# Harvard Round 2 – Neg v Mary Washington MP (Drone Court)

### 1NC

#### Restrictions are prohibitions

Northglenn 11 (City of Northglenn Zoning Ordinance, “Rules of Construction – Definitions”, http://www.northglenn.org/municode/ch11/content\_11-5.html)

Section 11-5-3. Restrictions. As used in this Chapter 11 of the Municipal Code, the **term "restriction**" shall mean a prohibitive regulation. Any use, activity, operation, building, structure or thing which is the subject of a restriction is prohibited, and no such use, activity, operation, building, structure or thing shall be **authorized by any permit or license**.

#### Violation – the aff creates a requirement, but doesn’t prohibit any activity

#### Vote neg – Limits – there are an infinite number of conditions Congress could set on TK, makes research impossible.

#### Ground – they don’t have to defend decrease in drone scope – avoids the heart of the topic

### 1NC

**Text: The President of the United States should establish a national security court as per our Katyal evidence.**

**CP is preferable to drone court – avoids *terrorism* and *collapse of deference* while preserving oversight and accountability**

**Katyal 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**.

#### The impact is military effectiveness

Hudson 99 Walter Hudson, Major, US Army, Military Law Review, March 1999 (159 Mil. L. Rev. 1)

**By granting the elected branches** plenary and command **power over the military, the Constitution links military control to the democratic will** and the democratic process. Because the people will feel the burden of war, the elected branches can best respond to that will. n223 Furthermore, **in granting power to the elected branches to control the military, the Constitution acknowledges that the elected branches grant a degree of** legitimacy to military **policy that courts cannot**. These **elected branches can best** reflect and **respond to the societal consensus, a particularly relevant and important concern when dealing with** national security. n224 Of the three branches, **the judiciary has the** least competence **to evaluate the military's formation, training, or command**. It has, as one court stated, "no Armed Services Committee, Foreign Relations Committee, Department of Defense, or Department of State" **nor does it have the same access to intelligence and testimony on** military readiness **as does Congress** or the President. n225 The Supreme Court has thus repeatedly cited its own lack of competence to evaluate military affairs. n226

#### Global war

Jack Spencer, 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**.**

### 1NC

#### The Secretary of Defense should recommend requiring ex ante judicial review for targeted killing by drones in the 2014 Quadrennial Defense Review.

#### Intelligence expertise channels strategic revelation, clarifying targeted killing norms – procedural baby steps shield the link to politics unless debate over draconian measures overshadow QDR’s “independent opinion”

Eli Lake, April 6, 2010. “The 9/14 Presidency,” http://reason.com/archives/2010/04/06/the-914-presidency

Yet while the Obama White House has not said so explicitly, its policy to date has been to protect any secret that could theoretically implicate allied intelligence services, thereby keeping dark one of the murkiest corners of counterterrorism. The Justice Department, for example, has urged the U.S. Court of Appeals for the 9th Circuit to throw out a civil suit brought on behalf of Binyam Mohammed, an Ethiopian national. Mohammed was first arrested in Pakistan, and likely tortured there, then sent to Morocco, Afghanistan, and finally the prison at Guantanamo Bay. Last February, he was released from Guantanamo with no charges filed against him. To keep details of the case from coming out, the Obama administration went so far as to threaten the British Foreign Office, saying the U.S. might withhold future intelligence cooperation if a British court released to the public a U.S. document confirming some of Mohammed’s poor treatment. In February the court ignored the pleadings of both Washington and London, releasing the seven-paragraph summary at the center of the controversy. As for overseeing the intelligence community’s surveillance of Americans, the Obama administration has failed to appoint members to the Privacy and Civil Liberties Oversight Board, a panel formed in 2004 and modified in 2007 to prevent the government from spying on U.S. citizens. As former New Jersey Republican Gov. Thomas H. Kean, co-chairman of the 9/11 Commission, said in January, “We have now a massive capacity in this country to develop data on individuals, and the board should be the champion of seeing that collection capabilities do not intrude into privacy and civil liberties.” The White House has also opposed a section of the 2011 intelligence authorization bill that would give the General Accounting Office greater authority to audit the intelligence community. The Forever War In an April 2009 speech at the National Archives announcing his policy on detainees and transparency, the president talked about the open-ended ambiguities of the current national security conflict. “Unlike the Civil War or World War II, we cannot count on a surrender ceremony to bring this journey to an end,” he said. “Right now, in distant training camps and in crowded cities, there are people plotting to take American lives. That will be the case a year from now, five years from now, and—in all probability—10 years from now.” The man who wrote most of that speech, Deputy National Security Adviser for Strategic Communications Ben Rhodes, says Obama has deliberately narrowed the focus of the war on terror to Al Qaeda. He adds that the president is trying to leave a more sustainable legal framework for the war to his successor, pointing to the administration’s bipartisan work to make military commissions comply with the Supreme Court’s 2006 ruling rejecting Bush’s approach. “We would never claim we are doing everything different,” Rhodes says. “There were good steps taken in the previous administration that we are building upon, but there are also other areas [where] we are providing a different focus.” He also says, however, there are no current plans for revising or supplementing the open-ended September 14 authorization of force. Changing terminology and acknowledging the problems with open-ended powers are not the same as resolving the ambiguities and hard questions inherent in fighting against disparate groups intent on waging asymmetric warfare against civilians all over the globe. Doug Feith, undersecretary of defense for policy in the first Bush term, argues that both the “war” and “law enforcement” approaches to fighting terrorist organizations were imperfect concepts. Law enforcement is inadequate, he says, because it focuses on building evidence to try people for crimes that have already been committed, as opposed to preventing a deadly attack in the first place. But the war concept is problematic too. “The nature of the enemy is that it is spread out all over the world,” Feith says. “It is an ideological movement rooted in religion, and it is a network and decentralized. For all of those reasons the construct or concept of war did not fit perfectly either. The principle strategic challenge in this war is how do you fight an enemy located in numerous countries with whom you are not at war.” It would be easy to embrace the idea that all of Obama’s and Bush’s extraordinary powers are premised on a wildly exaggerated threat. Many more Americans died on our highways in 2001 than from terrorism, but the threat of driving has not mobilized the federal government to create a massive secret bureaucracy to protect us from car accidents. But small networks of non-uniformed terrorists are indeed actively plotting to inflict maximum civilian deaths in the U.S. and elsewhere, with weapons as potent as they can get their hands on. Only a day before reasserting the president’s power to kill American citizens, Dennis Blair had told the Senate Intelligence Committee he was certain Al Qaeda would attempt an attack on the continental United States by July. After Christmas bomber Abdulmutallab began cooperating with the FBI at the end of January, he told the bureau there were other English-speaking terrorists being trained at camps he had visited in Yemen. The Senate Foreign Relations Committee released a report in January detailing how American ex-felons who converted to Islam in prison had traveled to Yemen for possible terrorist training. Even if there were no jihadist threat, the march of technology has reached a point where small networks of individuals can launch the same kind of mass-casualty attacks that a generation ago were the province only of nation-states. If one of those terrorists blows up a plane or poisons a reservoir, even if the operation isn’t as deadly as 9/11, there will almost certainly be a public demand for more draconian measures to keep us safe. Before that happens, there are some steps that can be taken to make sure the extraordinary powers granted on September 14, 2001 do not become permanent. Some legal scholars have suggested that the extraordinary powers be sunsetted and re-debated by Congress every few years, as elements of the Patriot Act on occasion expire. The fundamental anti-terrorism powers granted British authorities for most of the 20th century known at first as the Prevention of Violence Act and then later as the Prevention of Terrorism Act, expired every few years requiring new authorizations—even as the U.K. fought a counter-insurgency campaign at home against the IRA. This kind of approach is in keeping with recommendations of Yale law professor Bruce Ackerman. Soon after 9/11 he argued that there is an important distinction between war powers, which he says are inappropriate in the context of counterterrorism, and a state of emergency, which would require limited abridgements of civil liberties that are time limited. The British laws first developed to combat the IRA and today used against radical Muslim groups are still described in the law as “temporary powers.” Second, Republicans and Democrats have pressed the administration to strengthen the oversight of the intelligence community by appointing the Privacy and Civil Liberties Oversight Board, an idea that has been championed by both chairmen of the bipartisan 9/11 commission. Such independent watchdogs are an important part of curbing abuses and provide a place, besides Congress, where whistleblowers can register concerns.

#### Secretary of Defense action sends a global signal via QDR – shores up credibility

Andrew Heidel ¶ School of Public Policy ¶ University of Maryland, College Park ¶ May 2005. “U.S. Nuclear Force Levels: ¶ Using QDR Goals to Maximize U.S. Security,” http://web.archive.org/web/20060911152248/http:/www.publicpolicy.umd.edu/Fetter/students/Heidel.pdf

The Secretary of Defense is the principal defense policy advisor to the President. He is ¶ also responsible for the formulation of general defense policy and policy related to all matters of ¶ direct and primary concern to the Department of Defense. The Secretary’s 2001 Quadrennial ¶ Defense Review is the document designed to establish a new strategy for America’s defense ¶ outlining four strategic goals “that will guide the development of U.S. forces and capabilities, ¶ their deployment and use.”9¶ These goals include: assuring allies and friends of the United ¶ States, dissuading military competitors, deterring aggression and coercion, and decisively ¶ defeating any adversary if deterrence fails. As the Defense Secretary’s overriding policy guidance for all Department of Defense assets, the development, capabilities, deployment, and ¶ use of the U.S. nuclear weapon force is also subject to it. ¶ According to the QDR, the purpose of assuring allies and friends of the United States is to demonstrate resolve and steadfastness of purpose to maintain credibility in the eyes of the world. Within the scope of nuclear weapons policy, this assurance is given to U.S. friends and ¶ allies in the form of assuring them that the United States and its friends and allies will not be ¶ subject to coercion, even in the presence of weapons of mass destruction (WMD). This ¶ assurance is a direct result of the U.S. maintenance of a capable nuclear deterrent force.

#### No perms – sever “substantial”

**Words and Phrases 1925**

Judicial and statutory definitions of words and phrases, Volume 7, p. 6738

The words “outward, open, actual, visible, substantial, and exclusive,” in connection with a change of possession, mean substantially the same thing. They mean not concealed; not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; **certain**; absolute; **real at present time**, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 Ill. App. 308, 318.

### 1NC

#### Obama’s new strategy will secure GOP House support for immigration reform

Bennett 10-24-13 (Brian, and Christi Parsons, “Obama softens tone on immigration reform,” <http://www.latimes.com/nation/la-na-immigration-obama-20131025,0,6755968.story#axzz2ikONvPvJ>, CMR)

After months of insisting the House should take up the comprehensive immigration bill that passed the Senate in June, President **Obama changed tactics** Thursday **and said he might consider GOP proposals to overhaul separate parts of the immigration system**. The White House is hoping that public anger at the 16-day government shutdown has so badly damaged the GOP that House Republican leaders will consider immigration reform as a way to improve their popularity with moderate voters. Obama's aides also are intent on showing the president is willing to compromise, partly to counter GOP charges that he was inflexible during the bitter shutdown standoff. In remarks at the White House, Obama hinted that he was no longer tied to the Senate bill, the elaborate product of months of intense bipartisan negotiations, to achieve what he has called a major priority for his second term. Obama instead signaled that he might consider a package of smaller bills, if necessary, as long as they provide a path to citizenship for the estimated 11 million people in the country without legal status. "If House Republicans have new and different additional ideas on how we should move forward, then we want to hear them. I'll be listening," Obama told several dozen pro-reform activists from labor, business and religious groups. White House spokesman Jay Carney echoed the shift, telling reporters there are "a variety of ways that you can reach the ultimate goal" of a bill that Obama could sign into law. "The House's approach will be up to the House," Carney said. "There is a comprehensive bill the House Democrats have put together that is similar to the Senate bill and reflects the president's principles. But the means by which we arrive at our destination is in some ways of course up to the lawmakers who control the houses of Congress." The White House effort to resuscitate a bill that seemed all but dead in the House before the shutdown still faces steep and perhaps insurmountable odds. But the jockeying Thursday raised at least some hope that compromise remains possible. "I hope President Obama meant what he said today about listening to new and different ideas presented by House Republicans," House Judiciary Committee Chairman Robert W. Goodlatte (R-Va.) said in a statement. "The president should work with Congress, including House Republicans, to achieve immigration reform, and not against us." In recent weeks, GOP leaders have worked behind the scenes to craft legislative proposals that might pass muster with rank-and-file Republicans and — if joined with a legalization program — could appeal to the White House. Majority Leader Eric Cantor and other House Republicans have met in small groups to write bills that would change parts of the immigration system. GOP proposals include adding high-tech visas, revamping farm and low-skilled immigrant labor programs, and ramping up border security. "I expect us to move forward this year in trying to address reform and what is broken about our system," Cantor said on the House floor Wednesday.

#### Plan drains PC

Vladeck 13 (Steve--- professor of law and the associate dean for scholarship at American University Washington College of Law, “Drones, Domestic Detention, and the Costs of Libertarian Hijacking”, 3/14, http://www.lawfareblog.com/2013/03/drones-domestic-detention-and-the-costs-of-libertarian-hijacking/)

The same thing appears to be happening with targeted killings. Whether or not Attorney General Holder’s second letter to Senator Paul actually answered the relevant question, it certainly appeared to mollify the junior Senator from Kentucky, who declared victory and withdrew his opposition to the Brennan nomination immediately upon receiving it. Thus, as with the Feinstein Amendment 15 months ago, the second Holder letter appears to have taken wind out of most of the libertarian critics’ sails, many of whom (including the Twitterverse) have now returned to their regularly scheduled programming. It seems to me that both of these episodes represent examples of what might be called “libertarian hijacking”–wherein libertarians form a short-term coalition with progressive Democrats on national security issues, only to pack up and basically go home once they have extracted concessions that don’t actually resolve the real issues. Even worse, in both cases, such efforts appeared to consume most (if not all) of the available oxygen and political capital, obfuscating, if not downright suppressing, the far more problematic elements of the relevant national security policy. Thus, even where progressives sought to continue the debate and/or pursue further legislation on the relevant questions (for an example from the detention context, consider Senator Feinstein’s Due Process Guarantee Act), the putative satisfaction of the libertarian objections necessarily arrested any remaining political inertia (as Wells cogently explained in this post on Senator Paul and the DPGA from November).

#### Political capital is key

Matthews, 10/16 (Laura, 10/16/2013, “2013 Immigration Reform Bill: 'I'm Going To Push To Call A Vote,' Says Obama,” [http://www.ibtimes.com/2013-immigration-reform-bill-im-going-push-call-vote-says-obama-1429220, CMR)](http://www.ibtimes.com/2013-immigration-reform-bill-im-going-push-call-vote-says-obama-1429220,%20CMR))

When Congress finally passes a bipartisan bill that kicks the fiscal battles over to early next year, the spotlight could return to comprehensive immigration reform before 2013 ends. At least that’s the hope of President Barack Obama and his fellow Chicagoan Rep. Luis Gutierrez, D-Ill., chairman of the Immigration Task Force of the Congressional Hispanic Caucus and one of the most vocal advocates for immigration reform in the House of Representatives. “When we emerge from this crazy partisan eruption from the Republicans, there will be a huge incentive for sensible Republicans who want to repair some of the damage they have done to themselves,” Gutierrez said in a statement. “Immigration reform remains the one issue popular with both Democratic and Republican voters on which the two parties can work together to deliver real, substantive solutions in the Congress this year.” Reforming the status quo has consistently been favored by a majority of Americans. Earlier this year, at least two-thirds of Americans supported several major steps to make the system work better, according to a Gallup poll. Those steps include implementing an E-verify system for employers to check electronically the immigration status of would-be employees (85 percent), a path to citizenship for undocumented immigrants, (72 percent), an entry-exit check system to make sure people who enter the country then leave it (71 percent), more high-skilled visas (71 percent) and increased border security (68 percent). The Senate passed its version of a 2013 immigration reform bill in June that includes, but is not limited to, a pathway to citizenship for immigrants without documentation and doubling security on the southern border. But that measure has stalled in the House, where Republicans are adamant they will take a piecemeal approach. The momentum that lawmakers showed for reform has been sapped by the stalemate that that has shut down the government for 16 days and brought the U.S. to the brink of default. The Senate has agreed on Wednesday to a bipartisan solution to break the gridlock. When the shutdown and default threat is resolved (for a time), that’s when Obama will renew his push to get Congress to move on immigration reform. On Tuesday the president said reform will become his top priority.“Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform,” Obama told Univision affiliate KMEX-TV in Los Angeles. “And if I have to join with other advocates and continue to speak out on that, and keep pushing, I’m going to do so because I think it’s really important for the country. And now is the time to do it.” The president pointed the finger at House Speaker John Boehner, R-Ohio, for not allowing the bill to be brought to the floor for a vote. Boehner had promised that the Senate’s bill would not be voted on unless a majority of the majority in the House supports it -- the same principle he was holding out for on the government shutdown before he gave in. “We had a very strong Democratic and Republican vote in the Senate,” Obama said. “The only thing right now that’s holding it back is, again, Speaker Boehner not willing to call the bill on the floor of the House of Representatives. So we’re going to have to get through this crisis that was unnecessary, that was created because of the obsession of a small faction of the Republican Party on the Affordable Care Act.” Republicans are opposing the Democratic view of immigration reform because of its inclusion of a 13-year path to citizenship for undocumented immigrants. They said this amounted to “amnesty.” Some Republicans prefer to give them legal resident status instead. Immigration advocates have also been urging Obama to use his executive authority to halt the more than 1,000 deportations taking place daily. Like the activists, Gutierrez said the government shutdown didn’t do anything to slow the number of daily deportations. Some Republicans who welcomed Sen. Ted Cruz’s filibuster over Obamacare because it shifted the focus from immigration. “If Ted [didn’t] spin the filibuster, if we don’t make this the focus, we had already heard what was coming,” Rep. Louie Gohmert, R-Texas, told Fox News on Tuesday. “As soon as we got beyond this summer, we were going to have an amnesty bill come to the floor. That’s what we would have been talking about. And that’s where the pivot would have been if we had not focused America on Obamacare.” Still, pro-immigration advocates are hopeful they can attain their goal soon. “With more prodding from the president and the American people,” Gutierrez said, “we can get immigration reform legislation passed in the House and signed into law.”

#### Immigration reform key to biotech innovation

Scullion ’13 (Christine, “Manufacturers Take the Lead In STEM Education”, January 8, <http://www.shopfloor.org/2013/01/manufacturers-take-the-lead-in-stem-education/27254>, CMR)

The U.S. the leading producer of cutting-edge products such as those on display at the Consumer Electronics Show. Whether it’s in IT, biotech, aerospace, medical devices or heavy machinery, US companies will be the ones to constantly and consistently create new and better things. This future promises to be bright, but only if we have the workforce capable of pushing that leading-edge. And right now, that doesn’t look like a very good bet. The lack of a skilled workforce is a constant threat to manufacturing growth. In fact in a recent survey 82% of manufacturers reported a moderate-to-serious shortage in skilled production labor. Worker shortages abound not only among machinists and welders but also in occupations requiring expertise in the fields of science, technology, engineering and math (STEM), where the unemployment rate today lies well below 4%.¶ The US needs to refocus our workforce training resources and reform our immigration system to continue to grow and innovate. Immigration reform is a serious issue for Manufacturers not only in the High-tech arena but across manufacturing sectors. Without a skilled workforce – from the PhDs to production labor, the nation’s economy will suffer and jobs will be moved overseas. Access to the right individual with the right skills at the right time will ensure that the US remains a global innovation leader.

#### US biotech leadership key to global climate adaptation

* Also solves soil erosion and environment collapse

Leath et al. 10-10-13 (STEVEN LEATH is president of Iowa State University; PHYLLIS WISE is chancellor of the University of Illinois at Urbana-Champaign; and DAVID CHICOINE is president of South Dakota State University, “Another View: The truth about GMOs”, <http://www.desmoinesregister.com/article/20131009/OPINION01/310090021/>, CMR)

In our letter we said, “Feeding a world population of nine billion people by 2050 in the face of increasingly severe weather and environmental conditions simply cannot be done without the full benefit of modern science and biotechnology. Today’s **ag**ricultural **biotech**nology is **help**ing **us to attain higher yields while using less water and fewer inputs**, thus **promoting sustainability** by placing fewer burdens on the environment. **These tech**nologies **are** critical tools **in meeting** **the challenges of global food security and climate volatility**.” While this opinion is widely shared within the scientific community, some consumers are put off by the term “genetically modified” (GM). As was noted by the Scientific American editorial board in September of this year, “We have been tinkering with our food’s DNA since the dawn of agriculture.” Farmers have been modifying plants and animals for thousands of years to improve yields and the quality of our food. Last year, **the U**nited **N**ations’ **High-Level Panel on Global Sustainability said, “New green biotech**nologies **can play a valuable role in enabling farmers to adapt to climate change, improve resistance to pests, restore soil fertility and contribute to** the **diversification of the rural economy**.” England’s London Times declared in the headline of its editorial on June 21 that “Europe’s refusal to embrace GM crops is hypocritical, anti-scientific and potentially disastrous for the developing world.” The United States has been the global leader in agricultural research. That is why **we** are **set**ting **records on food and ag**riculture **exports**. We must not give up our leadership position in agriculture and cede it to other nations that are embracing biotechnology with enthusiasm. **Because of modern approaches** to genetic research, **plant breeding is now more precise and predictable**. **After** 20 years of **widespread use of GM crops in the U**nited **S**tates, **no** related **food safety risks have emerged and foods can be fortified in ways that can’t be done through traditional breeding**. Rice is being enriched with vitamins; beans are being fortified with iron. Grain **crops are being modified for drought, heat and saline tolerance to** enable them to better **withstand** the challenges of increasingly **severe weather and** other **adverse conditions**. In addition, **GM is enabling farmers to produce more using less land, fertilizers, chemicals, fuel and water. The positive impact on the environment can be immeasurable**. In short, the **genetic modification** of seeds does not degrade the environment; it **helps** to sustain the environment.

#### Extinction

Antholis 10 (William J, Managing Director @ Brookings, Strobe Talbott, President @ Brookings, “Leaving a Good Legacy”, <http://www.brookings.edu/opinions/2010/0607_global_warming_talbott_antholis.aspx>, CMR)

Beyond **the** political **stakes**, there **are** existential ones. Today's citizens and leaders are not only the first generation to realize that **we are living in the era of global warming**. **We could** also **be** the last **that has a chance of slowing and eventually reversing the process**. This understanding of our predicament has deep roots. Throughout history, people have known that their lives and deeds were chapters in a saga connecting them to those who had come before and to those who would come after. The conservative man of letters Edmund Burke saw society and civilization as a "partnership" of generations "between those who are living, those who are dead and those who are to be born." Burke feared citizens might become "unmindful of what they have received from their ancestors or of what is due to their posterity" and therefore run the risk of "[leaving] to those who come after them a ruin instead of an habitation." Thomas Jefferson, Burke's contemporary, made much the same point when he argued that because "the earth belongs in usufruct [trust] to the living ... no generation can contract debts greater than may be paid during the course of its own existence." In the 20th century, Hannah Arendt, in The Human Condition, envisioned the "public realm" of a "common world" that would "contain a public space [that] cannot be erected for one generation and planned for the living only; it must transcend the life span of mortal men." Such sentiments accord with how we conduct ourselves in our private lives. We instinctively think the shift from one generation to the next involves an accumulation of positive legacies. It has long been a working assumption that children would be at least somewhat better off than their parents: when something good happens to you, you should pay it forward rather than pay it back. Our concept of intergenerational equity holds that assets do not belong exclusively to those who have accrued them; rather, those resources should, to the extent possible, be administered and preserved for those who will inherit them and will, partly as a consequence of their inheritance, live somewhat better lives than those who came before. We come into this world in debt to our ancestors, and we leave it an incrementally better place, believing our descendants will come up with means of fending off or coping with whatever their age throws at them. Down through the years, that has been the narrative of the human family. But global warming alters it in a basic way. **We cannot leave those who come after us to their own devices. If we do not get the process of** mitigating climate change **started right now, our descendants,** however skilled, **will not be able to cope with the consequences**. If we do nothing**, we will likely bequeath to them a** less habitable — perhaps even uninhabitable — planet**,** the most negative legacy imaginable. That is why there is no time to lose.

### Accountability

**Obama can circumvent – covert loopholes inevitable**

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

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

#### Plan merely enhances drone legitimacy, causing further usage – turns case – no solvency because judges will sign off on all cases

Vladeck 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**.

**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**.

#### Drone tensions won’t escalate

Foust 10-21-13

Joshua, Freelance journalist covering CT, FP, IC, IT, FSU, and ME, “Drones: Scary, but Good for Peace,” <https://medium.com/war-is-boring/4b34e1826a76>, CMR

So should Japan start swatting Chinese drones out of the sky, it will matter — tensions will almost certainly get worse. But it also won’t involve the lives of pilots being put at risk, which lowers the chance of another Hainan Island incident (when a U.S. EP-3 spy plane collided with a Chinese F-8 interceptor). And maybe, that’s something to look forward to: conflict with the stakes lowered so much they don’t compel both sides to outright war.

**No SCS war**

Chaibi 3/4/13 – 3rd year visiting student from Princeton University in the Department of Engineering Science (Abraham, “The outlook for continuing stability in the South China Sea”, <http://politicsinspires.org/the-outlook-for-continuing-stability-in-the-south-china-sea/>, CMR)

**What** then **is the evidence suggesting a continued reluctance to engage in full-scale military confrontation**? Although in the past conflict has often arisen between economically interdependent nations (viz. the previous peak of global trade in 1914), **the China-ASEAN relationship is one of fundamental interdependence** of production, visible in the prevalence of international supply chaining in manufacturing processes, rather than solely trade and labour movement[i]. **The burgeoning economic interdependence and growth of neighbouring states contributes a major incentive to prevent a conflagration**. $**5.3 trillion of trade,** of which approximately 20% is US, **transits the South China Sea annually and any interruption would not only severely restrict regional trade revenues, but would** also **very likely guarantee US military intervention**[ii]. The Association of South East Asian Nations (ASEAN) is becoming increasingly interconnected and 2015 will mark a key turning point with the opening of internal ASEAN borders for free movement of labor. The ASEAN bloc has also concluded a number of reconciliation agreements with China. Regarding security, both the 2002 Code of Conduct and the 2011 Guidelines to the Code of Conduct are intended to help coordinate diplomacy and maintain peace in South China Sea disputes. **Economically China has been ASEAN’s largest trading partner since 2009,** and at its opening in 2010 the ASEAN-China free trade area (ACFTA) became the largest in the world by population. These arrangements come at a time when growing estimates of the value of the natural resources contained in the South China Sea are generating pressures associated with ensuring energy security.¶ Economic interdependence between China and ASEAN, however, is not the sole factor at play. In areas with considerable interstate tension sub-state actors have often contributed to the deterioration of international relations, most prominently with the assassination of Archduke Franz Ferdinand tipping Europe into World War I. **Recent developments in state-level Chinese political and military discourse reflect a strong interest in cooperation**. **Chinese President** Hu **Jintao**’s 2011 discussions with Filipino President Corazon Aquino firmly **expressed the hope that “the countries concerned may put aside disputes and actively explore forms of common development in the relevant sea areas**”[iii]. Additionally in 2011 the Chinese State Council Information Office released a white paper with a similar emphasis on joint development. Yet China is also reported to have developed internal fractures in its South China Sea policy, with a number of different ministries controlling paramilitary units that are not under express government oversight[iv]. For example, the Bureau of Fisheries Administration (BFA) now directs a relatively well-equipped law enforcement fleet that is tasked with patrolling Chinese-owned fishing areas. Such interest groups repeatedly instigate minor disputes with their ASEAN counterparts and the US navy that exacerbate state-level discussions and risk eventually drawing unintended consequences (characteristically, in 2004 two BFA vessels obstructed a US Navy surveillance ship in the Yellow Sea).¶ The region has also seen a rise in high-tech militarization, with rapid development in areas ranging from aircraft carriers and submarines to cyber-espionage; this is likely to further increase due to the 2011 US “pivot to Asia” and military surge. The pivot is considered to be a sign that the US intends to continue playing a leadership role in East Asia, a strategy at odds with China’s vision[v]. An associated complication is the imprecise definition of US commitments to its ally nations in the event of disputes in contested territories, especially vis-à-vis the Philippines and Vietnam, and the possibility that alliances will be used to escalate a small battle into a regional affair. The US is making efforts to address these complications; for the first time since RIMPACS’s creation in 1971, China has been invited to participate in a US-led naval exercise. Positive near-term repercussions of growing US involvement have also been postulated; analysts suggest that one of the root causes behind Chinese interest in cooperation is the fear that aggression in the South China Sea will drive other parties to strengthen their ties with the US[vi].¶ **The relative wealth of economic and diplomatic compromises on all sides presents a compelling argument that under current conditions, disputes in the South China Sea will continue to be restrained to small-scale skirmishes that do not threaten overall stability**. This is not to say that the increase in regional tension is insignificant, but rather that **the involved parties all have a strong interest in maintaining mutual growth and have demonstrated their willingness to make strategic sacrifices to maintain the status quo.** Furthermore as China is the common link in the majority of the disputes, it is probable that it will be at the heart of any conflict — and **China has frequently shown restraint in this regard** (though not so, for example, in Tibet). In terms of China’s priorities, policy analysts tend to agree that if China were to begin a large-scale military campaign, Taiwan would most likely be the focus of its aggression[vii].

#### No Asia War

**Vannarith 10**—Executive Director of the Cambodian Institute for Cooperation and Peace. PhD in Asia Pacific Studies, Ritsumeikan Asia Pacific U (Chheang, Asia Pacific Security Issues: Challenges and Adaptive Mechanism, <http://www.cicp.org.kh/download/CICP%20Policy%20brief/CICP%20Policy%20brief%20No%203.pdf>, AMiles)

Some people look to China for economic and strategic interests while others still stick to the US. Since, as a human nature, change is not widely acceptable due to the high level of uncertainty. It is therefore logical to say that most of the regional leaders prefer to see the status quo of security architecture in the Asia Pacific Region in which US is the hub of security provision. But it is impossible to preserve the status quo since China needs to strategically outreach to the wider region in order to get necessary resources especially energy and raw materials to maintain her economic growth in the home country. It is understandable that China needs to have stable high economic growth of about 8 percent GDP growth per year for her own economic and political survival. Widening development gap and employment are the two main issues facing China. Without China, the world will not enjoy peace, stability, and development. China is the locomotive of global and regional economic development and contributes to global and regional peace and stability. It is understandable that China is struggling to break the so-called containment strategy imposed by the US since the post Cold War. Whether this tendency can lead to the greater strategic division is still unknown. Nevertheless, many observers agree that whatever changes may take place, a multi-polar world and multilateralism prevail. The reasons or logics supporting multilateralism are mainly based on the fact that no one country can really address the security issues embedded with international dimension, no one country has the capacity to adapt and adopt to new changes alone, and it needs cooperation and coordination among the nation states and relevant stakeholders including the private sector and civil societies. Large scale interstate war or armed conflict is **unthinkable** in the region due to the high level of interdependency and democratization. It is believed that economic interdependency can reduce conflicts and prevent war. Democracy can lead to more transparency, accountability, and participation that can reduce collective fears and create more confidence and trust among the people in the region. In addition, globalism and regionalism are taking the center stage of national and foreign policy of many governments in the region except North Korea. The combination of those elements of peace is necessary for peace and stability in the region and those elements are **present and being improved in this region.**

### Terror

#### Won’t solve – Drone court won’t address biggest problems

Shane 13 (Scott, “Debating a Court to Vet Drone Strikes”, Feb 8, <http://www.nytimes.com/2013/02/09/world/a-court-to-vet-kill-lists.html?pagewanted=all>, CMR)

With such limits, however, a drone court would not address many of the most pressing concerns, including decisions on which foreign militants should be targeted; how to avoid civilian deaths; and how to provide more public information about strike rules and procedures.¶ “In terms of the politics and the optics, aren’t you in the same position that you are now?” said William C. Banks, a national security law expert at Syracuse University. “It’s still secret. The target wouldn’t be represented. It’s a mechanism that wouldn’t satisfy critics or advance the due process cause much.”¶ Indeed, Hina Shamsi, director of the American Civil Liberties Union’s national security project, said that a drone court would be a step backward, and that extradition and criminal prosecution of suspected terrorists was a better answer. “I strongly agree that judicial review is crucial,” she said. “But judicial review in a new secret court is both unnecessary and un-American.”

#### No groupthink

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

Based on this information, we can sketch a general picture of the kill-list approval process.210 First, military and intelligence officials from various agencies compile data and make recommendations based on internal vetting and validation standards.211 Second, those recommendations go through the NCTC, which further vets and validates rosters of names and other variables that are further tailored to meet White House standards for lethal targeting.212 Third, the president’s designee (currently the counterterrorism adviser) convenes a NSC deputies meeting to get input from senior officials, including top lawyers from the appropriate agencies and departments (i.e. CIA, FBI, DOD, State Department, NCTC, etc.).213 At this step is where the State Department’s Legal Adviser (previously Harold Koh) and the Department of Defense General Counsel (previously Jeh Johnson) along with other top lawyers would have an opportunity weigh in with their legal opinions on behalf of their respective departments.214 Objections to a strike from top lawyers might prevent the decision from climbing further up the ladder absent more deliberation.215 In practice, an objection from one of these key attorneys almost certainly causes the president’s designee in the NSC process to hesitate before seeking final approval from the president. Finally, if the NSC gives approval, the president’s counterterrorism advisor shapes the product of the NSC’s deliberations and seeks final approval from the president.216 At this stage, targets are evaluated again to ensure that target information is complete and accurate, targets relate to objectives, the selection rationale is clear and detailed, and collateral damage concerns are highlighted.217 By this point in the bureaucratic process, just as in prior conflicts like Kosovo,218 there will be few targeting proposals that will reach the approval authority (the president) that will prompt absolute prohibitions under the law of armed conflict. Rather most decisions at this point will be judgment calls regarding the application of law to facts, or intelligence and analytic judgments regarding facts and expected outcomes.219

#### No backlash – domestic support is broad

Daniel Byman is a professor in the Security Studies Program at Georgetown University and the Research Director of the Saban Center for Middle East Policy at Brookings, and Benjamin Wittes is a Senior Fellow in Governance Studies at the Brookings Institution, the Editor in Chief of the Lawfare blog and a member of the Hoover Institution’s Task Force on National Security and Law, “Tools and Tradeoffs: Confronting U.s. Citizen Terrorist suspects abroad”, 6/17/13, <http://www.brookings.edu/~/media/research/files/reports/2013/07/23%20us%20citizen%20terrorist%20suspects%20awlaki%20jihad%20byman%20wittes/toolsandtradeoffs.pdf>, CMR

The Stability of the Legal and Oversight Framework¶ If the United States were ever to target a larger number of its citizens abroad, the problem ¶ of the legal and oversight framework in which it does so would emerge acutely. The courts, ¶ so far, have shown no interest in involving themselves in sorting out who can be killed ¶ and under what circumstances. Prior to the Awlaki strike, his father, Nasser Awlaki, filed ¶ suit—with the aid of the American Civil Liberties Union and the Center for Constitutional Rights—in an effort to preclude the targeting of his son. A district court in Washington dismissed the case, on grounds that he lacked standing to bring it (in other words, ¶ the father could not claim to represent the son), and that targeting is a political question ¶ in which the judiciary has no role. Judge John D. Bates—the same Judge Bates that ruled ¶ in the Abu Ali case—was fully aware of the oddity of the case and the oddity of declining ¶ to hear it. In dismissing the matter, he wrote that “Stark, and perplexing, questions readily ¶ come to mind.” Asked Judge Bates: ¶ How is it that judicial approval is required when the United States decides to ¶ target a U.S. citizen overseas for electronic surveillance, but that, according to ¶ defendants, judicial scrutiny is prohibited when the United States decides to ¶ target a U.S. citizen overseas for death? Can a U.S. citizen—himself or through ¶ another—use the U.S. judicial system to vindicate his constitutional rights while ¶ simultaneously evading U.S. law enforcement authorities, calling for “jihad ¶ against the West,” and engaging in operational planning for an organization that ¶ has already carried out numerous terrorist attacks against the United States? ¶ There were other questions too—all of them interesting. Can the courts really make realtime targeting decisions? Are they really positioned to weigh the benefits and costs of ¶ possible diplomatic and military responses, and ultimately decide whether, and under ¶ what circumstances, the use of military force against such threats is justified? Would the ¶ United States really litigate these questions, thereby disclosing in advance to the prospective target “the precise standards under which [the United States] will take that military ¶ action”? Ultimately, however, Judge Bates avoided all of the questions. “No matter how ¶ interesting and no matter how important this case may be . . . we cannot address it unless ¶ we have jurisdiction.”123¶ At least for now, the courts—though fully aware of the significance of their hands off ¶ approach—show no sign of insinuating themselves into the process.¶ Because the courts appear determined to avoid entering the debate over the parameters of ¶ when, how, and where an American abroad can be killed in the name of counterterrorism, ¶ Congress becomes the only plausible external source for the imposition of restraint on ¶ the Executive Branch. Congressional intervention, however, seems highly unlikely as long ¶ as drone strikes remain as popular—and as apparently effective—as they are. If Obama, ¶ derided as a Marxist and crypto-Muslim by his foes, asserts the right to use drone strikes ¶ against Americans, any other likely administration will as well. Not surprisingly, in the ¶ 2012 election Governor Mitt Romney also endorsed drone strikes “entirely” and stated ¶ that “we should continue to use it to go after the people who represent a threat to this ¶ nation and to our friends.”124¶ As long as the number of Americans targeted with lethal force remains so tiny, leaving ¶ such targeting questions entirely in executive hands makes sense. The Awlaki intelligence ¶ appears to have been vetted extensively. Awlaki was put on public notice that his surrender would be accepted. He knew that he was being targeted. As long as such targeting is ¶ a once-a-decade event, the anomalies Judge Bates identifies are less significant. Surveillance, after all, is common and regularized. It makes sense to have a statute governing it.

#### No AQIM threat

Christina Hellmich 13 (reader in International Relations and Middle East Studies at the Department of Politics and International Relations, University of Reading) 1-22-13, “Mali/Algeria: Threat Of AQIM To Europe Has Been Overstated” http://africanarguments.org/2013/01/22/malialgeria-threat-of-aqim-to-europe-has-been-overstated-by-christina-hellmich/

The intervention of French military forces in Mali and the apparent reprisals in the form of the hostage crisis at the In Amenas gas processing plant in Algeria have brought the threat of Al-Qaeda in the Islamic Maghreb (AQIM) to international attention. The drama of the hostage crisis has shot the hitherto unknown group ‘Signatories in Blood’ and its leader Mokhtar Belmokhtar, variably referred to as an Islamist with ties to bin Ladin and/or a senior al-Qaeda leader, to notoriety overnight and has prompted Western leaders to focus on the possibility of a growing threat of Islamist terrorism on Europe’s southern border. Such tragic events are bound to provoke a strong reaction, yet, upon closer examination, it seems that the idea of a threat to mainland Europe is overstated. Even at a glance, the nature of the attack – hostage-taking for financial gain – is not the kind we have come to associate with al-Qaeda over the years. Rather than reflecting the “signature” suicide attack with mass casualties, the event fits more appropriately into the series of other hostage-takings that have taken place in Algeria in recent years but which have not been on so grand a scale and hence have not gained the same attention as events at In Amenas. It is not only the events which are different: the particular branch of al-Qaeda to which they have been ascribed, al-Qaeda in the Islamic Maghreb (AQIM), formerly known as the GSPC (Groupe Salafiste pour la Prédication et le Combat – Salafist Group for Preaching and Combat) stands out for its focus on a local agenda. Although it has allegedly claimed that it supports Osama bin Ladin, the group, which was found to be responsible for car bombings that took place in Algiers in 2007, as well as a number of other local incidents, appears to be more concerned with the goal of overthrowing the Algerian government and the institution of an Islamic state in its place than with bin Ladin’s vision of the reestablishment of the caliphate and global jihad against the West. While it can be argued that the above is not entirely out of touch with al-Qaeda’s stated aims, it is nonetheless a return to the “near enemy” – the forces of occupation and secularisation – that have preoccupied Islamists for almost a century. While the AQIM’s claim to be acting in the name of “al-Qaeda central” feels very much like a convenient piece of flag-waving, current al-Qaeda leader Ayman al-Zawahiri declared in 2006 that America and France were the enemies, indicating a pragmatic approach by which senior al-Qaeda leaders aim to flatter their local affiliates, enabling one side to continue to maintain the impression of its global reach while the other benefits from association with the infamous name. The true extent of any link or co-operative strategy, however, remains open to question. If there is little evidence to suggest genuine cooperation between AQIM and the senior leadership of al-Qaeda, the connection between al-Qaeda and Belmokhtar and his Signatories in Blood is even more tenuous. Sometimes referred to as “Marlboro man” for his cigarette-smuggling exploits, Belmokhtar has a wide-ranging and impressive criminal career which includes drug trafficking, diamond smuggling and the kidnapping of dozens of Westerners, such as diplomats, aid workers and tourists, for ransoms of up to $3 million each. Yet Belmokhtar’s success and growing influence were to be his downfall as far as his membership of AQIM was concerned. While his actions at In Amenas supposedly link Belmokhtar to al-Qaeda in the eyes of the West, he in fact made the news on various jihadist forums for falling out with AQIM for his “fractious behavior”, and either resigned or was formally dismissed from its ranks in late 2012. Such splintering is far from exceptional; indeed, it exemplifies the present state of al-Qaeda. Al-Qaeda in the Arabian Peninsula (AQAP), operating in Yemen, and the recently formed Ansar al-Sharia are a case in point: despite their different names and agendas, the two groups are frequently referred to as one and the same and are conceived of as somehow representing a joint force. This bias amongst commentators towards presenting a united al-Qaeda in various regions of the world is conducive only to resurrecting the popular, yet deeply flawed theory that al-Qaeda operates on a global basis as a cohesive group, with all that this implies for the threat it poses to global security. Today more than ever before, al-Qaeda and its local affiliates are highly fragmented and in disagreement as to their priorities of ideology and strategy. Indeed, the lines of fragmentation only begin here: beyond the increasing internal debate, al-Qaeda and its local affiliates find themselves in direct contest with other, often more established Islamist groups with radically different worldviews and agendas, many of which now enjoy greater popularity because they are not so ready to spill the blood of their fellow Muslims. Whilst the existence of groups such as The Signatories in Blood and the dramatic, violent nature of incidents such as mass hostage-takings and car-bombings heightens fears in the West of a resurgence of the al-Qaeda that caused so much death and destruction on 9/11, the truth is that most of today’s al-Qaeda franchises have a much more limited vision. Thus, when David Cameron announces that Britain must pursue the terrorists with an iron resolve, he unwittingly reinforces a notion of a unified Islamist threat that does not exist in that form in reality. It is a convenient narrative which benefits both the propaganda machine of Islamists and the calls of those in the West who support military action, yet the true picture of those who claim to act in the name of al-Qaeda – both in Africa and elsewhere – is far more nuanced, and much less of a threat to Europe, than we are commonly led to believe.

#### 1ac FMWG evidence concludes nuclear material security prevents nuclear terrorism –

**THERE EVIDENCE BEGINS….**

The evolving threat. While Al Qaeda's anti-American ideology is unlikely to change after bin Laden's death, the loss of the group's founder and figurehead could affect Al Qaeda's structure. According to the Atlantic Council's J. Peter Pham, regional "branches" and "franchises" of the terrorist organization gained power during the decade that bin Laden was in hiding, and while united by their loyalty to Al Qaeda's mission, they are not necessarily subject to orders from a central leadership.

The growing influence, strength, and operational capacity of these regional organizations (Al Qaeda in the Arabian Peninsula and Al Qaeda in the Islamic Maghreb, for example) are of particular concern with respect to the threat of nuclear terrorism. The best way to prevent Al Qaeda subgroups -- ideologically aligned, geographically disparate, and operating under regional leadership -- from gaining access to nuclear material is to secure existing sites and eliminate superfluous storage sites. Enough nuclear material to make tens of thousands of nuclear devices exists in dozens of locations worldwide. Without being able to predict how bin Laden's death might alter the operational capacity of Al Qaeda, a US priority must be securing this potential source material.

**THERE EVIDENCE ENDS….**

Support proven programs. Efforts to eliminate and secure nuclear material are the best way to minimize the threat of nuclear terrorism: Prevent terrorist groups from acquiring the materials necessary for a nuclear device, and nuclear terrorism is prevented. In the post–bin Laden era, existing programs that seek to lock down vulnerable nuclear material must remain a key part of US national security strategy.

#### AQIM is not plotting attacks against the US

Seth Jones 13 (associate director of the International Security and Defense Policy Center at RAND and former advisor to the Special Operations Command in Afghanistan), 1-24-13, "The al Qaeda Threat in North Africa" RAND Corporation) www.rand.org/blog/2013/01/the-al-qaeda-threat-in-north-africa.html

At the moment, most of al Qaeda's terrorist plotting against the U.S. homeland appears to be coming from al Qaeda in the Arabian Peninsula (AQAP), based in Yemen, and al Qaeda core in Pakistan. Neither al Qaeda in the Islamic Maghreb (AQIM) nor its allies in Africa—such as Ansar al-Sharia (Libya), Ansar al-Din (Mali), or Boko Haram (Nigeria)—appear to be plotting terrorist attacks against the U.S. homeland.

#### And, the Allison evidence has ZERO to do with AQIM – it is generically talking about Al Qaeda – only specific evd to AQIM is the NEG evd that they are not pursuing large attacks and the evd says no nuke attacks

Fortunately, it is more difficult for a terrorist to acquire the “means” to cause mass casualties. Producing highly enriched uranium or plutonium requires expensive industrial-scale investments that only states will make. If all fissile material can be secured to a gold standard beyond the reach of thieves or terrorists, aspirations to become the world’s first nuclear terrorist can be thwarted.

#### No WMD terror – most recent evidence

Oswald 9/9/13

Rachel, “Expert Report: Talk of WMD Terror Threat to U.S. Has Been 'Overheated'”, GSN, <http://www.nti.org/gsn/article/new-expert-report-says-talk-wmd-terror-threat-us-has-been-overheated/>, CMR

WASHINGTON -- Warnings over the past dozen years of the threat of extremists carrying out weapons-of-mass-destruction attacks on the United States have been overblown, concludes a new think-tank report released on Monday.¶ The Bipartisan Policy Center report notes that in the 12 years since the Sept. 11 attacks, no domestic Islamist terrorist groups or individuals are known to have gained access to or utilized chemical, biological, radiological or nuclear weapons.¶ “This point bears repeating as there has been considerable overheated commentary on this subject over the past decade,” states the report, a project of the Bipartisan Policy Center’s Homeland Security Project. The 84-page report, which is backed by the former heads of the 9/11 Commission, is the first in a series of planned yearly threat assessments on the Islamist terror threat.¶ The document notes that none of the 221 separate cases of known Islamist extremism since Sept. 11 have involved reports of WMD acquisition, production or usage.¶ "Jihadist Terrorism: A Threat Assessment" was written by Peter Bergen, a national security analyst who appears on CNN; Bruce Hoffman, director of Georgetown University’s Center for Security Studies; and Mike Hurley, a former career CIA operations officer.¶ The authors emphasize that the lack of Islamist WMD attacks to date does not eliminate the need to continue efforts to secure and lock-down WMD-relevant materials.¶ Former Republican New Jersey Governor Tom Kean, who chaired the now-disbanded 9/11 Commission, formally named the National Commission on Terrorist Attacks Upon the United States, said he sees some WMD threats as more exaggerated than other perils. Those include, he said, "the wilder, almost science-fiction" warnings about the potential for terrorists to detonate a nuclear device in the atmosphere above the United States for the purposes of creating an electromagnetic pulse that could disrupt and damage the electrical grid below.

#### Attacks on oil infrastructure won’t collapse the economy

Mueller & Stewart 11 [John, Woody Hayes National Security Studies and Professor of Political Science @ Ohio State University, Mark, Professor of Civil Engineering and Director of the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “Terror, Security, and Money”, page numbers below, CMR]

Oil and gas refineries are, in fact, chemical plants, producing the economic lifeblood of most modern economies, therefore presumably making them a tempting target for terrorists. Since most are placed away from population centers, loss of life is not a major consideration, but economic damages are. Yet, as with other infrastructure elements, damage to oil and gas infrastructure can generally be repaired **relatively quickly;** **minimizing the economic damage.**

A simulation and gaming scenario developed by the Heritage Foundation argues otherwise. It posits an extravagant simultaneous scenario: (1) "catastrophic destruction" of the Ras Tanura port and oil terminal in Saudi Arabia, causing a loss of more than 4 million barrels of oil per day for at least several months ; (2) an attack by an explosives-laden plane on the Saudi Aramco headquarters, destroying the Internet facilities there and killing portions of the company's leadership; (3) speedboat attacks by the Indonesia-based terrorist group, Jemaah Islamiyah (]I), on oil tankers crossing the Strait of Malacca and emplacement in the strait of EM-52 mines coated with polymer (to reduce the likelihood of detection) that cause all oil traffic there to be halted because insurers will not give coverage to hydrocarbon cargo ; and (4) the agile emplacement by an al-Qaeda affiliate of mines in the Strait of Sunda to further disrupt petroleum transport. 70

The notion that al-Qaeda or any other terrorist organization (certainly including the increasingly pathetic jl) could successfully execute and coordinate a set of intercontinental attacks like this is **clearly preposterous**. But even if they could, oil refineries and ports can be rebuilt and naval protection to shipping can be provided in quick order. Moreover, if governments worldwide implemented sensible energy and policy responses to such a crisis and did not panic, the Heritage study itself concludes that, even with its **imagined global mayhem**, the world would recover **within a year** with short-term job losses of 164,000 and GDP losses of only $50 billion." That is, even under the coordinated and highly destructive attacks posited in their fanciful scenario, American [end page 128] and European economies have the capacity to recover and respond in fairly short order.

#### Econ resilient and no impact

Drezner 2011

(Daniel Drezner, professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University, 8-12-2011, “Please come down off the ledge, dear readers,” Foreign polivy, <http://drezner.foreignpolicy.com/>, CMR)

So, when we last left off this debate, things were looking grim. My concern in the last post was that the persistence of hard times would cause governments to take actions that would lead to a collapse of the open global economy, a spike in general riots and disturbances, and eerie echoes of the Great Depression. Let's assume that the global economy persists in **sputtering for a while**, because that's what happens after major financial shocks. Why won't these other bad things happen? Why isn't it 1931? Let's start with the obvious -- it's not gonna be 1931 because there's some passing familiarity with how 1931 played out. The Chairman of the Federal Reserve has devoted much of his academic career to studying the Great Depression. I'm gonna go out on a limb therefore and assert that if the world plunges into a another severe downturn, it's not gonna be because central bank heads replay the same set of mistakes. The legacy of the Great Depression has also affected public attitudes and institutions that provide **much stronger cement for the current system**. In terms of publuc attitudes, compare the results of this mid-2007 poll with this mid-2010 poll about which economic system is best. I'll just reproduce the key charts below: 2007 poll results 2010 poll results The headline of the 2010 results is that there's eroding U.S. support for the global economy, but a few other things stand out. U.S. support has declined, but it's declined from a very high level. In contrast, support for free markets has increased in other major powers, such as Germany and China. On the whole, despite the worst global economic crisis since the Great Depression, public attitudes have not changed all that much. While there might be populist demands to "do something," that something is not a return to autarky or anything so drastc. Another big difference is that multilateral economic institutions are much more robust now than they were in 1931. On trade matters, even if the Doha round is dead, the rest of the World Trade Organization's corpus of trade-liberalizing measures are still working **quite well**. Even beyond the WTO, the complaint about trade is not the deficit of free-trade agreements but the surfeit of them. The IMF's resources have been strengthened as a result of the 2008 financial crisis. The Basle Committee on Banking Supervision has already promulgated a plan to strengthen capital requirements for banks. True, it's a slow, weak-assed plan, but it would be an improvement over the status quo. As for the G-20, I've been pretty skeptical about that group's abilities to collectively address serious macroeconomic problems. That is setting the bar rather high, however. One could argue that the G-20's most useful function is **reassurance**. Even if there are disagreements, communication can prevent them from growing into **anything worse**. Finally, a note about the possibility of riots and other general social unrest. The working paper cited in my previous post noted the links between austerity measures and increases in disturbances. However, that paper contains the following important paragraph on page 19: [I]n countries with better institutions, the responsiveness of unrest to budget cuts is generally lower. Where constraints on the executive are minimal, the coefficient on expenditure changes is strongly negative -- more spending buys a lot of social peace. In countries with Polity-2 scores above zero, the coefficient is about half in size, and less significant. As we limit the sample to ever more democratic countries, the size of the coefficient declines. For full democracies with a complete range of civil rights, the coefficient is still negative, but no longer significant. This is good news!! The world has a hell of a lot more democratic governments now than it did in 1931. What happened in London, in other words, might prove to be the exception more than the rule. So yes, the recent economic news might seem grim. Unless political institutions and public attitudes buckle, however, we're unlikely to repeat the mistakes of the 1930's. And, based on the data we've got, that's not going to happen.

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

**Groves 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 interference 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.

# Block

## CP

### Solvency

#### Executive review solves the aff, maintains deference, and avoids politics

Epps 2013

[Garrett, former reporter for The Washington Post, is a novelist and legal scholar. He teaches courses in constitutional law and creative writing for law students at the University of Baltimore, “Why a Secret Court Won't Solve the Drone-Strike Problem”, http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/]

The real problem with Vladeck's court might be political. I expect that any president would resist such a statute as a dilution of his commander in chief power, and enactment seems unlikely. Without such a statute, then, systematic review of secret drone killings must come inside the executive branch. That doesn't mean it will be a lawless whitewash. Congress can prescribe rules for these reviews, decide who will carry them out, and require periodic reports to its committees and to the public. In a recent conversation, David Ignatius of the Washington Post, an old friend and my go-to guy for national-security thinking, suggested the role be assigned to the president's Intelligence Advisory Board, a non-partisan panel of independent experts from outside the executive branch, who serve independently for fixed terms.

#### CP achieves the same goal as the plan while preventing a slippery slope that collapses deference

Calabresi 13 (Massimo Calabresi joined the Washington bureau of TIME in 1999 and has covered the CIA, State, Justice, Treasury, Congress and the White House, “Checking Obama’s Assassination Power: A Drone Court Is Just One Way”, Feb 14, <http://swampland.time.com/2013/02/14/checking-obamas-assasination-power-a-drone-court-is-just-one-way/#ixzz2ZzNtLsgg>, CMR)

The FISC has been successful, and it’s powers were expanded to oversee parts of George W. Bush‘s global war on terror. And as a general matter, federal courts often hear secret evidence. But opposition to specifically designated secret courts is written into the legal DNA of this country (see the Court of the Star Chamber as source of the Fifth Amendment right against self-incrimination). This seems to be the line of argument the ACLU is taking in opposing the idea of a secret court. Its one thing to give unelected officials the power of approving surveillance based on secret evidence, with secret deliberations; it’s another to have them approving killings as part of a war. Expanding secret court authority in that direction is a slippery slope. At least that seems to be the logic of the ACLU.¶ It is interesting that Harvard’s Jack Goldsmith, from the right, thinks such a court would have constitutional problems (presumably infringing on the commander in chief’s authority to wage war). Which gets at the problem that needs to be solved, which is less the lack of judicial oversight than Congressional fecklessness.¶ The authority of the commander in chief to kill Americans who have joined an enemy in war is (nearly) undisputed. But Congress has ceased performing its constitutional duty as the only branch of government given the authority to declare war under the Constitution. A better guarantee of a protection of citizen’s rights in the war against al Qaeda might be for Congress to declare war under its constitutional authority (rather than issue a vague Authorization for the Use of Military Force, as it did in 2001); define the battlefield (downtown Karachi?); the nature of the organization against whom the commander in chief had the authority to wage war (a network, not a nation state); and conduct regular oversight. To restrain the executive branch, Congress could explicitly empower the courts to deliberate on damages for Americans hurt or killed by drone strikes in that war (as Stephen Vladeck argues here).¶ Another idea is to follow the precedent of executive branch courts (including military commissions) and establish a “court-like” process for adjudicating whom the president can put on the targeted killing list. That too could be subject to Congressional oversight. That approach has been advanced by former acting Solicitor General and the lead lawyer in the Hamdan case, Neal Katyal. “The notion that a generalist federal court is going to sit to review drone strikes is simply implausible and unwise,” Katyal says. “However, there are some very good reasons why the Executive Branch should employ an internal process that resembles a court in some ways, but that would be staffed by experts.”

## Accountabilit

**2NC Circumvention---Ignores Oversight**

**Restrictions fail – Obama will withhold information, violate laws, and continue drone strikes despite restrictions**

**Ross 13** [Alice, “Is Congressional Oversight Tough Enough On Drones?”, Aug 29, http://www.mintpressnews.com/is-congressional-oversight-tough-enough-on-drones/168069/]

In the Bureau’s latest investigation into the tactic of ‘double-tap’ strikes on rescuers, **our field researcher’s findings appear to directly contradict an account of a strike attributed to staffers of the Congressional bodies** **charged with overseeing CIA drone strikes**. The **House and Senate intelligence committees are responsible for scrutinising** **the** highly **classified CIA drone programme**. **Details of CIA drone strikes** **are withheld from all other members of Congress.** Dianne Feinstein, chair of the Senate Select Committee on Intelligence (SSCI) has said her committee devotes ‘significant time and attention to the drone programme’ and since 2010 has met each month to ‘review strike records and question every aspect of the program including legality, effectiveness, precision, foreign policy implications and the care taken to minimise noncombatant casualties.’ But **committee members have complained about being denied information** – and a source with knowledge of the committees’ functioning told the Bureau: ‘**It’s a serious question as to how much any elected official could possibly understand about what’s going on inside**’ the intelligence agencies. If the report of what was shown to the oversight committees is accurate – and if the Bureau and other news agencies are correct – then it appears that **committee members were only shown video covering the final part of the incident, giving a misleading impression that concealed over a dozen deaths.** The SSCI’s website states: ‘**By law, the President is required to ensure that the committee is kept “fully and currently informed”** of intelligence activities.’ CIA spokesman Edward Price told the Bureau: ‘The CIA takes its commitment to Congressional oversight with the utmost seriousness. The Agency provides accurate and timely information consistent with our obligation to the oversight Committees. Any accusation alleging otherwise is baseless.’ **Neither the House nor the Senate committee would comment, despite repeated requests** from the Bureau. But Feinstein’s office did point the Bureau towards a five-month-old statement by the senator on oversight of the drone campaign, made shortly after the public nomination hearings for CIA director John Brennan, of which drones were a major focus. The statement briefly outlined the review process for drone strikes. But it added the **Obama** administration **had refused to provide the committee with memos outlining the legal justifications for drone strikes,** **despite repeated requests from senior committee members.** ‘I have sent three letters [between 2010 and 2013]… requesting these opinions,’ Feinstein said. ‘Last week, senators on the committee were finally allowed to review two OLC [Office of Legal Counsel] opinions on the legal authority to strike US citizens. **We have reiterated our request for all nine OLC opinions** – and any other relevant documents – **in order to fully evaluate the executive branch’s legal reasoning**, and to broaden access to the opinions to appropriate members of the committee staff.’

### Legitimacy Turn---2NC

#### Err negative – even if a drone court is workable in the abstract, our evidence says judges will inevitably cave in to overwhelming pressure due to national security interests – ensures rubber-stamping that undermines any signal from the plan

Rona 13 The pro-rule of law argument against a 'drone court' Gabor Rona, International legal director at Human Rights First, 2/27/13, http://thehill.com/blogs/congress-blog/judicial/285041-the-pro-rule-of-law-argument-against-a-drone-court

But a “drone court” would be worse than ineffective: it would harm national security. Throughout the “war on terror,” policies that offend international law, including the broad scope of the government's claimed authority to kill, have inhibited allies from sharing essential intelligence with the United States and damaged the country’s reputation as a beacon on human rights. A secret court would only reinforce the perception that the United States concocts its own secret rules while insisting that other countries follow the international public ones.

#### FISA court proves – it’s a rubber-stamp – won’t solve credibility, usage, or secrecy

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)

But, we must be realistic about the degree of added credibility such ¶ a court can provide. Its proceedings would necessarily be ex parte and in ¶ secret, and, like a FISA court, I suspect almost all of the government‟s ¶ applications would be granted, because, like a FISA application, the ¶ government would be sure to present a compelling case. So, at the same ¶ time the New York Times editorial page promotes a FISA-like court for ¶ targeted lethal force, it derides the FISA court as a “rubber stamp” ¶ because it almost never rejects an application.8 How long before a “drone ¶ court” operating in secret is criticized in the same way?

#### Only a risk of our offense – plan *further legitimizes drones* but *prevents effective use*

Pillar 13 – Nonresident Senior Fellow, Foreign Policy, Center for 21st Century Security and Intelligence (Paul, “A Killing Court”, Feb 8, <http://www.brookings.edu/research/opinions/2013/02/08-drone-court-pillar>, CMR)

Creating the court would further institutionalize—in an even more prominent way than “playbooks” used within the executive branch—assassination of individuals overseas as a continuing function of the United States government. Is that something Americans really want to do, and is it consistent with what Americans think they stand for?¶ A court would not weigh the pros and cons of either individual killings or the entire program on any criteria other than those that could be made justiciable. Presumably the court would make judgments regarding whether evidence presented to it shows that a given individual is willing and able to participate in anti-U.S. terrorist attacks. One could not expect a court to weigh whether on balance the killing program is reducing the terrorist threat to the United States more than it is increasing it by stimulating more angry individuals to resort to terrorism. That troubling question has been hanging around now for years, going back to before armed drones were the heavily relied upon tool they have become and to when Donald Rumsfeld ruminated aloud about whether we were creating more terrorists than we were eliminating. We still lack a satisfactory answer to that question that would constitute a justification for the drone program. (It is presumably this lack that leads David Brooks to suggest creating, in addition to a court, “an independent panel of former military and intelligence officers issuing reports on the program’s efficacy.”)¶ A court also would not consider other damage (or conceivably benefits) to U.S. policy and interests that goes beyond terrorism and the creation of more terrorists. We were reminded of the broader consequences when the Pakistani ambassador complained publicly this week that drone strikes were a clear violation of international law and her nation's sovereignty and threatened U.S.-Pakistani relations. Of course, we need to apply many grains of salt to such a complaint from the envoy of the country where Osama bin Laden was living under official noses and where other reporting suggests that at least some of the drone strikes have been privately welcomed by Pakistani leaders even though they publicly complain about all of them. Nonetheless, widespread negative reactions to the strikes and their collateral damage affect popular attitudes, in Pakistan and elsewhere, toward the United States and ipso facto affect the posture of governments toward the United States.

**AT: Modeling/Arms Race – 2NC US Not Key**

**International norms irrelevant – countries will act in their own interests**

**Blair 13** (“U.S. Drone Strike Policies,” Admiral Dennis, Former Director of National Intelligence, Council on Foreign Relations, January 22, <http://www.cfr.org/counterterrorism/us-drone-strike-policies/p29849>, CMR)

The first point is **I'm less persuaded** that **international norms** really **have** much of **an effect when it** ¶ **comes to the use of force** against the United States. My experience is that **nation-states are** generally ¶ either **encouraged** or deterred **by their** sort of **cost-benefit calculation**, and so I -- **as other countries** ¶ **develop drones** of their own, I think that **they will make their own decisions on how they** -- on how ¶ they use them, looking at the United States' experience but drawing on their own -- on their -- **on their** ¶ **own interests and fears**. I think that nonstate organizations, terrorist groups, extremist groups, are ¶ not deterrable, and they look at U.S. norms in order to find weaknesses in them, not to -- not to be led ¶ by them. And they -- if a terrorist group can get hold of drone technology, it will use it against us every ¶ way we can. So I'm not so much persuaded that norms can be set by the United States in this area.

**US won’t set a precedent --- lack of permission**

**Leuckin 12** (Paul, graduate of Notre Dame, “Drones: Why Americans Shouldn't Worry About Them”, 12/29, <http://www.policymic.com/articles/21556/drones-why-americans-shouldn-t-worry-about-them>, CMR)

Plenty of digital ink has been spilled over concern for the future of warfare and policing now that unmanned aircraft – drones – are becoming the dominant expression of American force abroad. But **there is nothing to fear from drones** and our gawking at the technological marvels they represent and unfounded concern about the future that technology makes possible hides the real issue underlying the “drone wars.”¶ One commonly expressed concern about drones is that America is setting a **dangerous standard** by which other countries will conduct warfare. What if China decides to use drones to eliminate dissidents in neighboring countries? This sort of **speculation falls flat** for two reasons. First, **in countries like Yemen and Pakistan, the U**nited **S**tates **has permission from those governments to use drones. Unless China secured similar agreements, such an action would be an act of war**. Second, China already has manned aircraft that are perfectly capable of targeting dissidents if China so chose. Fear that a foreign power would use drones to attack American soil are even more far-fetched. Foreign drones, just like any other foreign military aircraft, would never be able to enter American airspace without being intercepted or shot down by U.S. air defenses.

**A2 Drone Wars**

**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.

## 1NR

### O/V

#### Try or die – climate change will inevitably collapse global food supply and cause extinction – only GM tech allows adaptation and survival – default to existential risks, regardless of probability

Bostrom 11

Nick Bostrom, Professor in the Faculty of Philosophy & Oxford Martin School, Director of the Future of Humanity Institute, and Director of the Programme on the Impacts of Future Technology at the University of Oxford, recipient of the 2009 Eugene R. Gannon Award for the Continued Pursuit of Human Advancement, holds a Ph.D. in Philosophy from the London School of Economics, 2011 (“The Concept of Existential Risk,” Draft of a Paper published on ExistentialRisk.com, Available Online at <http://www.existentialrisk.com/concept.html>, Accessed 07-04-2011)

Even if we use the most conservative of these estimates, which entirely ignores the possibility of space colonization and software minds, we find thatthe expected loss of **an existential catastrophe is** greaterthan the value of 1018 human lives. This implies that the expected value of reducing existential risk by a mere one millionth of one percentage point is at least ten times the value of a billion human lives. The more technologically comprehensive estimate of 1054 human-brain-emulation subjective life-years (or 1052 lives of ordinary length) makes the same point even more starkly. Even if we give this allegedly lower bound on the cumulative output potential of a technologically mature civilization a mere 1% chance of being correct, we find that the expected value of **reducing existential risk by** a mere one billionth of one billionth of one percentage point **is worth a** hundred billion times as much asa billionhumanlives. One might consequently argue that even the tiniest reductionof existential risk **has** an expected **value greater than** that of the definite provision of **any “ordinary” good,** such as the direct benefit of saving 1 billion lives. And, further, that the absolute value of the indirect effect of saving 1 billion lives on the total cumulative amount of existential risk—positive or negative—is almost certainly larger than the positive value of the direct benefit of such an action.

#### Great power war is impossible

Fettweis 6

[Christopher, National Security Decision Making Department, US Naval War College, “A Revolution in International Relation Theory: Or, What If Mueller Is Right?” International Studies Review (2006) 8, 677–697]

The obsolescence-of-major-war argument is familiar enough to need little introduction (Mueller 1989, 1995, 2004; see also Rosecrance 1986, 1999; Ray 1989; Kaysen 1990; Van Evera 1990–1991; Kegley 1993; Jervis 2002; Mandelbaum 2002). In its most basic and common form, the thesis holds that a broad shift in attitudes toward warfare has occurred within the most powerful states of the international system, virtually removing the possibility for the kind of war that pits the strongest states against each other. Major wars, fought by the most powerful members of the international system, are, in Michael Mandelbaum's (1998/1999:20) words, "somewhere between impossible and unlikely."  The argument is founded upon a traditional liberal faith in the possibility of moral progress within the society of great powers, which has created for the first time "an almost universal sense that the deliberate launching of a war can no longer be justified" (Ray 1989:425; also Luard 1986, 1989). To use Francis Fukayama's (1992) phrase**,** it is the "autonomous power of ideas" that has brought major war to an end. Whereas past leaders were at times compelled by the masses to use force in the defense of the national honor, today popular pressures urge peaceful resolutions to disputes between industrialized states. This normative shift has all but removed warfare from the set of options before policymakers, making it a highly unlikely outcome. Mueller (1989:11) has referred to the abolition of slavery and dueling as precedents. "Dueling, a form of violence famed and fabled for centuries, is avoided not merely because it has ceased to seem 'necessary,' but because it has sunk from thought as a viable, conscious possibility. You can't fight a duel if the idea of doing so never occurs to you or your opponent." By extension, states cannot fight wars if doing so does not occur to them or to their opponent. Major war has become, in Mueller's words, "sub-rationally unthinkable."  Obviously, the obsolescence-of-major-war argument is not without critics. First, and most basic, the literature is sometimes quite vague about what constitutes a "major war" and who exactly the "great powers" are. In Retreat from Doomsday, Mueller (1989) alternately describes his data set as consisting of "developed countries" (p. 4), the "first and second worlds" (p. 256), the "major and not-so-major countries" (p. 5), and the 44 wealthiest states (p. 252). Others refer to the great powers as those states with a certain minimum standard of living, especially those in Europe (Luard 1986:398); modern, "industrial societies" (Kaysen 1990); the "leading global powers" (Väyrynen 2006:13); or merely "the most powerful members of the international system" (Mandelbaum 1998/1999:21). What constitutes a "major" war is also often left unclear. Some analyses use arbitrary quantitative values (for example, 1,000 battle deaths); others study only world wars, those fought by the most powerful members of the international system, drawing on all their resources, with the potential to lead to outcomes of "revolutionary geopolitical consequences including the birth and death of regimes, the redrawing of borders, and the reordering of the hierarchy of sovereign states" (Mandelbaum 1998/1999:20).  Definitions are often the last refuge of academic scoundrels—many IR theories deal with potentially contradictory information by simply refining or redefining the data under consideration. Perhaps the best way to avoid this pitfall is to err on the side of inclusion, expanding the analysis as broadly as possible. While the obsolescence-of-major-war argument clearly covers the kind of catastrophic wars that Mandelbaum analyzes, any big war between industrialized, powerful states would render the proposition false. At its essence, like pornography, one knows major war when one sees it. Major powers will likely occasionally deem it in their interest to strike the minor, and at times small, states, especially those led by nondemocratic, unenlightened leaders. But societal unease at the continuation of small wars—such as those in Afghanistan and Iraq or between poor, weak states like Ethiopia and Eritrea—should be ameliorated by the knowledge that, for the first time in history, world war is exceedingly unlikely. Determining which states are great powers is slightly more complicated, but not by much. Two decades ago, Jack Levy (1983:10) noted that the importance of the concept of "great power" was not matched by anything approaching analytical precision in its use and the field has not progressed much since. Relevant states for this analysis are those with the potential to be great powers, whether that potential is realized or not. The choice not to devote a large portion of one's national resources toward territorial defense was not available to most states in other, bygone eras. If today's rich states can choose not to prepare for war without consequence, then the nature of the system may well have changed.  Broadly speaking, there is an indirect relationship between the relative level of development and the chances of being involved in a major war against a peer. In its most basic, inclusive, and falsifiable form, the obsolescence-of-major-war argument postulates that the most advanced countries—roughly speaking, those in the global north—are unlikely to fight one another ever again. Precise determination of which countries are in the "north" and which are not is less important than it may seem at first, since current versions of the argument do not restrict themselves to the great powers. As will be discussed below, if the logic behind the obsolescence-of-major-war argument is correct, a drastic diminution of all kinds of war everywhere may be on the horizon. It is important to note that this argument does not suggest that competition is coming to a conclusion, only that the means to compete have changed. Rivalry will continue; envy, hubris, and lust for power will likely never disappear. Rogues and outlaws will probably always plague humanity, but very rarely as leaders of powerful states, especially in the northern democracies. The Mueller argument merely holds that war need not follow from any of this, especially major wars. States can compete in nonviolent ways, addressing the logic of war with the grammar of commerce, to paraphrase Edward Luttwak (1990:19). The conflicts of the future may be fought in boardrooms rather than battlefields, using diplomacy, sanctions, and the methods of commerce rather than brute force.  One of the obvious strengths of the obsolescence-of-major-war argument is that it carries clear routes to falsification. It can be proven incorrect by virtually any big war in Western Europe, in the Pacific Rim, or in North America. If Japan attacks Australia, if the United States moves north, or if Germany rises again and makes another thrust at Paris and Moscow, Retreat from Doomsday will join The Great Illusion (Angell [1909] 1913) in the skeptical realist's list of utopian fantasies. Until that happens, however, scholars are left to explain one of the great anomalies in the history of the international system.  Most IR scholarship carries on as if such an anomaly simply does not exist. This is especially true of realists, whose theories typically leave little room for fundamental systemic change (Lebow 1994). "The game of politics does not change from age to age," argued a skeptical Colin Gray (1999:163), "let alone from decade to decade." Indeed, the most powerful counterargument to Mueller—and one that is ultimately unanswerable—is that this period of peace will be temporary and that someday these trends will be reversed. Neorealists traditionally contend that the anarchic structure of the system stacks the deck against long-term stability, which accounts for "war's dismal recurrence throughout the millennia," in the words of Kenneth Waltz (1989:44). Other scholars are skeptical about the explanatory power of ideas, at least as independent variables in models of state behavior (Mearsheimer 1994/1995; Brooks and Wohlforth 2000/2001; Copeland 2003).  However, one need not be convinced about the potential for ideas to transform international politics to believe that major war is extremely unlikely to recur. Mueller, Mandelbaum, Ray, and others may give primary credit for the end of major war to ideational evolution akin to that which made slavery and dueling obsolete, but others have interpreted the causal chain quite differently. Neoliberal institutionalists have long argued that complex economic interdependence can have a pacifying effect upon state behavior (Keohane and Nye 1977, 1987). Richard Rosecrance (1986, 1999) has contended that evolution in socio-economic organization has altered the shortest, most rational route to state prosperity in ways that make war unlikely**.** Finally, many others have argued that credit for great power peace can be given to the existence of nuclear weapons, which make aggression irrational (Jervis 1989; Kagan et al. 1999). With so many overlapping and mutually reinforcing explanations, at times the end of major war may seem to be overdetermined (Jervis 2002:8–9). For purposes of the present discussion, successful identification of the exact cause of this fundamental change in state behavior is probably not as important as belief in its existence. In other words, the outcome is far more important than the mechanism. The importance of Mueller's argument for the field of IR is ultimately not dependent upon why major war has become obsolete, only that it has.  Almost as significant, all these proposed explanations have one important point in common: they all imply that change will be permanent. Normative/ideational evolution is typically unidirectional—few would argue that it is likely, for instance, for slavery or dueling to return in this century. The complexity of economic interdependence is deepening as time goes on and going at a quicker pace. And, obviously, nuclear weapons cannot be uninvented and (at least at this point) no foolproof defense against their use seems to be on the horizon. The combination of forces that may have brought major war to an end seems to be unlikely to allow its return.  The twentieth century witnessed an unprecedented pace of evolution in all areas of human endeavor, from science and medicine to philosophy and religion. In such an atmosphere, it is not difficult to imagine that attitudes toward the venerable institution of war may also have experienced rapid evolution and that its obsolescence could become plausible, perhaps even probable, in spite of thousands of years of violent precedent. The burden of proof would seem to be on those who maintain that the "rules of the game" of international politics, including the rules of war, are the lone area of human interaction immune to fundamental evolution and that, due to these immutable and eternal rules, war will always be with us. Rather than ask how major war could have grown obsolete, perhaps scholars should ask why anyone should believe that it could not.

#### Intervening actors check

Trachtenberg 2k

(Prof of History, Pennsylvania (Marc, The "Accidental War" Question, http://www.sscnet.ucla.edu/polisci/faculty/trachtenberg/cv/inadv(1).pdf, CMR)

The second point has to do with how much risk there really is in situations of this sort. It should not be assumed too readily that states underestimate the degree to which they lose control of the situation when they engage in a crisis. States can generally **pull back from the brink** if they really want to; prestige will be sacrificed, but often states are willing to pay that price. The history of international politics in the century that just ended is **full of crises** that were liquidated by one side accepting what amounted to defeat, sometimes even humiliating defeat; and in the July Crisis in 1914, the German government chose at the most critical moment to let the war come rather than press for a compromise solution.9 The key thing here is that in 1914 and 1939 political leaders had not totally lost control, but had chosen to accept war rather than back off in a crisis. Their aversion to war was not overwhelming. But when both sides very much want to avoid a full-scale armed conflict, the story is very different. This was the case during the Cold War. People sometimes seem to assume that peace was hanging by a thread during that conflict, and that we were lucky to make our way through it without a thermonuclear holocaust. But I don't think this is true at all: and in general I think it is **very unlikely** that a great war would break out if both sides are determined to avoid it. These arguments about how war could break out almost by accident were frequently made during the Cold War itself--and indeed were made by responsible and experie nced officials. A British document from March 1946, for example, argued that the Soviets did not want war, but the kind of tactics they used with the West might lead to a war that neither side wanted: "although the intention may be defensive, the tactics will be offensive, and the danger always exists that Russian leaders may misjudge how far they can go without provoking war with American or ourselves."10 A year later, a British Foreign Office official warned that the fact that the Soviets had military superiority in Europe might make them careless, and that they might "misjudge what measures can safely be taken without producing a serious crisis." Events might get out of control and a situation might develop that could "lead to disaster."11 What is wrong with this point of view? It assumes that the Soviets would not be cautious, that they would not frame their actions very carefully with an eye to the American reaction, that in deciding how far to go they would not gauge very closely how the Americans reacted to the measures they had taken up to that point. This point of view assumes also that the Soviets would find it very hard to draw back if it became clear that they had overstepped the bounds and had thought the American reaction would not be as vigorous as it in fact was--or indeed that they had not made the mental reservation that they could draw back, in necessary, when they decided to embark on a provocative course of action. Basically the assumption is that the Soviets did not care enough about what a war would entail to take these rather elementary and normal precautions. This point of view also assumes that the American response would be very rigid and "spring-loaded": a slight Soviet infringement, and the Americans immediately take the plunge into general war--as though there are no intermediate measures of a political or military nature that would be taken, no process that would unfold within which the two sides would test each other out before resorting to extreme measures. To my mind, anyone with any sense should know that things would **never** move directly and mechanically from initial provocation to full-scale war, that things would unfold almost inevitably in a more complex way--or, in short, that enough "**cushioning**" exists in the system to keep relatively minor provocations from leading directly to general war.

#### Nuclear war doesn’t cause extinction

Seitz 2011

(Russell, Harvard University Center for International Affairs visiting scholar, “Nuclear winter was and is debatable,” Nature, 7-7-11, Vol 475, pg37, accessed 9-27-11, CMR)

Alan Robock's contention that there has been no real scientific debate about the 'nuclear winter' concept is itself **debatable** (Nature 473, 275–276; 2011). This potential climate disaster, popularized in Science in 1983, rested on the output of a one-dimensional model that was later shown to overestimate the smoke a nuclear holocaust might engender. More refined estimates, combined with advanced three-dimensional models (see http://go.nature.com.libproxy.utdallas.edu/kss8te), have dramatically reduced the extent and severity of the projected cooling. Despite this, Carl Sagan, who co-authored the 1983 Science paper, went so far as to posit “the extinction of Homo sapiens” (C. Sagan Foreign Affairs 63, 75–77; 1984). Some regarded this apocalyptic prediction as **an exercise in mythology**. George Rathjens of the Massachusetts Institute of Technology protested: “Nuclear winter is **the worst example of the misrepresentation of science to the public in my memory**,” (see http://go.nature.com.libproxy.utdallas.edu/yujz84) and climatologist Kerry Emanuel observed that the subject had “become **notorious for its lack of scientific integrity”** (Nature 319, 259; 1986). Robock's single-digit fall in temperature is at odds with the subzero (about −25 °C) continental cooling originally projected for a wide spectrum of nuclear wars. Whereas Sagan predicted darkness at noon from a US–Soviet nuclear conflict, Robock projects global sunlight that is several orders of magnitude brighter for a Pakistan–India conflict — literally the difference between night and day. Since 1983, the projected worst-case cooling has fallen from a Siberian deep freeze spanning 11,000 degree-days Celsius (a measure of the severity of winters) to numbers so unseasonably small as to call the very term 'nuclear winter' into question.

#### Counterforce targeting checks

Mueller 9

(John, Woody Hayes Chair of National Security Studies and Professor of Political Science at Ohio State University. “Atomic Obsession: Nuclear Alarmism from Hiroshima to Al-Qaeda” p. 8)

To begin to approach a condition that can credibly justify applying such extreme characterizations as societal annihilation, a full-out attack with hundreds, probably thousands, of thermonuclear bombs would be required. Even in such extreme cases, the area actually devastated by the bombs' blast and thermal pulse effects would be limited: 2,000 I-MT explosions with a destructive radius of 5 miles each would directly demolish less than 5 percent of the territory of the United States, for example. Obviously, if major population centers were targeted, this sort of attack could inflict massive casualties. Back in cold war days, when such devastating events sometimes seemed uncomfortably likely, a number of studies were conducted to estimate the consequences of massive thermonuclear attacks. One of the most prominent of these considered several possibilities. The most likely scenario--one that could be perhaps be considered at least to begin to approach the rational-was a "counterforce" strike in which well over 1,000 thermonuclear weapons would be targeted at America's ballistic missile silos, strategic airfields, and nuclear submarine bases in an effort to destroy the country's strategic ability to retaliate. Since the attack would not directly target population centers, most of the ensuing deaths would be from radioactive fallout, and the study estimates that from 2 to 20 million, depending mostly on wind, weather, and sheltering, would perish during the first month.

### UQ Wall

**Immigration will pass now—Obama’s new push will build House Republican support for incremental legislation that will be bundled with citizenship – FRAMING ISSUE – PC is the only relevant question because he can persuade remaining holdouts and sustain existing votes – that’s Bennett and Matthews**

#### The stars have aligned---Obama’s push secures quick passage in both houses

- a2 shutdown thumper

- a2 citizenship

- vote soon

Clift 10-25-13 (Eleanor, “Obama, Congress Get Back to the Immigration Fight”, <http://www.thedailybeast.com/articles/2013/10/25/obama-congress-get-back-to-the-immigration-fight.html>, CMR)

After months of relative quiet on the subject of immigration reform, President **Obama reclaimed center stage** in an event in the East Room of the White House Thursday, **urging the Republican**-controlled **House to take up bipartisan legislation** passed in June by a big margin (68-32) in the Senate. “It doesn’t get easier to put off,” he said, a pointed reminder to Republicans that the politics are stacked against them if they punt on an issue of central importance to the fastest growing bloc of voters in the country. Neutralizing the Democrats’ advantage among Hispanics is crucial to the GOP’s presidential prospects, and could improve Congress’ image in the wake of the government shutdown. “Rather than create problems, let’s prove to the American people that Washington can actually solve some problems,” Obama implored. Among those assembled in the East Room for the president’s remarks was Frank Sharry, founder and director of America’s Voice and a longtime activist for immigration reform. Asked what he was thinking as he listened to Obama’s 12-minute speech, he termed it “a modest push,” noting that Obama has been “remarkably restrained” on the issue when you consider that overhauling the nation’s broken immigration system is his top second-term priority. Obama sidelined himself in deference to Republicans who needed room to build support without being aligned with a president so many in the GOP caucus reflexively dislike. But now with the shutdown behind them and Republicans on the defensive, Obama saw an opening to get back in the game. His message, says Sharry: “‘Hey, I’m flexible,’ which after the shutdown politics was important, and he implied ‘if you don’t do it, I’m coming after you.’” For Obama and the Democrats, **immigration reform is a win-win issue**. They want an overhaul for the country and their constituents. If they don’t get it, they will hammer Republicans in demographically changing districts in California, Nevada, and Florida, where they could likely pick up seats—not enough to win control of the House, but, paired with what Sharry calls “the shutdown narrative,” Democratic operatives are salivating at the prospect of waging that campaign. **Some Republicans understand the stakes**, **and** former vice-presidential candidate and budget maven Paul **Ryan is at the center of a newly energized backroom effort to craft legislation that would deal with the thorniest aspect of immigration reform** for Republicans: the disposition of 11 million people in the country illegally. Rep. Raul Labrador (R-ID), an early advocate of reform who abandoned the effort some months ago, argues that Obama’s tough bargaining during the shutdown means Republicans can’t trust him on immigration. “When have they ever trusted him?” asks Sharry. “Nobody is asking them to do this for Obama. They should do this for the country and for themselves.... We’re not talking about tax increases or gun violence. This is something the pillars of the Republican coalition are strongly in favor of.” Among those pillars is Chamber of Commerce President Tom **Donahue**, who on Monday **noted** the **generally good feelings about immigration reform** among disparate groups, among them business and labor. **He expressed optimism** that **the House could pass something, go to conference and resolve differences with the Senate, get a bill and have the president sign it** “and guess what, government works! Everybody is looking for something positive to take home.” The Wall Street Journal reported Thursday that **GOP donors are withholding contributions to lawmakers blocking reform**, and that Republicans for Immigration Reform, headed by former Bush Cabinet official, Carlos Gutierrez, is running an Internet ad urging action. Next week, evangelical Christians affiliated with the Evangelical Immigration Table will be in Washington to press Congress to act with charity toward people in the country without documentation, treating them as they would Jesus. The law-enforcement community has also stepped forward repeatedly to embrace an overhaul. House Speaker John Boehner says he wants legislation, but not the “massive” bill that the Senate passed and that Obama supports. **The House seems inclined to act**—if it acts at all—on a series of smaller bills starting with “Kids Out,” a form of the Dream Act that grants a path to citizenship for young people brought to the U.S. as children; then agriculture-worker and high-tech visas, accompanied by tougher border security. The sticking point is the 11 million people in the country illegally, and finding a compromise between Democrats’ insistence that reform include a path to citizenship, and Republicans’ belief that offering any kind of relief constitutes amnesty and would reward people for breaking the law. The details matter hugely, but **what a handful of Republicans, led by Ryan, appear to be crafting is legalization** for most of the 11 million but without any mention of citizenship. It wouldn’t create a new or direct or special path for people who came to the U.S. illegally or overstayed their visa. **It would allow them to earn legal status** through some yet-to-be-determined steps, and once they get it, they go to the end of a very long line that could have people waiting for decades. The Senate bill contains a 13-year wait. However daunting that sounds, **the potential for meaningful reform is** tantalizingly close **with Republicans actively engaged in preparing their proposal, pressure building** from the business community and religious leaders, **and a short window before the end of the year** to redeem the reputation of Congress and the Republican Party after a bruising takedown. The pieces are all there for long-sought immigration reform. **We could be** a few weeks away **from an historic House vote**, or headed for a midterm election where Republicans once again are on the wrong side of history and demography.

#### Momentum – GOP support coalescing

Jacoby 10-22-13 (Tamar, “Immigration reform would help GOP”, <http://www.cnn.com/2013/10/21/opinion/jacoby-immigration-after-shutdown/?hpt=ju_c2>, CMR)

What are **the chances** that **the House will** now **move ahead on immigration**? The answer will **have** less **to do with** immigration than with **how the budget battle has changed the larger political dynamic in Washington.**¶House Republicans' views on immigration are untested, and **many** advocates for reform **believe they are implacably hostile.** But **the truth is Republican opinion has been** evolving **since the 2012 election**. More and more House Republicans, **perhaps** the majority, **know** that **reform is overdue and that the GOP must be part of the solution** -- to remain competitive with Latino voters and because it's the right thing to do.¶ **Individual lawmakers and essential staff continued to work on the issue even through the dark days of the shutdown.** And **members are** coalescing **around** answers to the hardest of the hard questions: what to do about immigrants living in the United States illegally? House Majority Leader Eric **Cantor is working on a bill that would create a path to citizenship** for "Dreamers" brought to the U.S. illegally as children.¶ And **one recent informal count found 84 House Republicans** -- more than one third of the total -- **in favor of legal status** for the Dreamers' parents.¶ Bottom line: If it weren't for the rancor of the budget brawl, the House might be in a good place on immigration, with Republicans ready to move forward and pass a package of measures they could send to a conference with the Senate bill.¶

#### Passage likely – opposition overstated

Leopold 10-24-13 (David, “Immigration Reform Is Alive and Kicking on Capitol Hill”, <http://www.huffingtonpost.com/david-leopold/immigration-reform-is-alive_b_4136478.html>, CMR)

As it turns out, reports of the death of immigration reform were greatly exaggerated. Rep. Mario **Diaz-Balart** (R-Fla.), Rep. Darrell **Issa** (R-Calif.) **and other House Republicans and Democrats are** reportedly **working on various immigration plans,** some of which, including a bill to be released next week by Issa, deal with the toughest issue of all -- what to do about the nation's 11.7 million undocumented immigrants. And Speaker John **Boehner** (R-Ohio) **says** that **immigration reform could get to the floor of the House before the end of the year**. Is common sense breaking out on Capitol Hill? That might be too much to ask for. But at least the GOP leadership seems to be taking a hard look at political reality. Here are **four big reasons** why **an immigration overhaul is** likely to happen **by the end of the year**: 1. **Immigration reform is a political win-win for Democrats and Republicans**. I can't say that either the Democrats or Republicans came out of last week's shutdown and debt limit brinksmanship looking good to the American people, but **the whole debacle hurt the Republicans** much more. A recent NBCNews/Wall Street Journal poll found that the public blames the GOP more than President Obama by 53 percent to 31 percent, a 21 point margin. And approval ratings for the Republican party are at an all-time low -- never before in the history of polling have the numbers shown such blatant disappointment. **Immigration reform gives the Republicans a unique opportunity to do something big, to reach across the aisle and work with House Democrats to pass real immigration reform** either in a comprehensive package or as a series of bills that ultimately have a chance to fix what's wrong with our immigration system. It would be a colossal mistake for the House GOP not to seize the chance to lead on immigration reform. The American people want it, the country needs it, and it's a pathway to political redemption for the badly bruised Republican party. 2. **The immigration reform coalition is unified and ready to make** the final push. **A broad coalition** of business, labor, faith-based and ethnic groups are **full of energy and ready to** finish the jobthe Senate started in the spring. In the midst of the combined "shutdown and debt ceiling" crisis, thousands of Americans descended on Washington to join the "March for Dignity and Respect." Eight members of Congress, including civil rights icon John Lewis (D-Ga.), joined together in an historic act of civil disobedience and were arrested near the steps of the Capitol in a show of solidarity with the immigration reform movement. As Rep. Charles Rangel (D-N.Y.) wrote recently in his The Huffington Post column "Why I Went To Jail":

#### Will pass this year – Obama’s push rebuilding support

Debevec 10-20-13 (Nicole, “The Issue: Supporters want immigration reform back in the limelight”, <http://www.upi.com/Top_News/US/2013/10/20/The-Issue-Supporters-want-immigration-reform-back-in-the-limelight/UPI-91091382259840/#ixzz2iW50paEX>, CMR)

**The** federal government **shutdown**, **worry about the** U.S. government reaching its **borrowing limit**, Syria and world events have **pushed immigration** reform **to the back burner for awhile**.¶ Folks, including President Obama, **want it** brought back to the fore.¶ **Rallies for immigration reform were conducted across the nation as a way to urge Congress to pass reform measures**.¶ The day after Congress approved a bill that reopened government and avoided default, **Obama said sweeping immigration reform should be acted on** before the end of the year.¶ "We should finish the job of fixing our broken immigration system. **There's already a** broad coalition **across America that's behind this effort** of comprehensive immigration reform, from business leaders to faith leaders to law enforcement," Obama said.¶ "In fact, **the Senate has already passed a bill with** strong bipartisan support **that would** make the biggest commitment to border security in our history, would **modernize our legal immigration system**, make sure everyone plays by the same rules, make sure that folks [who] came here illegally have to pay a fine, pay back taxes, meet their responsibilities," he said.¶ If the Senate bill becomes law, econ**omists estimate the U.S. economy would be 5 percent larger two decades from now --** $1.4 trillion in new economic growth, Obama said.¶ "The majority of Americans think this is the right thing to do. And it's sitting there waiting for the House to pass it," Obama said.¶ If the Republican-led House "has ideas on how to improve the Senate bill, let's hear them," Obama said. "Let's start the negotiations. But let's not leave this problem to keep festering for another year or two years or three years. **This** can **and** should **get done by the end of this year**."

#### Obama has the upperhand---ensures GOP compromises

Mason 10-20-13 (Jeff, “Obama Will Have To Rely More And More On Executive Orders,” <http://www.businessinsider.com/obama-will-have-to-rely-more-and-more-on-executive-orders-2013-10#ixzz2ifRFmdLZ>, CMR)

Democrats believe, however, that **Obama's bargaining hand may be strengthened by the thrashing Republicans took** in opinion polls **over their handling of the shutdown**. "**This shutdown re-emphasized the overwhelming public demand for compromise and negotiation**. And that may open up a window," said Ben LaBolt, Obama's 2012 campaign spokesman and a former White House aide. "There's no doubt that some Republican members (of Congress) are going to oppose policies just because the president's for it. But the hand of those members was significantly weakened." If he does have **an upper hand**, **Obama is likely to apply** it **to immigration reform**. The White House had hoped to have a bill concluded by the end of the summer. A Senate version passed with bipartisan support earlier this year but has languished in the Republican-controlled House. "It will be hard to move anything forward, unless the **Republicans** find the political pain of obstructionism too much to bear," said Doug Hattaway, a Democratic strategist and an adviser to Hillary Clinton's 2008 presidential campaign. "That may be the case with immigration - they'll **face pressure from business and Latinos to advance immigration reform**," he said.

### HC Thumps

#### CIR is top of the agenda—not healthcare

Chakrabory 10-24-13 (Barnini, staff writer, "A pivot in priorities? Obama touts immigration reform" Fox News) www.foxnews.com/politics/2013/10/24/pivot-in-priorities-obama-touts-immigration-reform/

President Obama shifted focus Thursday from the pile-up of problems related to the rollout of his health care law to another prickly political topic: immigration. Obama made his case for comprehensive reform at a White House event and insisted that Congress had enough time to pass the immigration bill by the end of the year. “It doesn’t get easier to put it off,” Obama said.

### PC Key

#### Pressure will force compromise – even absent conference

Stiles 10-21-13 (Andrew, “Conservatives warn House leaders against the Senate bill on comprehensive immigration reform,” <http://www.nationalreview.com/article/361716/dug-against-gang-eight-andrew-stiles>, CMR)

Conservative opponents of the Gang of Eight bill have been expecting this push for some time, and they have sought to dispel assumptions that immigration reform is a dead issue. They are wise to the procedural tricks that proponents could employ to increase the chances that comprehensive legislation would be signed into law. **If the House passed a series of individual bills**, for example, **they could easily be cobbled together into one large package; lawmakers could** also **informally negotiate an agreement in the absence of a conference.** Many conservatives think that **going to conference with the Senate bill would produce a final product resembling that bill and** that **House Republicans would then face** considerable political pressure **to accept it**.

#### Piecemeal is the first step – conference committee ensures passage

Nowicki 10-20-13 (Dan, “Time running out for immigration reform”, <http://www.usatoday.com/story/news/nation/2013/10/20/hopes-dim-for-immigration-reform/3062199/>, CMR)

'Could see floor action' Boehner this year frustrated some immigration activists by declaring the Senate's comprehensive bill dead on arrival in the House and by signaling that any of the other smaller bills must be supported by a majority of his GOP conference. The piecemeal approach also likely would include bills focusing on border security, visas for foreign workers and immigration enforcement. Five measures already have cleared committees, so Boehner could easily set aside a week this fall to hold a series of immigration votes. He has said doing nothing on immigration is not an option. "We're still committed to moving forward on step-by-step, common-sense reforms," Boehner spokesman Michael Steel told The Arizona Republic in an email. "The Judiciary Committee has already passed several bills that could see floor action." Rep. Ed Pastor, D-Ariz., said he believes House Republican leaders are sincere and sees a potential opening for immigration reform in the next several weeks. If five or so immigration bills are passed, the legislation could be bundled and provide the basis for a joint House-Senate conference committee that would hammer out a final version based on the legislation that each chamber passed. "Paul Ryan has been meeting with various Democrats, and I think Paul **Ryan is** probably **the biggest advocate for getting something done**," said Pastor.

#### PC key to Democrats and moderate GOP---Obama has to maintain the upper hand

Sanders 10-25 (Bob Ray, “There’s no better time for Obama to push for immigration reform”, <http://azstarnet.com/ap/commentary/there-s-no-better-time-for-obama-to-push-for/article_f5d43fb0-c970-5746-8731-b50670d7677c.html>, CMR)

Therefore, **it will be left up to the House Democrats and the moderate Republicans who are not afraid of the tea party to get an immigration bill passed**. **Since the government shutdown fiasco**, **in which the GOP unmistakably was the loser, the president has the** upper hand**, and he should take the opportunity to press forward with his agenda**. By no means am I suggesting that **Obama** become a bully or deliberately attempt to undermine Boehner’s leadership, but he shouldn’tback away **from this fight again**. Every time an election approaches — and there’s always an approaching election — it is suggested that it’s the wrong time to bring up immigration reform. Frankly, **there’s no better time than right now** as candidates prepare to file for office and gear up their campaigns for the 2014 contests. Let them state their positions on this issue, vote their consciences and then stand on their records.

### No Push

**Even absent Obama’s initial defense, plan ensures huge political battles that draw him in**

**Benson 13** (Pam, “Drone court considered”, Feb 9, <http://security.blogs.cnn.com/2013/02/09/legislators-consider-new-court-to-oversee-drone-strike-decisions/>, CMR)

**Creating** **a** similar type of **court to oversee lethal actions taken overseas may be easier said than done**.¶ The intelligence panel has yet to begin drafting legislation, a Feinstein aide told Security Clearance. For now, the panel was reading through proposals and suggestions by experts and commentators.¶ According to the aide, who spoke on condition of not being identified, **writing a bill raised "a lot of questions to wrestle with.**" **Consultations with the** **Judiciary and Armed Services Committees as well as the** **White House must occur before a final proposal can be developed**, the aide added.¶ Ben Powell, the former general counsel for the Director of National Intelligence, said **legislators will have to deal with "a number of thorny legal issues** ... **with very complex implications**" to put an FISC-style court together.¶ According to Powell, major questions that must be addressed include specifying what the court would rule on, such as whether the target was part of al Qaeda or posed an imminent threat or was unlikely to be captured.¶ In addition, legislation would have to define whether the court's rulings would cover U.S. citizens who don't belong to al Qaeda but pose an imminent threat, as well as what role it would have in issues outside the United States, he said.¶ Powell also said legislators would have to clarify how the new court interacted with the president's constitutional power to defend the nation, specifically whether a new law would seek to limit such power.¶ Some legal experts believe the court's review would be limited to determining whether an individual should be put on a target list.

### Winners Win

#### This is our argument – shutdown fight was a narrow victory for Obama

Amie Parnes, 10/16/2013 (staff writer, “Obama hails debt deal's passage as lifting 'cloud of unease'” <http://thehill.com/homenews/administration/328985-obama-hails-debt-deals-passage-as-lifting-cloud-of-unease>, Accessed 10/17/2013, CMR)

President Obama signed a deal to reopen the government and raise the debt ceiling on Thursday morning.¶ Hundreds of thousands of federal workers will return to their jobs on Thursday, and national parks and memorials shuttered for 16 days will reopen.¶ Obama, who won a political victory with the congressional votes, hailed the deal, saying it would “begin to lift this cloud of uncertainty and unease from our businesses and the American people.”

#### BUT, the plan can’t be a win- restrictions are seen as Congress second-guessing Obama and internal divisions in the administration stop leveraging this into political capital

Goldsmith 12 Jack Goldsmith, a former assistant attorney general in the Bush administration, is a professor at Harvard Law School and a member of the Hoover Institution task force on national security and law, 4-27-2012 "Romney’s advantages in U.S. security" lexis, CMR

These **successes have** not translated **into political capital on** counterterrorism **issues at home**. **Obama failed** in his signature pledge **to close** the **Guantanamo** Bay detention center. His administration had to back down from its attempt to prosecute in civilian court senior terrorist leaders held at Guantanamo. In both contexts, **large majorities in Congress, with broad popular support, opposed the president’s policies and enacted laws that forbid closing Guantanamo or trying terrorists** held there in civilian court.¶ **Congress pushed back against Obama** partly **for** political reasons and partly because lawmakers did not fully trust his judgment in those contexts. Problems began with some clumsy public errors in the administration’s first year, including the ill-advised attempt to release some detainees into the United States, a waffling reaction to the failed Christmas Day attack by “underwear bomber” Umar Farouk Abdulmutallab and the poorly vetted decision to prosecute 9/11 mastermind Khalid Sheik Mohammed in civilian court. **These** and related **controversies spurred Republicans and** many **Democrats to hurl charges of insufficient seriousness on counterterror**ism — **and led to** the unprecedented congressional restrictions **under which Obama labors.**¶ Obama never really tried to leverage his reputation for killing terrorists abroad into success on Guantanamo-related issues at home. The Bush administration used every tool of the presidency — the bully pulpit, political trench warfare in Congress and threats to disregard congressional restrictions — to further its counterterrorism priorities. The **Obama** administration **has been** internally divided **on** terrorist detention and trial **issues** and preoccupied with higher-priority matters; it has rarely spent political capital on the Guantanamo detainees.

# 2NR

## Politics

#### Their ev is old news – Obama’s balanced approach solves

Bennett 10-24-13 (Brian, and Christi Parsons, “Obama softens tone on immigration reform,” <http://www.latimes.com/nation/la-na-immigration-obama-20131025,0,6755968.story#axzz2ikONvPvJ>, CMR)

Rep. Luis V. Gutierrez (D-Ill.), who asked the president in a meeting at the White House earlier this year to step back from negotiations in Congress for fear his involvement would spook Republicans, thought Obama struck the right tone Thursday. "He didn't say, 'It's my way or the highway,'" said Gutierrez, who is involved in discussions with House Republicans on immigration proposals. Gutierrez wants Obama to step up his involvement in crafting a deal, including bringing together both sides for a face-to-face meeting. "Camp David is a nice place in the fall," Gutierrez said.

#### Even absent Obama’s push, plan ruins spirit of compromise needed for passage

Reuters 3/21 (“Gang Of Eight, Bipartisan Senate Group, On Path To Immigration Bill”, 2013, <http://www.huffingtonpost.com/2013/03/21/gang-of-eight_n_2921084.html>, CMR)

"Everyone in there wants to get it done," said Flake. "No one is looking for scoring political points. That makes all the difference."¶ "There have been hard and tough negotiations, but it has been done all in the spirit of achieving the goal, in which compromise has been made on both sides," said New Jersey's Democratic senator, Robert Menendez, another group member.¶ A group of eight House members - also four Democrats and four Republicans - began working on its own plan years ago, long before the Senate group even formed.¶ The emerging and comprehensive House plan, like the one in the Senate, has a proposed path toward citizenship.¶ Republicans Flake, McCain and Graham recently meet with a number of House Republicans to explain their efforts.¶ "I don't want to say what their positions were, but they were cordial," said Flake, elected to the Senate in November after 12 years in the House. "They listened."¶ Flake said he expected the Senate to pass a comprehensive bill while the House approved a limited one. But differences between the two measures could then be worked out, he said.¶ McCain said he believed "we can convince our House Republican friends - if we can make sure that they are convinced that we have an effective control of the border and it is not amnesty."¶