## 1NC

### 1

#### Targeted killings are strikes carried about against pre-meditated, individually designated targets-signature strikes are distinct

**Anderson, Washington law professor, 2011**

(Kenneth, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters”, 8-29, <http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/>)

From the US standpoint, it is partly that it does not depend as much as it did on Pakistan’s intelligence. But it is also partly, as a couple of well-publicized incidents a few months ago made clear, that sharing targeting decisions with Pakistan’s military and ISI runs a very considerable possibility of having the targets tipped off (as even The Onion has observed). The article notes in this regard, the U.S. worries that “if they tell the Pakistanis that a drone strike is coming someone within Pakistani intelligence could tip off the intended target.” However, the Journal’s reporting goes from there to emphasize an aspect of targeted killing and drone warfare that is not sufficiently appreciated in public discussions trying to assess such issues as civilian collateral damage, strategic value and uses, and the uses of drones in counterterrorism and counterinsurgency as distinct activities. The article explains: The CIA carries out two different types of drone strikes in the tribal areas of Pakistan—those against so-called high-value targets, including Mr. Rahman, and “signature” strikes targeting Taliban foot-soldiers who criss-cross the border with Afghanistan to fight U.S. forces there. High-value targets are added to a classified list that the CIA maintains and updates. The agency often doesn’t know the names of the signature targets, but it tracks their movements and activities for hours or days before striking them, U.S. officials say. Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency. (I discuss this in the opening sections of this draft chapter on SSRN.) This analytic point affects how one sees the levels of drone attacks going up or down over the years. Neither the total numbers of fighters killed nor the total number of drone strikes – going up or down over months – tells the whole story. Total numbers do not distinguish between the high value targets, being targeted as part of the top down dismantling of Al Qaeda as a transnational terrorist organization, on the one hand, and ordinary Taliban being killed in much larger numbers as part of counterinsurgency activities essentially part of the ground war in Afghanistan, on the other. Yet the distinction is crucial insofar as the two activities are, at the level of truly grand strategy, in support of each other – the war in Afghanistan and the global counterterrorism war both in support of the AUMF and US national security broadly – but at the level of ordinary strategic concerns, quite distinct in their requirements and conduct. If targeted killing against AQ leadership goes well in Pakistan, those might diminish at some point in the future; what happens in the war against the Afghan Taliban is distinct and has its own rhythm, and in that effort, drones are simply another form of air weapon, an alternative to manned aircraft in an overt, conventional war. Rising or falling numbers of drone strikes in the aggregate will not tell one very much without knowing what mission is at issue.

#### Vote neg --- signature strikes and targeted killings are distinct operations with entirely separate lit bases and advantages---they kill precision and limits

**Anderson, Washington law professor, 2011**

(Kenneth, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters”, 8-29, <http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/>)

Although targeted killing and drone warfare are often closely connected, they are not the same and are not always associated with each other. We need to disaggregate the practices of targeted killing from the technologies of drone warfare. Targeted killing consists of using deadly force, characterized by the identification of and then strike against an individual marked to be killed. It is distinguished, among other things, by making an individualized determination of a person to be killed, rather than simply identifying, for example, a mass of enemy combatants to attack as a whole. Since it is a practice that involves the determination of an identified person, rather than a mass of armed and obvious combatants, it is a use of force that is by its function integrated with intelligence work, whether the intelligence actors involved are uniformed military or a civilian agency such as the CIA. Targeted killing might (and does) take place in the course of conventional warfare, through special operations or other mechanisms that narrowly focus operations through intelligence. But it might also take place outside of a conventional conflict, or perhaps far from the conventional battlefields of that conflict, sufficiently so operationally to best be understood as its own operational category of the use of force – “intelligence-driven,” often covert, and sometimes non-military intelligence agency use of force, typically aimed at “high value” targets in global counterterrorism operations. It might be covert or it might not – but it will be driven by intelligence, because of necessity it must identify and justify the choice of target (on operational, because resources are limited; or legal grounds; or, in practice, both). Targeted killing might use a variety of tactical methods by which to carry out the attack. The method might be by drones firing missiles – the focus of discussion here. But targeted killing – assassination, generically – is a very old method for using force and drones are new. Targeted killing in current military and CIA doctrine might, and often does, take place with covert civilian intelligence agents or military special operations forces – a human team carrying out the attack, rather than a drone aircraft operated from a distance. The Bin Laden raid exemplifies the human team-conducted targeted killing, of course, and in today’s tactical environment, the US often uses combined operations that have available both human teams and drones, to be deployed according to circumstances. Targeted killing is thus a tactic that might be carried out either by drones or human teams. If there are two ways to do targeted killing, there are also two functions for the use of drones – targeted killing as part of an “intelligence-driven” discrete use of force, on the one hand, and a role (really, roles) in conventional warfare. Drones have a role in an ever-increasing range of military operations that have no connection to “targeted killing.” For many reasons ranging from cost-effectiveness to mission-effectiveness, drones are becoming more ramified in their uses in military operations, and will certainly become more so. This is true starting with their fundamental use in surveillance, but is also true when used as weapons platforms. From the standpoint of conventional military operations and ordinary battlefields, drones are seen by the military as simply an alternative air weapons platform. One might use an over-the-horizon manned aircraft – or, depending on circumstances, one might instead use a drone as the weapons platform. It might be a missile launched from a drone by an operator, whether sitting in a vehicle near the fighting or farther away; it might be a weapon fired from a helicopter twenty miles away, but invisible to the fighters; it might be a missile fired from a US Navy vessel hundreds of miles away by personnel sitting at a console deep inside the ship. Future air-to-air fighter aircraft systems are very likely to be remotely piloted, in order to take advantage of superior maneuverability and greater stresses endurable without a human pilot. Remotely-piloted aircraft are the future of much military and, for that matter, civil aviation; this is a technological revolution that is taking place for reasons having less to do with military aviation than general changes in aviation technology. Missiles fired from a remotely-piloted standoff platform present the same legal issues as any other weapons system – the law of war categories of necessity and proportionality in targeting. To military professionals, therefore, the emphasis placed on “remoteness” from violence of drone weapons operators, and presumed psychological differences in operators versus pilots, is misplaced and indeed mystifying. Navy personnel firing missiles from ships are typically just as remote from the fighting, and yet one does not hear complaints about their indifference to violence and their “Playstation,” push-button approach to war. Air Force pilots more often than not fire from remote aircraft; pilots involved in the bombing campaign over Serbia in the Kosovo war sometimes flew in bombers taking off from the United States; bomber crews dropped their loads from high altitudes, guided by computer, with little connection to the “battlefield” and little conception of what they – what their targeting computers - were aiming at. Some of the crews in interviews described spending the flights of many hours at a time, flying from the Midwest and back, as a good chance to study for graduate school classes they were taking – not Playstation, but study hall. In many respects, the development of new sensor technologies make the pilots, targeters, and the now-extensive staff involved in a decision to fire a weapon from a drone far more aware of what is taking place at the target than other forms of remote targeting, from Navy ships or high altitude bombing. Very few of the actors on a technologically advanced battlefield are personally present in a way that makes the destruction and killing truly personal – and that is part of the point. Fighting up close and personal, on the critics’ psychological theories, seems to mean that it has greater significance to the actors and therefore leads to greater restraint. That is extremely unlikely and contrary to the experience of US warfighters. Lawful kinetic violence is more likely to increase when force protection is an issue, and overuse of force is more likely to increase when forces are under personal pressure and risk. The US military has known since Vietnam at least that increased safety for fighting personnel allows them greater latitude in using force, encourages and permits greater willingness to consider the least damaging alternatives, and that putting violence at a remove reduces the passions and fears of war and allows a coolly professional consideration of what kinds, and how much, violence is required to accomplish a lawful military mission. Remote weapon systems, whether robotic or simply missiles launched from a safe distance, in US doctrine are more than just a means for reducing risk to forces – they are an integral part of the means of allowing more time to consider less-harmful alternatives. This is an important point, given that drones today are being used for tasks that involve much greater uses of force than individualized targeted killing. Drones are used today, and with increasing frequency, to kill whole masses of enemy columns of Taliban fighters on the Pakistan border – in a way that would otherwise be carried out by manned attack aircraft. This is not targeted killing; this is conventional war operations. It is most easily framed in terms of the abstract strategic division of counterinsurgency from counterterrorism (though in practice the two are not so distinct as all that). In particular, drones are being deployed in the AfPak conflict as a counterinsurgency means of going after Taliban in their safe haven camps on the Pakistan side of the border. A fundamental tenet of counterinsurgency is that the safe havens have to be ended, and this has meant targeting much larger contingents of Taliban fighters than previously understood in the “targeted killing” deployment. This could be – and in some circumstances today is – being done by the military; it is also done by the CIA under orders of the President partly because of purely political concerns; much of it today seems to be a combined operation of military and CIA. Whoever conducts it and whatever legal issues it might raise, the point is that this activity is fundamentally counterinsurgency. The fighters are targeted in much larger numbers in the camps than would be the case in “targeted killing,” and this is a good instance of how targeted killing and drone warfare need to be differentiated. The targets are not individuated, either in the act of targeting or in the decision of who and where to target: this is simply an alternative air platform for doing what might otherwise be done with helicopters, fixed wing aircraft, or ground attack, in the course of conventional counterinsurgency operations. But it also means that the numbers killed in such operations are much larger, and consist often of ordinary fighters who would otherwise pile into trucks and cross back into Afghanistan, rather than individualized “high value” targets, whether Taliban or Al Qaeda.

### 2

#### Text: The United States President, through an executive order, should ban signature strikes carried out by Remotely-Piloted Vehicles. Enforcement should include a private cause of action to enforce the mandates of the order, and an accompanying Fact Sheet explaining the administration’s willingness to embrace aspects of the law of armed conflict on signature strikes.

#### Solves the case and avoids politics

Cooper-prof public administration Portland State- 2 [Phillip, By Order of the President: The Use and Abuse of Executive Direct Action” p.59

Executive orders are often used because they are quick, convenient, and relatively easy mechanisms for moving significant policy initiatives. Though itis certainly true that executive orders are employed for symbolic purposes, enough has been said by now to demonstrate that they are also used for serious policymaking or to lay the basis for important actions to be taken by executive branch agencies under the authority of the orders. Unfortunately, as is true of legislation, it is not always possible to know from the title of orders which are significant and which are not, particularly since presidents will often use an existing order as a base for action and then change it in ways that make it far more significant than its predecessors.¶ The relative ease of the use of an order does not merely arise from the fact that presidents may employ one to avoid the cumbersome and time consuming legislative process. They may also use this device to avoid some times equally time-consuming administrative procedures, particularly the rulemaking processes required by the Administrative Procedure Act.84 Because those procedural requirements do not apply to the president, it is tempting for executive branch agencies to seek assistance from the White House to enact by executive order that which might be difficult for the agency itself to move through the process. Moreover, there is the added plus from the agency's perspective that it can be considerably more difficult for potential adversaries to obtain standing to launch a legal challenge to the president's order than it is to move an agency rule to judicial review. There is nothing new about the practice of generating executive orders outside the White House. President Kennedy's executive order on that process specifically pro­vides for orders generated elsewhere

### 3

#### Trade Promotion Authority

#### Text: The President of the United States should substantially increase lobbying and persuasion efforts, using available political resources, on behalf of Congressional enactment of Trade Promotion Authority.

#### Obama applying PC is key to TPA and TPP---key to US leadership in Asia

**Barfield, AEI resident scholar, 3-4-14**

(Claude, “Domestic politics slow down Obama’s ‘fast track’ plan to free trade”, <http://www.eastasiaforum.org/2014/03/04/domestic-politics-slow-down-obamas-fast-track-plan-to-free-trade/>, ldg)

Symbolically, however, it is the TPP negotiations and the drive to conclude these negotiations expeditiously that stands as the focal point of the pivot. A successful TPP and the resulting benefits to US businesses and workers will form the economic anchor to persuade Congress and the public that Asia’s security and economic well-being is inextricably linked to US security and prosperity. There are now 12 Asia Pacific nations negotiating the TPP, with another, South Korea, standing in the wings. The membership (adding South Korea) represents over 40 per cent of world GDP and more than a third of total world trade. Substantively, the TPP aims to create a ‘gold standard’ agreement: meaning that it will set the standard for a 21st century trade regime, including rules for services and investment, intellectual property, health and safety, state-owned enterprises, regulatory transparency and due process, labour and the environment. The key tradeoffs will include balancing the 21st century demands of the US and others against the more traditional 20th century priorities of developing TPP nations in areas like textiles, clothes, shoes, sugar, cotton and dairy products. The TPP has reached endgame negotiations, where all twelve nations are expected to finally put their bottom line positions on the table. And it is here at this crucial juncture that US domestic politics have crashed the party with as yet incalculable consequences. In his State of the Union address, President Obama called upon Congress to give him so-called trade-promotion authority (expedited rules for Congress to ratify FTAs) in order to conclude the TPP and move forward on parallel negotiations with Europe. Within 24 hours of Obama’s plea, the Democratic majority leader Harry Reid defied the president by signalling opposition to granting trade-promotion authority and warning the administration not to send up such a bill. In the ‘all politics is local’ tradition, Reid’s eye is focused narrowly on holding the Senate in the midterm elections and retaining key support from union and environmental groups who strongly oppose the TPP. This leaves the ball squarely in Obama’s court: he must quickly decide whether to tackle Reid head on and mobilise other Democratic senators against their own majority leader — or attempt to get an ironclad agreement from Reid to allow a vote on TPP in a lame duck session after the election. He must also forge an alliance with congressional Republicans who — whatever Reid decides — will provide the majority of votes for TPP in both houses of Congress. Other TPP nations will be closely monitoring the administration’s decisions and Congress’ in coming weeks — as a guide to their own negotiating positions. The outcome of this debate and political battle will have far-reaching consequences. The failure of the US to continue to lead in a successful conclusion of the TPP would likely destroy the possibility of a broader US-led and anchored Trans-Pacific regional economic structure. In its place, the Chinese are already assiduously pushing for a narrower East Asian architecture that does not include the US. And well beyond the economic consequences, future US diplomatic and security leadership and alliances in Asia will be severely jeopardised as US regional allies come to doubt its ability to overcome local forces in order to pursue vital national interests.

#### Restrictions on targeted killing are a political hot potato

McGovern, 13

(Ray, writer for AlterNet, "Congress Turns a Blind Eye to the Deep Shame of Guantanamo Bay", May 14, [www.alternet.org/civil-liberties/congress-turns-blind-eye-deep-shame-guantanamo-bay](http://www.alternet.org/civil-liberties/congress-turns-blind-eye-deep-shame-guantanamo-bay) NL)

To be completely fair, the reigning reluctance seems, actually, to be a bipartisan affair. Moran is one of the few Democrats possessed of a conscience and enough moral courage to let the American people know what is being done in their name. For other lawmakers, it is a mite too risky. Folksy folks like Sen. Lindsey Graham, R-South Carolina, a member of the Armed Services Committee which is supposed to exercise oversight of the lethal operations carried out by the Joint Special Operations Command, make no bones about the dilemma they prefer to duck when it comes to letting detainees die at Guantanamo or letting the president blow up suspected terrorists via drone strikes. Here’s Graham [quoted](http://www.esquire.com/blogs/politics/congress-drone-strike-oversight-10520312) in Esquire magazine last summer on why Congress has engaged in so little oversight of the lethal drone program: “Who wants to be the congressman or senator holding the hearing as to whether the president should be aggressively going after terrorists? Nobody. And that’s why Congress has been AWOL in this whole area.” The same thinking applies to showing any mercy for the people held at Guantanamo.

#### Leadership key to prevent Asian war

**Goh, University of Oxford International Relations lecturer, 2008**

(Evelyn, International Relations of the Asia-Pacific, "Hierarchy and the role of the United States in the East Asian security order," irap.oxfordjournals.org/content/8/3/353.full, ldg)

The centrality of these mutual processes of assurance and deference means that the stability of a hierarchical order is fundamentally related to a collective sense of certainty about the leadership and order of the hierarchy. This certainty is rooted in a combination of material calculations – smaller states' assurance that the expected costs of the dominant state conquering them would be higher than the benefits – and ideational convictions – the sense of legitimacy, derived from shared values and norms that accompanies the super-ordinate state's authority in the social order. The empirical analysis in the next section shows that regional stability in East Asia in the post-Second World War years can be correlated to the degree of collective certainty about the US-led regional hierarchy. East Asian stability and instability has been determined by U.S. assurances, self-confidence, and commitment to maintaining its primary position in the regional hierarchy; **the perceptions** and confidence **of regional states about US commitment**; and the reactions of subordinate states in the region to the varied challengers to the regional hierarchical order. 3 Hierarchy and the United States in East Asia after 1945 The U.S.' involvement has had a profound impact on [the] history of East Asia's development. America maintained an ‘open-door’ to China, twice transformed Japan, and spilt blood to hold the line against aggression and communism. The U.S. constructed and maintained the post-World War II international order that allowed East Asia to flourish. America's victory in the Cold War and its technology driving the new economy are continued influences. In the strategic sense, therefore, the U.S. is very much a part of East Asia. It has been, and still is, a **positive force for stability and prosperity**.5 The United States has been indisputably the preponderant power in East Asia since 1945. Throughout much of post-war Asia, it has largely been acknowledged as the central, or dominant, state with no local territorial ambitions. Washington's key allies which institutionalize this benign view through their defense treaties, but unallied countries such as those in Southeast Asia, and, more recently India, also see it as an honest broker and offshore balancer (Goh, 2000; Layne, 1997). The communist countries in the region, which have experienced containment, subversion, and invasion by US forces, have good reason to disagree. But even China has accepted the idea of the United States as a stabilizing force in the region since the 1970s.6 Certainly, this is less controversial a claim than that of other scholars who have argued for such a dominant position for China (Acharya, 2003/04). The United States has also been intimately involved in key regional conflicts in East Asia after 1945. It intervened crucially on the side of the Allied powers to win the war, and was a core player in the peace settlement for the Pacific theatre, especially in the occupation and rehabilitation of Japan. During the Cold War, Washington intervened in hot wars and led in containing communism, and after the Cold War, it has been critical in managing the main regional conflicts on the Korean Peninsula and across the Taiwan Straits.7 Indirectly, it has provided a regional security umbrella, which may have dampened or limited the regional effects of other bilateral or domestic conflicts, such as the South China Sea territorial disputes.8 The United States has also earned it dominant position at the top of the East Asian hierarchy because of its critical economic role, in providing vital market access to Japan and the other Asian ‘tiger’ economies for their remarkable development, and in continuing to provide significant investments to the region. Its socio-economic and political model has become even more attractive in the region after the dissolution of the Soviet model at end of the Cold War. In every way, the United States is the preponderant power and gatekeeper of the great power club. Furthermore, the US-led hierarchy in East Asia since 1945 reflects our expectations of regional strategic behavioral in such an order. First, the centrality of acquiescence by subordinate states is clear: most of the main Asian states, with the partial exception of China, are either US allies or are cultivating closer security relations with Washington. As discussed below, even China today is not challenging but accommodating the interests of United States in the region. Second, the East Asian security order has been most unstable when the United States' commitment to the region and thus its position at the top of the hierarchy was uncertain and/or challenged. The following analysis traces the East Asian security order through three periods after the Second World War. In the 1945–70 period, the United States consolidated its post-war dominance in the region and established a hierarchy of non-Communist bulwark states, and regional order was stable in spite of Communist challenges. After 1970, as China and the Soviet Union exerted more regional influence in the wake of the post-Vietnam American drawdown, the US preponderance was challenged and the regional hierarchical order destabilized as subordinate powers jostled for position and adopted a range of balancing and insurance policies. After the end of the Cold War, Asia's security order has been evolving again, with smaller states trying to bolster the US preponderance while facilitating the reconstituting of a hierarchical order that includes China, Japan, and India. The East Asian hierarchy is notable for its enduring layered nature. Within this US-dominated order, Japan has traditionally held the second-highest rank because of its alliance and strategic affinity with the United States, but after 1972, China entered the top ranks of this hierarchy and increasingly laid claims to the second position. During the Cold War, a looser Soviet-led hierarchical system did exist alongside the US-led hierarchy, but this disintegrated after 1972 and disappeared after 1989. In the post-Cold War period, the main challenge appears to be how to contain the incipient competition for the primary position in this hierarchy between the United States and China, but also how to manage potential contests over hierarchical rank between Japan, India, and China. 3.1 Consolidating U.S. preponderance, 1945–1970 After the Second World War, the United States emerged as the world's greatest power: the size of its economy was three times that of Russia and more than five times that of Britain after the war; it held two-thirds of the world's gold reserves and three-quarters of its invested capital, and more than half the world's manufacturing capacity (Leffler, 1992). This status quo preponderance was, however, perceived to have been threatened by the USSR's ascension to superpower status, especially in terms of rising Soviet military influence in Eastern Europe and Northeast Asia. While post-war American efforts to rally against Soviet geopolitical aspirations were concentrated in Europe and the Northern Tier, it was the Korean War that marked the beginning of the use of military force to counter communist expansion on a global scale.9 The American decision to cross the 38th parallel was an attempt to secure preponderant power in East Asia, and establish a global containment posture against Moscow. China's entry into the Korean War launched its own quest to become a great power, and was, in American eyes, a corollary to Soviet expansionist aims to establish international communist domination and push back the US power from key geostrategic strong points on the Eurasian continent. The Korean War decisively opened up Asia as an enduring theatre of the Cold War, in which future American policy calculations would have to take into account China as well as the Soviet Union. Because of its dominant power, the United States was able to throw a security cordon around China to contain Washington's growing fear of Asian revolution influenced by Chinese communists. This entailed primarily recognition and a commitment to the defense of the Republic of China on Taiwan, and an early end to the occupation of Japan, a peace and security treaty granting American forces’ extensive base rights in the post-Occupation period, and American sponsorship of Japanese re-development. Washington also signed security pacts with the Philippines, New Zealand, and Australia, and entered into defensive treaties with the Republic of Korea (1953) and Taiwan (1954). The Southeast Asia Treaty Organization was also created (in late 1954) and was comprised of non-communist states within and outside the Asian region. Moreover, the United States placed restrictions on European and Japanese economic relations with China (Schaller, 1985). In these ways, the US strategy in the 1950s constituted the regional order at a time of post-war weakness of established East Asian states and decolonization of new states. The US resources, actions, and relationships helped establish a hierarchy with the United States firmly at the top. Its role in ending the Pacific war had already guaranteed it a vital role in post-war regional reconstruction, but by entering the Korean War, Washington further established security priorities in Northeast Asia, identified the other important major states in the region, and which it would make friends and enemies of in the unfolding global ideological contest. Thus, Japan, South Korea, and Taiwan were incorporated into the US-led hierarchy by virtue of their strategic importance, and were extended hierarchical assurance by means of US security guarantees and economic aid and access for reconstruction and development. In return, these states deferred to US preponderance and leadership by their strategic dependence and clientalism, and by gradually evolving into bastions of capitalist democracies. In contrast, the opening of the East Asian front of the Cold War in Korea created as challengers to US preponderance and hierarchy the Soviet Union, China, North Korea, and later the Indo-Chinese states. This communist bloc was a competing regional hierarchy of sorts, but one that was less defined because of the lack of clarity about rank ordering within the region, and thus continually subject to internal conflict and external disruption.10 Yet, American dominance in East Asia was sustained in this period: even though there were many conflicts, the regional order was relatively stable because US commitment to sustaining its hierarchical preponderance was clear. This was seen especially in the offshore islands crises in the late 1950s, during which Chinese claims over islands near Taiwan met with little or no Soviet support, and the main incentive for Chinese restraint was the asymmetrical nuclear capability possessed by the United States (Chang, 1990). In the 1960s, the United States continued its policy of active containment in East Asia in the form of growing intervention in the Vietnam conflict, culminating in air strikes and a land invasion in 1965. The application of this grand strategy to preserve the US regional and global preponderance to Vietnam in the 1960s, however, revealed new constraints of American power in terms of the limits of US public tolerance for protracted and destructive warfare in a distant land against an ideological enemy. 3.2 Hierarchical uncertainty and regional instability, 1970–90 The unwinnable war in Vietnam led to a transition period in East Asia marked by grave uncertainty about the global balance of power between the United States and USSR, and about the stability of the regional hierarchy. In his 1969 Guam Doctrine, Richard Nixon declared a scaling-down of US global aspirations. The United States was now a Pacific power with reservations; it had no intention of becoming directly involved again in any regional conflict in Asia, although it would support allies and friends with military assistance and diplomatic backing. Washington's unsuccessful and draining war in Vietnam had already undermined regional confidence in its continued willingness to shoulder the costs of regional primacy, and the Guam Doctrine was interpreted by Asian states as signaling the potential abandonment of American regional leadership all together. This acute uncertainty about the US position at the top of the regional hierarchy led to instability and war, as regional states engaged in self-help and balance of power politics more actively than at any time since the end of the Second World War. The first significant change was that China became a much more prominent actor by being co-opted into the high levels of the US-led hierarchy. The bipolar superpower conflict underwent dramatic changes in the 1970s: the pre-existing Sino-Soviet strategic enmity intensified into a border war in 1969, and in response to the Nixon administration's overtures, China ‘defected’ from its alliance with the Soviet Union to a rapprochement and normalization with the US. The United States, meanwhile, sought a parallel détente with the Soviet Union. A strategic triangle thus emerged, with the United States as the pivotal player enjoying relatively good relations with the other two (Kissinger, 1977; Nixon, 1978). With the congruence between ideology and strategic affinity broken, the Cold War assumed an explicit realpolitik hue, focusing on state interests and capabilities. Within Asia though, the power competition developed along the Sino-Soviet fault-line, with the United States and China on the same side. The Sino-American rapprochement did not encourage Soviet conciliation, and instead heightened Soviet insecurity. Thus, one of the immediate Soviet reactions after the rapprochement was to encourage India to facilitate the breakup of Pakistan, a staunch ally of China. This forced the American ‘tilt toward Pakistan’ in 1971 in order to prevent India from destroying the Pakistani army and endangering China (Goh, 2004, pp.185–192). The Sino-Japanese rapprochement and Treaty of Peace and Friendship in 1978 further exacerbated the Soviet sense of isolation and encirclement. Moscow now saw itself as confronted in East Asia by an alliance of the most populous, most economically successful, and most powerful states, without the buffer of a friendly China to make up for the traditionally loose Soviet Far Eastern commitment (Solomon, 1982). This in turn contributed to more aggressive Soviet policy, such as the invasion of Afghanistan and the decision to support Vietnam (Yahuda, 1996). The Soviets granted Vietnam membership in COMECON and signed a formal friendship treaty with that Southeast Asian country in late 1978, which provided support for the Vietnamese invasion of Cambodia. China, in turn, was emboldened by its normalized relationship with the United States to attack Vietnam to ‘teach it a lesson’ for the Cambodian infringement (Ross, 1993). Thus, by 1979, strategic enmities in East Asia followed the Sino-Soviet divide, which was reinforced by the breakdown of the Soviet-American détente. Without the direct intervention of the United States, this pattern of conflict remained localized, centered on Indochina and regional powers. Hanoi and Moscow had taken advantage of the declining US commitment to the region to push Vietnam's bid for hegemony in Indochina; and upon its cooption into the regional hierarchy, China had taken punitive military action against Vietnam to try to uphold the regional status quo. The destabilizing effects of uncertainty about continued US dominance in the regional hierarchy was further evinced in Southeast Asia by the formation of the ASEAN in 1967. This collection of small, non-communist states saw their existing policy of bandwagoning with the United States as unsustainable, and chose to band together in a diplomatic community to help ensure their autonomy and security (Leifer, 1989). The stalemate that materialized over the ensuing decade featured internationally isolated Vietnam depending upon the Soviet Union to sustain its dominant position in Cambodia while being confronted in the margins by resistance forces backed by China, the United States, and ASEAN countries. It is possible to argue that for the Asian region as a whole, the late 1970s and 1980s saw a relatively stable pro-Western power equilibrium: apart from Vietnam, Laos, and Cambodia, almost all the other countries in the region, including China, were tied into a Western alliance system in one way or another (Zagoria, 1982). Yet, the United States receded as the central state in the regional order during this time. In South Asia, as a result of the 1971 war and Pakistani fragmentation, a strengthened India moved closer to the USSR by signing a bilateral Friendship Treaty. In East Asia, China (as a US partner) and Vietnam (with Soviet backing) became the key protagonists on the regional stage, while ASEAN also developed a greater role with its international diplomatic activism. During this unstable period, the regional hierarchy was in flux as the United States withdrew from its dominant position; China was gradually but uncertainly incorporated into the regional hierarchy and was the main protagonist in the conflict with communist Vietnam and the Soviet Union; while Indochina and ASEAN developed their own dynamics outside of the shifting regional great power hierarchy. 3.3 Reconstituting hierarchical order after 1990 The end of the Cold War brought about the most significant transition in the global and Asian regional orders. Globally, the United States remained the only superpower with resources that outstripped those of any other single state. In Asia, China's position continued to strengthen, as concerns grew about the further decline of American strategic interest in the region. The 1990s are notable as a decade in which regional actors become most prominent in actively trying to reconstitute the regional hierarchy, to maneuver the United States firmly back into a position of regional primacy. This activism on the part of both important potential challengers and strategically less powerful regional states is a strong indication of the mutually constructed, consensual nature of the preferred hierarchical order. The post-Cold War uncertainty about American commitment to Asia particularly affected Japan and Southeast Asia. Both reacted by trying to retain the dominant US military presence and its important economic and political influence in the region. The Japan–United States alliance could have been undermined after more than a decade of trade conflicts and bilateral tension over charges that it was free-riding on the US security guarantee, and by the deepening uncertainty surrounding the US commitment to East Asia in the early 1990s. Instead, the US policy-makers decided to strengthen their strategic ties as Tokyo likewise chose to enhance its alliance with Washington. Japan's decision reflected a fear of abandonment by the United States and a desire to continue to bind the US to the bilateral security guarantee and to its dominant position in the region. At the most pragmatic level, given the domestic political difficulties involved in constitutional amendment and in the face of security threats from North Korea and China, Japan needed to maintain its special relationship with the United States. The April 1996 Japan–United States Joint Declaration on Security and September 1997 Revised Guidelines for Japan–U.S. Defense Cooperation allowed for the expansion of security cooperation, especially in supplies and services to ‘situations in areas surrounding Japan that will have an important influence on Japan's peace and security’ (see guidelines available at http://www.mofa.go.jp/region/n-america/us/security/guideline2.html). This extended the Japanese Self-Defense Forces' mandate beyond defending the home islands against direct attack, to more generally enhancing regional stability. More recently, after the 9/11 terrorist attacks, the Japanese Diet passed an emergency law in October 2001 that allowed the Japanese military to provide logistical support for United States and others in anti-terrorist missions, paving the way for Japan to provide support functions in campaigns in Afghanistan and Iraq.11 These were decisions calculated to buttress the Japanese alliance with the United States, to assure the continuity of the US commitment to national and regional security in spite of changing strategic circumstances (Katzenstein and Okawara, 2004). This intensification of the United States–Japan alliance critically helps to underwrite the United States' position as the dominant state in the regional hierarchy in two ways: it enhances U.S. power projection both in the region and in the world; and it is a powerful symbol of the acquiescence and subordination of the main potential challenger for regional hegemony to the US domination (Nau, 2003, pp. 224–230). Thus, Japan's continued hierarchical deference to the United States vitally underpins its super-ordinate position in the region. Owing to their peripheral location and relative lack of strategic importance to the United States, most Southeast Asian states were even more concerned about a potential American withdrawal after the Cold War in the face of a rising China. Much has been written about Southeast Asian policies of engagement with China to mediate the China threat (Ba, 2003; Shambaugh, 2004/5; Goh, 2007). At the same time, however, they have tried selectively to harness the superior US force in the region to deter the potential aggression from China. Two Southeast Asian states – the Philippines and Thailand – are formal allies of the United States, but neither plays host to American bases. Instead, they and a number of non-allied countries, including Singapore, Malaysia, and Indonesia – provide military facilities and access to the US naval and air forces. They also participate in bilateral and multilateral joint exercises with the US forces, and some countries have preferential military supply relations with the Americans (Goh, 2007/08, pp. 113–157). They further demonstrate hierarchical deference and support by additionally tying themselves more closely to the United States in the short- to medium-term fight against terrorism, to help anchor the United States in the region as a counterweight against China (Goh, 2005b; Khong, 2004). Rather than encouraging the United States to target its forces directly against China, though, the goal is to further buttress American military superiority in the region, or to demonstrate the ability to harness it in ways required to act as a general deterrence to Chinese (or other) aggression.12 At the same time, they also seek to strengthen their individual military capabilities by attracting the US military aid and training, trade, and economic assistance. Southeast Asian strategies go beyond simple bandwagoning with the dominant power, though, because they pay great attention also to engaging China and other regional powers. For instance, ASEAN's efforts at developing closer economic relations, generating more sustained political/security dialogue, and establishing military exchanges and relationships, are aimed not only at China, but also at the United States, as well as other major regional players such as Japan, South Korea, and India. By enmeshing the United States, China, and other large powers into regional institutions and norms, Southeast Asian states want to involve them actively in the region by means of good political relationships, deep and preferential economic exchanges, and some degree of defense dialogue and exchange. Southeast Asian policy-makers believe that this creates greater long-term stability in the region (Acharya, 2002). The aim is not to produce a multipolar balance of power in the conventional sense, because the major powers involved here are not all equally formidable. Rather, many Southeast Asian countries prefer to retain the United States as the preponderant superpower, with China as the regional great power, and India and Japan as second-tier regional powers (Goh, 2007/08). This strategic vision reflects a surprising degree of activism on the part of subordinate states not only in helping to sustain hierarchical leadership, but also to innovate so as to buttress regional order. The key innovation here is to try to facilitate the further integration of China into the regional hierarchy, to lend more direction and substance to this process which began in the 1970s. The most important element though is how to integrate China at a level below that of the United States, that is, as the second ranked but still subordinate power. For the last 50 years, the East Asian hierarchy was US-dominated, with the rank order of states within the hierarchy dependent chiefly on alliance or other defense relations with the United States, while communist challengers were excluded from the hierarchy altogether. Now, China has to be integrated on the basis of its economic, political, and military strength, and perhaps more importantly, its right to be a leading power, as perceived by states the region. This model of regional order coincides most closely with Kang's model, though with two significant differences: the United States, not China, is the primary state; and the hierarchical order is constituted by layers of major powers, rather than just the one. 4 Hierarchy and the East Asian security order Currently, the regional hierarchy in East Asia is still dominated by the United States. Since the 1970s, China has increasingly claimed the position of second-ranked great power, a claim that is today legitimized by the hierarchical deference shown by smaller subordinate powers such as South Korea and Southeast Asia. Japan and South Korea can, by virtue of their alliance with the United States, be seen to occupy positions in a third layer of regional major powers, while India is ranked next on the strength of its new strategic relationship with Washington. North Korea sits outside the hierarchic order but affects it due to its military prowess and nuclear weapons capability. Apart from making greater sense of recent history, conceiving of the US' role in East Asia as the dominant state in the regional hierarchy helps to clarify three critical puzzles in the contemporary international and East Asian security landscape. First, it contributes to explaining the lack of sustained challenges to American global preponderance after the end of the Cold War. Three of the key potential global challengers to US unipolarity originate in Asia (China, India, and Japan), and their support for or acquiescence to, US dominance have helped to stabilize its global leadership. Through its dominance of the Asian regional hierarchy, the United States has been able to neutralize the potential threats to its position from Japan via an alliance, from India by gradually identifying and pursuing mutual commercial and strategic interests, and from China by encircling and deterring it with allied and friendly states that support American preponderance. Secondly, recognizing US hierarchical preponderance further explains contemporary under-balancing in Asia, both against a rising China, and against incumbent American power. I have argued that one defining characteristic of a hierarchical system is voluntary subordination of lesser states to the dominant state, and that this goes beyond rationalistic bandwagoning because it is manifested in a social contract that comprises the related processes of hierarchical assurance and hierarchical deference. Critically, successful and sustainable hierarchical assurance and deference helps to explain why Japan is not yet a ‘normal’ country. Japan has experienced significant impetus to revise and expand the remit of its security forces in the last 15 years. Yet, these pressures continue to be insufficient to prompt a wholesale revision of its constitution and its remilitarization. The reason is that the United States extends its security umbrella over Japan through their alliance, which has led Tokyo not only to perceive no threat from US dominance, but has in fact helped to forge a security community between them (Nau, 2003). Adjustments in burden sharing in this alliance since the 1990s have arisen not from greater independent Japanese strategic activism, but rather from periods of strategic uncertainty and crises for Japan when it appeared that American hierarchical assurance, along with US' position at the top of the regional hierarchy, was in question. Thus, the Japanese priority in taking on more responsibility for regional security has been to improve its ability to facilitate the US' central position, rather than to challenge it.13 In the face of the security threats from North Korea and China, Tokyo's continued reliance on the security pact with the United States is rational. While there remains debate about Japan's re-militarization and the growing clout of nationalist ‘hawks’ in Tokyo, for regional and domestic political reasons, a sustained ‘normalization’ process cannot take place outside of the restraining framework of the United States–Japan alliance (Samuels, 2007; Pyle, 2007). Abandoning the alliance will entail Japan making a conscience choice not only to remove itself from the US-led hierarchy, but also to challenge the United States dominance directly. The United States–ROK alliance may be understood in a similar way, although South Korea faces different sets of constraints because of its strategic priorities related to North Korea. As J.J. Suh argues, in spite of diminishing North Korean capabilities, which render the US security umbrella less critical, the alliance endures because of mutual identification – in South Korea, the image of the US as ‘the only conceivable protector against aggression from the North,’ and in the United States, an image of itself as protector of an allied nation now vulnerable to an ‘evil’ state suspected of transferring weapons of mass destruction to terrorist networks (Suh, 2004). Kang, in contrast, emphasizes how South Korea has become less enthusiastic about its ties with the United States – as indicated by domestic protests and the rejection of TMD – and points out that Seoul is not arming against a potential land invasion from China but rather maritime threats (Kang, 2003, pp.79–80). These observations are valid, but they can be explained by hierarchical deference toward the United States, rather than China. The ROK's military orientation reflects its identification with and dependence on the United States and its adoption of US' strategic aims. In spite of its primary concern with the North Korean threat, Seoul's formal strategic orientation is toward maritime threats, in line with Washington's regional strategy. Furthermore, recent South Korean Defense White Papers habitually cited a remilitarized Japan as a key threat. The best means of coping with such a threat would be continued reliance on the US security umbrella and on Washington's ability to restrain Japanese remilitarization (Eberstadt et al., 2007). Thus, while the United States–ROK bilateral relationship is not always easy, its durability is based on South Korea's fundamental acceptance of the United States as the region's primary state and reliance on it to defend and keep regional order. It also does not rule out Seoul and other US allies conducting business and engaging diplomatically with China. India has increasingly adopted a similar strategy vis-à-vis China in recent years. Given its history of territorial and political disputes with China and its contemporary economic resurgence, India is seen as the key potential power balancer to a growing China. Yet, India has sought to negotiate settlements about border disputes with China, and has moved significantly toward developing closer strategic relations with the United States. Apart from invigorated defense cooperation in the form of military exchange programs and joint exercises, the key breakthrough was the agreement signed in July 2005 which facilitates renewed bilateral civilian nuclear cooperation (Mohan, 2007). Once again, this is a key regional power that could have balanced more directly and independently against China, but has rather chosen to align itself or bandwagon with the primary power, the United States, partly because of significant bilateral gains, but fundamentally in order to support the latter's regional order-managing function. Recognizing a regional hierarchy and seeing that the lower layers of this hierarchy have become more active since the mid-1970s also allows us to understand why there has been no outright balancing of China by regional states since the 1990s. On the one hand, the US position at the top of the hierarchy has been revived since the mid-1990s, meaning that deterrence against potential Chinese aggression is reliable and in place.14 On the other hand, the aim of regional states is to try to consolidate China's inclusion in the regional hierarchy at the level below that of the United States, not to keep it down or to exclude it. East Asian states recognize that they cannot, without great cost to themselves, contain Chinese growth. But they hope to socialize China by enmeshing it in peaceful regional norms and economic and security institutions. They also know that they can also help to ensure that the capabilities gap between China and the United States remains wide enough to deter a power transition. Because this strategy requires persuading China about the appropriateness of its position in the hierarchy and of the legitimacy of the US position, all East Asian states engage significantly with China, with the small Southeast Asian states refusing openly to ‘choose sides’ between the United States and China. Yet, hierarchical deference continues to explain why regional institutions such as the ASEAN Regional Forum, ASEAN + 3, and East Asian Summit have made limited progress. While the United State has made room for regional multilateral institutions after the end of the Cold War, its hierarchical preponderance also constitutes the regional order to the extent that it cannot comfortably be excluded from any substantive strategic developments. On the part of some lesser states (particularly Japan and Singapore), hierarchical deference is manifested in inclusionary impulses (or at least impulses not to exclude the United States or US proxies) in regional institutions, such as the East Asia Summit in December 2005. Disagreement on this issue with others, including China and Malaysia, has stymied potential progress in these regional institutions (Malik, 2006). Finally, conceiving of a US-led East Asian hierarchy amplifies our understanding of how and why the United States–China relationship is now the key to regional order. The vital nature of the Sino-American relationship stems from these two states' structural positions. As discussed earlier, China is the primary second-tier power in the regional hierarchy. However, as Chinese power grows and Chinese activism spreads beyond Asia, the United States is less and less able to see China as merely a regional power – witness the growing concerns about Chinese investment and aid in certain African countries. This causes a disjuncture between US global interests and US regional interests. Regional attempts to engage and socialize China are aimed at mediating its intentions. This process, however, cannot stem Chinese growth, which forms the material basis of US threat perceptions. Apprehensions about the growth of China's power culminates in US fears about the region being ‘lost’ to China, echoing Cold War concerns that transcribed regional defeats into systemic setbacks.15 On the other hand, the US security strategy post-Cold War and post-9/11 have regional manifestations that disadvantage China. The strengthening of US alliances with Japan and Australia; and the deployment of US troops to Central, South, and Southeast Asia all cause China to fear a consolidation of US global hegemony that will first threaten Chinese national security in the regional context and then stymie China's global reach. Thus, the key determinants of the East Asian security order relate to two core questions: (i) Can the US be persuaded that China can act as a reliable ‘regional stakeholder’ that will help to buttress regional stability and US global security aims;16 and (ii) can China be convinced that the United States has neither territorial ambitions in Asia nor the desire to encircle China, but will help to promote Chinese development and stability as part of its global security strategy? (Wang, 2005). But, these questions cannot be asked in the abstract, outside the context of negotiation about their relative positions in the regional and global hierarchies. One urgent question for further investigation is how the process of assurance and deference operate at the topmost levels of a hierarchy? When we have two great powers of unequal strength but contesting claims and a closing capabilities gap in the same regional hierarchy, how much scope for negotiation is there, before a reversion to balancing dynamics? This is the main structural dilemma: as long as the United States does not give up its primary position in the Asian regional hierarchy, China is very unlikely to act in a way that will provide comforting answers to the two questions. Yet, the East Asian regional order has been and still is constituted by US hegemony, and to change that could be **extremely disruptive** and may lead to regional actors acting in **highly destabilizing ways**. Rapid Japanese remilitarization, armed conflict across the Taiwan Straits, Indian nuclear brinksmanship directed toward Pakistan, or a highly destabilized Korean peninsula are all illustrative of potential regional disruptions. 5 Conclusion To construct a coherent account of East Asia's evolving security order, I have suggested that the United States is the **central force** in constituting regional stability and order. The major patterns of equilibrium and turbulence in the region since 1945 can be explained by the relative stability of the US position at the top of the regional hierarchy, with periods of greatest insecurity being correlated with greatest uncertainty over the American commitment to managing regional order. Furthermore, relationships of hierarchical assurance and hierarchical deference explain the unusual character of regional order in the post-Cold War era. However, the greatest contemporary challenge to East Asian order is the potential conflict between China and the United States over rank ordering in the regional hierarchy, a contest made more potent because of the inter-twining of regional and global security concerns. Ultimately, though, investigating such questions of positionality requires conceptual lenses that go beyond basic material factors because it entails social and normative questions. How can China be brought more into a leadership position, while being persuaded to buy into shared strategic interests and constrain its own in ways that its vision of regional and global security may eventually be reconciled with that of the United States and other regional players? How can Washington be persuaded that its central position in the hierarchy must be ultimately shared in ways yet to be determined? The future of the East Asian security order is tightly bound up with the durability of the United States' global leadership and regional domination. At the regional level, the main scenarios of disruption are an outright Chinese challenge to US leadership, or the defection of key US allies, particularly Japan. Recent history suggests, and the preceding analysis has shown, that challenges to or defections from US leadership will come at junctures where it appears that the US commitment to the region is in doubt, which in turn destabilizes the hierarchical order. At the global level, American geopolitical over-extension will be the key cause of change. This is the one factor that could lead to both greater regional and global turbulence, if only by the attendant strategic uncertainly triggering off regional challenges or defections. However, it is notoriously difficult to gauge thresholds of over-extension. More positively, East Asia is a region that has adjusted to previous periods of uncertainty about US primacy. Arguably, the regional consensus over the United States as primary state in a system of benign hierarchy could accommodate a shifting of the strategic burden to US allies like Japan and Australia as a means of systemic preservation. The alternatives that could surface as a result of not doing so would appear to be much worse.

### 4

#### Technical solutions to war powers are a shell game which locks in exceptionalism – their reaction hyper inflates threats when the US isn’t in danger. The violence they recreate is a blind spot which is why we must ask what our national security interests are who is served by those goals as a prior question

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This fearsome sort of legality is largely shielded from our view (that is, from the view of Americans---the ones wielding this legality) with the veil of democracy, knitted together with the thread of process jurisprudence. Within process jurisprudence, there is no inquiry into the fundamental question: allocation of power between the branches to accomplish . . . what? It is very easy to skip that question, and thus easy to slide into or accept circular argumentation.31 With the focus on the distribution of power, arguments about what to do in this so-called war on terror start off with assumptions about the nature of the problem (crudely expressed as violent Jihadists who hate our freedoms) and then appeal to those assumptions to justify certain actions that have come to constitute this “war.” The grip of this circularity, ironically enough, gains its strength from the ideology of legality, the very thing that the Court seeks to protect in this narrative drama, because that ideology fences out considerations of history, sociology, politics, and much else that makes up the human experience. What Judith Shklar observed over forty years ago captures the point here: the “legalism” mindset--which thoroughly infuses the process jurisprudence that characterizes the Hamdi analysis--produces the “urge to draw a clear line between law and nonlaw” which, in turn, leads to “the construction of ever more refined and rigid systems of formal definitions” and thus “serve[s] to isolate law completely from the social context within which it exists.” 32 The pretense behind the process jurisprudence--and here pretense is purpose--is the resilient belief that law can be, and ought to be, impervious to ideological considerations. And so, the avoidance of the “accomplish . . . what?” question is far from accidental; it is the quintessential act of legality itself.33 More than that, this “deliberate isolation of the legal system . . . is itself a refined political ideology, the expression of a preference” that masquerades as a form of judicial neutrality we find suitable in a democracy.34 If the Executive’s asserted prerogative to prosecute a war in a way that will assure victory is confronted with the prior question about what exactly we want to accomplish in that war--if, that is, we confront the question posed by Slavoj Zizek, noted at the outset of this article—then the idea of national security trumping “law” takes on an entirely different analytical hue. Professor Owen Fiss is probably right when he says that the Justices in Hamdi “searched for ways to honor the Constitution without compromising national interests.”35 But that is a distinctly unsatisfying observation if what we are concerned about is the identification of what exactly those “national interests” are.36 We may not feel unsatisfied because, in the context of Hamdi, it undoubtedly seems pointless to ask what we are trying to accomplish, since the answer strikes us as obvious. We are in a deadly struggle to stamp out the terrorist threat posed by Al Qaeda, and more generally, terrorism arising from a certain violent and nihilistic strain of Islamic fundamentalism. Our foreign policy is expressly fueled by the outlook that preemptive attacks is not merely an option, but is the option to be used. In the words of the Bush Administration’s 2002 National Security Strategy document, “In the world we have entered, the only path to safety is the path of action. And this nation will act.”37 O’Connor and the rest of the Court members implicitly understand our foreign policy and the goal to be pursued in these terms, which explains why the Hamdi opinion nowhere raises a question about what it is the so-called “war on terror” seeks to accomplish. After all, the stories we want to tell dictate the stories that we do tell. We want to tell ourselves stories about our own essential goodness and benevolence, our own fidelity to the rule of law; and that desire dictates the juridical story that ultimately gets told. Once one posits that our foreign policy is purely and always defensive, as well as benevolent in motivation,38 then whatever the juridical story—even one where the nation’s highest Court announces that the Executive has no blank check to prosecute a war on terror—the underlying reality inscribed upon the world’s inhabitants, the consequences real people must absorb somehow, is one where “the United States has established that its only limit on the world stage will be its military power.”39 As O’Connor sees it, the real problem here is that, given that the allocation-of-power issue is tied to the goal of eliminating the terrorist threat, we have to reckon with the probability that this allocation is not just an emergency provision, but one that will be cemented into our society, since the current emergency is likely to be, in all practicality, a permanent emergency. But to say we are in a struggle to stamp out a terrorist threat posed by Islamic fundamentalism, and to say that “the only path to safety is the path of action,” conceals--renders invisible, a postmodernist would likely put it--an even more fundamental, and more radical, question: the allocation of power that the Court is called upon to establish is in the service of eliminating a terrorist threat to accomplish . . . what? The standard answer is, our security, which most Americans would take to mean, to avert an attack on our homeland, and thus, as it was with Lincoln, to preserve the Union. And so, we accept as obvious that our dilemma is finding the right security-liberty balance. The problem with that standard answer is two-fold. First, it glosses over the fact that we face no true existential threat, no enemy that genuinely threatens to seize control over our state apparatus and foist upon us a form of government to which we would not consent. That fact alone distinguishes our current war on terrorism from Lincoln’s quest to preserve the Union against secession.40 Second, this we-must-protect-the-Homeland answer is far too convenient as a conversation stopper. When the Bush Administration=’ National Security Strategy document avers that “the only path to safety is the path of action,” we ought to ask what global arrangements are contemplated through that “path of action.” When that document announces that “this nation will act,” it surely cannot suffice to say that the goal is merely eliminating a threat to attain security. All empires and empire-seeking nations engage in aggression under the rubric of self-defense and the deployment of noble-aims rhetoric. These justifications carry no genuine meaning but are devices of the powerful and the privileged, with the acquiescence and often encouragement by a frightened populace, to quell unsettling questions from dissenters within the society.41 Stop and think for a moment, how is it that the nation with the most formidable military might--the beneficiary of the hugest imbalance in military power ever in world history--is also the nation that professes to be the most imperiled by threats throughout the world, often threatened by impoverished peasant societies (Vietnam, Nicaragua, El Salvador, Chile, Granada, etc.)?42 An empire must always cast itself as vulnerable to attack and as constantly being under attack in order to justify its own military aggression. This is most acutely true when the empire is a democracy that must garner the consent of the populace, which explains why so much of governmental rhetoric concerning global affairs is alarmist in tone. The point is that quandaries over constitutional interpretation--ought we be prudential, or are other techniques more closely tied to the text the only legitimate mode of constitutional adjudication--may very well mask what may be the most urgent issue of all, which concerns what exactly this nation’s true identity is at this moment in world history, what it is that we are pursuing. Whereas Sanford Levinson has courageously argued that “too many people >venerate= the Constitution and use it as a kind of moral compass,”43 which leads to a certain blindness, I raise for consideration an idea that Hamdi suppresses, through its narrative techniques, which is that too many people “venerate” this nation without any genuine consideration of the particular way we have, since World War II, manifested ourselves as a nation. I join Levinson’s suspicion that our Constitution is venerated as an idea, as an abstraction, without much thought given to its particulars. It is important to be open to the possibility that the same is true with regard to our nation--the possibility that we venerate the idea of America (undoubtedly worth venerating), but remain (willfully?) ignorant of the particulars of our actual responsibility for the health of the planet and its inhabitants.44 To openly consider such issues is not anti-American--an utterly absurd locution--for to suggest that it is amounts to a denial that U.S. actions (as opposed to rhetoric that leeches off of the promise and ideal of “America”) can be measured by some yardstick of propriety that applies to all nations.45 The very idea of a “yardstick of propriety” requires a prior acceptance of two ideas: one, that we are part of something larger, that we are properly accountable to others and to that larger circumstance; and two, that it is not a betrayal or traitorous for a people within a nation to look within itself.46 Issacharoff and Pildes, the most prominent process theorists, observe that process jurisprudence may be inadequate to address the risk that we “might succumb to wartime hysteria.”47 I would broaden that observation so as to be open to the possibility that the risk goes beyond just wartime hysteria, that our desire for security and military victory, rooted in our repudiation of a genuine universal yardstick of propriety that we willingly apply to ourselves (often called American exceptionalism48)--which means that security and military victory are not ipso facto the same thing--could easily slide us into sanctioning a form of sovereignty that is dangerously outmoded and far out of proportion to what circumstances warrant. Process jurisprudence supposedly has the merit of putting the balance of security and liberty into the hands of the democratic institutions of our government. But what it cannot bring into the field of vision--and what is absolutely banished from view in Hamdi--is the possibility that the democratic institutions themselves, and perhaps even the democratic culture generally, the public sphere of that culture, have been corrupted so severely as to reduce process jurisprudence to a shell game.49 More specifically, the formal processes of governmentality responding to crisis is judicially monitored, but the mythos of our national identity, particularly the idea that every international crisis boils down to the unquestioned fact that the United States at least endeavors to act solely in self defense and to promote some benevolent goal that the entire world ought to stand behind, is manufactured and thus some hegemonic pursuit in this global “war on terror” remains not just juridically ignored, but muted and marginalized in much of our public discussions about it.50 Under process jurisprudence, it is the wording of a piece of legislation, not the decoding of the slogan national security, that ultimately matters. And under process jurisprudence, fundamental decisions have already been made--fundamental decisions concerning the nature of our global ambitions and the way we will pursue them--before the judiciary can confront the so-called security-liberty balance, which means that the analytical deck has been stacked by the time the justiciable question---that is, what we regard as the justiciable question---is posed. Stacking the analytical deck in this way reduces the Court members to the role of technicians in the service of whatever pursuit the sovereign happens to choose.51 This is why it is worth asking what many might regard as a naive, if not tendentious, question: is it true that in the case of Hamdi and other post-9/11 cases, the judiciary’s quandary over allocation of power is actually in the service of genuine security, meaning physical safety of the populace? Does the seemingly obvious answer that we seek only to protect the safety of our communities against naked violence blind us to a deeper ailment within our culture? Is it possible that the allocation of power, at bottom, is rooted in a dark side of our Enlightenment heritage, an impulse within Legality that threatens us in a way similar to the Thanatos drive Freud identified as creating civilization’s discontent?52 Perhaps Hamdi itself, as a cultural document, signals yet another capitulation to the impulse to embrace a form of means-ends rationality that supports the Enlightenment drive to control and subdue.53 Perhaps what Hamdi shows is that 9/11 has not really triggered a need to recalibrate the security-liberty balance, but has actually unleashed that which has already filtered into and corrupted our culture—Enlightenment’s dark side, as the Frankfurt School understood it54’’and is thus one among many cultural documents that ought to tell us we are not averting a new dark age, but are already in it, or at least, to borrow a phrase from Wendell Berry, that we are “leapfrogging into the dark.” 55 It is impossible, without the benefit of historical distance, to answer these questions with what amounts to comforting certitude. But they are worth confronting, since the fate of so many people depends on it, given our unrivaled ability and frightening willingness to use military force. Our culture’s inability to ask such questions in any meaningful way, as opposed to marginalizing those who plead for them to be confronted, is somewhat reminiscent of how early Enlightenment culture treated scientific endeavors. “Science,” during the rise of Enlightenment culture, rebuffed the why question, banished it as a remnant of medieval darkness, because the why-ness of a certain scientific pursuit suggested that certain domains of knowledge were bad, off-limits, taboo. The whole cultural mindset of the Enlightenment was to jettison precisely such a suggestion. That cultural mindset produced a faith all its own, that all scientific pursuits, and by extension all human quests for knowledge, will in the end promote human flourishing. It has taken the devastation of our planet to reveal the folly of that faith, a blind-spot in the Western mind. It may turn out, as a sort of silver lining on a dark cloud, that the terrorism arising from Islamic jihadists may do something similar.

#### **O**ntology is a prior question; the form of social relations their advocacy embodies rests on faulty epistemology and makes extinction inevitable---vote negative as a form of noncooperation with their political economy

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I. Industrial civilization is on a collision course with life itself. Facilitating its collapse is a deserved and welcomed correction, long overdue. Collapse is inevitable whether we seek to facilitate it or not. Nonetheless, whatever we do, industrial civilization, based as it is on mining and burning finite and polluting fossil fuels, cannot last because it is destroying the ecosystem and the basis of local, cooperative life itself. It knows no limits in a physically finite world and thus is unsustainable. And the numbers of our human species on earth, which have proliferated from 1.6 billion in 1900 to 7 billion today, is the consequence of mindlessly eating oil – tractors, fertilizers, pesticides, herbicides – while destroying human culture in the process. Our food system itself is not sustainable. Dramatic die-off is part of the inevitable correction in the very near future, whether we like it or not. Human and political culture has become totally subservient to a near religion of economics and market forces. Technologies are never neutral, with some being seriously detrimental. Technologies come with an intrinsic character representing the purposes and values of the prevailing political economy that births it. The Industrialism process itself is traumatic. It is likely that only when we experience an apprenticeship in nature can we be trusted with machines, especially when they capital intensive & complicated. The nation-state, intertwined more than ever with corporate industrialism, will always come to its aid and rescue. Withdrawal of popular support enables new imagination and energy for re-creating local human food sufficient communities conforming with bioregional limits. II. The United States of America is irredeemable and unreformable, a Pretend Society. The USA as a nation state, as a recent culture, is irredeemable, unreformable, an anti-democratic, vertical, over-sized imperial unmanageable monster, sustained by the obedience and cooperation, even if reluctant, of the vast majority of its non-autonomous population. Virtually all of us are complicit in this imperial plunder even as many of us are increasingly repulsed by it and speak out against it. Lofty rhetoric has conditioned us to believe in our national exceptionalism, despite it being dramatically at odds with the empirically revealed pattern of our plundering cultural behavior totally dependent upon outsourcing the pain and suffering elsewhere. We cling to living a life based on the social myth of US America being committed to justice for all, even as we increasingly know this has always served as a cover for the social secret that the US is committed to prosperity for a minority thru expansion at ANY cost. Our Eurocentric origins have been built on an extraordinary and forceful but rationalized dispossession of hundreds of Indigenous nations (a genocide) assuring acquisition of free land, murdering millions with total impunity. This still unaddressed crime against humanity assured that our eyes themselves are the wool. Our addiction to the comfort and convenience brought to us by centuries of forceful theft of land, labor, and resources is very difficult to break, as with any addiction. However, our survival, and healing, requires a commitment to recovery of our humanity, ceasing our obedience to the national state. This is the (r)evolution begging us. Original wool is in our eyes: Eurocentric values were established with the invasion by Columbus: Cruelty never before seen, nor heard of, nor read of – Bartolome de las Casas describing the behavior of the Spaniards inflicted on the Indigenous of the West Indies in the 1500s. In fact the Indigenous had no vocabulary words to describe the behavior inflicted on them (A Short Account of the Destruction of the Indies, 1552). Eurocentric racism (hatred driven by fear) and arrogant religious ethnocentrism (self-righteous superiority) have never been honestly addressed or overcome. Thus, our foundational values and behaviors, if not radically transformed from arrogance to caring, will prove fatal to our modern species. Wool has remained uncleansed from our eyes: I personally discovered the continued vigorous U.S. application of the “Columbus Enterprise” in Viet Nam, discovering that Viet Nam was no aberration after learning of more than 500 previous US military interventions beginning in the late 1790s. Our business is killing, and business is good was a slogan painted on the front of a 9th Infantry Division helicopter in Viet Nam’s Mekong Delta in 1969. We, not the Indigenous, were and remain the savages. The US has been built on three genocides: violent and arrogant dispossession of hundreds of Indigenous nations in North America (Genocide #1), and in Africa (Genocide #2), stealing land and labor, respectively, with total impunity, murdering and maiming millions, amounting to genocide. It is morally unsustainable, now ecologically, politically, economically, and socially unsustainable as well. Further, in the 20th Century, the Republic of the US intervened several hundred times in well over a hundred nations stealing resources and labor, while imposing US-friendly markets, killing millions, impoverishing perhaps billions (Genocide #3). Since 1798, the US military forces have militarily intervened over 560 times in dozens of nations, nearly 400 of which have occurred since World War II. And since WWII, the US has bombed 28 countries, while covertly intervening thousands of times in the majority of nations on the earth. It is not helpful to continue believing in the social myth that the USA is a society committed to justice for all , in fact a convenient mask (since our origins) of our social secret being a society committed to prosperity for a few through expansion at ANY cost. (See William Appleman Williams). Always possessing oligarchic tendencies, it is now an outright corrupt corporatocracy owned lock stock and barrel by big money made obscenely rich from war making with our consent, even if reluctant. The Cold War and its nuclear and conventional arms race with the exaggerated “red menace”, was an insidious cover for a war preserving the Haves from the Have-Nots, in effect, ironically preserving a western, consumptive way of life that itself is killing us. Pretty amazing! Our way of life has produced so much carbon in the water, soil, and atmosphere, that it may in the end be equivalent to having caused nuclear winter. The war OF wholesale terror on retail terror has replaced the “red menace” as the rhetorical justification for the continued imperial plunder of the earth and the riches it brings to the military-industrial-intelligence-congressional-executive-information complex. Our cooperation with and addiction to the American Way Of Life provides the political energy that guarantees continuation of U.S. polices of imperial plunder. III. The American Way Of Life (AWOL), and the Western Way of Life in general, is the most dangerous force that exists on the earth. Our insatiable consumption patterns on a finite earth, enabled by but a one-century blip in burning energy efficient liquid fossil fuels, have made virtually all of us addicted to our way of life as we have been conditioned to be in denial about the egregious consequences outsourced outside our view or feeling fields. Of course, this trend began 2 centuries earlier with the advent of the industrial revolution. With 4.6% of the world’s population, we consume anywhere from 25% to nearly half the world’s resources. This kind of theft can only occur by force or its threat, justifying it with noble sounding rhetoric, over and over and over. Our insatiable individual and collective human demands for energy inputs originating from outside our bioregions, furnish the political-economic profit motives for the energy extractors, which in turn own the political process obsessed with preserving “national (in)security”, e.g., maintaining a very class-based life of affluence and comfort for a minority of the world’s people. This, in turn, requires a huge military to assure control of resources for our use, protecting corporate plunder, and to eliminate perceived threats from competing political agendas. The U.S. War department’s policy of “full spectrum dominance” is intended to control the world’s seas, airspaces, land bases, outer spaces, our “inner” mental spaces, and cyberspaces. Resources everywhere are constantly needed to supply our delusional modern life demands on a finite planet as the system seeks to dumb us down ever more. Thus, we are terribly complicit in the current severe dilemmas coming to a head due to (1) climate instability largely caused by mindless human activities; (2) from our dependence upon national currencies; and (3) dependence upon rapidly depleting finite resources. We have become addicts in a classical sense. Recovery requires a deep psychological, spiritual, and physical commitment to break our addiction to materialism, as we embark on a radical healing journey, individually and collectively, where less and local becomes a mantra, as does sharing and caring, I call it the Neolithic or Indigenous model. Sharing and caring replace individualism and competition. Therefore, A Radical Prescription Understanding these facts requires a radical paradigmatic shift in our thinking and behavior, equivalent to an evolutionary shift in our epistemology where our knowledge/thinking framework shifts: arrogant separateness from and domination over nature (ending a post-Ice Age 10,000 year cycle of thought structure among moderns) morphs to integration with nature, i.e., an eco-consciousness felt deeply in the viscera, more powerful than a cognitive idea. Thus, we re-discover ancient, archetypal Indigenous thought patterns. It requires creative disobedience to and strategic noncooperation with the prevailing political economy, while re-constructing locally reliant communities patterned on instructive models of historic Indigenous and Neolithic villages.

### Yemen

#### No nuclear terror

Mearsheimer 2014

John, UChicago IR Prof, America Unhinged, National Interest http://nationalinterest.org/article/america-unhinged-9639?page=show

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it is a minor threat. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled. What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but the chances of that happening are virtually nil. No nuclear-armed state is going to supply terrorists with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency. Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, is not a serious threat. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

#### Sig strikes good-speed and fear.

**Mudd, SouthernSun Asset Management global risk director, 2013**

(Philip, “Fear Factor”, 5-24, <http://www.foreignpolicy.com/articles/2013/05/24/fear_factor_signature_strikes>, ldg)

So-called signature strikes -- in which target selection is based not on identification of an individual but instead on patterns of behavior or unique characteristics that identify a group -- accelerated this decline for simple reasons. Targeting leadership degrades a small percentage of a diffuse terror group, but developing the tactical intelligence required to locate an individual precisely enough to stage a pinpoint strike, in a no-man's land half a world away, is time-consuming and difficult. And it's not a perfect science; the leaders of groups learn over time how to operate more securely. Furthermore, these leaders represent only a fraction of the threat: Osama bin Laden might have been the public face of al Qaeda, but he was supported by a web of document-forgers, bombmakers, couriers, trainers, ideologues, and others. They made up the bulk of al Qaeda and propelled the apparatus that planned the murder of innocents. Bin Laden was the revolutionary leader, but it was the troops who executed his vision. Signature strikes have pulled out these lower-level threads of al Qaeda's apparatus -- and that of its global affiliates -- rapidly enough that the deaths of top leaders are now more than matched by the destruction of the complex support structure below them. Western conceptions of how organizations work, with hierarchal structures driven by top-level managers, do not apply to al Qaeda and its affiliates. These groups are instead conglomerations of militants, operating independently, with rough lines of communication and fuzzy networks that cross continents and groups. They are hard to map cleanly, in other words. Signature strikes take out whole swaths of these network sub-tiers rapidly -- so rapidly that the groups cannot replicate lost players and their hard-won experience. The tempo of the strikes, in other words, adds sand to the gears of terror organizations, destroying their operational capability faster than the groups can recover. There are other rationales for these attacks, though. Part of the reason signature strikes have become so prominent in this global counterterror war is, simply put, geography. Local terrorist groups only become international threats if they have leadership that can execute a broad, globalist vision, and if that leadership has the time and space to plot without daily distractions from armies and security services -- as in safe havens like Yemen, Somalia, the Sahel, and the tribal areas of Pakistan. These are exactly the places where the United States cannot apply conventional force and where local governments lack the capability or will to counter the threat. Exactly the places where drones offer an option to eviscerate a growing terror threat that has a dispersed, diffuse hierarchy. The places where signature strikes have proven effective. With more capable security partners, the brutal destruction from drones above might come from more conventional operations on the ground. But, by definition, safe havens aren't penetrable by capable security services. There is an intangible factor that reinforces the effectiveness of signature strikes: the fear factor, coupled with the suspicions and paranoia that result from organizations searching desperately among their ranks to find out who is providing the Americans information so detailed that we can wreak such havoc over such a long period of time. Time and again, intelligence has clearly told us that the adversary dreads these operations -- lethal strikes that come anytime, anywhere, and that eliminate entire swaths of organizations. And these same organizations then turn around and further degrade their operational capability by engaging in savage hunts for leaks.

#### Alternatives to signature strikes are worse for all their advantages

**Trombly, National Security/International Affairs Analyst, 2013**

(Dan, “I Might Need You To Kill: Signatures, Patterns, and Alternatives”, 5-29, <http://www.cnas.org/blogs/abumuqawama/2013/05/i-might-need-you-kill-signatures-patterns-and-alternatives.html>, ldg)

Of course, it is important to note these violent dynamics are hardly unique to signature strikes or aerial assassinations. Though improper targeting and munitions selection can rapidly magnify the danger of collateral damage in those operations, it is important to remember the enormous potential costs of seeking to kill or capture militants with any instruments that are unable to ensure security for civilians. Night raids, such as the infamous botched Gardez raid, can easily falter on poor intelligence and the mistaken use of force against civilians. While the U.S. has learned much since Black Hawk Down, compare the amount of force the U.S. has had to bring down to ensure adequate force protection in operations on or across the border with Pakistan. In 2008, the Angor Ada raid, involving dozens of US ground troops and multiple aircraft, killed at least several civilians, and meant that the next raid provoked a major standoff that threatened to cause large-scale firefights and civilian displacement. Or take the example of 2011, NATO and Afghan forces reported fire from Pakistani positions. The result was that NATO unleashed more airpower to protect its troops in contact than MQ-1s or MQ-9s ever could. Two Apache attack helicopters, two F-15Es, and an AC-130 gunship pummeled targets on the Pakistani border, killing as many as two dozen Pakistani soldiers. Even then, a regime of raiding into territories where we are not willing to actually create a sustained military presence does nothing to mitigate the dangerous dynamics for civilian cooperation and intelligence collection. Raids that leave territorial control an open question for host governments and militants do not give civilians much incentive to provide the intelligence necessary for more precise targeting, leaving them to try their luck at the dangerous game of avoiding militant counterintelligence efforts. The solution to such a quandary, especially when providing security to positively incentivize informers, is to remove potential informers from enemy retaliation through detention or concentration, and the use of high-tempo raiding operations to generate as much actionable intelligence as possible through the raiding process itself. The face of a robust capture program is not the FBI effort which retrieved the 1993 CIA shooter, which in the relatively sanguine climate of 1997, the Pakistani government was unwilling to publicly admit its role in handing over a citizen to the US. American law enforcement wisely worked with the ISI to lure the suspect into Punjab. In today’s climate, against targets part of active militant networks, an operation that relies on relatively unsavvy suspects and highly compliant host government security and intelligence seems less than forthcoming. The face of a capture program in Pakistan’s border regions with Afghanistan, Yemen, Somalia, and similar environments, is not going to be law enforcements, but the types of programs that, past and present, we praise with intimidation or decry with disgust as “industrial-scale killing machines” or “executive assassination rings.” Wartime friction ensures that any well-intentioned capture program in denied or contested areas will live on as an assassination program. Just ask those involved in the Phoenix Program, who had even their own President thinking they were running a massive assassination machine. Of course, programs like the CIA-Vietnamese Provincial Reconnaissance Units, for all the reputation they gained as an unstoppable assassination machine, pale in comparison to the sanguinary behavior of other paramilitary efforts to dismantle insurgent infrastructure and disrupt irregular opponents. While the Anbar Awakening receives massive praise, enlisting irregular forces with relatively little opportunity to control their behavior, and far less “skin in the game” with regard to the political situation on the ground, frequently results in incredibly excessive killing and the incorporation of civilian populations into horrific, racket-like forms of extortive governance. Even relatively antiseptic terms such as extending the reach of governance and strengthening the state, in the context of civil wars or internal conflict against irregular opponents, frequently involves the tacit or explicit cooperation between host government and paramilitary forces to purge not just insurgent infrastructure, but political sympathizers and threats to elite interests. Extending the reach of the state under such conditions is frequently a nasty thing, and while it is in vogue to speak of the death or decline of counterinsurgency, the clean language of empowering local partners and expanding state capacity is still counterinsurgency, just of a much different sort than the kind wealthy liberal 3rd-party interventions might try to steer their clients towards.

#### Drones decapitate key leadership responsible for AQAP’s soft power strat. Yemen supports the strikes and they outweigh blowback.

**Emker, Whitehead School of Diplomacy and International Relations, 2013**

(Stacey, “Analyzing the US Counterterrorism Strategy in Yemen”, 1-14, <http://blogs.shu.edu/diplomacy/2013/01/analyzing-the-us-counterterrorism-strategy-in-yemen/>, ldg)

Three distinct forms of blowback are heavily cited as the cost of U.S. drones strikes in Yemen. Foremost, it has been asserted that U.S. drones cause purposeful retaliation by AQAP against the government of Yemen. Purposeful retaliation is most often demonstrated through public statements made by AQAP after an attack. Hours after a U.S. drone strike killed five suspected Al-Qaeda militants in southern Yemen in March 2012, militants blew up a liquid-natural gas pipeline in Shabwah which transports gas to a facility whose leading stakeholder is the French oil company, Total. The second form of blowback centers on collateral damage, the unintended death or injury of Yemen civilians, unrelated to AQAP targets. Al-Qaeda exploits U.S. errors in drone strikes, giving it ample material for propaganda. In effect, AQAP has a higher likelihood of recruiting new members and can increase sympathy for Al-Qaeda linked militants. Anger over collateral damage in this type of scenario has been demonstrated quite a few times since the U.S. began its drone campaign against AQAP. In 2010, AQAP’s sharpest gains domestically began with the botched Yemeni counterterrorism raid on ‘A’yd al-Shabwani and a U.S. drone strike that killed Marib’s deputy governor, Jabir al-Shabwani who was also known as a prominent sheik. Since al-Shabwani was a pro-government leader and had been asked to negotiate with tribes purportedly hiding Al-Qaeda militants on behalf of Sana’a, the news of the drone strike sparked outrage throughout Marib and resulted in a series of retaliatory attacks against military bases, oil pipelines, and electrical grids by Al Shabwan tribesmen. The collateral damage involved with this strike was a gift to the Al-Qaeda narrative, which cited the casualties as evidence of the incompetency of President Saleh and U.S. callousness. The third form of blowback typically identified asserts that drones strikes help to further destabilize Yemen instead of providing more security. When state power is essentially exercised from above through both strikes and surveillance, it undermines the weak central government and leaves a security vacuum to be filled on the ground. Given the central government’s limited state capacity, the ground is more easily controlled by insurgent groups. From this standpoint, drone strikes in Yemen indirectly caused the Ansar-Al Sharia movement to take control of the Southern Provinces. Partially due to the Arab Spring, the central government under President Saleh was unable to deliver any form of governance, law enforcement, or social services in the Shabwah and Abyan provinces throughout 2011. Conversely, the Southern provinces experienced a sharp increase in the number of U.S. drone strikes. Although the purpose was to provide security, the strikes intensified anti-regime sentiment and helped create a movement focused on the near enemy, the Saleh regime. Ansar al-Sharia represented itself as the means for expressing grievances with the government, and by providing rule of law and social services as a functioning state apparatus. As a result, Ansar al-Sharia was able to fill the void and win supporters within society while providing AQAP a safe-haven. On the other hand, drone strikes in Yemen have been beneficial in the fight against AQAP. As previously stated, AQAP is plotting terrorist attacks against U.S. targets and maintains the capability to attack within U.S. borders. Compared to other military objectives in the “war on terror,” there are no troops on the ground in Yemen, reducing the cost of military intervention and anti-American resentment through occupation. In addition, military pressure on AQAP through occupation would likely inflict far more civilian casualties on the Yemeni population than collateral damage from drone strikes. From this standpoint, drones are seen as an efficient tool to gather intelligence and target AQAP members. When direct action is taken, drone strikes are conducted in concert with the Yemeni government to avoid civilian casualty. President Hadi publicly endorsed U.S. drone strikes in September 2012, making Yemen a reliable counterterrorism partner. This factor is crucial when assessing the effectiveness of drones in Yemen under former President Saleh compared to President Hadi. While former President Saleh pledged Yemen’s support to the U.S. in the “war on terror,” U.S. officials and Yemeni experts questioned Saleh’s commitment and saw him as an unreliable partner and source of intelligence. John Brennan, President Obama’s chief counterterrorism advisor, has made frequent public visits to Yemen over the past year. When speaking of President Hadi’s counterterrorism efforts, Brennan has stated that “the cooperation has been more consistent, more reliable and with a more committed and determined focus.” With this, the information provided by the Yemeni government under President Hadi has greatly improved the efficacy of the drone campaign, and helped in avoiding catastrophic mistakes. The conventional understanding of drones and collateral damage is not a sufficient or systematic explanation of recruitment within the domestic context of Yemen. Christopher Swifts’ interviews with tribal leaders, Islamic Politicians, Salafist clerics, and other sources all revealed that AQAP recruitment is not motivated solely by U.S. drone strikes, but driven by economic desperation. AQAP insurgents lure young Yemeni men with the promise of a rifle, a car, and a salary of four-hundred dollars a month, which is a fortune when half the population is living on less than two dollars a day. AQAP has employed a soft power approach by fulfilling social needs in order to build networks of mutual dependency. Despite the general antipathy for drone strikes, a majority of the Yemeni’s interviewed expressed that AQAP posed a serious threat to their country and had a pragmatic view of the U.S. drone campaign. As long as drones target legitimate terrorists, Yemenis grudgingly acknowledge their utility. With this, it is important to note Yemen’s religious majority and nationalism. The population of Yemen is almost entirely Muslim, made up of Zaydis and Shaf’is. Zaydis are found mostly in North and Northwest Yemen and belong to a branch of Shi’a Islam. Zaydis form the the Huthi insurgent movement, and AQAP statements in Inspire have connected the movement to threats posed by Shi’a in eastern Saudi Arabia, Iran and Iraq. Since AQAP has attacked two Huthi processions in 2010 and threatened supporters, Zaydi Yemenis do not represent practical recruitment options for AQAP. On the hand, the majority of Yemenis are Shafi’is making up the South and East. The Shafi’is school follows one of the four Sunni schools of Islamic jurisprudence and is considered a relatively moderate form of Islam. While Islamic radicalism is prevalent within the country, Shafi’is is culturally very different and is not exactly fertile breeding grounds for extremist ideology. As a result, the Al-Qaeda ideology does not go hand-in-hand with the majority of the Yemeni people. Analysis of AQAP’s history suggests that the group’s resiliency within Yemen is due to a group of local Yemeni leaders who understand the local language, tribal customs, and developed relationships with prominent sheiks. Unlike predecessor jihadist groups in Yemen, AQAP has exercised strategic discipline in creating coherent, but nuanced propaganda. The group assimilates broadly popular grievances into a single narrative proposing international jihad as the only solution. The group exploits common malcontent with the Yemeni government over injustices including corruption, the absence of public services and political reform, and unequal distribution of profits from oil. In addition, AQAP has not explicitly called for the outright dissolution of tribal identity like AQAM in Afghanistan Somalia, Iraq, and Pakistan. Within Yemen, AQAP targets Western interests, Yemeni security officials, and economic sectors such as oil and tourism. The group has specifically avoided Yemeni civilian casualties in bombings and suicide attacks. Also, AQAP has avoided potentially divisive American and European targets, such as the many Western-language students, foreign aid, and medical workers who remained in Yemen until 2010. With this, AQAP leaders recognized the importance of managing perceptions in order to sustain legitimacy and have even denied responsibility for terrorist attacks that did not fit with its narrative. The most direct way to reduce AQAP’s viability in Yemen, while simultaneously limiting its capacity to attack the US, requires the removal of its local leadership through drone strikes who are responsible for the group’s strategic guidance. With this, it important to note that drone strikes represent only one tool in the U.S.’s comprehensive policy towards Yemen. The costs of U.S. drone strikes correspond with three distinct forms of blowback that have helped to strengthen AQAP’s narrative and increased recruitment and sympathy for Al-Qaeda linked militants. However, the costs do not outweigh the utility of drone strikes against AQAP within the domestic context. While the U.S. acted more unilaterally in Yemen under President Saleh, the Obama Administration is now working in concert with the transitional government of President Hadi. With this, the relationship between the U.S. and Yemen has transformed into a working partnership in the fight against AQAP. As a partnership, this counterterrorism policy is beneficial for both Yemeni and international support.

#### AQAP can’t attack the US

**Dilanian, LA Times, 2013**

(Ken, “Al Qaeda in the Arabian Peninsula at center of U.S. cross hairs”, 8-7, <http://articles.latimes.com/2013/aug/07/world/la-fg-yemen-terror-20130808>, ldg)

So far, we have actually seemed to be keeping them increasingly off balance," said Barbara Bodine, who served as U.S. ambassador to Yemen from 1997 to 2001. "People are talking as if they have launched a successful attack. What's really happened is we've detected the plots and stopped them." Most analysts say AQAP is not nearly as potent as Al Qaeda was when Bin Laden and his top lieutenants were alive. "AQAP is a very dangerous organization, no question, but is not as formidable as Al Qaeda was when it was intact," said Daniel Benjamin, a former State Department counter-terrorism coordinator who is now a scholar at Dartmouth University. "AQAP has the desire and capability for striking the U.S. at home, but it has yet to show the kind of skill and logistical maturity that the core Al Qaeda demonstrated," Benjamin said.

#### Program won’t collapse – popular support and tactical necessity.

Rathnesar 2013

Romesh, Five Reasons Why Drones Are Here to Stay, deputy editor of Bloomberg Businessweek, http://www.businessweek.com/articles/2013-05-23/five-reasons-why-drones-are-here-to-stay#p2

There’s some reason to believe, then, that the drone campaign will slow down considerably during Obama’s second term. But it’s far too soon to herald the end of the drone war. Fiscal constraints, strategic realities, and tactical considerations—some of which Obama highlighted during his speech—mean that drones will remain a central feature of U.S. counterterrorism policies for years to come. Here are five reasons why flying robots are here to stay: 1. They’re Cheap. The U.S. has around 8,000 drones in its arsenal, most of which are used for surveillance and spying. That amounts to around one-third of all military aircraft. Yet drones cost a small fraction of manned fighter jets, which still consume more than 90 percent of all Pentagon spending on air power. The most powerful drone currently used by the CIA and the military in anti-terrorist operations is the MQ-9 Reaper; it costs around $12 million per drone. A conservative estimate of the cost of an F-22, the Air Force’s most advanced war plane, is 10 times that amount. An analysis by the American Security Project concluded that, even after accounting for the dozens of personnel needed to operate drones, plus their crash rate, “the drones most widely used in U.S. operations have a slight cost advantage over fighter jets.” 2. They Work. As Obama said at NDU, “dozens of highly skilled al Qaeda commanders, trainers, bomb makers, and operatives have been taken off the battlefield” by drones. Estimates of the numbers killed by U.S. drone strikes vary; according to the Bureau of Investigative Journalism, the strikes have killed 3,136 people, including 555 civilians. Though tragic, the ratio of civilian deaths caused by drones—about 17 percent—compares favorably with alternative forms of warfare. In conventional military conflicts, civilian deaths typically account for anywhere between 30 percent and 80 percent of all fatalities. By those standards, U.S. drones strikes have been remarkably precise—and their accuracy has improved with time. According to the New America Foundation, in the 48 drones strikes conducted in Pakistan last year, fewer than 2 percent of those killed were civilians. 3. They’re Necessary. Despite their comparatively low cost and relative accuracy, killing terrorists from the sky is still less desirable than capturing them on the ground. The trouble is that al-Qaeda continues to thrive in places where government institutions and security forces are weak, embattled—or, in the case of Syria, just as unappealing as the extremists. As upheaval continues to spread across the greater Middle East, the U.S. will have even fewer local allies to count on. But after almost 12 years of bloody counterinsurgency in Afghanistan and Iraq, neither the president nor the Pentagon have any desire to send U.S. troops into such seething, jihadist-infested hotspots as Yemen, Mali, or Syria. In badlands like these, drones will continue to be the least worst option. 4. They’re Popular. What was perhaps most curious about Obama’s drones speech was that it was politically unnecessary. A poll taken in February found that 56 percent of Americans support drone attacks against suspected terrorists. The consensus cuts across party lines: The policy is backed by 68 percent of Republicans, 58 percent of Democrats and 50 percent of independents. The fact that drones are already being used less often—there have been 25 lethal strikes through the first five months of 2013, compared to 114 in all of 2012—coupled with their improved precision, means that public support is likely to remain strong.

#### Domestic political fights over secession trigger instability that spreads-AFF can’t resolve it

**Carvajal, Exeter Islamic and Arab studies PhD candidate, 2013**

(Fernando, “Military Restructuring in Yemen Opens a Second Power Vacuum: Part 2”, 4-26, <http://www.fairobserver.com/article/military-restructuring-yemen-opens-second-power-vacuum-part-2>, ldg)

Infighting within the armed forces goes beyond negotiations leading to presidential decrees. Conflicts extend to clashes among military units occupying the same military base or streets. Turf wars directly affect ordinary soldiers who fear losing their job or place in the hierarchy as a result of changes in command. Army units under commanders with links to Ali Abdullah Saleh increase their animosity toward troops from the Ministry of Interior, perceived as being under the influence of al-Islah. Conflicts are erupting between army units or military and law enforcement units in areas like Rada and Taiz. In the south, where jihadists seem to benefit from ongoing calls for secession, as recently commented by The Economist, the situation is increasingly ripe for a protracted armed conflict that may engulf Yemen and spread to neighboring countries. While secessionist leaders deal with increasing pressure from the population to escalate beyond protest and sit-ins, people in Abyan are growing dissatisfied by the government’s inability to fill the vacuum created after Ansar al-Shaira militants were defeated in June 2012. Even though Ansar al-Sharia lacks a strategy to recall its fighters and engage the tribal Popular Committees now guarding most of southern Abyan province, journalist Abd al-Razeq al-Jamal says residents of cities like Jaar and Zinjibar reminisce over perceptions of stability and order under the authority of Ansar al-Sharia from March 2011 to June 2012. This is of concern as militants are now present outside al-Anad in Lahj province, outside Rada in al-Baydha and spreading throughout Hadhramawt in the east. Such widespread presence by Sunni Islamist militants in southern territories will present a second front for secessionists who already experienced the conflict once — as Arab-Afghans were recruited to fight southerners during the 1994 Civil War. In northern areas, government forces remain unable to exercise authority in the Houthi-controlled Sadah province, militias clash in Hajja and tribes have moved toward the Saudi border to put further pressure on Sana’a and its relations with Saudi Arabia. In December 2012, Yemen’s army moved into Surwah, the Mareb province, against Sheikh al-Mu’alli and known al-Qaeda operatives living in the area. The operation led to violent clashes, with houses being destroyed and a number of foreign fighters captured. As it is common with such operations against tribal elements in Mareb, allies of al-Mu’alli joined the fight and continue to disrupt security in the province. In the same month, the army also moved against elements of Ansar al-Sharia in southern al-Baydha province. The initial motive behind this operation was a rescue attempt of foreigners kidnapped in Sana’a who were believed to be held in the area. Militants have gained strength in al-Baydha once again as a result of an alliance with the al-Dhahab family, involved in the attempt to establish an Islamic Emirate in Rada in early 2012. Growing instability now plagues areas previously without a history of such armed militancy or banditry. The resurgence of tribal forces in the southern province of Taiz is now blamed for increasing insecurity. The provincial governor, Shawqi Ahmed Anam, has been unable to deal with resistance from political forces, which grew from the 2011 crisis. Universities continue to be closed, the economy continues on a downward spiral and people fear vigilantism and revenge conflicts. Sources also indicate that the neighboring province of Ibb, a green and otherwise highly productive region of central Yemen, is now a point of gravity for Islamist militants. Unconfirmed reports by observers indicate military units now include recruits from among such elements in various areas of Ibb. The authority vacuum in such areas grows from internal fighting in the armed forces and a broken chain of command. In Taiz, insiders admit orders from the governor are often ignored and officers refuse to answers phone calls. Tribal elements, believed to have ‘guarded the revolution’ in 2011, are now demanding rewards for their role and obstruct the work of civil authorities.

#### No Middle East impact

**Cook et al., CFR Middle East Studies senior fellow, 2007**

(Steven, “Why the Iraq war won't engulf the Mideast”, 6-28, <http://www.iht.com/bin/print.php?id=6383265>, ldg)

Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, **the region has** also **developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.**

### Norms

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

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

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage. Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of self constraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology. I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

#### No impact to miscalc

**Sevastopulo, 10/28/13** (Demetri, “China-Japan relations take turn for worse” Financial Times, <http://www.ft.com/intl/cms/s/0/db42ec8e-3fab-11e3-8882-00144feabdc0.html#axzz2kkvx15JT>)

Sino-Japanese ties have been very tense since Tokyo last year bought three of the Senkaku Islands – a chain in the East China Sea that Japan controls but China claims – from their private owners. At the weekend, tensions flared again as Japan scrambled fighter jets to shadow Chinese jets in the area. Last month, China flew a drone near the Senkaku, leading Japan to say it would consider shooting down unmanned aircraft that violate its airspace. China said that would be an “act of war” and that it would take “decisive action to strike back”. Mike Green, an Asia expert at the Center for Strategic and International Studies, said the chance of an accidental confrontation near the Senkaku, which China calls the Diaoyu, was “higher than it has ever been, but it is not August 1914”. “The Senkaku are not Sarajevo, the fuse waiting to light a highly combustible military confrontation across northeast Asia. Even an accidental military collision would be quickly contained, but it would also be very bad for business.” The tensions over the weekend coincided with China unveiling its first nuclear submarine force for a detailed full show for the first time, in the latest sign of its growing military confidence. Last December, a Chinese surveillance aircraft flew over the Senkaku in what Japan described as the first official Chinese breach of its airspace since 1958. Chinese ships and aircraft have since routinely tested Japanese control of the group, prompting concern about deliberate or accidental conflict. On the surface, the Senkaku situation had cooled somewhat before this weekend. The Japanese coast guard says Chinese vessels have entered its territorial waters or the surrounding “contiguous zone” on five separate days this month, compared with 20 to 24 days in each of the previous four months. And while Japan scrambled fighters 149 times in the April to September period, the high number was still 88 fewer than it did in the preceding six months. Trade relations between the countries have also improved from last year.

#### China won’t model – drones are key to its great power interests

**King, 11/4/13 -** managing editor of Outstanding Investments and Energy & Scarcity Investor. He is a Harvard-trained geologist who has traveled to every U.S. state and territory and six of the seven continents. He has conducted site visits to mineral deposits in 26 countries and deep-water oil fields in five oceans.(Byron, “A Drone of Their Own: US Eyes China’s Drone Program” <http://dailyreckoning.com/a-drone-of-their-own-us-eyes-chinas-drone-program/>)

Today, Chinese leadership is on a crash program to catch up with the rest of the world in terms of military capability. They want the best, and they’ll go to any ends to get it and figure out how to make it work. The move toward drone warfare is part of China’s larger strategy to project power over the international waters to its east and south and over its small, weaker neighbors to the north and west. (Of course, one very underpopulated area north of China is Siberia — part of Russia.)

#### No Chinese-Japan war-7 reasons

**Moss, Diplomat contributor and former Defence Weekly editor, 2013**

(Trefor, “7 Reasons China and Japan Won’t Go To War”, 2-10, <http://thediplomat.com/2013/02/10/7-reasons-china-and-japan-wont-go-to-war/?all=true>, ldg)

But if Shinzo Abe is gambling with the region’s security, he is at least playing the odds. He is calculating that Japan can pursue a more muscular foreign policy without triggering a catastrophic backlash from China, based on the numerous constraints that shape Chinese actions, as well as the interlocking structure of the globalized environment which the two countries co-inhabit. Specifically, there are seven reasons to think that war is a very unlikely prospect, even with a more hawkish prime minister running Japan: 1. Beijing’s nightmare scenario. China might well win a war against Japan, but defeat would also be a very real possibility. As China closes the book on its “century of humiliation” and looks ahead to prouder times, the prospect of a new, avoidable humiliation at the hands of its most bitter enemy is enough to persuade Beijing to do everything it can to prevent that outcome (the surest way being not to have a war at all). Certainly, China’s new leader, Xi Jinping, does not want to go down in history as the man who led China into a disastrous conflict with the Japanese. In that scenario, Xi would be doomed politically, and, as China’s angry nationalism turned inward, the Communist Party probably wouldn’t survive either. 2. Economic interdependence. Win or lose, a Sino-Japanese war would be disastrous for both participants. The flagging economy that Abe is trying to breathe life into with a $117 billion stimulus package would take a battering as the lucrative China market was closed off to Japanese business. China would suffer, too, as Japanese companies pulled out of a now-hostile market, depriving up to 5 million Chinese workers of their jobs, even as Xi Jinping looks to double per capita income by 2020. Panic in the globalized economy would further depress both economies, and potentially destroy the programs of both countries’ new leaders. 3. Question marks over the PLA’s operational effectiveness. The People’s Liberation Army is rapidly modernizing, but there are concerns about how effective it would prove if pressed into combat today – not least within China’s own military hierarchy. New Central Military Commission Vice-Chairman Xu Qiliang recently told the PLA Daily that too many PLA exercises are merely for show, and that new elite units had to be formed if China wanted to protect its interests. CMC Chairman Xi Jinping has also called on the PLA to improve its readiness for “real combat.” Other weaknesses within the PLA, such as endemic corruption, would similarly undermine the leadership’s confidence in committing it to a risky war with a peer adversary. 4. Unsettled politics. China’s civil and military leaderships remain in a state of flux, with the handover initiated in November not yet complete. As the new leaders find their feet and jockey for position amongst themselves, they will want to avoid big foreign-policy distractions – war with Japan and possibly the U.S. being the biggest of them all. 5. The unknown quantity of U.S. intervention. China has its hawks, such as Dai Xu, who think that the U.S. would never intervene in an Asian conflict on behalf of Japan or any other regional ally. But this view is far too casual. U.S. involvement is a real enough possibility to give China pause, should the chances of conflict increase. 6. China’s policy of avoiding military confrontation. China has always said that it favors peaceful solutions to disputes, and its actions have tended to bear this out. In particular, it continues to usually dispatch unarmed or only lightly armed law enforcement ships to maritime flashpoints, rather than naval ships. There have been calls for a more aggressive policy in the nationalist media, and from some military figures; but Beijing has not shown much sign of heeding them. The PLA Navy made a more active intervention in the dispute this week when one of its frigates trained its radar on a Japanese naval vessel. This was a dangerous and provocative act of escalation, but once again the Chinese action was kept within bounds that made violence unlikely (albeit, needlessly, more likely than before). 7. China’s socialization. China has spent too long telling the world that it poses no threat to peace to turn around and fulfill all the China-bashers’ prophecies. Already, China’s reputation in Southeast Asia has taken a hit over its handling of territorial disputes there. If it were cast as the guilty party in a conflict with Japan –which already has the sympathy of many East Asian countries where tensions China are concerned – China would see regional opinion harden against it further still. This is not what Beijing wants: It seeks to influence regional affairs diplomatically from within, and to realize “win-win” opportunities with its international partners.

## 2NC

### \*\*Counterplan

### 2NC ILaw/Norms Solvency

#### Executive support and compliance with international norms solves international credibility

Nachbar-prof law Virginia-11

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1967217>

Executive Order 13567: Executive Branch Policy Meets International Law in the Evolution of the Domestic Law of Detention

Conclusion Neither the Order nor the accompanying Fact Sheet will have a major impact on U.S. detention operations. The Order applies only to a small group of detainees, all of whom have been subjected to similar procedures in the recent past. The Fact Sheet’s signaling of compliance with Article 75 is not technically applicable to the current conflict, and ratification of AP II is still beyond the horizon. Moreover, the procedures contained in the Order (which do not differ dramatically from the procedures they replace) arguably conform with Article 75 and APII, neither of which contain robust procedures with regard to detention, except perhaps with regard to the use of classified information (an area in which states are likely to receive considerable leeway given the vague requirements of Article 75) and the continued detention of detainees identified for release but for whom the U.S. is unable to locate an acceptable non-U.S. destination. The procedures and substantive standards contained in the Order do not dramatically change the landscape of U.S. detention policy and practice, but that does not mean that the Order and the Fact Sheet are of no moment. The U.S. has previously been careful to maintain a strong approach to the lex specialis conception of LOAC, but Article 75 and AP II represent an approach to LOAC that more closely tracks human rights protections than earlier instruments, like the GCs themselves. It is often the executive branch that argues most strongly for the U.S.- exceptionalist view of international law; if the Fact Sheet signals a shift by the executive branch, it is likely to be followed by a shift by courts as well. In many times, the content of the international law of armed conflict has been mostly a matter of academic interest in the U.S., but today, many cases applying domestic law turn directly on the content of the law of armed conflict, which means that the content of international human rights law as implicated by a shifting approach to LOAC may soon find itself in domestic law, binding by U.S. federal courts on the conduct of the current armed conflict. Even those changes are, for the moment, hypothetical. The policy announced by the Fact Sheet – the administration’s willingness to embrace aspects of the law of armed conflict closely tied with international human rights law – has the potential for substantially altering the evolution of U.S. detention law and policy by providing even more space to incorporate international legal norms into U.S. domestic law. Of course, the most important implication of the Fact Sheet’s embrace of Article 75 and AP II is one for diplomats, not lawyers—at least not yet. By finally saying in a public forum that the U.S. will apply Article 75 in IAC out of a sense of legal obligation and that the administration will pursue ratification of AP II, the Obama administration is signaling future engagement with the international community on matters relating to armed conflict. Doing so likely changes the diplomatic landscape more than it does the legal landscape in the near term, although the impact over the long term may be more profound than the recognition of any particular rule or the ratification of any particular treaty. I leave it to the diplomats to debate whether that change should be welcomed.198

### AT: Links to Politics

#### Executive action avoids politics and are fast

Sovacool-Research Fellow Public Policy, University of Singapore-9

Dr. Benjamin K. Sovacool 2009 is a Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization., Kelly E. Sovacool is a Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of SingaporeArticle: Preventing National Electricity-Water Crisis Areas in the United States, Columbia Journal of Environmental Law 2009 34 Colum. J. Envtl. L. 333,

¶ Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save ¶ ¶ presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horsetrading and compromise such legislative activity entails.¶ ¶ 292¶ ¶ Speediness of implementation can be especially important when challenges require rapid and decisive action. After the September ¶ ¶ 11, 2001 attacks on the Pentagon and World Trade Center, for ¶ ¶ instance, the Bush Administration almost immediately passed ¶ ¶ Executive Orders forcing airlines to reinforce cockpit doors and ¶ ¶ freezing the U.S. based assets of individuals and organizations ¶ ¶ involved with terrorist groups.¶ ¶ 293¶ ¶ These actions took Congress ¶ ¶ nearly four months to debate and subsequently endorse with ¶ ¶ legislation. Executive Orders therefore enable presidents to ¶ ¶ rapidly change law without having to wait for congressional action ¶ ¶ or agency regulatory rulemaking.

#### Our link is about losses and capital not popularity---critical distinction

Warshaw-prof poli sci, Gettysburg-06

(Shirley Anne, Prof of Pol. Science @ Gettysburg College, “Administrative Strategies of President George W. Bush” Extensions Journal, Spring 2006, <http://www.ou.edu/special/albertctr/extensions/spring2006/Warshaw.pdf>)

However, in recent administrations, particularly **since the Reagan administration**, **presidents have often bypassed Congress using administrative actions. They have opted for a strategy through administrative actions that is less time-consuming and clearly** less demanding of their political capital**.** Using an array of both formal and informal executive powers, **presidents have effectively directed the executive departments to implement policy without any requisite congressional authorization**. In effect, presidents have been able to govern without Congress. **The arsenal** of administrative actions available to presidents **includes the power of appointment, perhaps the most important of the arsenal, executive orders**, executive agreements, proclamations, signing statements, and a host of national security directives.1 More than any past president, George W. Bush has utilized administrative actions as his primary tool for governance.

#### Executive orders can give momentum to legislation, while avoiding spending capital fighting over policy – civil rights orders prove

NYT 7/5/2K Marc Lacey Blocked by Congress, Clinton Wields a Pen

Congress appears intent on denying President Clinton major legislative victories in his final months of office, but White House officials say they will continue drafting and carrying out policies, Congress or no Congress, until Mr. Clinton's final day. Through executive orders, memorandums, proclamations, regulations and other flexing of presidential power, Mr. Clinton has already put in effect a host of measures concerning the environment, health care and civil rights. And with the presidential campaign in high gear, and the Republican-controlled Congress not inclined to give Democrats any boost, Mr. Clinton's aides intend to continue making policy by decree -- putting federal land off limits to development, reorganizing government agencies, tightening pollution control rules and pushing other measures that would otherwise stand little chance of congressional passage. Mr. Clinton has been especially frustrated that many of his nominees for judgeships, ambassadorships and other posts have failed to be confirmed by the Senate. But he is not surrendering in that area either. If Congress fails to act on some of the nominations later this month, White House aides say they expect the president to make recess appointments in August that would require no Congressional approval. "This president will be signing executive orders right up until the morning of Jan. 20, 2001," said Bruce N. Reed, the president's domestic policy adviser. "In our experience, when the administration takes executive action, it not only leads to results while the political process is stuck in neutral, but it often spurs Congress to follow suit."

### Zenko = Neg Solvency

He is neg

Zenko 13 (Micah Zenko Douglas Dillon Fellow @ CFR in the Center for Preventive Action, “Reforming U.S. Drone Strike Policies,” download link- http://www.cfr.org/wars-and-warfare/reforming-us-drone-strike-policies/p29736)

Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama administration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

#### They assume Congress is on the same page-they aren’t.

**Devins, William and Mary government professor, 2009**

(Neal, “Presidential Unilateralism and Political Polarization: Why Today's Congress Lacks the Will and the Way to Stop Presidential Initiatives”, <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1025&context=facpubs>, ldg)

In highlighting differences between the Watergate-era Congress and the modem Congress, Part III will examine the profound role that political polarization has played in defining today's Congress. Initially, I will call attention to how political polarization makes it impossible for Democrats and Republicans in Congress to work together. I will then extend that lesson to the highly partisan impeachment of President Clinton and, more importantly, to the ways in which modem day Presidents have assumed more and more power through unilateral action. Making matters worse (at least if you think Congress should stand as a check to presidential unilateralism), members of Congress see little personal gain in standing together to assert Congress's institutional prerogatives. On national security matters, today's Congress-unlike the post-1969 Viet Nam era Congress-sees little benefit in asserting legislative prerogatives. Put another way: Today's Congress, unlike the Watergate-era, has neither the will nor the way to check presidential initiatives

### Perm

#### ---Congress enacts “statutory restrictions” the court imposes “judicial restrictions”

Peterson 91 (Todd D. Peterson, Associate Professor of Law, The George Washington University, National Law Center; B.A. 1973, Brown University; J.D. 1976, University of Michigan, Book Review: The Law And Politics Of Shared National Security Power -- A Review Of The National Security Constitution: Sharing Power After The Iran-Contra Affair by Harold Hongju Koh, New Haven, Conn.: Yale University Press. 1990. Pp. x, 330, March, 1991 59 Geo. Wash. L. Rev. 747)

Based on both case law and custom, it is hard to argue that Congress does not have substantial power to control the President's authority, even in the area of national security law. From the time of Little v. Barreme, n77 the Supreme Court has recognized Congress's power to regulate, through legislation, national security and foreign affairs. No Supreme Court case has struck down or limited Congress's ability to limit the President's national security power by passing a statute. n78 Although there may be some areas where the Court might not permit statutory regulation to interfere with the President's national security powers, these are relatively insignificant when compared to the broad authority granted to Congress by express provisions of the Constitution and the decisions of the Supreme Court. n79

Even in cases in which the Court has given the President a wide berth because of national security concerns, the Court has noted the absence of express statutory limitations. For example, in Department of the Navy v. Egan, n80 the Court refused to review the denial of a security clearance, but it concluded that "unless Congress specifically has provided otherwise, courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security [\*762] affairs." n81 In other cases, of course, such as Youngstown, n82 the Supreme Court has clearly stated that Congress may restrict the President's authority to act in matters related to national security.

Not even Koh's bete noire, the Curtiss-Wright case, n83 could reasonably be interpreted as a significant restriction on Congress's authority to limit the President's authority by statute. First, as Koh himself forcefully demonstrates, Curtiss-Wright involved the issue whether the President could act pursuant to a congressional delegation of authority that under the case law existing at the time of the decision might have been deemed excessively broad. n84 Thus, the question presented in Curtiss-Wright was the extent to which Congress could increase the President's authority, not decrease it. At most, the broad dicta of Curtiss-Wright could be used to restrict the scope of mandatory power sharing on the ground that the President's inherent power in the area of international relations "does not require as a basis for its exercise an act of Congress." n85

Even the dicta of Curtiss-Wright, however, give little support to those who would restrict permissive power sharing on the ground that Congress may not impose statutory restrictions on the President in the area of national security and foreign affairs. Justice Sutherland's claims with respect to exclusive presidential authority are comparatively modest when compared with his sweeping statements about the President's ability to act in the absence of any congressional prohibition. n86 He asserts that the President alone may speak for the United States, that the President alone negotiates treaties and that "[i]nto the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it." n87 It is in this context of the President's power to be the communicator for the nation that Justice Sutherland cites John Marshall's famous statement that the President is the "sole organ of the nation" in relations with other nations. n88 This area of exclusive authority in which even permissive sharing is inappropriate is limited indeed. When he writes of the [\*763] need to "accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved," n89 Justice Sutherland refers to the permissibility of a broad delegation, not the constitutional impermissibility of a statutory restriction. Indeed, the Court specifically recognized that Congress could withdraw the authority of the President to act and prohibit him from taking the actions that were the subject of the case. n90

To be fair to Koh, he would not necessarily disagree with this reading of Curtiss-Wright; he clearly believes that Congress does have the authority to restrict the President's national security power. Nevertheless, Koh's emphasis on Curtiss-Wright still gives the case too much import. Oliver North's protestations to the contrary notwithstanding, there is no Supreme Court authority, including the dicta in Curtiss-Wright, that significantly restricts the power of Congress to participate by statutory edict in the national security area. Thus, contrary to Koh's model, Curtiss-Wright and Youngstown do not stand as polar extremes on a similar question of constitutional law. To be sure, they differ significantly in tone and in the attitude they take to presidential power, but the cases simply do not address the same issue. Therefore, it does Koh's own thesis a disservice to suggest that the cases represent different views on the scope of permissive power sharing. There simply is no Supreme Court precedent that substantially restricts Congress's authority to act if it can summon the political will.

The absence of judicial restrictions on permissive power sharing is particularly important because it means that the question of statutory restrictions on the President's national security powers should for the most part be a political one, not a constitutional one. Congress has broad power to act, and the Court has not restrained it from doing so. n91 The problem is that Congress has refused to take effective action.

#### ---And, violates authority which explicitly requires one branch acting upon another

Google Dictionary

<https://www.google.com/search?q=define+authoeiry&oq=define+authoeiry&aqs=chrome.0.69i57j0j69i60l2j0l2.3485j0&sourceid=chrome&ie=UTF-8#sa=X&q=authority&tbs=dfn:1&tbo=u&ei=OqXqUfzgO-WSyAGNg4HIBg&ved=0CCwQkQ4&bav=on.2,or.r_cp.r_qf.&bvm=bv.49478099%2Cd.aWc%2Cpv.xjs.s.en_US.c75bKy5EQ0A.O&fp=963b67ef37c3a9d&biw=1168&bih=715>

au·thor·i·ty

noun /əˈTHôritē/  /ôˈTHär-/

authorities, plural

The power or right to give orders, make decisions, and enforce obedience

- he had absolute authority over his subordinates

- positions of authority

- they acted under the authority of the UN Security Council

- a rebellion against those in authority

The right to act in a specified way, delegated from one person or organization to another

- military forces have the legal authority to arrest drug traffickers

Official permission; sanction

- the money was spent without congressional authority

A person or organization having power or control in a particular, typically political or administrative, sphere

- the health authorities

- the Chicago Transit Authority

- the authorities ordered all foreign embassies to close

- she wasn't used to dealing with authority

### A2: Chebab

#### Reject their case studies --- they’re done with students and don’t apply to military policy

**Aldag et al., Wisconsin Management and Human resources professor, 1993**

(Ramon, “Beyond Fiasco : A Reappraisal of the Groupthink Phenomenon and a New Model of Group Decision Processes”, Psychological Bulletin, 113.3, ebsco)

As suggested by the earlier review, most support for groupthink has come from retrospective case studies that have focused on decision fiascoes rather than comparing the decision-making processes associated with good versus bad decisions.¶ Experimental studies of groupthink have considered only a small portion of the model, often without a cohesive group and in situations inconsistent with Janis's (1971, 1972, 1982, 1989) antecedents. Furthermore, they have relied exclusively on student samples dealing with hypothetical or simulated decisions, with potential resultant problems for external validity. Military strategists, managers, politicians, or other “real-world” decision makers have never been used. In the laboratory, many real-world group characteristics, including ongoing power relationships and political maneuverings, have been necessarily ignored. Although student samples in laboratory settings may be valuable to address many issues relating to group problem solving, their use to examine groupthink is problematic.

### XPR Solves

#### Ex Post review of drone strikes would effectively constrain executive action

Jaffer, Director-ACLU Center for Democracy, 13 **(**Jameel Jaffer, Director of the ACLU's Center for Democracy, “Judicial Review of Targeted Killings,” 126 Harv. L. Rev. F. 185 (2013), <http://www.harvardlawreview.org/issues/126/april13/forum_1002.php>)

**Since 9/11,** **the CIA and Joint Special Operations Command** (JSOC) **have used armed drones** to kill thousands of people **in places far removed from conventional battlefields**. Legislators, legal scholars, and human rights advocates have raised concerns about civilian casualties, the legal basis for the strikes, the process by which the executive selects its targets, and the actual or contemplated deployment of armed drones into additional countries. **Some have proposed that Congress establish a court to approve (or disapprove) strikes before the government carries them out. While judicial engagement with the targeted killing program is long overdue**, **those aiming to bring the program in line with our legal traditions** and moral intuitions **should think carefully before embracing this proposal. Creating a new court to issue death warrants is more likely to normalize the targeted killing program than to restrain it. The argument for some form of judicial review is compelling, not least because such review would clarify the scope of the government’s authority to use** lethal **force**. The targeted killing program is predicated on sweeping constructions of the 2001 Authorization for Use of Military Force (AUMF) and the President’s authority to use military force in national self-defense. The government contends, for example, that the AUMF authorizes it to use lethal force against groups that had nothing to do with the 9/11 attacks and that did not even exist when those attacks were carried out. It contends that the AUMF gives it authority to use lethal force against individuals located far from conventional battlefields. As the Justice Department’s recently leaked white paper makes clear,**the government also contends that the President has authority to use lethal force against those deemed to present “continuing” rather than truly imminent threats.** These claims are controversial. They have been rejected or questioned by human rights groups, legal scholars, federal judges, and U.N. special rapporteurs. Even enthusiasts of the drone program have become anxious about its legal soundness. (“People in Washington need to wake up and realize the legal foundations are crumbling by the day,” Professor Bobby Chesney, a supporter of the program, recently said.) **Judicial review could clarify** the **limits on** the government’s **legal authority and supply** a degree of **legitimacy** to actions taken within those limits. **It could** also encourage executive officials to observe these limits**.** **Executive officials would be less likely to exceed** or abuse their **authority if they were required to defend** their **conduct to** federal **judges.** **Even** Jeh **Johnson, the Defense Department’s former general counsel and a vocal defender of the targeted killing program, acknowledged** in a recent **speech that** judicial review could add “rigor” to the executive’s decisionmaking process. **In explaining the function of** the Foreign Intelligence Surveillance **Court,**which oversees government surveillance in certain national security investigations, executive officials haveoften said that even the mere prospect of judicial review deters error and abuse.

#### Courts are great at trying terrorism cases

Vladeck et al 08 (Steven, A CRITIQUE OF “NATIONAL SECURITY COURTS”, A REPORT BY THE CONSTITUTION PROJECT’S LIBERTY AND SECURITY COMMITTEE & COALITION TO DEFEND CHECKS AND BALANCES, June 23,

http://www.constitutionproject.org/pdf/Critique\_of\_the\_National\_Security\_Courts.pdf)

Advocates of national security courts that would try terrorism suspects claim that traditional Article III courts are unequipped to handle these cases. This claim has not been substantiated, and is made in the face of a significant — and growing — body of evidence to the contrary. A recent report released by Human Rights First persuasively demonstrates that our existing federal courts are competent to try these cases. The report examines more than 120 international terrorism cases brought in the federal courts over the past fifteen years. It finds that established federal courts were able to try these cases without sacrificing either national security or the defendants’ rights to a fair trial.3 The report documents how federal courts have successfully dealt with classified evidence under the Classified Information Procedures Act (CIPA) without creating any security breaches. It further concludes that courts have been able to enforce the government’s Brady obligations to share exculpatory evidence with the accused, deal with Miranda warning issues, and provide means for the government to establish a chain of custody for physical evidence, all without jeopardizing national security.

### \*\*\*Norms

### Norms are dumb

#### Authoritarian states don’t follow norms — their “US justifies others” arg is naive

John O. McGinnis 7, Professor of Law, Northwestern University School of Law. \*\* Ilya Somin \*\* Assistant Professor of Law, George Mason University School of Law. GLOBAL CONSTITUTIONALISM: GLOBAL INFLUENCE ON U.S. JURISPRUDENCE: Should International Law Be Part of Our Law? 59 Stan. L. Rev. 1175

The second benefit to foreigners of distinctive U.S. legal norms is information. The costs and benefits of our norms will be visible for all to see. n268 Particularly in an era of increased empirical social science testing, over time we will be able to analyze and identify the effects of differences in norms between the United States and other nations. n269 Such diversity benefits foreigners as foreign nations can decide to adopt our good norms and avoid our bad ones.

The only noteworthy counterargument is the claim that U.S. norms will have more harmful effects than those of raw international law, yet other nations will still copy them. But both parts of this proposition seem doubtful. First, U.S. law emerges from a democratic process that creates a likelihood that it will cause less harm than rules that emerge from the nondemocratic processes [\*1235] that create international law. Second, other democratic nations can use their own political processes to screen out American norms that might cause harm if copied.

Of course, many nations remain authoritarian. n270 But our norms are not likely to have much influence on their choice of norms. Authoritarian states are likely to select norms that serve the interests of those in power, regardless of the norms we adopt. It is true that sometimes they might cite our norms as cover for their decisions. But the crucial word here is "cover." They would have adopted the same rules, anyway. The cover may bamboozle some and thus be counted a cost. But this would seem marginal compared to the harm of allowing raw international law to trump domestic law.

#### Norms fail---if countries really need to use drones they will regardless of US code

Lerner 13 (Ben, is Vice President for Government Relations at the Center for Security Policy in Washington, D.C. “Judging ‘Drones’ From Afar,” http://spectator.org/archives/2013/03/25/judging-drones-from-afar/1

Whatever the potential motivations for trying to codify international rules for using UAVs, such a move would be ill advised. While in theory, every nation that signs onto a treaty governing UAVs will be bound by its requirements, it is unlikely to play out this way in practice. It strains credulity to assume that China, Russia, Iran, and other non-democratic actors will not selectively apply (at best) such rules to themselves while using them as a cudgel with which to bash their rivals and score political points. The United States and its democratic allies, meanwhile, are more likely to adhere to the commitments for which they signed up. The net result: we are boxed in as far as our own self-defense, while other nations with less regard for the rule of law go use their UAVs to take out whomever, whenever, contorting said “rules” as they see fit. One need only look at China’s manipulation of the Law of the Sea Treaty to justify its vast territorial claims at the expense of its neighbors to see how this often plays out. And who would enforce the treaty’s rules — a third party tribunal? Would it be an apparatus of the United Nations, the same U.N. that assures us that it is not coming after the United States or its allies specifically, even as its investigation takes on as its “immediate focus” UAV operations recently conducted by those countries? The United States already conducts warfare under the norms of centuries of practice of customary international la

w in areas such as military necessity and proportionality, as well as the norms to which we committed ourselves when we became party to the 1949 Geneva Conventions and the United Nations Charter. These same rules can adequately cover the use of UAVs in the international context. But if the United States were to create or agree to a separate international regime for UAVs, we would subject ourselves to new, politicized “rules” that would needlessly hold back countries that already use UAVs responsibly, while empowering those that do not.

#### China won’t get in a naval conflict

**Holmes, Naval War College strategy professor, 2012**

(James, “The Sino-Japanese Naval War of 2012”, 8-20, <http://www.foreignpolicy.com/articles/2012/08/20/the_sino_japanese_naval_war_of_2012?page=0,1>, DOA: 10-16-12, ldg)

Whoever forges sea, land, and air forces into the sharpest weapon of sea combat stands a good chance of prevailing. That could be Japan if its political and military leaders think creatively, procure the right hardware, and arrange it on the map for maximum effect. After all, Japan doesn’t need to defeat China’s military in order to win a showdown at sea, because it already holds the contested real estate; all it needs to do is deny China access. If Northeast Asian seas became a no-man’s land but Japanese forces hung on, the political victory would be Tokyo’s. Japan also enjoys the luxury of concentrating its forces at home, whereas the PLA Navy is dispersed into three fleets spread along China’s lengthy coastline. Chinese commanders face a dilemma: If they concentrate forces to amass numerical superiority during hostilities with Japan, they risk leaving other interests uncovered. It would hazardous for Beijing to leave, say, the South China Sea unguarded during a conflict in the northeast. And finally, Chinese leaders would be forced to consider how far a marine war would set back their sea-power project. China has staked its economic and diplomatic future in large part on a powerful oceangoing navy. In December 2006, President Hu Jintao ordered PLA commanders to construct “a powerful people’s navy” that could defend the nation’s maritime lifelines — in particular sea lanes that connect Indian Ocean energy exporters with users in China — “at any time.” That takes lots of ships. If it lost much of the fleet in a Sino-Japanese clash — even in a winning effort — Beijing could see its momentum toward world-power status reversed in an afternoon. Here’s hoping China’s political and military leaders understand all this. If so, the Great Sino-Japanese Naval War of 2012 won’t be happening outside these pages.

#### Afraid it helps the US

Erickson and Strange 13 (ANDREW ERICKSON is an associate professor at the Naval War College and an Associate in Research at Harvard University’s Fairbank Center. Follow him on Twitter @andrewserickson. AUSTIN STRANGE is a researcher at the Naval War College’s China Maritime Studies Institute and a graduate student at Zhejiang University. “China Has Drones. Now What?,” http://www.foreignaffairs.com/articles/139405/andrew-erickson-and-austin-strange/china-has-drones-now-what?page=show)

Drones, able to dispatch death remotely, without human eyes on their targets or a pilot's life at stake, make people uncomfortable - even when they belong to democratic governments that presumably have some limits on using them for ill. (On May 23, in a major speech, US President Barack Obama laid out what some of those limits are.) An even more alarming prospect is that unmanned aircraft will be acquired and deployed by authoritarian regimes, with fewer checks on their use of lethal force.¶ Those worried about exactly that tend to point their fingers at China. In March, after details emerged that China had considered taking out a drug trafficker in Myanmar with a drone strike, a CNN blog post warned, "Today, it's Myanmar. Tomorrow, it could very well be some other place in Asia or beyond." Around the same time, a National Journal article entitled "When the Whole World Has Drones" teased out some of the consequences of Beijing's drone programme, asking, "What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea?"¶ Indeed, the time to fret about when China and other authoritarian countries will acquire drones is over: they have them. The question now is when and how they will use them. But as with its other, less exotic military capabilities, Beijing has cleared only a technological hurdle - and its behaviour will continue to be constrained by politics.¶ China has been developing a drone capacity for over half a century, starting with its reverse engineering of Soviet Lavochkin La-17C target drones that it had received from Moscow in the late 1950s. Today, Beijing's opacity makes it difficult to gauge the exact scale of the programme, but according to Ian Easton, an analyst at the Project 2049 Institute, an American think-tank devoted to Asia-Pacific security matters, by 2011 China's air force alone had over 280 combat drones. In other words, its fleet of unmanned aerial vehicles is already bigger and more sophisticated than all but the United States'; in this relatively new field Beijing is less of a newcomer and more of a fast follower. And the force will only become more effective: the Lijian ("sharp sword" in Chinese), a combat drone in the final stages of development, will make China one of the very few states that have or are building a stealth drone capacity.¶ This impressive arsenal may tempt China to pull the trigger. The fact that a Chinese official acknowledged that Beijing had considered using drones to eliminate the Myanmar drug trafficker, Naw Kham, makes clear that it would not be out of the question for China to launch a drone strike in a security operation against a non-state actor. Meanwhile, as China's territorial disputes with its neighbours have escalated, there is a chance that Beijing would introduce unmanned aircraft, especially since India, the Philippines and Vietnam distantly trail China in drone funding and capacity, and would find it difficult to compete. Beijing is already using drones to photograph the Senkaku/Diaoyu islands it disputes with Japan, as the retired Chinese major-general Peng Guangqian revealed earlier this year, and to keep an eye on movements near the North Korean border.¶ Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.

### Terror

#### Terrorists can’t sustain the operational focus necessary for WMD use

**Mueller et al., OSU political science professor, 2012**

(John, “The Terrorism Delusion”, International Security, 37.1, politicalscience.osu.edu/faculty/jmueller//absisfin.pdf, ldg)

In 2009, the U.S. Department of Homeland Security (DHS) issued a lengthy report on protecting the homeland. Key to achieving such an objective should be a careful assessment of the character, capacities, and desires of potential terrorists targeting that homeland. Although the report contains a section dealing with what its authors call “the nature of the terrorist adversary,” the section devotes only two sentences to assessing that nature: “The number and high profile of international and domestic terrorist attacks and disrupted plots during the last two decades underscore the determination and persistence of terrorist organizations. Terrorists have proven to be relentless, patient, opportunistic, and flexible, learning from experience and modifying tactics and targets to exploit perceived vulnerabilities and avoid observed strengths.”8 This description may apply to some terrorists somewhere, including at least a few of those involved in the September 11 attacks. Yet, it scarcely describes the vast majority of those individuals picked up on terrorism charges in the United States since those attacks. The inability of the DHS to consider this fact even parenthetically in its fleeting discussion is not only amazing but perhaps delusional in its single-minded preoccupation with the extreme. In sharp contrast, the authors of the case studies, with remarkably few exceptions, describe their subjects with such words as incompetent, ineffective, unintelligent, idiotic, ignorant, inadequate, unorganized, misguided, muddled, amateurish, dopey, unrealistic, moronic, irrational, and foolish.9 And in nearly all of the cases where an operative from the police or from the Federal Bureau of Investigation was at work (almost half of the total), the most appropriate descriptor would be “gullible.” In all, as Shikha Dalmia has put it, would-be terrorists need to be “radicalized enough to die for their cause; Westernized enough to move around without raising red flags; ingenious enough to exploit loopholes in the security apparatus; meticulous enough to attend to the myriad logistical details that could torpedo the operation; self-sufficient enough to make all the preparations without enlisting outsiders who might give them away; disciplined enough to maintain complete secrecy; and—above all—psychologically tough enough to keep functioning at a high level without cracking in the face of their own impending death.”10 The case studies examined in this article certainly do not abound with people with such characteristics. In the eleven years since the September 11 attacks, no terrorist has been able to detonate even a primitive bomb in the United States, and except for the four explosions in the London transportation system in 2005, neither has any in the United Kingdom. Indeed, the only method by which Islamist terrorists have managed to kill anyone in the United States since September 11 has been with gunfire—inflicting a total of perhaps sixteen deaths over the period (cases 4, 26, 32).11 This limited capacity is impressive because, at one time, small-scale terrorists in the United States were quite successful in setting off bombs. Noting that the scale of the September 11 attacks has “tended to obliterate America’s memory of pre-9/11 terrorism,” Brian Jenkins reminds us (and we clearly do need reminding) that the 1970s witnessed sixty to seventy terrorist incidents, mostly bombings, on U.S. soil every year.12 The situation seems scarcely different in Europe and other Western locales. Michael Kenney, who has interviewed dozens of government officials and intelligence agents and analyzed court documents, has found that, in sharp contrast with the boilerplate characterizations favored by the DHS and with the imperatives listed by Dalmia, Islamist militants in those locations are operationally unsophisticated, short on know-how, prone to making mistakes, poor at planning, and limited in their capacity to learn.13 Another study documents the difficulties of network coordination that continually threaten the terrorists’ operational unity, trust, cohesion, and ability to act collectively.14 In addition, although some of the plotters in the cases targeting the United Stat

es harbored visions of toppling large buildings, destroying airports, setting off dirty bombs, or bringing down the Brooklyn Bridge (cases 2, 8, 12, 19, 23, 30, 42), all were nothing more than wild fantasies, far beyond the plotters’ capacities however much they may have been encouraged in some instances by FBI operatives. Indeed, in many of the cases, target selection is effectively a random process, lacking guile and careful planning. Often, it seems, targets have been chosen almost capriciously and simply for their convenience. For example, a would-be bomber targeted a mall in Rockford, Illinois, because it was nearby (case 21). Terrorist plotters in Los Angeles in 2005 drew up a list of targets that were all within a 20-mile radius of their shared apartment, some of which did not even exist (case 15). In Norway, a neo-Nazi terrorist on his way to bomb a synagogue took a tram going the wrong way and dynamited a mosque instead.15

### A/Cs

#### Security sector reform is a prereq to Yemen stability

**ICG 2013**

(International Crisis Group, “Yemen’s Military-Security Reform: Seeds of New Conflict?”, 4-4, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/139-yemens-military-security-reform-seeds-of-new-conflict.aspx>, ldg)

Ask virtually any Yemeni from across the political spectrum, and he will protest support for a professional military-security apparatus free from family, tribal, party and sectarian influence. Yet, these public assurances do not mean it is easy – far from it. Military-security restructuring is hugely critical to a successful transition, but it also is hugely difficult, because it directly threatens an array of vested interests. Although President Abdo Robo Mansour Hadi has taken important first steps, the harder part lies ahead: undoing a legacy of corruption and politicisation; introducing a coherent administrative and command structure, instilling discipline and unified esprit de corps; and continuing to weaken the old elite’s hold without provoking a backlash. All this must be done as the nation faces a redoubtable array of security challenges, including al-Qaeda attacks; sabotage of critical infrastructure; growing armed tribal presence in major cities; Huthi territorial gains in the North; and increasing violence in the South over the issue of separation. There is a long way to go. Under former President Ali Abdullah Saleh, the military-security services were virtually immune from civilian oversight and operated largely outside the law. Loyalties flowed to individual commanders, who hailed mostly from the president’s family or tribe. Then, amid the 2011 uprising, those commanders fractured the military in two, with one group (General Ali Mohsen al-Ahmar’s) supporting protesters and the other (Saleh’s family) the regime; today, they remain powerful political players who control significant resources and sizeable slices of the economy. However much they claim to support the transition, there is good reason to suspect they will deploy their still formidable resources to sway or even thwart the national dialogue, which began on 18 March 2013 and is scheduled to last six months. Military-security reform

is, in part, about loosening the grip of the now-bifurcated old regime and, in so doing, opening political space for meaningful and effective change through the national dialogue, the cornerstone of the transition process. Hadi has made some inroads. By ordering a personnel and administrative shake-up and then scrapping two controversial military organisations – the Republican Guard, commanded by Saleh’s son, Ahmed Ali, and the Firqa, led by Ali Mohsen – he clipped his two rivals’ wings and bolstered his own hand. But dangers lurk: implementation is embryonic and will take time; some of Hadi’s appointments smack of his own brand of partisanship; Mohsen’s and Ahmed Ali’s military fates remain unknown; and, by dealing by far the more serious blows to Saleh’s camp, Hadi might unwittingly have disproportionately strengthened Mohsen’s. Lasting institutional reform must entail more than reshuffling individual positions. Therein lies a second risk, or shortcoming. To date, Hadi’s changes appear to have been driven chiefly – and understandably – by political expediency and the urgent need to remove controversial commanders from their posts without prompting violent resistance. Other festering issues cannot long be ignored, however, such as professionalising the military-security sector; gradually enforcing non-partisan laws governing hiring, firing, retiring and rotating personnel; integrating tribesmen into the security forces without encouraging factionalism; ensuring civilian oversight and decision-making; and, more broadly, elaborating a national security strategy within which the mandate and size of the various military-security branches make sense. In a larger sense, the key obstacle to meaningful reform remains the absence of an inclusive political pact. It is hard to see major military-security stakeholders relinquishing hard power or fully accepting change that could leave them vulnerable to domestic rivals in any circumstance; it is near impossible to imagine it when distrust runs so high. There are other, related complications: two major constituencies, the primarily northern-based Huthi movement and southern separatists, share profound scepticism toward a restructuring process from which they have been essentially excluded; they are unlikely to support decisions taken without broad agreement on the parameters of a post-Saleh state.

## 1NR

### O/V

#### B. Terror -- TPA’s key to prevent backsliding on globalization and protectionism

The Economist 2-22, “How to make the world $600 billion poorer,” 2/22/14 (Print Edition), http://www.economist.com/news/leaders/21596934-barack-obamas-unwillingness-fight-free-trade-expensive-mistake-how-make-world

IN JULY 2008 Barack Obama, then a candidate for the presidency, declared before an adoring crowd in Berlin that “true partnership and true progress [require] constant work and sustained sacrifice.” So it is with free trade. If not championed by leaders who understand its broad benefits, it will constantly be eroded by narrow economic nationalism. Mr Obama now appears to be surrendering to protectionists within his own party. If he cannot drag Democrats back to their senses, the world will lose its best opportunity in two decades for a burst of liberalisation. It will also be a signal that America is giving up its role as defender of an open global economy in the same way that Mr Obama has retreated in foreign policy.

Mr Obama did little to promote free trade during his first term, but has seemed bolder in his second. He launched America into ambitious new deals with large Pacific economies and the European Union, breathing new life into global trade talks. Momentum built up; the “constant work and sacrifice” paid dividends. Members of the World Trade Organisation agreed on a package of trade reforms in December—the first truly multilateral deal in the organisation’s 20-year history. Diplomats credit the White House’s new resolve for helping to bring stubborn parties to the table. Progress suddenly seemed possible in other areas, such as liberalising trade in services and information technology, and reducing barriers to the exchange of “environmental goods and services”, which would make it cheaper to curb carbon emissions.

First, shoot yourself in the foot. Then repeat…

The hitch is that Congress must approve trade agreements. Previous presidents had the advantage of “fast-track” trade promotion authority, which let them present deals to Congress for a simple yes or no vote. Without it, lawmakers can wreck carefully negotiated deals with toxic amendments. No country would engage in serious talks with America under such circumstances. Fast-track is therefore essential—and elusive. Congress last granted it in 2002; it expired in 2007. The Obama administration blithely asserted that Congress would renew it, but many lawmakers, primarily Democrats, have signed letters opposing it. Harry Reid, the Senate majority leader, has all but ruled out a vote this year. And on February 14th Joe Biden, the vice-president, told a gathering of Democratic leaders that he understood their opposition. The White House appears to have given up with scarcely a fight. A fast-track vote before November’s mid-term elections seems unlikely (see article).

Why panic about this? Tactically, it could just be another piece of Washington politicking: some optimists claim that Congress will return after the mid-terms ready to back fast-track, providing Mr Obama allows some boilerplate language in the bill chiding China for allegedly manipulating its currency. Others wonder whether the trade deals are really so vital. Indeed, the idea that they will not do much to help the economy is one excuse for Democrats undermining their president.

In fact, the deals on the table are big. Reasonable estimates say that the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP) could boost the world’s annual output by $600 billion—equivalent to adding another Saudi Arabia. Some $200 billion of that would accrue to America. And the actual gains could be even larger. The agreements would clear the way for freer trade in services, which account for most of rich countries’ GDP but only a small share of trade. Opening up trade in services could help reduce the cost of everything from shipping to banking, education and health care. Exposing professional occupations to the same global competition that factory workers have faced for decades could even strike a blow against the income inequality that Mr Obama so often decries.

Tactically, even a short delay could prove fatal to both deals. Pacific negotiations have been extended while America and Japan hammer out compromises on agriculture. Why should Japanese politicians risk infuriating their farmers when any agreement can be torn up on Capitol Hill? The deal with the EU was meant to be done swiftly—perhaps in as little as two years—to keep politics from mucking it up. Europe’s leaders will now doubt America’s commitment, given how feebly Mr Obama has fought for fast-track. Trade sceptics, such as French farmers, are drooling. Angela Merkel, Germany’s chancellor, who is already furious about American spying, may decide that a trade deal is not worth battling for.

The greatest risk of all is that the political momentum in America, having swung against free trade, will be hard to reverse. Some Tea Party Republicans oppose fast-track because they are loth to grant Mr Obama the authority to do anything. Democrats, keen to brand themselves as the anti-inequality party, may find economic nationalism an easy sell on the campaign stump: and, once pledged to that cause in November, candidates will not vote for the opposite in Congress.

And for this Mr Obama deserves some blame. He is far more ardent in bemoaning inequality than in explaining why an American retreat from the world would be the wrong way to address it. He seldom mentions, for example, that cheap imports help the poor by cutting their shopping bills, and so reduce inequality of consumption.

It’s not a zero-sum world

There is nothing inevitable about globalisation. Governments have put up barriers before—with disastrous consequences during the 1930s—and could do so again. So it is alarming when America, the mainstay of an open global economy, gives off isolationist signals. Only recently Congress childishly refused to honour an agreed-upon increase in America’s financial commitment to the International Monetary Fund. The Federal Reserve is pushing forward with new banking regulations that could penalise foreign banks and further Balkanise global finance (see article). Mr Obama continues to delay approval of a critical oil pipeline from Canada, and is slow to grant permits to export American natural gas.

“America cannot turn inward,” the Obama of 2008 said in Berlin. The Obama of 2014 is now responding: “Yes we can.”

#### Free trade undermines recruiting args of the terrorists – solves your impact because the only internal link is backlash increasing recruiting efforts

Preble, Director of Foreign Policy Studies at the Cato Institute, ‘3 (Christopher, October 20, “Free Trade: A Potent Weapon Against Terror” The Australian, lexis)

This week's Asia-Pacific Economic Co-operation summit in Bangkok provides President George W. Bush with an opportunity to promote free trade as a weapon in the fight against global terrorism, something that his administration has so far largely failed to do. An unequivocal commitment to free trade would erode the terrorists' hateful claims that the US and its allies intend to keep Muslims poor and weak.

#### C. Middle East – trade solves the root cause of it

Griswold 2004

Daniel, associate director of the Cato Institute’s Center for Trade Policy Studies, Trading Tyranny for Freedom How Open Markets Till the Soil for Democracy, January 6th 2004, http://www.cato.org/pubs/tpa/tpa-026.pdf

Along with enhancing competition in our economy at home and opening markets for U.S. exporters abroad, free trade can buttress U.S. foreign policy by tilling foreign soil for the spread of democracy and human rights. To the degree that democracies are less likely to wage wars of aggression, free trade can promote a more peaceful world. Nowhere is the connection between trade and democracy more important than in the Middle East and the broader Muslim world. Democracy, full respect for human rights, and open markets are all relatively rare in that part of the world. According to Freedom House, the Middle East and Muslim-majority countries in general suffer "a democracy gap": Although three-quarters of non-Muslim countries around the world are democracies, only one-quarter of Muslim countries freely elect their leaders.21 Among countries with Muslim majorities, only two—Mali and Senegal—are classified by Freedom House as "Free," respecting the full civil and political liberties of their citizens. More than half of the countries in the world rated as "Not Free" in 2002 were majority Muslim.71 At the same time, the Middle East is one of the most economically closed and least integrated regions of the world. Average tariff barriers in the Arab Middle East are among the highest in the world, and as a consequence the region suffers from chronically declining shares of global trade and investment The resulting political and economic stagnation, in turn, breeds frustration and hopelessness that can make young peopk1 especially vulnerable to recruitment by terrorists and religious extremists. As an auxiliary to the war on terrorism. Congress and the administration should open the U.S. market to farm and manufactured products from qualified Middle Eastern and other Muslim countries. Meanwhile, the administration should negotiate, and Congress should approve, comprehensive free trade agreements with willing Middle Eastern and other Muslim countries, such as the existing agreement with Jordan and those already in the pipeline with Morocco and Bahrain. An economically open and dynamic Middle East would create opportunity for young people entering the workforce and expand the economically independent middle class, thus encouraging democracy and discouraging terrorism. As Brink Lindsey of the Cato Institute concluded in a recent study, "Promoting economic and political reform throughout the Muslim wrorld has become an urgent priority for U.S. foreign policy—and trade liberalization, while no panacea, is an important part of the equation.

#### Independently, free trade prevents multiple scenarios for world war and WMD Terrorism

Panzner-New York Institute of Finance-8

Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase “Financial Armageddon: Protect Your Future from Economic Collapse,” pg. 136-138

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

### Will Pass – 2NC

#### Capital key-TPP good

**Bower, CSIS Southeast Asia Studies senior advisor, 2-27-14**

(Ernest, “A spring-song for the 'Pacific president'”, <http://www.atimes.com/atimes/World/WOR-01-270214.html>, ldg)

During a November 2009 trip to Tokyo, President Barack Obama underlined his intent to lead the United States to new levels of engagement in the Asia-Pacific and harkened back to his upbringing in Indonesia and Hawaii, calling himself the United States' "first Pacific president". As he approaches the spring of 2014, Obama must decide if he will fulfill this legacy. It is not only the president's place in history that is on the line, but the United States' national security and economic future. The geopolitical calculus clearly defines the need for the United States to be comprehensively invested in Asia. But the country is stuck in an anachronistic and self-absorbed political atmosphere, where politicians view words such as "trade", "Asia", and "foreign policy" as negatives that should be avoided. A paradigm shift in US thinking is needed. The United States needs to recognize that the country's jobs, safety, and future are inextricably tied to Asia. The outdated Cold War mindset and myopia choking cogent policymaking in Washington must be overcome. The only way for President Obama to live up to his self-described goal to make the United States a leader in the Asia-Pacific is for him to tell Americans the truth, shift the political rhetoric, and lead. The president holds all the necessary levers to drive this overdue shift, but he needs to act now, not wait until after November's mid-term elections to set a course that will anchor US interests in Asia. The context for the change in thinking has been established. The United States has declared its "pivot" to Asia, now branded as a "rebalancing". The US military has been forthright and relatively efficient in implementing its updated posture in the Indo-Pacific region. Those steps are evident and clear. Now it is necessary to bring trade and people-to-people ties to the table. This historic window will not remain open for long. Most of Asia wants and needs the United States to substantially deepen its engagement across the region. China is the motivating factor behind this strong pull for US engagement. Asian friends and allies want to know that the United States' new focus on the region is sustainable. In this context, words matter. Keen Asian analysts, friends, and competitors are looking for the establishment of a political foundation in the United States that clearly defines US interests in economic growth, security, innovation, and cooperation on global issues in Asia. President Obama can take several steps, starting in the next few months, to accomplish his goals: 1. Talk to Americans about Asia. Before making his April visit to South Korea, Japan, Malaysia, and the Philippines, the president should begin talking about the importance of Asia to US citizens. And he should do it in US cities like Akron, Des Moines, and Oakland, where economic growth is an existential issue. 2. Spend political capital on Trade Promotion Authority. The United States' partners in the Trans-Pacific Partnership (TPP) negotiations will not believe Washington is ready to close the trade deal unless the president and senior White House staff knock heads on Capitol Hill to get Trade Promotion Authority. Without it, there is no clear path to ratification of the TPP in Congress. The US economy will wither over time unless the country can help drive economic integration and compete in Asia. The TPP is imperfect, but economically and geo-strategically essential to US national interests. First, the president must work on getting Democratic leaders in Congress aligned with the White House. Second, he must reach out to a pro-trade Republican like Senator Rob Portman to make the case.

#### Obama push key

**Reuters 2-25-14**

(“Democrats must give Obama trade promotion authority”, <http://blogs.reuters.com/great-debate/2014/02/25/give-obama-trade-promotion-authority/>, ldg)

This opportunity can only become reality, however, if the president has the authority to close the deals. Foreign nations won’t put their best offers on the table if they believe Congress will renegotiate an agreement. Trade promotion authority, and the trade agreements it will enable, is the best way to bring down foreign barriers to U.S. products and services. Our market is already largely open to foreign imports. Shouldn’t we demand that other nations return the favor? Fast-tracking trade agreements has another big benefit. It would promote the creation of high-paying, research-intensive jobs in the U.S. by better protecting intellectual property — everything from life-saving medicines to cutting-edge software and computing — of U.S. companies doing business overseas. The president is the only person who can ensure that the United States will keep pace in the global competitive economy. If he is serious about seeing this important legislation passed, he should stop paying lip service to trade promotion authority and pick up the phone and urge Senate Majority Leader Harry Reid (D-Nev.) and members of Congress to support it.

### Link

#### Obama will attempt to block any congressional limitations – doesn’t believe they have the authority to regulate his authority

**Weber, the Week, 2013**

(Peter, “Will Congress curb Obama's drone strikes?”, 2-6, <http://theweek.com/article/index/239716/will-congress-curb-obamas-drone-strikes>, ldg)

One problem for lawmakers, says The New York Times in an editorial, is that when it comes to drone strikes, the Obama team "utterly rejects the idea that Congress or the courts have any right to review such a decision in advance, or even after the fact." Along with citing the law authorizing broad use of force against al Qaeda, the white paper also "argues that judges and Congress don't have the right to rule on or interfere with decisions made in the heat of combat." And most troublingly, Obama won't give Congress the classified document detailing the legal justification used to kill American al Qaeda operative Anwar al-Awlaki.

#### Proves there will be a showdown of authority – even if the executive wants the plan – it’s about who decides, not the decision itself

**Posner and Vermeule, 10** - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 75-77)

Showdowns occur when the location of constitutional authority for making an important policy decision is ambiguous, and multiple political agents (branches, parties, sections, governments) have a strong interest in establishing that the authority lies with them. Although agents often have an interest in negotiating a settlement, asymmetric information about the interests and bargaining power of opposing parties will sometimes prevent such a settlement from being achieved. That is when a showdown occurs. Ultimately, however, someone must yield; this yielding to or acquiescence in the claimed authority of another agent helps clarify constitutional lines of authority, so that next time the issue arises, a constitutional impasse can be avoided. From a normative standpoint, constitutional showdowns thus have an important benefit, but they are certainly not costless. As long as the showdown lasts, the government may be paralyzed, unable to make important policy decisions, at least with respect to the issue under dispute. We begin by examining a simplified version of our problem, one involving just two agents—Congress and the executive. We assume for now that each agent is a unitary actor with a specific set of interests and capacities. We also assume that each agent has a slightly different utility function, reflecting their distinct constituencies. If we take the median voter as a baseline, we might assume that Congress is a bit to the left (or right) of the median voter, while the president is a bit to the right (or left). We will assume that the two agents are at an equal distance from the median, and that the preferences of the population are symmetrically distributed, so that the median voter will be indifferent between whether the president or Congress makes a particular decision, assuming that they have equal information.39 But we also will assume that the president has better information about some types of problems, and Congress has better information about other types of problems, so that, from the median voter’s standpoint, it is best for the president to make decisions about the first type of problem and for Congress to make decisions about the second type ofproblem.40 Suppose, for example, that the nation is at war and the government must decide whether to terminate it soon or allow it to continue. Congress and the president may agree about what to do, of course. But if they disagree, their disagreement may arise from one or both of two sources. First, Congress and the president have different information. For example, the executive may have better information about the foreign policy ramifications of a premature withdrawal, while Congress has better information about home-front morale. These different sources of information lead the executive to believe that the war should continue, while Congress believes the war should be ended soon. Second, Congress and the president have different preferences because of electoral pressures of their different constituents. Suppose, for example, that the president depends heavily on the continued support of arms suppliers, while crucial members of Congress come from districts dominated by war protestors. Thus, although the median voter might want the war to continue for a moderate time, the president prefers an indefinite extension, while Congress prefers an immediate termination. So far, we have explained why the president and Congress might disagree about when to terminate the war, but mere policy disagreement does not result in a showdown. Showdowns arise only when there is a disagreement about authority. If Congress believes that the president has the sole authority to terminate the war, then his view will prevail. Congress may try to pressure him or influence him by offering support for other programs desired by the president, or by trying to rile up the public, but these activities are part of normal politics, and do not provoke a constitutional showdown. Similarly, if the president believes that Congress has the sole authority to terminate the war, then Congress’s view will prevail. This outcome is shown in cell 3 in table 2.1. Similarly, no showdown occurs when the two branches agree both about authority and policy—for example, that the president decides, and Congress agrees with his decision (cell 1). The first column represents the domain of normal politics. Showdowns can arise only when Congress and the president disagree about who decides. Here, there are two further possibilities. First, Congress and the president disagree about who decides but agree about the correct policy outcome (cell 2). In these situations, which arise with some frequency, the two branches are often tempted to paper over their differences because an immediate policy choice is not at stake. But sometimes a showdown will occur. We will discuss this special case later. Second, Congress and the president disagree about the policy outcome and about authority (cell 4). In this case, showdowns are likely, because a policy decision must be made, and if the parties cannot agree about what it should be, then they cannot avoid resolving the question of authority. We focus on this case for now.

### AT: PC Not Key

#### Also- studies prove the theory of political capital

Eshbaugh-Soha, M. (2008). Policy Priorities and Presidential Success in Congress. Conference Papers -- American Political Science Association, 1-26. Retrieved from Political Science Complete database.

Presidential-congressional relations are a central topic in the scientific study of politics. The literature is clear that a handful of variables strongly influence the likelihood of presidential success on legislation. Of these variables, party control of Congress is most important (Bond and Fleisher 1990), in that conditions of unified government increase, while conditions of divided government decrease presidential success, all else equal. The president’s approval ratings (Edwards 1989) and a favorable honeymoon (Dominguez 2005) period may also increase presidential success on legislation. In addition, presidential speeches that reference policies or roll-call votes tend to increase the president’s legislative success rate (Barrett 2004; Canes-Wrone 2001; Eshbaugh-Soha 2006). In their landmark examination of presidential success in Congress, Bond and Fleisher (1990, 230) identify yet another condition that may facilitate presidential success on legislation when they write that “the president’s greatest influence over policy comes from the agenda he pursues and the way it is packaged.” Moreover, the policies that the president prioritizes have “a major impact on the president’s relationship with Congress.” Taken together, these assertions strongly suggest that the policy content of the president’s legislative agenda—what policies the president prioritizes before Congress—should be a primary determinant of presidential success in Congress.

#### Bargaining chips are limited – plan directly trades off

Bernstein, 8/20/11

Jonathan Bernstein is a political scientist who writes about American politics, especially the presidency, Congress, parties and elections, http://www.salon.com/news/politics/war\_room/2011/08/20/bernstein\_presidential\_power/index.html

Moreover, the positions of the president and most everyone else are, to look at it one way, sort of opposites. The president has potential influence over an astonishing number of things -- not only every single policy of the U.S. government, but policy by state and local governments, foreign governments, and actions of private citizens and groups. Most other political actors have influence over a very narrow range of stuff. What that means is that while the president's overall influence is certainly far greater than that of a House subcommittee chair or a midlevel civil servant in some agency, his influence over any specific policy may well not be greater than that of such a no-name nobody. A lot of good presidential skills have to do with figuring out how to leverage that overall influence into victories in specific battles, and if we look at presidential history, there are lots of records of successes and failures. In other words, it's hard. It involves difficult choices -- not (primarily) policy choices, but choices in which policies to fight for and which not to, and when and where and how to use the various bargaining chips that are available.

### AT: Currency Provision

#### Japan wants to make a deal-but TPA is key.

**Elliot, Center for Global Development, 3-6-14**

(Kimberly, “Chickens, Eggs, and the Trans-Pacific Partnership”, <http://www.cgdev.org/blog/chickens-eggs-and-trans-pacific-partnership>, ldg)

Still, the impression that I took away from our Tokyo discussions is that Prime Minister Abe is prepared to take on the entrenched interests in Japan and liberalize agricultural trade. But it won’t be easy. Rice is a cultural, as well as dietary, staple in Japan, while the other products raise particular political issues. For example, I learned on my visit that sugar is grown mostly in Okinawa and trade protection for the commodity is part of the political compensation to the island for hosting US military bases. So Japanese negotiators need to appear to be hanging tough, and they need to receive assurances that US negotiators are going to be able to deliver when the time comes. So what assurances can US negotiators offer? In the absence of trade promotion authority1 (TPA), which requires congressional approval, very few. And this is where the chickens and eggs come in (though not literally since poultry is not one of the five sacred products). TPP is the egg, while passage of TPA is the chicken. I heard repeated complaints while in Tokyo that USTR Froman was too inflexible in Singapore, that he wouldn’t give an inch. This inflexibility could be a sign of Froman’s reluctance to make concessions now that could cost him future votes in Congress on TPA. But without a good sense of the US bottom line, Japan does not want to concede something that Froman could pocket now and then up the ante later. And without TPA, Japan, and the other TPP parties, cannot know whether Froman will be able to deliver whatever he eventually promises.