# 1NC

### 1

#### Text: The United States Federal Government should restrict executive authority to use targeted killing as a first resort outside of armed conflict.

#### Restricting targeting killing outside of zones of active hostilities means the US can’t strike in Pakistan or Yemen.

JCSL 13 [Journal of Conﬂict & Security Law, Vol. 18 No. 1, p. 1-2, “Deterrence Revisited?” Oxford University Press Journals]

The other mentioned issue is that of drones (unmanned aerial vehicles), not in the case of information gathering but when used for targeted killings. In reading the legal justifications, one comes to the conclusion that there remains much ambiguity regarding the applicable rules of international law. With regard to using drones outside a zone of armed conflict, with regard to Al Qai’da and its associates, the opinion within the Obama Administration appears to be that this is permitted under the President’s Authorization for Use of Military Force against al-Qa’ida—the 2001 authorization adopted after the 9/11 attack. The Department of Justice White Paper 1 argues that case. It is focused primarily on the targeted killing of a US citizen abroad who is regarded as an Al Qa’ida operative. The position taken is that the USA is in a non-international armed conflict with al-Qa’ida. ‘Any U.S. operation would be part of this non-international armed conflict, even if it were to take place away from the zone of active hostilities.’ Stretching this argument, it is put forth that the USA is allowed to defend itself whenever it concludes that individuals are part of al-Qa’ida, or associated with it, by targeting these individuals wherever they are found. This appears to be the current legal reasoning for the broad use of targeted killings by drones in places like Yemen or Pakistan. As in the case of cyber warfare, the criteria in making these decisions are secret. And, similar to the cyber weapons issue, this development is the result of technological advancements that have led to new types of weapons.

#### The CP solves norms – armed conflict requirement is based on host-state consent and proportionality.

Lewis & Crawford 13 [Michael W., Professor of Law at Ohio Northern University Pettit College of Law, Emily, Post-Doctoral Research Fellow at the University of Sydney, “DRONES AND DISTINCTION: HOW IHL ENCOURAGED THE RISE OF DRONES” p. 1163-1165

, <http://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/zsx00313001127.PDF>]

But the misconceptions concerning drones are not limited to the practical effects of U.S. drone policy. Legally, the United States’ position is not one of “ever-expanding entitlement for itself to target individuals across the globe.”162 The “entitlement” to use drones, just like the entitlement to engage in any other action on the sovereign territory of another state, is largely based upon the consent of the nation in which drones are being used. It is clear that Yemen consented to the strikes undertaken on its territory.163 This is supported by the WikiLeaks release of cables indicating Yemeni government consent for the actions taken there.164Likewise, there is evidence that the Pakistani government has privately consented to most of the strikes that the United States had conducted on its territory.165To the extent that the norm being shaped by U.S. behavior is limited to cases of consent, it is hard to see how the United States will one day be disadvantaged by that norm.¶ Outside of situations in which the host state consents to the strike, the United States has only asserted an “entitlement” to target al Qaeda in situations where the host state has proven itself to be unable or unwilling to incapacitate or expel al Qaeda from its territory.166 It has long been established that states not involved in armed conﬂicts have a responsibility not to aid either belligerent.167 The United States’ position that the law of armed conﬂict allows it to conduct proportional strikes against al Qaeda targets within states that have proven themselves to be unable or unwilling to incapacitate or expel those targets cannot be fairly characterized as creating an “ever-expanding entitlement for itself to target individuals across the globe.”168

### 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.

### Solvency

#### zone of hostilities gets circumvented-No universal definition

Jennifer C. Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April, 2013 161 U. Pa. L. Rev. 1165

Given the basis for distinguishing between zones of active hostilities and elsewhere, this Part provides the specifics of the proposed approach. It first lays out criteria for distinguishing between a zone of active hostilities and elsewhere by drawing on both existing law and the normative justifications for the distinctions. It then describes the proposed substantive and procedural standards that ought to apply, consistent with the goals of protecting individual liberty, peacetime institutions, and the fundamental security interests of the state.¶ This task is both necessary and inherently difficult. It is an attempt to develop a set of clear standards, or on-off triggers, for a situation in which the gravity, imminence, and likelihood of a threat are dynamic, uncertain, and difficult to categorize. My aim is to propose an initial set of standards that will regulate the use of force and detention without charge outside a zone of active hostilities, consistent with the state's legitimate security needs. The expectation is that debate and discussion will help develop and refine the details over time.¶ A. The Zone of Active Hostilities¶ ¶ Commentary, political discourse, court rulings, and academic literature are rife with references to the distinction between the so-called "hot battlefield" and elsewhere. Yet despite the salience of this distinction, there is no commonly understood definition of a "hot battlefield," let alone a common term applied by all. n118 In what follows, I briefly survey the relevant treaty [\*1203] and case law and offer a working definition of what I call the "zone of active hostilities." This definition takes into account such sources of law as well as the normative and practical reasons for this distinction.

#### obama wants to circumvent

Spencer Ackerman, Wired DangerRoom, 3/20/13, Little Will Change If the Military Takes Over CIA’s Drone Strikes, www.wired.com/dangerroom/2013/03/military-drones/

If the Obama administration decides to give the U.S. military control of the CIA’s drone effort, the institutional changes to the controversial global drone strikes will be minor. That’s because the important leverage points over the drones — and the global, targeted-killing program they support — are political, not institutional. Daniel Klaidman at The Daily Beast reports that President Barack Obama is nearing a decision to divest the CIA of its lethal drone fleet. According to Klaidman, the CIA will “remain involved in lethal targeting,” but uniformed personnel will pull the trigger from now on. “It looks like the White House may now be preparing to launch a campaign to counter the growing perception — with elites if not the majority of the public — that Obama is running a secretive and legally dubious killing machine,” Klaidman writes. Except he’ll still be running one. The CIA conducts armed drone strikes in Pakistan and Yemen, among other places. The U.S. military conducts armed drone strikes in Afghanistan, Yemen and Somalia, and has extensive airbases and support networks for drone strikes in east Africa and now in Niger. Military launchpads are often — but not always — launchpads for the CIA’s drones, too. And the CIA sometimes borrows the Air Force’s drone fleet. In short, the military infrastructure for the drone strikes is robust and global. In the near future, those drone launchpads will move out to sea. A newly reconfigured Navy ship, the USS Ponce, is the first of a new kind of floating staging ground for commandos and the armed robots they’ll operate. Later in the decade, the Navy plans to launch an armed, stealthy drone from an aircraft carrier. There’s an argument that giving the military control over the drones will lead to greater transparency around them. Maybe, but not necessarily. The congressional reporting requirements for so-called Title 50 programs (stuff CIA does, to be reductive) are more specific than those for Title 10 (stuff the military does, to be reductive). But the armed services committees tend to have unquestioned and broader oversight functions than the intelligence committees enjoy, not to mention better relationships with the committees: Witness the recent anger in the Senate intelligence committee that the CIA lied to it about its torture programs. The military is more likely than the CIA to openly testify about future drone operations, allow knowledgeable congressional staff into closed-door operational briefings and allow members of Congress to take tours of drone airbases. But that’s not to say that there will necessarily be more transparency of the military’s drone programs. Much depends on congressional prerogative, rather than institutional requirements. A summary offered by a former Special Operations Command lawyer last year (.pdf), piggybacking off one from a former CIA lawyer, was: “If the activity is defined as a military activity (‘Title 10′) there is no requirement to notify Congress, while intelligence community activities (‘Title 50′) require presidential findings and notice to Congress.” (For a good overview of how how the military can compartmentalize and limit access to information on its activities, including to Congress, read this blog post from Robert Caruso.) “Moving lethal drone operations exclusively to DOD might bring benefits. But DOD’s lethal operations are no less secretive than the CIA’s, and congressional oversight of DOD ops is significantly weaker,” former Justice Department lawyer Jack Goldsmith tells Klaidman. Mieke Eoyang, a former House intelligence and armed services committee staffer, tells Danger Room that oversight “depends on the the level of interest of the committee chairman on the Title 10 [military] side. It depends on how detailed he wants to get, down in the weeds.” Nor does the change to military drone control restrict the relevant legal authorizations in place. The Obama administration relies on an expansive interpretation of a 2001 congressional authorization to run its global targeted-killing program. If that authorization constrains the military to the “hot” battlefield of Afghanistan, someone forgot to tell the Joint Special Operations Command to get out of Yemen. What matters more than which bureaucratic entity operates the drones is what the politicians ostensibly in charge of those bureaucracies want to do with them. Sen. Rand Paul (R-Kentucky)’s 13-hour filibuster earlier this month vented congressional dissatisfaction with the secrecy, scope and intensity of the global targeted-killing program. It remains to be seen if Paul and his colleagues wish to trim the edges of that lethal program or constrain it more substantially. Congress has been more bellicose than the Obama administration. Then there’s Obama. His rhetoric centers on drawing down the wars; his record is about intensifying and institutionalizing the targeted-killing campaign. His intelligence apparatus points to a diminished al-Qaida, yet there is no such diminution of the security apparatus established to bring about that action. It might be that putting the military in charge of the drone strikes is an early and tentative step in that direction. But it will take a decision on Obama’s part that the war on terrorism is nearing an end to make the shift more than a bureaucratic one.

#### \*\*Empirics are conclusive

James, national security reporter – NPR, 2/8/’13

(Frank, “Death By Drone, And The Sliding Scale Of Presidential Power,” http://www.npr.org/blogs/itsallpolitics/2013/02/08/171467519/death-by-drone-and-the-sliding-scale-of-presidential-power)

The controversy over President Obama's targeted-killings-by-drone policy is a reminder that the default position of presidents in times of crisis is generally to side with national security over civil liberties. Whether it has been Great Emancipator Abraham Lincoln sidestepping Congress and suspending habeas corpus to enable the arrests of scores of Confederate sympathizers, or that great liberal Franklin D. Roosevelt placing his imprimatur on the internment in camps of hundreds of thousands of Japanese Americans after Pearl Harbor, presidents have often used their power as military commander-in-chief in ways profoundly at odds with constitutional protections of the individual. If truth is the first casualty of war, civil liberties often come second. A 2008 collection of essays titled , published by the Russell Sage Foundation, examines this tension throughout the nation's history. It found no shortage of times when national security concerns — as defined by a president who was sometimes abetted by Congress and the courts — infringed on civil liberties. A Legacy Of Power Grabs And the examples go all the way back to the start of the republic. Daniel Farber, the University of California, Berkeley law professor who edited the book, said he came away from the project with the sense that it's more the rule than the exception that civil liberties are early casualties of a president's response to national emergencies. In an interview, Farber said: "My feeling, after looking at all that history in the book, is that that just goes with the office. It's part of what happens when you're sitting in the Oval Office. "Presidents, regardless of political party, or liberal versus conservative, they just don't seem to have a lot of qualms about doing what they think is necessary for national security. So it doesn't surprise me [that Obama has allowed Americans to be targeted in drone strikes overseas]. There have been very few exceptions."

#### Obama can circumvent the plan – covert loopholes

Lohmann 1-28-13 [Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>]

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

#### Restricting targeted killing authority causes the Executive to shift justifications to inherent self-defense authority, the president will just declare a new zone – that’s a huge loophole which destroys the plan’s signal and norms, and causes global instability

Barnes 12 – JD Candidate @ Boston University School of Law (13) & MA Candidate in Law and Diplomacy @ The Fletcher School of Law and Diplomacy at Tufts University (13) [[Barnes, Beau D.](http://www.heinonline.org.proxy.library.emory.edu/HOL/LuceneSearch?specialcollection=&terms=creator%3A%22Barnes,%20Beau%20D.%22&yearlo=&yearhi=&subject=ANY&journal=ALL&sortby=relevance&collection=journals&searchtype=advanced&submit=Search&base=js&all=true&solr=true), “Reauthorizing the War on Terror: The Legal and Policy Implications of the AUMF's Coming Obsolescence,” Military Law Review, Vol. 211, 211 Mil. L. Rev. 57 (2012) pp. 57-114

A failure to reauthorize military force would lead to significant negative consequences on the international level as well. Denying the Executive Branch the authority to carry out military operations in the armed conflict against Al Qaeda would force the President to find authorization elsewhere, most likely in the international law of self defense—the jus ad bellum. 142 Finding sufficient legal authority for the United States’s ongoing counterterrorism operations in the international law of self-defense, however, is problematic for several reasons. As a preliminary matter, relying on this rationale usurps Congress’s role in regulating the contours of U.S. foreign and national security policy. If the Executive Branch can assert “self-defense against a continuing threat” to target and detain terrorists worldwide, it will almost always be able to find such a threat.143 Indeed, the Obama Administration’s broad understanding of the concept of “imminence” illustrates the danger of allowing the executive to rely on a self-defense authorization alone.144 This approach also would inevitably lead to dangerous “slippery slopes.” Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of “imminence,”145 there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy. Although the Obama Administration has disclaimed this manner of broad authority because the AUMF “does not authorize military force against anyone the Executive labels a ‘terrorist,’”146 relying solely on the international law of self defense would likely lead to precisely such a result. ¶ The slippery slope problem, however, is not just limited to the United States’s military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration’s “expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . .”147 Indeed, “[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, the result would be chaos.”148¶ Encouraging the proliferation of an expansive law of international self-defense would not only be harmful to U.S. national security and global stability, but it would also directly contravene the Obama Administration’s national security policy, sapping U.S. credibility. The Administration’s National Security Strategy emphasizes U.S. “moral leadership,” basing its approach to U.S. security in large part on “pursu[ing] a rules-based international system that can advance our own interests by serving mutual interests.”149 Defense Department General Counsel Jeh Johnson has argued that “[a]gainst an unconventional enemy that observes no borders and does not play by the rules, we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge.”150 Cognizant of the risk of establishing unwise international legal norms, Johnson argued that the United States “must not make [legal authority] up to suit the moment.”151 The Obama Administration’s global counterterrorism strategy is to “adher[e] to a stricter interpretation of the rule of law as an essential part of the wider strategy” of “turning the page on the past [and rooting] counterterrorism efforts within a more durable, legal foundation.”152

### Norms

**No drones arms race – multiple checks**

- narrow application – diplomatic and political costs – state defenses

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

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

#### No impact to Chinese drones---their ev is irrational media hype

Trefor Moss 13, journalist for The Diplomat covering Asian politics, defense and security, formerly Asia-Pacific Editor at Jane’s Defence Weekly, 3/2/13, “Here Come…China’s Drones,” The Diplomat, http://thediplomat.com/2013/03/02/here-comes-chinas-drones/?print=yes

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

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

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

#### Structural barriers prevent caucus instability

Weitz 12 (Richard, writes a weekly column on Asia-Pacific strategic and security issues. He is director of the Center for Political-Military Analysis and a Senior Fellow at the Hudson Institute. His commentaries have appeared in the International Herald Tribune, The Guardian and Wall Street Journal (Europe), among other publications. “Stabilizing the Stans”, 6/1, http://www.project-syndicate.org/commentary/stabilizing-the-stans)

Social disorder in Tunisia, Egypt, Libya, and other Arab countries has invariably led observers to regard Central Asia’s autocracies as potentially vulnerable to similar upheaval. Some Central Asian leaders have been in power for many years, and only Kyrgyzstan, the most impoverished of the five, has developed a competitive multi-party political system. Elsewhere, political parties are weak or are tools of the regime. But other factors make the Arab scenario less plausible in Central Asia. ­­Security forces are more closely aligned with ruling elites; independent political groups and social-media networks are less well developed; economic performance remains high in some countries; and a previous wave of revolutions produced disappointing results in Ukraine and Kyrgyzstan.

**Consent standard solves self-defense snowball**

**Lewis 11** – teaches international law and the law of war at Ohio Northern University School of Law (Michael W, “Unfounded drone fears”, Oct 17, <http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017>, CMR)

**Myth** 3: **The U.S. use of drones** in cases such as the Awlaki killing in Yemen **serves to legitimize their use by China or Russia**. **International law places the same restrictions on** the use of **drones** that **it places on any other use of military force. The U.S. used a drone on Yemeni territory** to kill Awlaki **because it was given permission** to do so by the Yemeni government, **and** because **Awlaki was an active member of an Al Qaeda affiliate who had** repeatedly **been involved in operations designed to kill American**s at home and abroad. With such permission, the U.S. could instead have employed special forces or a conventional airstrike.

#### Imminence standard aren’t broad

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

A great deal of confusion and anxiety about the targeting of American citizens has flowed from the inelegant discussion in the White Paper of the word “imminent.” Neither the White Paper nor Holder’s speech makes clear what precise legal question the concept of imminence is addressing in its analysis. It is a bit of a mystery, in fact, whether the administration is using it to address resort-to-force matters under international law, domestic separation-of-powers questions, issues of the constitutional rights of the targets, as a possible defense against criminal prohibitions on killing Americans, or perhaps as a prudential invocation of the standards of international human rights law. What is clear is that the administration, for whatever reason, has limited itself in targeting Americans overseas to circumstances of an imminent threat. And its specific characterization of imminence has produced a barrage of criticism. The criticism, in my view, is unwarranted and rests on a misreading of the White Paper. Although it is true that the administration is using the term in a manner slightly relaxed from its common-sense meaning, many commentators and media figures are dramatically overstating the degree of relaxation. A word of explanation on this point is in order. The term “imminent threat,” as the administration uses it, is something of a term of art—one that does not equate precisely to the common understanding of the word.Attorney General Holder has openly emphasized—consistent with the U.S. view of imminence in other national-security law circumstances—that this use does not mean imminence in some immediate temporal sense. It does not mean, for example, the last chance to act before disaster strikes. Rather, this definition of imminence incorporates a more flexible notion of an open window in time to address a threat which, left unaddressed, has independent momentum toward an unacceptable outcome. The Constitution, Holder explained, does not require the president to delay action until some theoretical end-stage of planning—when the precise time, place, and manner of an attack become clear. Such a requirement would create an unacceptably high risk that our efforts would fail and that Americans would be killed. Whether the capture of a U.S. citizen terrorist is feasible is a fact-specific, and potentially time-sensitive, question. It may depend on, among other things, whether capture can be accomplished in the window of time available to prevent an attack and without undue risk to civilians or to U.S. personnel. Given the nature of how terrorists act and where they tend to hide, it may not always be feasible to capture a United States citizen terrorist who presents an imminent threat of violent attack. In that case, our government has the clear authority to defend the United States with lethal force. The White Paper’s wording on the subject of imminence is unfortunately imprecise, but it should not be over-read as authorizing—as one journalist put it—the killing of top Al Qaeda leaders “even if there is no intelligence indicating they are engaged in an active plot to attack the U.S.” In reality, the White Paper says something much more modest: that a finding of imminence does not require “clear evidence” that “a specific attack” will take place in the “immediate future.” It goes on to say that for those senior Al Qaeda leaders who are “continually planning attacks,” one has to consider the window of opportunity available in which to act against them and the probability that another window may not open before an attack comes to fruition. The result is that a finding of imminence for such a senior-level Al Qaeda operational leader can be based on a determination that such a figure is “personally and continually” planning attacks—not on a determination that any one planned attack is necessarily nearing ripeness. The confusion arises largely out of a single, poorly-worded and easily misunderstood passage on page 8 of the White Paper: a high-level official could conclude, for example, that an individual poses an “imminent threat” of violent attack against the United States where he is an operational leader of Al Qa’ida or an associated force and is personally continually involved in planning terrorist attacks against the United States. Moreover, where the al-Qa’ida member in question has recently been involved in activities posing an imminent threat of violent attack against the United States, and there is no evidence suggesting that he has renounced or abandoned such activities, that member’s involvement in al-Qa’ida’s continuing terrorist campaign against the United States would support the conclusion that the member poses an imminent threat. The temptation is to read this passage broadly, as stating that targeting may be predicated on nothing more than an unrenounced history of plotting attacks—and without regard for the target’s present-day activities. In my view, however, such a reading places the White Paper at odds both with other public administration statements and with the history of U.S. interpretation of “imminence” in the international law context. The better way to understand the passage is that the first sentence of the paragraph states the general rule: that an Al Qaeda operational leader may be considered an imminent threat if he is “personally continually” planning attacks against the United States. The second sentence states the view that when evaluating whether a potential target is personally and continually planning such attacks, his recent activity is important to that evaluation, and a recent history of plotting major attacks will tend to support the inference that a person is currently plotting as well—at least to the extent it is not contradicted by some sort of renunciation of violence. Read this way, the passage strikes me as both correct and unsurprising. If one is trying to assess whether Anwar Al Aulaqi is personally and continually planning major attacks against the U.S., after all, surely it is not irrelevant that he had only recently coaxed Umar Farouk Abdulmutallab onto a plane with a bomb, emailed with would-be terrorists in Britain about how to carry out attacks on aviation, and corresponded with Nidal Hassan in the run-up to the latter’s shooting at Fort Hood. To the contrary, surely this pattern of behavior supports an inference—at least to some extent—that this is a person who is continually plotting attacks of this nature. And surely it is also relevant that the possible target has not merely failed to renounce participation in such attacks but is also continuing to release videos calling for them. Whether a pattern of this sort would adequately and on its own support a finding that an individual is continually involved in plotting major attacks would likely depend on how recent the pattern was, and how extensive. But there is nothing especially remarkable about the government’s position that for senior operational figures, recent past leadership conduct of an operational nature can serve as probative evidence of a figure’s current role. While the precise contours of the administration’s thinking on the subject will remain unclear as long as it refuses to release the underlying legal memoranda, there is good reason to believe that this narrower reading of the White Paper’s “imminence” language—and not the more expansive readings—accurately reflects the administration’s thinking. Unless and until the broader readings of the White Paper’s imminence language are confirmed to reflect administration thinking, there is no reason to believe that the government has adopted a concept of imminence so expansive as to widen the narrow conception of the category the administration has declared the lawful authority to target. Nor is there any evidence to suggest that the government is, in fact, targeting Americans based on nothing more than a distant pattern of past acts.

#### The affirmative breaks down the separation principle making particular uses of force more desirable – targeted killing in zones of active hostilities becomes easier than outside of zones. This causes a shift to security based rationales

Goodman 10, Law Prof at NYU

(Ryan, CONTROLLING THE RECOURSE TO WAR BY MODIFYING JUS IN BELLO, http://ssrn.com/abstract=1666198)

According to a bedrock principle of international law, the rules regulating the recourse to war (jus contra bellum or jus ad bellum) and the rules regulating conduct during war (jus in bello) must be kept conceptually and legally distinct. The purported independence of the two domains – what I call the ‘separation principle’ – remains unstable despite its historic pedigree. Their separation is predicated on particular normative and empirical foundations. Those foundations involve the capacity and desire of actors to reduce the likelihood and destructiveness of war. However, the reliability of such commitments is doubtful in times of acute stress. Participants in armed conflict frequently believe the separation principle disserves their narrow self-interest, and they often discount downstream effects on future wars. These concerns have generally been anticipated by architects of the global legal order. In their calculus, such pressures simply represent a need for greater resolve in identifying and overcoming threats to the existing design. Rationales for retaining the regime’s design are well understood. Contemporary threats to the regime, in contrast, are far less obvious. In Part 2 of this essay, I briefly describe essential features of international law related to jus ad bellum and jus in bello. In Part 3, I explore recent developments that threaten to erode their separation. In particular, I identify doctrinal innovations that result in the regulation of the recourse to war through alterations of jus in bello. That is, international and national institutions have incentivized states to pursue particular paths to war by tailoring the rules that regulate conduct in armed conflict. Some warpaths are accordingly rewarded, and others are penalized. Some of the new threats to the separation principle are unintended by the actors who set the rules. Other threats may be intentional, but they are propelled by a different ambition than challenges of the past. For example, the classic challenge to the separation principle maintains that states acting for a just cause should not have to comply with baseline rules that might constrain their ability to win the war. A contemporary challenge, however, takes the opposite position. It maintains that states acting for a just cause should be held to an even higher standard than the baseline rules. Other threats to the separation are more conventional and are based on whether the use of force has been internationally sanctioned. I explore recent manifestations of these various threats in Part 3. The impact of decisions favoring particular uses of force by modifying jus in bello involves far-reaching and dangerous consequences. In Part 4, I explore potential effects, first, on state behavior involving the use of force and, second, on state behavior involving the conduct of warfare. Prior scholarship has focused extensively on the latter. I consider the impact on both, with greater emphasis on the former due to the existing literature’s coverage. In turning to jus ad bellum, I argue that the recent developments linking jus ad bellum and in bello channel state behavior and justifications for using force toward security-based and strategic rationales. I contend that these efforts – whether intended or not – risk suppressing ‘desirable wars’ and inspiring ‘undesirable wars.’ Turning to jus in bello, I contend that these recent developments undercut humanitarian protections by interfering with mechanisms for compliance. Throughout this essay, it is important to understand that the framework I use to analyze these relationships exceeds the formal rules governing jus ad bellum. That is, I examine the broader institutional environment that shapes the legitimacy of particular recourses to force. The following analysis includes not only uses of force that operate along the axis of lawful and unlawful behavior. Some cases involve operations that are fully authorized – e.g., by the Security Council – but the relevant factor is whether the operations have a particular objective (e.g., humanitarian protection) or have the status of a ‘war of choice’ for particular states (e.g., states contributing to UN peacekeeping operations). Other cases involve uses of force that are justified by self-defense, or collective self-defense, and the relevant consideration is whether states also work through the Security Council. And other cases involve unlawful military campaigns and the relevant factor is whether those actions nevertheless acquire legitimacy within the international community. An analysis of the separation principle should consider linkages between such variants of the recourse to force and jus in bello. As I illustrate below, tailoring jus in bello to favor or disfavor particular paths to war effectively raises the same types of concerns as conventional threats to the separation principle. Failure to consider this wider framework would overlook fundamental challenges to the existing global regime.

#### The affirmatives geographically differentiated law of war framework spills over to shape the Law of Armed Conflict

Blank 13, Director of the International Humanitarian Law Clinic at Emory

(Laurie, LEARNING TO LIVE WITH (A LITTLE) UNCERTAINTY: THE OPERATIONAL ASPECTS AND CONSEQUENCES OF THE GEOGRAPHY OF CONFLICT DEBATE, University of Pennsylvania Law Review Online, Vol. 16­1:347)

In the context of a specific legal framework for one particular type of conflict, the same concerns about blurring the lines between legal regimes remain. LOAC does not require an individualized threat assessment in the targeting of combatants, who are presumed hostile by dint of their status. Over time, however, the requirement for an individualized threat assessment in certain geographical zones in a new law of war framework for conflicts with transnational terrorist groups may well begin to bleed into the application of LOAC in more traditional conflicts. In essence, therefore, a carefully designed paradigm for one complex and difficult conflict scenario ultimately impacts LOAC writ large, even absent any perceived need or direct motivation for such change. Interpreting LOAC to require an individualized threat assessment for all targeting decisions—even those against the regular armed forces of the enemy state in an international armed conflict—introduces significant tactical and operational risk for soldiers not mandated or envisioned by the law.35 The same conflation problem holds true for other non-LOAC obligations that might be imported into LOAC depending on the analysis of where and how a new law of war framework were to apply. It is important to recognize, notwithstanding the focus on the operational effectiveness of LOAC in this Response, that conflation and “borrowing” offer the same challenges for the implementation of human rights law, to the extent that norms from LOAC begin to bleed into the application of human rights norms. Lastly, superimposing an artificially created framework detracts attention from—or even papers over—current challenges within LOAC, such as the identification of enemy operatives, the nature and amount of proof required for determinations of reasonableness or unreasonableness in targeting decisions, and other perennially tricky issues. CONCLUSION The procedural and legal protections proposed in the sort of rules-based, geographically differentiated law of war framework that Daskal proposes could certainly maximize protections for certain groups of people in certain areas during certain specific conflicts. To that end, such enhanced protections would indeed be an important contribution. However, the operational imperatives of conflict—all conflicts, not only the complex current conflict with al Qaeda and associated terrorist groups—suggest that such a framework would likely have more significant detrimental consequences through diminished clarity and predictability in the application of LOAC at all stages and unfortunate modifications in the future development of LOAC. Learning to accept some uncertainty in assessing the geography of conflict therefore helps to protect equally important LOAC goals and may well be a better option than it appears at first blush.

#### The impact is uncontrolled escalation and warfare – our internal link is more likely than the affirmatives because the most recent studies prove rationale for force is the greatest predictor of warfare

Goodman 10, Law Prof at NYU

(Ryan, CONTROLLING THE RECOURSE TO WAR BY MODIFYING JUS IN BELLO, http://ssrn.com/abstract=1666198)

The developments regulating jus ad bellum through jus in bello also threaten to make ‘undesirable wars’ more likely. In previous writing, I argue that encouraging states to frame their resort to force through humanitarian objectives rather than other rationales would, in the aggregate, reduce the overall level of disputes that result in uncontrolled escalation and war. A reverse relationship also holds true. That is, encouraging states to forego humanitarian rationales in favor of other justifications for using force may culminate in more international disputes ending in uncontrolled escalation and war. This outcome is especially likely to result from the pressures created by Type I erosions of the separation principle. First, increasing the tax on humanitarian interventions (the Kosovo Commission/ICISS approach) and ‘wars of choice’ (the Al-Jedda approach) would encourage states to justify their resort to force on alternative grounds. For example, states would be incentivized to invoke other legitimated frameworks – such as security rationales involving the right to self-defense, collective self-defense, anticipatory selfdefense, and traditional threats to international peace and security. And, even if military action is pursued through the Security Council, states may be reluctant to adopt language (in resolutions and the like) espousing or emphasizing humanitarian objectives. Second, the elevation of self-regarding – security and strategic – frameworks over humanitarian ones is more likely to lead to uncontrolled escalation and war. A growing body of social science scholarship demonstrates that the type of issue in dispute can constitute an important variable in shaping the course of interstate hostilities. The first generation of empirical scholarship on the origins of war did not consider this dimension. Political scientists instead concentrated on features of the international system (for example, the distribution of power among states) and on the characteristics of states (for example, forms of domestic governance structures) as the key explanatory variables. Research § Marked 11:57 § agendas broadened considerably, however, in subsequent years. More recently, ‘[s]everal studies have identified substantial differences in conflict behavior over different types of issues’. The available evidence shows that states are significantly more inclined to fight over particular types of issues that are elevated in a dispute, despite likely overall material and strategic losses. Academic studies have also illuminated possible causal explanations for these empirical patterns. Specifically, domestic (popular and elite) constituencies more readily support bellicose behavior by their government when certain salient cultural or ideological issues are in contention. Particular issue areas may also determine the expert communities (humanitarian versus security mindsets) that gain influence in governmental circles – a development that can shape the hard-line or soft-line strategies adopted in the course of the dispute. In short, these links between domestic political processes and the framing of international disputes exert significant influence on whether conflicts will eventually culminate in war. Third, a large body of empirical research demonstrates that states will routinely engage in interstate disputes with rivals and that those disputes which are framed through security and strategic rationales are more likely to escalate to war. Indeed, the inclusion of a humanitarian rationale provides windows of opportunity to control and deescalate a conflict. Thus, eliminating or demoting a humanitarian rationale from a mix of justifications (even if it is not replaced by another rationale) can be independently destabilizing. Espousing or promoting security rationales, on the other hand, is more likely to culminate in public demands for increased bellicosity, unintended security spirals, and military violence.

### Terrorism

**Intel sharing inevitable**

**Mueller 12** (John, Prof @ Ohio State, Terrorism and Security, in “Controversies in Globalization,” page 149-150, CMR)

Overall, with 9/11 and subsequent activity, **bin Laden and his gang** seem mainly to **have succeeded in uniting the world**, including its huge Muslim portion, **against** their violent global **jihad**. **No matter how much they might disagree on other issues** (most notably America’s war on Iraq), **there is a compelling incentive for states** – including Arab and Muslim ones – **to cooperate to deal with** any international **terrorist** problem emanating from groups and individuals **connected to**, or sympathetic with, **al-Qaeda**. **Although these** multilateral **efforts**, particularly **by** such **Muslim States** as Sudan, Syria, Libya, Pakistan, and even Iran, **may not have received** sufficient **publicity, these countries have had a vital interest, because they felt directly threatened by the militant network**, and **their** diligent and aggressive **efforts have led to important breakthroughs against al-Qaeda**. ¶ **This** post-9/11 **willingness** of governments around the world to take on terrorists **has been reinforced and amplified as they reacted to subsequent,** if sporadic, **terrorist activity** with**in** **their own countries**. Thus a terrorist bombing in Balin in 2002 galvanized the Indonesia government into action and into extensive arrests and convictions. **When terrorists attacked** Saudis in **Saudi** Arabia in 2002, **that country** **seems**, very much for self-interested reasons, **to have become** considerably **more serious about** dealing with internal **terrorism**, including a clampdown on radical clerics and preachers. Some inept terrorist **bombings in** **Casablanca** in 2003 **inspired** a similar determined **crackdown by Moroccan authorities.** **The** main **result** **of** al-Qaeda-linked **suicide terrorism in Jordan** in 2003 **was to outrage** Jordanians and other **Arabs** against the perpetrators. Massive protests were held, and in polls, those expressing a lot of confidence in Osama Bin Laden to “do the right thing” plunged from 25 percent to less than 1 percent. In polls conducted in 35 predominately Muslim coutnries, more than 90 percent condemned bin Laden’s terrorism on religious grounds. [149-150]

**Pakistan and Yemen both like strikes, they just can’t admit it**

Daniel **Byman 13**, Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution, July/August 2013, “Why Drones Work,” Foreign Affairs, Vol. 92, No. 4

It is also telling that **drones have** earned the backing, **albeit secret, of foreign governments**. In order **to maintain popular support**, **politicians in Pakistan and Yemen** routinely **rail against the U.S. drone campaign**. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, **Pakistan has** even periodically **hosted U.S. drone facilities and has been told about strikes in advance**. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program's negative publicity: "In Pakistan, things fall out of the sky all the time," he reportedly remarked. Yemen's former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States' involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that "they pinpoint the target and have zero margin of error, if you know what target you're aiming at." **As officials in** **both** **Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies**. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan's army chief, Ashfaq Parvez Kayani, privately asked U.S. military leaders in 2008 for "continuous Predator coverage" over antigovernment militants, and the journalist Mark Mazzetti has reported that **the U**nited **S**tates **has conducted "goodwill kills" against Pakistani militants who threatened Pakistan far more than the U**nited **S**tates. **Thus**, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza **Gilani told** Anne Patterson, then **the U.S. ambassador** to Pakistan, in 2008, "**We'll protest [against the drone program] in the National Assembly and then ignore it**." Still, **Pakistan is reluctant to make its approval public**. First of all, **the country's inability to fight terrorists on its own soil is a humiliation for Pakistan's politically powerful armed forces** and intelligence service. In addition, although drones kill some of the government's enemies, they have also targeted pro-government groups that are hostile to the United States, such as the Haqqani network and the Taliban, which Pakistan has supported since its birth in the early 1990s. Even more important, the Pakistani public is vehemently opposed to U.S. drone strikes.

**Pakistan’s stabilizing---drone strikes are declining as precision increases---the status quo resolves their whole advantage**

Cameron **Munter 9-30**, professor of practice in international relations at Pomona College, served as a U.S. Foreign Service Officer for nearly three decades, was Ambassador to Pakistan 2010-2012, 9/30/13, “Guest Post: A New Face in the U.S.-Pakistani Relationship,” http://justsecurity.org/2013/09/30/cameron-munter-pakistan-relations/

In doing so, however, we have made the image of a soldier or a drone the image of America’s strategic vision for Pakistan and the region. As 2014 approaches, and American troops end their combat mission in Afghanistan; as drone strikes in the Pakistani tribal areas appear to be fewer in number and more precise in targeting; as the general trends of the U.S. “pivot toward Asia” become clear, the soldier and the drone will be less common. Even though the President’s commitment to U.S. security does not waver, the reminders of his commitment will be fewer and far between – at least it would seem, seen from the street in Pakistan.

Will that face of America – the M-16 and flak jacket, the film of a predator strike – remain, or can we replace it with something else? A different face of commitment, one that Americans have supported throughout the last decade but which has, in the Pakistani media (fairly or not) been shoved aside by the violence in the tribal areas and unrest throughout the country? That other commitment has been enormous expenditure by the U.S. government in support of economic growth, building schools, replacing crops destroyed by floods, refurbishing power plants, and improving health delivery services, to name just a few achievements. But few Pakistanis believe this aid has made a difference. Instead, they associate us only with the manifestations of the war on terror.

In the coming month this can change. No, it should not just be a PR campaign to convince Pakistanis of our commitment to what they care about (not just what we care about). Certainly, PR is necessary, but lacking a new face, it won’t be sufficient. It will require two things.

First, on the policy level, we must use the changes in 2014 to wrest U.S. policy toward Pakistan from its current status as derivative of the war in Afghanistan. Of course, Pakistan has an enormous role to play in security arrangements of the region in years to come. Its relationship to India, to China, to Iran, and of course to Afghanistan are very important as the international community seeks to find a just and equitable peace in the region. But we should make every effort to consider Pakistan’s needs. Not just the needs of the Pakistani military and intelligence leadership, important as they are. Rather, the needs of a country of nearly 200 million people whose stability and prosperity will be essential to the long-term stability and prosperity of the entire region. Pakistan’s success is not a guarantee of regional peace; but Pakistani failure is certainly a guarantee of regional strife.

Second, on a practical level, we should provide a face of American commitment that we know, through decades of effort, is welcome. Polling shows consistently that while most Pakistanis are angry at America (citing security policies as the reason), most Pakistanis – across the political spectrum, rural and urban, young and old – want a better relationship with us. Why? Because despite all the searing problems of the last decade, they admire us: they admire our educational institutions, our business acumen, our commitment to philanthropy. And here, I believe, they can find the practical partners to renew Pakistani understanding of American commitment to the relationship. Universities, businesses, foundations. Students and teachers, businesspeople and investors, donors and grassroots workers. These are the faces of the relationship in which America can play to its strengths, and in doing so, help build a successful Pakistan that is so necessary for us to achieve our own strategic interests in South Asia and beyond.

Recent press articles highlight just how worried we’ve been about Pakistan’s nuclear arsenal. And we should be worried. We need to know if that arsenal can be misused or fall into the wrong hands. But even a massive surveillance effort, while necessary, will be insufficient. We need to take modest but purposeful measures to help Pakistan remain stable. That’s not the same as focusing so overwhelmingly on immediate security concerns. We also need to engage in Pakistani politics, economics, society, where we have a much stronger hand to play than we perhaps realize.

Certainly, such changes cannot take place overnight. After all, the main reason that we see so few American university professors or businesspeople in Pakistan is that it’s still considered too dangerous. Yes, Pakistan’s government must take on the terrorist challenge, and it is enormous. And when Pakistan’s new Interior Minister propose plans to make the best use of Pakistan’s internal security forces, we should engage with him and take seriously any requests for help. But I believe we have a chance to do so, a chance afforded by the potential change in the face of America in Pakistan: difficult as it is, painful as our experiences in Pakistan have been, let’s listen to them and see if their plans to tackle terrorism have a place for our help. It’s certainly in our interest and theirs. Who knows? If Pakistan’s new leadership is able to make real progress against terrorism, there may be another new face – a face of a Pakistan that is not the negative image so common in recent years, but a Pakistan where people of good will are determined to succeed, and ask the help of an old friend in doing so.

**Limiting TKs in Pakistan causes a shift to ground assaults---turns case**

Richard **Weitz 11**, Senior Fellow and Director of the Center for Political-Military Analysis at the Hudson Institute, 1/2/11, “WHY UAVS HAVE BECOME THE ANTI-TERROR WEAPON OF CHOICE IN THE AFGHAN-PAK BORDER,” http://www.sldinfo.com/why-uavs-have-become-the-anti-terror-weapon-of-choice-in-the-afghan-pak-border/

Perhaps the most important argument in favor of using UAV strikes in northwest Pakistan and other terrorist havens is that alternative options are typically worse.

The Pakistani military has made clear that it is neither willing nor capable of repressing the terrorists in the tribal regions. Although the controversial ceasefire accords Islamabad earlier negotiated with tribal leaders have formally collapsed, the Pakistani Army has repeatedly postponed announced plans to occupy North Waziristan, which is where the Afghan insurgents and the foreign fighters supporting them and al-Qaeda are concentrated.

Such a move that would meet fierce resistance from the region’s population, which has traditionally enjoyed extensive autonomy. The recent massive floods have also forced the military to divert its assets to humanitarian purposes, especially helping the more than ten million displaced people driven from their homes.

But the main reason for their not attacking the Afghan Taliban or its foreign allies based in Pakistan’s tribal areas is that doing so would result in their joining the Pakistani Taliban in its vicious fight with the Islamabad government.

Yet, sending in U.S. combat troops on recurring raids or a protracted occupation of Pakistani territory would provoke widespread outrage in Pakistan and perhaps in other countries as well since the UN Security Council mandate for the NATO-led International Security Assistance Force (ISAF) in Afghanistan only authorizes military operations in Pakistan.

On the one known occasion when U.S. Special Forces actually conducted a ground assault in the tribal areas in 2008, the Pakistanis reacted furiously. On September 3, 2008, a U.S. Special Forces team attacked a suspected terrorist base in Pakistan’s South Waziristan region, killing over a dozen people. These actions evoked strong Pakistani protests. Army Chief of Staff Gen. Ashfaq Kayani, who before November 2007 had led Pakistan’s Inter-Services Intelligence (ISI), issued a written statement denying that “any agreement or understanding [existed] with the coalition forces” [in Afghanistan] allowing them to strike inside Pakistan.” The general pledged to defend Pakistan’s sovereignty and territorial integrity “at all cost.” Prime Minister Yousaf Raza Gilani and President Asif Ali Zardari also criticized the U.S. ground operation on Pakistani territory. On September 16, 2008, the Pakistani army announced it would shoot any U.S. forces attempting to cross the Afghan-Pakistan border.

On several occasions since then, Pakistani troops and militia have fired at what they believed to be American helicopters flying from Afghanistan to deploy Special Forces on their territory, though there is no conclusive evidence that the U.S. military has ever attempted another large-scale commando raid in Pakistan after the September 2008 incident.

Further large-scale U.S. military operations into Pakistan could easily rally popular support behind the Taliban and al-Qaeda. It might even precipitate the collapse of the Islambad government and its replacement by a regime in nuclear-armed Pakistan that is less friendly to Washington.

Given these alternatives, continuing the drone strikes appears to be the best of the limited options available to deal with a core problem, giving sanctuary to terrorists striking US and coalition forces in Afghanistan and beyond.

**Aggressive TK policy’s key to stability in Yemen**

Alan W. **Dowd 13**, writes on national defense, foreign policy, and international security in multiple publications including Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Parameters, Vol. 42.4/43.1

At the beginning of President Hadi’s May offensive he, therefore, had a fractured army and a dysfunctional air force. Army leaders from competing factions were often disinclined to support one another in any way including facilitating the movement of needed supplies. Conversely, the air force labor strike had been a major setback to the efficiency of the organization, which was only beginning to operate as normal in May 2012. Even before the mutiny, the Yemen Air Force had only limited capabilities to conduct ongoing combat operations, and it did not have much experience providing close air support to advancing troops. Hadi attempted to make up for the deficiencies of his attacking force by obtaining aid from Saudi Arabia to hire a number of tribal militia fighters to support the regular military. These types of fighters have been effective in previous examples of Yemeni combat, but they could also melt away in the face of military setbacks.

Adding to his problems, President Hadi had only recently taken office after a long and painful set of international and domestic negotiations to end the 33-year rule of President Saleh. If the Yemeni military was allowed to be defeated in the confrontation with AQAP, that outcome could have led to the collapse of the Yemeni reform government and the emergence of anarchy § Marked 11:53 § throughout the country. Under these circumstances, Hadi needed every military edge that he could obtain, and drones would have been a valuable asset to aid his forces as they moved into combat. As planning for the campaign moved forward, it was clear that AQAP was not going to be driven from its southern strongholds easily. The fighting against AQAP forces was expected to be intense, and Yemeni officers indicated that they respected the fighting ability of their enemies.16

Shortly before the ground offensive, drones were widely reported in the US and international media as helping to enable the Yemeni government victory which eventually resulted from this campaign.17 Such support would have included providing intelligence to combatant forces and eliminating key leaders and groups of individuals prior to and then during the battles for southern towns and cities. In one particularly important incident, Fahd al Qusa, who may have been functioning as an AQAP field commander, was killed by a missile when he stepped out of his vehicle to consult with another AQAP leader in southern Shabwa province.18 It is also likely that drones were used against AQAP fighters preparing to ambush or attack government forces in the offensive.19 Consequently, drone warfare appears to have played a significant role in winning the campaign, which ended when the last AQAP-controlled towns were recaptured in June, revealing a shocking story of the abuse of the population while it was under occupation.20 Later, on October 11, 2012, US Secretary of Defense Leon Panetta noted that drones played a “vital role” in government victories over AQAP in Yemen, although he did not offer specifics.21 AQAP, for its part, remained a serious threat and conducted a number of deadly actions against the government, although it no longer ruled any urban centers in the south.

# 2NC

## Solvency

### 2nc circumvention – mechanism – ZOH

#### first/last resort – BEGGING for circumvention – real time battlefield assessments and no stable legal basis means Assessment changes BY THE MINUTE

Johnson, 13

[Jeh Charles, former Pentagon general counsel, “Keynote address at the Center on National Security at Fordham Law School: A “Drone Court”: Some Pros and Cons”, 3/18, http://www.lawfareblog.com/2013/03/jeh-johnson-speech-on-a-drone-court-some-pros-and-cons/]

Next, if the court’s jurisdiction is limited to U.S. citizens, there is the question of exactly what the court is to decide. If one accepts the criteria for targeting a U.S. citizen set forth in the Attorney General’s speech a year ago, it has several parts: (1) the target is a senior operational leader of al Qaeda or associated forces who is actively engaged in planning to kill Americans, (2) the individual poses an imminent threat to the United States, (3) capture is not feasible; and (4) the operation would be conducted in a manner consistent with applicable law of war principles.[10] Starting with the last of these criteria: this one is implicit in every military operation, This includes consideration of, for example, the type of weapon used, and the elimination or minimization of collateral damage. Often, these matters are, and should be, left to the discretion of the military commander in direct control of the operation, along with the time, place and manner of the operation. Even if the overall approval of the operation comes from the President or Secretary of Defense, this particular aspect of it is not something that we should normally seek to micromanage from Washington; likewise, there is also not much to be gained by having a federal judge try to review these details in advance. Next, there are the questions of feasibility of capture and imminence. These really are up-to-the-minute, real time assessments of the type I believe Judge Bates was referring to when he said that courts are “institutionally ill-equipped ‘to assess the nature of battlefield decisions.’”[11] Indeed, I hve seen feasibility of capture of a particular objective change several times in one night. Nor are these questions ones of a legal nature, by the way. Judges are accustomed to making legal determinations based on a defined, settled set of facts – a picture that has already been painted; not a moving target, which is what we are literally talking about here. These are not one-time-only judgments and we want military and national security officials to continually assess and reassess these two questions up until the last minute before an operation. If these types of continual reassessments must be submitted to a member of the Article III branch of government for evaluation, I believe we compromise our government’s ability to conduct these operations effectively. The costs will outweigh the benefits. In that event, I believe we will also discourage the type of continual reevaluation I’m referring to.

#### -Impossible to define – states can ratchet up violence to use it- no way to enforce restriction

Jennifer C. Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April, 2013 161 U. Pa. L. Rev. 1165

Consistent with treaty and case law, overt and sustained fighting are key factors in identifying a zone of active hostilities. Specifically, the fighting must be of sufficient duration and intensity to create the exigent circumstances that justify application of extraordinary war authorities, to put civilians on notice, and to justify permissive evidentiary presumptions regarding the identification of the enemy. n133 The presence of troops on the [\*1207] ground is a significant factor, although neither necessary nor sufficient to constitute a zone of active hostilities. Action by the Security Council or regional security bodies such as NATO, as well as the belligerent parties' express recognition of the existence of a hot conflict zone, are also relevant.¶ Linking the zone of active hostilities primarily to the duration and intensity of the fighting and to states' own proclamations suffers, however, from an inherent circularity. A state can itself create a zone of active hostilities by ratcheting up violence or issuing a declaration of intent, thereby making previously unlawful actions lawful. n134¶ It is impossible to fully address this concern. The problem can, however, be significantly reduced by insisting on strict compliance with the law-of-war principles of distinction and proportionality and by vigorously punishing states for acts of aggression. n135 There will, of course, be disagreement as to whether a state's escalation of a certain conflict constitutes aggression, particularly given underlying disagreements about who qualifies as a lawful target. The zone approach is helpful in this regard as well: it narrows the range of disagreement by demanding heightened substantive standards as to who qualifies as a legitimate target outside the zones of active hostilities. Under the zone approach, the escalation of force must be aimed at a narrower set of possible military targets until the increased use of force is sufficiently intense and pervasive enough to create a new zone of active hostilities.¶ 3. Geographic Scope of the Zone¶ ¶ A secondary question relates to the geographic scope of the zone of active hostilities. In answering the related question of the scope of the overarching armed conflict, the Tadic court defined the conflict as extending throughout the state in which hostilities were conducted (in the case of international armed conflict) n136 and the area over which a party had territorial control (in the case of a noninternational armed conflict that did not extend [\*1208] throughout an entire state). n137 Neither approach, however, maps well onto the practical realities of a transnational conflict between a state and a non-state actor. In many cases, the non-state actor and related hostilities will be concentrated in a small pocket of the state. It would be contrary to the justifications of exigency and proper notice to define the zone of active hostilities as extending to the entire state. A territorial control test also does not make sense when dealing with a non-state actor, such as al Qaeda, which does not exercise formal control over any territory and is driven more by ideology than territorial ambition.¶ This Article suggests a more nuanced, albeit still imperfect, approach: If the fighting is sufficiently widespread throughout the state, then the zone of active hostilities extends to the state's borders. If, however, hostilities are concentrated only in certain regions within a state, then the zone will be geographically limited to those administrative areas or provinces in which there is actual fighting, a significant possibility of fighting, or preparation for fighting. This test is fact-intensive and will depend on both the conditions on the ground and preexisting state and administrative boundaries.¶ It remains somewhat arbitrary, of course, to link the zone of hostilities to nation-state boundaries or administrative regions within a state when neither the state itself nor the region is a party to the conflict and when the non-state party lacks explicit ties to the state or region at issue. This proposed framework inevitably will incorporate some areas into the zone of active hostilities in which the key triggering factors - sustained, overt hostilities - are not present. But such boundaries, even if overinclusive or artificial, provide the most accurate means available of identifying the zone of active hostilities, at least over the short term.¶ Over the long term, it would be preferable for the belligerent state to declare particular areas to be within the zone of active hostilities, either through an official pronouncement by the state party to the conflict or via a resolution by the Security Council or a regional security body. A public declaration would provide explicit notice as to the existence and parameters of the zone of active hostilities, thereby reducing uncertainty as to which legal rules apply. Such declarations would allow for public debate and diplomatic pressure in the event of disagreement. Furthermore, the belligerent states could then define the zone with greater nuance, which would better [\*1209] reflect the actual fighting than would preexisting state or administrative boundaries. n138

### 2nc circumvention– Obama – covert

#### They’re under Covert action statute

Mazzetti 13 – Analyst @ NYT

(Mark, “A Secret Deal on Drones, Sealed in Blood,” <http://www.nytimes.com/2013/04/07/world/asia/origins-of-cias-not-so-secret-drone-war-in-pakistan.html?pagewanted=all&_r=0>)

That back-room bargain, described in detail for the first time in interviews with more than a dozen officials in Pakistan and the United States, is critical to understanding the origins of a covert drone war that began under the Bush administration, was embraced and expanded by President Obama, and is now the subject of fierce debate. The deal, a month after a blistering internal report about abuses in the C.I.A.’s network of secret prisons, paved the way for the C.I.A. to change its focus from capturing terrorists to killing them, and helped transform an agency that began as a cold war espionage service into a paramilitary organization.¶ The C.I.A. has since conducted hundreds of drone strikes in Pakistan that have killed thousands of people, Pakistanis and Arabs, militants and civilians alike. While it was not the first country where the United States used drones, it became the laboratory for the targeted killing operations that have come to define a new American way of fighting, blurring the line between soldiers and spies and short-circuiting the normal mechanisms by which the United States as a nation goes to war.¶ Neither American nor Pakistani officials have ever publicly acknowledged what really happened to Mr. Muhammad — details of the strike that killed him, along with those of other secret strikes, are still hidden in classified government databases. But in recent months, calls for transparency from members of Congress and critics on both the right and left have put pressure on Mr. Obama and his new C.I.A. director, John O. Brennan, to offer a fuller explanation of the goals and operation of the drone program, and of the agency’s role.¶ Mr. Brennan, who began his career at the C.I.A. and over the past four years oversaw an escalation of drone strikes from his office at the White House, has signaled that he hopes to return the agency to its traditional role of intelligence collection and analysis. But with a generation of C.I.A. officers now fully engaged in a new mission, it is an effort that could take years.¶ Today, even some of the people who were present at the creation of the drone program think the agency should have long given up targeted killings.¶ Ross Newland, who was a senior official at the C.I.A.’s headquarters in Langley, Va., when the agency was given the authority to kill Qaeda operatives, says he thinks that the agency had grown too comfortable with remote-control killing, and that drones have turned the C.I.A. into the villain in countries like Pakistan, where it should be nurturing relationships in order to gather intelligence.¶ As he puts it, “This is just not an intelligence mission.”¶ From Car Thief to Militant¶ By 2004, Mr. Muhammad had become the undisputed star of the tribal areas, the fierce mountain lands populated by the Wazirs, Mehsuds and other Pashtun tribes who for decades had lived independent of the writ of the central government in Islamabad. A brash member of the Wazir tribe, Mr. Muhammad had raised an army to fight government troops and had forced the government into negotiations. He saw no cause for loyalty to the Directorate of Inter-Services Intelligence, the Pakistani military spy service that had given an earlier generation of Pashtuns support during the war against the Soviets.¶ Many Pakistanis in the tribal areas viewed with disdain the alliance that President Pervez Musharraf had forged with the United States after the Sept. 11, 2001, attacks. They regarded the Pakistani military that had entered the tribal areas as no different from the Americans — who they believed had begun a war of aggression in Afghanistan, just as the Soviets had years earlier.¶ Born near Wana, the bustling market hub of South Waziristan, Mr. Muhammad spent his adolescent years as a petty car thief and shopkeeper in the city’s bazaar. He found his calling in 1993, around the age of 18, when he was recruited to fight with the Taliban in Afghanistan, and rose quickly through the group’s military hierarchy. He cut a striking figure on the battlefield with his long face and flowing jet black hair.¶ When the Americans invaded Afghanistan in 2001, he seized an opportunity to host the Arab and Chechen fighters from Al Qaeda who crossed into Pakistan to escape the American bombing.¶ For Mr. Muhammad, it was partly a way to make money, but he also saw another use for the arriving fighters. With their help, over the next two years he launched a string of attacks on Pakistani military installations and on American firebases in Afghanistan.¶ C.I.A. officers in Islamabad urged Pakistani spies to lean on the Waziri tribesman to hand over the foreign fighters, but under Pashtun tribal customs that would be treachery. Reluctantly, Mr. Musharraf ordered his troops into the forbidding mountains to deliver rough justice to Mr. Muhammad and his fighters, hoping the operation might put a stop to the attacks on Pakistani soil, including two attempts on his life in December 2003.¶ But it was only the beginning. In March 2004, Pakistani helicopter gunships and artillery pounded Wana and its surrounding villages. Government troops shelled pickup trucks that were carrying civilians away from the fighting and destroyed the compounds of tribesmen suspected of harboring foreign fighters. The Pakistani commander declared the operation an unqualified success, but for Islamabad, it had not been worth the cost in casualties.¶ A cease-fire was negotiated in April during a hastily arranged meeting in South Waziristan, during which a senior Pakistani commander hung a garland of bright flowers around Mr. Muhammad’s neck. The two men sat together and sipped tea as photographers and television cameras recorded the event.¶ Both sides spoke of peace, but there was little doubt who was negotiating from strength. Mr. Muhammad would later brag that the government had agreed to meet inside a religious madrasa rather than in a public location where tribal meetings are traditionally held. “I did not go to them; they came to my place,” he said. “That should make it clear who surrendered to whom.”¶ The peace arrangement propelled Mr. Muhammad to new fame, and the truce was soon exposed as a sham. He resumed attacks against Pakistani troops, and Mr. Musharraf ordered his army back on the offensive in South Waziristan.¶ Pakistani officials had, for several years, balked at the idea of allowing armed C.I.A. Predators to roam their skies. They considered drone flights a violation of sovereignty, and worried that they would invite further criticism of Mr. Musharraf as being Washington’s lackey. But Mr. Muhammad’s rise to power forced them to reconsider.¶ The C.I.A. had been monitoring the rise of Mr. Muhammad, but officials considered him to be more Pakistan’s problem than America’s. In Washington, officials were watching with growing alarm the gathering of Qaeda operatives in the tribal areas, and George J. Tenet, the C.I.A. director, authorized officers in the agency’s Islamabad station to push Pakistani officials to allow armed drones. Negotiations were handled primarily by the Islamabad station.¶ As the battles raged in South Waziristan, the station chief in Islamabad paid a visit to Gen. Ehsan ul Haq, the ISI chief, and made an offer: If the C.I.A. killed Mr. Muhammad, would the ISI allow regular armed drone flights over the tribal areas?¶ In secret negotiations, the terms of the bargain were set. Pakistani intelligence officials insisted that they be allowed to approve each drone strike, giving them tight control over the list of targets. And they insisted that drones fly only in narrow parts of the tribal areas — ensuring that they would not venture where Islamabad did not want the Americans going: Pakistan’s nuclear facilities, and the mountain camps where Kashmiri militants were trained for attacks in India.¶ The ISI and the C.I.A. agreed that all drone flights in Pakistan would operate under the C.I.A.’s covert action authority — meaning that the United States would never acknowledge the missile strikes and that Pakistan would either take credit for the individual killings or remain silent.

### 2nc circumvention– Obama – self defense

#### This turns norms

Barnes 12 – JD Candidate @ Boston University School of Law (13) & MA Candidate in Law and Diplomacy @ The Fletcher School of Law and Diplomacy at Tufts University (13) [[Barnes, Beau D.](http://www.heinonline.org.proxy.library.emory.edu/HOL/LuceneSearch?specialcollection=&terms=creator%3A%22Barnes,%20Beau%20D.%22&yearlo=&yearhi=&subject=ANY&journal=ALL&sortby=relevance&collection=journals&searchtype=advanced&submit=Search&base=js&all=true&solr=true), “Reauthorizing the War on Terror: The Legal and Policy Implications of the AUMF's Coming Obsolescence,” Military Law Review, Vol. 211, 211 Mil. L. Rev. 57 (2012) pp. 57-114

Widely accepted legal arguments also facilitate cooperation from U.S. allies, especially from the United States’ European allies, who have been wary of expansive U.S. legal interpretations.153 Moreover, U.S. strategy vis-à-vis China focuses on binding that nation to international norms as it gains power in East Asia.154 The United States is an international “standard-bearer” that “sets norms that are mimicked by others,”155 and the Obama Administration acknowledges that its drone strikes act in a quasi-precedential fashion.156 Risking the obsolescence of the AUMF would force the United States into an “aggressive interpretation” of international legal authority,157 not just discrediting its own rationale, but facilitating that rationale’s destabilizing adoption by nations around the world.158¶ United States efforts to entrench stabilizing global norms and oppose destabilizing international legal interpretations—a core tenet of U.S. foreign and national security policy159—would undoubtedly be hampered by continued reliance on self defense under the jus ad bellum to authorize military operations against international terrorists. Given the presumption that the United States’s armed conflict with these terrorists will continue in its current form for at least the near term, ongoing authorization at the congressional level is a far better choice than continued reliance on the jus ad bellum. Congress should reauthorize the use of force in a manner tailored to the global conflict the United States is fighting today. Otherwise, the United States will be forced to continue to rely on a statute anchored only to the continued presence of those responsible for 9/11, a group that was small in 2001 and, due to the continued successful targeting of Al Qaeda members, is rapidly approaching zero

## Norms

**AT: Modeling/Arms Race – 2NC No Arms Race**

**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**.

**AT: 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.

### OV

#### A breakdown of the separation principle ensures global WMD use – it gives justification for any actor who thinks they have good reason to use extreme force

Sloane 09, Law Prof at Boston U

(Robert, The Cost of Conflation: Preserving the Dualism of Jus ad Bellum and Jus in Bello in the Contemporary Law of War, www.yale.edu/yjil/files\_PDFs/vol34/Sloane)

The former sentence, it seems, declares nuclear weapons “generally” illegal under the jus in bello (except, perhaps, in unlikely scenarios such as those suggested by Judge Schwebel).281 The latter proposes that nuclear weapons might still be lawful given high enough stakes. As Judges Higgins and Schwebel alike stressed, this de facto non liquet holding is breathtaking: no state had even argued that a use of nuclear weapons that violates the jus in bello may become lawful if it satisfies the jus ad bellum. If this reading is accurate, the ICJ’s holding clearly violates the dualistic axiom, for the jus in bello does not, in this view, apply uniformly to all parties. Rather, the state acting in an “extreme circumstance of self-defence . . . in which [its] very survival . . . would be at stake” apparently may use weapons that would be legally prohibited were they deployed by its adversary.284 Another plausible reading, however, is that the ICJ rejected the dualistic axiom in an even deeper sense. Note that it related Article 51 to what it described as “the fundamental right of every State to survival, and thus its right to resort to self-defence . . . when its survival is at stake.” 285 This suggests that the Court may not have intended to imply that force that violates the jus in bello might still be legal if it satisfies the jus ad bellum. Rather, as suggested earlier, the Court may have had in mind scenarios that political theorists refer to as supreme emergencies. If so, the ICJ arguably meant that where “the very survival of a State would be at stake,”286 nuclear weapons would not violate in bello proportionality at all because of the peculiar logic of supreme emergency theory, which elevates states to or well beyond the moral status of persons. The jus in bello, that is, ceases to be as relevant, or relevant at all, if “the fundamental right of [a] State to survival”287 is at stake. Needless to say, a right of states to survive does not appear in the U.N. Charter or other positive law. Consistent with the logic of supreme emergency, it rather seems to be an assertion about an allegedly inherent right of states, which derives from their presumed associative value. On this view, states, like individuals in Hobbes’s state of nature, have a natural right to self defense and survival that cannot be relinquished. If this reading is correct, Nuclear Weapons involves a frequent, but always questionable and often dangerously anachronistic, argument: that states may coherently be analogized to people and that they necessarily enjoy an equal or greater moral status in international law. On either view, the ICJ’s opinion has disquieting implications beyond the unique horror of nuclear weapons. There is no principled reason to limit its logic to particular weapons or methods of warfare. Chemical or biological weapons, too, would be justified to ensure a state’s survival, as would torture, summary execution, terrorism, denial of quarter, and other in bello violations—provided only that the cost of military defeat in ad bellum terms reaches a sufficient level, that is, the destruction of a state or (perhaps) a cognate nonstate polity. A core purpose of the dualistic axiom is to avoid this kind of misguided logic. Taken to its extreme, it leads inexorably to the destruction of independent constraints on the use of force by polities. Such entities may, in this view, arrogate to themselves an associative value that exceeds the aggregate interests of their constituents. Even apart from general philosophical objections, one obvious problem with this contention in the context of international law is that it cannot be limited in principle to the survival of “desirable” polities—say, to liberal democratic states. States like North Korea may equally invoke this sort of logic to justify IHL violations and disregard the dualistic axiom—as may nonstate collectives, such as al Qaeda, that espouse some collective, sacred value higher than the individual.

## Terror

### Pakistan Stabilizing

#### **Squo solves backlash in Pakistan**

Express Tribune 7/29/13 Drone strikes cast 'negative impact' on relationship with US: Pakistan, <http://tribune.com.pk/story/583512/drone-strikes-cast-negative-impact-on-relationship-with-us-pakistan/>, CMR

A recent report in the Washington Post suggested that **the U**nited **S**tates had drastically **scaled back the number of drone attacks** against militants **in Pakistan and** had **limited strikes to high-value targets** in response to growing criticism of the program in the country.¶ **Those actions** appear to **have** temporarily appeased **Pakistani officials**, who publicly oppose the covert CIA strikes, US officials said. But some officials were still worried about a pushback from Pakistan’s new civilian leaders, who took power in June with a strong stance on ending the attacks altogether.¶ The future of the drone program is likely to be a key item on the agenda during US Secretary of State John Kerry’s visit to Pakistan, which is expected soon.¶ **Only** 16 drone strikes **have taken place** in Pakistan so far **this year, compared with** a peak of 122 **in 2010**, 73 in 2011 and 48 in 2012, according to the New America Foundation, a US-based think tank.¶ **The CIA has been** instructed to be **more cautious** with its attacks, limiting them to high-value targets and dropping the practice of so-called ”signature strikes” — hitting larger groups of suspected militants based purely on their behaviour, such as being armed and meeting with known militants, said a current US intelligence official and a former intelligence official briefed on the drone program.

### Pakistan Shift

#### \*\*Status quo is goldilocks – US will rely on targeted killing backed-up by narrow use of capture – over-reliance on capture ensures further terrorism and long-term collapse of ANY capture efforts

Anderson 11/1/13 – law prof @ Washington College of Law, visiting fellow @ Hoover Institution, Senior Fellow @ Brookings (Kenneth, “The More You Attempt Capture Operations, the Less Feasible They Become”, <http://www.lawfareblog.com/2013/11/the-more-you-attempt-capture-operations-the-less-feasible-they-become/>, CMR)

III. A Policy of More Capture Attempts Will Likely Make Them Less Feasible But there is a further consideration in choosing between lethal drone attack or ground team capture operation that is essentially operational and tactical. Capture missions are likely to become less feasible the more of them the US attempts. Today, people who think they might be targets of drone strikes take some precautions, of course – but they do so at the front end, so to speak, before the drone is able to put them in its sights, ready to fire a missile. They seek to hide so that they can’t be surveilled, and to stay out of drone surveillance by staying under cover, indoors, in the company of civilians who can’t be targeted, etc. But short of strapping a baby to one’s back, it is very difficult for anyone who is operational, and whose location is generally known, to remain isolated from a drone strike forever. Short of using civilians as shields (which, in the case of a drone strike using precise weaponry combined with heavy surveillance, means having women or children highly physically, tightly proximate to you), a terrorist target has few if any ways of defending against the missile strike itself. It strikes without warning, and unless you have civilians very, very closely surrounding you at all times, it will be difficult to avoid becoming a target. So while you might try to conceal your location and stay under cover as much as possible, and stay with children generally around you, you can’t really do anything to protect against the actual drone attack itself. It’s too unpredictable and you don’t have protections against a missile. However, if it is announced and becomes widely believed that the US has changed its policy to favor capture operations instead, the incentives change. In addition to trying to hide, protect your location, stay out of surveillance, etc., a capture operation requires a human team launching an attack that takes time – time to arrive, time to make the attack and capture, time to withdraw. It’s not a blink of an eye, like a drone missile strike. US special operators are very smooth and fast, but any human attack requires time – an eternity, by comparison, to the missile strike. That time gives the target plenty of reasons and opportunities to make that assault costly in terms of civilians. And where time is longer than a second, and is measured in many minutes at least, it isn’t necessary to strap the baby to your back to gain protection. It’s enough to have civilians in the area – women and children loosely in the area who can be pulled closer to protect the target as the commando assault is launched. Within the same group of civilians, moreover, fighters can hide and then kick off precisely the sort of firefight that the President warned, in his May 23 NDU address, a drone strike could, and would be used to, avoid. Which is why, presumably, the SEALs withdrew three weeks ago without making their capture. The more convinced a terrorist target is that the US will attempt a capture operation, then, the greater the incentive he has to surround himself with civilians, and to prepare a gauntlet that a US special forces team will have to run to carry out the attack. As terrorist targets of US special operations refine their tactics – as they will – the likelihood of civilian and special forces casualties increases and the likelihood of capturing the target decreases – indeed, killing the target might itself become difficult or infeasible. The more likely targets believe that the favored US policy is capture, the more they will prepare against it – increasingly certain that they have something tangible to gain by it, and increasingly correct in that assumption. Their preparations against a human attack can be made effective and costly in ways not available to them against a drone strike. The irony is that capture operations become most likely to succeed, and most feasible, when they are few and far between, unpredictable, and sufficiently rare that they do not invite the targets to attempt preparations to prepare against an attack aimed at capture. The more you attempt capture, by contrast, over time the less feasible it will be.

### TK Key Yemen

**Drone strikes solve terror risks immediately and builds stable environment for assistance.**

**Cilluffo, 11** - served as Special Assistant to the President for Homeland Security and is currently Associate Vice President at The George Washington University and Director of the GW Homeland Security Policy Institute

[Frank, Yemen & Al Qaeda in the Arabian Peninsula: Exploiting a Window of Counterterrorism Opportunity, Homeland Security Policy Institute, Georgewashington University, June 24, 2011, <http://www.gwumc.edu/hspi/policy/issuebrief203_yemenAQAP.cfm>]

**Yemen’s current situation makes** long-term **diplomatic** and whole of government  **strategies entirely infeasible** for countering the immediate threat posed by AQAP.  **First,** arming, **training and assisting Yemeni security forces will not adequately address the most clear and present danger facing the U.S.**  **Any financial aid** or military support provided through the Yemeni government **will undoubtedly be used to quell the country’s dual insurgencies. This** approach further **empowers AQAP’s recruitment**  narrative with the Yemeni populace **and solidifies the terrorist group’s sanctuary.**  Second, diplomatic and other “**soft power” strategies** to tackle AQAP **lack sufficient partners and will be far too slow MARKto prevent** AQAP from executing future **attacks.** The U.S. does not have the needed military security structure, trained Yemeni cultural advisor cadre, or host nation partnerships to implement a Yemeni tribal engagement strategy similar in fashion to those in Iraq and Afghanistan. Tribal **engagement strategies take years to mature and provide AQAP significant operational space to** execute an **attack in the short-term.** Additionally, eliminating AQAP leaders through **tribal engagement entices tribes to harbor AQ members.** As seen in Afghanistan and Pakistan, **tribes realize that slowly bartering** AQ **operatives** while maintaining a lowlevel of AQ presence **will result in sustained resources from the U.S.** over time. Tribes know the loss of an AQ presence means the end of U.S. support. Third, a large-scale military deployment to Yemen is infeasible. Large-scale counterinsurgency operations have proven to be an expensive, time-consuming and indirect approach to eliminating a terrorist organization numbering in the hundreds or thousands. And given that the U.S. already has two wars and a half-dozen uprisings to contend with, a significant commitment of troops and materiel to Yemen is likely not possible. Fourth, **Saudi partners will** likely **assist** in countering AQAP. **However, aligning our hopes for disrupting AQAP** in the short-term **will likely result in counterproductive Saudi alliances hindering long-run options in Yemen.** With none of these options realistic or sufficient, we now consider one that has the most potential for success. Drones and SOF: Our Best and Only Option **Light-footprint drone** and special operations force (SOF) **missions** specifically focused on short-term tactical counterterrorism objectives **can help avoid the long-term quagmire of Yemeni insurgencies while immediately degrading AQAP**’s ability to strike the U.S. Increasing **drones** and SOF operations **now is the best and only sufficient U.S. option** for several reasons. **First, AQAP presents an immediate threat to all Americans.**  AQAP’s recent safe haven expansion in Yemen allows for unmitigated attack planning and operational movement. **Second, targeted attacks on AQ’s leadership in Pakistan severely disrupted the terror group’s ability to plan and execute terror attacks abroad.**  Information recovered from the Bin Laden raid details how drone operations, “frustrated Bin Laden indicating that he could no longer direct terrorist attacks by lieutenants who feared for their own lives.” 5 **Third, the fall of the Saleh regime and the lack of a host nation partner provide the U.S. a unique opportunity to increase its security without being constrained by weak state sovereignty.** Fourth, as described above, all other available options appear infeasible for eliminating AQAP’s immediate threat capability. Fifth, **eliminating AQAP’s terrorist leadership in the near term** through drone and SOF operations **allows the U.S. to lay the groundwork and move toward a long-term Yemen strategy unencumbered by the immediate terrorist threat of AQAP.**

# 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.

### Obama not Key

#### 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 Overwhelms

#### Obama political capital is the only determining factor

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."

### Israeli Drones

#### Their evidence is offense for us – it says “Israel plans to use unmanned drones it deployed in Azerbaijan to preemptively strike Iranian missile sites in the event of a war” – obviously if a war happens they’d use drones – turns the case

#### Talks are critical to neutralize Israeli air strikes, they have motivation and capability - prefer this evidence it cites a prominent Israeli military affairs analyst

Joseff Federman 10/2 “US-Iran Diplomacy Neutralizes Israel's Threat Of Attack” <http://www.businessinsider.com/us-iran-diplomacy-neutralizes-israels-threat-of-attack-2013-10>

US dialogue with Iran neutralizes Israeli threat to take military action¶ JERUSALEM (AP) — President Barack Obama's decision to open a dialogue with Iran's new president appears to have robbed Israel of a key asset in its campaign to prevent the Islamic Republic from developing a nuclear weapon: the threat of unilaterally attacking Iranian nuclear facilities.¶ Despite some tough rhetoric in a speech to the U.N. by Israeli Prime Minister Benjamin Netanyahu, it will be all but impossible for Israel to take military action once negotiations between Iran and world powers resume.¶ As a result, Israel could find itself sidelined in the international debate over how to handle the suspect Iranian nuclear program over the coming months and reliant on the United States at a time when American credibility in the region is in question.¶ For years, Netanyahu has warned that Iran is steadily marching toward the development of nuclear weapons, an assessment widely shared by the West. While welcoming international sanctions and diplomacy to engage Iran, Netanyahu has repeatedly said these efforts must be backed by a "credible" military threat. Iran says its nuclear program is solely for peaceful purposes.¶ Addressing the U.N. General Assembly on Tuesday, Netanyahu repeated his mantra that Israel is prepared to act alone if it determines diplomacy has failed.¶ "Israel will never acquiesce to nuclear arms in the hands of a rogue regime that repeatedly promises to wipe us off the map. Against such a threat, Israel will have no choice but to defend itself," he said. "I want there to be no confusion on this point. Israel will not allow Iran to get nuclear weapons. If Israel is forced to stand alone, Israel will stand alone."¶ Israel considers a nuclear-armed Iran a threat to its very survival, given repeated Iranian assertions that the Jewish state should not exist. Israel has a long list of other grievances against Iran, citing its support for hostile Arab militant groups, its development of long-range missiles and alleged Iranian involvement in attacks on Israeli targets around the world.¶ Yet behind Netanyahu's rhetoric, his options appear to be limited as a consequence of Iranian President Hassan Rouhani's outreach to the West.¶ At the U.N. last week, Rouhani delivered a conciliatory speech in which he said Iran has no intention of building a nuclear weapon and declared his readiness for new negotiations with world powers.¶ Capping off the visit, Rouhani and Obama held a 15-minute phone call as the Iranian leader was traveling to the airport. It was the first conversation between the nations' leaders in 34 years and raised hopes that a breakthrough on the nuclear issue could portend even deeper ties between the U.S. and Iran.¶ Netanyahu has greeted Rouhani's outreach with deep skepticism, expressing fears that Iran will use upcoming nuclear talks as a ploy to get the world to ease painful economic sanctions while secretly pressing forward with its nuclear program. In his address Tuesday, Netanyahu urged the world to step up the pressure on Iran until its nuclear weapons program is dismantled.¶ At a White House meeting on Monday, Obama sought to calm the visiting Israeli leader, saying the U.S. will never allow Iran to produce a nuclear weapon.¶ "Our hope is that we can resolve this diplomatically," Obama said. "But as president of the United States, as I've said before and I will repeat, that we take no options off the table, including military options."¶ Such words may provide little comfort in Israel, where many are questioning Obama's willingness to take military action following his recent handling of the Syrian chemical weapons crisis. After threatening to attack Syria over its apparent use of chemical weapons against civilians, Obama backed down in exchange for pledges to dismantle Syria's chemical arsenal. Netanyahu has greeted the Russia-brokered deal on the Syrian chemical weapons with only lukewarm support.¶ Danny Yatom, a former director of Israel's Mossad intelligence service, said the about-face tarnished U.S. credibility in the region. "I think in the eyes of the Syrians and the Iranians, and the rivals of the United States, it was a signal of weakness, and credibility was deteriorated," he said.¶ Now, as Iran and world powers move toward talks, Israel will likely be forced to watch from a distance for fear of being considered a spoiler. The U.S. has pledged to keep Israel updated on progress.¶ "There is no way that Israel could strike while the U.S. and Iran are engaging. That would be a disaster," said Reuven Pedatzur, a prominent Israeli military affairs analyst. "Israel would only consider an attack if intelligence pointed to Iran being just a few weeks from having an actual bomb." Many analysts have long questioned whether Israel could realistically attack Iran’s nuclear facilities. Such a mission would be extremely complicated, requiring long-distance flights and the refueling of warplanes above potentially hostile airspace. Iran also possesses sophisticated anti-aircraft systems, and its nuclear facilities are scattered throughout the country, in some places deep below ground, raising questions over how much damage Israel could inflict.¶ Yet **Israel has a long history of daring air raids over enemy airspace**. In 1981, **Israeli warplanes destroyed an Iraqi nuclear reactor**, and in 2007, **Israel** is believed to have **attacked a nascent nuclear reactor** being built **in** neighboring **Syria**. **More recently**, **Israel** is believed to have **bombed** **arms shipments in Sudan and Syria**.¶ Amos Yadlin, a former Israeli military intelligence chief and one of the pilots in the 1981 Iraqi bombing, wrote in a policy paper this week that Netanyahu faces a tough mission as he seeks to maintain the pressure on Iran without being seen as “the obstacle” to an agreement. Preserving the military option will be key, he said.¶ “It is important to understand, influence, and if possible reach a conclusion on what America’s policy will be if the negotiations fail or the agreement is violated in the future, and how effective levers of influence on Iran — sanctions and a credible military option — can be preserved, as only they are capable of changing the Iranian behavior,” Yadlin wrote.¶ Yatom, the ex-Mossad chief, concurred that **it would be extremely difficult for Israel to attack while negotiations are ongoing. But** he said **Israel’s** capability **to strike** remains intact, and **there should be** little risk **of Iran progressing toward weapons capability as long as the** talks proceed **quickly.**¶ “**It is vital** that the negotiations start as soon as possible, and we will see immediately if the Iranians mean business or they continue to drag their feet,” Yatom said. “I don’t think the world is that stupid to negotiate for years and at the same time will allow the Iranians to proceed with a nuclear program.”

#### Sanctions will collapse talks and jumpstart an Israeli air strike

Gharib, 12/18/13 (Ali, The Cable – a Foreign Policy blog, “Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill” <http://thecable.foreignpolicy.com/posts/2013/12/18/exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sancti>)

Critics of imposing new sanctions fear that the bill will violate either the spirit or the letter of the Joint Plan of Action signed in Geneva. The interim deal allows some flexibility, mandating that "the U.S. administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions." Administration officials have mounted a so-far successful effort to stall new sanctions in the Senate. (The House overwhelmingly passed new sanctions in the summer.) Previous rumors of a bill in the Senate were said to contain a six-month delay that would prevent the legislation from taking effect while talks continued, but this iteration of the legislation doesn't contain that kind of fail-safe. Asked this month by Time what would happen if a bill, even with a delay, passed Congress, Iran's Foreign Minister Javad Zarif said, "The entire deal is dead."¶ "The law as written comes close to violating the letter [of the Geneva agreement] since the sanctions go into effect immediately unless the administration immediately waives them," said Colin Kahl, who stepped down in 2011\* as the Pentagon's top Mideast policy official. "There is no question the legislation violates the spirit of the Geneva agreement and it would undoubtedly be seen by the Iranians that way, giving ammunition to hard-liners and other spoilers looking to derail further progress."¶ Though a fact-sheet circulating with the new bill says it "does not violate the Joint Plan of Action," critics allege it would mark a defeat for the administration and the broader push for a diplomatic solution to the Iran crisis.¶ "It would kill the talks, invalidate the interim deal to freeze Iran's nuclear program, and pledge U.S. military and economic support for an Israel-led war on Iran," said Jamal Abdi, the policy director for the Washington-based National Iranian American Council, a group that supports diplomatic efforts to head off the Iranian nuclear crisis. "There is no better way to cut Iranian moderates down, empower hardliners who want to kill the talks, and ensure that this standoff ends with war instead of a deal."

### Waivers

#### It’s pre-Geneva and about Obama waiving existing sanctions as a carrot to make the Geneva deal palatable. Our disad is about new sanctions in the Menendez bill that includes mandatory enforcement language and automatic triggers – the executive can’t waive these

**Reuters, 12/12/13** (“US lawmakers to introduce bill on new Iran sanctions soon” <http://www.jpost.com/Iranian-Threat/News/US-lawmakers-to-introduce-bill-on-new-Iran-sanctions-soon-334747>)

Robert Menendez, the Democratic chairman of the Senate Foreign Relations Committee, and Republican Senator Mark Kirk are finishing legislation that would target Iran's remaining oil exports and foreign exchange and seek to limit President Barack Obama's ability to waive sanctions.

### Sanctions Good

#### Talks prevent Israeli air strikes

Robert Parry 11/14 (investigative reporter, who broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s) “A showdown for war or peace”, The Arab American, <http://www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=7821>

The battle lines of this high-stakes diplomatic conflict are forming with Netanyahu, Bandar and American neoconservatives on one side – and Obama, Putin and foreign-policy “realists” on the other. Besides the future direction of the Middle East, the political fortunes of individual leaders are at stake, with either Obama or Netanyahu potentially emerging as the biggest loser.¶ Netanyahu’s strategy calls for rallying Israel’s staunch supporters in Congress and the U.S. news media to criticize Obama for showing “weakness” in trying to resolve disputes with Iran and Syria through constructive diplomacy rather than military force or coercive economic warfare.¶ On Thursday, Netanyahu called the tentative agreement with Iran a “grievous historic error” that would not eliminate Iran’s potential for eventually moving to build a nuclear bomb. “If the news that I am receiving of the impending proposal by the p-5-plus-1 is true, this is the deal of the century, for Iran,” said Netanyahu, referring to the five permanent Security Council members, plus Germany, which have been negotiating with Iran over constraints on its nuclear program.¶ Trying to head off the deal, some of Netanyahu’s backers called for more economic sanctions on Iran, even as its new government under President Hassan Rouhani signals a desire for a diplomatic settlement that would include new limits and more supervision on its nuclear program. Torpedoing the talks by enacting more sanctions would likely increase the prospects of an eventual U.S.-Israel air assault on Iran’s nuclear facilities, a move that Netanyahu has advocated in the past.¶ “Even if we get this de minimus interim deal [with Iran], we could be in serious trouble,” said Mark Dubowitz, executive director of the neocon Foundation for Defense of Democracies. “The Israelis and the Saudis are already freaking out about the dangers of any interim deal. This would demonstrate to them and Congress that the Obama administration has entered the Persian nuclear bazaar and gotten totally outnegotiated.”¶ Similarly, Israeli and Saudi hardliners are furious with Obama for scrapping a planned military strike against Syria last August in favor of having the Syrian government give up its chemical weapons in response to a U.S.-Russian initiative. ¶ Obama also was chafing under the rough-riding style of Netanyahu, who has frequently brought his whip down on Obama, scolding him in the Oval Office, going over Obama’s head to Congress and the U.S. news media, and essentially endorsing Republican Mitt Romney for president in 2012. Netanyahu also has sought to corner Obama into military conflicts with Iran and Syria, challenging the President’s goal of rebalancing U.S. geopolitical interests away from the Middle East.¶ Now the stakes have been raised. Either Obama’s regional strategy of diplomacy will prevail with the support of Russian President Putin – or Netanyahu and Bandar will manage to rally their supporters, especially in U.S. political and media circles, to push the region deeper into conflict.

#### Talks are critical to neutralize Israeli air strikes, they have motivation and capability - prefer this evidence it cites a prominent Israeli military affairs analyst [ALREADY READ]

Joseff Federman 10/2 “US-Iran Diplomacy Neutralizes Israel's Threat Of Attack” <http://www.businessinsider.com/us-iran-diplomacy-neutralizes-israels-threat-of-attack-2013-10>