### 1

#### Interpretation and violation

#### Authority is granted permission

Ellen Taylor 96, 21 Del. J. Corp. L. 870 (1996), Hein Online

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

#### Restrictions are prohibitions --- topical affs must change what actions are allowed. Enforcing status quo authority is not enough.

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Vote neg---

#### Neg ground---only prohibitions on particular authorities guarantee links to every core argument like flexibility and deference. Judicial review is a mechanism of enforcement, not restriction.

#### Limits---there are an infinite number of small hoops they could require the president to jump through---overstretches our research burden

### 2

#### Obama is winning the fight against a new Iran sanctions bill but PC is key to sustain democratic momentum against its passage

Lockshin 1-21 (Matt, senior campaign manager and online organizer at CREDO Action, “A Big Day for Diplomacy With Iran,” 2014, <http://www.huffingtonpost.com/matt-lockshin/a-big-day-for-diplomacy-w_b_4632941.html>, CMR)

**Monday could go down in history as the day we took our first step toward a comprehensive nuclear deal with Iran that prevents the country from** ever **acquiring a nuclear weapon**. But the peaceful resolution of international concerns about Iran's nuclear program is hardly assured. **Those of us who support diplomacy have an important role to play in preventing** members of the **House and the Senate** -- Democrats and Republicans -- who are **unwilling to give President Obama the** time and political space **necessary to cut a reasonable deal** with Iran. Where We Are Now On Monday, Iran began to implement an interim deal it has made with the United States and our international partners. Iran's nuclear program is now frozen and subject to the most intrusive inspections in history. And for the next six months, while Iran's nuclear program is halted, negotiators will try to reach a comprehensive diplomatic agreement between Iran, the United States and various world powers to prevent Iran from ever acquiring a nuclear weapon. President **Obama has been a strong voice for peace** despite opposition from many within his own party. **Now** more than ever**, he needs** our strong and vocal support. These negotiations represent the best chance in a decade to resolve this issue peacefully. But they will be tough, both substantively and politically. President Obama himself has only given the talks a 50/50 chance of success. The stakes of these talks are high. **The alternative to a negotiated deal will be** either a continually growing Iranian nuclear program or another American war in the Middle East. So **we shouldn't take** **counterproductive actions that make** the **negotiations** even **harder** than they need to be. Yet **that is** precisely what hawks in both chambers of Congress are trying to do. The Biggest Danger to Diplomacy - New Sanctions. Among the leading political dangers to diplomatic talks is the belligerent and reckless move to impose new sanctions on Iran while negotiations are ongoing, in violation of our commitment to our international partners and Iranian diplomats as part of an interim nuclear deal. In December, news broke that 14 Senate Democrats led by New Jersey's Robert Menendez and New York's Chuck Schumer had joined Republicans (led by Senator Mark Kirk of Illinois) in pushing a new sanctions bill (S. 1881) that would blow up diplomacy with Iran and set us on a path to war. Initially, the new sanctions bill seemed to have momentum. But last week the momentum shifted in our favor, due in no small part to those who flooded the Senate with calls demanding that Senate Democrats not help the Republicans start another war. And as of this morning, there are more Senate Democrats on the record opposing new sanctions at this time than there are Democratic co-sponsors of the new sanctions bill. The National Iranian American Council, an organization that does great work supporting diplomacy with Iran, has a nice breakdown of where various senators stand on new sanctions. You can see their whip count, here. The Second Biggest Danger to Diplomacy - Tying President Obama's Hands Iran is currently under an extremely onerous sanctions regime. Sanctions have already crippled the Iranian economy and led to widespread economic pain, like rampant unemployment and shortages of medicine and other humanitarian supplies. While the purpose of sanctions has never been to punish ordinary Iranians, they are the ones who overwhelmingly feel the pain caused by sanctions. It's widely understood that if a deal is struck, the basic contours would be our agreeing to ease sanctions with a goal of ending them in exchange for a verifiable agreement with Iran that prevents it from ever building a nuclear weapon. But some members of Congress want to move the goalposts and are trying to pass legislation that lays out the contours of what an acceptable final deal than ends sanctions would look like -- and the standards they want to establish are so unrealistic that nothing that's actually on the table would ever satisfy them. This kind of legislation is not only dangerous if it passes. Iranian diplomats are less likely to go out on a limb and agree to potentially politically unpopular provisions if they don't believe Congress will back up President Obama by supporting the deal he cuts. The bottom line is that Congress needs to give President Obama the space he needs to cut a reasonable deal. Legislation that seeks to tie his hands not only makes it less likely that diplomacy will succeed (which in turn makes war much more likely), it also makes it more likely that the failure of diplomacy would be blamed (perhaps justifiably) on the United States. What Can We Do Now? The short version is that we need to do all that we can to provide time and space for the administration to negotiate a verifiable deal that protects our interests and advances our security in a peaceful manner. Congress will try to prevent that, and it's our job to ensure that it doesn't. In terms of strategy, we need to keep the pressure on Democrats in both chambers of Congress not to help the Republicans start another war. Senate Democrats are our top targets. Although momentum has slowed on the new Iran sanctions bill, we remain in a dangerous position. If anything goes even a little awry in the ongoing negotiations, then move for new sanctions can quickly regain momentum. Getting more Democratic senators on the record opposing new sanctions now is a priority, as is holding accountable those who are pushing for new sanctions. In the House, we need to make sure Democrats don't give bipartisan support to any bill, even a non-binding resolution, supporting new sanctions or setting down markers about what an acceptable final deal will look like. And Democrats in both chambers need to be reminded that should President Obama cut a reasonable deal with Iran, we will need them to back him up by passing legislation that reduces sanctions in exchange for a verifiable agreement that stops Iran from ever acquiring a nuclear bomb.

#### **Plan destroys Obama**

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### Sanction bill guarantees US backing of Israeli strikes on Iran – encourages Israel to act

Perr 12/24/13 – B.A. in Political Science from Rutgers University; technology marketing consultant based in Portland, Oregon. Jon has long been active in Democratic politics and public policy as an organizer and advisor in California and Massachusetts. His past roles include field staffer for Gary Hart for President (1984), organizer of Silicon Valley tech executives backing President Clinton's call for national education standards (1997), recruiter of tech executives for Al Gore's and John Kerry's presidential campaigns, and co-coordinator of MassTech for Robert Reich (2002). (Jon, “Senate sanctions bill could let Israel take U.S. to war against Iran” Daily Kos, [http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran#](http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran)

As 2013 draws to close, the negotiations over the Iranian nuclear program have entered a delicate stage. But in 2014, the tensions will escalate dramatically as a bipartisan group of Senators brings a new Iran sanctions bill to the floor for a vote. As many others have warned, that promise of new measures against Tehran will almost certainly blow up the interim deal reached by the Obama administration and its UN/EU partners in Geneva. But Congress' highly unusual intervention into the President's domain of foreign policy doesn't just make the prospect of an American conflict with Iran more likely. As it turns out, the Nuclear Weapon Free Iran Act essentially empowers Israel to decide whether the United States will go to war against Tehran. On their own, the tough new sanctions imposed automatically if a final deal isn't completed in six months pose a daunting enough challenge for President Obama and Secretary of State Kerry. But it is the legislation's commitment to support an Israeli preventive strike against Iranian nuclear facilities that almost ensures the U.S. and Iran will come to blows. As Section 2b, part 5 of the draft mandates: If the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence. Now, the legislation being pushed by Senators Mark Kirk (R-IL), Chuck Schumer (D-NY) and Robert Menendez (D-NJ) does not automatically give the President an authorization to use force should Israel attack the Iranians. (The draft language above explicitly states that the U.S. government must act "in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force.") But there should be little doubt that an AUMF would be forthcoming from Congressmen on both sides of the aisle. As Lindsey Graham, who with Menendez co-sponsored a similar, non-binding "stand with Israel" resolution in March told a Christians United for Israel (CUFI) conference in July: "If nothing changes in Iran, come September, October, I will present a resolution that will authorize the use of military force to prevent Iran from developing a nuclear bomb." Graham would have plenty of company from the hardest of hard liners in his party. In August 2012, Romney national security adviser and pardoned Iran-Contra architect Elliott Abrams called for a war authorization in the pages of the Weekly Standard. And just two weeks ago, Norman Podhoretz used his Wall Street Journal op-ed to urge the Obama administration to "strike Iran now" to avoid "the nuclear war sure to come." But at the end of the day, the lack of an explicit AUMF in the Nuclear Weapon Free Iran Act doesn't mean its supporters aren't giving Prime Minister Benjamin Netanyahu de facto carte blanche to hit Iranian nuclear facilities. The ensuing Iranian retaliation against to Israeli and American interests would almost certainly trigger the commitment of U.S. forces anyway. Even if the Israelis alone launched a strike against Iran's atomic sites, Tehran will almost certainly hit back against U.S. targets in the Straits of Hormuz, in the region, possibly in Europe and even potentially in the American homeland. Israel would face certain retaliation from Hezbollah rockets launched from Lebanon and Hamas missiles raining down from Gaza. That's why former Bush Defense Secretary Bob Gates and CIA head Michael Hayden raising the alarms about the "disastrous" impact of the supposedly surgical strikes against the Ayatollah's nuclear infrastructure. As the New York Times reported in March 2012, "A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials." And that September, a bipartisan group of U.S. foreign policy leaders including Brent Scowcroft, retired Admiral William Fallon, former Republican Senator (now Obama Pentagon chief) Chuck Hagel, retired General Anthony Zinni and former Ambassador Thomas Pickering concluded that American attacks with the objective of "ensuring that Iran never acquires a nuclear bomb" would "need to conduct a significantly expanded air and sea war over a prolonged period of time, likely several years." (Accomplishing regime change, the authors noted, would mean an occupation of Iran requiring a "commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.") The anticipated blowback? Serious costs to U.S. interests would also be felt over the longer term, we believe, with problematic consequences for global and regional stability, including economic stability. A dynamic of escalation, action, and counteraction could produce serious unintended consequences that would significantly increase all of these costs and lead, potentially, to all-out regional war.

**Global war**

**Trabanco 9** – Independent researcher of geopoltical and military affairs (1/13/09, José Miguel Alonso Trabanco, “The Middle Eastern Powder Keg Can Explode at anytime,” \*\*http://www.globalresearch.ca/index.php?context=va&aid=11762\*\*)

In case of an Israeli and/or American attack against Iran, Ahmadinejad's government will certainly respond. A possible countermeasure would be to fire Persian ballistic missiles against Israel and maybe even against American military bases in the regions. **Teheran will** unquestionably **resort to** its **proxies like Hamas or Hezbollah** (or even some of its Shiite allies it has in Lebanon or Saudi Arabia) **to carry out attacks** against Israel, America and their allies, effectively **setting in flames** a large portion of **the Middle East**. The ultimate weapon at Iranian disposal is to block the Strait of Hormuz. If such chokepoint is indeed asphyxiated, that would dramatically increase the price of oil, this a very threatening retaliation because it will bring intense financial and economic havoc upon the West, which is already facing significant trouble in those respects. In short, the necessary conditions for a major war in the Middle East are given. Such **conflict could** rapidlyspiral out of control and thus a relatively **minor clash could** quickly **and** dangerously **escalate by engulfing the whole region and** perhaps even **beyond**. There are many key players: the Israelis, the Palestinians, the Arabs, the Persians and their respective allies and some great powers could become involved in one way or another (**America, Russia**, Europe, **China**). Therefore, any miscalculation by any of the main protagonists can trigger something no one can stop. Taking into consideration that the stakes are too high, perhaps it is not wise to be playing with fire right in the middle of a powder keg.

### 3

#### Text: The Israeli Supreme Court should rule that a strict scrutiny test will be used to approve or reject the authorization of targeted killing strikes involving the use of drones.

#### Israel is comparatively more influential in the area of targeted killing – Israel can serve as a norm entrepreneur

Fisher 2007

[Jason, Judicial Clerk to the Honorable James O. Browning, United States District Court for the District of New Mexico; J.D./M.A. University of California, Columbia Journal of Transnational Law, 45 Colum. J. Transnat'l L. 711]

Norms also may and frequently do attain greater prominence due to the efforts of norm entrepreneurs. A State, community, organization, or individual setting out to change the normative understandings and behavior of others may be considered a norm entrepreneur. n162 States possess advantages over other types of actors if they wish to act as norm entrepreneurs attempting to usher developing norms through the norm life cycle. Most States interact across a "wide range of fora and situations with ... other states" and, as such, "have many opportunities ... to persuade other states of the rightness of their views." n163 Powerful States, moreover, tend to have more communication resources and to have more opportunities to interact with more States more often than less powerful States and, thus, hold an entrepreneurial advantage. n164 The relative power positions of the United States and Israel in the system of States would appear to provide both of them with the capabilities and opportunities to engage in actively persuading other States to adopt their norms. However, given the sensitive nature and limited application of a norm permitting the use of targeted killing as a counter-terrorism tactic, it seems likely that both the United States and Israel would be wary of being seen as too actively engaged in promoting such a norm. That said, Israel's willingness and, to a lesser extent, the United States' willingness to acknowledge and defend their use of targeted killing, thereby communicating, underscoring, and justifying [\*739] their behavior, may be viewed as a limited, restrained form of norm entrepreneurship. n165 Israel regularly announces the circumstances and results of its targeted killing operations. n166 For example, on November 9, 2000, following the targeted killing of Tanzim member Hussein Abayat, an Israeli Defense Force (IDF) spokesperson announced that: During an IDF-initiated action in the area of the village of Beit-Sahur, missiles were launched by IDF helicopters at the vehicle of a senior Fatah/Tanzim activist. The pilot reported an accurate hit. The activist was killed, and his aide, who accompanied him, was wounded ... . Abayat is suspected of having initiated and executed numerous shooting attacks in Beit-Sahur, Gilo, and al-Khder during which three IDF soldiers were killed ... . The action this morning is a long-term activity undertaken by the Israeli Security Forces, targeted at the groups responsible for the escalation of violence. n167 Israel's readiness to acknowledge its use of targeted killing suggests that Israel believes and is willing to communicate its beliefs that targeted killing is a justifiable and permissible counter-terrorism tactic. Further implying that it believes targeted killing ought to be recognized as a permitted tactic, Israel has publicly declared that it will continue to employ targeted killing: the Israeli Deputy Defense Minister, Ephraim Sneh, announced in March 2001, "We will hit all those who are involved in terrorist operations, attacks, or preparations for attacks." n168 Additionally, Israel has publicly defended and justified its use of targeted killing. Deputy Defense Minister Sneh, for example, has also stated, "I can tell you unequivocally what the policy is. If anyone has committed or is planning to carry out terrorist attacks, he has to be hit ... . It is effective, precise and just." n169 Shaul Mofaz, the Israeli Defense Minister, has also justified targeted killing by proclaiming its effectiveness: "There is no question about its efficacy. Look what happened to Hamas in the years it conducted an untrammeled suicide bombing war against us. When we started [\*740] the targeted killings, the situation changed." n170

### 4

#### **The aff invokes the cloak of legality to cleanse the US military and sustain broader militarization**

Gregory 11 (Derek, Ph.D., Prof Department of Geography, University of British Columbia, “The everywhere war,” <http://www.lsa.umich.edu/UMICH/eihs/Home/Events/gregory_everywhere_war.pdf>)

I have argued elsewhere that the American way of war has changed since 9/11, though not uniquely because of it (Gregory 2010), and there are crucial continuities as well as differences between the Bush and Obama administrations: ‘The man who many considered the peace candidate in the last election was transformed into the war president’ (Carter 2011, 4). This requires a careful telling, and I do not mean to reduce the three studies I have sketched here to a single interpretative narrative. Yet there are connections between them as well as contradictions, and I have indicated some of these en route. Others have noted them too. Pakistan’s President has remarked that the war in Afghanistan has grave consequences for his country ‘just as the Mexican drug war on US borders makes a difference to American society’, and one scholar has suggested that the United States draws legal authority to conduct military operations across the border from Afghanistan (including the killing of bin Laden, codenamed ‘Geronimo’) from its history of extra-territorial operations against non-state actors in Mexico in the 1870s and 1880s (including the capture of the real Geronimo) (Margolies 2011). Whatever one makes of this, one of the most persistent threads connecting all three cases is the question of legality, which runs like a red ribbon throughout the prosecution of late modern war. On one side, commentators claim that new wars in the global South are ‘non-political’, intrinsically predatory criminal enterprises, that cartels are morphing into insurgencies, and that the origins of cyber warfare lie in the dark networks of cyber crime; on the other side, the United States places a premium on the rule and role of law in its new counterinsurgency doctrine, accentuates the involvement of legal advisers in targeting decisions by the USAF and the CIA, and even as it refuses to conﬁrm its UAV strikes in Pakistan provides arguments for their legality. The invocation of legality works to marginalise ethics and politics by making available a seemingly neutral, objective language: disagreement and debate then become purely technical issues that involve matters of opinion, certainly, but not values. The appeal to legality – and to the quasi-judicial process it invokes – thus helps to authorise a widespread and widening militarisation of our world. While I think it is both premature and excessive to see this as a transformation from governmentality to ‘militariality’ (Marzec 2009), I do believe that Foucault’s (2003) injunction – ‘Society must be defended’ – has been transformed into an unconditional imperative since 9/11 and that this involves an intensifying triangulation of the planet by legality, security and war. We might remember that biopolitics, one of the central projects of late modern war, requires a legal armature to authorise its interventions, and that necropolitics is not always outside the law. This triangulation has become such a common place and provides such an established base-line for contemporary politics that I am reminded of an interview with Zizek soon after 9/11 – which for him marked the last war of the twentieth century – when he predicted that the ‘new wars’ of the twenty-ﬁrst century would be distinguished by a radical uncertainty: ‘it will not even be clear whether it is a war or not’ (Deichmann et al. 2002).

#### This mindset is important – our consciousness of war guarantees endless violence that ensures planetary destruction and structural violence

* Another impact: freeing ourselves from war = more resources for peace

Lawrence 9 (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is dripping violence. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a war consciousness that allows it to prosper. That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### Their legal calculations about war are an impossibly arrogant form of mechanical, sterile analysis that eases the path towards war. their language is coopted to provide rhetorical ammunition for militarists. our alternative is not pure pacifism, but rather a pacifist analysis that injects *moral* doubt into our decisionmaking about war – this is the only way to formulate better policies that address structural causes of war and avoids inevitable cycles of violence

Neu 13 – prof @ U of Brighton

(Michael, International Relations 27(4), December, The Tragedy of Justified War)

Just war theory is not concerned with millions of starving people who could be saved from death and disease with a fraction of the astronomical amount of money that, every year, goes into the US defence budget alone (a budget that could no longer be justified if the United States ran out of enemies one day). It is not interested in exposing the operat- ing mechanisms of a global economic structure that is suppressive and exploitative and may be conducive to outbreaks of precisely the kind of violence that their theory is con- cerned with. As intellectually impressive as analytical just war accounts are, they do not convey any critical sense of Western moralism. It is as though just war theory were written for a different world than the one we occupy: a world of morally responsible, structurally unconstrained, roughly equal agents, who have non-complex and non-exploitative relationships, relationships that lend themselves to easy epistemic access and binary moral analysis. Theorists write with a degree of confidence that fails to appreciate the moral and epistemic fragility of justified war, the long-term genesis of violent conflict, structural causes of violence and the moralistic attitudes that politicians and the media are capable of adopting. To insist that, in the final analysis, the injustice of wars is completely absorbed by their being justified reflects a way of doing moral philosophy that is frighteningly mechanical and sterile. It does not do justice to individual persons,59 it is nonchalant about suffering of unimaginable proportions and it suffocates a nuanced moral world in a rigid binary structure designed to deliver unambiguous, action-guiding recommendations. According to the tragic conception defended here, justified warfare constitutes a moral evil, not just a physical one – whatever Coates’ aforementioned distinction is supposed to amount to. If we do not recognise the moral evil of justified warfare, we run the risk of speaking the following kind of language when talking to a tortured mother, who has witnessed her child being bombed into pieces, justifiably let us assume, in the course of a ‘just war’: See, we did not bomb your toddler into pieces intentionally. You should also consider that our war was justified and that, in performing this particular act of war, we pursued a valid moral goal of destroying the enemy’s ammunition factory. And be aware that killing your toddler was not instrumental to that pursuit. As you can see, there was nothing wrong with what we did. (OR: As you can see, we only infringed the right of your non-liable child not to be targeted, but we did not violate it.) Needless to say, we regret your loss. This would be a deeply pathological thing to say, but it is precisely what at least some contemporary just war theorists would seem to advise. The monstrosity of some accounts of contemporary just war theory seems to derive from a combination of the degree of certainty with which moral judgments are offered and the ability to regard the moral case as closed once the judgments have been made. One implication of my argument for just theorists is clear enough: they should critically reflect on the one-dimensionality of their dominant agenda of making binary moral judgments about war. If they did, they would become more sympathetic to the pacifist argument, not to the conclusion drawn by pacifists who are also caught in a binary mode of thinking (i.e. never wage war, regardless of the circumstances!) but to the timeless wisdom that forms the essence of the pacifist argument. It is wrong to knowingly kill and maim people, and it does not matter, at least not as much as the adherents of double effect claim, whether the killing is done intentionally or ‘merely’ with foresight. The difference would be psychological, too. Moral philosophers of war would no longer be forced to concede this moral truth; rather, they would be free to embrace it. There is no reason for them to disrespect the essence of pacifism. The just war theorist Larry May implicitly offers precisely such a tragic vision in his sympathetic discussion of ‘Grotius and Contingent Pacifism’. According to May, ‘war can sometimes be justified on the same grounds on which certain forms of pacifism are themselves grounded’.60 If this is correct, just war theorists have good reason to stop calling themselves by their name. They would no longer be just war theorists, but unjust war theorists, confronting politicians with a jus contra bellum, rather than offering them a jus ad bellum. Beyond being that, they would be much ‘humbler in [their] approach to considering the justness of war’ (or, rather, the justifiability), acknowledging that: notions of legitimate violence which appear so vivid and complete to the thinking individual are only moments and snapshots of a wider history concerning the different ways in which humans have ordered their arguments and practices of legitimate violence. Humility in this context does not mean weakness. It involves a concern with the implicit danger of adopting an arrogant approach to the problem of war.61 Binary thinking in just war theory is indeed arrogant, as is the failure to acknowledge the legitimacy of – and need for – ambiguity, agony and doubt in moral thinking about war. Humble philosophers of war, on the contrary, would acknowledge that any talk of justice is highly misleading in the context of war.62 It does not suffice here, in my view, to point out that ‘we’ have always understood what ‘they’ meant (assuming they meant what we think they meant). Fiction aside, there is no such thing as a just war. There is also no such thing as a morally justified war that comes without ambiguity and moral remainders. Any language of justified warfare must therefore be carefully drafted and constantly questioned. It should demonstrate an inherent, acute awareness of the fragility of moral thinking about war, rather than an eagerness to construct unbreakable chains of reasoning. Being uncertain about, and agonised by, the justifiability of waging war does not put a moral philosopher to shame. The uncertainty is not only moral, it is also epistemic. Contemporary just war theorists proceed as if certainty were the rule, and uncertainty the exception. The world to which just war theory applies is one of radical and unavoidable uncertainty though, where politicians, voters and combatants do not always know who their enemies are; whether or not they really exist (and if so, why they exist and how they have come into existence); what weapons the enemies have (if any); whether or not, when, and how they are willing to employ them; why exactly the enemies are fought and what the consequences of fighting or not fighting them will be. Philosophers of war should also become more sensitive to the problem of political moralism. The just war language is dangerous, particularly when spoken by eager, self- righteous, over-confident moralists trying to make a case. It would be a pity if philosophers of war, despite having the smartest of brains and the best of intentions, effectively ended up delivering rhetorical ammunition to political moralists. To avoid being inadvertently complicit in that sense, they could give public lectures on the dangers of political moralism, that is, on thinking about war in terms of black and white, good and evil and them and us. They could warn us against Euro-centrism, missionary zeal and the emperors’ moralistic clothes. They could also investigate the historical genesis and structural conditionality of large-scale aggressive behaviour in the global arena, deconstruct- ing how warriors who claim to be justified are potentially tied into histories and structures, asking them: Who are you to make that claim? A philosopher determined to go beyond the narrow discursive parameters provided by the contemporary just war paradigm would surely embrace something like Marcus’ ‘second-order regulative principle’, which could indeed lead to ‘“better” policy’.63 If justified wars are unjust and if it is true that not all tragedies of war are authentic, then political agents ought to prevent such tragedies from occurring. This demanding principle, however, may require a more fundamental reflection on how we ‘conduct our lives and arrange our institutions’ (Marcus) in this world. It is not enough to adopt a ‘wait and see’ policy, simply waiting for potential aggressions to occur and making sure that we do not go to war unless doing so is a ‘last resort’. Large-scale violence between human beings has causes that go beyond the individual moral failure of those who are potentially aggressing, and if it turns out that some of these causes can be removed ‘through more careful decision-making’ (Lebow), then this is what ought to be done by those who otherwise deprive themselves, today, of the possibility of not wronging tomorrow.

### Solvency

#### Zero solvency – Drone court won’t address biggest problems – no different from the status quo

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.”

#### Ex ante review is worse than the suqo

#### Authority – prior review legitimizes targeted killing for non-immanent threats – locks in the status quo program

Jaffer, Director-ACLU Center for Democracy, 13 (Jameel Jaffer, Director of the ACLU's Center for Democracy, “Judicial Review of Targeted Killings,” 126 Harv. L. Rev. F. 185 (2013), http://www.harvardlawreview.org/issues/126/april13/forum\_1002.php)

But to recognize that judicial review is indispensible in this context is not to say that Congress should establish a specialized court, still less that it should establish such a court to review contemplated killings before they are carried out. First, the establishment of such a court would almost certainly entrench the notion that the government has authority, even far away from conflict zones, to use lethal force against individuals who do not present imminent threats. When a threat is truly imminent, after all, the government will not have time to apply to a court for permission to carry out a strike. Exigency will make prior judicial review infeasible. To propose that a court should review contemplated strikes before they are carried out is to accept that the government should be contemplating strikes against people who do not present imminent threats. This is why the establishment of a specialized court would more likely institutionalize the existing program, with its elision of the imminence requirement, than narrow it.

#### Deference - Judges won’t want to wade into national security measures – they would defer to the executive if it is an issue of imminence

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

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 review 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.

### Ag

#### This advantage is non-sensical – all of their authors assume backlash to domestic usage of drones for things like surveillance and law enforcement – zero reason that would discourage farmers from investing in and using them for agricultural

#### That’s also supported by their Bennett evidence which is predictive that cheap costs makes use of drones for agriculture inevitable – proves public backlash is irrelevant

#### No impact – all of their evidence concedes other countries are rapidly developing tech – worst-case we can just import food

#### Alt causes kill solvency – government safety regulations and state privacy bans

Lowdy ‘13 (Joan Lowy, “Drone industry worries about privacy backlash”, <http://bigstory.ap.org/article/drone-industry-worries-about-privacy-backlash>, March 29, 2013)

It’s a good bet that in the not-so-distant future aerial drones will be part of Americans’ everyday lives, performing countless useful functions. A far cry from the killing machines whose missiles incinerate terrorists, these generally small unmanned aircraft will help farmers more precisely apply water and pesticides to crops, saving money and reducing environmental impacts. They’ll help police departments to find missing people, reconstruct traffic accidents and act as lookouts for SWAT teams. They’ll alert authorities to people stranded on rooftops by hurricanes, and monitor evacuation flows. Real estate agents will use them to film videos of properties and surrounding neighborhoods. States will use them to inspect bridges, roads and dams. Oil companies will use them to monitor pipelines, while power companies use them to monitor transmission lines. With military budgets shrinking, drone makers have been counting on the civilian market to spur the industry's growth. But there's an ironic threat to that hope: Success on the battlefield may contain the seeds of trouble for the more benign uses of drones at home. The civilian unmanned aircraft industry worries that it will be grounded before it can really take off because of fear among the public that the technology will be misused. Also **problematic is a delay in the issuance of government safety regulations** that are **needed before drones can gain broad access to U.S. skies**. Some companies that make drones or supply support equipment and services say the uncertainty has caused them to put U.S. expansion plans on hold, and they are looking overseas for new markets. "Our lack of success in educating the public about unmanned aircraft is coming back to bite us," said Robert Fitzgerald, CEO of The BOSH Group of Newport News, Va., which provides support services to drone users. "The U.S. has been at the lead of this technology a long time," he said. "If our government holds back this technology, there's the freedom to move elsewhere ... and all of a sudden these things will be flying everywhere else and competing with us." Since January, **drone-related legislation has been introduced in** more than **30 states**, largely **in response to privacy concerns**. Many of the bills are focused on preventing police from using drones for broad public surveillance, as well as targeting individuals for surveillance without sufficient grounds to believe they were involved in crimes. Law enforcement is expected to be one of the bigger initial markets for civilian drones. Last month, the FBI used drones to maintain continuous surveillance of a bunker in Alabama where a 5-year-old boy was being held hostage. In Virginia, the state General Assembly passed a bill that would place a two-year moratorium on the use of drones by state and local law enforcement. The bill must still be signed by Gov. Bob McDonnell, a Republican. The measure is supported by groups as varied as the American Civil Liberties Union on the left and the Virginia Tea Party Patriots Federation on the right. "Any legislation that restricts the use of this kind of capability to serve the public is putting the public at risk," said Steve Gitlin, vice president of AeroVironment, a leading maker of smaller drones, including some no bigger than a hummingbird Seattle abandoned its drone program after community protests in February. The city's police department had purchased two drones through a federal grant without consulting the city council. Drones "clearly have so much potential for saving lives, and it's a darn shame we're having to go through this right now," said Stephen Ingley, executive director of the Airborne Law Enforcement Association. "It's frustrating."

#### Their Kaste evidence is talking about bureaucratic FAA regulations on testing for drones, NOT public opposition – obviously the plan doesn’t effect those regulations

#### No war impact – best studies

**Allouche**, research Fellow – water supply and sanitation @ Institute for Development Studies, frmr professor – MIT, **‘11**

(Jeremy, “The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade,” Food Policy, Vol. 36 Supplement 1, p. S3-S8, January)

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that **most empirical studies do not support** any of **these** neo-Malthusian **arguments.** Technological change and greater inputs of capital have dramatically increased labour productivity in agriculture. More generally, the neo-Malthusian view has suffered because during the last two centuries humankind has breached many resource barriers that seemed unchallengeable. Lessons from history: alarmist scenarios, resource wars and international relations In a so-called age of uncertainty, a number of **alarmist scenarios** have linked the increasing use of water resources and food insecurity with wars. The idea of water wars (perhaps more than food wars) is a dominant discourse in the media (see for example Smith, 2009), NGOs (International Alert, 2007) and within international organizations (UNEP, 2007). In 2007, UN Secretary General Ban Ki-moon declared that ‘water scarcity threatens economic and social gains and is a potent fuel for wars and conflict’ (Lewis, 2007). Of course, this type of discourse has an instrumental purpose; security and conflict are here used for raising water/food as key policy priorities at the international level. **In the Middle East**, presidents, prime ministers and foreign ministers have also used this bellicose rhetoric. Boutrous Boutros-Gali said; ‘the next war in the Middle East will be over water, not politics’ (Boutros Boutros-Gali in Butts, 1997, p. 65). The question is not whether the sharing of transboundary water sparks political tension and alarmist declaration, but rather to what extent water has been a principal factor in international conflicts. The evidence seems quite weak. Whether by president Sadat in Egypt or King Hussein in Jordan, none of these declarations have been followed up by military action. The governance of transboundary water has gained increased attention these last decades. This has a direct impact on the global food system as water allocation agreements determine the amount of water that can used for irrigated agriculture. The likelihood of conflicts over water is an important parameter to consider in assessing the stability, sustainability and resilience of global food systems. None of the **various and extensive databases** on the causes of war show water as a casus belli. Using the International Crisis Behavior (ICB) data set and supplementary data from the University of Alabama on water conflicts, Hewitt, Wolf and Hammer found only seven disputes where water seems to have been at least a partial cause for conflict (Wolf, 1998, p. 251). In fact, about 80% of the incidents relating to water were limited purely to governmental rhetoric intended for the electorate (Otchet, 2001, p. 18). As shown in The Basins At Risk (BAR) water event database, more than two-thirds of over 1800 water-related ‘events’ fall on the ‘cooperative’ scale (Yoffe et al., 2003). Indeed, if one takes into account a much longer period, the following figures clearly demonstrate this argument. According to studies by the United Nations Food and Agriculture Organization (FAO), organized political bodies signed between the year 805 and 1984 more than 3600 water-related treaties, and approximately 300 treaties dealing with water management or allocations in international basins have been negotiated since 1945 (FAO, 1978 and FAO, 1984). The fear around water wars have been driven by a Malthusian outlook which equates scarcity with violence, conflict and war. **There is** however **no** direct **correlation between water scarcity and transboundary conflict.** Most specialists now tend to agree that the major issue is not scarcity per se but rather the allocation of water resources between the different riparian states (see for example Allouche, 2005, Allouche, 2007 and [Rouyer, 2000] ). Water rich countries have been involved in a number of disputes with other relatively water rich countries (see for example India/Pakistan or Brazil/Argentina). The perception of each state’s estimated water needs really constitutes the core issue in transboundary water relations. Indeed, whether this scarcity exists or not in reality, perceptions of the amount of available water shapes people’s attitude towards the environment (Ohlsson, 1999). In fact, some water experts have argued that scarcity drives the process of co-operation among riparians (Dinar and Dinar, 2005 and Brochmann and Gleditsch, 2006). In terms of international relations, **the threat of water wars** due to increasing scarcity **does not make** much **sense in the light of the recent historical record.** Overall, the water war rationale expects conflict to occur over water, and appears to suggest that violence is a viable means of securing national water supplies, an argument which is highly contestable. The debates over the likely impacts of climate change have again popularised the idea of water wars. The argument runs that climate change will precipitate worsening ecological conditions contributing to resource scarcities, social breakdown, institutional failure, mass migrations and in turn cause greater political instability and conflict (Brauch, 2002 and Pervis and Busby, 2004). In a report for the US Department of Defense, Schwartz and Randall (2003) speculate about the consequences of a worst-case climate change scenario arguing that water shortages will lead to aggressive wars (Schwartz and Randall, 2003, p. 15). Despite growing concern that climate change will lead to instability and violent conflict, the evidence base to substantiate the connections is thin ( [Barnett and Adger, 2007] and Kevane and Gray, 2008).

#### No environment or pesticides impact

No scientific evidence for tipping points or extinction – effects are gradual or localized

**Brook 3/3**/13 – PhD, leading environmental scientist, holding the Sir Hubert Wilkins Chair of Climate Change at the School of Earth and Environmental Sciences, and is also Director of Climate Science at the University of Adelaide’s Environment Institute (Barry, “Worrying About Global Tipping Points Distracts From Real Planetary Threats”, <http://www.theepochtimes.com/n2/science/worrying-about-global-tipping-points-distracts-from-real-planetary-threats-356015.html>, CMR)

We argue that at **the global-scale, ecological “tipping points” and threshold-like “planetary boundaries” are improbable**. Instead, **shifts in the Earth’s biosphere follow a gradual, smooth pattern**. This means that **it might be impossible to define scientifically specific, critical levels of biodiversity loss** or land-use change. This has important consequences for both science and policy.¶ Humans are causing changes in ecosystems across Earth to such a degree that there is now broad agreement that we live in an epoch of our own making: the Anthropocene. But the question of just how these changes will play out — and especially whether we might be approaching a planetary tipping point with abrupt, global-scale consequences — has remained unsettled.¶ A tipping point occurs when an ecosystem attribute, such as species abundance or carbon sequestration, responds abruptly and possibly irreversibly to a human pressure, such as land-use or climate change. Many local- and regional-level ecosystems, such as lakes, forests and grasslands, behave this way. Recently however, there have been several efforts to define ecological tipping points at the global scale.¶ At a local scale, there are definitely warning signs that an ecosystem is about to “tip”. For the terrestrial biosphere, tipping points might be expected if ecosystems across Earth respond in similar ways to human pressures and these pressures are uniform, or if there are strong connections between continents that allow for rapid diffusion of impacts across the planet.¶ These criteria are, however, unlikely to be met in the real world.¶ First, **ecosystems on different continents are not strongly connected**. **Organisms are limited in their movement** by oceans and mountain ranges, as well as by climatic factors, and while ecosystem change in one region can affect the global circulation of, for example, greenhouse gases, this signal is likely to be weak in comparison with inputs from fossil fuel combustion and deforestation.¶ Second, **the responses of ecosystems to human pressures** like climate change or land-use change depend on local circumstances and **will** therefore **differ between locations.** From a planetary perspective, **this diversity in ecosystem responses creates an essentially gradual pattern of change**, **without any identifiable tipping points.**¶This puts into question attempts to define critical levels of land-use change or biodiversity loss scientifically.¶ Why does this matter? Well, one concern we have is that **an undue focus on planetary tipping points may distract from the vast ecological transformations that have already occurred**.¶ After all, as much as four-fifths of the biosphere is today characterised by ecosystems that locally, over the span of centuries and millennia, have undergone human-driven regime shifts of one or more kinds.¶ Recognising this reality and seeking appropriate conservation efforts at local and regional levels might be a more fruitful way forward for ecology and global change science.

### Norms

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

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

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

**No drone war – 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.

#### 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].

### New Adv

#### The impact is ridiculous – no reason human rights abuses escalates to global nuclear war – empirically disproven

#### Plan doesn’t solve cred

Katulis 9 Senior Fellow at American Progress, where his work focuses on U.S. national security policy in the Middle East and South AsiaBrian, “Democracy Promotion in the middle east and the Obama administration,” http://tcf.org/publications/pdfs/pb681/Katulis.pdf)

Actions speak louder than words. In addition to changing how it talks about democracy and freedom, the United States must take tangible steps to regain its credibility in a process that one analyst calls “decontamination” from the negative practices associated with the Bush administration’s approach. 10 To reshape perceptions in the Middle East, the United States—including not only the Obama administration, but also members of Congress and representatives of the justice system—should find a solution to the policy question of thousands of detainees and prisoners under U.S. military control in Iraq; it should also continue its work in closing the Guantanamo detention camp and secret prison facilities run by the CIA, as well as abandon the practice of remanding terror suspects to countries with poor human rights records. The detention of tens of thousands of individuals, many of whom are from the Middle East, outside a transparent international framework for the rule of law reduces American credibility on democratic reform and opens it up to charges of hypocrisy, with critics of U.S. policy pointing out human rights and rule of law abuses justified in the name of fighting the war on terror. As a matter of values and principles, the United States should work with other countries to develop a sustainable and viable justice system that deals with these detainees. More broadly, the United States should take steps to restore habeas corpus and bring wiretap surveillance efforts back into the framework of the rule of law in the United States. Sending the signal that the United States is cleaning up its act on these fronts is a necessary step for reviving U.S. credibility on democracy promotion in the Middle East. **Without** some **progress on these measures**, anything else that the new administration tries to do on democracy promotion—whether it is political party building or civil society support, or any of the other traditional programs in the U.S. toolbox—**will likely yield few results because of the substantial credibility gap**. The new administration needs to send a clear message that the United States intends to practice what it preaches by adhering to the legal obligations it assumed in the International Covenant on Civil and Political Rights, the Convention against Torture, and other human rights treaties. Strengthening the legal framework for rule of law will require not only action on the part of the Obama administration but also engagement by leaders in the U.S. Congress. How the United States reintroduces itself to the world—keeping its national security policy in line with the highest human rights standards—will set the framework for how U.S. actions on the democracy promotion front are perceived throughout the Middle East

#### The UN is irrelevant – other institutions check

Bosco 9-22 2011 [David, “Foreign Policy: Obama's Hybrid Multilateralism”, <http://www.npr.org/2011/09/22/140700647/foreign-policy-obamas-hybrid-multilateralism>, CMR]

The Palestine debate is still consuming most of the oxygen at the UN's annual General Assembly meetings. But the Obama administration is also helping to unveil two new initiatives that signal a flexible approach to multilateralism. The first is the so-called Open Government Partnership, which President Obama formally kicked off yesterday together with Brazil's Dilma Rousseff and a handful of other national leaders (snazzy video here). The Open Government Partnership is a new multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a steering committee of governments and civil society organizations....To become a member of OGP, participating countries must embrace a high-level Open Government Declaration; deliver a country action plan developed with public consultation; and commit to independent reporting on their progress going forward. Eight countries (Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, United Kingdom, United States) have committed to the program and another thirty have been deemed eligible to participate. Interestingly, Russia is currently eligible while China is not. Those countries that participate conduct regular self-assessments and are reviewed as well by outside observers. Tomorrow, Secretary of State Hillary Clinton will help launch—with Turkey—the second major initiative: a Global Counterterrorism Forum. Like the open government initiative, the counterrorism forum is an attempt to bring together certain key players outside the formal UN structures. The GCTF is a new multilateral counterterrorism body with 30 founding members (29 countries plus the EU) from around the world and is a major initiative within the Administration's broader effort to build the international architecture for dealing with 21st century terrorism. It will provide a unique platform for senior counterterrorism policymakers and experts from around the world to work together to identify urgent needs, devise solutions and mobilize resources for addressing key counterterrorism challenges. With its primary focus on capacity building in relevant areas, the GCTF aims to increase the number of countries capable of dealing with the terrorist threats within their borders and regions. The forum is designed to provide a space for senior counterterrorism practitioners to exchange information and expertise. The initiative enters a field that has become understandably crowded at the multilateral level. The UN Security Council already has its own counterterrorism committee, which formed after the 9/11 attacks, and an executive directorate that supports its work. (The UN's structure has received decidedly mixed reviews.) Outside the UN, the G-8 countries formed their own Counter-Terrorism Action Group (CTAG) in July 2003, although much of the energy has gone out of that initiative. CTAG will continue to exist, but all indications are that the new forum will effectively displace it. The administration is at pains to emphasize that while these programs are not part of the formal UN structure, they do not represent attempts to circumvent the organization. UN Secretary-General Ban Ki-moon has endorsed the Open Government Partnership, and I've been told that UN officials were consulted regularly on the counterterrorism initiative. But both programs clearly reflect an understanding that operating within the formal UN context has **severe limitations** and that **plenty of useful multilateralism can take place outside**. The Bush administration tried its own form of ad hoc multilateralism—the Proliferation Security Initiative—which, after a bumpy start, has received good marks from some keen observers. A desire to conduct multilateralism outside the **hyper-politicized** and **byzantine** UN structure, it turns out, is **bipartisan**.

#### Rights pressure destroys U.S.-China relations

AP 8 (“China calls U.S. human rights record ‘shocking’”, 3/13/8, http://www.msnbc.msn.com/id/23615075/ns/world\_news-asiapacific/)

China lashed out Thursday at a U.S. report critical of its human rights record, accusing Washington of causing the modern world's "biggest human rights tragedy" in Iraq and of hypocrisy for passing judgment on other nations. China's State Council, or cabinet, said the U.S. record on human rights was "tattered and shocking" and criticized America for its violent crimes, large prison population and the wars in Iraq and Afghanistan. "The invasion of Iraq by U.S. troops has produced the biggest human rights tragedy and the greatest humanitarian disaster in the modern world," the council said in its report. "It is high time for the U.S. government to face its own human rights problems with courage ... and give up the unwise practices of applying double standards on human rights issues and using it to suppress other countries." U.S. report accused China The State Department took China to task this week for widespread human rights violations in an annual report that details increased attempts by authorities to control and censor the Internet and tighten restrictions on freedom of speech and the domestic press. It noted that "China's overall human rights record remains poor." The counter-accusations come five months before Beijing hosts the Olympics Games, which have already put the spotlight on the country's human rights record. China is preparing to increasingly defend itself against accusations on everything from its restrictions on religion, its oil purchases from Sudan, and its control of Tibet. he U.S. report gave a chilling account of alleged torture in China, including the use of electric shocks, beatings, and shackles. It also details claims by citizens forced from their homes to make way for Olympic projects in Beijing. China has voiced strong opposition to the State Department's annual rights reports, and says it respects and safeguards human rights. "We resolutely oppose the U.S. issuing such a human rights report every year, and pointing fingers at other countries' human rights. It never reflects on its own human rights, so it cannot justify itself," Chinese Foreign Ministry spokesman Qin Gang said at a news briefing.

#### That causes U.S.-China war

Roy 3 (Dennis, Senior Research Fellow at the Asia-Pacific Center for Security Studies, “Rising China and US Interest: Inevitable vs. Contingent Hazards,” Orbis, Winter 2003)

Although the dangers are sometimes exaggerated, the contingent hazards represent worrisome uncertainties, and this warrants avoiding an unnecessarily adversarial relationship with China. If relations between China and the United States were friendly, the harm done by a rising China to American international standing would be limited. Washington would have to accept more consultation, compromise, and shared leadership with Beijing and might face tougher competition in some sectors of the global marketplace. Increased Chinese demand for some American products and services and a greater Chinese contribution towards shouldering the burden of maintaining regional security would help offset these disadvantages. By contrast, an adversarial US.-China relationship would find Beijing using its growing strength in a purposeful and Systematic assault on US. Interests in Asia and elsewhere, as the PRC would tend to view U.S. interests as barriers to the achievement of Chinese goals. Unlike the first scenario, the second would constitute a serious challenge to US interests with the potential to develop into a new Cold War.

# 2NC

## T

### A2 We Meet (Guiora ’12)

#### More violation ev – drone courts supervise that which has been authorized

GARRETT EPPS FEB 16 2013, 9:54 AM ET. http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/

The idea of a "drone court" would send federal courts into areas they have never gone before, and indeed from which, I think, the text of the Constitution bars them. It could also put the integrity of our court system at risk. Let's frame the issue properly. The present administration does not claim that the president has "inherent authority" to attack anyone anywhere. Instead, from the documents and speeches we've seen, the administration says it can order drone attacks only as provided by the Authorization for the Use of Military Force passed by Congress after the September 11 attacks--that is, against "those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." Unlike the fictional President Bennett in Tom Clancy's Clear and Present Danger, then, President Obama can't suddenly send the drone fleet down to take out, say, Colombian drug lords or the Lord's Resistance Army in Uganda. That's a marked change from the overall position of the last administration, and it's an important limitation on the president's claimed authority. But because of that limitation, a court would be supervising the president's command decisions in a time of authorized military action--after, that is, the legal equivalent of a "declaration of war." As commander in chief, the president has been given a mission by Congress. By passing the AUMF, Congress has delegated to him its full war power to use in that mission. Nothing in the AUMF is directed to the courts; in fact, I have trouble finding authority for target selection anywhere in Article III. And whatever the technological changes, constitutionally I see no difference between targeting an enemy with a drone and doing the same thing with a Cruise missile or a SEAL Team. Courts simply aren't equipped to decide military tactics.

### A2 Counter-Interpretation (Somin ‘4)

#### 2. Strict scrutiny means nothing in this context – their evidence just says that the courts will hold evidence to a high standard to determine imminence – doesn’t fundamentally change legality of strikes. AUMF grants TK authority – means plan doesn’t alter permission.

Allyson L. Mitchell, School of Conflict Analysis and Resolution (S-CAR), George Mason University, “My Neighbor Is A Terrorist: Peacebuilding, Drones, and America's Presence in Yemen,” November 2012, http://www.beyondintractability.org/reflection/mitchell-neighbor

Once wary of the use of targeted killings, the United States became an advocate of targeted warfare after 9/11. According to a 2010 United Nations report, targeted killings are defined as, "the intentional, premeditated and deliberate use of lethal force, by States or their agents acting under colour of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator."[16] Under the rules of International Humanitarian Law, targeted killing is only lawful when met by three requirements; (1) The target is directly participating in the hostilities, (2) The use of force is proportionate, and (3) Precautions were taken to minimize harm to civilians. Under the Law of Inter-State Force, a targeted killing directed by a State in a territory of another State does not violate the second State's sovereignty if (A) the second State gives consent, or (B) the first State is using force in an act of self-defense. This act of self-defense is warranted when "the second state is unwilling or unable to stop armed attacks against the first State launched from its territory".[17] In both these cases the United States has legal authority to use lethal force against AQAP in Yemen; President Saleh had given the U.S. government permission to attack AQAP members and the United States' claim of self-defense is justified due to the previous assaults coordinated by AQAP that Yemeni authorities were unable to prevent. Although the United States appears to have followed the correct guidance in accordance with international laws, U.S. Constitutional Law was called into question because of Mr. al-Awlaki's American citizenship. To validate its claim, the U.S. government rationalized that Mr. Awlaki presented an imminent threat to civilians, that he was working hand-in-hand with the enemy (Al Qaeda), and that there was no feasible way to arrest and extradite him to the U.S. for trial. The justification for the kill order came from a secret memorandum written by the Justice Department's Office of Legal Counsel which concluded "Mr. Awlaki was covered by the authorization to use military force AUMF against Al Qaeda that Congress enacted shortly after the terrorist attacks of Sept. 11, 2001".[18] The document also alluded to the fact that there was future risk of Mr. Awlaki attacking the United States at any given time and this risk posed a significant threat to Americans' safety.

## Solvency

### Solvency – 2NC – Courts Fail/Defense

**Won’t solve oversight/accountability issues**

**Mulrine 13** (Anna, “Would a US 'drone court' to authorize drone strikes be a good idea? (+video)”, May 24, <http://www.csmonitor.com/USA/DC-Decoder/2013/0524/Would-a-US-drone-court-to-authorize-drone-strikes-be-a-good-idea-video>, CMR)

**Critics** of the drone program, however, **are** generally **not reassured by** the notion of **oversight from a** special **drone court**. They note that **the FISA courts, on which the drone courts would be modeled, operate largely in secret, doing little to improve accountability** to the public. ¶ What’s more, they say, national and international laws are already in place governing when drone strikes are legal. Those laws, they add, offer greater transparency than would a secret court. ¶ “I’m not big on this,” Sarah Holewinski, executive director of the Center for Civilians in Conflict, says of the drone courts. “The fact is, we have international laws. We have domestic laws. I would focus on those and say, ‘Look, here’s the due diligence you need to do in targeting a combatant. Here’s what you need to do in order to avoid civilians. Here’s what proportionality looks like.’ ”¶ Zeke Johnson, director of Amnesty International’s Security and Human Rights Campaign, argues that **drone courts would do little to change critics' fundamental concerns about drone strikes**.¶ “What’s needed on drones is not a ‘kill court,’ but a rejection of the radical redefinition of ‘imminence’ used to expand who can be killed – as well as independent investigations of alleged extrajudicial executions and remedy for victims,” he says.

#### Drone courts don’t go far enough

Roberts 13 Obama drone oversight proposal prompts concern over 'kill courts', Dan Roberts in Washington, theguardian.com, 24 May 2013, http://www.theguardian.com/world/2013/may/24/obama-drone-vetting-kill-courts

Proposals to vet future US drone strikes risk creating "kill courts" according to human rights campaigners who say Barack Obama's promise of new legal oversight does not go far enough to end what they regard as extrajudicial executions.¶ The president has asked Congress to consider establishing a special court or oversight board to authorise lethal action outside warzones under a new counter-terrorism doctrine which he says will end the "boundless war on terror".¶ But responses to his speech from leading campaign groups, though broadly welcoming, highlight how little change Obama is proposing to the underlying principle that the US has a legal right to kill suspected terrorists abroad without trial.¶ In his speech on Thursday, Obama suggested that in the future drone attacks would be limited, and that they would be carried out primarily by the US military rather than the CIA.¶ Obama said that US military intervention abroad did not guarantee the safety of Americans at home, and often fomented extremism. "A perpetual war – through drones or special forces or troop deployments – will prove self-defeating and alter our country in troubling ways," he said.¶ But he defended his administration's decision to launch hundreds of such strikes in recent years, insisting they were more discriminating than other military options such as aerial bombing and had helped prevent terrorist attacks.¶ Obama also said he would ask Congress to review his proposal for future drone strikes to be subject to court review or an independent oversight board.¶ "The establishment of a special court to evaluate and authorise lethal action has the benefit of bringing a third branch of government into the process, but raises serious constitutional issues about presidential and judicial authority," he said.¶ Zeke Johnson, director of Amnesty International USA's Security with Human Rights Campaign, said: "What's needed on drones is not a 'kill court' but rejection of the radical redefinition of 'imminence' used to expand who can be killed as well as independent investigations of alleged extrajudicial executions and remedy for victims.

### Rubber Stamp

#### Ex ante locks in current review

Vladeck 13 (Stephen I. Vladeck Professor of Law and Associate Dean for Scholarship, American University Washington College of Law, “DRONES AND THE WAR ON TERROR: WHEN CAN THE U.S.TARGET ALLEGED AMERICAN TERRORISTS OVERSEAS?,” http://judiciary.house.gov/hearings/113th/02272013\_2/Vladeck%2002272013.pdf)

In the process, the result would be that such ex ante review would do little other than to add the vestiges of legitimacy to operations the legality of which might have otherwise been questioned ex post. Put another way, ex ante review 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.

#### The state secrets doctrine prevents solvency

Rosen 2011 - Professor of Law and Director, Center for Military Law and Policy, Texas Tech University School of Law (Richard D., “PART III: ARTICLE: DRONES AND THE U.S. COURTS” 37 Wm. Mitchell L. Rev. 5280)

Assuming a complaint survives the jurisdictional, justiciability, immunity, and other hurdles to lawsuits challenging U.S. drone policy, the state secrets doctrine is likely to bring the suit to a quick end. n93 Under the doctrine, the United States may prevent the disclosure of information in judicial proceedings if there is a reasonable danger of revealing military or state secrets. n94 Once the privilege is properly invoked and a court is satisfied that release would pose a reasonable danger to secrets of state, "even the most compelling necessity cannot overcome the claim of privilege." n95 Not only will the state secrets doctrine thwart plaintiffs from acquiring or introducing evidence vital to their case, n96 it could result in dismissal of the cases themselves. Under the doctrine, the courts will dismiss a case either because the very subject of the case involves state secrets, n97 or a case cannot proceed without the privileged evidence

or presents an unnecessary risk of revealing [\*5293] protected secrets. n98 Employing drones as a weapons platform against terrorists and insurgents in an ongoing armed conflict implicates both the nation's military tactics and strategy as well as its delicate relations with friendly nations. n99 As such, lawsuits challenging the policy cannot be tried without access to and the possible disclosure of highly classified information relating to the means, methods, and circumstances under which drones are employed. VI. Conclusion The instinctive reaction of most lawyers to a party's unlawful actions is to turn to the courts for redress. Although the lawfulness of U.S. policy of attacking al Qaeda and Taliban leaders with drones is contentious, the controversy must be resolved through the political process and outside the courts.

## Prolif

**Prolif – 2NC US Not Key**

**No modeling – our Etizoni evidence says countries pursuing drones act according to their own strategic interests, not international norms – Chinese development of anti-ship missiles and cyber weapons prove US policy is irrelevant**

**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.

**Drones prolif inevitable due to strategy and technology – US action irrelevant**

**Singh & Wittes 12** (Ritika Singh – Research Assistant, Governance Studies, AND Benjamin Wittes – Senior Fellow, Governance Studies, “Drones Are a Challenge — and an Opportunity”, Jan 11, The Cato Institute, <http://www.brookings.edu/research/opinions/2012/01/11-drones-wittes>, CMR)

Yes, as Cortright says, a great many **other countries are getting into the drone game too**—**but this is less because the U**nited **S**tates **is paving the way than because this logic is obvious to those countries** too. And **this** same **logic, combined with the reality that robotic tech**nologies **are getting cheaper and easier to acquire even as their power increases, means** that **prolif**eration **will happen irrespective of what the U**nited **S**tates **does**. Indeed, **the question is** not whether we will live in a world of highly proliferated technologies of robotic attack. It is **whether the U**nited **S**tates **is going to be ahead of this curve or behind it**.

**Prolif – 2NC No Arms Race**

**No arms race – our Singh evidence says states won’t pursue drones due to their narrow applications, enormous diplomatic and political costs, and credible state defenses**

**AND, the costs outweigh the benefits – reject aff alarmism**

**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)

In short, **the doomsday drone scenario** Ignatieff and Sharkey predict **results from an excessive focus on rapidly-evolving military technology.**¶ Instead, **we must return to what we know about state behavior** in an anarchistic international order. **Nations will confront the same principles of deterrence**, for example, **when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone** or a covert amphibious assault team.¶ **Drones** may make waging war more domestically palatable, but they **don’t change the very serious risks of retaliation** **for an attacking state**. **Any state** **otherwise deterred from using force abroad will not** significantly **increase its power projection on account of acquiring drones**.¶ What’s more, **the very states** **whose use of drones could threaten U.S. security** – countries **like China** – **are not democratic, which means** that the possible **political ramifications** **of the low risk of casualties** resulting **from drone use are irrelevant**. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.¶ Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.¶ Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.¶ Yet, **the past decade’s experience with drones bears no evidence** **of impending instability** **in the global strategic landscape**. Conflict may not be any less likely in the era of drones, but the nature of **21st Century warfare remains fundamentally unaltered despite their arrival in large numbers**.

**Prolif – 2NC A2 China**

#### And, US will always deter China---even if they acted it would only cause a diplomatic fuss

Vu Duc ‘13 "Khanh Vu Duc is a Vietnamese-Canadian lawyer who researches on Vietnamese politics, international relations and international law. He is a frequent contributor to Asia Sentinel and BBC Vietnamese Service, "Who's Bluffing Whom in the South China Sea?" www.asiasentinel.com/index.php?option=com\_content&task=view&id=5237&Itemid=171

Conversely, China would find an increased American presence unacceptable and a nuisance. Of course, **neither country is likely to find itself staring down the barrel of the other's gu**n. China's plans for the region would undoubtedly be under greater American scrutiny if Washington decides to allocate more assets to Asia-Pacific.

For the US, returning in force to Asia-Pacific would prove to be a costly endeavour, resources the country may or may not be able to muster. Yet, even if this is true, Washington's calculations may determine that the security risk posed by China in the region outweighs whatever investment required by the US.

China's dispute with Japan over the Senkaku/Diaoyu Island, however heated, will prove to be a peripheral issue with respect to China's dispute with the several claimant states over the Spratlys. Ultimately, it is not improbable that China would seize one or several of the Spratlys under foreign control as a means to demonstrate its resolve in the disputes and the region; but to do so is to engage in unnecessary risk. The consequences stemming from such action are too great for Beijing to ignore.

**Although it is unlikely that China's neighbors would be able to mount more than a diplomatic protest**, the fuss deriving from such an incident could prove more burdensome for China than it is willing to risk. The real consequence for China of any and all conflict in the region is and has always been an American intervention. As is, it would benefit Beijing to seek a peaceful, mutually agreed upon resolution, rather than brute force.

## Due Process

### AT: HR Leadership

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

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

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

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

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

### UN

#### Multilateral cooperation is high and successful—UN is irrelevant

**Bosco 9-22** [David, “Foreign Policy: Obama's Hybrid Multilateralism”, <http://www.npr.org/2011/09/22/140700647/foreign-policy-obamas-hybrid-multilateralism>, CMR]

The Palestine debate is still consuming most of the oxygen at the UN's annual General Assembly meetings. But the Obama administration is also helping to unveil two new initiatives that signal a flexible approach to multilateralism. The first is the so-called Open Government Partnership, which President Obama formally kicked off yesterday together with Brazil's Dilma Rousseff and a handful of other national leaders (snazzy video here). The Open Government Partnership is a new multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a steering committee of governments and civil society organizations....To become a member of OGP, participating countries must embrace a high-level Open Government Declaration; deliver a country action plan developed with public consultation; and commit to independent reporting on their progress going forward. Eight countries (Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, United Kingdom, United States) have committed to the program and another thirty have been deemed eligible to participate. Interestingly, Russia is currently eligible while China is not. Those countries that participate conduct regular self-assessments and are reviewed as well by outside observers. Tomorrow, Secretary of State Hillary Clinton will help launch—with Turkey—the second major initiative: a Global Counterterrorism Forum. Like the open government initiative, the counterrorism forum is an attempt to bring together certain key players outside the formal UN structures. The GCTF is a new multilateral counterterrorism body with 30 founding members (29 countries plus the EU) from around the world and is a major initiative within the Administration's broader effort to build the international architecture for dealing with 21st century terrorism. It will provide a unique platform for senior counterterrorism policymakers and experts from around the world to work together to identify urgent needs, devise solutions and mobilize resources for addressing key counterterrorism challenges. With its primary focus on capacity building in relevant areas, the GCTF aims to increase the number of countries capable of dealing with the terrorist threats within their borders and regions. The forum is designed to provide a space for senior counterterrorism practitioners to exchange information and expertise. The initiative enters a field that has become understandably crowded at the multilateral level. The UN Security Council already has its own counterterrorism committee, which formed after the 9/11 attacks, and an executive directorate that supports its work. (The UN's structure has received decidedly mixed reviews.) Outside the UN, the G-8 countries formed their own Counter-Terrorism Action Group (CTAG) in July 2003, although much of the energy has gone out of that initiative. CTAG will continue to exist, but all indications are that the new forum will effectively displace it. The administration is at pains to emphasize that while these programs are not part of the formal UN structure, th

ey do not represent attempts to circumvent the organization. UN Secretary-General Ban Ki-moon has endorsed the Open Government Partnership, and I've been told that UN officials were consulted regularly on the counterterrorism initiative. But both programs clearly reflect an understanding that operating within the formal UN context has **severe limitations** and that **plenty of useful multilateralism can take place outside**. The Bush administration tried its own form of ad hoc multilateralism—the Proliferation Security Initiative—which, after a bumpy start, has received good marks from some keen observers. A desire to conduct multilateralism outside the **hyper-politicized** and **byzantine** UN structure, it turns out, is **bipartisan**.

### Russia

#### Mendelson admits the internal-link is not reverse-causal – aff just stops enabling, can’t spur reform

Mendelson 9, Director of Human Rights and Security Initiative @ CSIS

~2009, Sarah E. Mendelson, Director, Human Rights and Security Initiative, Center for Strategic and International Studies, "U.S.-Russian Relations and the Democracy and Rule of Law Deficit," CENTURY FOUNDATION REPORT, http://72.32.39.237:8080/Plone/publications/pdfs/pb691/US-RussianRelationsandtheDemocracyandRuleofLawDeficit.pdf

The ability of any U.S. administration to shape what happens inside Russia has long been exaggerated and misunderstood. The impact of foreign ¶ assistance clearly matters to those individuals who receive funds and technical ¶ training, but recent evidence suggests that how the United States conducts ¶ itself in the world has far more weight in terms of its ability to bolster or ¶ undermine democracy, human rights and the rule of law in other countries.41 ¶ For example, U.S. noncompliance with human rights norms and laws has enabled, although not caused, Russia’s authoritarian drift.

# 1NR

### O/V

#### a.) Speed – Sanctions bill undermines negotiations and encourages Israeli air strikes --- aff impacts are long-term and can be resolved by future policymakers

Klass, 12/31/13 – retired USAF Colonel; Lt. General (USA Ret.) Robert Gard, the chairman of the Center for Arms Control and Non-Proliferation, contributed to this piece (Richard, Huffington Post, “The Road to Wars” <http://www.huffingtonpost.com/richard-klass/the-road-to-wars_b_4524280.html>)

Senator Robert Menendez (D-NJ), chairman of the Senate Foreign Relations Committee, has introduced legislation that sets the United States on the road to war with Iran and the road to an internal war within the Democratic Party. The bill (S.1881), which has many Democratic co-sponsors, increases the chances for war in two major ways. First, it undercuts ongoing negotiations to build on the first-step nuclear agreement with Iran by adding additional sanctions before the current six month negotiating period plays out. Iran has threatened to withdraw from these negotiations if a bad faith act, such as adding new sanctions, transpires. The U.S. would do the same if, for example, Iran's parliament passed legislation to open a new nuclear production facility. If the first-step deal collapses, there will be no problem in quickly instituting new sanctions. And there will certainly be calls for military action, no matter how short-term the results would be. But if the collapse is triggered by a U.S. unilateral action, the coalition now enforcing those sanctions could well collapse. This undermining of the president's negotiating authority and international cooperation is as unprecedented as it is dangerous. The second danger in this bill is that it encourages an Israeli attack on Iran. The bill states that "... if the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide ..., diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence...." While the language is "should," not "must," and there are bows to the Constitution and congressional authority, this is a clear signal to Israel that it can count on U.S. support for a "unilateral" air strike. And Iran cannot be blamed if it takes it that way. No one should doubt who will determine if the Iranian program provides an existential threat to Israel. The Israeli government's position is that any enrichment in Iran is such a threat. Yet reaching any agreement with Iran will undoubtedly require some residual domestic enrichment capability. Military experts agree that Israel would need substantial U.S. help for any effective attack. This would include not only intelligence and aerial refueling, but also combat search and rescue for downed Israeli pilots, possible suppression of enemy air defenses and other direct combat missions. In short, war. This language, while not requiring that the U.S. support an Israeli attack, certainly will be taken that way in Israel and Iran. Also, it just might be enough to doom a diplomatic settlement and unleash the dogs of war.

#### Just the link destroys US credibility – the world is watching Obama’s ability to engage Iran, failure wrecks US global diplomacy

Jon B. Alterman 9/4 (Zbigniew Brzezinski Chair in Global Security and Geostrategy and directs the Middle East program at the Center for Strategic and International Studies (CSIS) US-Iran Nuclear Deal Hinges On Syria Vote, [www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html](http://www.al-monitor.com/pulse/originals/2013/09/us-iran-nuclear-deal-hinges-on-syria-vote.html)

Focusing solely on events in Syria, however, misses a large part of the Iranian calculus, if not the largest. What really matters to Iran is how successful Obama is in winning congressional support for his Syria policy. If he fails, it will deal a double blow to the president. Not only will the Iranian government dismiss the possibility of negotiations with his administration, it will also conclude that Obama can be defied with impunity. The international cost of domestic political failure would be profound.¶ To start, it is worth noting the extent to which foreign governments are sophisticated consumers of American political information. Decades of international cable news broadcasts and newspaper websites have brought intimate details of US politics into global capitals. Foreign ministers in the Middle East and beyond are US news junkies, and they seem increasingly distrustful of their embassies. For key US allies, the foreign minister often seems to have made him- or herself the US desk officer. Most can have a quite sophisticated discussion on congressional politics and their impact on US foreign relations.¶ The Iranian government is no exception. While former president Mahmoud Ahmedinejad was emotional and shrill in his opposition to the United States, there remains in Iran a cadre of Western-trained technocrats, fluent in English and nuanced in their understanding of the world. President Hassan Rouhani has surrounded himself with such people, and Supreme Leader Ayatollah Ali Khamenei has charged them with investigating a different relationship between Iran and the United States.¶ As they do so, they cannot help but be aware that on the eve of Rouhani’s inauguration, the US House of Representatives voted 400–20 to impose stiff additional sanctions on Iran. The House saw Rouhani’s electoral victory as a call for toughness, not potential compromise.¶ If Iran were to make concessions in a negotiation with the United States, they would surely seek sanctions relief and other actions requiring congressional approval. To make such concessions to Obama, they would need some confidence that he can deliver. A president who cannot bring around a hostile Congress is not a president with whom it is worth negotiating.¶ In this respect, Syria is a dry run for Obama's lobbying ability on foreign policy. Until now, his record with Congress has been checkered. Congressional representatives complain that the White House has given them the cold shoulder time after time, and there seems to be little warmth between the president and his former colleagues in the legislature. Persuading Congress to back a military action that the majority of the public opposes will require presidential charm, pressure, and a good measure of buttonholing and jawboning. Based on his past performance, Obama appears to be neither a joyful nor an especially skillful practitioner of these political arts.¶ As difficult as it is for Obama to persuade Congress to fight another battle in the Middle East, it would be even more difficult to persuade it to accept a negotiated deal with Iran. Suspicions about Iran run deep in the United States, as well as among many US allies in the Middle East. Should the White House decide to focus principally on the president’s domestic legacy, it may seem less costly to deter Iran and maintain that no clear nuclear threshold has been crossed than to sell a deal to a skeptical Congress. That would then put the onus on Iran to make any approach to the United States sufficiently attractive to gain the president’s attention. Iranians will surely view a demonstration of the president’s inability to bring Congress along on Syria as a sign that there is no hope of his delivering Congress on Iran. US-Iranian negotiations, surely in the offing for later this year, would be stillborn.¶ There is, however, an even more stark consequence of Obama losing the Syria vote in Congress. Should the White House, with its immense power and prestige, fail to build sufficient support, leaders around the world will conclude that this president can be defied with impunity. If he cannot win the support of those close to him, what hope does he have of winning over those at a distance?¶ The consequence here would be a combination of much more difficult diplomacy and even more bad behavior around the world that requires diplomacy to address. Hard-liners in Iran and their allies around the Middle East would certainly be emboldened, and regional states would be far less likely to rely on US cues in managing their own issues. Arab-Israeli negotiations, as well, would be dealt a fundamental blow, as each party would retreat to its own maximal position. China, Russia and a host of other countries are watching closely as well.

#### Turns case – sets a precedent to delegate authority – draws us into war

Richman, 12/29/13 (Sheldon, Counterpunch, “AIPAC's Stranglehold Congress Must Not Cede Its War Power to Israel”, <http://www.counterpunch.org/2013/12/27/congress-must-not-cede-its-war-power-to-israel/>)

The American people should know that pending right now in Congress is a bipartisan bill that would virtually commit the United States to go to war against Iran if Israel attacks the Islamic Republic. “The bill outsources any decision about resort to military action to the government of Israel,” Columbia University Iran expert Gary Sick wrote to Sen. Chuck Schumer (D-NY) in protest, one of the bill’s principal sponsors. The mind boggles at the thought that Congress would let a foreign government decide when America goes to war, so here is the language (PDF): If the government of Israel is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military and economic support to the Government of Israel in its defense of its territory, people and existence. This section is legally nonbinding, but given the clout of the bill’s chief supporter outside of Congress — the American-Israel Public Affairs Committee (AIPAC [PDF]), leader of the pro-Israel lobby — that is a mere formality. Since AIPAC wants this bill passed, it follows that so does the government of Israeli Prime Minister Benjamin Netanyahu, who opposes American negotiations with Iran and has repeatedly threatened to attack the Islamic Republic. Against all evidence, Netanyahu insists the purpose of Iran’s nuclear program is to build a weapon with which to attack Israel. Iran says its facilities, which are routinely inspected, are for peaceful civilian purposes: the generation of electricity and the production of medical isotopes. The bill, whose other principal sponsors are Sen. Robert Menendez (D-NJ) and Sen. Mark Kirk (R-IL), has a total of 26 Senate cosponsors. If it passes when the Senate reconvenes in January, it could provoke a historic conflict between Congress and President Obama, whose administration is engaged in negotiations with Iran at this time. Aside from declaring that the U.S. government should assist Israel if it attacks Iran, the bill would also impose new economic sanctions on the Iranian people. Obama has asked the Senate not to impose additional sanctions while his administration and five other governments are negotiating with Iran on a permanent settlement of the nuclear issue. A six-month interim agreement is now in force, one provision of which prohibits new sanctions on Iran. “The [Menendez-Schumer-Kirk] bill allows Obama to waive the new sanctions during the current talks by certifying every 30 days that Iran is complying with the Geneva deal and negotiating in good faith on a final agreement,” Ali Gharib writes at Foreign Policy magazine. That would effectively give Congress the power to undermine negotiations. As Iran’s foreign minister, Javad Zarif, told Time magazine, if Congress imposes new sanctions, even if they are delayed for six months, “The entire deal is dead. We do not like to negotiate under duress.” Clearly, the bill is designed to destroy the talks with Iran, which is bending over backward to demonstrate that its nuclear program has no military aims.

### Courts Sheild

#### Plan requires statutory action, tons of political controversy, and will be fought by Obama – their author

Rushforth 12 [Elinor June, Fall, Arizona Journal of International and Comparative Law, There's An App For That: Implications Of Armed Drone Attacks And Personality Strikes By The United States Against Non-Citizens, 2004-2012, .D. candidate, University of Arizona, James E. Rogers College of Law, Class of 2013]

B. The Role of the Courts in Targeted Killing Operations **The next level of review should be a** statutorily created **court** that is the last stop on the targeted killing process. Though **there may be** some grumbling among judges and politicians **about** overextended courts and full dockets, national security concerns **and the risk of lethal mistakes** should outweigh reluctance to introduce an important check on targeted killing. **The President** , and perhaps Congress, **could** also **be** reluctant **to allow courts into** what they deem **a core executive function**. 198 Attorney General Eric Holder gave the public another piece of the Obama administration’s targeted killing model when he claimed that the Constitution “guarantees due process, not judicial process” and that “due proce ss takes into account the realities of combat.” 199 This signals to the public that the Obama administration will remain wary of any encroachment and that the imposition of judicial process on targeted killing would be fought. However, these reviewing cou rts could develop in several ways. As suggested by Murphy and Radsan, a court mirroring the Foreign Intelligence Surveillance Court (FISC) is not outside the realm of possibility. 200 Another option is the expansion of the jurisdiction of the current FISCs. The judges and staff already have the necessary security mechanisms in place to handle sensitive matters, and there would be less financial and political blowback from expanding an existing framework. Perhaps **the** most complex **suggestion is the** creation **of a new national security court** to deal exclusively with cases having natio nal security implications. Such a court could address not only drone strikes, but the whole plethora of emerging national security and terrorism related concerns. For example, Gu antanamo detai nee cases could be tried in the national security court rather than in a military commission, cases of trafficking, and materially supporting terrorist groups could be tried there instead of in Article III courts. A new national security court, though logistically far off, could be the judicial response to the legislative expansion of the homeland security field (e.g. the creation of the Department of Homeland Security). **One of the most looming challenges to creating this** kind of **court**, esp ecially in the case of targ eted killings and drone strikes , **is the** lack of judicial precedent on such matters. 201 Arguably, some of the **preceding** suggestions **face** logistical, political, and practical difficulties, but judicial action in such critical matter s to U.S. national security is paramount.

\*\*\*THEIR EVIDENCE BEGINS

**That’s also proven in the un-underlined part of their evidence** – **QUOTE**: **To** assuage the separation of powers issues **that could arise in the creation of this court** on targeted killing and drone strike operations, **the** legislative and judicial branches **will** have to **ensure they are not unconstitutionally restricting the President's authority**.

#### And, Court action links—decisions politicized

Eric Hamilton, “Politicizing the Supreme Court,” STANFORD LAW REVIEW, 8—30—12, www.stanfordlawreview.org/online/politicizing-supreme-court

To state the obvious, Americans do not trust the federal government, and that includes the Supreme Court. Americans believe politics played “too great a role” in the recent health care cases by a greater than two-to-one margin.[1] Only thirty-seven percent of Americans express more than some confidence in the Supreme Court.[2] Academics continue to debate how much politics actually influences the Court, but Americans are excessively skeptical. They do not know that almost half of the cases this Term were decided unanimously, and the Justices’ voting pattern split by the political party of the president to whom they owe their appointment in fewer than seven percent of cases.[3] Why the mistrust? When the Court is front-page, above-the-fold news after the rare landmark decision or during infrequent U.S. Senate confirmation proceedings, political rhetoric from the President and Congress drowns out the Court. Public perceptions of the Court are shaped by politicians’ arguments “for” or “against” the ruling or the nominee, which usually fall along partisan lines and sometimes are based on misleading premises that ignore the Court’s special, nonpolitical responsibilities. The Framers of the Constitution designed a uniquely independent Supreme Court that would safeguard the Constitution. They feared that the political branches might be able to overwhelm the Court by turning the public against the Court and that the Constitution’s strict boundaries on congressional power would give way. As evidenced in the health care cases, politicians across the ideological spectrum have played into some of the Framers’ fears for the Constitution by politicizing the decision and erasing the distinction between the Court’s holding and the policy merits of the heath care law. Paradoxically, many of the elected officials who proudly campaign under the battle cry of “saving our Constitution” endanger the Court and the Constitution with their bombast. Politicization of the Supreme Court causes the American public to lose faith in the Court, and when public confidence in the Court is low, the political branches are well positioned to disrupt the constitutional balance of power between the judiciary and the political branches.

### Thumpers

#### Obama is invested in swaying democratic lawmakers – the Iran issue is in the marrow of the administrations bones

Bowman 1-23 (Michael, “Support Slipping for Iran Sanctions in US Senate,” <http://www.voanews.com/content/support-slipping-for-iran-sanctions-in-senate/1836453.html>

The sanctions bill has 16 Democratic co-sponsors, near-unanimous support among Republicans, and the backing of politically potent pro-Israeli U.S. lobbying groups. But 11 Senate committee chairs, including Murray, currently oppose the bill. ¶ Among Democrats who signed on to the measure late last year, some have grown less vocal in their defense and promotion of the measure in recent weeks. Senate Majority Leader Harry Reid has neither explicitly promised a vote on the bill, nor ruled it out.¶ Congressional expert William Galston of the Brookings Institution says pressure from President Barack Obama appears to be swaying a growing number of Democratic lawmakers.¶ “The White House is determined to prevent this from happening," he said. "The administration believes in the marrow of its bones that the executive branch is the lead negotiator in the matter and that it deserves a chance to conduct its own foreign policy."

#### Obama’s not even pushing TPA

Litvan 1-16 (Laura, “Senate Republicans Say Obama’s Silence Risks Trade Agenda,” <http://www.bloomberg.com/news/2014-01-16/senate-republicans-say-obama-s-silence-risks-trade-agenda.html>, CMR)

**Senate Republicans stepped up calls for** President Barack **Obama to get more directly involved in pushing Congress to enable speedy approval of trade deals,** saying that **he is endangering his second-term trade agenda**. Senate Minority Leader Mitch McConnell, a Kentucky Republican, said on the Senate floor that a bipartisan **measure** **that would give Obama the ability to win passage of trade deals** without amendment **may not get enough support if Obama doesn’t start talking more on the issue**. “**We need the president to get involved**,” McConnell said today. “We need him to step up for American workers and increased exports by bringing his party on board with the trade promotion bill that was introduced just last week.” At a Senate Finance Committee hearing on the measure today, the top Republican on the panel, Orrin Hatch of Utah, also said Obama’s efforts are falling short. “**This is not a case where the president can lead from behind**,” said Hatch. He and McConnell said Obama must give the issue priority in his annual State of the Union speech Jan. 28.

### PC Fails

#### Obama political capital critical to maintain democratic support – as the negotiations continue, the more the fierce the debate will become

McManus 1-26 (Doyle, “Harry Reid earns an assist on Iran,”http://www.latimes.com/opinion/commentary/la-oe-mcmanus-column-reid-iran-20140126,0,7603336.column#axzz2rS3LnTUp

The most important person in the U.S.-Iran nuclear negotiations right now may be Harry Reid, the Senate Democratic leader from Searchlight, Nev.¶ Two weeks ago, President Obama's nuclear diplomacy was in trouble, but not because of anything Iran was doing. The problems were domestic.¶ A Senate bill proposing new economic sanctions against Tehran had swiftly gathered 59 supporters, a solid majority and only one vote short of the number needed to prevent a filibuster. The bill's backers, including the American Israel Public Affairs Committee, the powerful pro-Israel lobbying organization, were pressing for a quick vote in the Senate.¶ The sanctions wouldn't hit Iran immediately — or possibly ever. They would be triggered in the event of a breakdown in the nuclear negotiations, a missile test or even a terrorist attack by Iran's Lebanese ally, Hezbollah.¶ The problem is that Iran has said it would consider passage of the bill as a violation of the agreement the U.S. signed in November, which promised no new sanctions while negotiations were underway. Obama aides have warned that if the bill passed, Iran might walk out of the talks, and that it would have the sympathy of much of the rest of the world if it did.¶ But the bill's authors were willing to live with the risk. They aren't happy with the terms Obama agreed to with Iran, and they say their aim is to strengthen the president's hand. It's hard, however, to see the proposal as anything but a direct rebuke to Obama over his conduct of foreign policy.¶ Initially, the bill had impressive momentum, with 16 Democrats joining 43 Republicans in support. Its backers predicted that they would soon have more than 60 votes, the number needed to move a bill forward in the Senate.¶ But then Reid planted his feet. He controls the Senate calendar, and he let senators know that he saw no need to act on the sanctions bill soon. "At this stage, I think we're where we should be," Reid blandly told reporters.¶ That strategic inaction gave Obama and White House aides more time for some furious personal lobbying against the bill. And it gave a coalition of liberal groups time to organize a grass-roots lobbying effort aimed at countering AIPAC's appeals to Democratic senators who hadn't yet decided.¶ By last week, it was clear that Reid had prevailed; the Senate isn't likely to vote on new sanctions any time soon.¶ The number of cosponsors has stalled at 59 senators, and a few of the Democrats who had signed on were beginning to edge away: Sen. Richard Blumenthal (D-Conn.), one of the cosponsors, said he didn't think the Senate needed to move "as long as there's progress" in the negotiations.¶ Another, Sen. Michael Bennet (D-Colo.), feels much the same way, a spokesman told me. As a result, pressure is waning on Reid to allow a vote on the bill.¶ But this was just one round in the ongoing Washington battle over how to deal with Iran, and the closer the nuclear negotiations bring us to a final agreement, the more intense the debate will become. That makes it worth examining this early dust-up for clues to how later battles will shape up.¶ One thing worth noting is that the strongest support for Israel's hard line these days comes from Republicans, not Democrats. Nearly three-quarters of the sanction bill's sponsors were Republicans, and, as the Jewish Daily Forward noted puckishly last week, most of the Senate's 10 Jewish members, all of whom are Democrats, didn't back it.¶ Support for Israel in Congress has been bipartisan for decades, of course. But the hawkish policies of Israeli Prime Minister Benjamin Netanyahu have put off many Democrats, and they are stopping far short of what Israel's most ardent supporters are asking.¶ Democrats also have more incentive to back the president on a core issue of foreign policy, of course, since he's from their party.¶ More fundamentally, though, Democrats tend to agree with Obama on the merits of the issue: that the negotiations are the last, best chance to persuade Iran to limit its nuclear program, and that disrupting the talks could make a military conflict inevitable.

#### PC is key – 30 Senate Dems are in play and open to persuasion

**Sargent, 12/20/13** – write the Plum Line blog for the Washington Post (Greg, “Divide deepens among Democrats on Iran” <http://www.washingtonpost.com/blogs/plum-line/wp/2013/12/20/divide-deepens-among-democrats-on-iran/>)

That raises an interesting question: What if this bill comes to a vote and goes down in the Senate? Already, Democrats are divided on the push for a new sanctions bill. Senators Robert Menendez and Chuck Schumer are leading the push for the bill, and they have been joined by 11 other Democratic Senators. On the other hand, 10 Dem Senators — all committee chairs — have come out against the sanctions bill, arguing in a letter to Harry Reid that “new sanctions would play into the hands of those in Iran who are most eager to see the negotiations fail.” That leaves at least 30 Dem Senators who may be up for grabs. This means that, in addition to the organizing that Boxer is undertaking, you’re all but certain to see more pressure be brought to bear on Democrats to back off of Congressional action right now. (There is also pressure on them to support the new sanctions bill, but the organizing that’s taking place against it is getting less attention.) As HuffPo reported yesterday, liberal groups like MoveOn and CREDO are already pillorying senators Menendez and Schumer for undermining the negotiations and playing into GOP efforts to fracture Dem unity on Iran. Pressure will probably be brought to bear on undecided Dems, too. Senate aides say they are not ready to predict whether the Iran sanctions bill will or won’t pass. Right now 13 Republicans have signed on to the Menendez-Schumer bill. But you could conceivably see Republican Senators like Rand Paul and Mike Lee, who have been more suspicious of the use of American power abroad than neocons or GOP internationalists have traditionally been, come out against the bill. I’ve asked Senator Paul’s office where he stands and haven’t received an answer. What will he say? There will also be tremendous pressure brought to bear from both sides on Harry Reid, who has yet to say whether he’ll allow it to come to a vote. If more Dems come out against the bill, it will become harder for him to bring it to a vote. It remains very possible that the bill will pass the Senate, and if the White House is right, that could imperil the chances of a long term diplomatic breakthrough. But it’s also possible the bill will fail, which would be a major rebuke to the hawks.

### UQ

#### Obama’s political capital is the key factor in keeping democrats from splintering

Bowman 1-23 (Michael, “Support Slipping for Iran Sanctions in US Senate,” <http://www.voanews.com/content/support-slipping-for-iran-sanctions-in-senate/1836453.html>, CMR)

More **Democratic senators are** quietly **signaling** their **opposition to a bill that spells out new sanctions against Iran** if negotiations to limit the country’s nuclear program do not yield a final accord. **The bill** retains bipartisan support **in both houses** of Congress, but passage is **seen as** increasingly unlikely **in the** Democratic-led **Senate amid an** intense lobbying effort by the Obama administration to hold off on sanctions while international negotiations proceed. Senators Patty Murray and Elizabeth Warren are the latest Democrats to announce their opposition to the Iran sanctions bill currently before Congress. In a letter to constituents in Washington state, Murray said “the administration should be given time to negotiate a strong verifiable comprehensive agreement” on Iran’s nuclear program. At the same time, she pledged to work “to swiftly enact sanctions” if the talks ultimately fail. Similarly, a spokeswoman for Warren says the Massachusetts senator “does not support imposing additional sanctions through new legislation while diplomatic efforts to achieve a long-term agreement are ongoing.” **The sanctions bill has 16 Democratic co-sponsors**, **near-unanimous support among Republicans, and the backing of politically potent pro-Israeli** U.S. **lobby**ing groups. But 11 Senate committee chairs, including Murray, currently oppose the bill. Among Democrats who signed on to the measure late last year, some have grown less vocal in their defense and promotion of the measure in recent weeks. Senate Majority Leader Harry Reid has neither explicitly promised a vote on the bill, nor ruled it out. **Congressional expert** William **Galston of** the **Brookings** Institution **says** pressure from President Barack Obama **appears to be** swaying a growing number of **Democratic lawmakers**. “**The White House is determined to prevent this** from happening," he said. "The administration believes in the marrow of its bones that the executive branch is the lead negotiator in the matter and that it deserves a chance to conduct its own foreign policy."

#### Political landscape has changed – democrats are no longer supporting sanctions - Obama political capital key to push and sustain the momentum

Benen 1/17/14 – American political writer and blogger, an MSNBC contributor, and a producer for The Rachel Maddow Show (Steve, "Support for new Iran sanctions wanes"

<http://www.msnbc.com/rachel-maddow-show/support-new-iran-sanctions-wanes>) CMR

As recently as last week, bipartisan congressional support for new sanctions on Iran, which were likely to sabotage diplomatic talks and move the world closer to a national security crisis, was growing, and momentum appeared to be on proponents’ side. As of this morning, the landscape looks far different. Its Senate sponsors describe it as a “diplomatic insurance policy” that will help President Obama cut a better nuclear deal with Iran. The White House condemns it as a deal-killer that could put the United States on a path to war. At issue is a 52-page Senate bill, the Nuclear Weapon Free Iran Act of 2013, which has become enshrouded in a fog of overheated talk, as the White House, Congress and a growing legion of lobbyists clash over the wisdom of passing new sanctions against Iran while pursuing diplomacy. Iranian officials, who were brought to the negotiating table in the first place thanks to the efficacy of existing sanctions, have already said they’ll abandon diplomatic talks if the United States approves additional sanctions while negotiations are underway. In effect, Congress would be scuttling a historic opportunity, on purpose, without waiting to see whether diplomacy would work. But the problems with the effort go even further. The proposed sanctions would also signal to the world that the United States is no longer interested in a peaceful solution and similarly disinterested in keeping our word. At the same time, the legislation represents a congressional effort to establish the parameters of any possible long-term deal with Iran – in effect, lawmakers would be imposing their own requirements on U.S. negotiators while talks are ongoing. A week ago, it was practically a foregone conclusion that such a bill would pass the House and Senate; the question is whether President Obama’s veto could be overridden. Just of the last few days, however, the odds of such a bill even reaching the president’s desk have dropped unexpectedly. The Hill, for example, reported yesterday that House Republicans “are moving away from a proposal to adopt new Iran sanctions.” House Democrats who were otherwise sympathetic to the idea became “irked” by GOP political tactics “and the idea appears to have been at least temporarily shelved.” In the Senate, meanwhile, BuzzFeed reports that Sen. Bob Corker (R-Tenn.), a co-sponsor of the legislation, has “proposed the idea of scheduling a vote on Iran sanctions six months from now, after the interim nuclear agreement has run its course, instead of voting on sanctions right now.” In other words, lawmakers could at least wait to see if the talks bear fruit before sabotaging them in advance. Corker’s idea isn’t ideal – it would reportedly lock in the Senate for a vote on July 21, exactly six months after the current deal is implemented, regardless of the status of the diplomacy – but in the larger context it suggests even sanctions supporters are starting to see value in waiting. Indeed, an unnamed senator who supports the sanctions bill told Greg Sargent this week that opponents have the momentum. The senator added, “At the moment, there’s no rush to put the bill on the floor. I’m not aware of any deadline in anyone’s head.” Keep in mind, the sanctions legislation was introduced in the Senate on Dec. 19 with a bipartisan group of 26 sponsors. Over the course of just three weeks, that total more than doubled to 59 sponsors. But the last addition was eight days ago – and no other senators have signed on since. What changed the direction of the debate? To be sure, White House pressure has made a difference, reinforced by President Obama’s direct lobbying to Democratic senators this week. I also talked to a Senate staffer yesterday who said public pressure has also increased, with more voters contacting the Hill with phone calls and emails, voicing opposition to the bill.

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#### . REJECT ORDINARY DEFS – CAA explicitly assumes “dictionary” definitions because it speaks to a vague statute, PROOF this card shouldn’t control a topic capable of specific statutory reference – that’s our 1NC interp

THEIR CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

\*\*\*THEIR EVIDENCE\*\*\* P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition."). P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.\*\*\*THEIR EVIDENCE\*\*\*

#### “war powers authority” is special – allocation assumes particular context, abstract definitions won’t fit

David J. Barron & Martin S. Lederman, Harvard Law Review, February 2008. “THE COMMANDER IN CHIEF AT THE LOWEST EBB — A CONSTITUTIONAL HISTORY,” http://www.harvardlawreview.org/media/pdf/barron\_lederman2.pdf, page 1099.

We do mean to argue, however, that it is folly to think a sound constitutional judgment can be made as to the proper allocation of war powers without facing up to what the historical practice between the branches has actually shown. A change in constitutional practice cannot be made by turning away from history and examining the relative virtues of the President and the Congress in the abstract. Such an approach would be as impossible as it is indeterminate, because it would ¶ ask us to “both exorcis[e] from ourselves the influences of our own traditions and ignor[e] the lessons our society has learned over time.”648¶ Judgments about the proper constitutional roles of the political ¶ branches in war are necessarily embedded in historical narratives that, ¶ however unconsciously, inform present understandings.