chooses to [\*1688] defy it does not, however, prevent the court from issuing a judgment against any other executive official. A court's dependence on the President's willingness to enforce their judgments may be particularly poignant in a case against the President himself, but the situation is not, in reality, any different from the situation a court faces in any case against any executive official. The episode of President Lincoln's resistance to court decrees, often cited in support of the argument that courts cannot enjoin the President, n323 in fact illustrates very clearly why the identity of the defendant is irrelevant to the extent of a court's power. During the Civil War, Lincoln took it upon himself to suspend the writ of habeas corpus. Congress ratified his power to suspend the writ, but only after he had already been doing so for two years. n324 In Ex parte Merryman, n325 Chief Justice Taney, sitting as a circuit justice, issued a writ of habeas corpus with regard to a person being detained by military officers. The writ was ignored. The Chief Justice issued an order of attachment based on contempt, but that too was ignored, and, ultimately, the writ of habeas corpus went unenforced.

#### Executive orders regulate drone use

Ackerman and Hathaway 11 (Bruce – Sterling Professor of Law and Political Science, Yale Law School, and Oona – Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School, “LIMITED WAR AND THE CONSTITUTION: IRAQ AND THE CRISIS OF PRESIDENTIAL LEGALITY”, 2011, Michigan Law Review, 109 Mich. L. Rev. 447, lexis)

[Foot Notes]

n217. Of increasing importance - but not a focus of this Article - are questions about when the president must seek congressional authorization for limited military engagements and when he need not. The so-called "war on terror" and the growing use of covert military operations by the administration authorized under secret executive orders are of questionable constitutional legitimacy. The use of unmanned drones to drop munitions on suspected terrorists and their supporters in Yemen, for example, has not been publicly approved by Congress - rather it has likely been authorized by executive order. See Scott Shane et. al, Secret Assault on Terrorism Widens on Two Continents, N.Y. Times, Aug. 14, 2010, at A1.

#### Internal oversight solves and avoids the net-benefit

Crandall 12 (Carla – Law Clerk to the Honorable Laura Denvir Stith, Supreme Court of Missouri, “READY . . . FIRE . . . AIM! A CASE FOR APPLYING AMERICAN DUE PROCESS PRINCIPLES BEFORE ENGAGING IN DRONE STRIKES”, Florida Journal of International Law, April, 24 Fla. J. Int'l L. 55, lexis)

In suggesting the possibility of creating a pre-strike review tribunal, there are several threshold matters to be addressed. Most fundamentally, while it may indeed be unreasonable for a terrorist himself to appear before a tribunal to challenge his status as a legitimate drone target, it does not appear unreasonable to require the executive to develop internal procedures affording a limited parallel. For example, given that the individuals listed on the U.S. strike list are subject to unlimited military force, n178 the government arguably ought to be required to prove before a tribunal that listed persons are in fact legitimate drone targets. As with CSRTs, it appears to make imminent sense that pre-strike reviews be conducted entirely within the executive. While one "could envision a system where the judiciary would review the discretion of the attacker" n179 to launch a drone strike, such a scheme ignores the realities of the war on terror and the role of the executive in commanding wartime military operations. n180 It would not appear prudent, for example, to force the government to publicly disclose its methods and sources in submitting evidentiary proof against a particular suspect. Moreover, as noted above, the Boumediene Court arguably signaled support for an intra-executive review process related to drone targeting [\*87] methods. n181

#### Threat of publicity and backlash ensures internal compliance – solves signaling advantages

Radsan and Murphy 11 (Afsheen – Professor of Law, William Mitchell College of Law, former assistant general counsel at the Central Intelligence Agency, “MEASURE TWICE, SHOOT ONCE: HIGHER CARE FOR CIA-TARGETED KILLING”, 2011, 11 U. Ill. L. Rev. 1201, lexis)

Notwithstanding the agency's reputation for playing fast and loose with the law, CIA officials have strong reasons to ensure compliance with IHL. One reason is that someday the CIA's targeted killings by drone, like other embarrassing "family jewels," will become public. n156 A stronger reason is that CIA officials must be acutely aware that, for many members of the United States and international public, targeted killings come close to prohibited acts of assassination. To stay on the safe side on controversial programs, CIA officials seek both political and legal cover. n157 From past lessons on other covert actions, CIA officials have learned to obtain presidential authorization in writing, to brief the oversight committees, and to obtain legal opinions. It is safe to bet that President Obama has blessed the CIA drone strikes; that the oversight committees have not been kept completely in the dark; that the CIA has developed internal procedures on targeted killing it hopes will withstand scrutiny; and that the agency has presented these procedures to the Justice Department's Office of Legal Counsel for approval. n158

#### Counterplan is legitimate –

#### 1. Tests “statutory” and “judicial” – executive action is a different mechanism. Its non-topical, core ground, and something they should be prepared for – that’s Duncan

#### 2. Inter-branch politics are crucial in the context of war powers – it's the reason restrictions exist – makes the counterplan educational and necessary ground

Jenkins 10 (David – Assistant Professor of Law, University of Copenhagen, “Judicial Review Under a British War Powers Act”, Vanderbilt Journal of Transnational Law, May, 43 Vand. J. Transnat'l L. 611, lexis)

In this pragmatic way, the Constitution attempts to balance the efficiency of centralized, executive military command with heightened democratic accountability through legislative debate, scrutiny, and approval. n28 Therefore, despite the Constitution's formal division of war powers between the executive and the legislature, disputes over these powers in the U.S. are usually resolved politically rather than judicially. n29 This constitutional arrangement implicitly acknowledges that both political branches possess certain institutional qualities suited to war-making. n30 These include the dispatch, decisiveness, and discretion of the executive with the open deliberation of the legislature and localized political accountability of its members, which are virtues that the slow, case specific, and electorally isolated courts do not possess. n31 The open, politically contestable allocation of [\*618] war powers under the Constitution not only permits differing and perhaps conflicting interpretations of the legal demarcations of branch authority but also accommodates differing normative preferences for determining which values and which branches are best-suited for war-making. n32 Furthermore, this system adapts over time in response to inter-branch dynamics and shifting value judgments that are themselves politically contingent. Thus, the American war powers model is an intrinsically political - not legal - process for adjusting and managing the different institutional capabilities of the legislative and executive branches to substantiate and reconcile accountability and efficiency concerns. A deeper understanding of why this might be so, despite the judiciary's power to invalidate even primary legislation, can inform further discussions in the United Kingdom about the desirability and advisability of putting the Crown's ancient war prerogative on a statutory footing.

#### 3. Process key to education

Schuck 99 (Peter H., Professor, Yale Law School, and Visiting Professor, New York Law School, Spring (“Delegation and Democracy” – Cardozo Law Review) http://www.constitution.org/ad\_state/schuck.htm)

God and the devil are in the details of policymaking, as they are in most other important things—and the details are to be found at the agency level. This would remain true, moreover, even if the nondelegation doctrine were revived and statutes were written with somewhat greater specificity, for many of the most significant impacts on members of the public would still be indeterminate until the agency grappled with and defined them. Finally, the agency is often the site in which public participation is most effective. This is not only because the details of the regulatory impacts are hammered out there. It is also because the agency is where the public can best educate the government about the true nature of the problem that Congress has tried to address. Only the interested parties, reacting to specific agency proposals for rules or other actions, possess (or have the incentives to ac-quire) the information necessary to identify, explicate, quantify, and evaluate the real-world consequences of these and alternative proposals. Even when Congress can identify the first-order effects of the laws that it enacts, these direct impacts seldom exhaust the laws’ policy consequences. Indeed, first-order effects of policies usually are less significant than the aggregate of more remote effects that ripple through a complex, interrelated, opaque society. When policies fail, it is usually not because the congressional purpose was misunderstood. More commonly, they fail because Congress did not fully appreciate how the details of policy implementation would confound its purpose. Often, however, this knowledge can only be gained through active public participation in the policymaking process at the agency level where these implementation issues are most clearly focused and the stakes in their correct resolution are highest.

#### 4. Neg flex – we need to test from all angles – agent ground is vital to fairness, particularly on this topic – most neg lit is about how restrictions are put in place, not whether they should be there

Fisher 3 (Louis – Senior Specialist in Separation of Powers, Congressional Research Service, The Library of Congress. Ph.D., New School for Social Research, “A Constitutional Structure for Foreign Affairs”, 2003, 19 Ga. St. U.L. Rev. 1059, lexis)

It is conventional, and I suppose convenient, to divide scholars on the war power and foreign affairs into "pro-congressionalists" and "propresidentialists." Their writings may seem to demonstrate a sympathy for one branch over another. However, scholarship is shallow if it merely latches itself onto one branch of government while shooting holes in the other. Analysis of the war power and foreign affairs demands a higher standard: recognizing institutional weaknesses along with institutional strengths, appreciating that the democratic process requires deliberation and collective action, and promoting policies that can endure rather than attempting short-term, unilateral solutions that fail. Moreover, the important point is not which branch has the political power to prevail. If that were the standard, we would always side with autocratic and even totalitarian regimes, or perhaps, in the current United States, an elected monarch. More fundamental to the discussion are the principles and procedures that support and sustain constitutional government.

#### 5. Fair & Predictable – they can defend “congress/judiciary key”, our net-benefit proves it’s not trivial, and it’s at the heart of the topic

#### 6. Not a voter – reject the argument, not the team

### A2: Perm – Do Both

#### -- Links to politics – it includes legislative action. Only the CP alone shields the links

#### Executive orders do not cost political capital

Sovacool 9 (Benjamin – Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization and Assistant Professor at the Lee Kuan Yew School of Public Policy at the National University of Singapore, “Preventing National Electricity-Water Crisis Areas in the United States”, 2009, 34 Colum. J. Envtl. L. 333, lexis)

Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horse-trading and compromise such legislative activity entails. n292

### Pres powers

#### Yoo says a flexible executive is critical to solving a number of security threats –

#### Terrorism

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand – Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects”, Studies in Conflict & Terrorism, 33(7), July)

*A Catalytic Response: Dragging in the Major Nuclear Powers*

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, there are reasons to wonder whether nuclear terrorism should ever be regarded as belonging in the category of truly existential threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today's and tomorrow's terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,[40](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0040) and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”[41](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0041) Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington's relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington's early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country's armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents' … long-standing interest in all things nuclear.”[42](http://www.informaworld.com.proxy-remote.galib.uga.edu/smpp/section?content=a923238837&fulltext=713240928#EN0042) American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide.

#### Limits on drones and the AUMF reigns in presidential power

Hayden 13

[Tom,Nation Institute's Carey McWilliams Fellow, The Threat of an Imperial Presidency, 3/11/13, [http://www.thenation.com/article/173289/threat-imperial-presidency#](http://www.thenation.com/article/173289/threat-imperial-presidency)]

Historically, American presidents have “encroached on Congress’s war making responsibilities, leaving the legislative branch increasingly irrelevent,” according to an analysis by Bennett Ramberg, a former State Department analyst in the first Bush administration. Recent hearings by the Senate Intelligence Committee on CIA director John Brennan’s authority and the House Judiciary Committee into drones are at least momentary signs that Congress may be ready to reclaim some of its powers. Statements by President Obama literally asking Congress to write “new legal architecture” to “rein in” his presidency and those of his successors, are clear indications that the growth of an Imperial Presidency may be limited. The bipartisan vote of nearly 300 House members against the administration’s launching of the six-month 2011 Libyan war is the most concrete example of legislative unease. As Congress considers its options, it is crucial that the public be included in a rightful role. The public sends its sons and daughters to risk their lives in war, pays the taxes that fund those wars and accepts the burden of debt, the paring back of social programs and restrictions on civil liberties in the name of war. The public has a right to know, obtained through public debate and public elections, the rationale, the costs and the predicted outcomes of any military venture. James Madison, cited by Ramberg, gave the reason centuries ago: “Those who are to conduct a war cannot in the nature of things be proper or safe judges, whether a war ought to be commenced, continued or concluded.” Section 4(b) of the War Powers Resolution mandates that “the President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.” Yet only insistent congressional pressure has forced the Obama administration to disclose some of its internal legal memoranda concerning drones, apparently in exchange for senate approval of Brennan’s nomination. It continues to resist the spirit of Section 4(b). Hopefully, the Congressional Progressive Caucus (CPC) will take up the reform of war-making powers as a major priority. Already, one of the CPC’s co-chairs, Representative Keith Ellison, has expressed the need to reform and reverse the administration’s secret drone war. In the Senate, strong leadership on transparency has come from Senator Ron Wyden. Libertarian Republican senator Rand Paul is demanding to know whether the White House will unleash drone strikes on American citizens. Longtime activist groups like Code Pink suddenly are finding themselves in the center of a national conversation. Three senators who voted for Brennan’s confirmation—Wyden, Mark Udall and Susan Collins—also issued a call on March 5 “to bring the American people into this debate and for Congress to consider ways to ensure that the president’s sweeping authorities are subject to appropriate limitations, oversight and safeguards.” By most accounts, this fuss over the Imperial Presidency wasn’t supposed to be happening. The drone wars were supposed to be cheap for the taxpayer, erase American military casualties and hammer the terrorists into peace negotiations. The assassination of Osama bin Ladin was supposed to be the turning point. But even with the wars being low-intensity and low-visibility, the “secrets” have remained in the public eye, especially the drone war. From a peace movement perspective, pressure from anywhere for any steps that will complicate and eventually choke off the unfettered use of drones will be an improvement over the status quo. For some, like Ramberg, a reform of the 1973 War Powers Act is overdue. That resolution, which passed during an uproar against the Nixon presidency, actually conceded war-making power to the president for a two-month period before requiring congressional authorization. The original 1973 Senate version of the war-powers bill, before it was watered down, required congressional authorization except in the case of armed attack on the US or the necessity of immediate citizen evacuation. No president has ever signed the war powers legislation, on the grounds that it encroaches on the executive branch, although most presidents have voluntarily abided by its requirements. Ramberg lists the US military actions undertaken after the War Powers Resolution “with minimal or no congressional consultation,” as: Mayaguez (1975), Iran hostage rescue action (1980), El Salvador (1981), Lebanon (1982), Grenada (1983), Libya (1986), Panama (1989), Iraq (May 1991, 1993), Somalia (1993) Bosnia (1993-95), Haiti (1993, 2004) and Kosovo (1999), leaving out Sudan (1998) and the dubious authorizations for Iraq and Afghanistan. The immediate issue ripe for attention is the drone policy, conducted especially in Pakistan by the CIA in utter secrecy, but also spreading through Afghanistan, Yemen, Somalia, and Mali. Drone attacks clearly are acts of war as defined by the War Powers Resolution, although the WPR was written mainly to contain the deployment of American ground forces. The drone war rests more squarely on the 2001 Authorization for Use of Military Force (AUMF), the underlying legal rationale for the “global war on terrorism.” The challenge of reform, as opposed to emergency tinkering, will require prolonged efforts to amend and clarify both the WPR and AUMF. Allowing any president a sixty-day period before seeking congressional authorization, as the WPR does, makes no sense in drone warfare. Instead, the president should be required to seek congressional permission if he wishes to target a clearly definable “enemy,” and be required to issue public guidelines, including necessary disclosure, governing the use of force he contemplates. That means: First, Congress should establish a special inspector general, like the SIGUR created for Iraq and Afghanistan, to define, monitor and determine civilian casualties (“collateral damage”) from drone strikes. Currently that information is collected by the CIA, which has a conflict of interest, not to mention a curtain of secrecy. Second, Congress will need to draft guidelines sharply narrowing—or even banning—the use of “signature strikes,” which permit drone attacks against targets profiled according to identity, such as young males of military age (which could be civilians, participants in a wedding or funeral, etc.). Third, Congress or the courts will have to restore the open-ended concept of “imminent threat” to its traditional meaning, as an immediate operational threat aimed at American citizens, US territory or facilities. Under the elastic formulation employed by Brennan and others, the simple fact of ill-defined jihadists holding meetings anywhere on the planet is an “imminent threat” justifying military action. And according to the CIA interpretation, the threat is a “continuous” one, carrying over from war to war. But if every “potential” threat is defined as “imminent,” and all the threats are continuous, the CIA, Special Forces and American military will be spread thin indeed from the jungles of the Philippines to the ghettos of Britain. The 2001 AUMF was written to justify the unofficial military doctrine of the “long war,” developed by counterinsurgency advisers to General David Petraeus and the State Department, like David Kilcullen, who project a conflict of fifty- to eighty-years’ duration against ill-defined Muslim fundamentalists. The designated targets of the AUMF are “Al Qaeda” and “associated” terrorist groups. That overly broad definition authorizes a global war in the shadows against forces whose actual links to Al Qaeda are difficult to discern and who may or may not be threats against the United States. If targeted by the United States, however, the likelihood of their becoming threats will only increase. A recent example in a long list of these targets is Mokhtar Belmokhtar, the 40-year-old Algerian who may or may not have been killed last week in Chad. Belmokhtar allegedly carried out the January attack on an Algerian gas plant in which thirty-seven foreign hostages died. He did so in retaliation against France’s military intervention in its former colony of Mali, and against Algeria’s siding with Western counterterrorism policies. Otherwise, Belmokhtar was nicknamed the “Marlboro Man” because of his decades-long involvement in smuggling cigarettes. Ten years ago he led one faction of Al Qaeda in the Islamic Maghreb, before breaking away to form his own force in the Sahel. The question is whether the 2001 AUMF was written to cover a regional warlord like the “Marlboro Man” whose history is “smuggling, kidnapping and fighting for decades in the Sahel,” or whether it is being used as a blanket authorization for official kill lists and CIA drone assassins everywhere. Finally, Congress should commission an independent body to evaluate whether the war on terrorism, including the drone attacks, has made Americans “safer.” The rise of the drones—as well as cyber-warfare—has a lulling effect on public opinion since American group operations are ending and casualties are down. But the 9/11 attacks took place unexpectedly as a result of burning grievances in the Muslim world. The official metrics of safety (e.g., how many jihadist “leaders” have been killed, whether insurgent attacks are up or down) ignore the incendiary hatred and desire for revenge building in Muslim communities suffering from remote drone attacks. A few empirical studies have shown a direct correlation between the rise of suicide bombers and US/Western occupation of Muslim lands, but the mass illusion of safety from terrorism tends to persist. A national conversation, including the forgotten ways in which we are made less safe by the war on terrorism, is sorely needed. In perspective, the effort to prevent the restoration of an Imperial Presidency is long and politically difficult, something like reversing the mass incarceration policies and police buildups that followed the neoconservatives’ “war on gangs” campaign of the early 1990s, which the Clinton administration adopted. Many liberals in general, and Democrats in particular, cringe at being labeled “soft on crime” (or “soft on terrorism”). Some on the left, on the other hand, seem to think that the threat of terrorism is manufactured. However, if another attack should occur against the United States, the danger that a second Patriot Act will pass is real. Current US policies inadvertently provoke that possibility, with the drone strikes the equivalent of attacking a hornet’s nest. Therefore, the open window for “reining in” the president’s executive powers could close at any time. Hearings to reform of the 2001 AUMF and the 1973 WPR could not be more urgent.

#### The courts have NEVER decided against the President on cases involving war powers

Garcia 12 – CRS Legislative Attorney (Michael John, 2/17/2012, "CRS Report for Congress Prepared for Members and Committees of Congress War Powers Litigation Initiated by Members of Congress Since the Enactment of the War Powers Resolution," http://www.fas.org/sgp/crs/natsec/RL30352.pdf)

Historically, the courts have been reluctant to ac t in cases involving issues of national security and foreign policy. The enactment of the War Powers Resolution in 1973 does not appear to have altered that situation. Eight subsequent efforts by lawmakers to effectively call upon federal judges to put traditional scruples aside have pr oven unavailing. In each and every case brought since the WPR’s enactment to resolve the political branches’ impasse over the law and/or the constitutional division of the war power in which a final judicial ruling has been issued, the reviewing court has concluded that the factors calling for abstention outweigh those in favor of involvement. The courts have variously relied on the political question doctrine, the equitable/remedial discretion doctrine, ripeness, mootness, and congressional standing. In the one ruling arguably on the merits, the U.S. Court of Appeals for the First Circuit ruled that a discretionary grant of authority to the President to use force under specified circumstances does not constitute an unlawful delegation of Congress’s power to declare war. The courts have made clear, however, that while formidable, none of the aforementioned procedural barriers constitutes an insurmountable obstacle to resolving the statutory or constitutional issues concerning war powers. All of the opinions to date indicate that the barrier to the exercise of jurisdiction stems from the posture of the cases, not some institutional shortcoming. If this view prevails, both stat utory and constitutional war powers issues can be judicially determined if a legal, as distinguished from a political, impasse is created. It has been suggested that this can come about by congressional action that directs the President to take a particular action, or bars him from doing so, and by presidential noncompliance. Absent such an irreconcilable conflict, however, many believe it’s unlikely that the courts will venture into this politically and constitutionally charged thicket.

#### Drones aren’t combat tools. Need host country support.

Zenko, 2013 [Micah, January, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations, “Reforming U.S. Drone Strike Policies,” Council of Foreign Relations, Council Special Report No. 65, Page 6-7]

Second, U.S. drones have benefited from host-state support, which the United States has helped to secure with extensive side payments in foreign aid and security assistance. The few hundred Predator and Reaper drones that currently conduct distant airstrikes leverage a system-wide infrastructure that includes host-state permission to base drones and associated launch and recovery personnel, overflight rights in transit countries, nearby search-and-rescue forces to recover downed drones, satellites or assured access to commercial satellite bandwidth to transmit command-and-control data, and human intelligence assets on the ground to help identify targets.12 To this end, the United States takes advantage of relatively permissive environments, largely unthreatened by antiaircraft guns or surface-to-air missiles, in the countries where nonbattlefield targeted killings have occurred. According to Lieutenant General David Deptula, former Air Force deputy chief of staff for intelligence, “Some of the [drones] that we have today, you put in a high-threat environment, and they’ll start falling from the sky like rain.” In fact, in 1995, relatively unsophisticated Serbian antiaircraft guns shot down two of the first three Predator drones deployed outside of the United States, and Iraqi jet fighters shot down a Predator in 2002.13 Although the next generation of armed drones should be more resilient, current versions lack the speed, stealth, and decoy capabilities to protect themselves against even relatively simple air defense systems.

### Too expensive

#### No escalation – current trends suggest states wouldn’t take on the costs of armed long-range drones.

Zenko, 2013 [Micah, January, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations, “Reforming U.S. Drone Strike Policies,” Council of Foreign Relations, Council Special Report No. 65, Page 20]

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.

#### Too little too late – drones in demand now and countries are self-interested – mutual restraint only works for WMDs

**Etzioni, 2013 [**Amitai Etzioni is a professor of international relations at George Washington University, March-April 2013 **“**The Great Drone Debate” MILITARY REVIEW, March-April 2013, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>, 11]

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

Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of 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.

#### China will ignore new norms – export restrictions prove – that makes prolif inevitable

**Clark June 15,** 2013 [Colin, editor of Breaking Defense, “China Set To Grab UAV Market While US Restricts Sales,”

PARIS: Psst. Hey mister. Wanna buy a UAV? China’s got drones for shooting, drones for intelligence, surveillance and reconnaissance, and drones for target practice. Cheap prices and no arms export restrictions.

And China may grab a significant share of the international market for just those reasons, according to a new report by the U.S-China Economic and Security Review Commission. Breaking Defense obtained a copy of the report: China’s Military Unmanned Aerial Vehicle Industry

The irony would be, of course, that the United States has largely created that demand by demonstrating the utility of drones (UAVs, Remotely Piloted Aircraft — RPAs — pick your term) in Afghanistan, Pakistan, Yemen, Iraq and other locales over the last decade.

Here’s what the report’s author, Kimberly Hsu, concludes:

“Surging domestic and international market demand for UAVs, from both military and civilian customers, will continue to buoy growth of the Chinese industry. Chinese defense firms do not face the same export restrictions as top UAV-exporting countries, such as the United States and Israel. As a result, China could become a key UAV proliferator, particularly to developing countries.”

Currently, the great majority of Chinese drones are tactical, but Hsu says that “in the long term, China’s continued interest and progression in strategic-level UAVs appear poised to position China as a leader in the high-end UAV market.” A major reason is that China is not a member of either the Missile Technology Control Regime (MTCR) or the looser but broader Wassenaar Arrangement. “In the absence of competition from more sophisticated U.S. or Israeli alternatives, China could become a key proliferator to non-members of the MTCR or Wassenaar,” she concludes.

Just what drones is China building? Well, the report notes there isn’t much information available about the PLA’s efforts. Hsu says that China, “probably is developing and operating UAVs for electronic warfare (EW).” These would “probably would focus on jamming tactical communications and global positioning system (GPS), but could provide a range of other capabilities, including false target generation against enemy Airborne Warning and Control Systems (AWACS)/Airborne Early Warning (AEW) and power grid attack.”

On top of that, several Chinese government owned defense firms are also developing killer drones in the vein of our Predator or Reaper. “It is not clear if China intends to use UCAVs in an air-to-air or an air-to-ground role,” Hsu writes.

In addition to state-owned enterprises, several of China’s top engineering universities are working on drones.

On the civilian side, China has already demonstrated use of indigenous drones for earthquake relief efforts after the May 2008 and April 2013 earthquakes in Sichuan province, according to the report. And the rough Chinese equivalent of the Coast Guard and harbor police “are integrating UAVs into their operations.

All in all, China’s policy of not participating in what it would doubtless call hegemonic restrictions on its actions — MTCR, Wassenaar — coupled with its willingness to sell to pretty much anybody who can buy their weapons, places it in a prime position to benefit, just as Europe benefited from America’s decision to sharply restrict satellite sales and their components to foreign countries.

#### No modeling – state interests trump

**Metz 2013** [Steven Metz is a defense analyst and the author of "Iraq and the Evolution of American Strategy." His weekly WPR column, Strategic Horizons, appears every Wednesday 27 Feb 2013 World Politics Review “Strategic Horizons: The Strategy Behind U.S. Drone Strikes” http://www.worldpoliticsreview.com/articles/12747/strategic-horizons-the-strategy-behind-u-s-drone-strikes]

Both of these arguments are shaky. There is little or no evidence that nations facing a serious enemy base their response on U.S. actions. States do what they feel they have to do. The implication that if the United States did not use drones against insurgents other nations would not simply defies common sense. On the second point, there is no doubt that drone strikes create anger. Unfortunately, this does tend to be directed at the United States rather than at the extremists who elected to use human shields in the first place. But again there is no evidence that a significant number of potential terrorists or terrorist supporters were motivated exclusively or primarily by American drone strikes.

#### Drones are status items – no military utility

**Michaels 2013** [Jim Michaels, January 9, “Experts: Drones basis for new global arms race,” USA TODAY, http://www.usatoday.com/story/news/world/2013/01/08/experts-drones-basis-for-new-global-arms-race/1819091/]

Some analysts contend that nations seek the drones as much for the clout they bring as any military utility they provide, since few countries have the sophisticated sensors or precision weapons that the United States employs.

"It's a prestige thing," said Micah Zenko, an analyst at the Council on Foreign Relations. "It doesn't provide you with much additional combat capability."

### **US leads**

#### **US will lead for the forseeable future**

Zenko, 2013 [Micah, January, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations, “Reforming U.S. Drone Strike Policies,” Council of Foreign Relations, Council Special Report No. 65, Page 18]

The fact that drones lower the threshold for the use of force, combined with the U.S. justification for the scope of legitimate targets, creates a precedent that other states and nonstate actors could eventually adopt for drone strikes. For the foreseeable future, however, the U.S. military will be the unrivaled leader in developing medium-altitude long endurance (MALE) armed drone technology; it is projected to account for 62 percent of all drone research and development and 55 percent of all procurement over the next decade.48 With a projected $80 billion in global spending over the next ten years, drones constitute a potential growth industry for the aerospace and defense sectors. Nevertheless, there is not yet public evidence of non-U.S. states—except Israel—developing an armed drone capability.

### US leads – China

#### No impact to china drones – far behind

**Zhou 2013** [Dillon columnist for PolicyMic, January, 2013, “China Drones Prompt Fears of a Drone Race With the US,” PolicyMic, http://www.policymic.com/articles/19753/china-drones-prompt-fears-of-a-drone-race-with-the-us]

There are several facts that provide some solace to the U.S. as China's drones are far from being a real challenge

to the American drone program.

First, the Chinese drones are nowhere as sophisticated as U.S. drones in their range and proper hardware for optic systems and motors to power the "dragons." The DSB report notes that the U.S. technical systems are almost unrivaled at present.

Second, China lacks the manpower to properly support their new fleet of drones. Whereas the U.S. has been training and honing a large force of UAV pilots, technicians and operation managers for 15 years.

Finally, the U.S. drone program is about 20 years ahead of the Chinese program. The current models on show are considered to be prototypes and not finished products. The Chinese also have not had a chance to gain real experience with their drones during real operation.

#### And lack of experience and market perception are serious barriers to entry

**Hsu June 13,** 2013 [Kimberly, Policy Analyst, Military & Security Affairs, “China’s Military Unmanned Aerial Vehicle Industry,” U.S.-China Economic and Security Review Commission Staff Research Backgrounder, <http://www.scribd.com/doc/147837759/China-s-Military-UAV-Industry-FINAL-13-June-2013-3>, 14-16]

In the words of a 2012 U.S. Defense Study Board report, China could “easily match or outpace U.S. spending on unmanned systems, rapidly close the technology gaps and become a formidable global competitor in unmanned systems.” 69 Nevertheless, China’s success in exporting UAVs will largely depend on market perception of the quality of its systems, which are unproven in comparison to their U.S. and Israeli alternatives. As the CASC official stated at Zhuhai, “There are many similar products in the global market and they are quite mature, so we haven’t had a big impact in the market. It will take some time for our products to be known and accepted.” 70

#### Probability -- conflict now is highly likely given other economic stressors

Mootry 9 (Primus, B.A. Northern Illinois University “Americans likely to face more difficult times” - The Herald Bulletin, http://www.theheraldbulletin.com/columns/local\_story\_282184703.html?keyword=secondarystory)

These are difficult times. The direct and indirect costs associated with the war on Iraq have nearly wrecked our economy. The recent $700 billion bailout, bank failures, and the failure of many small and large businesses across the nation will take years — perhaps decades — to surmount. Along with these rampant business failures, we have seen unemployment rates skyrocket, record numbers of home foreclosures, an explosion of uninsured Americans, and other economic woes that together have politicians now openly willing to mention the "D" word: Depression. These are difficult days. We have seen our international reputation sink to all time lows. We have seen great natural disasters such as hurricanes Ike and Katrina leaving hundreds of thousands of citizens stripped of all they own or permanently dislocated. In all my years, I have never seen a time such as this. To make matters worse, we are witnessing a resurgence of animosities between the United States and Russia, as well as the rapid growth of India and China. As to the growth of these two huge countries, the problem for us is that they are demanding more and more oil — millions of barrels more each week — and there is not much we can say or do about it. In the meantime, if America does not get the oil it needs, our entire economy will grind to a halt. In short, the challenges we face are complex and enormous. Incidentally, one of the factors that makes this time unlike any other in history is the potential for worldwide nuclear conflict. **There has never been a time in** the long **history** of man **when**, through his own technologies — and his arrogance — he can destroy the planet. Given the tensions around the world, **a mere spark could lead to global conflagration.**[This evidence has been gender paraphrased].

#### Turns leadership

Brzezinski 97 (Zbigniew, Former National Security Advisor – The Grand Chessboard, <http://book-case.kroupnov.ru/pages/library/Grand/part_1.htm>)

America’s economic dynamism provides the **necessary precondition** for the exercise of global primacy. Initially, immediately after World War II, America’s economy stood apart from all others, accounting alone for more than 50 percent of the world’s GNP. The economic recovery of Western Europe and Japan, followed by the wider phenomenon of Asia’s economic dynamism, meant that the American share of global GNP eventually had to shrink from the disproportionately high livels of the immediate postwar era. Nonetheless, by the time the subsequent Cold War had ended, America’s share of global GNP, and more specifically its share of the world’s manufacturing output, had stabilized at about 30 percent, a level that had been the norm for most of this century, apart from those exceptional years immediately after World War II. More important, America has maintained and has even widened its lead in exploiting the latest scientific breakthroughs for military purposes, thereby creating a technologically peerless military establishment, the only one with effective global reach. All the while, is has maintained its strong competitive advantage in the economically decisive information technologies. American mastery in the cutting-edge sectors of tomorrow’s economy suggests that American technological domination is not likely to be undone soon, especially given that in the economically decisive fields, Americans are maintaining or even widening their advantage in productivity over their Western European and Japanese rivals.

#### **Extend Yglesias - continuing resolution will be passed now by Boehner placating republicans – evidence indicates there’s just enough room – their evidence is non-predictive of republican tactics – means you err neg on uniqueness**

### U - Shutdown close

#### Shutdown will be avoided now - but it will be close

Lunney 9/18/13 (Kellie, Government Executive, "Votes on Keeping Government Open Could Come Down to the Wire," http://www.govexec.com/oversight/2013/09/votes-keeping-government-open-could-come-down-wire/70498/)

Steve Bell, senior director of the Bipartisan Policy Center’s Economic Policy Project, said he thinks the Republican and Democratic House leadership ultimately will negotiate to avoid a government shutdown. But, “for the first time this year, I think they are going to cut it pretty close,” Bell said. The last time the government almost shut down -- with about an hour to spare -- was April 2011.

### Internals – Capital Key

#### House GOP will cave and approve the continuing resolution in the coming weeks - Obama has the necessary leverage

Terbush 9/18/13 (Jon, Staff @ The Week, "A government shutdown is a high-stakes game the GOP can't win," http://theweek.com/article/index/249809/a-government-shutdown-is-a-high-stakes-game-the-gop-cant-win)

Boehner has shown before that when push comes to shove, he's willing to negotiate, even if that means going against the wishes of his party's most conservative members. To avoid a shutdown in 2011, he agreed to an 11th hour deal with lesser spending cuts than conservatives wanted.¶ This time, Obama may have even more leverage.¶ The president on Wednesday accused the GOP of trying to "extort" him. And polls show that the public would overwhelmingly blame Republicans in the event of a shutdown — a CNN survey last week found that 51 percent of Americans would blame the GOP, while only 33 percent would blame Obama.¶ Rep. Paul Ryan (R-Wis.), the GOP's budget guru, is privately taking a stand against the defund attempt for that very reason.¶ "We have to stay on the right side of public opinion," Ryan reportedly said during a GOP conference Wednesday morning, according to National Review's Robert Costa. "Shutting down the government puts us on the wrong side."¶ The dynamic ultimately comes down to this: If Republicans want to fund the government, they will at some point have to pass a spending bill that leaves ObamaCare funding intact. Anything else will die a swift death in the Senate.¶ "This doesn't fundamentally change our plans and it just delays the day when House Republicans will have to pass (or at least help pass) a CR," an aide to Senate Democratic leadership told the Washington Post's Greg Sargent. "If they don't, they will shut down the government. It's that simple. All procedural roads in the Senate lead to a clean CR. There is no scenario in which we pass anything that defunds or delays Obamacare."¶ In other words, Boehner will have to give in at some point in the next two weeks. Triggering a politically masochistic shutdown with no upside before doing is nothing less than a crazy proposition.

#### Political capital key to Obama's economic agenda

Indiviglio 9/19/13 (Daniel, Reuters Breakingviews columnist, "Activist would contest Obama’s capital allocation," http://blogs.reuters.com/breakingviews/2013/09/19/activist-would-contest-obamas-capital-allocation/)

The economy and jobs came in second, absorbing 16 percent of Obama’s output. Arguably these areas deserve significantly more capital – perhaps 25 percent or more of the president’s effort. Growth remains modest, and unemployment is too high at 7.3 percent. If he can get the economy cranking faster, it should make other things easier to tackle – like his third most significant talking point, education.¶ Social issues like immigration and gun control garnered nearly the same 15 percent portion of Obama’s rhetorical pie as education. But spending and deficits, where potential emergencies loom, accounted for only 6 percent. Poorly constructed budget cuts threaten the tepid recovery. And Congress looks poised to make raising the federal debt limit as painful as it did two years ago. The broad economic risks make this an area demanding far more presidential attention.

#### US economic collapse will destroy the global economy

Mead 04 (Walter Russell, Senior Fellow at Council on Foreign Relations, “America's STICKY Power,” Foreign Policy, Mar/Apr, Proquest)

Similarly, in the last 60 years, as foreigners have acquired a greater value in the United States-government and private bonds, direct and portfolio private investments-more and more of them have acquired an interest in maintaining the strength of the U.S.-led system. A collapse of the U.S. economy and the ruin of the dollar would do more than dent the prosperity of the United States. Without their best customer, countries including China and Japan would fall into depressions. The financial strength of every country would be severely shaken should the United States collapse. Under those circumstances, debt becomes a strength, not a weakness, and other countries fear to break with the United States because they need its market and own its securities. Of course, pressed too far, a large national debt can turn from a source of strength to a crippling liability, and the United States must continue to justify other countries' faith by maintaining its long-term record of meeting its financial obligations. But, like Samson in the temple of the Philistines, a collapsing U.S. economy would inflict enormous, unacceptable damage on the rest of the world. That is sticky power with a vengeance.

#### They’ve read link evidence – means we control perception

#### Obama fights the plan and saps his political capital – controversy and policy trade-offs

Holman 13 (Kwame, “ACLU, Congress Await Obama's Next Action on Overseas Drone Strikes”, 3/29, http://www.pbs.org/newshour/rundown/2013/03/aclu-others-await-presidents-next-action-on-overseas-drone-strikes.html)

As the American Civil Liberties Union's chief Washington lobbyist, Chris Anders spends a lot of time with members of Congress and their staffs. But he says no one seems to know when President Barack Obama will fulfill his promise to engage Congress and the public on the controversial use of U.S. drone attacks to kill terror suspects. "I was just in a meeting yesterday with a couple of key congressional staff who've asked the White House if they have a proposal, if they have anything they want to engage on and they got nothing back in response," Anders said by phone Thursday as he rode in a taxi to a Capitol Hill meeting. "The administration has not given Congress any guidance on what [it's] looking for other than a promise that the president would be providing a longer explanation of the targeted killing program and explaining it to the country," said Anders. In October 2012 on The Daily Show, Mr. Obama said of the U.S. drone strike program, "we've got to ... put a legal architecture in place, and we need Congressional help in order to do that, to make sure that not only am I reined in but any president's reined in, in terms of some of the decisions that we're making." The highly secret drone program dates to the George W. Bush administration, but the vast majority of away-from-the-battlefield strikes -- largely in Pakistan and Yemen -- have occurred under Mr. Obama. The strikes have generated anti-American sentiment in both those countries. The New America Foundation counts more than 420 targeted strikes in the last eight years which killed between 2,426 and 3,969 people, overwhelmingly militants, as well as up to 368 civilians. A year ago, after an American-born suspected terrorist, Anwar al-Awlaki, was killed by a U.S. drone in Yemen, Attorney General Eric Holder endorsed the strikes as legally permissible. "The use of force in foreign territory would be consistent with ... international legal principles if conducted, for example, with the consent of the nation involved -- or after a determination that the nation is unable or unwilling to deal effectively with a threat to the United States," Holder said in a speech at the Northwestern University School of Law. "The U.S. government's use of lethal force in self-defense against a leader of al Qaida or an associated force who presents an imminent threat of violent attack would not be unlawful -- and therefore would not violate the Executive Order banning assassination," Holder said. The ACLU's Anders calls that an "elastic" interpretation of self-defense. And the administration has been reluctant to share the specific legal memoranda that certify their assertions. During the confirmation process for new CIA director John Brennan, documents certifying the legality of strikes on Americans on foreign soil were shown to members of the House and Senate Intelligence committees. But Anders says there are six more legal memos that claim perhaps even broader authority to attack non-Americans outside the U.S. that the administration has not shared. The ACLU has sued the government to get them. "What Congress needs to see are the other six legal opinions because if they saw [them] they would have a much better idea of the breadth of the legal authority the president is claiming to use drones and other lethal force away from the battlefield," Anders said. "It's telling that there isn't a single country in the entire world that agrees with the U.S's claims of authority to use lethal force away from the battlefield. So the U.S. is on its own. My guess is if the rest of the legal opinions dealing with non-citizens were publicly disclosed we would find that they're even farther afield from where the law is and ... that is why they haven't been disclosed." In recent weeks, supporters of President Obama, including Senate Majority Whip Dick Durbin, D-Ill., and former Clinton administration official John Podesta, have urged the president to involve Congress and open up about the drone program and its justifications. Meanwhile, fresh polls show the drone strikes are increasingly unpopular with the public, potentially cutting into Mr. Obama's political strength in coming policy battles with Congress.

### U -Saving PC

#### Summers withdrawal means Obama saved political capital for the fight over the continuing resolution

Carmichael 9/16/13 (Kevin, Globe and Mail, "A fractious fall looms in Washington now Summers is out of the running," http://www.theglobeandmail.com/report-on-business/with-summers-out-of-running-a-fractious-fall-looms-in-washington/article14357991/)

Stocks rose around the world, as traders reasoned the transition to a new Fed chairman will be more predictable with Prof. Summers out of the race. Janet Yellen, the No. 2 at the Fed, re-emerged as the front-runner, a status she had lost to Prof. Summers in the uncommonly public contest to replace Ben Bernanke, whose four-year term ends in January.¶ “Larry was not my first choice for Federal Reserve chair,” said Elizabeth Warren, a Democratic member of the Senate banking committee who won in Massachusetts in 2012 in part because of her vocal criticism of Wall Street’s role in the financial crisis. “I’m a big fan of Janet Yellen,” Ms. Warren added in an interview with Bloomberg Television on Monday. “I think she’s terrific. She’s got the right experience and I think she’d make a terrific Federal Reserve chair.”¶ Ms. Warren was one of four Democrats on the banking committee who said they would vote against Prof. Summers. That meant the White House would have had to have sought Republican support to get Prof. Summers through the committee stage of the nomination process and onto the Senate floor. That’s more political capital than the President currently has to spend.¶ “Republicans would have wanted something in return,” Mr. Bosworth said. “It wasn’t worth it.”¶ More of the contentious fiscal showdowns that have characterized Mr. Obama’s relationship with the Republican-led House of Representatives are on the horizon.

#### And - obama spending capital on budget issues now – he’s entered the fray and is arm-twisting for support – means he has just enough

Blake 9/18/13 (Aaron, Wash Post, "Carney assures that Obama 'has twisted arms'," http://www.washingtonpost.com/blogs/post-politics/wp/2013/09/18/carney-assures-that-obama-has-twisted-arms/)

White House press secretary Jay Carney on Wednesday fought back against criticism that President Obama has been disengaged from legislative battles on Capitol Hill.¶ "He has twisted arms," Carney said. "He has used the powers that are available to him to try to convince, persuade, cajole Republicans into doing the sensible thing...."¶ Pressed on Obama's role in the current budget debate and his refusal to negotiate over the debt ceiling, Carney rebuffed the idea that the president isn't involved.¶ “You’re assuming he’s above the fray," Carney said. "He’s not. He’s in the fray. And he was in the fray today, and he'll be in the fray until Congress does the right thing.”

### Uniq – Top Priority/A2 Thumpers

#### Obama’s using all his political capital on the budget battle now – it’s his singular focus

Allen 9/19/13 (Jonathan, Politico, "GOP battles boost President Obama," http://dyn.politico.com/printstory.cfm?uuid=17961849-5BE5-43CA-B1BC-ED8A12A534EB)

There’s a simple reason President Barack Obama is using his bully pulpit to focus the nation’s attention on the battle over the budget: In this fight, he’s watching Republicans take swings at each other.¶ And that GOP fight is a lifeline for an administration that had been scrambling to gain control its message after battling congressional Democrats on the potential use of military force in Syria and the possible nomination of Larry Summers to run the Federal Reserve.¶ If House Republicans and Obama can’t cut even a short-term deal for a continuing resolution, the government’s authority to spend money will run out on Oct. 1. Within weeks, the nation will default on its debt if an agreement isn’t reached to raise the federal debt limit.¶ For some Republicans, those deadlines represent a leverage point that can be used to force Obama to slash his health care law. For others, they’re a zero hour at which the party will implode if it doesn’t cut a deal.¶ Meanwhile, “on the looming fiscal issues, Democrats — both liberal and conservative, executive and congressional — are virtually 100 percent united,” said Sen. Charles Schumer (D-N.Y.).¶ Just a few days ago, all that Obama and his aides could talk about were Syria and Summers. Now, they’re bringing their party together and shining a white hot light on Republican disunity over whether to shut down the government and plunge the nation into default in a vain effort to stop Obamacare from going into effect.¶ The squabbling among Republicans has gotten so vicious that a Twitter hashtag — #GOPvsGOPugliness — has become a thick virtual data file for tracking the intraparty insults. Moderates, and even some conservatives, are slamming Texas Sen. Ted Cruz, a tea party favorite, for ramping up grassroots expectations that the GOP will shut down the government if it can’t win concessions from the president to “defund” his signature health care law.¶ “I didn’t go to Harvard or Princeton, but I can count,” Sen. Bob Corker (R-Tenn.) tweeted, subtly mocking Cruz’s Ivy League education. “The defunding box canyon is a tactic that will fail and weaken our position.”¶ While it is well-timed for the White House to interrupt a bad slide, Obama’s singular focus on the budget battle is hardly a last-minute shift. Instead, it is a return to the narrative arc that the White House was working to build before the Syria crisis intervened.¶ And it’s so important to the president’s strategy that White House officials didn’t consider postponing Monday’s rollout of the most partisan and high-stakes phase even when a shooter murdered a dozen people at Washington’s Navy Yard that morning.

#### Turns terrorism

Schaub 4 (Drew, Professor of Political Science – Penn State University, Journal of Conflict Resolution, 48(2), April)

Despite the caveats, our analysis suggests important policy implications for the war against terrorism. National governments should realize that economic globalization is not the cause of, but a possible partial solution to, transnational terrorism. Although opening up one’s border facilitates the movement of terrorists and their activities, our results show that the effect of such facilitation appears weak. It does not precipitate a significant rise in transnational terrorist attacks within countries. This is an important lesson for policy makers who are designing antiterrorism policies. More important, economic openness, to the extent that it promotes economic development, may actually help to reduce indirectly the number of transnational terrorist incidents inside a country. Closing borders to foreign goods and capital may produce undesirable effects. Economic closure and autarky can generate more incentives to engage in transnational terrorist activities by hindering economic development. Antiterrorism policy measures should be designed with caution. They should not be designed to slow down economic globalization. Promoting economic development and reducing poverty should be important components of the global war against terrorism. Such effects are structural and system-wide. It is in the best interest of the United States not only to develop by itself but also to help other countries to grow quickly. The effect of economic development on the number of transnational terrorist incidents is large. The role of economic development deserves much more attention from policy makers than it currently enjoys.

#### Even a brief shutdown destroys US economic recovery efforts

O'Brien 9/18/13 (Michael, Political Reporter @ NBC News, "Washington still in gridlock 11 days before shutdown deadline," http://nbcpolitics.nbcnews.com/\_news/2013/09/19/20582202-washington-still-in-gridlock-11-days-before-shutdown-deadline?lite)

A complex matrix of variables shape the current standoff, chief among them an internal struggle among Republicans over whether to use the specter of a government shutdown – or, more gravely, a default on the national debt next month – as a final leverage point to do away with the Affordable Care Act before it takes effect on Oct. 1. The GOP is torn between living up to its commitment to fight Obamacare, and the political toll Republicans would suffer in face of a government shutdown.¶ Still, Congress offered little hope Thursday of reaching an agreement to avert a shutdown.¶ House Republicans will cast their lot Friday, when they are poised to approve a measure that would continue government spending, but also eradicate funding for the enactment of the health care law – even though Obama flatly said Thursday that he would veto the legislation.¶ “When it comes to the health care law, the debate in the House has been settled,” Boehner said Friday, vowing to push ahead with the surely-doomed approach.¶ Obama on Wednesday called this strategy, favored by hard-lined conservatives, the “primary roadblock to resolving the budget.”¶ With no solution in sight, the gridlock threatens to imperil or reverse the sluggish recovery from the 2008-09 recession and financial crisis. The Federal Reserve took action on Wednesday to continue its stimulus efforts, in part due to concerns that Congress might not resolve its differences this time. And even the U.S. Chamber of Commerce, an organization traditionally warm to Republicans, warned lawmakers this week that “it is not in the best interest of the U.S. business community or the American people to risk even a brief government shutdown.”¶ Still, Boehner signaled that the House GOP has no intention of backing off its legislation, saying it’s up to the Democratic-controlled Senate to figure out a solution.¶ “This fight will move over to the Senate, where it belongs,” he said. “I expect my Senate colleagues will be up to the challenge.”¶ For their part, the Democrats’ leader in the Senate – who have long said they would strip the Obamacare provision from the patchwork legislation – expressed his skepticism that the House would even manage to approve the legislation.¶ “Let’s wait and see what they send us,” Majority Leader Harry Reid, D-Nev., said Thursday. “It’s a moving target over there; we’ve heard all sorts of rumors that they don’t have the votes, that they’re going to come up with another strategy.”¶ If history is any guide, a handful of moderate Republicans in the Senate will join with the majority Democrats to craft some last-minute agreement to avert a shutdown. But the GOP’s internal divisions have made the already-tough task of legislating even more difficult.