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### 1AC Sovereignty Adv

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#### Pakistan instability escalates and goes nuclear – it is in one of the most dangerous neighborhoods of the world

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But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were beheaded by militants in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. This, unfortunately, is a whole new ballgame. It is part of another conflict that is brewing, one which puts what is happening in Iraq and Afghanistan in deep shade, and which represents a grave and growing threat to us all. Pakistan is now trembling on the edge of violent chaos, and is doing so with nuclear weapons in its hip pocket, right in the middle of one of the most dangerous neighborhoods in the world. The situation in brief: Pakistan for years has been a nation in turmoil, run by a shaky government supported by a corrupted system, dominated by a blatantly criminal security service, and threatened by a large fundamentalist Islamic population with deep ties to the Taliban in Afghanistan. All this is piled atop an ongoing standoff with neighboring India that has been the center of political gravity in the region for more than half a century. The fact that Pakistan, and India, and Russia, and China all possess nuclear weapons and share the same space means any ongoing or escalating violence over there has the real potential to crack open the very gates of Hell itself. Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and used artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents. They banned female education and destroyed nearly 200 girls' schools. About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that Pakistan could collapse under the mounting threat of Taliban forces there. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "Recent militant gains in Pakistan," reported The New York Times on Monday, "have so alarmed the White House that the national security adviser, Gen. James L. Jones, described the situation as 'one of the very most serious problems we face.'" "Security was deteriorating rapidly," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believed Pakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real. "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "senior American officials say they are increasingly concerned about new vulnerabilities for Pakistan's nuclear arsenal, including the potential for militants to snatch a weapon in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "The prospect of turmoil in Pakistan sends shivers up the spines of those U.S. officials charged with keeping tabs on foreign nuclear weapons," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can, according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words, a shaky Pakistan spells trouble for everyone, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario. If Pakistani militants ever succeed in toppling the government, several very dangerous events could happen at once. Nuclear-armed India could be galvanized into military action of some kind, as could nuclear-armed China or nuclear-armed Russia. If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured, the specter (or reality) of loose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster. We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner.

#### And Pakistan nukes are not secure

Gregory ’11 (Shaun, Director of the Pakistan Security Research Unit at the University of Bradford, UK, a professor who published widely on nuclear and security issues in Pakistan and advises many governments, their agencies, and international organizations, “Terrorist Tactics in Pakistan Threaten Nuclear Weapons Safety,” CTC Sentinel, Vol. 4.6, <http://kms1.isn.ethz.ch/serviceengine/Files/ISN/131002/ichaptersection_singledocument/aa282522-4971-4513-a7ca-ec3afcd259be/en/Art+2.pdf>, accessed 10-26-11, June 2011)

Two high-profile attacks by terrorists on highly secure military bases in Pakistan, the first on the General Headquarters of the Pakistan Army in Rawalpindi in October 2009 and the second on the naval aviation base at PNS Mehran near Karachi in May 2011, have renewed international anxiety about the safety and security of Pakistan’s nuclear arsenal. This article addresses several worrying trends in Pakistan that are coming together to suggest that the safety and security of nuclear weapons materials in Pakistan may very well be compromised at some point in the future. The Growing Challenge of Securing Pakistan’s Nuclear Arsenal In recent months, a variety of media sources have reported a significant escalation of nuclear weapons production by Pakistan. According to some of these sources, Pakistan has been building between 12 and 15 nuclear weapons a year, effectively doubling the size of its nuclear arsenal during the past three to four years to around 100 nuclear weapons.1 More disconcerting, Pakistan is engaged in a rapid expansion of its fissile material production through two new reactors, the Khushab II, thought to be operating in some form since 2009, and Khushab III, which has been under construction since 2005-2006 and is likely to come on-stream around 2013- 2014. There is further evidence from the respected Washington-based Institute for Science and International Security that a fourth Khushab reactor may also be under early phase construction.2 Intended primarily to offset rival India’s conventional military advantage, the open-ended escalation of Pakistan’s nuclear weapons production explains why Pakistan has led the opposition to the international Fissile Material Cut-Off Treaty (FMCT), a treaty which would cap fissile material stockpiles. Aside from the intricate politics of international arms control, the steady rise in the size of Pakistan’s nuclear arsenal presents the rather more prosaic, though arguably more serious, challenge of ensuring the physical security of an ever increasing number of nuclear assets. This is not a simple matter. Safeguarding 100 weapons is a significantly greater challenge than safeguarding 50 weapons because strategic and operational realities require that those weapons are dispersed and that dispersal locations are adapted to the complex requirements of safely and securely storing nuclear weapons in various degrees of operational readiness.3 As Pakistan’s nuclear arsenal grows in the years ahead, these challenges will multiply. As many as 70,000 people in Pakistan reportedly have access to, or knowledge of, some element of the Pakistani nuclear weapons production, storage, maintenance, and deployment cycle, from those involved in the manufacture of fissile material, through those engaging in nuclear weapons design, assembly and maintenance, to those who transport and safeguard the weapons in storage and would deploy the weapons in crises.4 That number will also rise steadily as the size of the nuclear arsenal grows. This figure is important because of the complex and highly polarized debates about nuclear weapons safety and security in Pakistan. All sides of that debate agree that Pakistan has, with considerable U.S. assistance, put in place a range of robust measures to seek to assure the safety and security of its nuclear weapons. The consensus breaks down, however, on the issue of whether these measures provide adequate safety and security for Pakistan’s nuclear arsenal. The Pakistan Army, which has overall control of the weapons, and Pakistan’s government argue forcefully that they do, although even they have recently moderated their statements of reassurance.5 Critics point to a number of vulnerabilities that place these reassurances in some doubt. These vulnerabilities boil down to three core concerns: a) that the physical security of nuclear weapons—across the weapons cycle—may not be robust enough to withstand determined terrorist assault; b) that among the estimated 70,000 people with access to the nuclear weapons cycle, some may be willing to collude in various ways with terrorists;6 c) that the threat extends beyond terrorists gaining access to complete and viable nuclear weapons, and include the immense political and security implications of terrorists gaining access to fissile material, nuclear weapons components, or penetrating nuclear weapons facilities. A July 2009 article in the CTC Sentinel explained in detail the robust measures Pakistan has established to assure the safety and security of its nuclear weapons. It argued that terrorists have shown themselves able to carry out violent attacks at facilities that were reliably identified as having a nuclear weapons role. These facilities include the military complex at Wah, suspected to be involved in the manufacture of nuclear weapons parts; Kamra, suspected to be the designated base for the dispersal of nuclear assets in a crisis; and Sargodha, suspected to be a storage facility for nuclear delivery systems.7 In none of these cases, however, were the terrorist attacks themselves aimed at penetrating the bases or at seizing nuclear assets; rather, they were mass casualty bomb attacks that took advantage of the fact that Pakistani security personnel were concentrated and relatively static at base entry points as they waited to go through security barriers.8 Some analysts criticized the article, arguing that: a) terrorists in Pakistan had never shown themselves capable of penetrating high security bases; b) that the secrecy of Pakistan’s nuclear weapons sites would ensure that terrorists could not know the locations of the weapons. Within a few months, the validity of both these counterarguments would be seriously undermined when Pakistani militants penetrated the Pakistan Army’s General Headquarters (GHQ) in Rawalpindi. The Attack on Pakistan’s Army Headquarters On October 10, 2009, Tehrik-i-Taliban Pakistan (TTP) and Lashkar-i-Jhangvi militants staged an audacious attack on the Pakistan Army’s GHQ in Rawalpindi, arguably one of the most secure military complexes in Pakistan, housing within its sprawling campus not only the chief of army staff, but also many of Pakistan’s most senior military commanders, including the director-general of the Strategic Plans Division (SPD) and the director-general of Strategic Forces Command (SFC)— Pakistan’s two most senior operational nuclear commanders. The modalities of this attack add up to a virtual blueprint for a successful attack on a nuclear weapons facility: - the penetration of layers of security checkpoints, barriers, and obstacles on the approach to the sensitive military site; - the terrorist use of army uniforms and—according to some reports—a military vehicle with appropriate license plates, and forged ID cards, to deceive checkpoint personnel; - the use of a safe house relatively close to the target site for several weeks before the operation to allow the buildup of a detailed intelligence picture; - the use of a “sensitive” map (or maps) of the GHQ to allow detailed operational planning. The use of this map (or maps) point to one of two main possibilities: either that the attack had inside help, or that this kind of sensitive information is poorly controlled by the Pakistan Army/ISI; - use of the kind of weaponry—smallarms, grenades and suicide vests— which allow final tier barrier defenses to be penetrated; - use of tactics that allow final tier barriers to be penetrated: grenades and/ or suicide detonations at entry points which then allow penetration by followup commando-style groups; - use of diversionary tactics: attacking one gate first to draw off and weaken the defenses at a secondary entry point, perhaps closer to the main objective.9 In all, at least 10 terrorists were involved in the operation, with four attacking the first gate, and a further six attacking the second gate. The terrorists gained entry to the complex where they took at least 40 people hostage. It took the Pakistan Army’s elite commandos, the Special Service Group (SSG), more than 20 hours to kill or capture all of the militants and free most of the hostages. Two civilians, seven Pakistani soldiers and five SSG commandos were killed in the raid. In the months that followed the assault, several other disturbing aspects about the attack emerged. Among these was the assertion that intelligence about the attacks had been known to Pakistan’s Punjab government well before October 10 and that this intelligence had even been published in two Pakistani newspapers, The News International and The Daily Jhang, four days before the attack, but had been ignored by the Pakistan Army and ISI.10 It also emerged that the terrorists had, ironically, almost certainly learned their tactics from the SSG, which had trained earlier generations of Pakistani/Kashmiri militants in similar tactics for operations against India. In addition, there was a concerted effort by the Pakistan Army and ISI to manipulate the media reporting of the attacks, forcing several private TV channels temporarily off the air, contradicting or retracting certain details, and seeking to play down the significance of the assault.11 The second set of features of the attack relate to secrecy, and they weaken the argument that Pakistan can ultimately rely on concealment to protect its nuclear assets. The use of “sensitive” maps in the attack, the time and proximity to conduct intelligence gathering, the level of knowledge of details such as uniforms, military plates, and possibly ID cards, point to a high level of terrorist knowledge of sensitive military information and protocols, whether through insider help or not. Furthermore, detailed knowledge of Pakistan’s security force movements and modus operandi has been a consistent feature of terrorist actions in Pakistan for many years, from the repeated assassination attempts against former President Pervez Musharraf, at least one of which included the insider involvement of Pakistani military officers,12 through the targeting of the ISI headquarters and vehicles,13 to the murders of senior military figures.14 Pakistan’s Nuclear Security at Risk In this context, given that nuclear weapons and delivery systems demand construction and other visible physical necessities (such as road widening, unusual levels of security, and bunker construction), and given that the growth of the Pakistani nuclear arsenal will significantly expand the construction of nuclear weapons infrastructure and the number of individuals with nuclearrelated roles, it is simply not possible that the location of all of Pakistan’s nuclear weapons can remain unknown to terrorists in perpetuity.15 As evidence of this, on August 28, 2009, the U.S. Federation of American Scientists published the first open source satellite imagery of a suspected Pakistani nuclear weapons storage facility near Masroor airbase outside Karachi.16 Within its perimeter walls, the satellite image shows three potential storage bunkers linked by looping roads.17 The fact that this image is available online, and that the unusual configuration of the base is clear, argues strongly that knowledge of the location of at least some nuclear weapons storage and other related facilities has reached terrorists in Pakistan. As the number of nuclear weapons facilities grows, and the number of those with access to nuclear weapons or related components rises, the complex challenge of assuring the security of nuclear weapons and nuclear weapons components will become ever more difficult. Terrorist groups have now shown themselves capable of penetrating even the most securely defended of Pakistan’s military bases and of holding space within those bases for many hours even against the elite SSG, more than enough time with the right equipment and sufficient numbers to carry out terrorist acts with enormous political or destructive pay-off, from video broadcasts with the attention of the world’s media, through potentially destroying by explosions nuclear weapons or materials and the creation of a radiological hazard, to the possibility of the theft of nuclear weapons components or materials for subsequent terrorist use. Indeed, on May 22-23, 2011, only about 15 miles from the suspected nuclear weapons storage facility near Masroor, a major terrorist attack targeted the naval aviation base at PNS Mehran in Karachi. Early reports suggest that between six and ten terrorists stormed the high security base from several entry points, that they had knowledge of the location of intruder detection cameras that they were able to bypass, and that they penetrated deep inside the base before using rocket-propelled grenades, explosives and small-arms to destroy several aircraft and take hostages. It took the base security and additional Pakistan Army rangers and commandos more than 18 hours to end the siege. At least 13 people were killed. A frontal assault of this kind on nuclear weapons storage facilities, which are the most robustly defended elements of Pakistan’s nuclear weapons cycle, is no longer an implausible event. The successful location and penetration of such a site by terrorists, even if they were ultimately unsuccessful in accessing nuclear assets, would itself be a transformative event both in terms of the U.S.-Pakistani nuclear relationship and in terms of international anxiety about the security of Pakistan’s nuclear weapons. Such an assault would also critically undermine Pakistan’s reassurances about the security of nuclear weapons elsewhere in the weapons cycle, particularly in transit. As the number of Pakistani nuclear weapons inexorably continues to rise, and as the nuclear weapons security challenges thereby steadily multiply, the odds that Pakistan’s nuclear weapons security will eventually be compromised continue to rise.

#### u.s. drone strikes in Pakistan violate Pakistan sovereignty – causes instability and undermines Pakistani government stability

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Strategic costs For the United States, the strategic costs of over-reliance on drone strikes are substantial. In fact, drones work at cross-purposes with many other US counterterrorism objectives. The official US counterterrorism strategy identifies a number of goals, including disrupting, degrading and defeating Al-Qaeda, but also eliminating safe havens for terrorist actors and building partnerships and counterterrorism capabilities with governments whose cooperation is crucial.73 This strategy involves building up the resolve and capacity of states that will oppose Al-Qaeda, so that the US can ‘break the cycle of state failure to constrict the space available to terrorist networks’.74 As part of the Obama administration’s strategy, the US will seek to ‘leverage’ the capacity of foreign partners to confront terrorist threats within their borders and assist them by building a durable capacity to do so on their own. Much like the Bush administration, the Obama administration assumes that the predominant threat of terrorism comes from the ungoverned spaces of the globe. Along the same lines as Bush, its strategy highlights the need to ensure that states like Pakistan and Yemen have a greater capacity to police their own territory as a way of draining support for terrorist movements over the long term. For this reason, building the capacity of states like Pakistan and Yemen is crucial. Moreover, their central governments need to be seen as legitimate by the majority of the population, so that this policing is conducted at lower cost. Over the long term, the Obama administration’s strategy depends on ensuring that the populations of places like Pakistan and Yemen do not pledge their support to other entities, such as militant groups or tribal networks, that are more sympathetic to Al-Qaeda. Pakistan The escalation of drone strikes in Pakistan to its current tempo—one every few days—directly contradicts the long-term American strategic goal of boosting the capacity and legitimacy of the government in Islamabad. Drone attacks are more than just temporary incidents that erase all traces of an enemy. They have lasting political effects that can weaken existing governments, undermine their legitimacy and add to the ranks of their enemies. These political effects come about because drones provide a powerful signal to the population of a targeted state that the perpetrator considers the sovereignty of their government to be negligible. The popular perception that a government is powerless to stop drone attacks on its territory can be crippling to the incumbent regime, and can embolden its domestic rivals to challenge it through violence. Such continual violations of the territorial integrity of a state also have direct consequences for the legitimacy of its government. Following a meeting with General David Petraeus, Pakistani President Asif Ali Zardari described the political costs of drones succinctly, saying that ‘continuing drone attacks on our country, which result in loss of precious lives or property, are counterproductive and difficult to explain by a democratically elected government. It is creating a credibility gap.’75 Similarly, the Pakistani High Commissioner to London Wajid Shamsul Hasan said in August 2012 that what has been the whole outcome of these drone attacks is that you have directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government—when you pass a resolution against drone attacks in the parliament and nothing happens. The Americans don’t listen to you, and they continue to violate your territory.76 The appearance of powerlessness in the face of drones is corrosive to the appearance of competence and legitimacy of the Pakistani government. The growing perception that the Pakistani civilian government is unable to stop drone attacks is particularly dangerous in a context where 87 per cent of all Pakistanis are dissatisfied with the direction of the country and where the military, which has launched coups before, remains a popular force.77 The political effects of this signal are powerful and lasting even when the reality of the relationship between the perpetrator and the targeted state is more complex. For example, the government of Pakistan has been ambivalent about drone strikes, condemning them in some cases but applauding their results in others.78 Much has been made of the extent to which the Pakistani government has offered its ‘tacit consent’ for the US drone strikes on its territory.79 The US has been willing to provide details on drone strikes after the fact, but has refrained from providing advance warning of an attack to the Pakistani government for fear that the information might leak. Pakistan has been operationally compliant with drone strikes and has not ordered its air force to shoot down drones in Pakistani airspace. Despite official denials, it has been revealed that the Pakistani government has permitted the US to launch drones from at least one of its own airbases.80 Whatever the complexity of its position and the source of its ambivalence over drone strikes, the political effects of allowing them to escalate to current levels are increasingly clear. The vast expansion of drone warfare under the Obama administration has placed enormous pressure on Pakistan for its complicity with the US, multiplied the enemies that its government faces and undermined parts of the social fabric of the country. By most measures, Pakistan is more divided and unstable after the Obama administration’s decision to ramp up the tempo and scale of drone attacks than it was during the Bush administration.81 First, the Pakistani government is under intense pressure from growing popular hostility to the drone strikes. The drone policy carries a number of serious dangers for the regime, not the least of which is that it is seen as complicit in a policy where the US bombs its territory every few days. A Pew Research Center poll in June 2012 revealed that 74 per cent of Pakistanis now consider the United States an enemy.82 Only 17 per cent support drone strikes against extremist groups, even if they are conducted with the support of the Pakistani government.83 The drones programme has had a spillover effect for other areas of cooperation, as only 50 per cent of respondents still wish the US to continue to provide financial and humanitarian assistance to the country.84 The drone strikes have carried clear strategic costs in making the US widely hated within Pakistan and in jeopardizing support for US programmes designed to build the capacity of the Pakistani state. In this combustible environment, high-profile events such as the release of CIA contractor Raymond Davis after the deaths by shooting of two Pakistani citizens, the killing of 24 Pakistani soldiers in NATO strikes in November 2011 and the protests over the film Innocence of Muslims in September 2012 have exploded into waves of anti- American protest. These events, and the latent anger they release, have made it more costly for the government to comply with US demands to counter militant activity in the border regions. This growing anti-US sentiment culminated in the protest march led by Imran Khan in October 2012, where thousands of demonstrators tried to enter South Waziristan in a protest over drone strikes.85 Khan has tapped into growing anti-American sentiment and anger over drones to become a leading opposition figure for the next election. His actions, which have pushed the controversy over drones to the forefront of Pakistani politics, have made it more difficult for the Zardari government to support drone strikes that advertise both its complicity and its powerlessness. Sensing the dangers associated with a close relationship with the US, a number of other Pakistani leaders have moved to put some distance between themselves and the American drone policy. Even while he has secretly supported some of the drone strikes, President Asif Ali Zardari has called for an end to them, though his position was undermined when his associates called for more Pakistani control over the targets of strikes.86 Similarly, Prime Minister Raza Gilani has regularly excoriated the US for its ‘illegal and counterproductive’ use of drones, and has argued that it fuels the insurgencies against the central government.87 After a review of the country’s relationship with the United States, the Pakistani parliament called for an end to drone strikes and to any other operations on its territory. 88 Across the political spectrum, positioning oneself as a critic of the drone programme and expressing hostility to the United States is increasingly becoming the default position of the Pakistani political class. As this has happened, the US has offered Pakistan more aid—some US$4.3 billion in 2010 alone, second only to the sum offered to Afghanistan in amounts of US aid given worldwide—in part to build its ‘counterinsurgency capability’, even while continuing drone strikes signal a lack of faith in the country’s capacity and will to tackle terrorism.89 Seen in this light, the US–Pakistani relationship is riddled with hypocrisy: the US sidelines the Pakistani government with drones while ‘building its capacity’ with aid and military equipment transfers, while the Pakistani government secretly cheers when drone strikes kill its enemies, publicly grandstands against the US for the rest of the strikes, and then asks for more aid, much of which is lost through corruption or diverted into wasteful military purchases to deter India.90 The consequence of a drone-first counterterrorism policy has only heightened the hypocrisy of this already poisonous relationship, with untold consequences for the future of a nuclear-armed country seething with anti-American sentiment. At the same time, some of the Pakistani criticism of the drone programme is motivated by more than just cynical opportunism. Some of the objections are based on the logic of counterinsurgency: that is, to drain support from the array of militant movements in Waziristan, FATA and elsewhere, the Pakistani government must appear as a credible competitor for the loyalties of the population in tribal regions. Abdul Basit, a Pakistani Foreign Office spokesperson, has argued that drones are ‘not helpful in our efforts to win hearts and minds’.91 Winning the loyalties of the population is particularly hard to do when drone strikes sideline the central government and signal that the US is a direct combatant in Pakistan’s on-and-off-again wars in its tribal regions. In September 2012, Pakistani Foreign Minister Hina Rabbani Khar captured this dilemma well, saying that ‘this has to be our war. We are the ones who have to fight against them. As a drone flies over the territory of Pakistan, it becomes an American war again. And this whole logic of this being our fight, in our own interest is immediately put aside and again it is war which is imposed on us.’92 The extent to which the United States has assumed the role of a direct combatant and marginalized the Pakistani government through drone strikes has systematically undermined the claim that the central government in Islamabad could be a credible competitor for the loyalties of the tribal population. Second, drone strikes have also multiplied the ranks of the enemies of the Pakistani government and deepened its growing sense of crisis. Pakistan has never had full control over all parts of its territory, especially in the FATA and the Northwest Frontier province. The problem of Islamist militant networks in these regions is an old one, but the scope of their threat expanded dramatically when a number of competing groups coalesced under the banner of the TTP in 2007.93 At this point, the Musharraf government’s policy of conciliation with the various militant groups began to show its adverse effects. As the military tried to regain control over these regions, the militants fought back and extended their reach deeper into previously untouched urban areas. By 2008, the TTP and other groups were launching suicide attacks in cities and capturing territory in Swat and Buner, only 70 miles from Islamabad.94 While the Pakistani army managed to roll back their territorial advances in 2009, most of these militant groups were not fully defeated. While weakened, many of these Islamist networks redoubled their efforts to challenge the authority of central government and have increasingly resorted to terrorism to do so.95 While the sources of mobilization and recruitment to militant networks are numerous, the drones have given them a recruiting boost as the carnage has encouraged relatives and friends of the victims of strikes to join the ranks of the TTP or other militant groups to fight the US or the Pakistani government, holding the latter complicit in their deaths.96 Their wrath at American drones is directed first and foremost at the Pakistani government rather than at the United States or its direct interests abroad. While some recruits have joined Al-Qaeda and tried to bring the fight to the United States, the majority of these new recruits have joined local militant networks whose primary targets will be within the country.97 The previously existing militant networks in these regions serve as ready receptacles for the radicalized and angry after drone strikes; arguably, the biggest danger of these fresh recruits is not to the United States, but to the government of the country where the strikes take place, as the ranks of its enemies swell after drone attacks. The membership of the TTP, for example, has increased to approximately 35,000 through both existing groups pledging their allegiance to its leadership and the infusion of new recruits, some (but not all) of whom were motivated by revulsion over drone strikes.98

#### Ending drones key to host country cooperation

Streeter ’13 (Devin C. Streeter, Helms School Of Government, Liberty University “Boko Haram, Drone Policy, And Port Security: Issues For Congress”, [http://www.academia.edu/3523639/U.S.\_Drone\_Policy\_Tactical\_Success\_and\_Strategic\_Failure](http://www.academia.edu/3523639/U.S._Drone_Policy_Tactical_Success_and_Strategic_Failure)shaw), April 19, 2013)

A new set of drone operating procedures would help to repair international relations and decrease civilian casualties. Furthermore, nations like Yemen, Somalia, and others, will not feel threatened and will readily accept U.S. assistance in counterterrorism efforts.¶ 78¶ Cooperation with affected nations will ensure that their sovereignty is not violated¶ 79¶ and the use of human intel**ligence programs** will reduce civilian casualties, thus resulting in a sanitary, more effective drone operation.¶ 80¶ While the U.S. drone program has many noteworthy tactical successes, it simultaneously has suffered various strategic failures. Collateral damage has directly strained our relations with Pakistan, and indirectly stressed our relations with Europe, Asia, and South America. However, by increasing joint cooperation and decreasing civilian casualties, the harms inflicted on international relations can be reconciled. If this new system is implemented, not only will United States policy makers see the radical decrease of innocent deaths, but they will also see a decrease in terrorism and the terrorist recruiting pool.¶ 81¶ Confronting this issue and establishing a new set of standard operating procedures should be on the forefront of every elected official’s agenda, for the purpose of improving foreign policy and repairing international relations.

#### Host country cooperation key

Cordesman ’13 (Anthony Cordesman, Arleigh A. Burke Chair in Strategy at CSIS, “The Common Lessons of Benghazi, Algeria, Mali, Tunisia, Egypt, Syria, Iraq, Yemen, Afghanistan, Pakistan, and the Arab Spring”, <http://csis.org/publication/common-lessons-benghazi-algeria-mali-tunisia-egypt-syria-iraq-yemen-afghanistan-pakistan>, January 28, 2013)

Working with Regional and Host Country Partners The third lesson is that in most cases the United States will find that the key partner will not be a European ally but either a regional partner or the host country itself. The internal dynamics of the host country that will determine what real world opportunities exist at what mix of costs and benefits. If the host country lacks the willingness and absorption capability to use U.S. and allied aid, the default setting should be containment not intervention. It is a grim reality that regardless of the humanitarian cost, there is little point in trying to help countries that cannot help themselves and creating a culture of dependence that shifts that responsibility to the United States or some outside power. More broadly, the United States should learn that it needs to work through local governments on their terms and rely on local allies that share a common religion and value system with the host or target country. This is particularly true because much of the reason for the rebirth of religious values throughout the Islamic world has come from the failure of secular governance. U.S. strengths consist of helping nations and nonstate actors deal with secular problems and needs, but the United States will always face major obstacles when it comes to dealing with Islam and different cultural values. This is why allies like the southern Gulf states, Arab states, Turkey and other states with largely Islamic populations will be key partners at both the regional and national level. They can act in ways the United States and other outside powers cannot. They do not bring the burden of western secularism, ties to Israel, or the history of European colonialism to a given problem. They also do not bring the baggage of intervention in Iraq and Afghanistan or the war on terrorism. Moreover, such partnerships are necessary because the United States must also work with its regional allies to help them to maintain or achieve their own internal stability and to limit the risk of the political upheavals that are underway in so many states. Patient diplomatic and advisory efforts to help allied and friendly countries make their own reforms in areas like economics and governance will be key sources of stability and evolutionary change. So will assistance in creating effective counterterrorism forces and internal security efforts, as will support to regional security structures like the Gulf Cooperation Council.

#### The plan shifts the CIA to focus to intel – key to drone effectiveness

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Washington Post national security reporter Greg Miller has an excellent story in Sunday’s paper on the operational role of the CIA in drone warfare. Back at the time of the Brennan confirmation hearings, and even before, there had been discussion that the CIA would be pulled – even if only gradually – out of drone warfare and this form of using lethal force would be turned over the military. The CIA would re-focus itself on intelligence gathering and analysis, which many commentators inside and outside government said had taken a backseat to operational roles. Brennan himself urged this re-configuring of CIA priorities – including a shift away from counterterrorism to re-emphasize other intelligence missions; and the administration has said similar things in recent weeks. Focusing on drone warfare in Yemen, however, Miller’s report suggests this is easier said than done – whether in Yemen (or, it might be added, in Pakistan). A fundamental reason seems to be something noted many times here at Lawfare – the firing of a missile from a drone is the last kinetic step in a long chain of intelligence-gathering that includes surveillance over time from drones, signals intelligence and, crucially, on-ground human intelligence networks that give the US reason to be focusing on certain people as possible targets. Whether in Pakistan or Yemen, the effectiveness of drone warfare has been a function of the quality of the front-end intelligence that finally might lead to a strike. The drone’s contribution to the intelligence is far from being entirely tactical, of course – the drone’s surveillance has far more utility than just the preparation of a strike and that surveillance is crucial for reducing collateral harm from the strike itself. But drones are not quite so useful if one has no prior idea who one is searching for or where he might be or even why him – and much of this intelligence is gathered at the front end of the process in reliance on human intelligence networks. Although in principle the functions of intelligence gathering at the front end might be separated out from the intelligence involved in the preparation of a strike and from the actual strike itself, with the CIA engaged in the intelligence side and the military serving as the trigger pullers, the experience in Yemen raises some cautions about how easy it is to create this division of labor.

Over-reliance on drones causes failed policy

Schwartz ’13(Bernard L. Schwartz, Senior Fellow New America Foundation, Professor of Law, Georgetown University Law Center, “The Constitutional and Counterterrorism Implications of Targeted Killing Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights”, April 23, 2013)

3. The true costs of current US drone policy When we come to rely excessively on drone strikes as a counterterrorism tool, this has potential costs of its own. Drones strikes enable a "short-term fix" approach to counterterrorism, one that relies excessively on eliminating specific individuals deemed to be a threat, without much discussion of whether this strategy is likely to produce long-term security gains. Most counter-terrorism experts agree that in the long-term, terrorist organizations are rarely defeated militarily. Instead, terrorist groups fade away when they lose the support of the populations within which they work. They die out when their ideological underpinnings come undone – when new recruits stop appearing—when the communities in which they work stop providing active or passive forms of assistance—when local leaders speak out against them and residents report their activities and identities to the authorities. A comprehensive counterterrorist strategy recognizes this, and therefore relies heavily on activities intended to undermine terrorist credibility within populations, as well as on activities designed to disrupt terrorist communications and financing. Much of the time, these are the traditional tools of intelligence and law enforcement. Kinetic force undeniably has a role to play in counterterrorism in certain circumstances, but it is rarely a magic bullet. In addition, overreliance on kinetic tools at the expense of other approaches can be dangerous. Drone strikes -- lawful or not, justifiable or not – can have the unintended consequence of increasing both regional instability and anti-American sentiment. Drone strikes sow fear among the "guilty" and the innocent alike, 24 and the use of drones in Pakistan and Yemen has increasingly been met with both popular and diplomatic protests. Indeed, drone strikes are increasingly causing dismay and concern within the US population. As the Obama administration increases its reliance on drone strikes as the counterterrorism tool of choice, it is hard not to wonder whether we have begun to trade tactical gains for strategic losses. What impact will US drone strikes ultimately have on the stability of Pakistan, Yemen, or Somalia? 25 To what degree -- especially as we reach further and further down the terrorist food chain, killing small fish who may be motivated less by ideology than economic desperation -- are we actually creating new grievances within the local population – or even within diaspora populations here in the United States? 26 As Defense Secretary Donald Rumsfeld asked during the Iraq war, are we creating terrorists faster than we kill them? 27 At the moment, there is little evidence that US drone policy – or individual drone strikes—result from a comprehensive assessment of strategic costs and benefits, as opposed to a shortsighted determination to strike targets of opportunity, regardless of long-term impact. As a military acquaintance of mine memorably put it, drone strikes remain “a tactic in search of a strategy.”

#### CIA drone strikes in Pakistan and Yemen are continuing to increase – there is no end in sight

Mark Mazzetti and Mark Landler, 13- “Despite Administration Promises, Few Signs of Change in Drone Wars”. New York Times. http://www.nytimes.com/2013/08/03/us/politics/drone-war-rages-on-even-as-administration-talks-about-ending-it.html?pagewanted=all&\_r=0

WASHINGTON — There were more drone strikes in Pakistan last month than any month since January. Three missile strikes were carried out in Yemen in the last week alone. And after Secretary of State John Kerry told Pakistanis on Thursday that the United States was winding down the drone wars there, officials back in Washington quickly contradicted him. More than two months after President Obama signaled a sharp shift in America’s targeted-killing operations, there is little public evidence of change in a strategy that has come to define the administration’s approach to combating terrorism. Most elements of the drone program remain in place, including a base in the southern desert of Saudi Arabia that the Central Intelligence Agency continues to use to carry out drone strikes in Yemen. In late May, administration officials said that the bulk of drone operations would shift to the Pentagon from the C.I.A. But the C.I.A. continues to run America’s secret air war in Pakistan, where Mr. Kerry’s comments underscored the administration’s haphazard approach to discussing these issues publicly. During a television interview in Pakistan on Thursday, Mr. Kerry said the United States had a “timeline” to end drone strikes in that country’s western mountains, adding, “We hope it’s going to be very, very soon.” But the Obama administration is expected to carry out drone strikes in Pakistan well into the future. Hours after Mr. Kerry’s interview, the State Department issued a statement saying there was no definite timetable to end the targeted killing program in Pakistan, and a department spokeswoman, Marie Harf, said, “In no way would we ever deprive ourselves of a tool to fight a threat if it arises.” Micah Zenko, a fellow with the Council on Foreign Relations, who closely follows American drone operations, said Mr. Kerry seemed to have been out of sync with the rest of the Obama administration in talking about the drone program. “There’s nothing that indicates this administration is going to unilaterally end drone strikes in Pakistan,” Mr. Zenko said, “or Yemen for that matter.” The mixed messages of the past week reveal a deep-seated ambivalence inside the administration about just how much light ought to shine on America’s shadow wars. Even though Mr. Obama pledged a greater transparency and public accountability for drone operations, he and other officials still refuse to discuss specific strikes in public, relying instead on vague statements about “ongoing counterterrorism operations.” Some of those operations originate from a C.I.A. drone base in the southern desert of Saudi Arabia — the continued existence of which encapsulates the hurdles to changing how the United States carries out targeted-killing operations. The Saudi government allowed the C.I.A. to build the base on the condition that the Obama administration not acknowledge that it was in Saudi Arabia. The base was completed in 2011, and it was first used for the operation that killed Anwar al-Awlaki, a radical preacher based in Yemen who was an American citizen. Given longstanding sensitivities about American troops operating from Saudi Arabia, American and Middle Eastern officials say that the Saudi government is unlikely to allow the Pentagon to take over operations at the base — or for the United States to speak openly about the base. Spokesmen for the White House and the C.I.A. declined to comment. Similarly, military and intelligence officials in Pakistan initially consented to American drone strikes on the condition that Washington not discuss them publicly — a bargain that became ever harder to honor when the United States significantly expanded American drone operations in the country. There were three drone strikes in Pakistan last month, the most since January, according to the Bureau of Investigative Journalism, which monitors such strikes. At the same time, the number of strikes has declined in each of the last four years, so in that sense Mr. Kerry’s broader characterization of the program was accurate. But because the drone program remains classified, administration officials are loath to discuss it in any detail, even when it is at the center of policy discussions, as it was during Mr. Obama’s meeting in the Oval Office on Thursday with President Abdu Rabbu Mansour Hadi of Yemen. After their meeting, Mr. Obama and Mr. Hadi heaped praise on each other for cooperating on counterterrorism, though neither described the nature of that cooperation. Mr. Obama credited the setbacks of Al Qaeda in the Arabian Peninsula, or A.Q.A.P., the terrorist network’s affiliate in Yemen, not to the drone strikes, but to reforms of the Yemeni military that Mr. Hadi undertook after he took office in February 2012. And Mr. Hadi twice stressed that Yemen was acting in its own interests in working with the United States to root out Al Qaeda, since the group’s terrorist attacks had badly damaged Yemen’s economy. “Yemen’s development basically came to a halt whereby there is no tourism, and the oil companies, the oil-exploring companies, had to leave the country as a result of the presence of Al Qaeda,” Mr. Hadi said. Asked specifically about the recent increase in drone strikes in Yemen, the White House spokesman, Jay Carney, said: “I can tell you that we do cooperate with Yemen in our counterterrorism efforts. And it is an important relationship, an important connection, given what we know about A.Q.A.P. and the danger it represents to the United States and our allies.” Analysts said the administration was still grappling with the fact that drones remained the crucial instrument for going after terrorists in Yemen and Pakistan — yet speaking about them publicly could generate a backlash in those countries because of issues like civilian casualties. That fear is especially pronounced in Pakistan, where C.I.A. drones have become a toxic issue domestically and have provoked anti-American fervor. Mr. Kerry’s remarks seemed to reflect those sensitivities. “Pakistan’s leaders often say things for public consumption which they don’t mean,” said Husain Haqqani, Pakistan’s former ambassador to the United States. “It seems that this was one of those moments where Secretary Kerry got influenced by his Pakistani hosts.” Congressional pressure for a public accounting of the drone wars has largely receded, another factor allowing the Obama administration to carry out operations from behind a veil of secrecy. This year, several senators held up the nomination of John O. Brennan as C.I.A. director to get access to Justice Department legal opinions justifying drone operations. During that session, Senator Rand Paul, Republican of Kentucky, delivered a nearly 13-hour filibuster, railing against the Obama administration for killing American citizens overseas without trial. For all that, though, the White House was able to get Mr. Brennan confirmed by the Senate without having to give lawmakers all the legal memos. And, in the months since, there has been little public debate on Capitol Hill about drones, targeted killing and the new American way of war.

#### Shifting authority to the DoD is the only way to enable Congressional oversight – that makes foreign policy objectives more clear

Zenko 13([Micah Zenko](http://www.cfr.org/experts/national-security-conflict-prevention/micah-zenko/b15139), Douglas Dillon Fellow, “Transferring CIA Drone Strikes to the Pentagon,” April 2013, <http://www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434>)

ONE MISSION, TWO PROGRAMS

U.S. targeted killings are needlessly made complex and opaque by their division between two separate entities: JSOC and the CIA. Although drone strikes carried out by the two organizations presumably target the same people, the organizations have different authorities, policies, accountability mechanisms, and oversight. Splitting the drone program between the JSOC and CIA is apparently intended to allow the plausible deniability of CIA strikes. Strikes by the CIA are classified as Title 50 covert actions, defined as “activities of the United States Government . . . where it is intended that the role . . . will not be apparent or acknowledged publicly, but does not include traditional . . . military activities.” As covert operations, the government cannot legally provide any information about how the CIA conducts targeted killings, while JSOC operations are guided by Title 10 “armed forces” operations and a publicly available military doctrine. Joint Publication 3-60, Joint Targeting, details steps in the joint targeting cycle, including the processes, responsibilities, and collateral damage estimations intended to reduce the likelihood of civilian casualties. Unlike strikes carried out by the CIA, JSOC operations can be (and are) acknowledged by the U.S. government. The different reporting requirements of JSOC and the CIA mean that congressional oversight of U.S. targeted killings is similarly murky. Sometimes oversight is duplicated among the committees; at other times, there is confusion over who is mandated to oversee which operations. CIA drone strikes are reported to the intelligence committees. Senator Dianne Feinstein (D-CA), chair of the Senate Select Committee on Intelligence (SSCI), has confirmed that the SSCI receives poststrike notifications, reviews video footage, and holds monthly meetings to “question every aspect of the program.” Representative Mike Rogers (R-MI), chair of the House Permanent Select Committee on Intelligence (HPSCI), has said that he reviews both CIA and JSOC counterterrorism airstrikes. JSOC does not report to the HPSCI. As of March 2012, all JSOC counterterrorism operations are reported quarterly to the armed services committees. Meanwhile, the foreign relations committees—tasked with overseeing all U.S. foreign policy and counterterrorism strategies—have formally requested briefings on drone strikes that have been repeatedly denied by the White House. However, oversight should not be limited to ensuring compliance with the law and preventing abuses, but rather expanded to ensure that policies are consistent with strategic objectives and aligned with other ongoing military and diplomatic activities. This can only be accomplished by DOD operations because the foreign relations committees cannot hold hearings on covert CIA drone strikes. CONSOLIDATING EXECUTIVE AUTHORITY In 2004, the 9/11 Commission recommended that the “lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department” to avoid the “creation of redundant, overlapping capabilities and authorities in such sensitive work.” The recommendation was never seriously considered because the CIA wanted to retain its covert action authorities and, more important, it was generally believed such operations would remain a rarity. (At the time, there had been only one nonbattlefield targeted killing.) Nearly a decade later, there is increasing bipartisan consensus that consolidating lead executive authority for drone strikes would pave the way for broader strategic reforms, including declassifying the relevant legal memoranda, explicitly stating which international legal principles apply, and providing information to the public on existing procedures that prevent harm to civilians. During his February 2013 nomination hearing, CIA director John O. Brennan welcomed the transfer of targeted killings to the DOD: “The CIA should not be doing traditional military activities and operations.” The main objection to consolidating lead executive authority in DOD is that it would eliminate the possibility of deniability for U.S. covert operations. However, any diplomatic or public relations advantages from deniability that once existed are minimal or even nonexistent given the widely reported targeted killings in Pakistan and Yemen. For instance, because CIA drone strikes cannot be acknowledged, the United States has effectively ceded its strategic communications efforts to the Pakistani army and intelligence service, nongovernmental organizations, and the Taliban. Moreover, Pakistani and Yemeni militaries have often taken advantage of this communications vacuum by shifting the blame of civilian casualties caused by their own airstrikes (or others, like those reportedly conducted by Saudi Arabia in Yemen) to the U.S. government. This perpetuates and exacerbates animosity in civilian populations toward the United States. If the United States acknowledged its drone strikes and collateral damage—only possible under DOD Title 10 authorities—then it would not be held responsible for airstrikes conducted by other countries.

### 1AC Plan Text

#### Plan: The United States federal government should statutorily restrict funding for drone-based targeted killing strikes carried out under Title 50 and enforce that restriction through budgetary watchdog organizations.

### 1AC Hezbollah

**Advantage two is Hezbollah Terrorism -**

#### Nuclear terrorism is extremely likely

**Jaspal 12** – Associate Professor at the School of Politics and International Relations, Quaid-i-Azam University, Islamabad, Pakistan

(Zafar Nawaz, “Nuclear/Radiological Terrorism: Myth or Reality?”, Journal of Political Studies, Vol. 19, Issue - 1, 2012, 91:111, dml)

The misperception, miscalculation and above all ignorance of the ruling elite about security puzzles are perilous for the national security of a state. Indeed, in an age of transnational terrorism and unprecedented dissemination of dualuse nuclear technology, ignoring nuclear terrorism threat is an imprudent policy choice. The incapability of terrorist organizations to engineer fissile material does not eliminate completely the possibility of nuclear terrorism. At the same time, the absence of an example or precedent of a nuclear/ radiological terrorism does not qualify the assertion that the nuclear/radiological terrorism ought to be remained a myth. Farsighted rationality obligates that one should not miscalculate transnational terrorist groups — whose behavior suggests that they have a death wish — of acquiring nuclear, radiological, chemical and biological material producing capabilities. In addition, one could be sensible about the published information that huge amount of nuclear material is spread around the globe. According to estimate it is enough to build more than 120,000 Hiroshima-sized nuclear bombs (Fissile Material Working Group, 2010, April 1). The alarming fact is that a few storage sites of nuclear/radiological materials are inadequately secured and continue to be accumulated in unstable regions (Sambaiew, 2010, February). Attempts at stealing fissile material had already been discovered (Din & Zhiwei, 2003: 18).

#### That causes a nuclear war

**Ayson 10**

(Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010 (“After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

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. t 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 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 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.

#### Also, a war in Lebanon would go global and nuclear

The Earl of Stirling 11, hereditary Governor & Lord Lieutenant of Canada, Lord High Admiral of Nova Scotia, & B.Sc. in Pol. Sc. & History; M.A. in European Studies, “General Middle East War Nears - Syrian events more dangerous than even nuclear nightmare in Japan”, http://europebusines.blogspot.com/2011/03/general-middle-east-war-nears-syrian.html

**Any Third Lebanon War**/General Middle East War is apt to involve WMD on both side quickly as both sides know the stakes and that the Israelis are determined to end, once and for all, any Iranian opposition to a 'Greater Israel' domination of the entire Middle East. **It will be a case of 'use your WMD or lose them' to enemy strikes. Any massive WMD usage against Israel will result in the usage of Israeli thermonuclear warheads against Arab and Persian populations centers in large parts of the Middle East, with the resulting spread of radioactive fallout over large parts of the Northern Hemisphere.** However, the first use of nukes is apt to be lower yield warheads directed against Iranian underground facilities including both nuclear sites and governmental command and control and leadership bunkers, with some limited strikes also likely early-on in Syrian territory.¶ **The Iranians are well prepared to launch a global Advanced Biological Warfare terrorism based strike against not only Israel and American and allied forces in the Middle East but also against the American, Canadian, British, French, German, Italian, etc., homelands. This will utilize DNA recombination based genetically engineered 'super killer viruses' that are designed to spread themselves throughout the world using humans as vectors.** There are very few defenses against such warfare, other than total quarantine of the population until all of the different man-made viruses (and there could be dozens or even over a hundred different viruses released at the same time) have 'burned themselves out'**. This could kill a third of the world's total population.¶Such a result from an Israeli triggered war would almost certainly cause a Russian-Chinese response that would eventually finish off what is left of Israel and begin a truly global war/WWIII with multiple war theaters around the world. It is highly unlikely that a Third World War, fought with 21st Century weaponry will be anything but the Biblical Armageddon.**

#### Currently, Hezbollah attacks are increasing and will become more deadly

Carafano 13June 7th, 2013. “Hezbollah Plays a Dangerous Game” James Jay Cafano <http://www.heritage.org/research/commentary/2013/6/james-jay-carafano-hezbollah-plays-a-dangerous-game> (James Jay Carafano, a leading expert in national security and foreign policy challenges, is The Heritage Foundation’s Vice President, Foreign and Defense Policy Studies, E. W. Richardson Fellow, and Director of the Kathryn and Shelby Cullom Davis Institute for International Studies)

"The system was blinking red." That's how the 9/11 Commission Report described the intelligence community's state of concern shortly before the 2001 terrorist attacks on New York and Washington.¶ "Counterterrorism officials were receiving frequent but fragmentary reports about threats," the commission reported, adding, "Indeed, there appeared to be possible threats almost everywhere the United States had interests--including at home."¶ But not until planes plowed into the Twin Towers did everyone understand what the chatter meant.¶ In a recent speech at The National Defense University, President Obama declared that the transnational terrorism threat is well in hand. But, plenty of signs indicate that's not the case.¶ **Consider Hezbollah. This multi-tentacle stooge of Iran is a Shi'a Islamist terrorist group. It is also a political party that operates a shadow government in Lebanon.¶** For more than a year, **Hezbollah has been increasing the tempo of its attacks on Western and Israeli targets in Asia and Europe**. The Bulgarian government, for example, has connected the group to a bus bombing that killed five Israeli tourists and their driver last year.¶ Most recently, **Hezbollah deployed "foreign fighters" to assist the Assad regime in beating back the opposition in Syria. This offensive further complicated an already complex crisis. It broadened the sectarian nature of the war, pitting Shi'a (Hezbollah, Iran, and the Syrian militias supporting Assad) against Sunni (the rebels).¶** **It has also pitted terrorists groups against one another. Hezbollah is battling Assad's opposition whether they are "freedom fighters" or al Qaeda. Jabhat al-Nusra, the al Qaeda affiliate in Syria, is now pretty much at war with Hezbollah**.¶ That may not sound like a bad thing, **but it means the war will surely spread to Lebanon**. Hezbollah has to expect payback. Car bombs will explode in Beirut, as Jabhat al-Nusra pays back Hezbollah. And, as terrorists kill terrorists, the people of Lebanon will be caught in the crossfire.¶ The Lebanese recognize this--and they are none too happy about it. Already some have expressed resentment over Hezbollah dragging the country into Syria's civil war. The people are seeing the group for what it is, a tool of Tehran.¶ That awareness may bring pain. **Hezbollah's impulse will likely be to turn up the violence even more--while directing as much blame and animosity as possible toward Israel. And that could spark another military confrontation.**¶ While Hezbollah sets the red lights blinking, the West mostly just blinks. The European Union remains bitterly divided over designating the terrorist organization as... a terrorist organization.¶ France, Britain and Germany are going halfsies--pressing the EU to label Hezbollah's armed-militia wing as a terrorist organization, while letting the political arm off the hook.¶ As long as the political arm is excluded, Europe won't be able to shut down terrorist fund-raising and recruiting in its own backyard.¶ The UN is not doing much to help either. Since 1978, the United Nations Interim Force in Lebanon (UNIFIL) has been charged with making sure the Lebanese-Israeli border region is free of any non-governmental armed personnel or weaponry. Clearly it has failed, in part because of self-imposed restrictions. For example, UNIFIL peacekeepers cannot even conduct regular building searches for arms!¶ Transnational terrorism is not in hand. **The U.S. desperately needs to shore up its position in the Middle East**. That means showing real leadership in dealing with Turkey, Israel, Iraq, Jordan and the six-nation Gulf Cooperation Council.¶ It means making clear that the "pivot to Asia" does not entail disengaging from the region. It means ramping up, not standing down, our global anti-terrorism initiative.¶ **And it means developing a real strategy to prevent** Islamist **extremists from hijacking the Arab Spring.**

THE A-TEAM OF ISLAMIC TERRORISTS

#### Hezbollah is an extremely effective organization that can execute in multiple scenarios leading to nuclear terrorism

Allison 04**.** Graham, Allison. Nuclear terrorism: The Ultimate Preventable Catastrophe. 2004. 34-36. Print.

**Before 9/11, the group responsible for the single deadliest terrorist attack on Americans in history was not Al Qaeda but Hezbollah**. A violent Islamic terrorist organization, funded mainly by Syria and Iran, Hezbollah was responsible for the truck-bomb attack on the U.S. Marine barracks near the Beirut Airport on October 23. 1983, which killed 241 servicemen. Soon thereafter, President Ronald Reagan announced a “strategic redeployment” and withdrew U.S. troops from Lebanon. **To this day, the group remains active and powerful in the Middle East. Deputy Secretary of State Richard Armitage has called Hezbollah the “A-team of terrorists,” and CIA director Tenet testified in February 2003 that “as an organization with capability and worldwide presence,” Hezbollah is Al Qaedas “equal, if not a far more capable organization.”**42 Hezbollah’s activities have been concentrated in Lebanon. The Israeli army had moved into southern Lebanon in 1982 to expel the Palestine Liberation Organization from the region and continued to occupy part of the country even after that goal was achieved. When Lebanon’s Shiites realized that the Israelis intended to stay, they took up arms. Hezbollah launched a sustained guerrilla war against the Israelis, eventually forcing them to withdraw from Lebanon in May 2000. It was the first time that Arab arms had successfully ousted Israel from occupied territory anywhere in the Middle East, an(l Hezbollah attained heroic status throughout the Arab world. As Lebanon’s president, Emile Lahoud, a Christian, told 60 Minutes: “If it wasn’t for them, we couldn’t have liberated our land. And because of that, we have big esteem for the Hezbollah movement.”’ Flush with victory, the group’s leader, Sayyid Hassan Nasrallah, drew one conclusion: “This ‘Israel’ that owns nuclear weapons and the strongest air force in this region is more fragile than a spider web.” Hezbollahs rhetoric, and its military success, raise the issue of whether the group might be motivated to carry out a nuclear terrorist attack against Tel Aviv or even New York, which Islamic fundamentalists have called “the Jewish capital of the world.” Some analysts discount the possibility, observing a pattern of growing pragmatism as Hezbollah becomes further invested in day-to-day Lebanese politics.’ (I Hezbollah currently holds twelve seats in Lebanon’s parliament.) Indeed, the group has turned part of its energies to providing social services to destitute Shiites in southern Lebanon, a “bombs and schools” strategy that has served other terrorist groups well, including the Irish Republican Army. But as with AI Qaeda, it is important to examine carefully what Hezbollah says. The group’s 1985 manifesto includes a section titled “The Necessity for the Destruction of Israel,” which declares: “Our struggle will end only when this entity is obliterated. We recognize no treaty with it, no cease-fire, no peace agreements.” Hezbollab’s hatred of Israel extends to the United States: “We see in Israel the vanguard of the United States in our Islamic vorld.” Moreover, this rhetoric cannot be dismissed as out of date. As Nasrallah reiterated in 2003, “Death to America was, is, and will stay our sbgall.”47 The CIA bas concluded that Hezbollah “would likely reactto an attack against it, Syria. or Iran with attacks against U.S. and Israeli targets worldwide.”4 In 2002, Israeli security services foiled two attempts by Hezbollah to explode so-called mega-bombs, able to demolish office towers on the scale of the Vorkl Trade Center. One of these plots targeted the Azrieli Towers, to of Tel Aviv’s tallest buildings, in what could have been a sequel to the attacks of 9/11. **As Gal Luft, one of Israel’s most thoughtful counterterrorism experts, has observed, it is only a matter of time before a “mega-attack” succeeds.49 Under what conditions might Hezbollah escalate to nuclear violence? One possibility involves the Iranian connection. In the early 1980s, Iran created Hezbollah as a proxy force against Israel, and it continues to give the group some $100 million a year. Iran also pro vides training, weapons, and explosives, as well as political, diplomatic, and organizational aid.** With Iran actively building the infrastructure of a nuclear weapons program, its leaders fear that Israel could preemptively attack the facilities before they are completed, as it did in 1981 when Israeli aircraft bombed Saddam Hussein’s nuclear reactor at Osirak. Iran has thought carefully about how it could deter such an attack. The Iranian defense minister warned in December 2003: ‘We will strike Israel with all weapons at our (lisposal if the Zionist regime ventures to do so.”° If Hezbollah lab had a suitcase nuclear device and were able credibly to threaten Tel Aviv; would Israel he so quick to attack Iran’s nuclear facilities? **Another possibility is that a splinter group from within Hezbollah could make the move toward nuclear terror. As the current leader ship of Hezbollah becomes further entrenched in domestic Lebanese politics, the group’s more militant operatives may well strike out on their own. Could a plausible threat to destroy Tel Aviv compel Israel to withdraw from the West Bank and Gaza or change its behavior? Revenge against the United States for supporting Israel could also spur senseless destruction. For this purpose, Hezbollah might join forces with Al Qaeda, as it did in the 1996 attack on a U.S. military installation, the Khobar Towers, in Saudi Arabia.** Hezbollah’s security chief, Imad Mughniyah (believed to be behind the Marine barracks bombing in 1983 and the hijacking of TWA Flight 847 to Beirut in 1985), has reportedly met more than once with bin Laden and his top aides to establish their common goal of forcing the United States to withdraw from the Middle East. Ah Mohamed, a former U.S. Special Forces member who pled guilty to conspiring with bin Laden on the 1998 bombings of two American embassies in Africa, testified in October 2000, before a U.S. federal district court, that **Hezbollah has provided Al Queda with explosives training and that he provided security for meetings between Mughiuivab and bin Laden.5’ If Hezbollah perceives U.S. policy as threatening its most vital interests, then it could begin to adopt Al Qaeda’s more radical agenda. With its unrivaled technical terror expertise, Hezbollah would be well positioned to escalate to nuclear terrorism.**

#### Additionally, Hezbollah weapons transfers cause third Lebanon war – it has embedded military infrastructure throughout the country

Badran 13Tony Badran, 7th March 2013. “A Nifty Conceit: The EU, Hezbollah, and Lebanon.” <http://www.defenddemocracy.org/media-hit/a-nifty-conceit-the-eu-hezbollah-and-lebanon/> (Tony Badran is a Research Fellow at the Foundation for Defense of Democracies (FDD) in Washington, DC. He focuses on Lebanon, Syria and Hezbollah. His research includes US policy towards Lebanon and Syria; Syrian foreign policy, with a focus on its regional relations and its ties to militant non-state actors and terrorist groups)

The Hezbollah bus bombing in Bulgaria as well as their foiled operation in Cyprus have put Europe in an uncomfortable position, as pressure increases on the EU to designate Hezbollah as a terrorist organization. The plot in Cyprus is especially embarrassing, as the Hezbollah operative there was arrested and is being publicly tried, making it harder for EU officials to deny evidence laid out in the open. Still, it is painfully obvious that Europe would much prefer this whole Hezbollah inconvenience go away. In resisting calls to designate the Shiite group, the Europeans have hid behind a nifty conceit: designating Hezbollah could destabilize Lebanon. Espousing such a seemingly altruistic position is rather convenient. It affords the Europeans the semblance of judicious sagacity, enabling them to skirt the issue altogether, regardless of the evidence. Take for instance what Gilles de Kerchove, the EU’s Counterterrorism Coordinator, had to [say](http://euobserver.com/foreign/118859) about the matter. While strong evidence is a prerequisite for designating the group, Kechrove opined, there’s also a “political assessment.” The EU counterterrorism official then added, “for Hezbollah, you might ask, given the situation in Lebanon, which is a highly fragile, highly fragmented country, is listing it going to help you achieve what you want?” **The proposition that targeting Hezbollah would negatively impact Lebanon presupposes that the group currently contributes to stability. Such a view requires quite the suspension of disbelief. In reality, Hezbollah has thoroughly subverted the country and its citizens in virtually every aspect. Left unmolested, Hezbollah not only undermines Lebanon's security, institutions, and political system, but is also set track to compromise its foreign relations, ruin its financial system, and destroy whatever remains of its social cohesion. The most obvious threat has been and continues to be Hezbollah’s illegal arsenal.** As I have [written](https://now.mmedia.me/lb/en/commentaryanalysis/israels_free_hand) in recent weeks, **Hezbollah’s effort to transport into Lebanon the strategic weapons it had stored in Syria is placing the country in tremendous danger. What makes the peril inescapable is the fact that Hezbollah has turned entire population centers into military sites. It has embedded its military infrastructure inside towns and villages all throughout the country**. **The Israelis have already struck one such convoy in Syria. However, eventually Hezbollah may succeed in bringing another convoy across the border. This will surely prompt another Israeli strike, which in turn is sure to result in significant collateral damage**. In his February 16 address, Hezbollah’s Secretary **General Hassan Nasrallah** [declared](http://www.ynetnews.com/articles/0,7340,L-4345592,00.html) **that any such Israeli strike inside Lebanon would be met with retaliation against Israel’s infrastructure. Nasrallah’s threats, whether or not they’re to be taken seriously, are unlikely to alter Israel’s calculations regarding the smuggling of strategic weapons. Given that Hezbollah will surely attempt to bring in more of these weapons systems stored in Syria, an Israeli strike in Lebanon is, in all likelihood, a matter of time.** **Hezbollah’s involvement in Syria has had other deleterious effects on Lebanon and its fragile social fabric. By joining the war on the side of the Assad regime, Hezbollah is also acting as the regime’s flank in Lebanon. As such, it has taken action against Lebanese Sunnis who are assisting the Syrian opposition**. Whenever the Shiite group could not do so itself, it has relied on its allies in the military and security apparatuses to perform a task on its behalf, as we witnessed in the Arsal [incident](https://now.mmedia.me/lb/en/commentaryanalysis/hollow-praise-for-the-laf) several weeks ago. The damage has been, therefore, double. On the one hand, Hezbollah further exacerbated Sunni-Shiite tensions. Already it had brought those communal relations to the brink in May 2008, when it assaulted Sunni neighborhoods of Beirut (and the Druze Shouf Mountains), killing dozens. On the other hand, it pitted the Lebanese Armed Forces (LAF) against the Sunni community, which has come to view the Party of God’s relationship with the LAF with great suspicion. In addition, not only does Hezbollah provide cover to a host of criminal activities in its areas of influence – keeping them beyond the reach of the law – but also, the Party of God stands accused in the murder of former Prime Minister Rafiq Hariri. Four of its commanders and operatives have been named as suspects, but, naturally, the LAF would never consider moving in to apprehend them. Perhaps the EU would also prefer to abort justice and gloss over political assassination in order to avoid action that would ‘destabilize’ the country. It’s bad enough that [suspicions](http://www.realclearworld.com/articles/2012/10/25/irans_bloody_power_play_100309.html) over Hezbollah’s role in other political murders and assassination [attempts](http://www.dailystar.com.lb/News/Local-News/2013/Mar-06/209068-judge-requests-life-in-prison-for-suspect-in-harb-case.ashx) have eaten at the core of communal coexistence and the political system altogether. But the Party of God’s penetration of state institutions has also implicated the Lebanese state in Hezbollah’s activities, both in Lebanon and abroad. Take for instance Hezbollah’s control over General Security. That apparatus is responsible for ports of entry as well as for the issue of travel documents. In recent years, as Hezbollah cells have been uncovered abroad, it came to light that many of its operatives held false identification papers that were nevertheless issued by the government. The case of Sami Shehab, who was [arrested](http://www.nytimes.com/2009/04/14/world/middleeast/14egypt.html) in Egypt in 2009, is but one example. Shehab was in Egypt on an officially issued false passport. Such activities abroad have not only damaged Lebanon’s diplomatic relations, but have also hurt Lebanese expatriates, especially those working in the Gulf Arab states. Most recently, the uncovering of Hezbollah cells in the United Arab Emirates have led to the [deportation of Lebanese resident workers](http://www.naharnet.com/stories/en/42441of) in that country. This is hardly the worst economic calamity Hezbollah has brought on Lebanon. **The Party of God’s vast,** [global](http://www.defenddemocracy.org/media-hit/hezbollah-acts-local-thinks-global/)**, criminal,** [enterprise](https://now.mmedia.me/lb/en/reportsfeatures/eyes_on_hezbollah) **has infected the backbone of the Lebanese economy: the banking sector.** [The case of the Lebanese Canadian Bank](http://www.nytimes.com/2011/12/14/world/middleeast/beirut-bank-seen-as-a-hub-of-hezbollahs-financing.html?pagewanted=all) **is one ominous example. And while it may have been papered over, the potential damage to Lebanese banks, as a result of Hezbollah (and Iranian) money-laundering operations is simply devastating.** The group’s terrorist activities in Bulgaria and Cyprus (with whom Lebanon has critical energy interests) are bad enough. But its involvement in the drug trade and laundering of the proceeds through the banking sector and exchange houses is earning Lebanon the unenviable title of a “veritable money laundering machine,” [as illicit finance expert David Asher put it](http://ricks.foreignpolicy.com/posts/2012/01/17/time_to_get_serious_about_sanctions_on_iran_especially_through_lebanese_banks). Asher also notes that Hezbollah’s money laundering has infiltrated the real estate sector just as much as it has the banking sector. Designating Hezbollah, and purging it from the Lebanese financial system, may be the only way to salvage the critical banking sector down the road. The above is but a quick sample of how Hezbollah has corroded Lebanon’s security, economy, society, politics and state institutions. There is much more, including the [mutilation of the political system by force of arms](https://now.mmedia.me/lb/en/commentaryanalysis/the_tyranny_of_the_black_shirts). The bottom line is that the EU rationale for not designating Hezbollah is not only absurd; it is detrimental to Lebanon’s long-term prospects. Lebanon may not in the end survive the metastasis of Hezbollah. But Europe’s refusal to take action against the Party of God will only help ensure Lebanon’s demise.

#### CIA Focus on targeted killing trades off with combating Hezbollah – the CIA needs to shift its foucs

Max **Fisher**, Nov 21, **11**, CIA Outsmarted by Hezbollah: Is This the Cost of Counterterrorism?

<http://www.theatlantic.com/international/archive/2011/11/cia-outsmarted-by-hezbollah-is-this-the-cost-of-counterterrorism/248830/>

Since 2001, the U.S. spy agency has been retooled to fight terror, but what has it lost?

The Lebanese militant group **Hezbollah has unraveled much of the CIA's mission in Lebanon, capturing up to a dozen U.S. spies in the country and effectively shutting down the agency's crucial operations there. "Beirut station is out of business," a source told the Los Angeles Times today. The incident is a major blow to the CIA and to U.S. intelligence. The agency's posting in Lebanon has for decades been one of its most aggressive, most highly valued, and, for its staff, most prestigious.** Though the CIA base there aggressively tracks Hezbollah, it is also a headquarters for monitoring and often countering Syria and Iran**.**¶**How was the CIA outmaneuvered by one of its oldest foes** in one of its proudest outposts? **CIA sources**that spoke to the Associated Press, which broke the story along with the L.A. Times, seem not to fear a strengthening Hezbollah or even to blame the agency's White House overseers, as spy officials often do, but rather **cite a changing culture in the CIA itself. The old CIA mission of counterintelligence, of spy-versus-spy, has taken a back seat to** the new emphasis on **killing terrorists**, they seem to worry, and the agency has suffered as a result.¶ **The Lebanon crisis is the latest mishap involving CIA counterintelligence, the undermining or manipulating of the enemy's ability to gather information**. Former CIA officials have said **that once-essential skill has been eroded as the agency shifted from outmaneuvering rival spy**agencies **to fighting terrorists. In the rush for immediate results,** former officers say, **tradecraft has suffered**.¶ The most recent high-profile example was the suicide bomber who posed as an informant and killed seven CIA employees and wounded six others in Khost, Afghanistan in December 2009.¶ The Khost incident, which was devastating to the CIA, neatly encapsulates how the world's premier spy agency managed to lose so much of its spy skills. Since September 2001, **the agency's mission has been less and less about subterfuge and intelligence-gathering but more and more about killing terrorists. In its growing emphasis on finding targets over finding information, it over-exposed itself** to the double-agent at Khost. This year, **as it was ramping up drone strikes** **in Pakistan, paramilitary operations in Somalia, and targeted killings in Yemen**, **it seems to have lost**some of **its once-prized focus on outwitting** such hostile agencies as **Hezbollah's "spy**combat **unit**."¶ The CIA first began to take a more aggressive posture during the Cold War, when presidents from Kennedy to Reagan used it to arm and train anti-Soviet opposition groups. But even then it remained mostly in the shadows, attempting to manipulate world events in the U.S.'s favor. And its primary tools -- back channels, foreign assets, secret bank accounts, and misinformation -- remained the same, even as the mission evolved. It was not until September 2001, when the U.S. quickly and dramatically changed its national security focus to terrorism, that the CIA began its slow transformation from a spy agency into something that at times more closely resembles a paramilitary organization.¶ How much has the CIA changed since 2001? In the late 1990s, senior officials in the Clinton administration debated endlessly over whether the CIA could legally be granted the authority to kill Osama bin Laden; the agency had been banned from assassinations since 1976, following revelations that it had tried to kill Fidel Castro a decade earlier. Even the idea of a direct presidential order to kill the world's most dangerous terrorist, a man who had already blown up two U.S. embassies, was considered controversial and outside the CIA's normal realm. Yet in the first 20 months of the Obama administration, the CIA's drone program in Pakistan alone killed over 800 people. It runs or helps run drone programs and special operations in several countries and even operates detention centers. Under Obama, the CIA and Pentagon have borrowed one another's methods in Afghanistan and Iraq (not to mention one another's leadership) so regularly that the line between U.S. intelligence and the U.S. military has blurred in unprecedented ways.¶ The change has also been political. In the days immediately after September 11, 2001, the Bush administration decided to put the agency on a much tighter leash, using something it called Top Secret Codeword/Threat Matrix. Intelligence reports were fed directly to the White House, which announced it would begin more directly controlling CIA activities. "The mistake was not to have proper analysis of the intelligence before giving it to the president," National Security Council member Roger Cressey told New Yorker reporter Jane Mayer for her Pulitzer-winning book on U.S. national security policy after September 2001, The Dark Side. "There was no filter. Most of it was garbage. None of it had been corroborated or screened. But it went directly to the president and his advisers, who are not intelligence experts. That's when mistakes got made."¶ That's also when the White House began pushing the CIA in a way that encouraged it to put less emphasis on its long-term information-collection and counterintelligence efforts, slow-boil missions that might takes years or more to yield results and that might be more about detecting future threats than combating existing ones. The White House's new urgency about terrorism and al-Qaeda placed far greater pressure on the CIA to deliver immediate results on known threats. First that meant tracking terrorists, then capturing and "interrogating" them, and within a few years it meant killing them outright. That urgency and pressure has been sustained for over a decade now. Judging by Hezbollah's recent victory over the CIA in Lebanon, which appears to have grown somewhat sloppy in its spycraft, some of the patience from the old days was lost.¶ While some in the CIA have zealously embraced the new mission, some have not, speaking out (though always anonymously) to the press. Ultimately, the CIA is guided by the White House and its prevailing assessment of what threatens the nation and how to fight back. In the 1980s, the CIA was so consumed by the Reagan administration's anti-Soviet fervor that in funneled millions of dollars to mujaheddin fighting the Soviet Union in Afghanistan without sufficiently considering whether its actions would increase other threats. The agency was so focused on bleeding the Soviets that, while the mission succeeded, it helped fuel a generation of militants who are still fighting against the U.S. around the world. **A similar sense of myopia appears to have returned to CIA policy since September 2001, with the agency and its White House overseers so obsessed with fighting terrorism that other skills go underdeveloped and other threats under-addressed**.¶As in the Cold War, unity of purpose has made the CIA incredibly effective at its central task: al-Qaeda's "central" organization in Afghanistan and Pakistan has been decimated, its Yemen-based branch severely curtailed, and its efforts at expansion left struggling. But as Andrew Exum wrote in response to the story, "It's great to have an intelligence agency with a knife in its teeth, but **the primary mission of an intelligence organization is to gather and analyze intelligence, not to thwack bad guys."**¶ It's not clear if the CIA's "primary mission" has changed as a result of deliberate, top-down decision-making, or if it was simply a slow but inexorable process of mission creep. As the CIA has gotten better at killing, it appears to have simultaneously become worse at spying. Maybe that's the path that the CIA had to take, with instability-fueled insurgencies increasingly able, willing, and interested in attacking U.S. assets and even civilians. **But this changing focus will necessarily leave it, and the U.S., more vulnerable to the non-terrorism threats that the CIA traditionally battles: rogue states, rising powers, and violent but shrewd organizations such as Hezbollah.**¶**Maybe the CIA can continue to handle both its old missions as well as its new, more aggressive tasks. But the agency's embarrassment in Lebanon suggests that it has emphasized paramilitary-style counterterrorism at the expense of spycraft. And while al-Qaeda has certainly posed a significant threat to the U.S., the terrorist group's power is eroding. Meanwhile, the U.S. still has to live in a world with dangerous rogue states such as Iran and North Korea, semi-hostile foreign intelligence services such as Russia's and China's, and anti-American groups from Hezbollah to the Pakistani Inter-Services Intelligence to Mexican drug cartels. At some point, the CIA -- and the White House -- will have to decide whether al-Qaeda and related groups really outweigh all of those threats**

#### Hezbollah is vulnerable to spying, but the CIA to focus more on espionage operations in order to disrupt the organization

**Smith 11.** Lee Smith “Fallible” <http://www.tabletmag.com/jewish-news-and-politics/84358/fallible> (Lee Smith is an American journalist, and senior editor for The Weekly Standard. He is the author of The Strong Horse: Power, Politics, and the Clash of Arab Civilizations (2003). Smith has written for Slate, the New York Times, the Boston Globe, and a variety of Arab media outlets. He is also a fellow of the Hudson Institute and Foundation for Defense of Democracies.)

Nonetheless, Hezbollah officials are putting up a good front. “The resistance blinded American intelligence eyes,” one Hezbollah member of Lebanese parliament [said](http://www.nowlebanon.com/NewsArticleDetails.aspx?ID=335221) last week. Perhaps he’s right—even as there are plenty of good reasons for the American intelligence community to encourage Hezbollah to think it bested the CIA. But **contrary to its reputation, Hezbollah may be more vulnerable to hostile clandestine services than any organization in the history of espionage. Hassan Nasrallah certainly thinks so.** Unique among world leaders, Nasrallah lives in hiding. **He has spent the last five years since the end of the party’s 2006 war with Israel bunkered underground because he fears his organization is so porous** that the Israelis have a good shot at assassinating him. Other recent intelligence triumphs against Hezbollah include Israel [destroying](http://www.ynetnews.com/articles/0,7340,L-3284302,00.html) most of the party’s long- and medium-range missiles within the first few hours of the 2006 war. Perhaps most spectacularly, Hezbollah’s legendary commander, Imad Mugniyeh, was [assassinated](http://blogs.law.harvard.edu/mesh/2008/02/imad_mughniyah_is_dead/) in February 2008 in the middle of Damascus. Then there was an Israeli spy ring that penetrated Hezbollah. And even though more than 100 people have been detained by Hezbollah and[arrested](http://www.tabletmag.com/jewish-news-and-politics/84358/%20http:/www.nowlebanon.com/NewsArticleDetails.aspx?ID=335221) by Lebanese security forces for espionage since April 2009, things keep blowing up—literally—in Hezbollah strongholds. Maybe the [blast](http://www.newenglishreview.org/blog_display.cfm/blog_id/39212) last week at a Hezbollah arms depot in Tyre was just an accident. Or perhaps it was a timely reminder that there are plenty of hostile assets still operating successfully in some of Hezbollah’s most sensitive areas. It is best, then, to treat Hezbollah’s Spartan reputation with a grain of salt. Unfortunately, many Western experts legitimize the party’s propaganda. For instance, Hezbollah leadership denied for many years that Mughniyeh had any official relationship to the organization. It was bad enough that [researchers](http://beirut2bayside.blogspot.com/2008/02/paging-norton-and-other-hezbollah.html) and journalists swallowed the party’s line. But even after Hezbollah buried Mughniyeh with full honors—not merely as a Hezbollah martyr, but as a pillar of the party’s revered leadership—regional experts never stopped to wonder: If Hezbollah lied about that, maybe they were lying about other things as well. Obviously Hezbollah, like all security and intelligence institutions, dissimulates. What’s different about Hezbollah is that its fictions are the foundation of a self-image that touches not only on earthly matters, but on heavenly ones as well. The CIA is the intelligence service of a regular state; it is designed and ruled by human beings and therefore imperfect in its very nature. Hezbollah, however, is not a regular political organization, but the party of God. **The arms of the resistance are sacred, entrusted with the duty of liberating Jerusalem, and its victories, like the 2006 war, are divine. But as it turns out, Hezbollah is not divine. It’s in fact quite flawed. And so the CIA story comes as another blow in a series of shocks to the Islamic resistance’s prestige**. Only credulous Western media sources believe that Hezbollah won a “divine victory” over Israel in 2006. The Shiite community in southern Lebanon knows better, which is why tens of thousands of them tried to flee when a rocket was fired from their area during the middle of Cast Lead in 2008-09. Even Hezbollah knows it is deterred, which is why the border with Israel has been relatively quiet since then. On the domestic front, Hezbollah isn’t faring much better. In 2009, a financier close to the party and nicknamed the [Lebanese Madoff](http://www.reuters.com/article/2009/09/22/us-lebanon-businessman-idUSTRE58L00Q20090922) was found to have stolen more than half a billion dollars from the Shiite community. Hezbollah’s May 2008 [attack](http://news.bbc.co.uk/2/hi/7391600.stm) on Sunni neighborhoods in Beirut and on Druze regions in the mountains sullied the resistance—through the use of weapons that, according to Hezbollah mythology, are only to be used against the Zionist invaders, not fellow Lebanese. Even more significantly, Hezbollah has been named in the assassination of former Lebanese Prime Minister Rafik Hariri. In August, the Special Tribunal for Lebanon [indicted](http://www.dailystar.com.lb/News/Politics/2011/Aug-17/Hariri-assassination-result-of-suicide-attack.ashx#axzz1f4LUn14I) four Hezbollah operatives, including two of Mughniyeh’s brothers-in-law, for their role in the killing. In other words, the party of God stands accused of murdering one of the Middle East’s major Sunni leaders, which puts Hezbollah in a dangerous position with its Sunni neighbors inside Lebanon and around the region. It certainly doesn’t help the party’s reputation that its Syrian patron, President Bashar al-Assad, has been slaughtering members of the Sunni-majority uprising in neighboring Syria. Without Assad, Hezbollah will lose its supply lines. Even with Assad fighting to survive, circumstances are trying for Hezbollah. In the eyes of the regional Sunni majority, the regime in Damascus and Hezbollah are no longer Arabs at war with Israel—they are minorities, killing fellow Arabs on behalf of the Iranians. **It’s true the CIA has made plenty of mistakes in Beirut over the last several decades, and the U.S. intelligence community may have blundered badly in this instance, too. And yet no one knows exactly the parameters of the game now under way in Lebanon, where a number of regional and internatio0nal actors**—including, among others, Syria, Iran, Saudi Arabia, France, Israel, and the United States—**all have a stake in the outcome. All we know for certain is that the timing is bad for Hezbollah,** divine no more

#### Creating effective Intelligence gathering is key to stop weapons transfers

**Riedel 12** Bruce Riedel. December 12th, 2012. “Syria and Chemical Weapons: What Can the U.S. do now? “<http://www.brookings.edu/research/opinions/2012/12/12-syria-chemical-weapons-us-riedel> (Bruce Riedel is senior fellow and director of the [Brookings Intelligence Project](http://www.brookings.edu/about/projects/intelligence), part of Brookings’ new [Center for 21st Century Security and Intelligence](http://www.brookings.edu/about/centers/security-and-intelligence). Riedel also serves as a senior fellow in the [Saban Center for Middle East Policy](http://www.brookings.edu/about/centers/saban). Riedel joined Brookings following a 30-year career at the Central Intelligence Agency, a tenure which included multiple overseas postings. He served as a senior advisor to the last four U.S. presidents on South Asia and the Middle East, working as a senior member of the National Security Council)

**Syria has the Arab world’s most lethal arsenal of weapons of mass destruction, hundreds of chemical warheads, dozens of Scud missiles and bombs which can deliver them anywhere in the Levant. Stopping them from falling into terrorist hands should be our top intelligence priority.** Syrian scientists developed an effective chemical weapons program using primarily the nerve agent sarin, a substance 500 times more toxic than cyanide, in the 1980s. Syria mated the nerve agent with Scud missiles and with bombs and artillery shells. When Israel learned of the Syrian program it considered military action to destroy it but concluded the program was too disbursed to be susceptible to air attacks without an unacceptable risk that Syria would respond by firing chemicals into Tel Aviv. Securing all of the arsenal today would require a very large military intervention. As Syria collapses further into chaos over the next few months the most immediate danger is that al-Qaeda’s Syrian wing, the al-Nusra front, will take control of a military facility with a cache of chemical weapons. They could use them against Assad’s forces, or more likely spirit them into a third country to attack an American target. Jordan foiled an al-Qaeda plot to attack our Embassy in Amman this fall with mortar fire. How well al-Qaeda could maintain and use chemicals is unknown. Chemical weapons in amateur hands can be very dangerous both to the amateur and his enemy. We don’t want to take the chance**. The key to stopping al-Qaeda or Hezbollah gaining control of a cache is good real time actionable intelligence. The CIA and Mossad have had almost two years to ramp up intelligence collection on Syria but it’s a formidable challenge. U.S. and Jordanian commandoes need to be ready to secure any loose bombs**.

#### Lack of GAO access stunts congressional capabilities to promote a revolution in intelligence

Nancy C. **Roberts et. al**. , Editor, Richard J. Harknett, associate professor of political science and chair of the University Faculty at the University of Cincinnati, James A. Stever, Professor at University of Cincinnati, The Struggle to Reform Intelligence after 9/11, Public Administration Review • September | October **2011** <http://onlinelibrary.wiley.com/store/10.1111/j.1540-6210.2011.02409.x/asset/j.1540-6210.2011.02409.x.pdf?v=1&t=hmr69l0i&s=e5ff970bfdd6af39edc4a3dbaa5e3c920f9f5339>

The schism between the executive and Congress has been exacer- bated by the CIA. The CIA refuses to supply information to the Government Accountability Office (GAO) and encourages other intelligence agencies to do the same (Donald-son 2010, 21–23). This controversial refusal is supported by the Justice Department Office of Counsel’s 1988 opinion that intelligence activities are exempt from GAO reviews.10 When the Senate in 2010 attempted to settle the issue and pass legislation granting the GAO the authority to review the full array of agencies in the intelligence community, Peter Orszag, director of the Office of Management and Budget, informed Senator Dianne Fein- stein that the president would veto the bill if it included that provision.11¶ This schism has reduced the scope of legisla- tive involvement in the intelligence commu- nity. Deprived of GAO analysis to inform and support its recommendations, the congres- sional impact on the budget, policy, and structure of intelligence agencies has been reduced. The secondary effect is that GAO analysis is not available to institutions outside the Congress and to the public. The Office ￼of Management and Budget, which has full access to intelligence community budgetary information, does not share and publish this information in the same manner as the GAO.¶ There are, of course, two separable points of contention here relating to congressional involvement. First is the potentially less controversial notion that more GAO access in evaluating budgets, policies, and structures of intelligence agencies would position congressional committees to more effectively conduct their oversight roles. In the particular area of how structural reforms are influencing function, the lack of GAO analysis likely handicaps informed congressional action. Second, and more to Senator Bond’s point, is the more con- troversial and problematic contention that greater access is needed so that analysis of the analysis could take place. Here, the point is that if committee staff had more access to the raw intelligence underlying finished intelligence products (judgments produced by the intelligence agencies), the committees could make their own analytic judgments and thus judge the professional assessments of the intelligence agencies. Of course, the inherent political nature of Congress raises the concern that legislative involvement in intelli- gence analysis would politicize the analysis.¶ Where the GAO should fit regarding these points of contention was not addressed in the IRTPA. The GAO has not been silent about¶ its marginal role. Four years after IRTPA, amid mounting congres- sional discontent, it argued before the Senate for a greater role in intelligence analysis (GAO 2008). In his testimony, Comptroller General David M. Walker stressed that management oversight could improve personnel management throughout the intelligence com- munity and the laborious security clearance process. Conclusions¶ It is still an open question whether the IRTPA’s vision of transform- ing agency-based intelligence into an integrated networked intelli- gence enterprise can succeed. The intelligence community confronts an old conundrum: revolution versus evolution. Reform in the latter mode defaults to the importance of the imme- diate and thus to a less disruptive incremental approach; reform in the former mode gives priority to the consequences of future failure and thus supports dramatic overhaul. As we noted earlier, the intelligence reforms of 9/11 created an office that could be visionary, but it did not empower an officer that could be transformational. If one accepts the premises of Vision 2015—that we face a threat envi- ronment that requires an intelligence structure that is agile, flexible, and adaptive—then the conclusion one must draw ten years out from 9/11 is that we have a vision of where we need to go, but not the legislative basis on which to move beyond the half measure of intelligence reform that is the IRTPA. Ten years after 9/11, it remains unclear whether the IRTPA and the documents that the act inspired rep- resent a road to reform that is potentially only half traveled or has run its course.

#### GAO enforcement improves inelegance quality

**Walker, 7** (David M. Walker, Comptroller of the United States Federal Government, GAO, <http://www.fas.org/irp/gao/walker030107.pdf>)

Finally, you asked us to address the benefits or drawbacks, if any, of obtaining the assistance of GAO, whether on the initiative of the Intelligence Community or either the House of Senate intelligence committee, in examining and reporting on the financial transactions, programs, and activities of the Intelligence Community. The benefits that GAO can provide the committee, the Congress, and the Intelligence Community would be significant. First, GAO efficiently uses its resources to meet the needs of the Congress and exercises the independence and objectivity necessary to ensure that its work and products not only conform to applicable professional standards, but that its work is professional, objective, fact-based, nonpartisan, nonideological, fair, and balanced. Second, GAO has the capability to form multidisciplinary teams, including accountants, analysts, program evaluators, cost analysts, attorneys, information technology specialists, economists, methodologists, engineers, and expert consultants to provide a total picture on a given issue. These multidisciplinary teams have experience in examining many other government agencies and programs, such as strategic planning, organizational alignment, human capital management, information technology architectures and systems, knowledge management, and specific program and activity knowledge across most key government functions. In addition, GAO has long-standing and ongoing work in the national security, homeland security, and international affairs issues. Each year, GAO’s work results in major improvements and efficiencies in government operations and billions of dollars in financial benefits. Third, GAO has a broad perspective through preforming extensive domestic and overseas fieldwork across the entire spectrum of federal departments and agencies, providing an in-depth, “end-to-end” perspective on crosscutting government programs and actives, such as multiple agencies’ actives abroad and the coordination challenges they face. Fourth, GAO operates with agreed-upon rules of engagement and agency protocols, including formal entrance and exit conferences with agency officials. For example, at an exist conference, GAO provides the agency with a statement of fact to confirm that the critical facts and key information used to formulate GAO’s analyses and findings are current, correct, and complete. Agency issues and additional information can be incorporated into GAO’s analysis and observations, and agency comments on draft reports are included in GAO products so clients can see the agency’s views. Fifth, GAO provides its clients with the information they need- when they need it. GAO uses a wide variety of products to meet its clients’ information needs and time frames, including briefings, congressional testimony, reports and legal opinions. Finally, unlike individual inspectors general, GAO can reach across multiple agencies govermentwide in crosscutting reviews to examine and identify challenges and ways to improve Intelligence Community management and business processes and results (much of which would not require getting sources and methods). For example, GAO can review the following types of transactions, programs, and activities: Intelligence Community transition initiatives, metrics, and results. Collection management, processing, exploitation, and dissemination. Budget scrubs, “quick looks,” and drill-down acquisition reviews of programs in the National Intelligence Program and Military Intelligence Program. Others have suggested some concerns related to GAO examining and reporting on the financial transactions, programs, and actives of the Intelligence Community. These concerns include (1) a limited number of personnel at GAO which proper sensitive compartmented information (SCI) access; (2) public or wide availability of GAO reports; (3) the lack of GAO facilities approved to store SCI material; (4) the lack of insight into unique Intelligence Community authorities, policies, and practices; and (5) potential duplication or overlap of GAO work with that of inspectors general and other audit organizations. We believe we can effectively address these potential concerns. First, GAO already has a number of personnel with SCI access, especially within our multidisciplinary teams, and GAO would work with the Intelligence Community to expand the number of analysts with the appropriate access. GAO has already embarked on that process. Second, GAO tightly controls and limits dissemination of the results of its classified work, both written and oral, which are tailored to the needs of its client (e.g., intelligence or other committees of jurisdiction and the intelligence agencies’ leadership). I am prepared to consider further restrictions, if necessary, on the dissemination of GAO’s work results relating to the Intelligence Community. Third, while GAO’s headquarters currently does not have facilities approved to store SCI material, GAO personal can conduct their reviews in an agency approved space. GAO currently is assessing the need to store SCI material at its headquarters. In addition, GAO’s Dayton Office has access to facilities approved to process and store SCI material at Wright-Patterson Air Force Base, Ohio. Forth, regarding a need for insight intro unique Intelligence Community authorities and policies, and practices, GAO’s work overall is deeply rooted in an understanding of authorities and policies when examining programs and actives. Although we have not formally been conducting reviews in the Intelligence Community, we regularly engage in discussions with officials, many of whom have dual-hatted responsibilities. Finally, inspectors general play a valuable and important role and we recognize that the Intelligence Community already has some degree of oversight through existing organizations. However, GAO already coordinates with inspectors general and other audit organizations to avoid overlap and duplication when reviewing other agencies’ programs and actives and would continue to do so for its work in the Intelligence Community.

#### Strong CIA intelligence checks conflict – reliable data is key to leverage that mitigates flashpoints

Human Rights First 2011, “Disrupting the Supply Chain for Mass Atrocities How to Stop Third-Party Enablers of Genocide and Other Crimes Against Humanity”

<http://www.humanrightsfirst.org/wp-content/uploads/pdf/Disrupting_the_Supply_Chain-July_2011.pdf>

**Intelligence collection and analysis are key to identifying threats of mass atrocities and developing responses. Better intelligence on third-party enablers of atrocities would reveal additional policy options to prevent or mitigate violence against civilians. Mapping the actors and dynamics in atrocity situations willclarify the identities of the enablers, their specific roles, and the actors or connections in the supply chain that may be particularly susceptible to pressure. The government alone can accomplish this work; no non-governmental entity, whether in journalism, research, or advocacy, has sufficient money, people, and networks to draw a complete picture.¶ In some cases, the enablers will be the very same actors that interest the United States for their role in other illicit transnational networks. By prioritizing a focus on enablers of atrocities in intelligence collection, and by sharing information and analysis across agencies,intelligence collection can yield high-value information on a broader set of national security challenges such as money laundering, terrorist financing, andnarcotics trafficking**.¶ Policy makers should ensure that the intelligence it routinely analyzes can be used to an even broader extent. For example, the CIA’s office on war crimes contributes to the twice-yearly Atrocities Watch List and supports war crimes tribunals; the information collection and analysis required for those functions, and the Watch List itself, should be expanded to include (if they do not already) not only perpetrators of ongoing atrocities and potential perpetrators in regions listed on the Watch List, but also the third-party actors that enable them. The intelligence community (IC) should also be charged with identifying and collecting intelligence on those enablers that have played roles in recent atrocities, since past behavior— such as the Government of Sudan’s in Darfur—may well continue even in other regions—such as South Kordofan or Abyei. Congress’s oversight function could be used more consistently to ensure that the IC maintains a focus on atrocities as a national security priority. In 2010, then- Director of National Intelligence Dennis Blair told Congress at a hearing on the ODNI’s Annual Threat Assessment that “over the next five years, a number of countries in Africa and Asia are at significant risk for a new outbreak of mass killing. . . . a new mass killing or genocide is most likely to occur in Southern Sudan.”18 DNI ames Clapper’s February 2011 testimony regarding the Annual Threat Assessment included no such attention to atrocities, despite the ongoing violence in Darfur, the absence of resolution of many problems in Southern Sudan, and violence against civilians in Côte d’Ivoire, Kyrgyzstan, and elsewhere in the previous nine months, as well as worries about violence around upcoming elections in Kenya.¶ While **intelligence on enablers can help policy makers target key actors or interruption points, the coordinated and committed use of the appropriate policy tools— political pressures, economic** sanctions, or even military actions—is also critical to effective action.

# 2AC

## 2AC longer

#### US losing the WOT now – US needs to change its strategy

**Walt 7/29** ([**Stephen M. Walt**](http://www.foreignpolicy.com/author/Stephen%20M.%20Walt)**, Robert and Renée Belfer professor of international relations at Harvard University. “**[**'They're Baaack…': The Rebirth of al Qaeda?**](http://walt.foreignpolicy.com/posts/2013/07/29/theyre_baaackthe_rebirth_of_al_qaeda)**,” July 29, 2013,** [**http://walt.foreignpolicy.com/posts/2013/07/29/theyre\_baaackthe\_rebirth\_of\_al\_qaeda**](http://walt.foreignpolicy.com/posts/2013/07/29/theyre_baaackthe_rebirth_of_al_qaeda)**)**

Last Friday I posted an entry on America's ["one-sided" war on terrorism](http://walt.foreignpolicy.com/posts/2013/07/26/our_one_sided_war_on_terror), arguing that the country has focused enormous efforts on deterring, thwarting, or killing suspected terrorists and hardly any effort on removing the incentives or grievances that might make someone join a terrorist organization. The very same day, Bruce Riedel of the Brookings Institution posted [an article](http://www.thedailybeast.com/articles/2013/07/26/al-qaeda-is-back.html) on the Daily Beast, arguing that various al Qaeda affiliates are making a significant comeback in places like Iraq and Syria. Precisely my point. Undoubtedly, some pundits will interpret Riedel's article as evidence that the United States should have been even more aggressive and should have stayed in Iraq or Afghanistan or Yemen or wherever for as long as it took. This argument overlooks the tremendous costs of these operations -- including their degrading effects on Army performance and morale -- as well as their inherently self-defeating character. Given that opposition to foreign occupation and interference is one of the prime motivations behind terrorist activity -- especially [suicide bombings](http://www.amazon.com/gp/product/0812973380/ref=as_li_ss_tl?ie=UTF8&camp=1789&creative=390957&creativeASIN=0812973380&linkCode=as2&tag=fopo-20) -- maintaining an extensive military footprint in the Arab and Islamic world is a recipe for endless war. Even more limited operations like drone strikes have been tactically effective but are strategically questionable, precisely because they give jihadi recruiters a constant pool of angry locals from which to draw and vindicate their claims that the United States is unalterably addicted to violent interference in their societies. Indeed, the real lesson of Riedel's article is that much of the so-called "war on terror" has been misguided to the point of foolishness. It was both smart and necessary to go after al Qaeda in Afghanistan, but letting Osama bin Laden slip away at Tora Bora was a [massive command failure](http://www.gpo.gov/fdsys/pkg/CPRT-111SPRT53709/html/CPRT-111SPRT53709.htm). It was dumb to take on the task of nation-building in Afghanistan, and even dumber to invade Iraq in 2003. It was both immoral and counterproductive to torture captured terrorists (it tarnished America's image and didn't yield better intelligence) and obtuse not to rethink other aspects of the United States' Middle East policy. The post-9/11 TSA regime has been a colossal waste of resources that has added little to Americans' overall level of security. And vacuuming up gazillions of bytes of email and phone records merely proved that government agencies operating in secret will invariably grow like Topsy, without making Americans significantly safer. As Riedel suggests, none of these activities has prevented al Qaeda and its copycats from making a comeback. What is needed is a much more fundamental rethinking of the entire anti-terrorism campaign. As I suggested last week, part of that rethink means asking whether the United States needs to do a lot more to discredit jihadi narratives, instead of persisting with policies that make the extremists' charges sound plausible to their audiences. A second part is to keep the jihadi threat in better perspective: They are a challenge, but not a mortal threat to Americans' way of life unless the country reacts to them in ways that cause more damage to its well-being and its values than they do. Sadly, a rational ranking of costs, benefits, and threats seems to be something that the U.S. foreign-policy establishment is largely incapable of these days.

#### Intel is key in winning on the war on terror

Anna-Katherine Staser **McGill 12**, School of Graduate and Continuing Studies in Diplomacy, Norwich University, David Gray, Campbell University, Summer 2012, “Challenges to International Counterterrorism Intelligence Sharing,” http://globalsecuritystudies.com/McGill%20Intel%20Share.pdf

In his article “Old Allies and New Friends: Intelligence-Sharing in the War on Terror”, Derek Reveron states “the war on terror requires high levels of intelligence to identify a threat relative to the amount of force required to neutralize it” as opposed to the Cold War where the opposite was true (455). As a result, intelligence is the cornerstone of effective counterterrorism operations in the post 9/11 world. Though the United States has the most robust intelligence community in the world with immense capability, skills, and technology, its efficiency in counterterrorism issues depends on coalitions of both traditional allies and new allies. Traditional allies offer a certain degree of dependability through a tried and tested relationship based on similar values; however, newly cultivated allies in the war on terrorism offer invaluable insight into groups operating in their own back yard. The US can not act unilaterally in the global fight against terrorism. It doesn’t have the resources to monitor every potential terrorist hide-out nor does it have the time or capability to cultivate the cultural, linguistic, and CT knowledge that its new allies have readily available. The Department of Defense’s 2005 Quadrennial Review clearly states that the United States "cannot meet today's complex challenges alone. Success requires unified statecraft: the ability of the U.S. government to bring to, bear all elements of national power at home and to work in close cooperation with allies and partners abroad" (qtd in Reveron, 467). The importance of coalition building for the war on terrorism is not lost on US decision-makers as seen by efforts made in the post 9/11 climate to strengthen old relationships and build new ones; however, as seen in the following sections, the possible hindrances to effective, long term CT alliances must also be addressed in order to sustain current operations.

#### CIA strikes tank Yemen stability

**Rohde ’12** (David Rohde, “How Obama’s drone war is backfiring”, <http://blogs.reuters.com/david-rohde/2012/03/01/how-obamas-drone-war-is-backfiring/>, March/April issue of Foreign Policy, March 1, 2012)

When Barack Obama took the oath of office three years ago, no one associated the phrase “targeted killing” with his optimistic young presidency. In his inaugural address, the 47-year-old former constitutional law professor uttered the word “terror” only once. Instead, he promised to use technology to “harness the sun and the winds and the soil to fuel our cars and run our factories.” Oddly, technology has enabled Obama to become something few expected: a president who has dramatically expanded the executive branch’s ability to wage high-tech clandestine war. With a determination that has surprised many, Obama has embraced the CIA, expanded its powers and approved more targeted killings than any modern president. Over the last three years, the Obama administration has carried out at least 239 covert drone strikes, more than five times the 44 approved under George W. Bush. And after promising to make counterterrorism operations more transparent and rein in executive power, Obama has arguably done the opposite, maintaining secrecy and expanding presidential authority. Just as importantly, the administration’s excessive use of drone attacks undercuts one of its most laudable policies: a promising new post-9/11 approach to the use of lethal American force, one of multilateralism, transparency and narrow focus. Obama’s willingness to deploy lethal force should have come as no surprise. In a 2002 speech, Illinois State Senator Obama opposed Bush’s impending invasion of Iraq, but not all conflicts. “I don’t oppose all wars,” he said. “What I am opposed to is a dumb war.” And as president, in his December 2009 Nobel Peace Prize acceptance speech, Obama warned, “There will be times when nations — acting individually or in concert — will find the use of force not only necessary but morally justified.” Since then, he has not only sent U.S. forces into Afghanistan, Iraq and Libya, but also repeatedly approved commando raids in Pakistan and Somalia and on the high seas, while presiding over a system that unleashed hundreds of drone strikes. In a series of recent interviews, current and former administration officials outlined what could be called an “Obama doctrine” on the use of force. Obama’s embrace of multilateralism, drone strikes and a light U.S. military presence in Libya, Pakistan and Yemen, they contend, has proved more effective than Bush’s go-heavy approach in Iraq and Afghanistan. “We will use force unilaterally if necessary against direct threats to the United States,” Ben Rhodes, the administration’s deputy national security advisor for strategic communications, told me. “And we’ll use force in a very precise way.” Crises the administration deems indirect threats to the United States — such as the uprisings in Libya and Syria — are “threats to global security,” Rhodes argued, and will be responded to multilaterally and not necessarily by force. The drawdown of U.S. troops in Iraq and Afghanistan, as well as the creation of a smaller, more agile U.S. military spread across Asia, the Pacific and the Middle East, are also part of the doctrine. So is the discreet backing of protesters in Egypt, Iran and Syria. The emerging strategy — which Rhodes touted as “a far more focused approach to our adversaries” — is a welcome shift from the martial policies and bellicose rhetoric of both the Bush administration and today’s Republican presidential candidates. But Obama has granted the CIA far too much leeway in carrying out drone strikes in Pakistan and Yemen. In both countries, the strikes often appear to be backfiring. Obama and other administration officials insist the drones are used rarely and kill few civilians. In a rare public comment on the program, the president defended the strikes in late January. “I want to make sure the people understand, actually, drones have not caused a huge number of civilian casualties,” Obama said. “For the most part, they have been very precise precision strikes against al Qaeda and their affiliates. And we are very careful in terms of how it’s been applied.” But from Pakistan to Yemen to post-American Iraq, drones often spark deep resentment where they operate. When they do attack, they kill as brutally as any weapon of war. The administration’s practice of classifying the strikes as secret only exacerbates local anger and suspicion. Under Obama, drone strikes have become too frequent, too unilateral, and too much associated with the heavy-handed use of American power. In 2008, I saw this firsthand. Two Afghan colleagues and I were kidnapped by the Taliban and held captive in the tribal areas of Pakistan for seven months. From the ground, drones are terrifying weapons that can be heard circling overhead for hours at a time. They are a potent, unnerving symbol of unchecked American power. At the same time, they were clearly effective, killing foreign bomb-makers and preventing Taliban fighters from gathering in large groups. The experience left me convinced that drone strikes should be carried out — but very selectively. In the January interview, Obama insisted drone strikes were used only surgically. “It is important for everybody to understand,” he said, “that this thing is kept on a very tight leash.” Drones, though, are in no way surgical. In interviews, current and former Obama administration officials told me the president and his senior aides had been eager from the outset to differentiate their approach in Pakistan and Afghanistan from Bush’s. Unlike in Iraq, where Democrats thought the Bush administration had been too aggressive, they thought the Bush White House had not been assertive enough with Afghan and Pakistani leaders. So the new administration adopted a unilateral, get-tough approach in South Asia that would eventually spread elsewhere. As candidate Obama vowed in a 2007 speech, referring to Pakistan’s president at the time, “If we have actionable intelligence about high-value terrorist targets and President Musharraf won’t act, we will.” In his first year in office, Obama approved two large troop surges in Afghanistan and a vast expansion of the number of CIA operatives in Pakistan. The CIA was also given more leeway in carrying out drone strikes in the country’s ungoverned tribal areas, where foreign and local militants plot attacks for Afghanistan, Pakistan and beyond. The decision reflected both Obama’s belief in the need to move aggressively in Pakistan and the influence of the CIA in the new administration. To a far greater extent than the Bush White House, Obama and his top aides relied on the CIA for its analysis of Pakistan, according to current and former senior administration officials. As a result, preserving the agency’s ability to carry out counterterrorism, or “CT,” operations in Pakistan became of paramount importance. “The most important thing when it came to Pakistan was to be able to carry out drone strikes and nothing else,” said a former official who spoke on condition of anonymity. “The so-called strategic focus of the bilateral relationship was there solely to serve the CT approach.” Initially, the CIA was right. Increased drone strikes in the tribal areas eliminated senior al Qaeda operatives in 2009. Then, in July 2010, Pakistanis working for the CIA pulled up behind a white Suzuki navigating the bustling streets of Peshawar. The car’s driver was later tracked to a large compound in the city of Abbottabad. On May 2, 2011, U.S. commandos killed Osama bin Laden there. The U.S. intelligence presence, though, extended far beyond the hunt for bin Laden, according to former administration officials. At one point, the CIA tried to deploy hundreds of operatives across Pakistan but backed off after suspicious Pakistani officials declined to issue them visas. At the same time, the agency aggressively used the freer hand Obama had given it to launch more drone strikes than ever before. Established by the Bush administration and Musharraf in 2004, the covert CIA drone program initially carried out only “personality” strikes against a preapproved list of senior al Qaeda members. Pakistani officials were notified before many, but not all, attacks. Between 2004 and 2007, nine such attacks were carried out in Pakistan, according to the New America Foundation. In 2008, the Bush administration authorized less-restrictive “signature” strikes in the tribal areas. Instead of basing attacks on intelligence regarding a specific person, CIA drone operators could carry out strikes based on the behavior of people on the ground. Operators could launch a drone strike if they saw a group, for example, crossing back and forth over the Afghanistan-Pakistan border. In 2008, the Bush administration carried out 33 strikes. Under Obama, the drone campaign has escalated rapidly. The number of strikes rose steeply to 53 in 2009 and then more than doubled to 118 in 2010. Former administration officials said the looser rules resulted in the killing of more civilians. Current administration officials insisted that Obama, in fact, tightened the rules on the use of drone strikes after taking office. They said strikes rose under Obama because improved technology and intelligence gathering created more opportunities for attacks than existed under Bush. But as Pakistani public anger over the spiraling strikes grew, other diplomats expressed concern as well. The U.S. ambassador in Pakistan at the time, Anne Patterson, opposed several attacks, but the CIA ignored her objections. When Cameron Munter replaced Patterson in October 2010, he objected even more vigorously. On at least two occasions, CIA Director Leon Panetta dismissed Munter’s protests and launched strikes, the Wall Street Journal later reported. One strike occurred only hours after Sen. John Kerry, head of the Senate Foreign Relations Committee, had completed a visit to Islamabad. A March 2011 strike brought the debate to the White House. A day after Pakistani officials agreed to release CIA contractor Raymond Davis, the agency — again over Munter’s objections — carried out a signature drone strike that the Pakistanis say killed four Taliban fighters and 38 civilians. Already angry about the Davis case, Pakistan’s Army chief, Gen. Ashfaq Parvez Kayani, issued an unusual public statement, saying a group of tribal elders had been “carelessly and callously targeted with complete disregard to human life.” U.S. intelligence officials dismissed the Pakistani complaints and insisted 20 militants had perished. “There’s every indication that this was a group of terrorists, not a charity car wash in the Pakistani hinterlands,” one official told the Associated Press. Surprised by the vehemence of the official Pakistani reaction, National Security Adviser Tom Donilon questioned whether signature strikes were worthwhile. Critics inside and outside the U.S. government contended that a program that began as a carefully focused effort to kill senior al Qaeda leaders had morphed into a bombing campaign against low-level Taliban fighters. Some outside analysts even argued that the administration had adopted a de facto “kill not capture” policy, given its inability to close Bush’s Guantánamo Bay prison and create a new detention system. In April 2011, the director of Pakistan’s intelligence service, Lt. Gen. Ahmed Shuja Pasha, visited Washington in an effort to repair the relationship, according to news accounts and former administration officials. Just after his visit, two more drone strikes occurred in the tribal areas, which Pasha took as a personal affront. In a rare concession, Panetta agreed to notify Pakistan’s intelligence service before the United States carried out any strike that could kill more than 20 people. In May, after the bin Laden raid sparked further anger among Pakistani officials, Donilon launched an internal review of how drone strikes were approved, according to a former administration official. But the strikes continued. At the end of May, State Department officials were angered when three missile strikes followed Secretary of State Hillary Clinton’s visit to Pakistan. As Donilon’s review progressed, an intense debate erupted inside the administration over the signature strikes, according to the Wall Street Journal. Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, said the strikes should be more selective. Robert Gates, then the defense secretary, warned that angry Pakistani officials could cut off supplies to U.S. troops in Afghanistan. Clinton warned that too many civilian casualties could strengthen opposition to Pakistan’s weak, pro-American president, Asif Ali Zardari. The CIA countered that Taliban fighters were legitimate targets because they carried out cross-border attacks on U.S. forces, according to the former official. In June, Obama sided with the CIA. Panetta conceded that no drone strike would be carried out when Pakistani officials visited Washington and that Clinton and Munter could object to proposed strikes. But Obama allowed the CIA director to retain final say. Last November, the worst-case scenario that Mullen, Gates and Clinton had warned of came to pass. After NATO airstrikes mistakenly killed 24 Pakistani soldiers on the Afghanistan-Pakistan border, Kayani demanded an end to all U.S. drone strikes and blocked supplies to U.S. troops in Afghanistan. At the same time, popular opposition to Zardari soared. After a nearly two-month lull that allowed militants to regroup, drone strikes resumed in the tribal areas this past January. But signature strikes are no longer allowed — for the time being, according to the former senior official. Among average Pakistanis, the strikes played out disastrously. In a 2011 Pew Research Center poll, 97 percent of Pakistani respondents who knew about the attacks said American drone strikes were a “bad thing.” Seventy-three percent of Pakistanis had an unfavorable view of the United States, a 10-percentage-point rise from 2008. Administration officials say the strikes are popular with Pakistanis who live in the tribal areas and have tired of brutal jihadi rule. And they contend that Pakistani government officials — while publicly criticizing the attacks — agree in private that they help combat militancy. Making the strikes more transparent could reduce public anger in other parts of Pakistan, U.S. officials concede. But they say some elements of the Pakistani government continue to request that the strikes remain covert. For me, the bottom line is that both governments’ approaches are failing. Pakistan’s economy is dismal. Its military continues to shelter Taliban fighters it sees as proxies to thwart Indian encroachment in Afghanistan. And the percentage of Pakistanis supporting the use of the Pakistani Army to fight extremists in the tribal areas — the key to eradicating militancy — dropped from a 53 percent majority in 2009 to 37 percent last year. Pakistan is more unstable today than it was when Obama took office. A similar dynamic is creating even worse results on the southern tip of the Arabian Peninsula. Long ignored by the United States, Yemen drew sudden attention after a suicide attack on the USS Cole killed 17 American sailors in the port of Aden in 2000. In 2002, the Bush administration carried out a single drone strike in Yemen that killed Abu Ali al-Harithi, an al Qaeda operative who was a key figure in orchestrating the Cole attack. In the years that followed, the administration shifted its attentions to Iraq, and militants began to regroup. A failed December 2009 attempt by a militant trained in Yemen to detonate a bomb on a Detroit-bound airliner focused Obama’s attention on the country. Over the next two years, the United States carried out an estimated 20 airstrikes in Yemen, most in 2011. In addition to killing al Qaeda-linked militants, the strikes killed dozens of civilians, according to Yemenis. Instead of decimating the organization, the Obama strikes have increased the ranks of al Qaeda in the Arabian Peninsula from 300 fighters in 2009 to more than 1,000 today, according to Gregory Johnsen, a leading Yemen expert at Princeton University. In January, the group briefly seized control of Radda, a town only 100 miles from the capital, Sanaa. “I don’t believe that the U.S. has a Yemen policy,” Johnsen told me. “What the U.S. has is a counterterrorism strategy that it applies to Yemen.” The deaths of bin Laden and many of his lieutenants are a step forward, but Pakistan and Yemen are increasingly unstable. Pakistan is a nuclear-armed country of 180 million with resilient militant networks; Yemen, an impoverished, failing state that is fast becoming a new al Qaeda stronghold. “They think they’ve won because of this approach,” the former administration official said, referring to the administration’s drone-heavy strategy. “A lot of us think there is going to be a lot bigger problems in the future.” The backlash from drone strikes in the countries where they are happening is not the only worry. In the United States, civil liberties and human rights groups are increasingly concerned with the breadth of powers Obama has claimed for the executive branch as he wages a new kind of war. In the Libya conflict, the administration invoked the drones to create a new legal precedent. Under the War Powers Resolution, the president must receive congressional authorization for military operations within 60 days. When the deadline approached in May, the administration announced that because NATO strikes and drones were carrying out the bulk of the missions, no serious threat of U.S. casualties existed and no congressional authorization was needed. “It’s changed the way politicians talk about what should be the most important thing that a nation engages in,” said Peter W. Singer, a Brookings Institution researcher. “It’s changed the way we in the public deliberate war.” Last fall, a series of drone strikes in Yemen set another dangerous precedent, according to civil liberties and human rights groups. Without any public legal proceeding, the U.S. government executed three of its own citizens. On Sept. 30, a drone strike killed Anwar al-Awlaki, a charismatic American-born cleric of Yemeni descent credited with inspiring terrorist attacks around the world. Samir Khan, a Pakistani-American jihadist traveling with him, was killed as well. Several weeks later, another strike killed Awlaki’s 16-year-old son, Abdulrahman al-Awlaki, also a U.S. citizen. Administration officials insisted a Justice Department review had authorized the killings but declined to release the full document. “The administration has claimed the power to carry out extrajudicial executions of Americans on the basis of evidence that is secret and is never seen by anyone,” said Jameel Jaffer, deputy legal director of the American Civil Liberties Union. “It’s hard to understand how that is consistent with the Constitution.” After criticizing the Bush administration for keeping the details of its surveillance, interrogation and detention practices secret, Obama is doing the same thing. His administration has declined to reveal the details of how it places people on kill lists, carries out eavesdropping in the United States or decides whom to detain overseas. The administration is also prosecuting six former government officials on charges of leaking classified information to the media — more cases than all other administrations combined. Administration officials deny being secretive and insist they have disclosed more information about their counterterrorism practices than the Bush administration, which fiercely resisted releasing details of its “war on terror” and established the covert drone program in Pakistan. Obama administration officials say they have established a more transparent and flexible approach outside Pakistan that involves military raids, drone strikes and other efforts. They told me that every attack in Yemen was approved by Yemeni officials. Eventually, they hope to make drone strikes joint efforts carried out openly with local governments. For now, keeping them covert prevents American courts from reviewing their constitutionality, according to Jaffer. He pointed out that if a Republican president followed such policies, the outcry on the left would be deafening. “You have to remember that this authority is going to be used by the next administration and the next administration after that,” Jaffer said. “You need to make sure there are clear limits on what is really unparalleled power.” To their credit, Obama and his senior officials have successfully reframed Bush’s global battle as a more narrowly focused struggle against al Qaeda. They stopped using the term “war on terror” and instead described a campaign against a single, clearly identifiable group. Senior administration officials cite the toppling of Muammar al-Qaddafi as the prime example of the success of their more focused, multilateral approach to the use of force. At a cost of zero American lives and $1 billion in U.S. funding, the Libya intervention removed an autocrat from power in five months. The occupation of Iraq claimed 4,484 American lives, cost at least $700 billion, and lasted nearly nine years. “The light U.S. footprint had benefits beyond less U.S. lives and resources,” Rhodes told me. “We believe the Libyan revolution is viewed as more legitimate. The U.S. is more welcome. And there is less potential for an insurgency because there aren’t foreign forces present.” In its most ambitious proposal, the administration is also trying to restructure the U.S. military, implement steep spending cuts and “right-size” U.S. forces around the world. Under Obama’s plan, the Army would be trimmed by 80,000 soldiers, some U.S. units would be shifted from the Middle East to the Pacific, and more small, covert bases would be opened. Special Forces units that have been vastly expanded in Iraq and Afghanistan would train indigenous forces and carry out counterterrorism raids. Declaring al Qaeda nearly defeated, administration officials say it is time for a new focus. “Where does the U.S. have a greater interest in 2020?” Rhodes asked. “Is it Asia-Pacific or Yemen? Obviously, the Asia-Pacific region is clearly going to be more important.” Rhodes has a point, but Pakistan and its nuclear weapons — as well as Yemen and its proximity to vital oil reserves and sea lanes — are likely to haunt the United States for years. Retired military officials warn that drones and commando raids are no substitute for the difficult process of helping local leaders marginalize militants. Missile strikes that kill members of al Qaeda and its affiliates in Pakistan and Yemen do not strengthen economies, curb corruption or improve government services. David Barno, a retired lieutenant general who commanded U.S. forces in Afghanistan from 2003 to 2005, believes hunting down senior terrorists over and over again is not a long-term solution. “How do you get beyond this attrition warfare?” he asked me. “I don’t think we’ve answered that question yet.”

**Yemen drone strikes will cause wide spread blowback and strengthen the capacity of AQAP – that undermines Yemen stability**

**Hudson et al 13**

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Just as likely, as the case of FATA has clearly shown, increased strikes in Yemen will produce distinct forms of blowback. This will manifest itself in terms of increased recruitment for al-Qaeda or affiliated groups and a reduction of the Yemeni leadership's ability to govern, increasing competition from alternative groups.¶ In the case of drone use in FATA, we identified five distinct forms of blowback, all of which are directly applicable to the use of drones in Yemen. The first, purposeful retaliation is typified by the events of the 2009 Khost bombing of CIA Camp Chapman and, more recently, an al-Qaeda attack earlier in 2012 on a liquid-natural-gas pipeline running through Yemen's Shabwa province.2 The motivation behind both of these attacks has been cited as the unremitting presence of, and specific attacks from, U.S.-operated drones. The second form of blowback deals with the increased ability of AQAP to recruit new members, especially those who have had friends or family killed in the attacks. Third, an overreliance on drones creates strategic confusion. While the United States is not waging a counterinsurgency (COIN) campaign next to Yemen — as it is in Afghanistan, Pakistan's western neighbor — the control of the drone program has oscillated between the CIA and JSOC, reducing U.S. accountability and blurring the lines between military and intelligence operations. Taken together, these three factors foster two additional forms of blowback: the continued destabilization of Yemen and an increasingly precarious alliance between the American and Yemeni governments. All told, these distinct forms of blowback combine to heighten Yemen's ungovernability.

## 2AC

#### Counter plan doesn’t solve and links to politics- the president will overreach his power and circumvent the resolution anyways

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With discretion comes distrust. n2 Voters and legislators grant the executive discretion, through action or inaction, and increase executive discretion during emergencies, because they believe that the benefits of doing so outweigh the risks of executive abuse. n3 By the same token, political actors will attempt to constrain the executive, or will simply fail to grant powers they otherwise would have preferred to grant, where they believe that the risks and harms of abuses outweigh any benefits in security or other goods. The fear of executive abuse arises from many sources, but the basic problem is uncertainty about the executive's motivations. The executive may, for example, be a power maximizer, intent on using legal or factual discretion to harm political opponents and cement his political position, or that of his political party; or he may be an empire builder, interested in expanding his turf at the expense of other institutions.

Where the executive is indeed ill motivated in any of these ways, constraining his discretion (more than the voters would otherwise choose) may be sensible. But the executive may not be ill motivated at all. Where the executive is in fact a faithful agent, using his increased discretion to promote the public good according to whatever conception of the public good voters hold, then constraints on executive discretion are all cost and no benefit. Voters, legislators, and judges know that different executive officials have different motivations. Not all presidents are power maximizers or empire builders. n4 Of course, the executive need not be pure of heart; his devotion to the public interest may in turn be based on concern for the judgment of history. But so long as that motivation makes him a faithful agent of the principal(s), he counts as well motivated.¶ The problem, however, is that the public has no simple way to know which type of executive it is dealing with. An ill-motivated executive will just mimic the statements of a well-motivated one, saying [\*867] the right things and offering plausible rationales for policies that outsiders, lacking crucial information, find difficult to evaluate -- policies that turn out not to be in the public interest. The ability of the ill-motivated executive to mimic the public-spirited executive's statements gives rise to the executive's dilemma of credibility: the well-motivated executive has no simple way to identify himself as such. Distrust causes voters (and the legislators they elect) to withhold discretion that they would like to grant and that the well-motivated executive would like to receive. Of course, the ill-motivated executive might also want discretion. The problem is that voters who would want to give discretion (only) to the well-motivated executive may choose not to do so, because they are not sure what type he actually is. The risk that the public and legislators will fail to trust a well-motivated president is just as serious as the risk that they will trust an ill-motivated president, yet legal scholars have felled forests on the second topic while largely neglecting the first. n5¶ Our aim in this Article is to identify this dilemma of credibility that afflicts the well-motivated executive and to propose mechanisms for ameliorating it. We focus on emergencies and national security but cast the analysis within a broader framework. Our basic claim is that the credibility dilemma can be addressed by executive signaling. Without any new constitutional amendments, statutes, or legislative action, law and executive practice already contain resources to allow a well-motivated executive to send a credible signal of his motivations, committing to use increased discretion in public-spirited ways. By tying [\*868] policies to institutional mechanisms that impose heavier costs on ill-motivated actors than on well-motivated ones, the well-motivated executive can credibly signal his good intentions and thus persuade voters that his policies are those that voters would want if fully informed. We focus particularly on mechanisms of executive self-binding that send a signal of credibility by committing presidents to actions or policies that only a well-motivated president would adopt.¶ The discussion is structured as follows. Part I lays out examples of the credibility dilemma, both historical and recent. Part II analyzes the credibility dilemma through the lens of principal-agent theory. Part III examines the attempted Madisonian solution to the credibility dilemma and explains why it is a failure, for the most part. Part IV suggests a series of mechanisms for credibly demonstrating the executive's good intentions. These mechanisms include independent commissions within the executive branch; bipartisanship in appointments to the executive branch, or more broadly the creation of domestic coalitions of the willing; the related tactic of counterpartisanship, or choosing policies that run against the preferences of the president's own party; commitments to multilateral action in foreign policy; increasing the transparency of the executive's decisionmaking processes; and a regime of strict liability for executive abuses. Not all of these mechanisms succeed, and some of them succeed under some conditions but fail under others.¶ Credibility is but one good that trades off against other goods, even from the standpoint of the well-motivated executive. The main cost of credibility is that it diminishes the president's control over policymaking. In Part IV, we attempt to identify the conditions under which one or the other mechanism can produce credibility benefits greater than the resulting costs.¶ I. Examples¶ Presidents always have some credibility, at least at the start of their term. People do not vote for candidates whom they do not believe, and so the winning candidate brings to the office some amount of credibility, which he may further enhance over time by keeping his promises or making predictions that are proven correct by events. Having built up capital, some presidents find it useful to engage in deception, and some have gotten away with it, at least in the short term. Prominent examples include FDR's claim during the 1940 election that he was determined to keep the United States out of war; n6 Eisenhower's [\*869] denial that U-2 spy planes overflew the Soviet Union; n7 (probably) Johnson's description of the Gulf of Tonkin incident; n8 Nixon's statements about military action relating to Cambodia; n9 (probably) Reagan's claim that he was unaware of the arms-for-hostages scheme; n10 and Clinton's denial that he had had a sexual relationship with Monica Lewinsky. n11 But deception is potentially a costly strategy, because revelation of the deception damages the president's credibility, making it more difficult for him to achieve his next set of goals.¶ For this reason, we focus on historical cases where the president avoids deception, where in fact he makes a true or roughly true statement about circumstances that the public cannot directly evaluate, but has trouble persuading the public to believe him. In these cases, the president needs to use mechanisms that enhance his credibility or, if he cannot, finds himself unable to act. We offer examples to illustrate the credibility dilemma, to illustrate a range of solutions to the dilemma -- some successful, some otherwise -- and to show that the mechanisms we will propose in Part IV have historical analogues or precedents.¶ A. FDR: The Nazi Threat¶ Franklin Delano Roosevelt understood the threat posed by Nazi Germany to the United States' long-term interests long before the U.S. public did. The public was preoccupied with the Great Depression and had powerful isolationist representatives in Congress. Because of popular sentiment, FDR could not commit U.S. military assistance to Britain and France, even after Germany invaded France and began [\*870] bombing London. n12 Marginal economic and military assistance could take place only through complicated subterfuges and was in any event of minimal value.¶ Even after Japan bombed Pearl Harbor and Nazi Germany declared war on the U.S., FDR had to move cautiously. The public supported war, but sought war primarily with Japan, while FDR correctly believed that Germany posed a greater threat to the United States than Japan did. In FDR's view, Japan could be, and should be, dealt with after the Atlantic alliance against Germany was solidified. Thus, although FDR had popular support on one level, he needed to devise ways to ensure support for his particular war aims and strategies, whose particular justifications would always remain at least partially obscure to the public. One of FDR's tactics for generating support was to invite prominent Republicans into his cabinet. For example, Henry Stimson was given the post of Secretary of War, and Frank Knox was made the Secretary of the Navy. n13 Provided with inside information, they would be able to blow the whistle if U.S. war strategy departed too much from what they believed was the public interest. But, as internationalists, they would also support the war.¶ B. Truman: Scaring Hell out of the Country¶ The Soviet Union had been the United States' ally during World War II, and many people, including FDR, expected or hoped that it would cooperate with the United States after the war as well. That the Soviet Union would have aggressive rather than pacific designs only gradually dawned on U.S. elites. By 1946, skepticism about Soviet motives was widespread in the U.S. government, but the U.S. public still labored under more genial impressions fostered by wartime propaganda. To counter the growing Soviet threat, President Harry S. Truman resolved to expend U.S. treasure to rebuild the economies of France, West Germany, Britain, and other potential allies, and to bind them together in a military defense pact. The former would require a lot of money; the latter would require the stationing of U.S. troops abroad. The U.S. public, however, was traditionally isolationist, and wished to enjoy the victory and the peace. n14 How could Truman persuade [\*871] the public that further sacrifice and foreign entanglements would be necessary to defend U.S. interests against a former ally?¶ Truman apparently could not simply explain to the public that the Soviet threat justified the Marshall Plan and North Atlantic Treaty Organization, the United States' first permanent foreign military alliance. The problem was that the public had no way to evaluate the Soviet threat. The U.S.S.R. had not actually used military force against U.S. troops, as the Japanese had five years earlier at Pearl Harbor. The Soviet Union was instead supporting communist insurgencies in Greece and Turkey, interfering in politics in Italy, violating its promise to respect democratic processes in Poland, engaging in espionage, and so forth. Experienced and perceptive observers saw a threat, but, generally speaking, the public was in no position to do so.¶ To enhance the credibility of his claims about the Soviet threat, Truman did two things. First, he recast the threat as an ideological challenge. Truman gave the threat an ideological dimension, deliberately "scaring hell out of the country." n15 Second, he made an alliance with a powerful Republican senator, Arthur Vandenberg, who could assure Truman that the Republicans would not object to his policies as long as he consulted them and allowed them some influence. As a former isolationist, Vandenberg's endorsement of Truman's policy of engagement must have enhanced the credibility of Truman's claims about the Soviet threat. n16¶ Both of these strategies succeeded, but neither was costless. Truman's characterization of the Soviet threat as an ideological challenge may have led to the McCarthy era and suppressed public debate about foreign policy. Truman's alliance with the Republicans meant, of course, that he would have less freedom of action. n17 [\*872] ¶ C. Bush I versus Bush II: The Iraqi Threat¶ George H.W. Bush and George W. Bush both went to war with Iraq, but they faced different threats and chose different responses. George H.W. Bush sought to drive Iraqi military forces out of Kuwait. His problem was persuading the U.S. public that a U.S. military response was justified. In retrospect, it might seem that he was clearly right, but at the time most experts believed that that a great number of U.S. troops would be killed. n18 This was the expected cost of a military response. On the benefit side, Bush could appeal to the sanctity of sovereign borders, but public sympathy for the rich Kuwaitis was limited. The United States' real concern was that Iraq would, with Kuwait's oil fields, become wealthy and powerful enough to expand its control over the region, threaten Saudi Arabia, dominate the Persian Gulf's oil reserves, and pose a long-term threat to the Western economies and the United States' influence in the Middle East. But all of these concerns are rather abstract, and it was never obvious that the public would accept this case. Indeed, the congressional authorization to use military force was far from unanimous in the House of Representatives. n19¶ The credibility of Bush's claims, however, was greatly aided by international support. The public support of nations with divergent interests showed that Bush's claim about the internationally destabilizing effects of Saddam Hussein's invasion was real and not imagined. Thus any claim that a U.S. military invasion was solely in Bush's partisan political interests, or in the interests mainly of oil companies, was seriously weakened. Formal United Nations approval and the military assistance of foreign states -- which was of mainly political, not military significance -- further solidified Bush's credibility. n20¶ Surface similarities aside, George W. Bush faced a different kind of threat. He feared that Saddam Hussein had weapons of mass destruction (WMDs), which he would give or sell to terrorist groups like al Qaeda. It was more difficult for George W. Bush to prove that Saddam had WMDs than for his father to prove that Saddam was a threat to the region, because any WMDs were hidden on Saddam's territory [\*873] while the invasion of Kuwait could be observed by all. George W. Bush followed the same strategy that his father did, albeit somewhat less enthusiastically: to enlist international support in order to bolster the credibility of his claim that Saddam continued to pose a major threat to U.S. and Western interests. But George W. Bush failed to persuade foreign countries that Saddam posed a great enough threat to justify a military invasion (although they largely agreed that he either had or probably had WMDs), and he did not obtain significant international support. n21 Ironically, George W. Bush, unlike his father, had strong congressional support, in part because opposition to the first war turned out to be a political liability, and the costs of the first war (unlike the second war) turned out to be minimal.¶ D. Clinton: Wag the Dog¶ Long before the attacks of September 11, 2001, the U.S. government understood that al Qaeda posed a threat to U.S. interests. The CIA had established a bin Laden office in 1996, and the Clinton administration was trying to develop an effective counterterrorism strategy. n22 In 1998, al Qaeda blew up U.S. embassies in Kenya and Tanzania, whereupon Clinton ordered cruise missile strikes on targets in Afghanistan and Sudan. Just three days earlier, however, Clinton had announced on national television that he had had an affair with Monica Lewinsky. Opponents charged that he ordered the strikes in order to distract the public from his domestic problems. n23 This came to be known as the Wag the Dog strategy after a movie that featured a similar subterfuge. n24 [\*874] ¶ Clinton's credibility problem was more acute than that of earlier presidents. FDR, Truman, and George H.W. Bush (as well as, later, George W. Bush) might embark on foreign adventures in order to enhance their prestige or to pay off interest groups or to distract the public from domestic problems. George W. Bush, for example, has been repeatedly accused of manipulating terrorism warnings in order to improve poll results or electoral outcomes. n25 But only in Clinton's case was it necessary for him to make an important and visible decision about foreign policy in the midst of a personal scandal in which he admitted that he engaged in deceit, with the result that his ability to conduct an effective terrorism defense was hampered by doubts about his credibility. n26 A more aggressive response to al Qaeda would have to wait until after September 11, 2001.¶ II. Theory¶ A. The Problem¶ The examples we discussed have a common structure: a nation or group, like Nazi Germany, the Soviet Union, Iraq, or al Qaeda, poses a threat to U.S. interests. The threat is widely understood at a general level but the public does not understand important details: why the threat exists, its magnitude, what programs will best address it. The president believes that a particular program -- NSA surveillance, unlimited detention, military preparation -- is necessary and desirable for countering the threat, and let us assume that he is correct. At the same time, the program could be misused in various ways. It could be used to enhance the power of the president at the expense of legitimate political opponents; to pay off the president's supporters at the expense of the general public; or to spark an emotional but short-lived surge of patriotism that benefits the president during an important election but does not enhance security. The president can announce the [\*875] program and justify it in general terms, but he cannot design the program in such a way that its dangers to legitimate political opposition can be eliminated. n27 As a result, his claim that the program will be used only for national security, and not to enhance his power at the expense of political opponents, or to benefit allies, may not be believed.¶ Consider, for example, the policy of detaining suspected members of al Qaeda without charging them and without providing them with a trial. The public understands that al Qaeda poses a threat to national security but lacks the information necessary to evaluate the detention policy. The public does not know the magnitude of the continuing threat from al Qaeda: it might be the case that the group has focused its attention on foreign targets, that it no longer has the capacity to launch attacks on U.S. soil, that greater international cooperation and intelligence sharing has significantly reduced the threat, and so forth. The public also does not know whether the detainees are important members of al Qaeda, foot soldiers, or unconnected to al Qaeda; whether the dangerous detainees could be adequately incapacitated or deterred through regular criminal processes; whether the Bush administration obtains valuable intelligence from the detainees, as it claims, or not; whether the detainees are treated well or harshly; and numerous other relevant factors. Some of the relevant variables are public, but most are not; those that are public are nonetheless extremely difficult to evaluate. Consider the ambiguity over whether the suicides at Guantanamo Bay in June 2006 were driven by despair and harsh treatment, or were the result of a calculated effort by martyr-seeking Jihadists to score a propaganda coup. n28 As a general matter, the public does not even know whether the absence of major terrorist attacks on U.S. soil since September 11, 2001 resulted from the Bush administration's detention policy, at least partly resulted from this policy, occurred for reasons entirely independent of this policy such as (say) the military attack on Afghanistan, or occurred despite the detention policy, which, by alienating potential allies, perversely made a further attack more likely than it would otherwise have been.¶ Described in this manner, the president's credibility problem is the result of an agency relationship, where the president is the agent and the public is the principal. In agency models, the agent has the power to engage in an action that benefits or harms a principal. In a [\*876] typical version of these models, the principal first hires the agent and instructs the agent to engage in high effort rather than shirk. The agent then chooses whether to engage in high effort or shirk. High effort by the agent increases the probability that the principal will receive a high payoff, but some randomness is involved, so that the link between the agent's effort and the principal's payoff is stochastic rather than certain. If the agent's behavior can be observed and proven before a court, then the simple solution is for the two parties to enter a contract requiring the agent to engage in high effort. If the agent's behavior cannot be observed, then a contract requiring high effort is unenforceable, and instead the principal and agent might enter a contract that makes the agent's compensation a function of the principal's payoff. This gives the agent an incentive to use high effort, though depending on various conditions, this incentive might be weak. n29¶ Less important than the details of the agency model, and its various solutions, is the way that it clarifies the basic problem. The president is the agent and the public is the principal (sometimes we will think of the legislature as the principal, bracketing questions of agency slack between voters and legislators). The public cares about national security but also cares about civil liberties and the well-being of potential targets of the war on terror; its optimal policy trades off these factors. However, the public cannot directly choose the policy; instead, it delegates that power to the government and, in particular, the president. The president knows the range of options available, their likely effects, their expected costs and benefits -- thanks to the resources and expertise of the executive branch -- and so, if he is well motivated, he will choose the best measures available.¶ Thus a well-motivated executive, in our sense, is an executive who chooses the policies that voters would choose if they knew what the executive knows. n30 This definition does not require that the president's deeper motives be pure. For our purposes, a well-motivated president may be concerned with his historical reputation in the long run, as many presidents are. Because presidents know that in the long run most or all of their currently private information will be revealed, n31 a [\*877] concern with the judgment of history pushes presidents to make the decisions that future generations, knowing what the president knows now, will approve. To be sure, the concern with historical reputation is not perfectly congruent with doing what the current generation would approve of (with full information), because different generations have different values, as in the case of civil rights. The convergence is substantial, however, compared to far more harmful motivations a president might have, such as short-term empire-building or partisan advantage. Presidents with a concern for their long-run reputation may not be disinterested leaders, but they approach the ideal of faithful agency more closely than do presidents with no such concern.¶ We also assume that the voters' ultimate preferences are fixed, so we put aside the possibility of presidential leadership that changes bedrock public values. However, voters' derived preferences may change as their information changes, and this further blurs the significance of changing public values over time. On this view, there is still scope for leadership, in the sense that a well-motivated president might choose a policy inconsistent with voters' current ill-informed preferences, but consistent with the new preferences voters will form as their information changes, perhaps as a result of the policy itself. FDR's behavior just before World War II is the model for presidential leadership in this sense. n32¶ As this discussion suggests, the well-motivated executive may or may not keep campaign promises, or adopt popular policies. All depends on circumstances -- on what the public would approve, if it knew what the president knows. A public that would condemn the president's policy P might, if it knew more, approve of P. The well-motivated president will want to adopt P in such circumstances, and will then face the problem of credibly signaling to the public that he favors the policy for good reasons that he cannot directly convey. Furthermore, we assume that the well-motivated executive will collect an optimal amount of information -- up to the point where the marginal benefits of further information gathering equal the marginal costs. n33 This does not mean [\*878] that the well-motivated executive always gets the facts right; he may turn out to be wrong. But it does mean that greater accuracy would not have been cost justified.¶ Against this benchmark of faithful agency, the problem is that a given president's motivations may or may not be faithful, and the public knows this. The public fears that, for various reasons, the president might choose policies that diverge from the public's optimal policies. These include:¶ 1. The president cares more about national security (or more about civil liberties, but we will, for simplicity, assume the former) than the public does. His "preferences" are different from those of the public.¶ 2. The president cares very little about national security and civil liberties; he mainly cares about maximizing his political power and, more broadly, political success -- success for himself, his party, or his chosen successor. With a view to political power and success, the president might maximize the probability of electoral success by favoring particular interest groups, voting blocs, or institutions at the expense of the public, or by adopting policies that are popular in the short term, as far as the next election cycle, but that are harmful in the long term, along with rhetoric that confuses and misleads.¶ The public knows that the president might have these or other harmful motivations, so when the president claims, for example, that a detention policy is essential to the war on terror but at the same time is not excessively harsh given its benefits, the public simply does not know whether to believe him.¶ Crucially, the risk that the public will fail to trust a well-motivated president is just as serious as the risk that it will trust an ill-motivated one. Imagine that a well-motivated president chooses the optimal policies. No terrorist attack occurs before the next election, but the public does not know whether this is because the president chose the optimal policies, the president chose bad policies and was merely lucky (as the terrorists for internal reasons chose to focus on foreign targets), or the president chose effective but excessively harsh policies. In the election, the public therefore has no particular reason to vote for this president and could easily vote him out of office and replace him with a worse president. A president who cares about electoral [\*879] success might therefore not choose the optimal policies, and even a well-motivated president might be reluctant to choose the optimal policies because of the risk that the public will misinterpret them and replace him with an ill-motivated president. Presidents need public support even when they do not face reelection; they need the public to prod Congress to provide the president with funds for his programs and statutory authorization when necessary. A well-motivated president will abandon optimal policies if he cannot persuade the public that they are warranted.¶ As we noted earlier, legal scholars rarely note the problem of executive credibility, preferring to dwell on the problem of aggrandizement by ill-motivated presidents. Ironically, this assumption that presidents seek to maximize power has obscured one of the greatest constraints on aggrandizement, namely, the president's own interest in maintaining his credibility. Neither a well-motivated nor an ill-motivated president can accomplish his goals if the public does not trust him. n34 This concern with reputation may put a far greater check on the president's actions than do the reactions of the other branches of the government.¶ B. Solutions¶ The literature on agency models and optimal contracting provides clues for solving the problem of executive credibility. This literature gives two basic pieces of advice. n35 The first piece of advice is to align preferences. An employer will do better if her employees obtain utility from doing whatever actions benefit the employer. Suppose, for example, an employer seeks to hire someone to build furniture in a factory. The pay is good enough to attract job candidates who do not enjoy building furniture, but clearly the employer does better by hiring people who like working with their hands, and take pleasure in constructing a high-quality product, than by hiring people who do not like working with their hands. We say that the first type of person has a preference for building high-quality furniture; this person is less likely to shirk than the other type of person.¶ In order to align preferences, employers can use various types of screening mechanisms or selection mechanisms that separate the good [\*880] types and the bad types. n36 An old idea is that job candidates who completed a training program -- here, in carpentry -- are more likely good types than job candidates who did not complete such a program. The reason is not that the training program improves skills, though it might, but that a person who enjoys carpentry is more likely to enter and complete such a program than a person who does not -- the program, in terms of time and effort, is less burdensome for the former type of person. The employer could use other mechanisms as well, of course. She could ask for evidence that the job candidate pursues woodworking as a hobby in his free time, or, simply, that he has held other jobs in similar factories, or jobs that involve carpentry or furniture construction. Another important screening mechanism is to compensate employees partly through in-kind components or earmarked funds that are worth more to good types than to bad types. In university settings, academic compensation is partly composed of research budgets that cannot be spent on personal consumption and that are worth more to good types (researchers) than to bad types (shirkers). n37¶ The second piece of advice is to reward and sanction. This is not as simple as giving the employee a bonus if she constructs good furniture and firing her if she does not; recall that we assume that the employer does not directly observe the quality of the agent's action. Consider the following version of our example. The employees both design and construct furniture; "high-quality" furniture is both made well and pleasing to the public, so that it sells well. The employer cannot tell by looking at a piece of furniture whether it is high quality, because she does not know the tastes of the public. An employee who uses a high level of effort is more likely to produce furniture that sells well, but an employee can in good faith misjudge public taste and produce furniture that sells poorly. Similarly, an employee who uses a low level of effort is less likely to produce furniture that sells well but nonetheless may succeed at times. Since the employer cannot observe the quality of the furniture, she cannot make the wage a function of its quality; if she pays a flat wage, then the employee does not have an incentive to engage in a high level of effort, because that involves more personal cost without producing any reward.¶ The main solution is to make the employee's compensation a function, in part, of the quantity of the sales of the goods that the employee [\*881] produces. The quantity of sales, unlike the quality of the furniture, is observable. If the pay is properly determined, then the employee will engage in a high level of effort because the expected gains from high sales exceed the cost of high effort. How closely pay should be correlated with sales depends on how risk averse the employee is, and it may be necessary, for ordinary people who are generally risk averse, to pay them at least a little even if sales are low, and somewhat more if sales are high.¶ An enormous literature develops and qualifies these results, and we will refer to relevant parts of it later as necessary rather than try to summarize it here. n38 For now, we want to briefly point out the relevance of these solutions to our problem of executive credibility.¶ The preference-alignment solution has clear applicability to the problem of executive credibility. To be sure, elections and other democratic institutions help ensure that the president's preferences are not too distant from those of the public, but they are clearly not sufficient to solve the executive credibility problem. Elections will never create perfect preference alignment, for well-known reasons, and in any event the well-motivated executive will do what the public would want were it fully informed, not what maximizes the chances of electoral success in the short run. Furthermore, we do not consider credibility-generating mechanisms that would require new constitutional or statutory provisions; of course, the president has little or no power to redesign electoral rules in order to enhance his credibility. We will instead focus, in Part IV, on how the president might use the existing electoral system to enhance his credibility in indirect ways -- by appointing subordinates, advisors, and commission members, and by supporting certain types of candidacies for electoral office.¶ The reward-and-sanction solution also is applicable to the problem of executive credibility, but we think it is of less importance and we will not address it in any detail. The problem that most concerns us -- threats to national security -- typically does not produce a clear outcome while the president is still in office. As noted above, Bush's war-on-terror policies might be optimal, insufficient, or excessive; we will not know for many years. And the public cannot enter a contract with the president that provides that he will receive a bonus if national security is enhanced and will be sanctioned if it is not enhanced. Consequently, Bush cannot enter a contract with the public that rewards him if his policies are good and punishes him if they are bad. [\*882] ¶ However, some signaling mechanisms have a reward-or-sanction component. A good job applicant can distinguish herself from a bad job applicant by agreeing to a compensation scheme that good types value and bad types disvalue. For example, if a good type of employee discounts future payoffs less than bad types, then good types will accept deferred compensation (such as pension contributions) that bad types reject. n39 Similarly, a well-motivated president can distinguish himself from an ill-motivated president by binding himself to a policy position that an ill-motivated president would reject -- for example, deficit reduction programs or Social Security reform that would mainly benefit future generations, long after the president leaves office. However, a president, unlike an ordinary employee, cannot bind himself by a judicially enforceable contract; therefore, this mechanism can work only if the president can engage in self-binding through informal means, as we will discuss below. n40¶ Note that either a well-motivated actor or an ill-motivated actor might use strategic devices to enhance her credibility. A bad actor might, for example, take actions to enhance the credibility of his threats. In a standard illustration, the "chicken" game occurs when two drivers race toward each other and the loser is the one who swerves to avoid death. In that game, each driver is threatening to drive straight, and the winner will be the one who can make his threat credible, because the other driver will then know that the only choice is to swerve or die. Credibility is a valuable adjunct to many different motivations, not just to socially beneficial ones.¶ But this is a different type of credibility problem than the one we are interested in. In the class of problems we address, the problem that faces the well-motivated actor is that others cannot distinguish or sort him at a glance from ill-motivated actors. "Bad types" can mimic "good types" through low-cost imitation and by saying all the right things. The good type needs some device whereby he can credibly signal that he is a good type. The only effective device, in general, is for the good type to undertake an action that imposes greater costs on bad types than on good types. If third parties understand the cost structure of the action, then this separates the two types, because the bad type's strategy of costlessly imitating the good type no longer works. In employment screening, for example, both the lazy worker and the hard worker will claim to be a hard worker. The employer might prefer candidates with good references, or an advanced degree, [\*883] on the theory that obtaining those things will be easier for the good type than the bad type.¶ Let us provide a little more structure to our analysis before describing our preferred mechanisms. Suppose that the president must choose a policy that will affect national security and civil liberties; this might include asking Congress to authorize him to engage in conduct like wiretapping or the use of military force. He makes this choice at the start of his first term, and the actual effect of his choice -- on national security and civil liberties -- will not be revealed to the public until after the next election. Terrorist attacks during the first term do not necessarily prove that he chose the wrong policies; nor does the absence of terrorist attacks during the first term prove that he chose the right policies. Only later will it become clear whether the president chose the optimal policies, perhaps many decades later. Thus, the public must vote for or against the president on the basis of the policy choice itself, not on the basis of its effect on their well-being. For expository convenience, we will assume that the president actually does make the optimal policy choice and that his problem is one of convincing the public that he has done so. Presidents who, for whatever reason, knowingly choose policies that the public would reject (if fully informed) obviously do not want to convince the public that this is what they are doing.¶ Our focus, then, is how the president who chooses the optimal policy, given the information available to him and the relevant institutional constraints, might use some additional mechanism to enhance the credibility of his claim that he chose the best policy. In the next Part, we will address why our current Madisonian system does not already solve the problem of executive credibility. In Part IV, we will analyze some mechanisms by which presidents can bootstrap themselves into credibility.¶ III. Madisonian Monitoring¶ In the standard separation of powers theory attributed to Madison, the executive's credibility dilemma is ameliorated by the separation of powers and institutional competition, which produce monitoring or oversight of executive discretion. Although the Madisonian system is not usually justified as a means of enhancing the executive's credibility, that is a byproduct of the system: if checks and balances discourage ill-motivated persons from running for office, or force them to adopt public-spirited policies once in office, then the executive's claims about his policies will be credible. Congressional and judicial oversight of executive action, on this account, will ensure that the executive exercises discretion only as directed by voter-principals, [\*884] acting through legislators who are simultaneously agents (of the voters) and principals (of the executive).¶ This account is no longer adequate, if it ever was. Legislators and judges are, for the most part, unable to effectively oversee or monitor the executive, especially in the domains of foreign policy and national security. As a result, they are forced to make the difficult choice of granting discretion that an ill-motivated executive would abuse, or withholding discretion that a well-motivated executive would use for good.¶ We do not suggest that the Madisonian system has entirely failed, only that it has partly failed, and that to the extent it has failed the executive's credibility dilemma becomes more acute. We will examine some of the principal institutional problems, beginning with legislative oversight and then turning to the courts.¶ A. Congress¶ In the Madisonian vision, legislators are simultaneously principals of the president, who is supposed to execute the statutes that legislators enact, and are also institutional competitors of the president, who has freestanding constitutional powers beyond the execution of statutes. Voters elect legislators, who either transmit voters' exogenously determined policy preferences to the executive through statutes or (in a deliberative conception of Madisonianism) refine public preferences through reasoned discussion and then instruct the executive accordingly. n41 We are agnostic on the question of whether the preference-based or deliberative version of the Madisonian vision is more persuasive, or exegetically more faithful to the Madison of the Federalist Papers. In either case, what matters here is that the combination of principal-agent relationships with institutional rivalry is supposed to produce valuable byproducts for the polity as a whole. Legislators have an interest in monitoring the president, not only to ensure that he faithfully executes the statutes they enact, but also to ensure that executive power does not swell beyond its constitutionally prescribed bounds and destroy the separation of legislative and executive powers.¶ Whether or not this picture was ever realistic, it is no longer so today. Many institutional factors hamper effective legislative monitoring of executive discretion. Consider the following problems. [\*885] ¶ 1. Information asymmetries.¶ Monitoring the executive requires expertise in the area being monitored. In many cases, Congress lacks the information necessary to monitor discretionary policy choices by the executive. Although the committee system has the effect, among others, of generating legislative information and expertise, n42 and although Congress has a large internal staff, there are domains in which no amount of legislative expertise suffices for effective oversight. Prime among these are areas of foreign policy and national security. Here legislative expertise is beside the point, because the legislature lacks the raw information that experts need to make assessments.¶ The problem would disappear if legislators could cheaply acquire information from the president, but they cannot. One obstacle is a suite of legal doctrines protecting executive secrecy and creating deliberative privileges n43 -- doctrines which may or may not be justified from some higher-order systemic point of view as means for producing optimal deliberation within the executive branch. Although such privileges are waivable, the executive often fears to set a bad institutional precedent. Another obstacle is the standard executive claim that Congress leaks like a sieve, so that sharing secret information with legislators will result in public disclosure. The credibility dilemma becomes most acute when, as in the recent controversy over surveillance by the National Security Agency, the executive claims that the very scope or rationale of a program cannot be discussed with Congress, because to do so would vitiate the very secrecy that makes the program possible and beneficial. In any particular case the claim might be right or wrong; legislators have no real way to judge, and they know that the claim might be made either by a well-motivated executive or an ill-motivated executive, albeit for very different reasons.¶ 2. Collective action problems.¶ Executive officials worry that, with many legislators on select intelligence committees, someone is bound to leak and it will be difficult to pinpoint the source. Aware of the relative safety that the numbers give them, leakers are all the more bold. This is an example of a larger problem, arising from the fact that there are many more legislators than top-level executive officials. Compared to the executive branch, [\*886] Congress finds it more costly to coordinate and to undertake collective action (such as the detection and punishment of leakers). To be sure, the executive too is a "they," not an "it." Much of what presidents do is to arbitrate internal conflicts among executive departments and to try to aggregate competing views into coherent policy over time. As a comparative matter, however, the contrast is striking: the executive can act with much greater unity, force, and dispatch than can Congress, which is chronically hampered by the need for debate and consensus among large numbers. This comparative advantage is a principal reason why Congress enacts broad delegating statutes in the first place, especially in domains touching on foreign policy and national security. In these domains, and elsewhere, the very conditions that make delegation attractive also hamper congressional monitoring of executive discretion under the delegation.¶ There may or may not be offsetting advantages to Congress's large numbers; perhaps the very size and heterogeneity of Congress make it a superior deliberator, whereas the executive branch is prone to suffer from various forms of groupthink. n44 But there are clear disadvantages to large numbers, insofar as monitoring executive discretion is at issue. From the standpoint of individual legislators, monitoring is a collective good. If rational and self-interested, each legislator will attempt to free-ride on the production of this good, and monitoring will be inefficiently underproduced. n45 More broadly, the institutional prerogatives of Congress are also a collective good. n46 Individual legislators may or may not be interested in protecting the institution of Congress or the separation of legislative from executive power; much depends on legislators' time horizons or discount rate, the expected longevity of a legislative career, and so forth. But it is clear that protection of legislative prerogatives will be much less in an institution composed of hundreds of legislators coming and going than if Congress were a single person. [\*887] ¶ 3. "Separation of parties, not powers." n47¶ Congress is, among other things, a partisan institution. Political scientists debate whether it is principally a partisan institution, or even exclusively so. n48 But Madison arguably did not envision partisanship in anything like its modern sense. n49 Partisanship undermines the separation of powers during periods of unified government. n50 Where the same party controls both the executive branch and Congress, real monitoring of executive discretion rarely occurs, at any rate far less than in an ideal Madisonian system. Partisanship may enhance monitoring during periods of divided government, as one house of Congress, say, investigates a president of the other party. However, monitoring is arguably most necessary during periods of unified government, because Congress is most likely to enact broad delegations when the President holds similar views; n51 and in such periods monitoring is least likely to occur. n52 The Congress of one period may partially compensate by creating institutions to ensure bipartisan oversight in future periods -- consider the statute that gives a partisan minority of certain congressional committees power to subpoena documents from the executive, albeit only nonprivileged documents n53 -- but these are palliatives. Under unified government, congressional leaders of the [\*888] same party as the president have tremendous power to frustrate effective oversight by the minority party.¶ 4. The limits of congressional organization.¶ Congress as a collective body has attempted, in part, to overcome these problems through internal institutional arrangements. Committees and subcommittees specialize in a portion of the policy space, such as the armed forces or homeland security, thereby relieving members of the costs of acquiring and processing information (at least if the committee itself maintains a reputation for credibility). n54 Intelligence committees hold closed sessions and police their members to deter leaks (although the sanctions that members of Congress can apply to one another are not as strong as the sanctions a president can apply to a leaker in the executive branch). Large staffs, both for committees and members, add expertise and monitoring capacity. And interest groups can sometimes be counted upon to sound an alarm when the executive harms their interests. n55¶ Overall, however, these arrangements are not fully adequate, especially in domains of foreign policy and national security, where the scale of executive operations is orders of magnitude larger than the scale of congressional operations. Congress's whole staff, which must (with the help of interest groups) monitor all issues, runs to some 30,000 persons. n56 As of 2005, the executive branch had some 2.6 million civilian employees, n57 in addition to almost 1.4 million in the active armed forces. n58 The sheer mismatch between the scale of executive operations and the congressional capacity for oversight, even aided by interest groups or by leakers within the bureaucracy, is daunting. Probably Congress is already at or near the limits of its monitoring capacity at its current size and budget. [\*889] ¶ 5. Congressional motivation and credibility.¶ Like the executive, Congress has a credibility problem. Members of Congress may be well motivated or ill motivated; the public does not know. Thus, when Congress passes a resolution criticizing presidential action or refuses to delegate power that he seeks, observers do not know whether Congress or the president is right. Ill-motivated members of Congress will constrain public-spirited presidents; thus the Madisonian cure for the problem of executive credibility could be worse than the disease.¶ Even if members of Congress are generally well motivated, Congress has a problem of institutional credibility that the president lacks. Although a voter might trust the member of Congress for whom she voted because she knows about his efforts on his district's behalf, she will usually know nothing about other members of Congress, so when her representative is outvoted, she might well believe that the other members are ill motivated. And, with respect to her own representative, he will often lack credibility compared to the president because he has much less information. Further, the reputation of congressional leaders is only very loosely tied to the reputation of the institution, while there is a closer tie between the president's reputation and the presidency. As a result, Congress is likely to act less consistently than the president, further reducing its relative credibility. Congressional lack of credibility undermines its ability to constrain the president: Congress can monitor the president and tell the public that the president has acted properly or improperly, but if the public does not believe Congress, then Congress's power to check the president is limited.¶ We neither make, nor need to make, any general empirical claim that Congress has no control over executive discretion. That is surely not the case; there is a large debate, or set of related debates, about the extent of congressional dominance. n59 We have reviewed the institutional problems piecemeal; perhaps some of them are mutually offsetting, although we do not see any concrete examples. Our assertion is just that there is at least a real gap, and during emergencies and wars [\*890] an even larger gap, between the extent of executive discretion and legislative capacity for monitoring. It is hard to say how great that gap is, but we know of no one who thinks it is nonexistent. Within that gap, the dilemma of executive credibility arises. To the extent that legislators cannot monitor the executive's exercise of discretion, they must either withhold discretion from an executive who might be well motivated, or grant discretion to an executive who might be ill motivated.¶ B. Courts¶ Similar problems afflict judicial oversight of the executive.¶ 1. Information asymmetries.¶ The gap between the executive and the judiciary, in information and expertise, is even wider than between the executive and Congress. Whereas many legislators have a narrowly defined field of policy expertise, particularly in the House, federal judges are mostly generalists, barring a few specialized courts. Furthermore, the partial insulation from current politics that federal judges enjoy, by virtue of life tenure and salary protection, brings with it a kind of informational impoverishment. n60 Legislators, who must please other people at least some of the time, interact with the outside world far more systematically than generalist judges, whose main source of information is the briefs and arguments of litigants. The credibility dilemma thus appears quite acutely in judicial proceedings. When the executive says that resolving a plaintiff's claim would require disclosure of "state secrets," n61 with dangerous consequences for national security, judges know that either an ill-motivated or a well-motivated executive might be making the claim and that they have no easy means to assess whether the claim is credible.¶ 2. Collective action problems and decentralization.¶ If congressional monitoring of executive discretion is hampered by collective action problems, judicial monitoring is hampered by a [\*891] similar condition, the decentralized character of the federal judiciary. The judiciary really is a "they," not an "it," and is decentralized along mainly geographic lines. Different judges on different courts will have different prior estimates of the executive's credibility, and hence different views of the costs and benefits of oversight and of the appropriate level of monitoring. The Supreme Court is incapable of fully resolving these structural conflicts. Because the Court presides over a large institutional system and lacks the capacity to review more than a fraction of cases submitted to it, its role is restricted by necessity to the declaration of general principles of law and episodic, ad hoc intervention in the system. n62¶ 3. The legitimacy deficit.¶ In the federal system, appointed judges are not overtly partisan, though they are sometimes covertly so. n63 The very condition that enables this relative lack of overt politicization -- that federal judges are, at least in one familiar conception, legal technocrats appointed for their expertise rather than elected on a partisan basis -- also creates a serious legitimacy deficit for the judiciary, understanding legitimacy in a strictly sociological sense. n64 Aroused publics concerned about issues such as national security sometimes have little tolerance for robust judicial oversight of executive discretion, which can always be condemned as "activism" by "unelected judges." This charge sometimes succeeds and sometimes fails, but for the judges it is always a concern that acts as a drag on attempts to monitor executive behavior.¶ 4. Judicial credibility.¶ Judges rely on executive officials to carry out their orders and Congress to fund them, and thus ultimately rely on the public to impose sanctions on the political branches when the political branches do not obey a court order. But the public will support the judiciary [\*892] only if the public believes that the judiciary is well motivated rather than ill motivated. Such is often the case, but the credibility of judges is not infinite. n65 Lingering public suspicion of elite decisionmaking places a cap on judicial credibility, and indeed the evidence suggests that judges are often motivated by ideology, at least when it comes to opinion assignment. n66 Thus, in extreme cases, as between a presidential determination that an emergency requires a course of action and a judge's claim to the contrary, the public might well believe the president. n67¶ Here too, we do not claim that judicial oversight is a total failure. Doctrinal lawyers focus, sometimes to excess, on a handful of great cases in which judges have checked or constrained discretionary executive action, even in domains involving foreign policy or national security. Cases such as Youngstown, n68 the Pentagon Papers case, n69 and recently Hamdan n70 head this list. Undoubtedly, however, there is a [\*893] large gap between executive discretion and judicial capacities, or even between executive discretion and the sum of congressional and judicial capacities working in tandem. In times of emergency, especially, both Congress and the judiciary defer to the executive. n71 Legislators and judges understand that the executive's comparative institutional advantages in secrecy, force, and unitariness are all the more useful during emergencies, so that it is worthwhile transferring more discretion to the executive even if it results in an increased risk of executive abuse. The result is that cases such as the ones we have listed are the exception, not the rule, at least during the heat of the emergency.¶ C. The Madisonian System and the Well-Motivated Executive¶ The Madisonian system of oversight has not totally failed. Sometimes legislators overcome the temptation to free ride; sometimes they invest in protecting the separation of powers or legislative prerogatives. Sometimes judges review exercises of executive discretion, even during emergencies. But often enough, legislators and judges have no real alternative to letting executive officials exercise discretion unchecked. The Madisonian system is a partial failure; compensating mechanisms must be adopted to fill the area of slack, the institutional gap between executive discretion and the oversight capacities of other institutions. Again, the magnitude of this gap is unclear, but plausibly it is quite large; we will assume that it is.¶ It is often assumed that this partial failure of the Madisonian system unshackles and therefore benefits ill-motivated executives. This is grievously incomplete. The failure of the Madisonian system harms the well-motivated executive as much as it benefits the ill-motivated one. Where Madisonian oversight fails, the well-motivated executive is a victim of his own power. Voters, legislators, and judges will be wary of granting further discretion to an executive whose motivations are uncertain and possibly nefarious. The partial failure of Madisonian oversight thus threatens a form of inefficiency, a kind of contracting failure that makes potentially everyone, including the voters, worse off.¶ Our central question, then, is what the well-motivated executive can do to solve or at least ameliorate the problem. The solution is for the executive to complement his (well-motivated) first-order policy goals with second-order mechanisms for demonstrating credibility to other actors. We thus do not address the different question of what voters, legislators, judges, and other actors should do about an execu [\*894] tive who is ill motivated and known to be so. That project involves shoring up or replacing the Madisonian system to block executive dictatorship. Our project is the converse of this, and involves finding new mechanisms to help the well-motivated executive credibly distinguish himself as such.¶ IV. Executive Signaling: Law and Mechanisms¶ We suggest that the executive's credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involves executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations.¶ This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by "government" or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by "the people" to bind "themselves" against their own future decisionmaking pathologies, or relatedly, that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations. n72 Whether or not this picture is coherent, n73 it is not the question we examine here, although some of the relevant considerations are similar. n74 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government. [\*895] ¶ Furthermore, our question is subconstitutional: it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling mechanisms to generate public trust. Accordingly, we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations. In general, the solution is to engage in actions that are less costly for good types than for bad types.¶ We begin with some relevant law, then examine a set of possible mechanisms -- emphasizing both the conditions under which they might succeed and the conditions under which they might not -- and conclude by examining the costs of credibility.¶ A. A Preliminary Note on Law and Self-Binding¶ Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding. n75 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is yes, at least to the same extent that a legislature can. Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo. n76 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A [\*896] president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies.¶ More schematically, we may speak of formal and informal means of self-binding:¶ 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so.¶ 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding. n77 However, there may be large political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so, too, the executive's issuance of a self-binding order can trigger reputational costs. In such cases, repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it.¶ In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president's own future choices in ways that impose greater costs on ill-motivated [\*897] presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.¶ B. Mechanisms¶ What signaling mechanisms might a well-motivated executive adopt to credibly assure voters, legislators, and judges that his policies rest on judgments about the public interest, rather than on power maximization, partisanship, or other nefarious motives?¶ 1. Intrabranch separation of powers.¶ In an interesting treatment of related problems, Neal Katyal suggests that the failure of the Madisonian system counsels "internal separation of powers" within the executive branch. n78 Abdication by Congress means that there are few effective checks on executive power; second-best substitutes are necessary. Katyal proposes some mechanisms that would be adopted by Congress, such as oversight hearings by the minority party, but his most creative proposals are for arrangements internal to the executive branch, such as redundancy and competition among agencies, stronger employment protections for civil servants, and internal adjudication of executive controversies by insulated "executive" decisionmakers who resemble judges in many ways. n79¶ Katyal's argument is relevant because the mechanisms he discusses might be understood as signaling devices, but his overall approach is conceptually flawed on two grounds. First, the assumption that second-best constraints on the executive should reproduce the Madisonian separation of powers within the executive branch is never defended. The idea seems to be that this is as close as we can get to the first-best, while holding constant everything else in our constitutional order. But the general theory of second-best states that approaching as closely as possible to the first-best will not necessarily be the preferred strategy; n80 the best approach may be to adjust matters on other margins as well, in potentially unpredictable ways. If the Madisonian system has failed in the ways Katyal suggests, the best compensating [\*898] adjustment might be, for all we know, to switch to a parliamentary system. (We assume that no large scale changes of this sort are possible, whereas Katyal seemingly assumes that they are, or at least does not make clear his assumptions in this regard.) Overall, Katyal's view has a kind of fractal quality; each branch should reproduce within itself the very same separation of powers structure that also describes the whole system, but it is not explained why the constitutional order should be fractal.¶ Second, Katyal's proposals for internal separation of powers are self-defeating: the motivations that Katyal ascribes to the executive are inconsistent with the executive adopting or respecting the prescriptions Katyal recommends. n81 Katyal never quite says so explicitly, but he clearly envisions the executive as a power-maximizing actor, in the sense that the president seeks to remove all constraints on his current choices. n82 Such an executive would not adopt or enforce the internal separation of powers to check himself. Executive signaling is not, even in principle, a solution to the lack of constraints on a power-maximizing executive in the sense Katyal implicitly intends. Although an ill-motivated executive might bind himself to enhance his strategic credibility, as explained above, he would not do so in order to restore the balance of powers. Nor is it possible, given Katyal's premise of legislative passivity or abdication, that Congress would force the internal separation of powers on the executive. In what follows, we limit ourselves to proposals that are consistent with the motivations, beliefs, and political opportunities that we ascribe to the well-motivated executive, to whom the proposals are addressed. This limitation ensures that the proposals are not self-defeating, whatever their other drawbacks.¶ The contrast here must not be drawn too simply. A well-motivated executive, in our sense, would attempt to increase his power if fully informed voters would want him to do so. The very point of demonstrating credibility is to allow voters and legislators to increase the discretionary authority of the executive, where all will be made better off by doing so. Scholars such as Katyal, who implicitly distrust the executive, however, do not subscribe to this picture of executive motivations. Rather, they see the executive as an unfaithful agent of the voters; the executive attempts to maximize his power even where fully informed [\*899] voters would prefer otherwise. An actor of that sort will have no incentive to adopt proposals intended to constrain that sort of actor.¶ 2. Independent commissions.¶ We now turn to some conceptually coherent mechanisms of executive signaling. Somewhat analogously to Katyal's idea of the internal separation of powers, a well-motivated executive might establish independent commissions to review policy decisions, either before or after the fact. Presidents do this routinely, especially after a policy has had disastrous outcomes, but sometimes beforehand as well. Independent commissions are typically blue-ribbon and bipartisan. n83¶ We add to this familiar process the idea that the President might gain credibility by publicly committing or binding himself to give the commission authority on some dimension. For example, the president might publicly promise to follow the recommendations of such a commission, or to allow the commission to exercise de facto veto power over a policy decision before it is made, or might promise before the policy is chosen that the commission will be given power to review its success after the fact. To be sure, there will always be some wiggle room in the terms of the promise, but that is true of almost all commitments, which raise the costs of wiggling out even if they do not completely prevent it.¶ Consider whether George W. Bush's credibility would have been enhanced had he appointed a blue-ribbon commission to examine the evidence for weapons of mass destruction in Iraq before the 2003 invasion, and publicly promised not to invade unless the commission found substantial evidence of their existence. Bush would have retained his preexisting legal authority to order the invasion even if the commission found the evidence inadequate, but the political costs of doing so would have been large. Knowing this, and knowing that Bush [\*900] shared that knowledge, the public could have inferred that Bush's professed motive -- elimination of weapons of mass destruction -- was also his real motive. Public promises that inflict reputational costs on badly motivated behavior help the well-motivated executive to credibly distinguish himself from the ill-motivated one.¶ The more common version of this tactic is to appoint commissions after the relevant event, as George W. Bush did to investigate the faulty reports by intelligence agencies that Iraq possessed weapons of mass destruction. n84 If the president appoints after-the-fact commissions, the commissions can enhance his credibility for the next event -- by showing that he will be willing, after that event, to subject his statements to scrutiny by public experts. Here, however, the demonstration of credibility is weaker, because there is no commitment to appoint any after-the-fact commissions in the future, but merely a plausible inference that the president's future behavior will track his past behavior.¶ 3. Bipartisan appointments.¶ In examples of the sort just mentioned, the signaling arises from public position-taking. The well-motivated executive might produce similar effects through appointments to office. n85 A number of statutes require partisan balance on multimember commissions; presidents might approve them because they allow the president to commit to a policy that legislators favor, thus encouraging legislators to increase the scope of the delegation in the first place. n86 For similar reasons, presidents may consent to restrictions on the removal of agency officials, [\*901] because the restriction enables the president to commit to giving the agency some autonomy from the president's preferences. n87¶ Similar mechanisms can work even where no statutes are in the picture. As previously mentioned, during World War II, FDR appointed Republicans to important cabinet positions, making Stimson his Secretary of War. n88 Clinton appointed William Cohen, a moderate Republican, as Secretary of Defense in order to shore up his credibility on security issues. Bipartisanship of this sort might improve the deliberation that precedes decisions, by impeding various forms of herding, cascades, and groupthink; n89 however, we focus on its credibility-generating effects. By (1) expanding the circle of those who share the president's privileged access to information, (2) ensuring that policy is partly controlled by officials whose preferences differ from the president's, and (3) inviting a potential whistleblower into the tent, bipartisanship helps to dispel the suspicion that policy decisions rest on partisan motives or extreme preferences, which in turn encourages broader delegations of discretion from the public and Congress.¶ A commitment to bipartisanship is only one way in which appointments can generate credibility. Presidents might simply appoint a person with a reputation for integrity, as when President Nixon appointed Archibald Cox as special prosecutor (although plausibly Nixon did so because he was forced to do so by political constraints, rather than as a tactic for generating credibility). A person with well-known preferences on a particular issue, even if not of the other party or widely respected for impartiality, can serve as a credible whistleblower on that issue. Thus presidents routinely award cabinet posts to leaders of subsets of the president's own party, leaders whose preferences are known to diverge from the president's on the subject. One point of this is to credibly assure the relevant interest groups that the president will not deviate (too far) from their preferences.¶ More generally, the decision by presidents to bring into their administrations members of other parties, or persons with a reputation for bipartisanship and integrity, illustrates the formation of domestic [\*902] coalitions of the willing. Presidents can informally bargain around the formal separation of powers n90 by employing subsets of Congress, or of the opposing party, to generate credibility while maintaining a measure of institutional control. FDR was willing to appoint Knox and Stimson, but not to give the Republicans in Congress a veto. Truman was willing to ally with Arthur Vandenberg but not with all the Republicans; Clinton was willing to appoint William Cohen but not Newt Gingrich. George W. Bush likewise made a gesture towards credibility by briefing members of the Senate Intelligence Committee -- including Democrats -- on the administration's secret surveillance program(s), which provided a useful talking point when the existence of the program(s) was revealed to the public.¶ 4. Counter-partisanship.¶ Related to bipartisanship is what might be called counter-partisanship: presidents have greater credibility when they choose policies that cut against the grain of their party's platform or their own presumed preferences. n91 Only Nixon could go to China, and only Clinton could engineer welfare reform. Voters and publics rationally employ a political heuristic: the relevant policy, which voters are incapable of directly assessing, must be highly beneficial if it is chosen by a president who is predisposed against it by convictions or partisan loyalty. n92 Accordingly, those who wish to move U.S. terrorism policy towards greater security and less liberty might do well to support the election of a Democrat. n93 By the same logic, George W. Bush is widely suspected [\*903] of nefarious motives when he rounds up alleged enemy combatants, but not when he creates a massive prescription drug benefit.¶ Counter-partisanship can powerfully enhance the president's credibility, but it depends heavily on a lucky alignment of political stars. A peace-loving president has credibility when he declares a military emergency but not when he appeases; a belligerent president has credibility when he offers peace but not when he advocates military solutions. A lucky nation has a well-motivated president with a belligerent reputation when international tensions diminish (Ronald Reagan) and a president with a pacific reputation when they grow (Abraham Lincoln, who opposed the Mexican War). But a nation is not always lucky.¶ 5. Transparency.¶ The well-motivated executive might commit to transparency as a way to reduce the costs to outsiders of monitoring his actions. n94 The FDR strategy of inviting potential whistleblowers from the opposite party into government is a special case of this; the implicit threat is that the whistleblower will make public any evidence of partisan motivations. The more ambitious case involves actually exposing the executive's decisionmaking processes to observation. To the extent that an ill-motivated executive cannot publicly acknowledge his motivations or publicly instruct subordinates to take them into account in decisionmaking, transparency will tend to exclude those motivations from the decisionmaking process. The public will know that only a well-motivated executive would promise transparency in the first place, and the public can therefore draw an inference to credibility.¶ Credibility is especially enhanced when transparency is effected through journalists with reputations for integrity or with political [\*904] preferences opposite to those of the president. Thus, George W. Bush gave Bob Woodward unprecedented access to White House decisionmaking and perhaps even to classified intelligence, n95 with the expectation that the material would be published. This sort of disclosure to journalists is not real-time transparency -- no one expects meetings of the National Security Council to appear on C-SPAN -- but the anticipation of future disclosure can have a disciplining effect in the present. By inviting this disciplining effect, the administration engages in signaling in the present through (the threat of) future transparency.¶ There are complex tradeoffs here, because transparency can have a range of harmful effects. As far as process is concerned, decisionmakers under public scrutiny may posture for the audience, may freeze their views or positions prematurely, and may hesitate to offer proposals or reasons for which they can later be blamed if things go wrong. n96 As for substance, transparency can frustrate the achievement of programmatic or policy goals themselves. Where security policy is at stake, secrecy is sometimes necessary to surprise enemies or to keep them guessing. Finally, one must take account of the incentives of the actors who expose the facts -- especially journalists who might reward sources who give them access by portraying their decisionmaking in a favorable light. n97¶ We will take up the costs of credibility shortly. n98 In general, however, the existence of costs does not mean that the credibility-generating mechanisms are useless. Quite the contrary: where the executive uses such mechanisms, voters and legislators can draw an inference that the executive is well motivated, precisely because the existence [\*905] of costs would have given an ill-motivated executive an excuse not to use those mechanisms.¶ 6. Multilateralism.¶ Another credibility-generating mechanism for the executive is to enter into alliances or international institutions that subject foreign policy decisions to multilateral oversight. Because the information gap between voters and legislators, on the one hand, and the executive on the other, is especially wide in foreign affairs, there is also wide scope for suspicion and conspiracy theories. If the president undertakes a unilateral foreign policy, some sectors of the domestic public will be suspicious of his motives. All recent presidents have faced this problem. In the case of George W. Bush, as we suggested, many have questioned whether the invasion of Iraq was undertaken to eliminate weapons of mass destruction, or to protect human rights, or instead to safeguard the oil supply, or because the president has (it is alleged) always wanted to invade Iraq because Saddam Hussein attempted to assassinate his father. n99 In the case of Bill Clinton, some said that the cruise missile attack on Osama bin Laden's training camp in Afghanistan was a "wag the dog" tactic intended to distract attention from Clinton's impeachment. n100¶ A public commitment to multilateralism can close or narrow the credibility gap. Suppose that a group of nations have common interests on one dimension -- say, security from terrorism or from proliferation of nuclear weapons -- but disparate interests on other dimensions -- say, conflicting commercial or political interests. Multilateralism can be understood as a policy that in effect requires a supermajority vote -- or even a unanimous vote -- of the group to license intervention. The supermajority requirement ensures that only interventions promoting the security interest common to the group will be approved, while interventions that promote some political agenda not shared by the requisite supermajority will be rejected. Knowing this, domestic audiences can infer that interventions that gain multilateral approval do not rest on disreputable motives.¶ It follows that multilateralism can be either formal or informal. Action by the United Nations Security Council can be taken only under formal voting rules that require unanimous agreement of the permanent members. n101 Informally, in the face of increasing tensions [\*906] with Iran, George W. Bush's policy has included extensive multilateral consultations and a quasicommitment not to intervene unilaterally. Knowing that his credibility is thin after Iraq, Bush has presumably adopted this course in part to reassure domestic audiences that there is no nefarious motive behind an intervention, should one occur.¶ It also follows that multilateralism and bipartisan congressional authorization may be substitutes, in terms of generating credibility. In both cases the public knows that the cooperators -- partisan opponents or other nations, as the case may be -- are unlikely to share any secret agenda the president may have. The substitution, however, is only partial; as we suggested in Part III, the Madisonian emphasis on bipartisan authorization has proven insufficient. The interests of parties within Congress diverge less than do the interests of different nations, which makes the credibility gain greater under multilateralism. In eras of unified government, the ability of the president's party to put a policy through Congress without the cooperation of the other party (ignoring the threat of a Senate filibuster, a weapon that the minority party often hesitates to wield) often undermines the policy's credibility even if members of the minority go along. After all, the minority members may be going along precisely because they anticipate that opposition is fruitless, in which case no inference about the policy's merits should be drawn from their approval. Moreover, even a well-motivated president may prefer, all else equal, to generate credibility through mechanisms that do not involve Congress, if concerned about delay, leaks, or obstruction by small legislative minorities. Thus Truman relied on a resolution of the United Nations Security Council n102 rather than congressional authorization to prosecute the Korean War.¶ The costs of multilateralism are straightforward. Multilateralism increases the costs of reaching decisions, because a larger group must coordinate its actions, and increases the risks of false negatives -- failure to undertake justified interventions. A president who declines to bind himself through multilateralism may thus be either ill motivated and desirous of pursuing an agenda not based on genuine security [\*907] goals, or well motivated and worried about the genuine costs of multilateralism. As usual, however, the credibility-generating inference holds asymmetrically: precisely because an ill-motivated president may use the costs of multilateralism as a plausible pretext, a president who does pursue multilateralism is more likely to be well motivated.¶ 7. Legal liability.¶ For completeness, we mention that the well-motivated executive might in principle subject himself to legal liability for actions or outcomes that only an ill-motivated executive would undertake. Consider the controversy surrounding George W. Bush's telecommunications surveillance program, which the president has claimed covers only communications in which one of the parties is overseas, not domestic-to-domestic calls. n103 There is widespread suspicion that this claim is false. n104 In a recent poll, 26 percent of respondents believed that the National Security Agency listens to their calls. n105 The credibility gap arises because it is difficult in the extreme to know what exactly the Agency is doing, and what the costs and benefits of the alternatives are.¶ Here the credibility gap might be narrowed by creating a cause of action, for damages, on behalf of anyone who can show that domestic-to-domestic calls were examined. n106 Liability would be strict, because a negligence rule -- whether the Agency exerted reasonable efforts to avoid examining the communication -- requires too much information for judges, jurors, and voters to evaluate, and would just reproduce the monitoring problems that gave rise to the credibility gap in the first place. Strict liability, by contrast, would require a much narrower factual inquiry. Crucially, a commitment to strict liability would only be made by an executive who intended to minimize the incidence of (even unintentional and nonnegligent) surveillance of purely domestic communications. [\*908] ¶ However, there are legal and practical problems here, perhaps insuperable ones. Legally, it is hardly clear that the president could, on his own authority, create a cause of action against himself or his agents to be brought in federal court. It is well within presidential authority to create executive commissions for hearing claims against the United States, for disbursing funds under benefit programs, and so on; but the problem here is that there might be no pot of money from which to fund damages. The so-called Judgment Fund, out of which damages against the executive are usually paid, is restricted to statutorily specified lawsuits. n107 Even so, statutory authorization for the president to create the strict liability cause of action would be necessary, n108 as we discuss shortly. n109 Practically, it is unclear whether government agents can be forced to "internalize costs" through money damages in the way that private parties can, at least if the treasury is paying those damages. n110 And if it is, voters may not perceive the connection between governmental action and subsequent payouts in any event.¶ 8. The news conference.¶ Presidents use news conferences to demonstrate their mastery of the details of policy. Many successful presidents, like FDR, conducted numerous such conferences. n111 Ill-motivated presidents will not care [\*909] about policy if their interest is just holding power for its own sake. Thus, they would regard news conferences as burdensome and risky chores. The problem is that a well-motivated president does not necessarily care about details of policy, as opposed to its broad direction, and journalists might benefit by tripping up a president in order to score points. Reagan, for example, did not care about policy details, but is generally regarded as a successful president. n112 To make Reagan look good, his handlers devoted considerable resources trying to prepare him for news conferences, resources that might have been better used in other ways. n113¶ 9. "Precommitment politics." n114¶ We have been surveying mechanisms that the well-motivated executive can employ once in office. However, in every case the analysis can be driven back one stage to the electoral campaign for executive office. During electoral campaigns, candidates for the presidency take public positions that partially commit them to subsequent policies, by raising the reputational costs of subsequent policy changes. Under current law, campaign promises are very difficult to enforce in the courts. n115 But even without legal enforcement, position-taking helps to separate the well-motivated from the ill-motivated candidate, because the costs to the former of making promises of this sort are higher. To be sure, many such promises are vacuous, meaning that voters will not sanction a president who violates them, but some turn out to have real [\*910] force, as George H.W. Bush discovered when he broke his clear pledge not to raise taxes. n116¶ 10. The possibility of statutory commitments.¶ So far, we have proceeded on the austere assumption that no constitutional or statutory changes are allowed. We have confined ourselves to credibility-generating mechanisms that arise by executive signaling -- commitments that the executive could initiate by legal order or by public position-taking, without the permission of other institutions.¶ However, this restriction may stack the deck too heavily against the solutions we suggest. A central example of the credibility problem, after all, arises when voters and legislators want to enact statutes transferring further discretion to a well-motivated executive, but are not sure that that is the sort of executive they are dealing with. In such cases, there is no reason to exclude the possibility that the executive might ask Congress to provide him with statutory signaling mechanisms that he would otherwise lack. In the surveillance example, Congress is currently considering amendments to relevant statutes. n117 It is easy to imagine a well-motivated executive proposing that Congress explicitly ratify his authority to examine overseas communications, while also proposing -- as a demonstration of credibility -- that the ratification be bundled with oversight mechanisms, review by an independent agency or special court, or a statutory cause of action imposing strict liability for prohibited forms of surveillance.¶ C. The Costs of Credibility¶ The mechanisms we have discussed generate credibility, which is a benefit for voters and legislators who would like to increase the discretion of the well-motivated executive. What of the cost side? In each case, there are costs to generating credibility, although the character and magnitude of the costs differ across mechanisms.¶ Signaling is by definition costly. The presence of a cost is what distinguishes ill-motivated mimics, who are unwilling to incur the cost, from genuine good types. In this context, the inherent costliness of signaling means that the president must use time or resources to establish credibility with the public when, if voters were perfectly informed, that time and those resources could be expended directly on [\*911] determining and implementing policy. But costs can be reflected in more subtle ways as well. Many of these mechanisms rely on the participation of agents who themselves may be ill motivated. Whistleblowers can leak information in order to damage the administration or cry wolf when there is no partisanship, merely substantive disagreement. Journalists might produce images distorted by their own biases and strategic agendas. Miscellaneous costs arise in other ways as well. Multilateralism raises decision costs, transparency can harm deliberation, and so on. n118¶ Often the basic tradeoff facing presidents is that credibility is gained at the expense of control. Mechanisms such as creating independent commissions and pursuing multilateralism illustrate that to gain credibility, presidents must surrender part of their control over policy choices, partially constraining executive discretion in the present in return for more trust, which will then translate into more discretion in the future. The loss of control is a cost, even to the well-motivated executive. To be sure, the well-motivated executive may be more willing than the ill-motivated one to trade some loss of present control for increased future discretion, if the ill-motivated executive tends to be myopic or to discount the future more heavily. However, it is not clear that is so -- many terrifying dictators have been quite far-sighted -- and in any event everything depends upon the particulars of the case.

#### Congressional Resolutions are not followed by Presidents and they do not result in national objectives

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There is an imbalance of constitutional power across the branches of the US government. Congress has failed to preserve its constitutional privileges, specifically its sole authority to declare war.1 Over the past 60 years, through a combination of executive initiative and congressional abdication, the United States has engaged in large scale offensive wars absent congressional war declarations, despite Congress’s constitutional authority and requirement to formally declare the nation’s wars.2 For the 162 notable military deployments after World War II, Congress never declared war, opting instead to pass resolutions that effectively circumvented the constitutional war declaration process. Arguably, in its major military actions since 1950, the nation has failed to articulate political objectives commensurate with its sacrifice of blood and resources.3 This dubious record stands in stark contrast to the ends obtained from wars that Congress actually declared. Congressional resolutions are an insufficient substitute for war declarations for a number of reasons. The resolution process undercuts the framers’ well-conceived declaration process designed to assure popular support for the nation’s wars. Thorough congressional deliberation is imperative for arguably the most important decision the Congress has the authority to make—committing the nation to war. The executive branch’s recent practice of engaging in war without exercising the process of declaring war has left the nation’s military repeatedly engaged in open-ended conflict. The ensuing uncertainty exacerbates an already complicated strategy formulation process and often leads to truncated, incoherent, or episodic military strategies. As the keeper of the nation’s treasury, Congress determines the sustainability of any military effort. Ultimately, all war strategy depends on the nation’s ways and means, along with the national will to sustain the effort to meet desired ends. Whether a result of executive ambition, congressional abdication, or a combination of the two, committing US military forces to “war” without the benefit of the constitutional declaration process has not served the long-term interests of the nation. In addition to its questionable constitutionality, the resolution process has led to insufficiently defined national objectives. It constantly exposes strategy to political machinations. Finally, it fails over time to provide sufficient resources to achieve the uncertain objectives of the military actions that began extraconstitutionally

**Current gap between the XO and Congress is because of the use of resolutions – that increases the number of wars – using a statutory/judicial restriction is necessary to prevent overextension of war powers**

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Understanding the Gap Since World War II, a wide gap has developed between Congress and the executive branch with respect to the critical issue of war powers. Like a black hole, this gap draws in the roles and abilities of the branches to execute foreign policy. Ostensibly, this gap has resulted from two symbiotic behaviors: executive aggressiveness and congressional abdication. The historical record reveals the evolution of this phenomenon. But history does not clearly reveal the structural and political dimensions of this phenomenon. The Constitution grants most foreign policy prerogative to Congress in Article I. Article II grants the president very limited authority in the foreign policy arena.49 This results in a structural dichotomy because the executive branch is better positioned to lead and execute, but congressional actions are more indirect and diffuse. Congress’s bicameral design and widely dispersed support base do not optimize the expeditious exercise of its power. Consequently, considerable power has flowed from Congress to the president.50 Execution of US foreign policy is fraught with political uncertainty and vulnerability. Compared to domestic issues, foreign policy decisions and initiatives are susceptible to greater unpredictability.51 Therefore, when dealing with high levels of uncertainty, Congress often finds it easier to defer to the executive branch, thereby reducing congressional members’ exposure or liability.52 Because most Americans elect their congressional representatives based on domestic issues, they tend to pay little attention to foreign policy; members of Congress often defer acting on foreign policy matters as a safer political option.53 This political safe haven of indecision, however, does not serve the nation well because it encourages concentrating power in the executive branch. Likewise, it severs the link between the electorate, the constitutionally intended legislative process, and the executor. Matters of war, however, require the collective involvement of the people. Militaries fight wars, but nations go to war. In the final analysis, congressional abdication of its Article I authority to oversee the nation’s foreign policy has exposed America to unacceptable strategic risk. War, Strategy, and the Constitution One of Clausewitz’ greatest contributions to the study of war is his emphasis on the conceptual link between politics and war. “War is never a separate phenomenon,” Clausewitz wrote, “but the continuation of politics by other means.”54 Behind this proposition is a deeply textured argument about the intrinsic political purpose of war. This political purpose encompasses the components comprising war: societal disposition, economic capability, and strategy. Clausewitz advised leaders to thoroughly consider any use of violence. So the link between war and politics “should never be overlooked.”55 Even in the 21st century, war retains this political dimension despite the recent emergence of nonstate actors and transnational groups.56 In other words, success at the tactical level of war first requires careful preparations at the political and strategic levels. The enabling institutions for success in war—Congress, the president, the cabinet, and other advisors—all need to be fully engaged in the development of feasible, suitable, and acceptable strategy.57 And this carefully crafted strategy needs to include legitimate justification for violence, rigorous calculation and valuation of political objectives, and commitment of resources sufficient to achieve strategic objectives.58 Since 1945, the United States has built the world’s most capable war-fighting machine. So why, then, have most of the nation’s large military interventions since World War II ended in defeat or, at best, stalemate? Political leaders should attend more to what Clausewitz calls the political dimensions of war—national unity and the political value of the objective—as inseparable from national and military strategy. War theorists have long emphasized the importance of national unity and the political value of the war objective. Thousands of years ago, Sun Tzu identified the necessary pre-condition of national unity for successful war strategy.59 National unity enables political leaders to muster resources needed to win wars and to amass the human capital that makes an army. Clausewitz advised, “to discover how much of our resources must be mobilized for war, we must first examine our own political aim.”60 National unity underwrites the commitment the nation needs to successfully prosecute war, provided the war has political value commensurate to theeffort expended.61 The founders directed this nation to use a collaborative process to assess the political value of a war. So the Constitution requires Congress to deliberate on the decision to go to war and, when it so decides, to declare war. Therefore, the Constitution serves as the guarantor of ensuring national unity and a legitimate valuation of the war’s political objective—provided through the mechanism of the war declaration. Consider the language of the 1941 war declaration against Japan. It captures the national unity, the political value of the objective, and the will and support of Congress to support the war.62 A Risk to Strategy As the practice of declaring war has become passé, American strategy has likewise become disjointed and disconnected from national security objectives. Following World War II, an acquiescent Congress and an aggressive presidency have, for decades, fostered a strategic climate that failed to maintain the links between the political dimensions of the state and its strategy. The predominant “NSC-68 thinking,” largely a product of executive national security panels that administrations have embraced and Congress has blithely followed, provided inadequate guidance on how objectives and capabilities should be joined to produce coherent overall strategy.63 This connection, Clausewitz observed, is necessary for success in war. For example, US strategy following World War II ironically came to resemble the German strategy of the early 20th century, relying heavily on military ways and means that failed to address the political and economic components of warfare.64 Historians are quick to extol the superiority of the German military machine, but Germany lost two world wars. Similarly, the United States has pursued a strategy built on loosely linked operational and tactical successes. Unfortunately, without concretely defined end states specified in a coherent all-encompassing strategy, these successes have not achieved national strategic ends. In Vietnam, Afghanistan, and Iraq, our leaders failed to properly define the national strategic ends, so the attendant strategies have been inchoate. Leaders’ attempts to match ways and means to fluctuating or poorly defined ends resulted in unacceptable levels of uncertainty and risk. These protracted and strategically uncertain conflicts are alien to America’s strategic culture, which has little tolerance for long, risky, or uncertain conflicts.65 More recently, as the executive branch exercises greater authority in directing military interventions, the gap between risk and strategy becomes wider. Theater commanders charged with developing adequate or complete strategies with sound ends and feasible ways to achieve them lack confidence in congressional support to provide the means necessary to achieve these strategic objectives.66 As the world’s only superpower, the United States can expect asymmetrical conflict as the norm. Future adversaries will increasingly focus on the strategic target of the American people’s collective will in their efforts to subvert our national strategy.67Vietnam Strategy The tragic military and political experience of Vietnam was spawned by an aggressive president promoting foreign policy absent congressional and public blessings.68 Vietnam War strategy affirms how congressional abdication on war matters resulted in protracted disaster. As historian George Herring points out, “America’s failure in Vietnam and the tragedy that resulted also make clear what can happen when major decisions are made without debate or discussion.”69 After Congress passed the Gulf of Tonkin Resolution, the strategy formulation and decision process operated vacuously, failing to determine strategic objectives and the means to obtain them.70 President Johnson made numerous decisions concerning the strategy and operations of the war, resulting in a strategy of incremental gradualism. Despite some tactical successes, Vietnam strategy never developed sufficient coherence nor the sustained support of the American people. Through executive design, Congress and the people never fully vetted the value of the political objective in the context of large-scale military intervention before President Johnson committed forces to combat.71 As a result, President Johnson lacked the top cover of a war declaration. This prevented him from unleashing the nation’s enormous military capability to achieve full, quick military success. Instead, he implemented a strategy that he thought was least likely to jeopardize his legislative agenda, upset the domestic apple cart, or threaten his reelection.72 In retrospect, the incoherence of the Vietnam strategy reflected the real value of the political objective in the eyes of the American people; they could not have cared less about Vietnam.73 Afghanistan and Iraq Strategies The strategies for the ongoing conflicts in Iraq and Afghanistan have both failed to properly incorporate national strategic ends, ways, and means in a consistent manner across the whole of government. In the absence of a national consensus on strategic ends, Congressman James Marshall (D-GA) not surprisingly identified: The mismatches among the needs of post-conflict stability operations in Afghanistan and Iraq, the size and the types of military forces available, and the pitiful scarcity of capability in the civilian branches of our government to effect nation-building efforts, as well as, our utter incompetence as a government in strategic communications.74 US Afghanistan strategy has continually morphed from 2001 to the present. The sweeping language in the September 2001 congressional resolution did little to shape the effort and focus the nation on acceptable long-term national ends.75 A careful analysis of coalition command and control structures indicates how the United States, partners, and allies prosecuted any number of operational strategies.76 Strategic priorities changed from counterterrorism to counterinsurgency, to nation building, back to counterterrorism, then eventually to a combination of all of them. During the lead-up to Operation Iraqi Freedom, significant executive power may have subjected the strategy to unnecessary risk. Indeed, failure of Congress to deliberate a declaration of war may have resulted in poorly defined national objectives and shoddy strategy.77 Significant executive powers facilitated side-stepping full disclosure of policy risk. The president’s obsession with regime change subordinated other key elements crucial to a comprehensive strategy, particularly with respect to clear strategic ends. This obsession obscured full debate and railroaded the nation into a course of action fraught with unexamined risk. Additionally, it masked the real cost of the strategy in terms of lives and dollars and inevitably compromised support for the effort when the strategy did not unfold as planned.78 Eventually, the wars in Iraq and Afghanistan and their strategies became focal points in the 2008 presidential campaign. Similar to President Johnson on Vietnam, candidate Obama politicized the Iraq and Afghanistan conflicts, promising on the campaign trail that, if elected, he would redeploy US combat forces out of Iraq and refocus on Afghanistan as the central front on the war against extremism. This politicalization of the war efforts may have removed strategic considerations from decisionmaking, exposing the strategies to additional, unnecessary risk at a crucial time.79 Another Cry for Reform In 2009, The National War Powers Commission, a bipartisan group commissioned under the auspices of the University of Virginia’s Miller Center for Public Affairs, reviewed the existing WPR and addressed executive overreach with respect to military intervention. Chaired by Warren Christopher and James Baker, the 2009 War Powers Commission concluded that the 1973 WPR does not function as intended and needs replacement.80 Commission members testified before the House Foreign Affairs Committee and Senate Foreign Relations Committee recommending a policy to restore the constitutional grounding for mandatory congressional war declaration for “large” force deployments and “significant armed conflict.”81 The Commission recommended replacing the 1973 WPR with the War Powers Consultation Act of 2009 that adds fidelity to the size, scope, and types of conflict subject to the Act. Most significantly, it directs the president to consult with Congress before introducing troops into “significant armed conflict.”82 Despite the bipartisan clout of former Secretaries of State Warren Christopher and James Baker, the Commission’s recommendations still lacked the necessary political power to prevent the president from deploying forces into significant armed conflict without the full blessing of Congress.83 Conclusion Reminiscent of the 1973 WPR, the National War Powers Commission’s effort to redress war power authority hoists another warning flag about war power overreach and executive presumption of constitutional power. But itis insufficient to have an academic debate over the constitutionality of war authority. Since the end of World War II, an assertive executive branch has run roughshod over an abdicating Congress, which has compromised US military efficacy. It has repeatedly resulted in the expenditure of national blood and treasure for strategically hollow ends. The Constitution is, in itself, a strategic national security document. The founders’ wisdom imbued within Articles I and II capture, in the Clausewitzian sense, the necessary prerequisites for successful prosecution of war. As the executive and congressional branches deviate from US constitutional foundations with respect to war authority, they increasingly leave the military—and the nation—vulnerable to unacceptable strategic risk. The current interpretations or disregard for war power authority, as practiced today, no longer maintain the necessary connective tissue between political and military muscle movements. As a result, US national and military strategy has become disjoined from legitimate political will. American military operations are hampered by the leadership’s inability to harness the national will. If this nation declared war when it engaged in war, as the Constitution requires, the United States would wage fewer of them—and be far better positioned to win them.

#### Congressional resolutions don’t shield the blame from Obama and could easily get rolled back

**WSJ 13** ([JESS BRAVIN](http://topics.wsj.com/person/A/biography/1268), “How War Powers, Congressional Action Have Intersected Over Time,” September 2, 2013, <http://online.wsj.com/article/SB10001424127887323932604579049933342339844.html>)

WASHINGTON—The modern history of American wars abroad suggests that President [Barack Obama](http://topics.wsj.com/person/O/Barack-Obama/4328) can begin military operations against Syria with clear political legitimacy if he first wins authorization from Congress. But if the mission turns sour, no congressional resolution can protect the president from the political consequences of military failure. By wide, bipartisan margins, Congress assented when Presidents Lyndon Johnson, in 1964, and, 38 years later,[George W. Bush](http://topics.wsj.com/person/B/George-W-Bush/5369) requested authority to use military force in Vietnam and Iraq, respectively. Then, as operations dragged on and casualties mounted, public opinion turned. Each president found his political credibility ebb after revelations that the basis for military action—Mr. Johnson's Gulf of Tonkin Resolution, and Mr. Bush's Iraq war authorization—had been based on faulty intelligence, reports that critics said exaggerated the threat to U.S. interests. Not only did Messrs. Johnson and Bush leave office with dismal popularity ratings and clouded historical reputations, their military failures helped pave the way for opposing-party candidates to capture the White House: Richard Nixon and Mr. Obama. At the same time, some presidents who initiated military action without congressional authority have seen their standing burnished—if the operations succeed. In 1999, authorized by neither Congress nor the United Nations Security Council, President Bill Clinton ordered U.S.-led air operations to stop Yugoslav President Slobodan Milosevic's forces from attacking in Kosovo. The operation, conducted under the aegis of the North Atlantic Treaty Organization, subdued Milosevic; resulted in no U.S. casualties; and ended 12 days before the 90-day deadline the War Powers Resolution of 1973 sets for a president to withdraw U.S. forces unless he obtains congressional authorization. For Mr. Clinton, whose early presidency had been marred by a debacle in Somalia—the loss of 18 Army Rangers in a Mogadishu firefight—the Kosovo campaign was a military vindication, demonstrating that air power without the use of ground forces could force an enemy capitulation. Likewise, if proposed U.S. campaign to punish the Bashar al-Assad regime for its alleged use of chemical weapons is fast and effective, deterring similar acts with few U.S. casualties, Mr. Obama's domestic and international stature would likely be elevated. But there is no assurance the U.S. can pull off such a strike without getting dragged into a longer conflict. For the most part, presidents have sought congressional authorization when contemplating major military campaigns of potentially long duration. They rarely have requested Congress's permission before ordering shorter engagements. President Clinton acted unilaterally in ordering cruise-missile strikes on Afghanistan and Sudan in retaliation for al Qaeda's 1998 bombing of U.S. embassies in Kenya and Tanzania. Likewise, President Ronald Reagan sought no authorization for his 1983 invasion of Grenada to oust its Cuban-aligned government and rescue American medical students thought to be in peril. That makes President Obama's position on Syria somewhat of an anomaly. Administration officials have indicated they envision a limited set of airstrikes to punish the Assad regime for using chemical weapons—the type of attack presidents rarely have telegraphed in advance. But the draft resolution the president sent to Congress is an open-ended authorization to do anything Mr. Obama deems "necessary and appropriate" to prevent or deter the use or proliferation of chemical or biological weapons or other weapons of mass destruction. Like the resolutions that authorized the Vietnam, Afghanistan and Iraq wars, it includes no expiration date and no limits on the type of force or the scope of operations needed to secure the goals described in the resolution. It would remain in force until repealed, potentially into future administrations. "The draft uses multiple verbs to characterize the 'objective' of intervention—deter, disrupt, prevent, degrade. All are vague and thus susceptible to expansive as well as restrictive interpretation," said Diane Marie Amann, professor of international law at the University of Georgia. "The breadth of the authorization, and the consequent potential for an eventual widening of operations in Syria, should spark concern even among those who favor a limited strike."

## 2ac- CIR- vandy 2.0

#### Won’t pass---GOP and Obama won’t spend PC

Zeke J. **Miller 10/24**, TIME, "Obama's New Immigration Pivot Isn't About Immigration", 2013, swampland.time.com/2013/10/24/obamas-new-immigration-pivot-isnt-about-immigration/

But privately, administration officials and congressional Democrats admit that they are unlikely to get immigration reform through Congress any time soon. Minutes after Obama spoke, Brendan Buck, a spokesman for Speaker John Boehner released a statement rejecting Obama’s calls for a comprehensive plan. “The House will not consider any massive, Obamacare-style legislation that no one understands,” Buck wrote. “Instead, the House is committed to a common sense, step-by-step approach that gives Americans confidence that reform is done the right way.”¶ Obama has long approached the issue of immigration cautiously, preferring to let congressional Democrats shoulder the burden of trying to push legislation through Congress—a fact that didn’t go unnoticed by activists. Obama has deported illegal immigrants at a faster rate than any other president, quickly approaching 2 million deportations in five years in office. That careful path shifted in 2012 when Obama signed an executive order deferring action for young illegal immigrants, known by advocates as “DREAMers” for the stymied legislation that would grant them a path to citizenship. The poll-tested election-year action helped Obama capture over 70 percent of the national Hispanic vote last November, and quickly after the election Obama made immigration reform a top priority.¶ Earlier this year the conditions were ripe for a compromise. Moderate Republicans, sensing that their party was rushing toward a demographic time bomb, were ready to compromise. Now the situation is entirely different. Some Republican proponents, like Sen. Marco Rubio, have gone quiet. The shutdown and debt limit battle has only emboldened the party’s conservative wing, who are less likely than ever before to embrace a part of the president’s agenda.

#### Best evidence says immigrants throw off labor markets—Depresses wages

Borjas 2003—George J. Borjas, Professor of Economics and Social Policy at Harvard University, The Labor Demand Curve is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market,” Quarterly Journal of Economics, 1336-1338

This paper presents a new approach for thinking about and estimating the labor market impact of immigration. Most existing studies exploit the geographic clustering of immigrants and use differences across local labor markets to identify the impact of immigration. This framework has been troublesome because it ignores the strong currents that tend to equalize economic conditions across cities and regions. In this paper I argue that by paying closer attention to the characteristics that define a skill group—and, in particular, by using the insight that both schooling and work experience play a role in defining a skill group— one can make substantial progress in determining whether immigration influences the employment opportunities of native workers. My analysis uses data drawn from the 1960–1990 U. S. Decennial Censuses, as well as the 1998–2001 Current Population Surveys, and assumes that workers with the same education but different levels of work experience participate in a national labor market and are not perfect substitutes. It turns out that immigration—even within a particular schooling group—is not balanced evenly across all experience cells in that group, and the nature of the supply imbalance changes over time. This fact generates a great deal of variation—across schooling groups, experience cells, and over time—that helps to identify the impact of immigration on the labor market. Most importantly, the size of the native workforce in each of the skill groups is relatively 􏰜fixed, so that there is less potential for native 􏰝flows to contaminate the comparison of outcomes across skill groups. In contrast to the confusing array of results that now permeate the literature, the evidence consistently suggests that immigration has indeed harmed the employment opportunities of competing native workers. II. MEASURING THE LABOR MARKET IMPACT OF IMMIGRATION The laws of supply and demand have unambiguous implications for how immigration should affect labor market conditions in the short run. The shift in supply lowers the real wage of competing native workers. Further, as long as the native supply curve is upward sloping, immigration should also reduce the amount of labor supplied by the native workforce. If one could observe a number of closed labor markets that immigrants penetrate randomly, one could then relate the change in the wage of workers in a particular skill group to the immi- grant share in the relevant population. A negative correlation (i.e., native wages are lower in those markets penetrated by immigrants) would indicate that immigrants worsen the employ- ment opportunities of competing native workers. In the United States, immigrants cluster in a small number of geographic areas. In 1990, for example, 32.5 percent of the immigrant population lived in only three metropolitan areas (Los Angeles, New York, and Miami). In contrast, only 11.6 percent of the native population clustered in the three largest metropolitan areas housing natives (New York, Los Angeles, and Chicago). Practically all empirical studies in the literature, beginning with Grossman [1982], exploit this demographic feature to identify the labor market impact of immigration. The typical study de􏰜nes a metropolitan area as the labor market that is being penetrated by immigrants. The study then goes on to calculate a “spatial correlation” measuring the relation between the native wage in a locality and the relative number of immigrants in that locality. These correlations are usually negative, but very weak.2 The best known spatial correlations are reported in Card’s [1990] influential study of the Mariel flow. Card compared labor market conditions in Miami and in other cities before and after the Marielitos increased Miami’s workforce by 7 percent. Card’s difference-in- differences estimate of the spatial correlation indicated that this sudden and unexpected immigrant influx did not have a discernible effect on employment and wages in Miami’s labor market.3 Recent studies have raised two questions about the validity of interpreting weak spatial correlations as evidence that immigration has no labor market impact. First, immigrants may not be randomly distributed across labor markets. If immigrants endogenously cluster in cities with thriving economies, there would be a spurious positive correlation between immigration and wages.4 Second, natives may respond to the wage impact of immigration on a local labor market by moving their labor or capital to other cities. These factor flows would re-equilibrate the market. As a result, a comparison of the economic opportunities facing native workers in different cities would show little or no difference because, in the end, immigration affected every city, not just the ones that actually received immigrants.5

#### This collapses the economy

Belser 2010—Patrick Belser, editor of the ILO Global Wage Report, January 18, 2010, Global Labour University, http://column.global-labour-university.org/2010/01/why-we-should-care-about-wages\_3262.html

The second reason why we should care is that a continued deterioration in wages is bad news for the economic recovery. The pace of the recovery depends largely on the extent to which people are able to consume whatever the global economy produces. And consumption, in turn, depends on the level of wages. In fact, in some advanced economies, almost 80% of household income comes from wages and salaries. Although GDP figures in the course of 2009 provided indications of a possible economic rebound, the trends in real wages observed during the past few quarters raise serious questions about the true extent of a global economic recovery and also highlight the risks of phasing out government rescue packages too early. As the experience of Japan during the past decade has cruelly shown, wage deflation deprives national economies of much needed demand and can result in lengthy periods of economic stagnation. Finally, we should already be thinking about the post-crisis world. Before the crisis, in the period from 1995-2007, the share of wages in GDP had declined in a majority of countries for which data is available. This may have been due to a combination of weaker trade unions, labour-saving technology, openness to trade and the pressures arising from the financial of markets. Whatever the cause, the imbalance between increasing profits and stagnating wages has contributed to the crisis by creating an explosive mixture of high liquidity on financial markets, low rates of interest, and huge household debts. A system of bonuses which distorted incentives towards short-term risk provided the additional dynamite. For a more stable future, we should identify policies which ensure that productivity growth - when it is back - translates into adequate increases in wages for a majority, and not just higher bonuses for a few. Only this way can advanced economies achieve more sustainable patterns of consumption and investment.

(if time)

#### Wage depression is the biggest internal link to deflation

Herr and Kazandziska 2010—Hansjörg Herr and Milka Kazandziska, Berlin School of Economics, “The labour market and deflation in Japan,” International Journal of Labour Research, 2010 Vol. 2 Issue 1

John Maynard Keynes (1930) added another important element to the analysis of recessions. He argued that changes in nominal wages, more precisely nominal unit labour costs, are the backbone of inflationary and deflationary processes. Unit labour costs depend on nominal wage increases and productivity increases. If nominal wage increases are identical with product- ivity increases, there are no changes in wage costs and there is neither wage inflation nor wage deflation. During an economic boom with falling unemployment rates, there is always the danger that demand-driven inflation in the goods market will trigger wage inflation. More importantly in our context, a demand-driven deflation, falling production and increasing unemployment can lead to wage deflation if nominal wages do not increase at least in line with productivity. Keynes’ wage deflation argument can easily be combined with Fisher’s debt deflation model. Then it becomes more under- standable that not all asset price deflations lead to disastrous goods market deflation. As long as the nominal wage anchor is upheld even in situations of high unemployment, an asset price deflation and a demand deflation do not lead to a cumulative deflation. Only falling nominal wages open the floodgates to a destructive deflationary process (Herr, 2009).

#### Deflation collapses the economy

Roubini 2008—Nouriel Roubini, December 2, 2008, Financial Times, “How to avoid the horrors of 'stag-deflation',” http://us.ft.com/ftgateway/superpage.ft?news\_id=fto120220081502315684

Deflation is dangerous as it leads to a liquidity trap, a deflation trap and a debt deflation trap: nominal policy rates cannot fall below zero and thus monetary policy becomes ineffective. We are already in this liquidity trap since the Fed funds target rate is still 1 per cent but the effective one is close to zero as the Federal Reserve has flooded the financial system with liquidity; and by early 2009 the target Fed funds rate will formally hit 0 per cent. Also, in deflation the fall in prices means the real cost of capital is high - despite policy rates close to zero - leading to further falls in consumption and investment. This fall in demand and prices leads to a vicious circle: incomes and jobs are cut, leading to further falls in demand and prices (a deflation trap); and the real value of nominal debts rises (a debt deflation trap) making debtors' problems more severe and leading to a rising risk of corporate and household defaults that will exacerbate credit losses of financial institutions.

## a/t: high-skill internal links

#### Best study prove CIR doesn’t matter

Salzman et al 13 – Hal is Professor at the John J. Heldrich Center for Workforce Development and the Edward J. Bloustein School of Planning and Public Policy at Rutgers University. His research focuses on science and engineering labor markets, workplace restructuring, skill requirements, and globalization of innovation, engineering, and technology design. Daniel Kuehn and B. Lindsay Lowell work at the EPI. (“Guestworkers in the high-skill U.S. labor market”, April 24, 2013, <http://www.epi.org/publication/bp359-guestworkers-high-skill-labor-market-analysis/>)

This paper reviews and analyzes the science, technology, engineering, and mathematics (STEM) labor market and workforce and the supply of high-skill temporary foreign workers, who serve as “guestworkers.” It addresses three central issues in the ongoing discussion about the need for high-skill guestworkers in the United States: Is there a problem producing enough STEM-educated students at sufficient performance levels to supply the labor market? How large is the flow of guestworkers into the STEM workforce and into the information technology (IT) workforce in particular? And what are the characteristics of these workers? What are the dynamics of the STEM labor market, and what are the employment and wage trends in the IT labor market? Analysis of these issues provides the basis for assessing the extent of demand for STEM workers and the impact of guestworker flows on the STEM and IT workforces. Download presentation (PDF) or listen to audio from press event on April 24, 2013. Our examination of the IT labor market, guestworker flows, and the STEM education pipeline finds consistent and clear trends suggesting that the United States has more than a sufficient supply of workers available to work in STEM occupations: The flow of U.S. students (citizens and permanent residents) into STEM fields has been strong over the past decade, and the number of U.S. graduates with STEM majors appears to be responsive to changes in employment levels and wages. For every two students that U.S. colleges graduate with STEM degrees, only one is hired into a STEM job. In computer and information science and in engineering, U.S. colleges graduate 50 percent more students than are hired into those fields each year; of the computer science graduates not entering the IT workforce, 32 percent say it is because IT jobs are unavailable, and 53 percent say they found better job opportunities outside of IT occupations. These responses suggest that the supply of graduates is substantially larger than the demand for them in industry. Analyzing new data, drawing on a number of our prior analyses, and reviewing other studies of wages and employment in the STEM and IT industries, we find that industry trends are strikingly consistent: Over the past decade IT employment has gradually increased, but it only recovered to its 2000–2001 peak level by the end of the decade. Wages have remained flat, with real wages hovering around their late 1990s levels. We also find that, while there were strong increases in the number of computer science graduates and entrants from other fields that supply the IT industry during the late 1990s, after the dot-com bubble burst in 2001 a declining number of both guestworkers and U.S. students entered the IT pipeline. But since then, the number of IT college graduates has recovered modestly, while the number of guestworkers has increased sharply, suggesting a fundamental change in this labor market. Our review of the data finds that guestworkers make up a large and increasing portion of the IT labor market: The flow of guestworkers has increased over the past decade and continues to rise (the rate of increase dropped briefly with the economic collapse of 2008, but the flow of guestworkers has since continued its rapid upward pace). The annual inflows of guestworkers amount to one-third to one-half the number of all new IT job holders. It could appear to casual observers that the striking increase in guestworkers might be a response to increased labor demand in the IT field. But employment and wage levels in IT jobs have been weak, trends that are not consistent with strong demand. The data also show that there are multiple routes into IT employment, most of which do not require a STEM degree: Only about a third of the IT workforce has an IT-related college degree. 36 percent of IT workers do not hold a college degree at all. Only 24 percent of IT workers have a four-year computer science or math degree. The data also strongly suggest that there is a robust supply of domestic workers available for the IT industry: The number of domestic STEM graduates has grown strongly, and many of these graduates could qualify for IT jobs. The annual number of computer science graduates doubled between 1998 and 2004, and is currently over 50 percent higher than its 1998 level. At the same time, current U.S. high-skill immigration policy, which includes the granting of work permits to foreign students and the issuance of a variety of nonimmigrant guestworker visas, provides employers with large numbers of STEM guestworkers, most of whom are in IT occupations. Until about 2001, when the dot-com bubble burst, the IT labor market performed in the way that economic fundamentals suggest it should, with the supply of IT graduates and workers responding to strong wage increases and reflected in growing employment. Since then, however, the IT field appears to be functioning with two distinct labor market patterns: The domestic supply of IT workers exhibits increasing but slow growth in line with market signals. The supply of IT guestworkers appears to be growing dramatically, despite stagnant or even declining wages. The immigration debate is complicated and polarizing, but the implications of the data for enacting high-skill guestworker policy are clear: Immigration policies that facilitate large flows of guestworkers will supply labor at wages that are too low to induce significant increases in supply from the domestic workforce.

# 1AR

## WOT DA

### Unrestrained = Worse

#### Unrestrained targeted killing is worse in the long-run at combating root causes of terrorism - even though there are short term gains – additionally it undermines Yemen stability which strengthens AQAP

Colonel Gregory P. **Gilbreath 13** United States Air Force, “ America’s Targeted Killing Policy: Is it Right? Is it Working”, United States Army War College, Class of 2013, 3/2013, Strategy Research Project

The policy of targeted killing has yielded tangible short-term results. The ramped-up attacks over the last four years have eliminated several high-value targets, disrupted operational activities, and hurt Al-Qaeda’s morale making it difficult to train.49 The current administration touted that we have protected our homeland from attacks and that Al-Qaeda is “losing badly” requiring them to flee their once-safe havens.50 A young idealistic fighter who fought in Pakistan professed that the “flower is wilting” and Al-Qaeda’s prestige is on the decline.51 Even though some argue that dead terrorists are quickly replaced with others, the fact is that when you target highly skilled leaders or bomb makers, finding an equally qualified replacement is difficult, which severely hinders the organization.52 Conversely, while leader decapitation appears to have acute effects, there is little evidence that a prolonged campaign against leadership realizes long-term reduction of terrorist activities, especially with religiously motivated groups.53 Overall, there is evidence of short-term gains from targeted killing, but what it is less clear is whether it positively contributes to the long-term strategy of eliminating terrorism’s root causes. Further evaluation reveals that the policy potentially counters long-term goals because it breeds instability and increases recruits. The U.S. will continue to yield short-term gains by primarily only employing airstrikes, but without an effective and complementary counterinsurgency campaign, particularly in Pakistan and Yemen, the environment left behind will spur more instability and mistrust, which are key ingredients to producing more terrorists. A recent study by the Middle East Policy Council concluded that strikes in Yemen had a destabilizing effect, much like Pakistan, which led to less governance.54 This produced more recruits, retaliatory strikes on local governments, and destabilization. Ultimately, the lack of governance creates a vacuum, which is often filled by extremist leaders and organizations. Without a concurrent counterinsurgency strategy to offset these effects, the policy will continue to create conditions favorable to extremism and terrorism. In a nutshell, the policy “removes any trace of a campaign to win hearts and minds.”55 Similar doubts about the effectiveness of a counterterrorism strategy without a complementary counterinsurgency strategy surfaced during national leader discussions prior to the Afghanistan troop surge in 2011. General Stanley McChrystal, top military leader in Afghanistan, denied that terrorist decapitation alone would be effective in the long-term without a counterinsurgency campaign. Additionally, General David Petraeus, then Commander of U.S. Central Command, also reflected that killing Abu al-Zarqawi, Al-Qaeda’s charismatic and competent leader in Iraq in 2006, did not bring peace or stability by itself. It was the accompanying boots on the ground that set the stage for subsequent progress.56 Finally, General Michael Hayden, then Director of the Central Intelligence Agency, believed that the U.S. would be doing “piecemeal drone strikes forever,” and that the goal of defeating Al-Qaeda was not achievable if “facts on the ground” were not changed.57 While the U.S. continues to prosecute strikes in minimally governed areas in the Middle East without an accompanying counterinsurgency effort, it is difficult to imagine that it will meet its long-term goals when terrorism’s roots are left in place. Another measure that illuminates if a counterterrorism strategy is working is whether the targeted group can grow. Some state that targeted killing alone will only have a fleeting effect and may boost recruiting.58 For example, Al-Qaeda in Yemen has increased from 300 fighters in 2009 to over 1,000 in 2012 despite several high profile attacks against them.59 Additionally, drone strikes have replaced the detention center at Guantanamo Bay, Cuba as the terrorist recruiting tool of choice.60 In 2010, the individuals behind two separate terrorist plots in New York City both cited that part of their motivation was due to drone killings in their homeland.61 One of them told a judge “when drones hit, they don’t see children.”62 Of course terrorist groups have certainly exaggerated civilian deaths to their advantage for propaganda, but it seems clear that the campaign in Yemen has not stopped the growth of Al-Qaeda and brings into question whether the long-term goal of changing the “tide of hopelessness” can be achieved if it continues as is.63 A sizable targeted killing counterterrorism policy alone does not curb corruption or improve government services and can have the unintended effect of increasing the threat against the U.S. It cannot substitute for the more difficult and costly process of helping “local leaders marginalize militants.”64 There is also evidence that instability and motivation against the U.S. as a result of drone strikes is on the rise. In Pakistan some charge that the destabilization left behind has created more problems than it has solved.65 The campaign has produced a “siege mentality” amongst the populace and could give way to a regional insurgency much like the one in 2006 that occurred in Somalia when similar strikes were employed and the extremists’ power was actually solidified.66 Moreover, in Yemen the strikes have had the unintended effect of refocusing the terrorists’ aims from against its local Yemeni government toward targets in the U.S.67 The current administration, while articulating its visible tactical results, has also subtly questioned targeted killing’s contribution to the long-term strategy. Secretary of State Hillary Clinton expressed concern that the focus on targeted strikes was crowding out the broader strategy to stop radicalization, and that President Obama’s goal to mend the U.S.-Muslim relationship cannot move forward in light of the controversial tactic.68 While senior administration officials expressed that these operations are bound to continue at least for another decade with “no clear end” in sight, experts believe targeted killing through drone strikes is yielding undeniable short-term results while obscuring long-term costs.69 Dennis Blair, Director of National Intelligence until 2010, stated that drone strikes are “politically advantageous,” give the “appearance of toughness,” play well domestically, but “any damage done to national interest only shows up over the long-term.”70 The long-term costs are hard to predict with any certainty, but if this campaign is to continue for 10+ years then the U.S. cannot overlook the potential damage to its image in the eyes of the citizens it is trying to persuade. Since 2009 the U.S. has overused the tactic and has only provided limited transparency into the process, both of which are detrimental to the U.S.’ image abroad making it tough to maintain the moral high ground. For example, while small segments of the population in FATA do support the strikes, they have become deeply unpopular amongst the wider population and spurred the parliament to vote for an end to the strikes in 2012, which the U.S. continues to ignore.71 A 2011 Pew poll revealed that 97% of Pakistanis viewed drone strikes negatively, and 73% had unfavorable views towards the U.S.72 The anti-Americanism brought on by drone strikes is cited as one of the factors that contributed to the recent sharp rise in violence in Pakistan.73 According to David Rhode, the excessive drone attacks undercut any laudable policy of multilateralism and transparency, and appears to be backfiring in both Yemen and Pakistan.74 As cited earlier, Pakistan is less stable today than it was in 2008, and Yemen is yielding numerous sharia-based “emirate” safe-havens for terrorists.75 Foreign leaders have communicated the issue of overuse to the U.S. The Pakistani military chief told Admiral Mike Mullen, then Chairman of the Joint Chiefs of Staff, “after hundreds of drone strikes, how could the U.S. possibly still be working its way through the Top 20 list?”76 Overuse is not popular at the local and political levels in Pakistan, which will undoubtedly put a strain on future U.S.-Pakistan relations and the U.S.’ image.

## Politics

### 1AR More Evidence

#### People will stop looking for jobs in tech sectors and turns competitiveness

Hira 2007—Ron Hira, assistant professor of public policy at Rochester Institute of Technology, “Beware the H-1B Visa,” 2007, http://www.businessweek.com/debateroom/archives/2007/09/beware\_the\_h-1b\_visa.html

None of this should be surprising given the raison d’etre of modern corporations, maximizing profits. Businesses do not exist to maximize their U.S. workforce or improve competitiveness in the U.S. If companies can lower costs by hiring cheaper foreign guest-workers, they will. If they can hire vendors who hire cheaper foreign guest-workers, they will. And who can blame them? If they don’t take advantage of blatant loopholes, their competitors surely will. Cheap labor and outsourcing explain why the H-1B program is oversubscribed. A sizable share of the U.S. high-tech workforce understands this logic, and justifiably views the H-1B program as a threat and a scam. That’s the real danger to U.S. competitiveness. Young people considering a technology career see that industry prefers cheaper foreign guest-workers and that the government uses immigration policy to work against technology professionals. Policymakers need to thoroughly reform these corrupted programs. Legislation introduced by Senators Richard Durbin (D-Illinois) and Charles Grassley (R-Iowa) would accomplish this while still giving firms access to the best and brightest. Simply hoping, rather than requiring, corporations to shun the temptation of cheaper labor is not only naïve but also dangerous to the future of U.S. competitiveness.