**1NC**

**T: Prohibit 1NC (Short)**

**Restrictions on authority prohibit- the aff is a condition**

William **Conner federal judge 78**,former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. **Properly interpreted,** **the "conditions" that had been imposed by plaintiff's** Board of Directors and by the Venezuelan Cabinet **were not "restrictions" or "limitations"** up**on** the **authority of** plaintiff's **agents but rather conditions precedent to the granting of authority**. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

**Vote neg  
limits - anything can indirectly affect war powers--also makes the topic bidirectional because conditions can enhance executive power and kills ground because they can spike out of war powers DAs**

**1NC**

**Patent reform will pass now, it’s key to the economy**

Bob **Goodlatte reporter**, “Bipartisan Road Map fro Protecting and Encouraging American Innovation,” ROLL CALL, **3—12**—14, <http://www.rollcall.com/news/bipartisan_road_map_for_protecting_and_encouraging_american_innovation-231413-1.html>

**Throughout our nation’s history, great ideas have powered our economic prosperity and security, from the Industrial Revolution to the Internet age. Safeguarding those great ideas were so important to our Founding Fathers that they included patent protection in the U.S. Constitution.** Article I, Section 8, Clause 8 of the Constitution charges Congress with overseeing a patent system to “promote the progress of science and useful arts.” As chairman of the House Judiciary Committee, which has oversight of our patent system, I take the charge to uphold our Constitution seriously. **In recent years, we have seen an exponential increase in the use of weak or poorly granted patents by “patent trolls” to file numerous patent infringement lawsuits against American businesses with the hopes of securing a quick payday. This abuse of the patent system is not what our Founding Fathers provided for in our Constitution.** At its core, **abusive patent litigation is a drag on our economy and stifles innovation. Everyone from independent inventors to startups to mid- and large-sized businesses face this constant threat. The tens of billions of dollars spent on settlements and litigation expenses associated with abusive patent suits represent truly wasted capital — wasted capital that could have been used to create new jobs, fund research and development, and create new innovations** and technologies. **Bad actors** who abuse the patent system devalue American intellectual property and **are a direct threat to American innovation.** Abusive patent litigation is also a drain on consumers. We will never know what lifesaving invention or next-generation smartphone could have been created because a business went bankrupt after prolonged frivolous litigation or paying off a patent troll. When a firm spends more on patent litigation than on research, money is being diverted from real innovation. The patent system was designed to reward inventors and incentivize innovation, bringing new products and technologies to consumers. Last year, I introduced the Innovation Act (HR 3309), legislation designed to eliminate the abuses of our patent system, discourage frivolous patent litigation and keep U.S. patent laws up to date. In December, the House of Representatives, with overwhelming bipartisan support and the support of the White House, passed the Innovation Act. This important bill will help fuel the engine of American innovation and creativity, creating new jobs and growing our economy. Effective patent reform legislation requires the careful balance that was achieved in the Innovation Act. Senate Judiciary Chairman Patrick J. Leahy, D-Vt., ranking member Charles E. Grassley, R-Iowa., and committee members John Cornyn, R-Texas, Orrin G. Hatch, R-Utah, and Mike Lee, R-Utah, among others, are leading efforts in the Senate to combat abusive practices within our patent system that inhibit innovation**. I am optimistic that as the Senate moves toward consideration of legislation they will act just as the House did and pass comprehensive patent litigation reform that includes all of the necessary reforms made in the Innovation Act, including heightened pleading standards and fee shifting.** In 2011, Republicans and Democrats came together to pass the America Invents Act (PL 112-29), which brought the most comprehensive change to our nation’s patent laws since the 1836 Patent Act. **We are continuing to work again in a collaborative, bipartisan way to end abusive patent litigation to help the American economy** and American people. **I am optimistic that these important reforms will be enacted to stop the abuse of our patent system and restore the central role patents play in our economy.** Half measures and inaction are not viable options. **The time is now**, and the Innovation Act has helped set a clear bipartisan road map toward eliminating the abuses of our patent system, discouraging frivolous patent litigation and keeping U.S. patent laws up to date.

**But political capital is key**

Julian **Hattem reporter**, “Congress Gets Out Club for Patent ‘Trolls’,” THE HILL, **3—5**—14, http://thehill.com/blogs/hillicon-valley/technology/199954-lawmakers-look-to-push-patent-troll-bill

**In December, the House overwhelmingly passed the Innovation Act, which would reform much of the patent lawsuit process**. Lee and Leahy are pushing a companion bill, the Patent Transparency and Improvements Act, in the Senate. **Obama backed the House bill and called for action in his State of the Union address.** Supporters hope **the president’s backing will help push legislation across the finish line in the Senate. “It meant a lot in the Senate to have the president weigh in like that,” Lee said** at an event Tuesday in Washington. “**To have it brought up by the president in some very public settings has been very helpful to help focus the public attention on the fact that this is hurting a lot of people.” Obama’s support also created momentum in the House, and convinced Democratic lawmakers who might not have been focused on the issue to hop on board,** according to Rep. Jared Polis (D-Colo.). **“When it comes to a patent bill, they say ‘Oh OK, the president liked it so we’re going to give it a look,’ ” he said** at the event, which was sponsored by Politico. “So **that** sort of **opened the door for a lot of members on the Democratic side**, where we had stronger vote totals than we were necessarily expecting.”

**Fighting to defend his war power will sap Obama’s capital, trading off with rest of agenda—it’s empirically killed immigration reform**

**Kriner poli sci prof, 10** --- assistant professor of political science at Boston University

(Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69)

**While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives**. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60

**In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic.** Scholars have long noted that President Lyndon **Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking** the requisite funds in a war-depleted treasury and **the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away** as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, **many of** President **Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.**61

**When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies.** If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

**Cross-apply their econ impact**

**Economic decline causes nuclear war**

**Harris and Burrows NIC analysts, ‘9**

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

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

**Legit DA**

**Drone courts kill court legitimacy and prez powers**

**Epps law prof 13** (Garrett Epps, Professor of Law at the University of Baltimore, “Why a Secret Court Won’t Solve the Drone-Strike Problem,” The Atlantic, February 16, 2013, http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/)

Washington's idea of the week is a secret court, based on the Foreign Intelligence Surveillance Court, which issues secret wiretap warrants in certain espionage cases. **Executive officials would go before the drone court and present** their **evidence that an individual** abroad, perhaps a U.S. citizen, **is** an Al Qaeda affiliate and an **imminent danger. Judges** on the panel **would issue, in effect, a secret death warrant**--a certification that lethal force can be used against the "enemy combatant." Sen. Dianne Feinstein spoke favorably about the idea at confirmation hearings for C.I.A. Director-designate John Brennan. So did former Defense Secretary Robert Gates. Thursday, the New York Times joined in the chorus. **Americans love courts** and judges. **But they trust them because,** in our system, **they are independent of elected officials**--not part of the political machine. They are also what lawyers call "courts of limited jurisdiction." **In carefully chosen language, Article III of the Constitution extends** "the **judicial power"** of the United States **to a specific and limited set of "cases and controversies." Federal courts** decide cases; they do not fight wars, collect the garbage, or set health-care policy. And most particularly, they **may not become an advisory agency of the executive branch. The** idea of a **"drone court" would send federal courts into areas they have never gone before,** **and** indeed **from which,** I think, the text of **the Constitution bars them. It could** also **put the integrity of our court system at risk.** Let's frame the issue properly. **The present administration does not claim that the president has "inherent authority" to attack anyone anywhere. Instead,** from the documents and speeches we've seen, **the administration says it can order drone attacks only as provided by the** Authorization for the Use of Military Force **passed by Congress** after the September 11 attacks--that is, against "those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." Unlike the fictional President Bennett in Tom Clancy's Clear and Present Danger, then, **President Obama can't suddenly send the drone fleet down** to take out, say, Colombian drug lords or the Lord's Resistance Army in Uganda. **That's** a marked change from the overall position of the last administration, and it's **an important limitation on the president's** claimed **authority.** But **because of that limitation, a court would be supervising the president's command decisions in a time of authorized military action**--after, that is, the legal equivalent of a "declaration of war." As commander in chief, the president has been given a mission by Congress. By passing the AUMF, Congress has delegated to him its full war power to use in that mission. Nothing in the AUMF is directed to the courts; in fact, I have trouble finding authority for target selection anywhere in Article III. And whatever the technological changes, constitutionally I see no difference between targeting an enemy with a drone and doing the same thing with a Cruise missile or a SEAL Team. **Courts simply aren't equipped to decide military tactics.** The FISA Court, on the other hand, doesn't really reach beyond Article III--judges since ancient times have issued warrants for searches and arrests, and the individuals being spied on are suspected of crimes against the United States. But I don't know of a deep-rooted tradition of common-law courts telling the shire reeve he can hunt someone down and kill him without trial. **There's yet another problem: what criteria would a "drone court" apply?** In the "white paper" obtained by NBC News earlier this month, the Department of Justice says that a decision to order a strike involves three requirements: (1) the target represents "an imminent threat of violent attack"; (2) capturing the target would be "infeasible"; and (3) a lethal attack can be carried out "in a manner consistent with law of war principles." A court might be able to apply the first criterion, though just barely; but **there is simply no precedent for an Article III judge balancing** the **prospective risks** of a capture operation vs. that of a missile, **or assessing** the probability of **"collateral damage"** if the strike goes forward. **We have left "the judicial power" behind altogether, and created a panel of poorly trained generals in sloppy black uniforms.** Finally, **in time of war, there will be occasions when a target emerges and decisions must be made too quickly for even a secret court proceeding.** And thus the "drone court" would not be able to rule on some cases; an ambitious president could find many exceptions. In addition, **an ambitious executive might** also **use the secret court as a means to extend the drone-strike authority** beyond actions in time of authorized military action. **With such a review mechanism in place,** the argument might go, **there's no danger in ceding the president's authority to use drones against enemies not so designated by Congress.**

**effective court is key to sustainable development- collapses civilization**

**Stein federal judge 5**—Former Judge of the New South Wales Court of Appeal and the New South Wales Land and Environment Court [Justice Paul Stein (International Union for Conservation of Nature (IUCN) Specialist Group on the Judiciary), “Why judges are essential to the rule of law and environmental protection,” Judges and the Rule of Law: Creating the Links: Environment, Human Rights and Poverty, IUCN Environmental Policy and Law Paper No. 60, Edited by Thomas Greiber, 2006]

The Johannesburg Principles state: “We emphasize that **the fragile state of the global environment requires the judiciary, as the guardian of the Rule of Law, to** boldly and fearlessly implement and **enforce** applicable international and national **laws**, **which** in the field of environment and sustainable development **will assist in alleviating poverty** **and sustaining an enduring civilization**, and ensuring that the present generation will enjoy and improve the quality of life of all peoples, **while** also **ensuring that the inherent rights and interests of succeeding generations are not compromised**.” There can be no argument that **environmental law, and sustainable development law** in particular, **are vibrant and dynamic areas**, both internationally and domestically. Judge Weeramantry (of the ICJ) has reminded us that we **judges, as custodians of the law, have a major obligation to contribute to its development**. Much of **sustainable development law is presently making the journey from soft law into hard law. This is** happening internationally but also it is **occurring in many** national legislatures and **courts**. Fundamental **environmental laws relating to water, air**, our **soils and energy are critical to narrowing the widening gap between the rich and poor of the world. Development may be seen as the bridge** to narrow that gap **but it is one that is riddled with dangers** and contradictions. **We cannot bridge the gap with materials stolen from future generations**. Truly sustainable development can only take place in harmony with the environment. Importantly we must not allow sustainable development to be duchessed and bastardized. A role for judges? **It is in striking the balance between development and the environment that the courts have a role**. Of course, **this role imposes on judges a significant trust**. **The balancing of the rights** **and needs** of citizens, present and future, **with development, is a delicate one**. It is a balance often between powerful interests (private and public) and the voiceless poor. In a way **judges are the meat in the sandwich** but, difficult as it is, we must not shirk our duty. Pg. 53-54

ER CP: Drone Court 1NC (:50

**Text: The Executive Branch of the United States should establish a national security drone court as per our Katyal evidence, make necessary adjustments to its targeted killing policy to ensure compliance with relevant domestic and international law, including principles of necessity, distinction, and proportionality, and publically articulate it’s rational for targeted killing, including the process and safeguards in place for target selection. The United States federal government should not terminate its drone program.**

**CP solves better than the drone court – avoids *terrorism* and *collapse of deference* while preserving oversight and accountability**

**Katyal solicitor general 13** – former acting solicitor general, professor of national security law at Georgetown and a partner at the law firm Hogan Lovells (Neal K, Who Will Mind the Drones?”, Feb 20, http://www.nytimes.com/2013/02/21/opinion/an-executive-branch-drone-court.html, CMR)

IN the wake of revelations about the Obama administration’s drone program, politicians from both parties have taken up the idea of creating a “drone court” within the federal judiciary, which would review executive decisions to target and kill individuals.¶ But **the drone court idea is a mistake**. **It is hard to think of something less suitable for a federal judge to rule on than the fast-moving and protean nature of targeting decisions**.¶ Fortunately, **a better solution exists: a “national security court” housed within the executive branch itself**. **Experts**, **not generalists**, **would rule**; **pressing concerns about classified info**rmation **would be minimized; and speedy decisions would be easier to reach.**¶ There is, of course, a role for federal courts in national security. In 2006, I argued and won Hamdan v. Rumsfeld, a Supreme Court case that struck down President George W. Bush’s use of military tribunals at Guantánamo Bay. But military trials are a far cry from wartime targeting decisions.¶ And the Foreign Intelligence Surveillance Court, which reviews administration requests to collect intelligence involving foreign agents inside the country and which some have advocated as a model for the drone court, is likewise appropriately housed within the judicial system — it rules on surveillance operations that raise questions much like those in Fourth Amendment “search and seizure” cases, a subject federal judges know well.¶ But **there is no true precedent** **for interposing courts into military decisions about who, what and when to strike militarily**. **Putting aside the serious constitutional implications of such a proposal, courts are simply not institutionally equipped to play such a role.**¶ There are many reasons a drone court composed of generalist **federal judges** will not work. They **lack national security expertise, they are not accustomed to ruling on lightning-fast timetables**, **they are used to being in absolute control, their primary work is on domestic matters and they usually rule on matters after the fact, not beforehand**.¶ Even the questions placed before the FISA Court aren’t comparable to what a drone court would face; they involve more traditional constitutional issues — not rapidly developing questions about whether to target an individual for assassination by a drone strike.¶ **Imagine instead** that **the president had an internal court**, **staffed by expert lawyers to represent both sides**. **Those lawyers**, like the Judge Advocate General’s Corps in the military, **would switch sides every few years, to develop both expertise as repeat players and the ability to understand the other point of view**.¶ **The adjudicator would be a panel of the president’s most senior national security advisers, who would issue decisions in writing if at all possible**. **Those decisions would** later **be given to** the **Congressional intelligence committees for review**. **Crucially**, **the president would be able to overrule this court, and take whatever action he thought appropriate, but would have to explain himself afterward to Congress**.¶ **Such a court would embed accountability and expertise into the drone program**. **With a federal drone court, it would simply be too easy for a president or other executive-branch official to point his finger at a federal judge for the failure to act**. With an internal court, it would be impossible to avoid blame.¶ It’s true that a court housed within the executive branch might sound nefarious in today’s “Homeland” culture — if Alexander Hamilton celebrated the executive, in Federalist No. 70, for its “decision, activity, secrecy and dispatch,” some now look at those same qualities with skepticism, if not fear.¶ In contrast, advocates of a drone court say it would bring independent, constitutional values of reasoned decision making to a process that is inherently murky.¶ But **simply placing a drone court in the judicial branch is not a guaranteed check**. The **FISA** Court’s record is instructive: **between 1979 and 2011** it **rejected only 11 out of more than 32,000 requests** — **making the odds of getting a request rejected, around 1 in 3,000,** approximately **the same as those of being struck by lightning in one’s lifetime**. What reason does the FISA Court give us to think that judges are better than specialists at keeping executive power in check?¶ **The written decisions of an internal national security court, in contrast, would be products of an adversarial system** (unlike the FISA Court), **and later reviewed by Congressional intelligence committees. If members of Congress saw troublesome trends developing, it could push legislation to constrain the executive**. That is **something a federal judge cannot do**.¶ One of our Constitution’s greatest virtues is that it looks to judges as a source of reasoned, practical, rights-minded decision making. But **judges should be left to what they know**. **A national security court inside the executive branch** may not be a perfect solution, but it i**s a better way to balance the demands of secrecy and speed with those of liberty and justice**.

**Executive review procedures are key for drone effectiveness and warfighting- court action fails**

**WAXMAN law prof 2013** - law professor at Columbia Law School, co-chairs the Roger Hertog Program on Law and National Security (Matthew Waxman, “The Constitutional Power to Threaten War,” August 27, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2316777)

**Because the importance for the United States of threatened force – to coerce or deter adversaries, and to reassure allies – in affecting war and peace grew so substantially after World War II, the constitutional decision-making about using force has been** relegated **in large degree** to **a mechanism for implementing grand strategy** rather than setting it.192 **As a superpower that plays a major role in sustaining global security, threatening war is in some respects a much more policy-significant constitutional power than the power to actually make war**.

Moreover, assessing the functional benefits or dangers attendant to unilateral presidential discretion to use force or to formulas for ensuring congressional involvement cannot be separated from the means by which the United States pursues its desired geopolitical ends. Of course those merits are inextricably linked to substantive policy ends associated with its military capacity, such as whether the United States is pursuing an aggressively expansionist agenda, a territorially-defensive one, or something else. But it also depends on how it seeks to wield its military power – as much its potential for armed force as its engagement of the enemy with it – toward those ends.

B. Reframing “War Powers” Scholarship

One might object to the main point of this Article – that constitutional allocations of power to use force cannot meaningfully be assessed either descriptively or normatively in other than very formalistic ways without accounting for the way U.S. military power is used – that it falls victim to its own critique: if the American condition of war and peace is determined by more than just decisions to commence hostilities or resist actual force with force, why stop at threats of war and force? Why not extend the analysis even further, to include the many other presidential powers – like diplomatic communication and recognition, intelligence activities, negotiation, and so on – that could lead also to or affect the course of events in crises? 193

This Article has focused on the way presidents wield U.S. military might not because analysis of those powers can be neatly separated from other ones but to show how even widening the lens a little bit reveals a much more complex interaction of law and strategy then often assumed and opens up new avenues for analysis and possible reform. Military force is also an important place to start because it has always carried special political and diplomatic salience.194 Moreover, many types of non-military moves a President might take to communicate threats, such as imposing economic sanctions or freezing financial assets,195 rest on express statutory delegations from Congress.196

Military threats, by contrast, often rest primarily on the President’s independent constitutional powers, perhaps buttressed by implicit congressional assent, and therefore pose the most fundamental questions of constitutional structure and power allocation in relation to strategy.

A next step, though, would incorporate into this analysis other instruments of statecraft, such as covert intervention or economic and financial actions, recognizing that their legal regulation could similarly affect perceptions about U.S. power abroad as well as the political and institutional incentives a President has to rely on one tool versus another. Moreover, sometimes coercive strategies involve both carrots and sticks – threats as well as positive inducements197 – and Congress’s powers may be dominant with regard to the latter elements of that formula, perhaps in the form of spending on offered benefits or lifting of economic sanctions.198 Further study might focus on such strategies and the way they necessarily require inter-branch coordination, not only in carrying out those elements but in signaling credibly an intention to do so.

At this point, many legal scholars reading this (yet another) Article on constitutional war powers are bound to be disappointed that it proposes neither a specific doctrinal reformulation nor offers an account of optimal legal-power allocation to achieve desired results. One reason for that is that evidence surveyed in Part II is inconclusive with respect to some key questions. Another, however, is that the very quest for optimal allocation of these powers is generally mis-framed, because “optimal” only makes sense in reference to some assumptions about strategy, which are not themselves fixed. By tying notions of optimal legal allocations to strategy I do not simply mean the basic point that we need prior agreement on desired ends (in the same sense that economists talk about optimality by assuming goals of maximizing social welfare), but the linking of means to ends. As the Article tries to show throughout, even if one agrees that the desired ends are peace and security, there are many strategies to achieve it – isolation, preventive war, deterrence, and others – and variations among them, depending on prevailing geopolitical conditions.

A more productive mode of study, then, recognizes the interdependence of the allocation of war-related powers and the setting of grand strategy. Legal powers and institutions enable or constrain strategies, and they also provide the various actors in our constitutional system with levers for shaping those strategies. At the same time, some strategies either reinforce or destabilize legal designs.

C. Threats, Grand Strategy, and Future Executive-Congressional Balances

Having homed in here on threatened war or force, one might take from this analysis yet another observation about the expanding or constitutionally “imperial” power of the U.S. President. That is, beyond the President’s wide latitude to use military force abroad, he can take threatening steps that could provoke or prevent war and even alter unilateral the national interests at stake in a crisis by placing U.S. credibility on the line – the President’s powers of war and peace are therefore even more expansive than generally supposed

It is also important to see this analysis, however, as showing more complex dependency of presidential powers on Congress with respect to setting and sustaining American grand strategy. In that respect, Philip Bobbitt was quite correct when he decried lawyers’ undue emphasis on the Declare War clause and the commencement of armed hostilities as the critical legal events in thinking about constitutional allocations and U.S. security policy:

Wars rarely start as unexpected ambushes; they are usually the culmination of a long period of policy decisions. … If we think of the declaration of war as a commencing act – which it almost never is and which the Framers did not expect it to be – we will not scrutinize those steps that bring us to war, steps that are in the main statutory in nature. Moreover, we will be inclined to pretend … that Congress really has played no role in formulating and funding very specific foreign and security policies.199

Those foreign and security policies to which Bobbitt refers include coercive and deterrent strategies.

Indeed, it is important to remember that the heavy reliance on threatened force especially after World War II has itself been a strategic choice by the United States – not a predestined one – and one that could only be made and continued with sustained congressional support. Since the beginning of the Cold War period, the reliance on deterrence and coercive diplomacy became so deeply engrained in U.S. foreign policy that it is easy to forget that the United States had other strategic options open to it. One option was war: some senior policy-makers during the early phases of the Cold War believed that conflict with the Soviet Union was inevitable, so better to seize the initiative and strike while the United States held some advantages in the balance of strength.200

Another option was isolation: the United States could have retracted it security commitments to its own borders or hemisphere, as it did after World War I, ceding influence to the Soviet bloc or other political forces.201 These may have been very bad alternatives, but they were real ones and they were rejected in favor of a combination of standing threats of force and discrete threats of force – sometimes followed up with demonstrative uses of force – that was only possible with congressional buy-in. That buy-in came in the form of military funding for the standing forces and foreign deployments needed to maintain the credibility of U.S. threats, as well as in Senate support for defense pacts with allies.202 While a strategy of deterrent and coercive force has involved significant unilateral discretion as to how and when specifically to threaten military action in specific crises and incidents, the overall strategy rested on a foundation of executive-congressional collaboration and dialogue that played out over decades.

Looking to the future, the importance of threatened force relative to other foreign policy instruments will shift – and so, therefore, will the balance of powers between the President and Congress. United States grand strategy for the coming decades will be shaped by conditions of fiscal austerity, for example, which may mean cutting back on some security commitments or reorienting doctrine for defending them toward greater reliance on less-expensive means (perhaps such as a shift from large-scale military forces to smaller ones, or greater reliance on high-technology, or even revised doctrines of nuclear deterrence).203

One possible geostrategic outlook is that the United States will retain its singular military dominance, and that it will continue to play a global policing role. Another outlook, though, is that U.S. military dominance will be eclipsed by other rising powers and diminished U.S. resources and influence.204 The latter scenario might mean that international relations will be less influenced by credible threats of U.S. intervention, and perhaps more so by the actions of regional powers and political bodies, or by institutions of global governance like the UN Security Council.205 These possibilities could entail a practical rebalancing of powers wielded by each branch, including the power to threaten force and other foreign policy tools.

Were the United States to retreat from underwriting its allies’ security and some elements of global order with strong coercive and deterrent threats, one should expect different patterns of executive-congressional behavior with respect to threatening and using force, because wars and threats of wars will come about in different ways: less often as a breakdown of U.S. hegemonic commitments, for example. Reduced requirements of maintaining credible U.S. threats, and therefore reduced linkage between U.S. actions in one crisis and others, would also likely reduce pressure on the President to protect prerogatives to threaten force and to make good on those threats. A foreign policy strategy of more selective and reserved military engagement would likely be one more accommodating to case-by-case, joint executive-legislative deliberation as to the threat or use of U.S. military might, insofar as U.S. strategy would self-consciously avoid cultivating foreign reliance on U.S. power.

Besides shifting geostrategic visions, ranging from a global policing role to receding commitments, **the set of tools available to Presidents for projecting power will evolve, too, as will the nature of security threats, and this will produce readjustments among the relative importance of constitutional powers and inter-branch relations**. Transnational terrorist threats, for example, are sometimes thought to be impervious to deterrent threats, whether because they may hold nihilistic agendas or lack tangible assets that can be held at risk.206 **Technologies like unmanned drones may make possible the application of military violence with fewer risks and less public visibility than in the past**.207 While discussion of these developments as revolutionary is in vogue, they are more evolutionary and incremental; their purported effects are matters of degree. **Such developments will, however, retune strategies for brandishing and exercising military capabilities and the politics of using them**.

**aff kills crisis response- causes terror, prolif, rogue agression**

John **Yoo law prof at berkeley** 8/30/**13**, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “Like it or not, Constitution allows Obama to strike Syria without Congressional approval,” Fox News, <http://www.foxnews.com/opinion/2013/08/30/constitution-allows-obama-to-strike-syria-without-congressional-approval/> ableist edited

The most important of the president’s powers are commander-in-chief and chief executive.¶ As Alexander Hamilton wrote in Federalist 74, **“The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.”¶** **Presidents should conduct war**, he wrote, **because they could act with “decision, activity, secrecy, and dispatch.”** In perhaps his most famous words, Hamilton wrote: “**Energy in the executive** **is** a leading character in the definition of good government. . . It **is essential to the protection of the community against foreign attacks.”¶** The Framers realized the obvious. **Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation.** Instead, **they can demand swift, decisive action, sometimes under pressured or even emergency circumstances, that are best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements.** ¶ **Congress is too large and unwieldy to take the swift and decisive action required in wartime. ¶** Our Framers replaced the Articles of Confederation, which had failed in the management of foreign relations because it had no single executive, with the Constitution’s single president for precisely this reason. **Even when it has access to the same intelligence as the executive branch, Congress’s loose, decentralized structure would** paralyze **[freeze] American policy while foreign threats grow.** ¶ **Congress has no political incentive to mount** and see through its own **wartime policy.** **Members of Congress**, who are interested in keeping their seats at the next election, **do not want to take stands on controversial issues where the future is uncertain.** They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure.¶ **Congress's track record when it has opposed presidential leadership has not been a happy one.¶** Perhaps **the most telling example was the** Senate's **rejection of the Treaty of Versailles** at the end of World War I. **Congress's isolationist urge kept the U**nited **S**tates **out of Europe at a time when democracies fell and fascism grew in their place.** Even as Europe and Asia plunged into war, Congress passed Neutrality Acts designed to keep the United States out of the conflict.¶ President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president's foreign adventurism, **the real threat to our national security may come from inaction and isolationism.**¶ Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War, and the passage of the ineffectual War Powers Resolution. Congress passed the Resolution in 1973 over President Nixon's veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it.¶ Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare War.” But these observers read the eighteenth-century constitutional text through a modern lens by interpreting “declare War” to mean “start war.” ¶ When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain – where the Framers got the idea of the declare-war power – fought numerous major conflicts but declared war only once beforehand.¶ Our Constitution sets out specific procedures for passing laws, appointing officers, and making treaties. There are none for waging war, because the Framers expected the president and Congress to struggle over war through the national political process.¶ In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent Danger as will not admit of delay.” ¶ This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the Framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive.¶ **Presidents**, of course, **do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. ¶** **Only Congress can raise the military**, which gives it the power to block, delay, or modify war plans.¶ Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. ¶ Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. ¶ **If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military.¶** **Congress**’s check on the presidency lies not just in the long-term raising of the military. It **can also block any immediate armed conflict through the power of the purse.**¶ If Congress feels it has been misled in authorizing war, or it disagrees with the president's decisions, **all it need do is cut off funds**, either all at once or gradually.¶ It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action.¶ Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. ¶ Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation.¶ The Framers expected Congress's power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war.¶ **Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’s funding power.** If a president continues to wage war without congressional authorization, as in Libya, Kosovo, or Korea, it is only because Congress has chosen not to exercise its easy check.¶ We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical **change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security.¶** **In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility.¶ It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy.¶** **The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security.¶** Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the Framers left war to politics.¶ **As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce** sweeping,untested **changes in the way we make war.**

**Even absent restricting drones, the plan sets a dangerous precedent that shatters deference and collapses military effectiveness**

**Boot national security fellow 13** – leading military historian and foreign-policy analyst, Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations in New York (Max, “A Drone Court is a Terrible Idea”, 11/12, <http://www.commentarymagazine.com/2013/02/11/a-drone-court-is-a-terrible-idea-fisa-terroris/>, CMR)

Nevertheless **creating such a court would be a very bad idea because it would constitute a dangerous infringement on the president’s authority as commander-in-chief**.¶ To be sure, there are few cases of drone strikes involving American citizens such as Anwar al-Awlaki and it would probably not be any great burden in the war on terror to have those instances reviewed by a court. The danger is that **this would be the establishment of a dangerous precedent**, **with judges soon being called upon to approve all drone strikes**, whether the targets are American citizens or not. **There is already a fair amount of bureaucracy to vet such strikes and minimize collateral damage**, which sometimes results in the suspects making an escape before approval to fire a Hellfire missile can be obtained. **Introducing judges into the mix would make such operations intolerably slow** and unwieldy.¶ If judges were given power to review military or CIA strikes taking place outside the country, **where would this trend end?** **With troops having to read detainees on a foreign battlefield their Miranda rights? With judges having to approve in advance all military plans**—including armored offensives and artillery barrages—**to make sure they don’t infringe on someone’s civil rights?**¶ **Such scenarios are not as crazy as they sound**. **Civil liberties lawyers have** already **been trying to get the U.S. courts to assume oversight of detainees** held **in Afghanistan**—one federal judge even ruled that these detainees had a right to a hearing before being overruled by the Court of Appeals for the District of Columbia.¶ **Constitutional guarantees** of rights are the bedrock of our democracy—but they **don’t apply to foreign combatants**. Not even if they happen to be citizens—as the entire Confederate Army was during the Civil War. The **FISA** court is well and good but it only **operates on our soil. It doesn’t limit the N**ational **S**ecurity **A**gency **from carrying out wiretaps abroad**. So, too, **no “drone court” should be established to judicially regulate the use of lethal force abroad by the military or covert forces of the U**nited **S**tates **government**.¶ This is not to say that such operations should be above any outside review. Congress has the right to step in and, if it so desires, cut off funding for the drone program. Or it can rescind or narrow the Authorization for the Use of Force that was passed on September 14, 2001, and is the legal basis for the drone strikes against Al Qaeda and its affiliates. **What Congress cannot do**—because I suspect the appeals courts and the Supreme Court would not allow it—**is** to try **to delegate to the judiciary the job of making decisions on the use of military force abroad**.

Global war

Jack **Spencer policy analyst**, Policy Analyst for Defense and National Security @ the Institute for International Studies, Heritage Foundation, **2k** (The Facts About Military Readiness -- Heritage Foundation) http://www.heritage.org/Research/ MissileDefense/BG1394.cfm)

Military **readiness is vital** **because declines in America's military readiness signal** to the rest of the world that **the U**nited **S**tates **is not prepared to defend** **its interests**. Therefore, potentially **hostile nations will be more likely to lash out** against American allies and interests, inevitably **leading to** U.S. **involvement in combat**. A high state of military **readiness is more likely to deter** potentially hostile **nations from acting aggressively in regions of vital national interest**, **thereby preserving peace.**

**Terror DA**

**Drone court risks terrorism – sustaining status quo drone policy is key**

**Groves research fellow 13** 4/10 – Bernard and Barbara Lomas Senior Research Fellow in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation (Steven, “Drone Strikes: The Legality of U.S. Targeting Terrorists Abroad”, 2013, <http://www.heritage.org/research/reports/2013/04/drone-strikes-the-legality-of-us-targeting-terrorists-abroad>, CMR)

What the U.S. Should Do¶ **The U.S. drone program and its practices regarding targeted strikes against al-Qaeda and its associated forces are lawful**. They are lawful **because the U**nited **S**tates **is currently engaged in an armed conflict with those terrorist entities** and because the United States has an inherent right to defend itself against imminent threats to its security. Moreover, the available evidence indicates that **U.S. military and intelligence forces conduct targeted strikes in a manner consistent with international law**. **Military and intelligence officials go to great lengths to identify al-Qaeda operatives that pose an imminent threat and continually reassess the level of that threat**. **Decisions on each potential target are debated among U.S. officials before the target is placed in the “disposition matrix.”** In conducting targeted strikes **U.S. forces strive to minimize civilian casualties**, although such casualties cannot always be prevented.¶ **The** **U**nited **S**tates **will continue to face asymmetric threats from non-state actors** operating from the territory of nations that are either unwilling or unable to suppress the threats. **To confront these threats,** **the U**nited **S**tates **must retain its most effective operational capabilities**, **including** targeted strikes by armed **drones**, even if U.S. forces degrade al-Qaeda and its associated forces to such an extent that the United States no longer considers itself to be in a non-international armed conflict. Moreover, **the U**nited **S**tates **must continue to affirm its inherent right to self-defense to eliminate threats to its national security, regardless of the presence or absence of an armed conflict recognized by international law**.¶ To that end, **the U**nited **S**tates **should**:¶ Continue to affirm existing use-of-force authorities. During the past three years, senior officials of the Obama Administration have publicly set out in significant detail U.S. policies and practices regarding drone strikes. The Administration should continue to do so, emphasizing that U.S. policies adhere to widely recognized international law. Critics of the United States will continue to claim that a lack of transparency surrounds U.S. policy and actions. Such critics will likely never be satisfied, not even with full disclosure of the relevant classified legal memoranda, and their criticism will not cease until the United States abandons its practice of targeting terrorist threats in Pakistan, Yemen, and elsewhere. However, consistent repetition of the U.S. legal position on targeted drone strikes may blunt such criticism.¶ **Not derogate from the AUMF**. At the 2012 NATO summit in Chicago, NATO agreed that the vast majority of U.S. and other NATO forces would be withdrawn from Afghanistan by the end of 2014, a time frame that President Obama confirmed during this year’s State of the Union address. Some critics of U.S. drone policy will inevitably argue that due to the drawdown the United States may no longer credibly claim that it remains in a state of armed conflict with the Taliban, al-Qaeda, and its associated forces, whether they are located in Afghanistan, the FATA, or elsewhere. **Congress should pass no legislation that could be interpreted as a derogation from the AUMF or an erosion of the inherent right of the** **U**nited **S**tates **to defend itself against imminent threats posed by transnational terrorist organizations**.¶ **Not create a drone court**. The concept of **a drone court is fraught with danger and may be an unconstitutional interfere**nce **with the executive branch’s authority to wage war.** **U.S. armed forces have been lawfully targeting enemy combatants in armed conflicts for more than 200 years without being second-guessed** by Congress or a secret “national security court.” **Targeting decisions**, including those made in connection with drone strikes, **are carefully deliberated by military officers and intelligence officials based on facts and evidence gathered from a variety of** human, signals, and imagery **intelligence sources**. During an armed conflict, all al-Qaeda operatives are subject to targeting; therefore, **a drone court scrutinizing targeting decisions would serve no legitimate purpose.**¶ Rather than creating a special tribunal that is ill equipped to pass judgment on proportionality and military necessity, and that will never fully assuage the concerns of the critics of drone strikes, **Congress should continue to leave decisions pertaining to the disposition of al-Qaeda terrorists**—including U.S. citizens—**with military and intelligence officials**.¶ Conclusion¶ The debate within the international legal, academic, and human rights communities on the legality and propriety of drone strikes will likely continue unabated. To surrender to the demands of such critics would be equivalent to forgetting the lessons of September 11, when a small, non-state terrorist organization operating from a nation with which the United States was not at war planned and launched an attack that killed almost 3,000 Americans.¶ **The U**nited **S**tates **should preserve its ability to use all of the tools in its arsenal** **to ensure that the plots hatched by terrorist organizations do not become successful attacks on the U.S. homeland**. **Armed drones have proved to be one of the most effective and discriminating tools available to U.S. forces, and their lawful use should continue until such time as** non-state, **transnational terrorist organizations no longer present an imminent threat** to the United States.

WMD terror is likely and causes extinction

Nathan **Myhrvold phD in physics '13**, Phd in theoretical and mathematical physics from Princeton, and founded Intellectual Ventures after retiring as chief strategist and chief technology officer of Microsoft Corporation , July 2013, "Stratgic Terrorism: A Call to Action," The Lawfare Research Paper Series No.2, <http://www.lawfareblog.com/wp-content/uploads/2013/07/Strategic-Terrorism-Myhrvold-7-3-2013.pdf>

Several **powerful trends have aligned to** profoundly **change the way that the world works. Technology** ¶ now **allows stateless groups to organize, recruit, and fund ¶ themselves in an unprecedented fashion**. **That, coupled ¶ with** the extreme **difficulty of** finding and **punishing a stateless group, means that stateless groups are positioned to be ¶ lead players on the world stage.** **They may act on their own, ¶ or** they may act **as proxies for nation-states that wish to ¶ duck responsibility**. Either way, stateless groups are forces ¶ to be reckoned with.¶ At the same time, a different set of **technology trends ¶ means that small numbers of people can obtain incredibly ¶ lethal power.** Now, for the first time in human history, **a ¶ small group can be as lethal as the largest superpower**. Such ¶ a group could execute an attack that could kill millions of ¶ people. **It is technically feasible for such a group to kill billions** of people, to end modern civilization—perhaps **even** ¶ to **drive the human race to extinction**. Our defense establishment was shaped over decades to ¶ address what was, for a long time, the only strategic threat ¶ our nation faced: Soviet or Chinese missiles. More recently, ¶ it has started retooling to address tactical terror attacks like ¶ those launched on the morning of 9/11, but the reform ¶ process is incomplete and inconsistent. **A real defense will ¶ require** rebuilding our **military** and intelligence **capabilities** from the ground up. Yet, so far, strategic terrorism has ¶ received relatively little attention in defense agencies, and ¶ the efforts that have been launched to combat this existential threat seem fragmented.¶ History suggests what will happen. The only thing ¶ that shakes America out of complacency is a direct threat ¶ from a determined adversary that confronts us with our ¶ shortcomings by repeatedly attacking us or hectoring us for ¶ decades

### Solvency

**\*\*\*plan is a rubber stamp- legitimizes the program- turns drone prolif**

**Vladeck law prof 13** (Steve, professor of law and the associate dean for scholarship at American University Washington College of Law, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…”, Feb 10, <http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/>, CMR)

III. Drone Courts and the Legitimacy Problem¶ That brings me to perhaps the biggest problem we should all have with a “drone court”–the extent to which, **even if one could design a legally and practically workable regime** in which such a tribunals could operate, **its existence would put irresistible pressure on federal judges to sign off even on those cases in which they have doubts**.¶ As a purely practical matter, **it would be** next to **impossible meaningfully to assess imminence, the existence of less lethal alternatives, or the true nature of a threat** that an individual suspect poses **ex ante**. Indeed, it would be akin to asking law enforcement officers to obtain judicial review before they use lethal force in defense of themselves or third persons–when the entire legal question turns on what was actually true in the moment, as opposed to what might have been predicted to be true in advance. At its core, that’s why the analogy to search warrants utterly breaks down–and why **it would hardly be surprising if judges in those circumstances approved a far greater percentage of applications than they might have on a complete after-the-fact record**. Judges, after all, are humans.¶ In the process, the result would be that such ex ante **review would do little other than to add legitimacy to operations the legality of which might have otherwise been questioned ex post**. Put another way, ex ante **revew** in this context **would** most likely **lead to a more expansive legal framework within which the targeted killing program could operate**, one sanctioned by judges asked to decide these cases behind closed doors; without the benefit of adversary parties, briefing, or presentation of the facts; and with the very real possibility that the wrong decision could directly lead to the deaths of countless Americans. Thus, **even if it were legally and practically possible, a drone court would be a very dangerous idea**.

Circumvention is easy

**Epps reporter and legal scholar 13** (Garrett, former reporter for The Washington Post, is a novelist and legal scholar, “Why a Secret Court Won't Solve the Drone-Strike Problem,” Feb 16, <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>, CMR)

Finally, **in** time of **war, there will be occasions when a target emerges and decisions must be made too quickly for even a secret court proceeding**. And thus **the "drone court" would not be able to rule on some cases; an ambitious president could find many exceptions.**  In addition, **an ambitious executive might also use the secret court as a means to extend the drone-strike authority beyond actions in time of authorized military action. With such a review mechanism in place, the argument might go**, **there's no danger in ceding the president's authority to use drones against enemies not so designated by Congress.**

### Saudi Ans

**Gov won’t shut down drones**

Benjamin **Wittes senior fellow at brookings**, editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law, 2/27/**13**, In Defense of the Administration on Targeted Killing of Americans, www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/

**This view has currency among** European **allies**, among **advocacy groups,** and in the legal **academy**. Unfortunately for its proponents, it has no currency among the three branches of government of the United States. **The courts and the executive branch have both taken the opposite view, and the Congress passed a broad authorization for the use of force** and despite many opportunities, **has never revisited that document to impose limitations by geography or to preclude force on the basis of co-belligerency**—**much less to clarify that the AUMF** does not, any longer, authorize the use of military force at all. **Congress has been repeatedly briefed on U.S. targeting decisions,** including those involving U.S. persons.[5] It was therefore surely empowered to either use the power of the purse to prohibit such action or to modify the AUMF in a way that undermined the President’s legal reasoning. **Not only has it taken neither of these steps, but Congress has also funded the relevant programs**. Moreover, as I noted above, **Congress’s recent reaffirmation of the AUMF** in the 2012 NDAA **with respect to detention, once again contains no geographical limitation**. **There is**, in other words, **a consensus among the branches of government on the point that the United States is engaged in an armed conflict that involves co-belligerent forces and follows the enemy to the new territorial ground it stakes out**. **It is a consensus that rejects the particular view of the law advanced by numerous critics. And it is a consensus on which the executive branch is entitled to rely in formulating its legal views**.

**Foreign backlash won’t kill the program**

**Byman Georgetown polis ci prof 13** (Daniel, Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution, Foreign Affairs, “Why Drones Work: The Case for Washington’s Weapon of Choice”, July/August 2013, ZBurdette)

FOREIGN FRIENDS

**It is** also **telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it.** During the Bush and Obama administrations, **Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance.** Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. **Yemen’s former president**, Ali Abdullah **Saleh**, also at times allowed drone strikes in his country and **even covered for them by telling the public that they were conducted by the Yemeni air force**. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and **his replacement**, Abdu Rabbu Mansour **Hadi, has publicly praised drones**

, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.” **As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies**. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez Kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that **the U**nited **S**tates **has conducted “goodwill kills” against Pakistani militants** who threatened Pakistan far more than the United States. **Thus, in private, Pakistan supports the drone program.** **As then Prime Minister** Yousaf Raza **Gilani told** Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, **“We’ll protest [against the drone program] in the National Assembly and then ignore it.”** Such **concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion** related to drones **are conducted by** anti-drone organizations, **which results in biased samples**. **Other surveys exclude those who are unaware of the drone program** and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And **for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth;** **the drone program is only a small part of their overall anger**, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. **It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes**, **would make the U**nited **S**tates **more popular.**

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**No dollar dump and no impact if it happens**

**Baker, director of the center for economic and policy research, 09** ( Dean, ARGUMENT

Debunking the Dumping-the-Dollar Conspiracy “http://www.foreignpolicy.com/articles/2009/10/07/debunking\_the\_dumping\_the\_dollar\_conspiracy

ARGUMENT Debunking the Dumping-the-Dollar Conspiracy On Monday, **the Independent reported that a number of countries are conspiring to dump the dollar as the primary oil trade currency, spelling disaster for the U.S. economy. But the United States wouldn't need to fear -- even if it were true. For at least the last decade,** a persistent, recurring conspiracy theory **has held that major oil exporters will stop pricing oil in dollars, which will then lead to a collapse in the U.S. economy** as the dollar becomes worthless. According to some accounts, Iraq's decision to price its oil in euros rather than dollars precipitated the U.S. overthrow of Saddam Hussein, and Iran's threats to move away from the dollar is the real reason the U.S. government is raising the alarm over the country's nuclear program. The latest item in this tradition was an article by Robert Fisk, a longtime Middle East correspondent, in the London-based Independent. The article warns of a grand conspiracy between the Arab oil states, China, Japan, Russia, and France to stop pricing oil in dollars by 2018. When this happens, Fisk says, the dollar will suffer a severe blow to its international standing and the United States might struggle to pay for its oil. The article apparently caused a shudder in the currency markets yesterday, as panicked investors unloaded dollars in reaction to the terrifying prospect of this alleged international oil conspiracy. But **they really shouldn't be concerned. Fisk's theory would make a good plot for a Hollywood movie, but it doesn't make much sense as economics. It is true that oil is priced in dollars and that most oil is traded in dollars, but these facts make rela**

**tively little difference for the status of the dollar as an international currency or the economic well-being of the United States.** With the United States' ascendancy as the pre-eminent economic power after World War II, **the dollar became the world's reserve currency: Most countries held dollars in reserve in the event that they suddenly needed an asset other than their own currency to pay for imports, or to support their own currency. Much international trade, including trade not involving the United States, was carried through in dollars. In addition, most internationally traded commodities became priced in dollars on exchanges. However, the dollar was never universally used to carry through trade (even trade in oil), and the pricing of commodities in dollars is primarily just a convention.** Any market -- a stock market, a wheat market, or the oil market -- requires a unit of measure. The importance of the U.S. economy made the dollar the obvious choice for most markets. But **there would be no real difference if the euro, the yen, or even bushels of wheat were selected as the unit of account for the oil market. It's simply an accounting issue.** Suppose that prices in the oil market were quoted in yen or bushels of wheat. Currently, oil **is priced at about $70 a barrel. A dollar today is worth about 90 yen. A bushel of wheat sells for about $3.50. If oil were priced in yen, then the current price of a barrel of oil in yen would 6,300 yen. If oil were priced in wheat, then the price of a barrel of oil would be 20 bushels. If oil were priced in either yen or wheat it would have no direct consequence for the dollar. If the dollar were still the preferred asset among oil sellers, then they would ask for the dollar equivalents of the yen or wheat price of oil. The calculation would take a** billionth of a second **on modern computers, and business would proceed exactly as it does today.** It does matter slightly that the trade typically takes place in dollars. This means that those wishing to buy oil must acquire dollars to buy the oil, which increases the demand for dollars in world financial markets. However, the impact of the oil trade is likely to be a very small factor affecting the value of the dollar. **Even today, not all oil is sold for dollars. Oil producers are free to construct whatever terms they wish for selling their oil, and many often agree to payment in other currencies. There is absolutely nothing to prevent Saudi Arabia, Venezuela, or any other oil producer -- whether a member of OPEC or not -- from signing contracts selling their oil for whatever currency is convenient for them to acquire. Even if all oil were sold for dollars, it would be a very small factor in the international demand for dollars, as can be seen with a bit of simple arithmetic. World oil production is a bit under 90 million barrels a day. If two-thirds of this oil is sold across national borders, then it implies a daily oil trade of 60 million barrels. If all of this oil is sold in dollars, then it means that oil consumers would have to collectively hold $4.2 billion to cover their daily oil tab. By comparison, China alone holds more than $1 trillion in currency reserves, more than 200 times the transaction demand for oil.** In other words, if China reduced its holdings of dollars by just 0.5 percent, it would have more impact on the demand for dollars than if all oil exporters suddenly stopped accepting dollars for their oil. This raises a more serious issue affecting the demand for dollars, which is the dollar's status as an international reserve currency. Currently the dollar is by far the preferred currency, but others, notably the euro, are gaining ground. A switch away from the dollar will lower its value, but this is hardly anything to fear: In actuality, it was and is an official policy goal of both the George W. Bush and Barack Obama administrations. Both administrations are on record complaining about China's "manipulation" of its currency. China does this by buying up vast amounts of dollars to hold as foreign reserves, suppressing the value of the yuan against the dollar. This, in turn, makes Chinese goods cheaper in the United States and bolsters China's exports. If China stopped buying up huge amounts of dollars, as the United States wishes, then the dollar would fall in value against the yuan, thereby making Chinese imports more expensive. The result would be that the United States would buy fewer imports from China, improving its trade balance. Not too many people would be frightened by this prospect. To summarize, the dollars needed to finance the international oil trade are trivial compared with other sources of demand for dollars. The currency chosen for foreign reserve holdings can have an impact on demand for dollars, but this has nothing to do with the currency chosen to conduct the oil trade. If Saudi Arabia wanted to hold euros rather than dollars, it could almost instantly offload as many dollars as it desired. Plus, the White House wants the dollar to decline anyway because it would improve the United States' trade balance. Thus, the conspiracy theory Fisk resurrected might have spooked the markets, but the reality is that there is nothing to fear. The dollar's value will likely fall over time (as it has been doing against the euro for the last nine years). But **there is nothing in the cards to suggest a collapse, even if Saudi Arabia starts selling its oil for euros or yuan.**

**Relations resilient--crises are episodic and inevitable**

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The hints, and they are no more than hints, of an improved Iranian-American relationship have led to some interesting (to put it mildly) reactions from Saudi Arabia. For the first time, the Saudi government gave up its yearly opportunity to present its view of the world in an address to the United Nations General Assembly. The Saudis let it be known that their unhappiness with American foreign policy in the region — on Iran, on Syria, on the Palestinian issue — led to this demurral. Saudi **commentators and media have raised the specter of the U.S. selling out Riyadh** in a grand geopolitical bargain with Tehran. **Are we headed for another "crisis" in** Saudi-American relations?¶ In a word, **no**. **There is nothing new here. The United States and Saudi Arabia have faced much more serious differences in the past, without the bilateral relationship being fundamentally altered — the 1973-74 oil embargo**, the differences over the **Camp David Accords** and the **Iranian Revolution in the late 1970’s**, the profound crisis of **9/11 and the Iraq War**. The **episodic** **crises**, **both real and imagined,** between Riyadh and Washington **are**, in fact, **baked in the cake.** **They are the result of two enduring elements of the relationship:** 1) **the structural fact** **that the Saudis are the much weaker party** in the partnership, **and** 2) **the mistaken belief** of many, more in the U.S. than in Saudi Arabia, **that the** de facto **alliance is built on a complete complementarity of interests.**

**Iran, Israel, Syria and Egypt thump, relations resilient, and the US doesn’t care—their author**

**HENDERSON**, Baker fellow and director of the Gulf and Energy Policy Program at the Washington Institute for Near East Policy, **11-1-13**

(Simon, “The U.S.-Saudi Royal Rumble,” http://www.foreignpolicy.com/articles/2013/11/01/the\_us\_saudi\_royal\_rumble?page=full, accessed 11-2-13, CMM)

What is happening to the U.S. relationship with Saudi Arabia? Even after loud complaints from top Saudi officials that the longtime alliance was on the rocks, **the response of official Washington**, outside the punditocracy, **was an almost audible yawn.** President Barack Obama's administration should not be so quick to dismiss the trouble the Saudis could cause for the United States in the Middle East -- or the Saudi royals' determination to cause a shift in U.S. policy. Two articles last month quoted unidentified "European diplomats" who had been briefed by Saudi intelligence maestro Prince Bandar bin Sultan that Riyadh was so upset with Washington that it was undertaking a "major shift" in relations. Saudi Arabia **has a litany of complaints** about U.S. policy in the Middle East. It faults Washington for pursuing a **rapprochement with Iran,** for **not pushing Israel harder** in peace talks with the Palestinians, **and for not more forcefully backing efforts to topple Syrian President Bashar al-Assad**. Saudi royals are also angry that the United States did not stand behind Saudi support for Bahrain when it crushed an anti-government uprising in 2011, and that Washington has criticized the new Egyptian government, another Saudi ally, for its crackdown on Muslim Brotherhood protesters. Saudi royals have evidently decided that public comments and policy shifts are the only way to convince Washington to alter what they see as its errant path. Bandar's declaration came a few days after the kingdom abruptly decided to reject its election to the U.N. Security Council, claiming it could not tolerate that body's "double standards." As Bandar helpfully pointed out, the incident was "a message for the U.S., not the U.N." According to an official in Washington, Bandar's "briefing" was actually a several hour conversation with French Ambassador to Saudi Arabia Bertrand Besancenot, who then shared his notes with his European colleagues. Whether Bandar intended to leak his remarks to the media is unclear but the Saudis haven't done anything to wind back his message. Last week, former intelligence chief Prince Turki al-Faisal made many of the same points in an address to the annual Arab-U.S. Policymakers Conference in Washington. It is hard to judge the significance of Prince Turki's remarks, because he was essentially fired as ambassador to Washington in 2007 after falling out with King Abdullah. With a nod toward candor, he made it clear he doesn't have a role in the Saudi government and claimed not to be privy to its official deliberations. However, given his apparent place on the kingdom's limited bench of officials that can explain its stances to the world, Prince Turki's remarks can't be ignored. As he put it, Saudi Arabia "is a peninsula, not an island." **This is far from the first crisis the U.S.-Saudi alliance has experienced**. In early 1939, a Saudi delegation went to Nazi Germany to negotiate an arms agreement, part of which would have been diverted to Palestinian Arabs fighting Jewish immigrants in the British mandate of Palestine. At least some of the Saudi group met Adolf Hitler at his mountain top hideaway at Berchtesgaden. German arms never reached the kingdom -- or Palestine - as the Saudis could not afford to consummate the deal (that was in the days before the oil revenues started flowing in). However, King Abdullah still treasures a dagger given as a gift from the Fuhrer himself, and occasionally shows it off to guests. Visiting U.S. officials are briefed in advance so they can display appropriate diplomatic sang-froid if Abdullah points out the memento. **But despite the multitude of crises** -- from the 9/11 hijackers to Saudi pay-offs to Osama bin Laden -- past difficulties have been **quietly repaired**. The operative word here is "quietly" -- usually, the general public has not even known of the crisis. The difference now is that, through Saudi Arabia's move at the United Nations and Bandar's briefing, the kingdom is all but trumpeting its displeasure.

**[UMW’s card begins]**

#### No oil shocks-multiple checks.

**Whitehouse 10** (12-19, Mark, deputy bureau chief for The Wall Street Journal “Oil Prices Seen as a Threat Again”, <http://online.wsj.com/article/SB10001424052748703395904576025762319723364.html>

In the physical market, **oil producers have ample capacity to keep prices in check**. The International Energy Agency estimates spare capacity among Organization of Petroleum Exporting Countries at 6.4% of global demand, nearly double the level of late 2007. **As of the end of November, the world had enough oil in its inventories to cover demand for 20 days without drying out pipelines and refineries**, according to data provider Oil Market Intelligence. That's up from 14 days in November 2007. Thanks to the added inventories, "**the broader economy is now more insulated from oil shocks" than it was back in 2008**, says Philip Verleger, an energy economist at the University of Calgary's Haskayne School of Business. **While many see speculative investment as a source of volatility, it might actually help prevent a spike**, says Mr. Verleger. **By pushing up the price of oil to be delivered in future months, investors have made it more attractive for traders to buy oil now and hold it for future sale. That**, in turn, **keeps inventories higher, providing a cushion that can limit price swings in the event of sudden changes in supply and demand. If the price of oil does rise further, it won't necessarily do economic damage**. For one, **the price spike of 2008 led many people and companies to cut back on energy consumption, a shift that could make them more resilient to price increases this time around**. Beyond that, **oil-price increases can have little to no impact if they correspond to a decrease in the value of the dollar against other currencies. Because oil is bought and sold in dollars, it doesn't become more expensive for most of the world's buyers unless the price increase exceeds the drop in the dollar. And in the U.S., the export boost from a cheaper dollar can create more jobs, offsetting the pain of higher prices at the gas pump**.

**Modeling Ans**

**US action irrelevant to international norms on drones – other tech proves**

**Etzioni 13** – professor of IR @ George Washington (Amitai, “The Great Drone Debate”, March/April, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>, CMR)

Other **critics contend** that **by the U**nited **S**tates ¶ **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 U**nited **S**tates ¶ **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** ¶ **U**nited **S**tates **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 **selfconstraining 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 tech**nologies. ¶ (Robotic soldiers—or future ﬁghting machines—¶ are next in line). **In such circumstances, the role** ¶ **of norms is much more limited**.

**No drones arms race – multiple checks**

- narrow application – diplomatic and political costs – state defenses

**Singh 12** – researcher at the Center for a New American Security (Joseph, “Betting Against a Drone Arms Race”, 8/13, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2TxEkUI37>, CMR)

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones.¶ As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, **the narrow applications of** current **drone tech**nology **coupled with** what we know about **state behavior** in the international system **lend no credence to** these **ominous warnings**.¶ Indeed, critics seem overly-focused on the domestic implications of drone use.¶ In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.”¶ Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, **there remain** equally **serious** **diplomatic and political** **costs** that emanate from **beyond a fickle electorate, which** will **prevent** the likes of the **increased drone aggression** predicted by both Ignatieff and Sharkey.¶ Most recently, **the** serious **diplomatic scuffle instigated by Syria**’s **downing a Turkish reconnaissance plane** in June **illustrated** **the** very serious **risks** of operating any aircraft in foreign territory.¶ **States** **launching drones must still weigh** the **diplomatic and political costs** of their actions, **which make the calculation surrounding their use no fundamentally different** to any other aerial engagement.¶ **This** recent bout also **illustrated a salient point** regarding drone technology: **most states maintain** at least minimal air **defenses that can quickly detect and take down drones**, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.¶ What the U.S. also learned, however, was that **drones constitute an effective military tool in an extremely narrow strategic context.** They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy.¶ In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region.

**Realist theory disproves the advantage**

JM **Greico**- professor of political science at Duke University, **1993** “Neorealism and Neoliberalism: The Contemporary Debate”¶ edited by David Allen Baldwin, chapter entitled “Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism” p. 116-118

**Realism** has **dominated international relations theory** at least since World War II.' For realists, international **anarchy fosters competition** and conflict among states **and inhibits** their **willingness to cooperate** **even when** **they share common interests**. Realist theory also argues that **international institutions are unable to mitigate anarchy's constraining effects on interstate cooperation**. Realism, then, presents **a pessimistic analysis of the prospects for international cooperation and** of **the** **capabilities of** international **institutions**.2¶ The major challenger to realism has been what I shall call liberal institutionalism. Prior to the current decade, it appeared in three successive presentations—functionalist integration theory in the 1940s and early 1950s, neofunctionalist regional integration theory in the 1950s and 1960s, and interdependence theory in the 1970s.3 All three versions rejected realism's propositions about states and its gloomy understanding of world politics. Most significantly, they argued that international institutions can help states cooperate. Thus, compared to realism, these earlier versions of liberal institutionalism offered a more hopeful prognosis for international cooperation and a more optimistic assessment of the capacity of institutions to help states achieve it.¶ **International tensions and conflicts during the 1970s undermined liberal institutionalism and reconfirmed realism in large measure**. Yet that difficult decade did not witness a collapse of the international system, and in the light of continuing modest levels of interstate cooperation, a new liberal institutionalist challenge to realism came forward during the early 1980s (Stein 1983:115-40; Axelrod 1984; Keohane 1984; Lipson 1984; Axelrod and Keohane 1985). What is distinctive about this newest liberal institutionalism is its claim that it accepts a number of core realist propositions, including, apparently, the realist argument that anarchy impedes the achievement of international cooperation. However, the core liberal arguments—that realism overemphasizes conflict and underestimates the capacities of international institutions to promote cooperation—remain firmly intact. The new liberal institutionalists basically argue that even if the realists are correct in believing that anarchy constrains the willingness of states to cooperate, states nevertheless can work together and can do so especially with the assistance of international institutions.¶ This point is crucial for students of international relations. If neo-liberal institutionalists are correct, then they have dealt realism a major blow while providing ine intellectual justification for treating their own approach, and the tradition from which it emerges, as the most effective for understanding world politics.¶ This essay's principal argument is that, in fact, neoliberal **institutionalism misconstrues the realist analysis of international anarchy and** therefore **it misunderstands the realist analysis of the impact of anarchy on the preferences and actions of states. Indeed, the new liberal institutionalism fails to address a major constraint on the willingness of states to cooperate which is generated by international anarchy and which is identified by realism.** As a result, the new theory's **optimism about international cooperation is likely to be proven wrong.¶** Neoliberalism's claims about cooperation are based on its belief that states are atomistic actors. It argues that states seek to maximize their individual absolute gains and are indifferent to the gains achieved by others. Cheating, the new theory suggests, is the greatest impediment to cooperation among rationally egoistic states, but international institutions, the new theory also suggests, can help states overcome this barrier to joint action. Realists understand that states seek absolute gains and worry about compliance. However, realists¶ find that **states are positional, not atomistic**, in character, and **therefore** realists argue that, in addition to concerns about cheating, **states in cooperative arrangements** also **worry that their partners might gain more from cooperation that they do**. For realists, **a state will focus both on its absolute and relative gains from cooperation**, and a state that is satisfied with a partner's compliance in a joint arrangement might nevertheless exit from it because the partner is achieving relatively greater gains. Realism, then, finds that **there are** at least **two major barriers to international cooperation**: **state concerns about cheating and state concerns about relative achievements of gains.** Neoliberal **institutionalism pays attention exclusively to the former** **and is unable to identify, analyze, or account for the latter.¶** Realism's identification of the relative gains problem for cooperation is based on its insight that **states in anarchy fear for their survival as independent actors**. According to realists, states worry that **today's friend may be tomorrow's enemy** in war, and fear that achievements of joint gains that advantage a friend in the present might produce a more dangerous potential foe in the future. As a result, **states must give serious attention to the gains of partners.** Neoliber-als fail to consider the threat of war arising from international anarchy, and this allows them to ignore the matter of relative gains and to assume that states only desire absolute gains. Yet in doing so, they fail to identify a major source of state inhibitions about international cooperation.¶ In sum, I suggest that **realism**, its emphasis on conflict and competition notwithstanding, **offers a more complete understanding of the problem of international cooperation than does its latest liberal challenger**. If that is true, then **realism is still the most powerful theory of international politics.**

**drones make conflict less likely**

**Goure, 12**

[Daniel, vice president of the Lexington Institute, Drones and the Changing Nature of Warfare: Hold the Presses!, CATO Unbound, January 13, 2012, <http://www.cato-unbound.org/2012/01/13/daniel-goure/drones-changing-nature-warfare-hold-presses>, CMR] gender edited

Has the accelerated use of drones opened a new chapter in the history of warfare, as David Cortright asserts? If so, what is the title of that chapter? It certainly is not “Drones Make War More Likely, Indiscriminate or Bloodier.” **As** recent landmark **studies by Goldstein and Pinker clearly document, societal violence** in general and armed conflict in particular **are on the decline**.[1] The fact that we live in the historical shadow of the air raids on Dresden and Tokyo but are focused on a few hundred strikes by unmanned aerial systems in Pakistan underscores this dramatic change in the way air power is employed today. Drones are not new. The V-1 was a drone, but lacked a man-in-the-loop and precision guidance capabilities. Modern drones emerged from the overall revolution in precision navigation and networked communications which began more than two decades ago. This revolution centered on improvements in technologies for position location, remote sensing, automated flight controls, computer-based target designation, high bandwidth communications, high capacity computing and smart fusing. These technologies were combined to provide a capability for long-range precision strikes, as demonstrated in the first Gulf War. Most often this capability required both a platform/launcher and a “smart” weapon such as a laser-guided bomb or Joint Direct Attack Munition that would be flown to a release point, then fly to a specific target based either on laser illumination or pre-programmed GPS coordinates. Cruise missiles, which have been widely proliferated, are essentially drones. Modern drones provide many of the best features of both cruise missiles and manned aircraft. Most significantly, they provide the tactical and operational flexibility of manned platforms with the reduced risk to personnel associated with cruise missiles. Unlike the former, they allow for man-in-the-loop control and vehicle recovery. Unlike the latter, they can operate at altitudes and in environments unsuited to manned systems and, in some cases, for extended periods of time. Despite the proliferation of drones, particularly by the United States, at best it can be argued that the proliferation of unmanned aerial systems (UASs) is changing tactics, particularly with respect to operations on land. The predominant mission of drones today is to collect information, primarily electro-optical data in the form of pictures and full motion video. The overwhelming majority of drone flying hours are conducted by systems such as Aerovironment’s Wasp, Puma, and Raven; Insitu’s ScanEagle; and Textron’s Shadow for the purpose of providing overwatch for maneuvering Army and Marine Corps units. Even the vaunted Predator, a variant of which, the MQ-9 Reaper, is the platform employed for armed strikes, is predominantly employed for intelligence, surveillance, and reconnaissance missions. The larger systems such as Northrop Grumman’s Global Hawk and Lockheed Martin’s stealthy RQ-170 Sentinel are intended solely to gather intelligence. Armed drones serve a niche function. They are useful in situations where real-time tactical intelligence is required in order to launch a weapon and the operating environment is extremely benign. Because they can loiter in the area of a suspected target, waiting for positive identification and the proper time to strike with the least possibility of inflicting collateral damage, they are far less lethal than any other aerial weapons system. **Attempts to connect an increased tendency to use force are supported neither by the evidence nor by logic.** The **frequency and intensity** of conflicts **has declined even as the ability** to conduct remote combat **has increased exponentially.** There were only a handful of drones available to the U.S. military when Operations Enduring Freedom and Iraqi Freedom began. The lack of unmanned systems appears to have posed no obstacle to the decision to initiate either operation. **It is difficult to accord any** serious **influence over the conduct of air operations** in past or current conflicts **to the presence of armed drones.** In the era before drones, the U.S. imposed ten year long no-fly zones over northern and southern Iraq. In addition, the number of drone sorties in total is but a tiny fraction of all aerial sorties. Armed drone sorties constitute only a small fraction of total drone missions. Cortright notes that since 2009 there have been 239 drone strikes into Pakistan. However, for the month of January 2011, Coalition forces in Afghanistan flew 387 sorties in which guns were fired or munitions expended.[2] These statistics suggest a clear preference on the part of the military for manned aerial systems and not drones in the conduct of tactical air operations. Cortright also reports that 145 drone strikes were conducted during Operation Odyssey Dawn—the liberation of Libya. Actually this is an incorrect statement. While drones were used over Libya these were not armed flights, hence they were sorties and not strikes. But this is good example of the breathless quality of much of the analysis today of the implications of drones for warfare. Look at the numbers. **The U.S.** alone **conducted some 3,500 sorties during Operation Odyssey Dawn.** So **drones amounted to 4% of the total.** By the way, the United States and United Kingdom also launched 228 Tomahawk cruise missiles during this operation, 112 on the first night of the conflict. If we are to accord to weapon systems influence over the decision to use force then in the case of Libya, **precedence must be given based simply on the number of sorties conducted to cruise missiles**, aerial refueling tankers, tactical fighters, and even cargo planes before we come to the little-used drone. **The availability of un[staffed]**manned **aerial systems in no way makes conflict more likely** or more brutal. Quite the opposite, in fact, seems to be the case. The presumption that were it not for the availability of drones, the U.S. would refrain from conducting military operations against terrorists based in Pakistan is highly dubious. We have an example of an alternative military option: Operation Enduring Freedom. **As** Joshua **Goldstein pointed out in a recent article, the use of armed drones in Pakistan may have prevented the use of far bloodier means.** “Ar

med drones now attack targets that in the past would have required an invasion with thousands of heavily armed troops, displacing huge numbers of civilians and destroying valuable property along the way.”[3] According to Robert Woodward’s reporting on President Obama’s decision to deploy additional forces to Afghanistan in 2009, a number of senior advisors proposed a lower-cost, smaller deployment based on increased use of special operations forces and unmanned aerial vehicles. I might go even farther than Goldstein and argue that **Cortright should advocate** the greater use of **drones**, armed and otherwise, precisely **due to his interest in reducing the frequency, intensity, and costs of conflicts**. Just as dash cameras in police cars and cell phone cameras have led to a decrease in police brutality and the ability to bring those who violate procedures to account, the electro-optical sensors on drones can be used to increase oversight over military forces in the field. In fact, cameras can reduce what Cortright calls “the psychological distance that separates the launching of a strike from its bloody impact.” It can also help reduce the alleged isolation of the American people from the use of force in their name. Unfortunately in view of its title, the primary focus of Cortright’s article is not on drones and warfare. Rather, it centers on the subset of the role of drones in current counterterrorism operations. A number of the issues he raises are frankly much more relevant to the rather murky legal and operational circumstances surrounding the global campaign against al Qaeda. Cortright is closer to the mark when, as the title of his article suggests, he connects the nature of drones, notably the lack of a person in the cockpit, to the sense that both the George W. Bush and, most particularly, the Obama Administration saw such systems as supporting if not promoting a “license to kill.” Critics of the use of drones against unlawful combatants in Pakistan and elsewhere would be on firmer ground by connecting the disembodied features of “Nintendo warfare” to our seeming tolerance for the weakening of legal safeguards for criminal terrorists. In conclusion, I would suggest that there is nothing in the current employment of drones or in plans for future unmanned aerial systems that poses the kinds of dangers suggested by Mr. Cortright. They will not make war easier or cheaper. **There is no evidence that armed drones have reduced the political inhibitions against the use of deadly force.** The use of drones in no way threatens to weaken the moral presumption against the inappropriate or excessive use of force that is at the heart of the just war doctrine—the emphasis is mine, but the qualifiers have always belonged to just war theory. **Mr. Cortright’s problem is not with drones but the policies** of those who employ them. I almost hate to say it, but we should remember that drones don’t kill terrorists, governments do.

**No Chinese drone aggression – political constraints**

**Erickson 13** 5/23 – associate professor at the Naval War College and an Associate in Research at Harvard University’s Fairbank Center (Andrew, and Austin Strange, researcher at the Naval War College’s China Maritime Studies Institute and a graduate student at Zhejiang University, “China Has Drones. Now What?”, 2013, <http://www.foreignaffairs.com/articles/139405/andrew-erickson-and-austin-strange/china-has-drones-now-what?page=show>, CMR)

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 behavior 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 program, but according to Ian Easton, an analyst at the Project 2049 Institute, 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 Burmese drug trafficker, Naw Kham, made clear that it would not be out of the question for China to launch a drone strike in a security operation against a nonstate actor. Meanwhile, as China’s territorial disputes with its neighbors 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 U**nited **S**tates **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 Defense Ministry.¶ What about using drones outside of Chinese-claimed areas? **That China did not**, in fact, launch a drone **strike** on **the Burmese drug criminal underscores its caution**. According to Liu Yuejin, the director of the antidrug bureau in China’s Ministry of Public Security, **Beijing considered using a drone** carrying a 20-kilogram TNT payload **to bomb Kham’s mountain** redoubt in northeast Myanmar. Kham had already evaded capture three times, so a drone strike may have seemed to be the best option. The authorities apparently had at least two plans for capturing Kham. The method they ultimately chose was to send Chinese police forces to lead a transnational investigation that ended in April 2012 with Kham’s capture near the Myanmar-Laos border. **The** ultimate **decision to refrain** from the strike **may reflect** both **a fear of political reproach and a lack of confidence in untested drones, systems, and operators**.¶ **The restrictive position** that **Beijing takes on sovereignty in international forums will further constrain its use of drones**. **China is not likely to publicly deploy drones** for precision strikes or in other military assignments **without first having been granted a credible mandate to d**

**so**. The gold standard of such an authorization is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and antipiracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorization, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But **even with** the **endorsement** of the international community or specific states, **China would have to weigh any benefits of a drone strike** abroad **against the potential for mishaps and perceptions** that **it was infringing on other countries’ sovereignty -- something Beijing regularly decries** when others do it.¶ The **limitations** on China’s drone use **are reflected in the country’s academic literature** on the topic. The bulk of Chinese drone research is dedicated to scientific and technological topics related to design and performance. The articles that do discuss potential applications primarily point to major combat scenarios -- such as a conflagration with Taiwan or the need to attack a U.S. aircraft carrier -- which would presumably involve far more than just drones. **Chinese researchers have thought a great deal about the utility of drones** **for** domestic **surveillance and law enforcement**, as well as for non-combat-related tasks near China’s contentious borders. **Few scholars**, **however**, **have** publicly **considered** the **use of drone strikes overseas**.¶ Yet there is a reason why the United States has employed drones extensively despite domestic and international criticism: it is much easier and cheaper to kill terrorists from above than to try to root them out through long and expensive counterinsurgency campaigns. Some similar challenges loom on China’s horizon. Within China, Beijing often considers protests and violence in the restive border regions, such as Xinjiang and Tibet, to constitute terrorism. It would presumably consider ordering precision strikes to suppress any future violence there. **Even if** such **strikes are operationally prudent, China’s leaders understand** that **they would damage the country’s image abroad**, but they prioritize internal stability above all else. Domestic surveillance by drones is a different issue; there should be few barriers to its application in what is already one of the world’s most heavily policed societies. China might also be willing to use stealth drones in foreign airspace without authorization if the risk of detection were low enough; it already deploys intelligence-gathering ships in the exclusive economic zones of Japan and the United States, as well as in the Indian Ocean.¶ Still, although China enjoys a rapidly expanding and cutting-edge drone fleet, it is bound by the same rules of the game as the rest of the military’s tools. Beyond surveillance, the other non-lethal military actions that China can take with its drones are to facilitate communications within the Chinese military, support electronic warfare by intercepting electronic communications and jamming enemy systems, and help identify targets for Chinese precision strike weapons, such as missiles. **Beijing’s overarching approach remains** one of **caution** -- something Washington must bear in mind with its own drone program.

## 2NC

### Lk: Deference 2NC

#### Plan is an unprecedented attack on executive power – FISA doesn’t thump the link

Johnson 13 (Jeh Charles, American civil, criminal trial lawyer, and General Counsel of the Department of Defense from 2009 to 2012 during the first Obama Administration, “A “Drone Court”: some pros and cons”, March 18, <http://www.nylj.com/nylawyer/adgifs/decisions/031913johnson.pdf>, CMR)

Then there are the constitutional issues. Again, this depends in ¶ large part on the scope of what we are considering. I agree with the ¶ analysis of Professors Vladeck and Epps on the subject.12 Article II of the ¶ Constitution states that the President “shall” be the Commander-in-Chief ¶ of the armed forces. That is his burden and responsibility. He may ¶ delegate his war-fighting authority within his chain of command, but he ¶ cannot assign part of it away to another branch of government, nor have ¶ it taken away by an act of Congress. The Article III problems are just as ¶ serious: the judiciary does not exist to issue advisory opinions or offer ¶ legal advice to the President; they exist to resolve live cases or ¶ controversies.13¶ Many refer to the FISA court by analogy, to say that the FISA court, ¶ too, does not resolve cases or controversies between parties; it also ¶ authorizes surveillance based on classified, ex parte submissions. But¶ this judicial activity has its roots in the warrant requirement in the ¶ Fourth Amendment. What FISA judges do is an extension of what judges ¶ do every day ex parte in the domestic law enforcement context when they ¶ issue search warrants.¶ 14 The idea of judicial authorization of lethal force ¶ against an enemy combatant, particularly during armed conflict, has no ¶ similar roots in an activity typically performed by the judiciary. To the ¶ contrary, the idea is motivated by a desire to rein in the President‟s ¶ constitutional authority to engage in armed conflict and protect the ¶ nation, which is the very reason it has constitutional problems.

#### More ev

Epps 13 (Garrett, former reporter for The Washington Post, is a novelist and legal scholar, “Why a Secret Court Won't Solve the Drone-Strike Problem,” Feb 16, <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>, CMR)

The FISA Court, on the other hand, doesn't really reach beyond Article III--judges since ancient times have issued warrants for searches and arrests, and the individuals being spied on are suspected of crimes against the United States. But I don't know of a deep-rooted tradition of common-law courts telling the shire reeve he can hunt someone down and kill him without trial.

#### Only the plan violates deference

Register-Guard 5/28/13 (“Reining in the drones: President Obama’s changes don’t go far enough”, <http://www.registerguard.com/rg/opinion/29915927-78/drone-military-obama-cia-congressional.html.csp>, CMR)

The idea of a secret court that approves drone strikes has some initial appeal, because it would provide some accountability and oversight for a program that currently has none. But the prospect of court involvement raises constitutional issues, most notably that of the judicial branch making what amounts to command military decisions that the Constitution makes clear belong to the commander in chief and the executive branch. There is a big difference between the nation’s FISA Court, which authorizes wiretaps under the Foreign Intelligence Surveillance Act, and a court that in essence would be authorizing military tactics.¶

#### military effectiveness k2 heg

Donnelly 2003

[Thomas, resident fellow at AEI, The Underpinnings of the Bush Doctrine, February 1, <http://www.aei.org/article/foreign-and-defense-policy/the-underpinnings-of-the-bush-doctrine/>]

The preservation of today's Pax Americana rests upon both actual military strength and the perception of strength. The variety of victories scored by U.S. forces since the end of the cold war is testament to both the futility of directly challenging the United States and the desire of its enemies to keep poking and prodding to find a weakness in the American global order. Convincing would-be great powers, rogue states, and terrorists to accept the liberal democratic order--and the challenge to autocratic forms of rule that come with it--requires not only an overwhelming response when the peace is broken, but a willingness to step in when the danger is imminent. The message of the Bush Doctrine--"Don't even think about it!"--rests in part on a logic of preemption that underlies the logic of primacy.

### Ext1—Gov Dosen’t Care

#### it’s under the radar

Ezell 9-17 (Wayne, “Robotics revolution changing warfare and public's role, Brookings scholar says,” <http://jacksonville.com/news/metro/2013-09-17/story/robotics-revolution-changing-warfare-and-publics-role-brookings-scholar>)

Read more at Jacksonville.com: http://jacksonville.com/news/metro/2013-09-17/story/robotics-revolution-changing-warfare-and-publics-role-brookings-scholar#ixzz2fkMeKV1w

Drones and other robotics are changing the nature of war, making it easier to initiate attacks and even major conflicts without public opposition, says a leading expert in 21st century warfare.

The growth in robotics and the potential for sophisticated cyber warfare are redefining military power and conflicts, but the importance of humans, especially organizational leadership, will be enhanced, said Peter W. Singer, a senior fellow at the Brookings Institution.

What began as the robots of science fiction now face us as reality and is raising serious questions relating to war, politics, ethics and business, Singer said.

As the use of drones and other robotics moves to the private sector, beyond manufacturing and into policing, journalism and other fields, they will pose new challenges, especially when they get into the wrong hands.

Even our present concept of a drone, such as the slow-moving, propeller driven Predator now used by the military, will change. Think about drones with jet-engine and stealth capability.

“These are like the Model T compared to what is coming,” Singer said in an interview.

He will speak to the Jacksonville World Affairs Council Tuesday evening on the topic of his most recent book “Wired for War: The Robotics Revolution and Conflict in the 21st Century.” That event is sold out, but more about Singer’s views and publications can be found at www.pwsinger.com.

Changing risk calculations by limiting human losses and reducing the news profile alters the dynamics of how conflicts start and are waged, says Singer, who has written articles for many of the world’s major newspapers and magazines, and has provided commentary on the military for major TV outlets in the U.S. and abroad.

“Political leaders weigh things differently when boots are on the ground,” he said.

For example, hundreds of deadly drone strikes on military targets get little attention while insertion of even a few soldiers would make major headlines.

Criticism Won’t collapse the program

Masters, deputy editor – CFR, 10/3/’11

(Jonathan, “US acquires targeted killing as an essential tactic,” The Nation)

Blowback from civil liberties and human rights groups is likely to grow in direct proportion to any increase in targeted killings. Organisations such as the ACLU and Human Rights Watch have raised pointed questions regarding the perceived lack of accountability and transparency. Others question if the United States is setting a negative precedent that will be invoked by other nations (WashPost) acquiring similar technology, such as China and Russia. CFR's Bellinger expects targeted killings to become much more politically provocative given the Obama administration's current posture, and asks if drones will "become Obama's Guantanamo?" Nevertheless, analysts point to several factors indicating that an expansion of US targeted killings in the near term is likely. Drone strikes and special operations raids put fewer Americans in harm's way and provide a low-cost alternative to expensive and cumbersome conventional forces. This alternative is further enhanced given the probability of future cuts in the defence budget and a waning public appetite for long, expensive wars. The rise of the so-called "non-state actor," operating in loose transnational networks, as the principal threat to US national security also lends itself to an expansion of US targeted killings. Other experts say technological advances, including precision-guided munitions and enhanced surveillance, have given the United States a greater ability to target these particular individuals while reducing collateral damage. In July 2011, Obama's chief counterterrorism advisor, John Brennan, provided a portent of things to come: "Going forward, we will be mindful that if our nation is threatened, our best offence won't always be deploying large armies abroad but delivering targeted, surgical pressure to the groups that threaten us."

### no rollback

#### International pressure forces the US to change policies to maintain credibility –their advantages trigger reform before the impact occurs

*(also in “AT international/ilaw backlash and AT backlash/boomerang effect)*

Gregory S. McNeal 3/5/13 (Pepperdine University School of Law, “Targeted Killing and Accountability” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>)

Furthermore, other international political constraints can impose accountability on the targeting process. For example, if Pakistan wanted to credibly protest the U.S. conduct of targeted killings, they could do so through formal mechanisms such as complaining at the UN General Assembly, 483 petitioning the UN Security Council to have the matter of strikes in their country added to the Security Council’s agenda, 484 or they could lodge a formal complaint with the UN Human Rights Committee. 485 Moreover, another international political mechanism can be seen in the form of overflight rights. 486 Sovereign states can constrain U.S. intelligence and military activities because, “[t]hough not sexy and little reported, deploying CIA drones or special operations forces requires constant behind-the-scenes diplomacy: with very rare exceptions—like the Bin Laden raid—the U.S. military follows the rules of the world’s other 194 sovereign, independent states.” 487 This can also be seen in the actual conduct of military operations. For example, during the 1991 Gulf War, the U.S. lawfully targeted Iraqi troops as they fled on what became known as the “highway of death.” 488 The images of destruction broadcast on the news caused a rift in the coalition. Rather than lose coalition partners, the U.S. chose to stop engaging fleeing Iraq troops, even though those troops were lawful targets. 489 The U.S. government has similarly noted the importance of international public opinion, even highlighting its importance in its own military manuals. For example, the Army’s Civilian Casualty Mitigation manual states civilian casualties may “lead to ill will among the host-nation population and political pressure that can limit freedom of action of military forces. If Army units fail to protect civilians, for whatever reason, the legitimacy of U.S. operations is likely to be questioned by the host nation and other partners.” 490 Describing the role international politics played during the Kosovo bombing campaign, James Baker, former legal adviser to the National Security Council during the Clinton administration, wrote, “One source of pressure that I had not fully anticipated, however, was the extent of international legal scrutiny that U.S. Actions received.” 491

#### Criticism won’t undermine targeted killing now, but new legislation that draws political attention inspires calls for further restrictions---the aff can only cause an increase in the momentum for restricting the program

Kenneth Anderson 9, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University, 5/11/09, “Targeted Killing in U.S. Counterterrorism Strategy and Law,” <http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511_counterterrorism_anderson.pdf>

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

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

### Adv Ans: EU Relations

#### EU loves drones and intel is sustainable

Chris Cole is the founder of Drone Wars UK and Contributor at the Guardian UK 3-23-2012 <http://dronewars.net/2012/03/23/europes-silence-on-us-drone-targeted-killings-2/>

When the United States and the European Union committed to cooperating more closely in the fight against terrorism in 2004, they took special care to emphasise that they would act in keeping with the rule of law and international law. Accordingly, the EU has an obligation in this engagement to examine those practices – including drone strikes – that raise serious concerns as to their compatibility with international law, and to ask the US for more information about the specifics of targeted killing.¶ Members of the European Parliament (MEPs) have reminded the European Commission of this obligation with parliamentary questions, requesting the EU to ask the US for the legal basis of this tactic. On 16 January 2012, a written declaration was issued by a group of MEPs urging the EU to commit to ensuring that states publish their criteria for combat drone operations, and in the event of unlawful killing, measures be taken against the perpetrators.¶ However, neither the European Commission in the form of the High Representative (who is also the Commission’s Vice President) nor the Council have thus far released any statements on this subject. This is striking, as the Council has been quite vocal on the matter on other occasions, notably on the targeted killings carried out by Israel in the Occupied Palestinian Territories (OPT).¶ When confronted with this discrepancy, EU officials vaguely reply that the European Council has been in an ongoing debate with the US about how to forge a durable framework to combat terrorism within the rule of law since 2004. Yet, no opinions are expressed on the legality of the practice, and no statements have been made by EU officials on future developments. Apparently questions are being asked on the lack of transparency of this tactic, but no publicly known results have so far been shown.¶ It is not only the EU institutions that have failed to make their voice heard on the issue of drone strikes. The member states have generally followed a similar pattern. Nonetheless, while very few words have been uttered by individual countries, the positions of at least some EU member states can be gauged by their actions.¶ Germany, for instance, has been refusing to provide the US with intelligence that would lead to the killing of suspected terrorists since a 2010 drone attack in Pakistan killed a German citizen, who was an Islamist but no militant. The Germans have since agreed to provide the Americans with information “for intelligence purposes only” that can be used exclusively to arrest suspects, since the German government does not want to be perceived by the public opinion as being co-responsible for US targeted killings.¶ On the opposite end to Germany, one can perhaps put the United Kingdom. Although six British nationals having been killed by US drone strikes in Pakistan, the British government has continued to provide the US military and the CIA with support and intelligence. The Foreign Office has said in the past that it was “looking into the reports” of the killings, but so far none of these deaths have been investigated by UK authorities. The UK is itself using armed drones in Afghanistan. Just like the US, the UK releases little information about the way in which these drones are used.¶ Clear-cut opinions on the US’ use of targeted killing have not been voiced by any of the member states. In spite of scant evidence, it is safe to say that member states’ sensitivity towards the issue of targeted killings varies considerably. This seems to have resulted in a sort of tacit agreement not to raise the issue, not only with the US but also within the EU. There are a number of possible reasons why the EU has kept silent on the US policy of targeted killings in Pakistan.¶ One interpretation is that it is an ”eloquent” silence, in that EU member states prefer not to bother the US by questioning a practice which, however controversial for their values, is not considered fundamentally opposed to their interests. To a certain extent, this interpretation is persuasive, and yet it does not completely explain why the EU has on other occasions expressed itself quite critically against targeted killings, most notably those operated by Israeli forces against Palestinian militants in the West Bank and Gaza Strip.¶ Another interpretation of the EU’s silence on the American use of targeted killing points to the lack of consensus among its member states. As we have seen, Germany refuses to provide any information that can lead to a targeted killing, while the UK is apparently an advocate of the use of drones for targeted killing itself (although only in Afghanistan’s territory). In such a context, where some member states are willing to consider targeted killing methods while others do not desire this evolution at all, the EU has no incentive to forge a common position on US drone strikes in Pakistan.¶ Another possible reason for the EU’s tacit approval of the US’ targeted killing in Pakistan concerns the increasing European interest in UAV’s. The ongoing struggle for the European drone market makes it difficult for European governments to criticise the US. With France and Italy attempting to arm their drones and the UK currently already using armed drones, they have no interest in criticising a tactic that they will be employing, or in the case of UK, are already employing, although in a legally less controversial manner.¶ Other EU countries have actually bought their own drones from the US, arguably a powerful disincentive to criticise the American’s use of their drones. The US government, for its part, is comfortable with providing its European allies with drones so as to ease the burden on its own forces in Afghanistan. The US is also hoping that the use of drones by the EU countries will pave the way for global standards, allowing drones to be used in all airspace.¶ Another reason why the EU is keeping its mouth shut is because it¶ wants the insurgency in the tribal region on the border between Afghanistan and Pakistan to end. Since European forces are present in Afghanistan within the framework of the NATO-led International Security Assistance Force (ISAF), EU countries have their own interest in condoning these tactics. In addition, since they are not involved in any such operation, they cannot be accused of playing any role in targeted killing (according to this view, the Europeans are content with letting the US do the “dirty work”). Even though the CIA’s use of targeted killings in Pakistan can hardly be defined as in keeping with IHL, as long as the tactic keeps balancing on the edge of illegitimacy and there is no considerable public outcry, there is no disadvantage for the EU to remain silent.¶ Does the EU’s silence thus flow from its vested interests, or is it a consequence of its lack of vigour and decisiveness? From the above, we can tell that one realistic interpretation is that EU member states have deliberately decided not to talk about targeted killings in Pakistan because of their multiple interests in condoning the tactic.¶ But it is as possible that the EU is simply reluctant to start any action on the US drone strikes out of lack of moral vigour. Were it to speak up and pose unpleasant questions to the US, then it would open a potentially acrimonious dispute with the US. The lack of consensus within the EU can also be added here. In this interpretation the Union is silent not because it has decided so, but because it is unable to forge a common position.¶ Even though the analysis of the US’ targeted killing tactic makes it clear that it is a legally and morally controversial practice, it is possible that the EU finds the advantages of avoiding the subject to be greater than those of living up to its moral obligation of urging the US to comply with international law. This choice might, at best, be defined as prudent, but it could also result in a backlash.

### dollar dump

**No dollar dump and no impact if it happens**

**Baker, director of the center for economic and policy research, 09** ( Dean, ARGUMENT

Debunking the Dumping-the-Dollar Conspiracy “http://www.foreignpolicy.com

**tively little difference for the status of the dollar as an international currency or the economic well-being of the United States.** With the United States' ascendancy as the pre-eminent economic power after World War II, **the dollar became the world's reserve currency: Most countries held dollars in reserve in the event that they suddenly needed an asset other than their own currency to pay for imports, or to support their own currency. Much international trade, including trade not involving the United States, was carried through in dollars. In addition, most internationally traded commodities became priced in dollars on exchanges. However, the dollar was never universally used to carry through trade (even trade in oil), and the pricing of commodities in dollars is primarily just a convention.** Any market -- a stock market, a wheat market, or the oil market -- requires a unit of measure. The importance of the U.S. economy made the dollar the obvious choice for most markets. But **there would be no real difference if the euro, the yen, or even bushels of wheat were selected as the unit of account for the oil market. It's simply an accounting issue.** Suppose that prices in the oil market were quoted in yen or bushels of wheat. Currently, oil **is priced at about $70 a barrel. A dollar today is worth about 90 yen. A bushel of wheat sells for about $3.50. If oil were priced in yen, then the current price of a barrel of oil in yen would 6,300 yen. If oil were priced in wheat, then the price of a barrel of oil would be 20 bushels. If oil were priced in either yen or wheat it would have no direct consequence for the dollar. If the dollar were still the preferred asset among oil sellers, then they would ask for the dollar equivalents of the yen or wheat price of oil. The calculation would take a** billionth of a second **on modern computers, and business would proceed exactly as it does today.** It does matter slightly that the trade typically takes place in dollars. This means that those wishing to buy oil must acquire dollars to buy the oil, which increases the demand for dollars in world financial markets. However, the impact of the oil trade is likely to be a very small factor affecting the value of the dollar. **Even today, not all oil is sold for dollars. Oil producers are free to construct whatever terms they wish for selling their oil, and many often agree to payment in other currencies. There is absolutely nothing to prevent Saudi Arabia, Venezuela, or any other oil producer -- whether a member of OPEC or not -- from signing contracts selling their oil for whatever currency is convenient for them to acquire. Even if all oil were sold for dollars, it would be a very small factor in the international demand for dollars, as can be seen with a bit of simple arithmetic. World oil production is a bit under 90 million barrels a day. If two-thirds of this oil is sold across national borders, then it implies a daily oil trade of 60 million barrels. If all of this oil is sold in dollars, then it means that oil consumers would have to collectively hold $4.2 billion to cover their daily oil tab. By comparison, China alone holds more than $1 trillion in currency reserves, more than 200 times the transaction demand for oil.** In other words, if China reduced its holdings of dollars by just 0.5 percent, it would have more impact on the demand for dollars than if all oil exporters suddenly stopped accepting dollars for their oil. This raises a more serious issue affecting the demand for dollars, which is the dollar's status as an international reserve currency. Currently the dollar is by far the preferred currency, but others, notably the euro, are gaining ground. A switch away from the dollar will lower its value, but this is hardly anything to fear: In actuality, it was and is an official policy goal of both the George W. Bush and Barack Obama administrations. Both administrations are on record complaining about China's "manipulation" of its currency. China does this by buying up vast amounts of dollars to hold as foreign reserves, suppressing the value of the yuan against the dollar. This, in turn, makes Chinese goods cheaper in the United States and bolsters China's exports. If China stopped buying up huge amounts of dollars, as the United States wishes, then the dollar would fall in value against the yuan, thereby making Chinese imports more expensive. The result would be that the United States would buy fewer imports from China, improving its trade balance. Not too many people would be frightened by this prospect. To summarize, the dollars needed to finance the international oil trade are trivial compared with other sources of demand for dollars. The currency chosen for foreign reserve holdings can have an impact on demand for dollars, but this has nothing to do with the currency chosen to conduct the oil trade. If Saudi Arabia wanted to hold euros rather than dollars, it could almost instantly offload as many dollars as it desired. Plus, the White House wants the dollar to decline anyway because it would improve the United States' trade balance. Thus, the conspiracy theory Fisk resurrected might have spooked the markets, but the reality is that there is nothing to fear. The dollar's value will likely fall over time (as it has been doing against the euro for the last nine years). But **there is nothing in the cards to suggest a collapse, even if Saudi Arabia starts selling its oil for euros or yuan.**

### Ext1--Rels Resil 2NC

#### Relations inevitable- empirics prove

Iraq invasion

Lebanaon war

07 negotiations with iran

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In assessing these trajectories, it is important for policymakers to take the long view in U.S.–Saudi Arabia relations. They should accept that warnings of U.S. impotence in the face of regional threats, moves toward unilateralism, and solicitation of new security patrons are hardly new. They surfaced at the height of Iraq’s civil war, when Saudi voices goaded Washington into taking a more active role in curtailing Iranian influence. The warning signs once more became clear in the midst of the 2006 Lebanon war, when these same figures warned that “pan-Arab” files—Iraq, Lebanon, and Palestine—were being wrested from Gulf hands by Iran and Hezbollah. And the hand-wringing appeared again in the wake of the 2007 U.S. National Intelligence Estimate that downgraded the Iranian nuclear threat and during the U.S.-Iranian-Iraqi trilateral talks in Baghdad in May 2007.¶ In many respects, recent lamentations in the Gulf press arguing that Saudi Arabia’s support for the Syrian rebels came too late are reminiscent of previous admissions that the Saudis failed to develop a plan for safeguarding their interests in a post-Saddam Iraq and thus ceded the strategic advantage to Iran. Among those currently calling for a remedy to these past mistakes, Khaled al-Dakhil has been the most articulate in demanding a more muscular and unilateral Saudi foreign policy. He attributes the kingdom’s diplomatic setbacks to a long-standing overreliance on soft power—financial and diplomatic tools—rather than on building up its own military capability. More directly, he argues that Saudi Arabia needs to be a player in the regional balance of power (that is, military might), not just in the balance of interests.¶ Echoing this, the editor in chief of Asharq al-Awsat, whose views are often believed to signal those of King Abdullah, makes a similar case. Saudi Arabia and the Gulf states, he advises, should act in the region as if Washington does not exist. The United States and the West will invariably follow the Saudi lead, as they did in Egypt and will do, eventually, in Syria. Toward Iran specifically, there are similar calls for the Gulf to leverage its newfound economic and political power to thwart a potential Western-Iranian alliance or backdoor deals made against the Gulf.¶ At least one writer, Jamal Khashoggi, opposes this school of thought, arguing that its timeworn tropes should be jettisoned. The Saudis need to overcome their excessive fear of a secret U.S.-Iranian alliance that would hurt Gulf interests. The Middle East, he notes, is capable of containing all of the region’s countries, including Iran and Turkey, and reconciliation with Iran is in everyone’s interests. He also contends that the idea of a regional policeman role in the Gulf, played by either Iran or Saudi Arabia, is exaggerated given the enduring presence of U.S. troops and the apparent stalling of the U.S. pivot to Asia.¶ The actual trajectory of Saudi diplomacy may lie somewhere in the middle of the two extremes articulated by these writers, for a number of reasons. For one, the road to a real breakthrough in U.S.-Iranian relations—to say nothing of a more modest nuclear détente—will be longer and more uncertain than both Saudi alarmists and Washington optimists believe. If and when it occurs, its effect on U.S.-Gulf relations and the broader region is likely to be less seismic and transformative than is commonly assumed. Saudi Arabia will continue to embrace U.S. diplomatic and defense cooperation for the foreseeable future. Like it or not, Washington is still the only game in town, given Europe’s disarray and China’s unwillingness to shoulder a security burden for the region.¶ In addition, Saudi Arabia may find that the so-called Sunni front it is leading against Iran is becoming increasingly diluted. In fact, consensus among the Gulf states about Iran, the Arab uprisings, and the regional order has always been more elusive and fractured than outside appearances imply. Competition and crosscutting policies have been the norm, whether in the form of Qatari-Emirati rivalry during Libya’s revolution, Qatari-Saudi competition in Syria, Kuwait’s abstention from meaningfully contributing to the Gulf’s Peninsula Shield forces that deployed to Bahrain to quell the uprising there, or Oman’s deviating from the norm by maintaining good relations with Iran.¶ This absence of clear unanimity in the Gulf, combined with the momentum of U.S.-Iranian talks, leave Riyadh few options. Moving forward, it is likely to follow in the broad wake of U.S. policy, but with a greater preference for hedging. It may pursue multiple, overlapping policy initiatives as a form of insurance, some of which may clash with U.S. strategies and goals. This is evident most recently in Syria with Riyadh’s sponsorship of the Army of Islam, which is intended to undercut al-Qaeda but which also weakens Washington’s favored clients in the Syrian rebel joint military command, the Higher Military Council.

#### disagreements remain limited

F. Gregory Gause 10-14, III F. Gregory Gause, III is a nonresident senior fellow at the Brookings Doha Center. He specializes in the domestic politics and international relations of the Gulf countries, with a particular focus on Saudi Arabia. professor of political science at the University of Vermont. | October 14, 2013 2:12pm¶ “Will Nuclear Talks With Iran Provoke A Crisis In U.S.-Saudi Ties?” http://www.brookings.edu/blogs/iran-at-saban/posts/2013/10/14-saudi-iran-rivalry-nuclear-deal2

But many observers misunderstand this reality. One form of this misunderstanding is to exaggerate Saudi influence on American decision-making, assuming that Washington sees the need to placate Riyadh in order to achieve its wider regional goals. Marc Lynch is only the most recent analyst to make this case. Lynch worries that the Saudis and the other Gulf states will draw Washington more deeply into the Syrian morass and lead the Obama Administration to give up on its regional democracy agenda. He need not worry so much. As he was expressing those fears, the U.S. backed away from a military strike on Syria that the Saudis really wanted, made a deal on Syrian chemical weapons that the Saudis really don’t like, and then cut military aid to an Egyptian government that the Saudis really support. Not exactly a regional policy dictated from Riyadh. Bahrain is really the only place where the soft-peddling of Washington’s democracy agenda might have something to do with Saudi Arabia.¶ The more usual misunderstanding, though, is that when the Saudis and the Americans disagree, the relationship is in "crisis." But the history of the relationship demonstrates that it is not complete agreement on the range of regional issues that keeps the Saudi-American relationship intact, but rather a common understanding on the core interest of Persian Gulf security. There is no doubt that Washington and Riyadh disagree on quite a bit these days, from how to handle Syria to the generals' regime in Cairo to the promise and perils of the Rouhani presidency in Iran, on top of the hardy perennial of Palestine. But these disagreements, while serious, do not rise to the level of a bilateral crisis. There have been even wider disagreements in the past, and the common interests pushing the two countries together remain as salient as they have been over the past six decades.

### Ext3--No Oil Shocks

#### No impact- market adaptation

**Gholz and Press,** associate professor Public Affairs at the U of Texas Austin and associate professor government Dartmouth, **10** (Summer, Eugene and Daryl, “Protecting “The Prize”: Oil and the U.S. National Interest,” Security Studies, 19:453–485 vol 3) atw

Each day, twenty-four million barrels of crude are pumped from the Persian Gulf region, most of which are loaded onto supertankers to feed refineries around the world.8 The immediate effect of a major supply disruption in the Gulf would leave one or more consumers wondering where their next expected oil delivery will come from. But the oil market, like most others, adjusts to shocks via a variety of mechanisms. These adaptations do not require careful coordination, unusually wise stewardship, or benign motives. Individuals’ drive for profit triggers most of them. The details of each oil shock are unique, so each crisis triggers a different mix of adaptations. Some adjustments would begin within hours of a disruption; others would take weeks or longer to implement. Similarly, some could only supply the market for short periods of time, and others could be sustained indefinitely. But the net result of the adaptations softens the disruptions’ effects on consumers.

### Modeling: Ext1A—US Not Key 2NC

#### All their “precedent” evidence relies on the assertion that there’s a causal link between U.S. drone doctrine and other’ countries choices---that’s not true---no tangible evidence

Kenneth Anderson 11, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday Times predicting an “arms race” in military drones. The methodology essentially looks at the US as the leader, followed by Israel – countries that have built, deployed and used drones in both surveillance and as weapons platforms. It then looks at the list of other countries that are following fast in US footsteps to both build and deploy, as well as purchase or sell the technology – noting, correctly, that the list is a long one, starting with China. The predicament is put this way:

Eventually, the United States will face a military adversary or terrorist group armed with drones, military analysts say. But what the short-run hazard experts foresee is not an attack on the United States, which faces no enemies with significant combat drone capabilities, but the political and legal challenges posed when another country follows the American example. The Bush administration, and even more aggressively the Obama administration, embraced an extraordinary principle: that the United States can send this robotic weapon over borders to kill perceived enemies, even American citizens, who are viewed as a threat.

“Is this the world we want to live in?” asks Micah Zenko, a fellow at the Council on Foreign Relations. “Because we’re creating it.”

By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it – and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?)

It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be.

Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project). UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable – and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this – the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so.

But the point is that this was happening anyway, and the technology was already available. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is not a credible understanding of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it.

Moving on from the avionics, weaponizing the craft is also not difficult. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do – but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.

#### not reverse causal

Saunders 13 **(**Paul, executive director of The Center for the National Interest and associate publisher of The National Interest. He served in the State Department from 2003 to 2005, “We Won't Always Drone Alone,” <http://nationalinterest.org/commentary/we-wont-always-drone-alone-8177>)

A broader and deeper challenge is how others—outside the United States—will use drones, whether armed or unarmed, and what lessons they will draw from Washington’s approach. Thus far, the principal lesson may well be that drones can be extremely effective in killing your opponents, wherever they are, without risking your own troops and without sending soldiers or law enforcement personnel across another country’s borders. It seems less likely that others will adopt U.S.-style legal standards and oversight procedures, or that they will always ask other governments before sending drones into their airspace.¶ Based on their actions, it is almost as if Obama administration officials believe that the United States and its allies will have a long-term monopoly on drones. How else can one explain their exuberant confidence in launching drone attacks? However, the administration’s dramatic expansion in drone strikes—and their apparent effectiveness—will only further shorten Washington’s reign as the drone capital of the world by increasing the incentives to others eager to develop, refine or buy the technology.¶ Have Obama administration officials given any thought to what the world might look like when armed drones are more widespread and when Americans or U.S. allies and partners could become targets? To an outsider, there is little evidence of this kind of thinking in the administration’s use of drones.¶ This is a serious problem. According to an unclassified July 2012 report by the Government Accountability Office, at least 76 countries already have acquired unmanned aerial vehicles, known as UAVs or drones; the report also states that “countries of concern” are attempting to acquire advanced UAVs from foreign suppliers as well as seeking illegal access to U.S. technology. And a 2012 special report by the United Kingdom’s Guardian newspaper indicated that China has 10 or more models, though not all are armed. Other sources identify additional varieties in China. At least 50 countries are trying to build 900 different types of drones, the GAO writes.¶ More generally, the administration’s expanding use of drones is a powerful endorsement of not only the technology, but of the practice of targeted killing as an instrument of foreign and security policy. Having provided this powerful impetus, the United States should not be surprised if others—with differing legal standards and more creative efforts at self-justification—seize upon it once they have the necessary capabilities. According to the GAO, this is already happening—in government-speak, “while only a limited number of countries have fielded lethal or weaponized UAVs, this threat is anticipated to grow.” From this perspective, it is ironic that a president so critical of his predecessor’s unilateralism would practice it himself—particularly in a manner that other governments will find much easier to emulate than the Bush administration’s larger-scale use of force. How does the Obama administration plan to respond if and when China or Russia uses armed UAVs to attack groups they define as terrorists?

### Modeling: Ext2—No Arms Race 2NC

#### timeframe is at least 10 years

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

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

### china

China’s drone development is slow—ensures U.S. lead

Moss, writer – The Diplomat, former editor for the Asia-Pacific – Jane’s Defence Weekly, 3/2/’13

(Trefor, “Here Come…China’s Drones,” http://thediplomat.com/2013/03/02/here-comes-chinas-drones/?all=true)

Dozens of Chinese UAV concepts have appeared over the years, most of which will never leave the laboratory, let alone the runway. However, the Chinese aerospace sector has clearly devoted a great deal of energy to producing a range of designs from which the PLA has been able to cherry-pick. Chinese engineers have also been able to draw on Israeli technology, having acquired Harpy UAVs from Israel Aerospace Industries in the 1990s. “They've gone in the last few years from having none in development to at least 25 different models displayed at arms shows,” says Singer. “So, it’s a very ambitious program. But again, it parallels their growth in capabilities and ambitions in many others beyond UAS, from jet fighters to missiles.” He warns against overhyping China’s UAV effort, noting that for now “we’re talking very small numbers [of Chinese UAVs] … and not yet near U.S. capabilities.”

If the example of the U.S military is anything to go by, the PLA should only have operational requirements for around six to ten UAVs. It appears closer to filling some of these operational niches than others.

Their impact is alarmism—US lead is locked in

Moss, writer – The Diplomat, former editor for the Asia-Pacific – Jane’s Defence Weekly, 3/2/’13

(Trefor, “Here Come…China’s Drones,” http://thediplomat.com/2013/03/02/here-comes-chinas-drones/?all=true)

Unmanned systems have become the legal and ethical problem child of the global defense industry and the governments they supply, rewriting the rules of military engagement in ways that many find disturbing. And this sense of unease about where we’re headed is hardly unfamiliar. Much like the emergence of drone technology, the rise of China and its reshaping of the geopolitical landscape has stirred up a sometimes understandable, sometimes irrational, fear of the unknown.

It’s safe to say, then, that Chinese drones conjure up a particularly intense sense of alarm that the media has begun to embrace as a license to panic. China is indeed developing a range of unmanned aerial vehicles/systems (UAVs/UASs) at a time when relations with Japan are tense, and when those with the U.S. are delicate. But that hardly justifies claims that “drones have taken center stage in an escalating arms race between China and Japan,” or that the “China drone threat highlights [a] new global arms race,” as some observers would have it. This hyperbole was perhaps fed by a 2012 U.S. Department of Defense report which described China’s development of UAVs as "alarming."

That’s quite unreasonable. All of the world’s advanced militaries are adopting drones, not just the PLA. That isn’t an arms race, or a reason to fear China, it’s just the direction in which defense technology is naturally progressing. Secondly, while China may be demonstrating impressive advances, Israel and the U.S. retain a substantial lead in the UAV field, with China—alongside Europe, India and Russia— still in the second tier. And thirdly, China is modernizing in all areas of military technology – unmanned systems being no exception.

### Senkaku D 1NC

#### No Senkaku or Asian conflict- empirically denied, economic interdependence checks, and China avoids nationalism.

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At times in the past few months, China and Japan have appeared almost ready to do battle over the Senkaku (Diaoyu) Islands --which are administered by Tokyo but claimed by both countries -- and to ignite a war that could be bigger than any since World War II. Although Tokyo and Beijing have been shadowboxing over the territory for years, the standoff reached a new low in the fall, when the Japanese government nationalized some of the islands by purchasing them from a private owner. The decision set off a wave of violent anti-Japanese demonstrations across China. In the wake of these events, the conflict quickly reached what political scientists call a state of equivalent retaliation -- a situation in which both countries believe that it is imperative to respond in kind to any and all perceived slights. As a result, it may have seemed that armed engagement was imminent. Yet, months later, nothing has happened. And despite their aggressive posturing in the disputed territory, both sides now show glimmers of willingness to dial down hostilities and to reestablish stability. Some analysts have cited North Korea's recent nuclear test as a factor in the countries' reluctance to engage in military conflict. They argue that the detonation, and Kim Jong Un's belligerence, brought China and Japan together, unsettling them and placing their differences in a scarier context. Rory Medcalf, a senior fellow at the Brookings Institution, explained that "the nuclear test gives the leadership in both Beijing and Tokyo a chance to focus on a foreign and security policy challenge where their interests are not diametrically at odds." The nuclear test, though, is a red herring in terms of the conflict over the disputed islands. In truth, the roots of the conflict -- and the reasons it has not yet exploded -- are much deeper. Put simply, China cannot afford military conflict with any of its Asian neighbors. It is not that China believes it would lose such a spat; the country increasingly enjoys strategic superiority over the entire region, and it is difficult to imagine that its forces would be beaten in a direct engagement over the islands, in the South China Sea or in the disputed regions along the Sino-Indian border. However, Chinese officials see that even the most pronounced victory would be outweighed by the collateral damage that such a use of force would cause to Beijing's two most fundamental national interests -- economic growth and preventing the escalation of radical nationalist sentiment at home. These constraints, rather than any external deterrent, will keep Xi Jinping, China's new leader, from authorizing the use of deadly force in the Diaoyu Islands theater. For over three decades, Beijing has promoted peace and stability in Asia to facilitate conditions amenable to China's economic development. The origins of the policy can be traced back to the late 1970s, when Deng Xiaoping repeatedly contended that to move beyond the economically debilitating Maoist period, China would have to seek a common ground with its neighbors. Promoting cooperation in the region would allow China to spend less on military preparedness, focus on making the country a more welcoming destination for foreign investment, and foster better trade relations. All of this would strengthen the Chinese economy. Deng was right. Today, China's economy is second only to that of the United States. The fundamentals of Deng's grand economic strategy are still revered in Beijing. But any war in the region would erode the hard-won, and precariously held, political capital that China has gained in the last several decades. It would also disrupt trade relations, complicate efforts to promote the yuan as an international currency, and send shock waves through the country's economic system at a time when it can ill afford them. There is thus little reason to think that China is readying for war with Japan. At the same time, the specter of rising Chinese nationalism, although often seen as a promoter of conflict, further limits the prospects for armed engagement. This is because Beijing will try to discourage nationalism if it fears it may lose control or be forced by popular sentiment to take an action it deems unwise. Ever since the Tiananmen Square massacre put questions about the Chinese Communist Party's right to govern before the population, successive generations of Chinese leaders have carefully negotiated a balance between promoting nationalist sentiment and preventing it from boiling over. In the process, they cemented the legitimacy of their rule. A war with Japan could easily upset that balance by inflaming nationalism that could blow back against China's leaders. Consider a hypothetical scenario in which a uniformed Chinese military member is killed during a firefight with Japanese soldiers. Regardless of the specific circumstances, the casualty would create a new martyr in China and, almost as quickly, catalyze popular protests against Japan. Demonstrators would call for blood, and if the government (fearing economic instability) did not extract enough, citizens would agitate against Beijing itself. Those in Zhongnanhai, the Chinese leadership compound in Beijing, would find themselves between a rock and a hard place. It is possible that Xi lost track of these basic facts during the fanfare of his rise to power and in the face of renewed Japanese assertiveness. It is also possible that the Chinese state is more rotten at the core than is understood. That is, party elites believe that a diversionary war is the only way to hold on to power -- damn the economic and social consequences. But Xi does not seem blind to the principles that have served Beijing so well over the last few decades. Indeed, although he recently warned unnamed others about infringing upon China's "national core interests" during a foreign policy speech to members of the Politburo, he also underscored China's commitment to "never pursue development at the cost of sacrificing other country's interests" and to never "benefit ourselves at others' expense or do harm to any neighbor." Of course, wars do happen -- and still could in the East China Sea. Should either side draw first blood through accident or an unexpected move, Sino-Japanese relations would be pushed into terrain that has not been charted since the middle of the last century. However, understanding that war would be a no-win situation, China has avoided rushing over the brink. This relative restraint seems to have surprised everyone. But it shouldn't. Beijing will continue to disagree with Tokyo over the sovereign status of the islands, and will not budge in its negotiating position over disputed territory. However, it cannot take the risk of going to war over a few rocks in the sea. On the contrary, in the coming months it will quietly seek a way to shelve the dispute in return for securing regional stability, facilitating economic development, and keeping a lid on the Pandora's box of rising nationalist sentiment. The ensuing peace, while unlikely to be deep, or especially conducive to improving Sino-Japanese relations, will be enduring.

## 1NR

**Boumediene upheld the deference doctrine—by failing to specify a remedy, the courts have cemented executive power**

**Scheppele 12** (Kim, Professor of Sociology and Public Affairs in the Woodrow Wilson School, Director of the Program in Law and Public Affairs, Princeton University, January 2012, "The New Judicial Deference" Boston University Law Review, Lexis)

The majority in Boumediene had indeed found that the political branches had designed a system that violated the Constitution. **The majority in Boumediene hardly looked deferential**, at least when one examines the reasoning. **But the signature element of the new judicial deference is that the Court does not defer in principle; it defers in practice.** The petitioners won the right to have a regular court hear their habeas petitions. But what should such a court say about the Guantanamo detentions after this case? The majority frankly admitted that "our opinion does not address the content of the law that governs petitioners' detention. That is a matter yet to be determined." n294 So, **while the Court appeared to take seriously the years of delay in granting the petitioners any independent review of the bases for their detention, the Court would still not explain when and by what evidentiary standard detention would be permissible. That required more litigation. And that process would require more time, which would in turn allow the executive to detain the petitioners longer.**

### Key to Econ

**Patent reform is key to sustain economic growth**

Dan **Gannon**, IT professional, “Patent Trolls Block the Bridge to Innovation,” STAR TRIBUNE, **3—4**—14, http://www.startribune.com/opinion/commentaries/248461361.html

**In his State of the Union** address, President **Obama called on Congress to pass patent-reform legislation. His comments,** though brief**, underscore the vital importance patents play in today’s high-tech economy. Last year, the House passed its patent-reform bill. It’s now time for the Senate to continue the momentum. Patent trolls continue to impact our nation’s economy by attacking legitimate businesses. Frivolous lawsuits** such as those put forth by patent trolls **are a drag on our nation’s most innovative companies, particularly those that make up the nuts and bolts of the Internet.** Working for a Minnesota-based technology leasing company, I have seen firsthand the damage that patent trolls have inflicted on businesses that significantly communicate and transfer information via the Internet, and I recognize the economic impact for our state. Minnesota had 124,000 tech workers in 2012, employing 5.5 percent of the state’s private-sector workers. These positions had an average wage of $84,600 — 76 percent higher than the average private-sector wage in the state. And this issue extends beyond Minnesota. As a member of the Internet Infrastructure Coalition (i2Coalition), which supports these very companies, I regularly talk with others across the country who face the same issues. **The president and the Congress need to work together to ensure that all affected industries have a seat at the table so that this engine of economic growth can continue unimpeded. Washington must rise to the challenge to ensure that Internet innovation continues to fuel the economic recovery.** Each year, $8 trillion is exchanged through e-commerce, according to the McKinsey Global Institute. To ensure they get a piece of this e-business, trolls assert vague patent claims on some of the Internet’s most basic functions. For instance, one troll sued more than 220 retail stores, claiming they violated a patent covering technology that enables businesses to retrieve and display information from a database. Another troll sued more than 400 businesses on a patent it claims covers technology used to track a vehicle’s location and send shipment notification e-mails. Exploitative business practices like these have real consequences for productive companies and the economy as a whole. According to one estimate, **trolls have cost the U.S. economy half a trillion dollars in the last 20 years.** Today, **trolls account for a majority of all patent litigation in the**

**U**nited **S**tates, a clear illustration that this problem is only getting worse. And **a lot of the problem is borne by small or independent businesses** who feel compelled to succumb to specious licensing fees or settle out of court to avoid costly, protracted lawsuits against the better-funded troll and its attorneys. These businesses desperately need a way to push back on trolls that is separate from the courts and that doesn’t break the bank. Fortunately, **the House of Representatives has taken the first step toward comprehensive patent reform by passing the Innovation Act with large majorities from both parties.** The bill requires a patent holder to provide certain obvious and essential details (such as what the defendant is actually accused of doing) when it files a lawsuit. This provision is vital to reducing the number of meritless troll suits. The bill also includes a fee-shifting provision, which would allow companies to recover fees if they prevail against a frivolous troll suit. Additionally, the Innovation Act puts limits on discovery costs. By doing so, the bill seeks to prevent trolls from driving up discovery costs as a way to bully defendants into negotiations and settlements. The Innovation Act will help small businesses across the country, and **the Senate should follow the lead and adopt similar measures**. It also should address the basis of this issue: patent quality. The Senate should make it easier to challenge broad, low-quality patents that trolls favor. Adopting such a measure can help save businesses millions of dollars and cut down on frivolous litigation while improving patent quality. This week, members of the i2Coalition are traveling to Washington to talk with our elected officials about issues of importance to our industry, including patent reform. **The Senate needs to pass patent-reform legislation now so that companies from start-ups to large corporations are better able to direct their resources to the creation of new products and jobs rather than wasteful litigation. The innovators of the Internet and the billions of us who use it daily can’t afford anything less.**

### A2 “XO”

**Concede will pass – frames debate, unx controls**

**XOs not enough—need legislation**

Adi **Kamdar**, EFF (Electronic Frontier Foundation), “White House Makes Good on Patent Reform Promises, More Changes to Come,” **2—20**—14, https://www.eff.org/deeplinks/2014/02/white-house-makes-good-patent-reform-promises-more-changes-come

**We** also **applaud the three new executive actions:** Crowdsourcing prior art: Right now, it is very difficult to find prior art—previous inventions and published ideas that cover a claim—especially for vaguely worded software patents. The Patent Office is tasked to widen its use of third-party prior art tools, such as Ask Patents. More training: Building upon its current training revisions, the Patent Office will put more effort into training its examiners in technical capacities. Pro bono and pro se assistance: Not everyone can afford a lawyer, especially small businesses and inventors. The Patent Office is putting together resources to educate those who wish to represent themselves ("pro se"), and those who seek free ("pro bono") counsel. These announcements are important steps toward patent reform—and these changes are happening now. While we wait for legislation to pass and codify needed reform, it is encouraging to see the White House do what it can within the scope of its power to fix the patent system. **Ultimately, though, legislation is needed**. During the State of the Union address in January, President Obama said to Congress, "Let's pass a patent reform bill that allows our businesses to stay focused on innovation, not costly and needless litigation." **The Innovation Act is the best reform bill yet, and we're pushing for the Senate to not only take up the legislation, but to strengthen it with important patent quality provisions. We welcome the White House's and the Patent Office's commitment to combat patent trolls and fix the system. Now let's get a strong bill through Congress to set important reforms in stone.**

### Obama Pushing

**Obama is pushing—key to innovation and the economy**

Michael **Beckerman**, President, Internet Association, “Time for the Senate to Act on Patent Reform and Protect Jobs,” ROLL CALL, **3—3**—14, http://www.rollcall.com/news/time\_for\_the\_senate\_to\_act\_on\_patent\_reform\_and\_protect\_jobs\_commentary-231120-1.html

In announcing recent actions by the White House to combat patent trolls and strengthen America’s patent system, Gene Sperling, director of the National Economic Council and assistant to the president for economic policy, succinctly observed, **“It’s no small deal that the president of the United States chose to make a call for patent reform legislation in his State of the Union address.”** Mr. Sperling is exactly right — it’s not a small deal. And **not just because the White House has put the platform and power of the presidency behind this effort, but also because it is an increasingly serious problem that is harming America’s economic growth and must be addressed by Congress as soon as possible.** As Mr. Sperling noted in his remarks, **patent troll suits increased from 29 percent to 62 percent of all infringement suits in just a two-year period, and trolls threatened more than 1,000 companies last year alone.** Tr**olls increasingly target small and medium-sized business, often for doing completely normal business practices** — such as scanning and e-mailing documents and accepting job applications online — **simply because they were done on the Internet. Trolls send letters to businesses giving them a lose-lose choice: pay thousands of dollars or face the trolls in court**. Both options cost businesses hundreds of thousands, or even millions of dollars. That’s money that can’t be used to hire workers, or invest in new innovation. On behalf of the Internet industry, **we applaud the president for his leadership on this issue** and we are encouraged by these first steps — but there is no question that more can and should be done. **The seriousness of this problem, and the bipartisan support for addressing it, highlight why Congress must pass meaningful patent reform legislation this year**. The Innovation Act passed by the House of Representatives in December offers a good foundation on which to build, but members of the Senate Judiciary Committee now have a critical opportunity to strengthen and perfect the targeted reforms required to deter the abusive litigation practices of patent trolls and promote innovation and economic growth. Patent quality is also an area that needs to be addressed. Business method patents fuel a growing and disproportionate amount of patent troll litigation. New York Senator Charles E. Schumer, D-N.Y., correctly observed at the Judiciary Committee’s hearing in December that passing a patent reform bill without addressing low-quality software patents would be “treating the symptoms instead of the disease.” This is an issue that is affecting businesses and workers in every state across the country.

**Pushing**

Kate **Tummarello**, “White House Asks for Help on Patent Reform,” THE HILL, **2—19**—14, <http://thehill.com/blogs/hillicon-valley/198770-white-house-asks-for-help-on-patent-reform>

If companies make more information about their prior art available, Patent Office examiners can avoid granting the vague, unoriginal patents commonly used by “patent trolls,” according to Jon Potter, president of the Application Developers Alliance, who plans to attend Thursday’s meeting. As major players in the tech industry wonder “how do we get the examiners smarter. … It’s important for companies to be a part of the solution, not just identify the problem,” Potter said. **Patent stakeholders also expect the White House to use the meeting to focus attention on the patent reform legislation pending in Congress.** The House passed the Innovation Act — authored by House Judiciary Committee Chairman Bob Goodlatte (R-Va.) — last year, and the Senate is currently considering a bill from Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.). The Senate panel recently concluded a series of staff briefings on the more contentious provisions that members are attempting to attach to Leahy’s bill, including requiring the losing party to pay the winner’s legal fees in frivolous patent infringement cases and expanding a patent review program to software patents. **One patent reform advocate said he anticipates the White House’s afternoon event would focus on the areas of patent reform where there is agreement, including reforms that would make it more costly to bring frivolous patent lawsuits. “We hope that the administration will highlight the things where there is consensus,” the advocate said.**

### PC Key

**Will pass, pc key, Obama pushing**

Jessica **Meyers**, “Lawmakers: Patent Reform Will Advance,” POLITICO, **3—5**—14, <http://www.politico.com/story/2014/03/patent-reform-104278.html>

Two **lawmakers immersed in patent reform** efforts **suggested** Wednesday that **the president could see a bill on his desk in coming months. “It’s a pretty good bet you could see something on this, this year,” Sen.** Mike **Lee** (R-Utah), who is co-sponsoring the Senate’s main patent reform bill with Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.), **said at a POLITICO event.** The committee plans to mark up the bill by mid-April. Rep. Jared **Polis** (D-Colo.), **a champion of patent reform in the House, pointed to broad support in the lower chamber** but warned that Congress should “make sure it is a substantial bill that actually deals with patent trolls.” The issue has drawn the attention of numerous industries, from tech to retail, who say they face frivolous litigation from trolls. Benjamin Berman, the deputy general counsel at KAYAK.com, likened such firms to “today’s mafia “ and “extortion at its finest.” Congress needs to pass legislation “that addresses the need to make money off patents,” he said at the event. Other companies, along with some universities, argue reforms could go too far and weaken legitimate intellectual property rights. Anything too broad “will cripple the system and we will pay a heavy price,” said John Vaughn, executive vice president of the Association of American Universities. **The House passed a patent reform bill, known as the Innovation Act, in December. The Senate has held four briefings on Leahy’s bill, but reform advocates want to speed up the pace. The White House has pushed hard on the issue,** announcing a series of executive actions and **urging lawmakers to work through legislation this year. Polis applauded the administration’s focus and said it gave momentum to a wonky topic. “When it comes to a patent bill, people say, ‘OK, the president likes it so I’m going to give it a look,’” he said. “It opened the bill on the Democratic side.”**

### Iran Lx: A2 “Winners Win”—General

#### You can’t be serious---plan is an *assault* on Obama’s war powers, *not a win*---their authors assume a *long-term*, *calculated* win *pushed* by Obama---even if \_\_\_\_\_\_ is unpopular, there’s no way he’d control the spin or get credit

WSJ 8/11/13 (“Obama's Security Retreat”, <http://online.wsj.com/article/SB10001424127887324522504579005692840544038.html>,)

Not that Mr. Obama's pre-emptive FISC concession will appease the anti-antiterror left and right. They're already pocketing this offer and calling it inadequate. This is because their real goal is to build in so many caveats and burdens on surveillance that it will cease to be a useful antiterror tool.¶ It's hard to believe a President as politically attuned as Mr. Obama doesn't understand this. He certainly knows how to resist Congressional pressure when he wants to. Yet the passion and argument he brings to bear on domestic issues seems to vanish when he addresses national security.

### Iran IL: A2 “Winners Win”

#### Obama believes the link

Robert **Kuttner**, senior fellow, Demos, “Obama Has Amassed Enormous Political Capital, But He Doesn’t Know What to Do with It,” Alternet, 4—28—**09**, www.alternet.org/economy/138641/obama\_has\_amassed\_enormous\_political\_capital,\_but\_he\_doesn%27t\_know\_what\_to\_do\_with\_it/

We got a small taste of what a more radical break might feel like when Obama briefly signaled with the release of Bush's torture memos that he might be open to further investigation of the Bush's torture policy, but then backtracked and quickly asked the Democratic leadership to shut the idea down. Evidently, Obama's political self wrestled with his constitutional conscience, and won. Civil libertarians felt a huge letdown, but protest was surprisingly muted.Thus the most important obstacle for seizing the moment to achieve enduring change: Barack Obama's conception of what it means to promote national unity. Obama repeatedly declared during the campaign that he would govern as a consensus builder. He wasn't lying. However, there are two ways of achieving consensus. One is to split the difference with your political enemies and the forces obstructing reform. The other is to use presidential leadership to transform the political center and alter the political dynamics. In his first hundred days, Obama has done a little of both, but he defaults to the politics of accommodation.

#### Wins only build long-term capital

**Purdum 10**, Columnist for Vanity Fair, (Todd, “Obama Is Suffering Because of His Achievements, Not Despite Them,” 12-20 www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html)

With this weekend’s decisive Senate repeal of the military’s “Don’t Ask, Don’t Tell” policy for gay service members, can anyone seriously doubt Barack Obama’s patient willingness to play the long game? Or his remarkable success in doing so? In less than two years in office—often against the odds and the smart money’s predictions at any given moment—Obama has managed to achieve a landmark overhaul of the nation’s health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair.

So why isn’t his political standing higher?

Precisely because of the raft of legislative victories he’s achieved. Obama has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he has suffered not because he hasn’t “done” anything but because he’s done so much—way, way too much in the eyes of his most conservative critics. With each victory, Obama’s opponents grow more frustrated, filling the airwaves and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public.

But Obama is nowhere near so politically maladroit as his frustrated liberal supporters—or implacable right-wing opponents—like to claim. He proved as much, if nothing else, with his embrace of the one policy choice he surely loathed: his agreement to extend the Bush-era income tax cuts for wealthy people who don’t need and don’t deserve them. That broke one of the president’s signature campaign promises and enraged the Democratic base and many members of his own party in Congress. But it was a cool-eyed reflection of political reality: The midterm election results guaranteed that negotiations would only get tougher next month, and a delay in resolving the issue would have forced tax increases for virtually everyone on January 1—creating nothing but uncertainty for taxpayers and accountants alike. Obama saw no point in trying to score political debating points in an argument he knew he had no chance of winning.

Moreover, as The Washington Post’s conservative columnist Charles Krauthammer bitterly noted, Obama’s agreement to the tax deal amounted to a second economic stimulus measure—one that he could never otherwise have persuaded Congressional Republicans to support. Krauthammer denounced it as the “swindle of the year,” and suggested that only Democrats could possibly be self-defeating enough to reject it. In the end, of course, they did not.

Obama knows better than most people that politics is the art of the possible (it’s no accident that he became the first black president after less than a single term in the Senate), and an endless cycle of two steps forward, one step back. So he just keeps putting one foot in front of the other, confident that he can get where he wants to go, eventually. The short-term resultsare often messy and confusing. Just months ago, gay rights advocates were distraught because Obama wasn’t pressing harder to repeal “Don’t Ask, Don’t Tell.” Now he is apparently paying a price for his victory because some Republican Senators who’d promised to support ratification of the START arms-reduction treaty—identified by Obama as a signal priority for this lame-duck session of Congress—are balking because Obama pressed ahead with repealing DADT against their wishes. There is a price for everything in politics, and Obama knows that, too.

#### Winners win is wrong--leading scholar says so

Jackie **Calmes**, "In Debt Talks, Obama Is Ready to Go Beyond Beltway," NEW YORK TIMES, 11--12--**12**, LN.

That story line, stoked by Republicans but shared by some Democrats, holds that Mr. Obama is too passive and deferential to Congress, a legislative naïf who does little to nurture personal relationships with potential allies - in short, not a particularly strong leader. Even as voters re-elected Mr. Obama, those who said in surveys afterward that strong leadership was the most important quality for a president overwhelmingly chose Mr. Romney. George C. Edwards III, a leading scholar of the presidency at Texas A & M University who is currently teaching at Oxford University, dismissed such criticisms as shallow and generally wrong. Yet Mr. Edwards, whose book on Mr. Obama's presidency is titled "Overreach," said, "He didn't understand the limits of what he could do." "They thought they could continuously create opportunities and they would succeed, and then there would be more success and more success, and we'd build this advancing-tide theory of legislation," Mr. Edwards said. "And that was very naïve, very silly. We

ll, they've learned a lot, I think." "Effective leaders," he added, "exploit opportunities rather than create them." The budget showdown is an opportunity. But like many, it holds risks as well as potential rewards. "This election is the second chance to be what he promised in 2008, and that is to break the gridlock in Washington," said Kenneth M. Duberstein, a Reagan White House chief of staff, who voted for Mr. Obama in 2008 and later expressed disappointment. "But it seems like this is a replay of 2009 and 2010, when he had huge majorities in the House and Senate, rather than recognizing that 'we've got to figure out ways to work together and it's not just what I want.' " For now, at least, Republican lawmakers say they may be open to raising the tax bill for some earners. "We can increase revenue without increasing the tax rates on anybody in this country," said Representative Tom Price, Republican of Georgia and a leader of House conservatives, on "Fox News Sunday." "We can lower the rates, broaden the base, close the loopholes." The challenge for Mr. Obama is to use his postelection leverage to persuade Republicans - or to help Speaker John A. Boehner persuade Republicans - that a tax compromise is in their party's political interest since most Americans favor compromise and higher taxes on the wealthy to reduce annual deficits. Some of the business leaders the president will meet with on Wednesday are members of the new Fix the Debt coalition, which has raised about $40 million to urge lawmakers and their constituents to support a plan that combines spending cuts with new revenue. That session will follow Mr. Obama's meeting with labor leaders on Tuesday. His first trip outside Washington to engage the public will come after Thanksgiving, since Mr. Obama is scheduled to leave next weekend on a diplomatic trip to Asia. Travel plans are still sketchy, partly because his December calendar is full of the traditional holiday parties. Democrats said the White House's strategy of focusing both inside and outside of Washington was smart. "You want to avoid getting sucked into the Beltway inside-baseball games," said Joel Johnson, a former adviser in the Clinton White House and the Senate. "You can still work toward solutions, but make sure you get out of Washington while you are doing that." The president must use his leverage soon, some Democrats added, because it could quickly wane as Republicans look to the 2014 midterm elections, when the opposition typically takes seats from the president's party in Congress.

### Iran Lx: A2 “Winners Win—Hirsch”

#### Hirsch concedes PC matters

Hirsh, 2/7 --- Chief correspondent (2/7/2013, Michael, “There’s No Such Thing as Political Capital; The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong,” <http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207)>)

The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.”

### PC High: F/L

#### Issue-specific

c/a drum

has enough for this

#### Obama is conserving PC

Feaver 1/17 (Peter, Foreign Policy, 1/17/14, “Obama Finally Joins the Debate He Called For”, http://shadow.foreignpolicy.com/posts/2014/01/17/obama\_finally\_joins\_the\_debate\_he\_called\_for, zzx)

Getting this right will require inspired and active political leadership. To date, Obama has preferred to stay far removed from the debate swirling around the Snowden leaks. This president relishes opportunities to spend political capital on behalf of policies that disturb Republicans, but, as former Defense Secretary Robert Gates's memoir details, Obama has been very reluctant to expend political capital on behalf of national security policies that disturb his base. Today Obama is finally engaging. It will be interesting to see how he threads the political needle and, just as importantly, how much political capital he is willing to spend in the months ahead to defend his policies.

### TK Restrix Hurt Obama: Drone Court—1NC

**Drone court drains capital-requires congress**

**The Huffington Post** **13**

HEADLINE: Act Two of US Drone Policy Reform Jun 04, 2013 (The Huffington Post:http://www.huffingtonpost.com/ Delivered by Newstex)

The Obama administration recently lifted its veil of secrecy about its drone usage by providing a substantial amount of information for the first time to a public audience about the program. In a major national security speech on May 23, President **Obama outlined new counterterrorism policies with the hope of "redefining**[1] **what has been a global war into a more targeted assault on terrorist groups threatening the United States.**" **Obama presented a number of steps that his administration has already taken to realize this vision**, including setting up guidelines for drone strike usage, briefing appropriate Congressional committees about every drone strike, lifting the moratorium on the transfer of Guantanamo detainees to Yemen, and appointing a new envoy to help facilitate the transfer of detainees to third countries. ¶ **While Obama was able to take those actions using his executive powers, the reality is that he needs Congressional support in order to achieve his broader national security goals**. **Many of the more substantial initiatives that Obama presented** in his speech, including additional funding for embassy security and international development, **a repeal of the Authorization for Use of Military Force** and **the "establishment**[2] **of a special court to evaluate and authorize lethal action**," **require Congressional legislation to be implemented**. **Congressional support for Obama's new national security policies will be difficult to achieve given the current dysfunctional partisanship in Washington.** **Many Republicans with hawkish national security beliefs expressed their discontent with Obama's desire to scale back the war on terror**. Senator Saxby C**hambliss, the senior Republican on the Senate Intelligence Committee, claimed that Obama's speech will be "viewed by terrorists as a victory**[3]." In a similar light, Senator John McCain noted that "To somehow argue that al Qaeda[4] is quote 'on the run,' comes from a degree of unreality that to me is really incredible. Al Qaeda is expanding all over the Middle East from Mali to Yemen and all the places in between." The Obama administration recognizes that its current counterterrorism policies, particularly regarding drone strikes, are not sustainable in the long run. Extensive use of drone strikes, which have already killed between 3,000 and 4,000 people[5] according to NGO reporting, have damaged[6] U.S. relations with other countries and caused growing domestic concern about human rights violations and abuse of presidential war power. **For the administration to realize its goal of making U.S. drone usage more effective and sustainable, it needs to garner Republican support for reforms to national security policies**. Potential Republican support could come from Tea Party activists who seek to limit Presidential power. Only a couple of weeks ago, Tea Party favorite Senator Rand Paul[7] launched a 13-hour filibuster denouncing the administration's drone usage and promoting restrictions on presidential war power. In an Alice in Wonderland-like situation, a human rights-Tea Party coalition could emerge to support Obama's push for reforms to U.S. counterterrorism policies. Now that would be fun to watch.

### **Drum**

**Issues only cost capital once they reach the finish line**

**Drum,** 3/10/**2010** (Kevin – political blogger for Mother Jones, Immigration coming off the back burner?, Mother Jones, p. http://motherjones.com/kevin-drum/2010/03/immigration-coming-back-burner)

Not to pick on Ezra or anything, but **this attitude betrays a surprisingly common misconception about political issues** in general. The fact is that **political dogs never bark until an issue becomes an active one**. **Opposition to Social Security privatization was pretty mild until 2005, when** George **Bush turned it into an active issue**. Opposition to healthcare reform was mild until 2009, when Barack Obama turned it into an active issue. Etc. I only bring this up because **we often take a look at polls and think they tell us what the public thinks about something**. But for the most part, they don't.**1 That is, they don't until the issue in question is squarely on the table and both sides have spent a couple of months filling the airwaves with their best agitprop**. Polling data about gays in the military, for example, hasn't changed a lot over the past year or two, but once Congress takes up the issue in earnest and the Focus on the Family newsletters go out, the push polling starts, Rush Limbaugh picks it up, and Fox News creates an incendiary graphic to go with its saturation coverage — well, that's when the polling will tell you something. And it will probably tell you something different from what it tells you now. **Immigration was bubbling along as sort of a background issue during the Bush administration too until 2007, when he tried to move an actual bill. Then all hell broke loose**. The same thing will happen this time, and without even a John McCain to act as a conservative point man for a moderate solution. The political environment is worse now than it was in 2007, and I'll be very surprised if it's possible to make any serious progress on immigration reform. "Love 'em or hate 'em," says Ezra, illegal immigrants "aren't at the forefront of people's minds." Maybe not. But they will be soon.