# 1NC

## Offcase

### Immigration

#### Immigration reform will pass --- it’s Obama’s top priority

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

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

#### Obama’s fresh political capital is vital to reignite momentum for immigration

Reid Epstein 10/17/13, writer at Politico, “Obama’s latest push features a familiar strategy,” http://www.politico.com/story/2013/10/barack-obama-latest-push-features-familiar-strategy-98512.html

President Barack Obama made his plans for his newly won political capital official — he’s going to hammer House Republicans on immigration.¶ And it’s evident from his public and private statements that Obama’s latest immigration push is, in at least one respect, similar to his fiscal showdown strategy: yet again, the goal is to boost public pressure on House Republican leadership to call a vote on a Senate-passed measure.¶ “The majority of Americans think this is the right thing to do,” Obama said Thursday at the White House. “And it’s sitting there waiting for the House to pass it. Now, if the House has ideas on how to improve the Senate bill, let’s hear them. Let’s start the negotiations. But let’s not leave this problem to keep festering for another year, or two years, or three years. This can and should get done by the end of this year.”¶ (WATCH: Assessing the government shutdown's damage)¶ And yet Obama spent the bulk of his 20-minute address taking whack after whack at the same House Republicans he’ll need to pass that agenda, culminating in a jab at the GOP over the results of the 2012 election — and a dare to do better next time.¶ “You don’t like a particular policy or a particular president? Then argue for your position,” Obama said. “Go out there and win an election. Push to change it. But don’t break it. Don’t break what our predecessors spent over two centuries building. That’s not being faithful to what this country’s about.”¶ Before the shutdown, the White House had planned a major immigration push for the first week in October. But with the shutdown and looming debt default dominating the discussion during the last month, immigration reform received little attention on the Hill.¶ (PHOTOS: Immigration reform rally on the National Mall)¶ Immigration reform allies, including Obama’s political arm, Organizing for Action, conducted a series of events for the weekend of Oct. 5, most of which received little attention in Washington due to the the shutdown drama. But activists remained engaged, with Dream Act supporters staging a march up Constitution Avenue, past the Capitol to the Supreme Court Tuesday, to little notice of the Congress inside.¶ Obama first personally signaled his intention to re-emerge in the immigration debate during an interview Tuesday with the Los Angeles Univision affiliate, conducted four hours before his meeting that day with House Democrats.¶ Speaking of the week’s fiscal landmines, Obama said: “Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform.”¶ (Also on POLITICO: GOP blame game: Who lost the government shutdown?)¶ When he met that afternoon in the Oval Office with the House Democratic leadership, Obama said that he planned to be personally engaged in selling the reform package he first introduced in a Las Vegas speech in January.¶ Still, during that meeting, Obama knew so little about immigration reform’s status in the House that he had to ask Rep. Xavier Becerra (D-Calif.) how many members of his own party would back a comprehensive reform bill, according to a senior Democrat who attended.¶ The White House doesn’t have plans yet for Obama to participate in any new immigration reform events or rallies — that sort of advance work has been hamstrung by the 16-day government shutdown.¶ But the president emerged on Thursday to tout a “broad coalition across America” that supports immigration reform. He also invited House Republicans to add their input specifically to the Senate bill — an approach diametrically different than the House GOP’s announced strategy of breaking the reform into several smaller bills.¶ White House press secretary Jay Carney echoed Obama’s remarks Thursday, again using for the same language on immigration the White House used to press Republicans on the budget during the shutdown standoff: the claim that there are enough votes in the House to pass the Senate’s bill now, if only it could come to a vote.¶ “When it comes to immigration reform … we’re confident that if that bill that passed the Senate were put on the floor of the House today, it would win a majority of the House,” Carney said. “And I think that it would win significant Republican votes.”

#### Obama would expend political capital fighting the plan

Laurie R. Blank 12, Director, International Humanitarian Law Clinic, Emory Law School, 2012, “NATIONAL SECURITY: PART II: ARTICLE: TARGETED STRIKES: THE CONSEQUENCES OF BLURRING THE ARMED CONFLICT AND SELF-DEFENSE JUSTIFICATIONS,” William Mitchell Law Review, 38 Wm. Mitchell L. Rev. 1655

Using both the armed conflict and self-defense justifications for all targeted strikes, whether in Pakistan, Yemen, Somalia, or elsewhere, may be an easy way to communicate to the public that the state is using force to eliminate "bad guys." It certainly adds a great degree of flexibility to policy-making and decision-making, which is highly valuable from the perspective of political leaders. The costs of allowing the lines between legal regimes and paradigms to become blurred, however, are far too great.

#### CIR’s critical to economic growth---multiple internals

Klein 13 Ezra is a columnist for The Washington Post. “To Fix the U.S. Economy, Fix Immigration,” 1/29, http://www.bloomberg.com/news/2013-01-29/to-fix-the-u-s-economy-fix-immigration.html

Washington tends to have a narrow view of what counts as “economic policy.” Anything we do to the tax code is in. So is any stimulus we pass, or any deficit reduction we try. Most of this mistakes the federal budget for the economy.¶ The truth is, the most important piece of economic policy we pass -- or don’t pass -- in 2013 may be something we don’t think of as economic policy at all: immigration reform.¶ Congress certainly doesn’t consider it economic policy, at least not officially. Immigration laws go through the House and Senate judiciary committees. But consider a few facts about immigrants in the American economy: About a tenth of the U.S. population is foreign-born. More than a quarter of U.S. technology and engineering businesses started from 1995 to 2005 had a foreign-born owner. In Silicon Valley, half of all tech startups had a foreign-born founder.¶ Immigrants begin businesses and file patents at a much higher rate than their native-born counterparts, and while there are disputes about the effect immigrants have on the wages of low-income Americans, there’s little dispute about their effect on wages overall: They lift them.¶ The economic case for immigration is best made by way of analogy. Everyone agrees that aging economies with low birth rates are in trouble; this, for example, is a thoroughly conventional view of Japan. It’s even conventional wisdom about the U.S. The retirement of the baby boomers is correctly understood as an economic challenge. The ratio of working Americans to retirees will fall from 5-to-1 today to 3-to-1 in 2050. Fewer workers and more retirees is tough on any economy.¶ Importing Workers¶ There’s nothing controversial about that analysis. But if that’s not controversial, then immigration shouldn’t be, either. Immigration is essentially the importation of new workers. It’s akin to raising the birth rate, only easier, because most of the newcomers are old enough to work. And because living in the U.S. is considered such a blessing that even very skilled, very industrious workers are willing to leave their home countries and come to ours, the U.S. has an unusual amount to gain from immigration. When it comes to the global draft for talent, we almost always get the first-round picks -- at least, if we want them, and if we make it relatively easy for them to come here.¶ From the vantage of naked self-interest, the wonder isn’t that we might fix our broken immigration system in 2013. It’s that we might not.¶ Few economic problems wouldn’t be improved by more immigration. If you’re worried about deficits, more young, healthy workers paying into Social Security and Medicare are an obvious boon. If you’re concerned about the slowdown in new company formation and its attendant effects on economic growth, more immigrant entrepreneurs should cheer you. If you’re worried about the dearth of science and engineering majors in our universities, an influx of foreign-born students is the most obvious solution you’ll find.

#### Economic crisis causes global nuclear war

Cesare Merlini 11, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs, May 2011, “A Post-Secular World?”, Survival, Vol. 53, No. 2

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism**.**

### T

#### Restrictions are prohibitions on action --- the aff is oversight

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

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Restrictions on authority are distinct from conditions

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

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

#### Vote neg---

#### Neg ground---only prohibitions on particular actions guarantee links to every core argument like flexibility and deference

#### Precision---only our interpretation defines “restrictions on authority”---that’s key to adequate preparation and policy analysis

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

### CP

#### The Executive branch should publicly articulate the legal rationale for its targeted killing policy, including the process and safeguards in place for target selection.

#### The United States Congress should enact a resolution and issue a white paper stating that, in the conduct of its oversight it has reviewed ongoing targeted killing operations and determined that the United States government is conducting such operations in full compliance with relevant laws, including but not limited to the Authorization to Use Military Force of 2001, covert action findings, and the President’s inherent powers under the Constitution.

#### The CP’s the best middle ground---preserves the vital counter-terror role of targeted killings while resolving all their downsides

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

Despite President Barack Obama's recent call to reduce the United States' reliance on drones, they will likely remain his administration's weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused.

Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage.

So drone warfare is here to stay, and it is likely to expand in the years to come as other countries' capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid.

#### The CP’s combination of executive disclosure and Congressional support boosts accountability and legitimacy

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

Perhaps the most obvious way to add accountability to the targeted killing process is for someone in government to describe the process the way this article has, and from there, defend the process. The task of describing the government’s policies in detail should not fall to anonymous sources, confidential interviews, and selective leaks. Government’s failure to defend policies is not a phenomenon that is unique to post 9/11 targeted killings. In fact, James Baker once noted

"In my experience, the United States does a better job at incorporating intelligence into its targeting decisions than it does in using intelligence to explain those decisions after the fact. This in part reflects the inherent difficulty in articulating a basis for targets derived from ongoing intelligence sources and methods. Moreover, it is hard to pause during ongoing operations to work through issues of disclosure…But articulation is an important part of the targeting process that must be incorporated into the decision cycle for that subset of targets raising the hardest issues…"519

Publicly defending the process is a natural fit for public accountability mechanisms. It provides information to voters and other external actors who can choose to exercise a degree of control over the process. However, a detailed public defense of the process also bolsters bureaucratic and professional accountability by demonstrating to those within government that they are involved in activities that their government is willing to publicly describe and defend (subject to the limits of necessary national security secrecy). However, the Executive branch, while wanting to reveal information to defend the process, similarly recognizes that by revealing too much information they may face legal accountability mechanisms that they may be unable to control, thus their caution is understandable (albeit self-serving).520

It’s not just the Executive branch that can benefit from a healthier defense of the process. Congress too can bolster the legitimacy of the program by specifying how they have conducted their oversight activities. The best mechanism by which they can do this is through a white paper. That paper could include:

A statement about why the committees believe the U.S. government's use of force is lawful. If the U.S. government is employing armed force it's likely that it is only doing so pursuant to the AUMF, a covert action finding, or relying on the President's inherent powers under the Constitution. Congress could clear up a substantial amount of ambiguity by specifying that in the conduct of its oversight it has reviewed past and ongoing targeted killing operations and is satisfied that in the conduct of its operations the U.S. government is acting consistent with those sources of law. Moreover, Congress could also specify certain legal red lines that if crossed would cause members to cease believing the program was lawful. For example, if members do not believe the President may engage in targeted killings acting only pursuant to his Article II powers, they could say so in this white paper, and also articulate what the consequences of crossing that red line might be. To bolster their credibility, Congress could specifically articulate their powers and how they would exercise them if they believed the program was being conducted in an unlawful manner. Perhaps stating: "The undersigned members affirm that if the President were to conduct operations not authorized by the AUMF or a covert action finding, we would consider that action to be unlawful and would publicly withdraw our support for the program, and terminate funding for it."

A statement detailing the breadth and depth of Congressional oversight activities. When Senator Feinstein released her statement regarding the nature and degree of Senate Intelligence Committee oversight of targeted killing operations it went a long way toward bolstering the argument that the program was being conducted in a responsible and lawful manner. An oversight white paper could add more details about the oversight being conducted by the intelligence and armed services committees, explaining in as much detail as possible the formal and informal activities that have been conducted by the relevant committees. How many briefings have members attended? Have members reviewed targeting criteria? Have members had an opportunity to question the robustness of the internal kill-list creation process and target vetting and validation processes? Have members been briefed on and had an opportunity to question how civilian casualties are counted and how battle damage assessments are conducted? Have members been informed of the internal disciplinary procedures for the DoD and CIA in the event a strike goes awry, and have they been informed of whether any individuals have been disciplined for improper targeting? Are the members satisfied that internal disciplinary procedures are adequate?

3) Congressional assessment of the foreign relations implications of the program. The Constitution divides some foreign policy powers between the President and Congress, and the oversight white paper should articulate whether members have assessed the diplomatic and foreign relations implications of the targeted killing program. While the white paper would likely not be able to address sensitive diplomatic matters such as whether Pakistan has privately consented to the use of force in their territory, the white paper could set forth the red lines that would cause Congress to withdraw support for the program. The white paper could specifically address whether the members have considered potential blow-back, whether the program has jeopardized alliances, whether it is creating more terrorists than it kills, etc. In specifying each of these and other factors, Congress could note the types of developments, that if witnessed would cause them to withdraw support for the program. For example, Congress could state "In the countries where strikes are conducted, we have not seen the types of formal objections to the activities that would normally be associated with a violation of state's sovereignty. Specifically, no nation has formally asked that the issue of strikes in their territory be added to the Security Council's agenda for resolution. No nation has shot down or threatened to shoot down our aircraft, severed diplomatic relations, expelled our personnel from their country, or refused foreign aid. If we were to witness such actions it would cause us to question the wisdom and perhaps even the legality of the program."

### DA

#### Accepting legal constraints on the use of force outside strictly-defined conflict zones destroys legal and operational flexibility necessary to address future threats of terrorism and directly contributes to the development of customary international law that seeks to ban TKs overall

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

Obama was right as a candidate and is correct as president to insist on the propriety of targeted killings—that is, the targeting of a specific individual to be killed, increasingly often by means of high technology, remote-controlled Predator drone aircraft wielding missiles from a stand-off position. The strategic logic that presses toward targeted standoff killing as a necessary, available and technologically advancing part of counterterrorism is overpowering. So too is the moral and humanitarian logic behind its use. Just as crucial programs of Predator-centered targeted killing are underway now in Afghanistan and, with increasing international controversy, Pakistan, over the long term these programs of stand-off targeted killing will be an essential element in United States counterterrorism into the future—and with targets having little or nothing to do with today’s iteration of the war on terror.6 Future administrations, even if they naturally prefer to couch the matter in softer terms, will likely follow the same path. Even if the whole notion seems to some disturbingly close to arbitrary killing, not open combat, it is often the most expedient—and, despite civilian casualties that do occur, most discriminatingly humanitarian—manner to neutralize a terrorist without unduly jeopardizing either civilians or American forces.

But there’s a paradox in Obama’s embrace of targeted killing: Even as the strategic and humanitarian logic for it increases in persuasiveness, the legal space for it and the legal rationales on which it has been traditionally justified are in danger of shrinking. They are at risk of shrinking in ways that might surprise members of Congress and the Obama Administration. And they are at risk of shrinking through seemingly innocuous, unrelated legal policy actions that the Obama Administration and Congress might be inclined to take in support of various political constituencies, usually related to broadly admirable goals of human rights and international law.

American domestic law—the law codifying the existence of the CIA and defining its functions—has long accepted implicitly at least some uses of force, including targeted killing, as self-defense toward ends of vital national security that do not necessarily fall within the strict terms of armed conflict in the sense meant by the Geneva Conventions and other international treaties on the conduct of armed conflict. Categories of the use of force short of armed conflict or war in a juridical sense—by intelligence services such as the CIA, for example—or by military agents in furtherance of national self defense and vital security interests, yet outside of the legal condition of armed conflict, date back in codified law to the founding of the CIA and, in state practice by the United States and other sovereigns, far further still. Yet as a matter of legal justification, successive administrations have already begun to cede this ground. Even the Bush Administration, with its unrivaled enthusiasm for executive power, always sought to cast its killing targets as the killing of combatants in what it legally characterized as armed conflicts, governed by the laws of war on the conduct of hostilities, known as “international humanitarian law” (IHL). This concession, however, if followed by the Obama Administration and beyond, will likely reduce the practical utility of a policy and security tool of both longstanding provenance and proven current value. It will likely reduce the flexibility of the United States to respond to emerging threats before they ripen into yet another war with non-state terrorists, and it will reduce the ability of the United Sates to address terrorist threats in the most discriminating fashion advancing technology permits.

At this moment in which many policymakers, members of Congress and serious observers see primarily a need to roll back policies and assertions of authority made by the Bush Administration, any call for the Obama Administration and Congress to insist upon powers of unilateral targeted killing and to claim a zone of authority outside of armed conflict governed by IHL that even the Bush Administration did not claim must seem at once atavistic, eccentric, myopic and perverse. Many will not much care that such legal authority already exists in international and U.S. domestic law. Yet the purpose of this chapter is to suggest that, on the contrary, the uses to which the Obama Administration seeks to put targeted killing are proper, but they will require that it carefully preserve and defend legal authorities it should not be taking for granted and that its predecessors, including the Bush Administration, have not adequately preserved for their present day uses.

People who threaten serious harm to the United States will not always be al Qaeda, after all. Nor will they forever be those persons who, in the words of the Authorization for the Use of Military Force (AUMF), “planned, authorized, committed or aided” the attacks of September 11.7 As I will explain, it would have been better had the Bush and Clinton Administrations, for their parts, formulated their legal justifications for the targeted uses of force around the legal powers traditionally asserted by the United States: the right of self-defense, including the right to use force even in circumstances not rising to the level of an “armed conflict” in order to have firmly fixed in place the clear legal ability of the United States to respond as it traditionally has. Although the United States still has a long way to go to dismember al Qaeda, its affiliates and subsidiaries, although Osama bin Laden and key al Qaeda terrorist leaders remain at large, and although the President of the United States still exercises sweeping powers both inherent and granted by Congress to use all national power against the perpetrators of September 11, time moves on. New threats will emerge, some of them from states and others from non-state actors, including terrorist organizations. Some of those new threats will be new forms of jihadist terrorism; others will champion new and different causes. Even now, Islamist terror appears to be fragmenting into loose networks of shared ideology and aspiration rather than tightly vertical organizations linked by command and control.8 It will take successive feats of intellectual jujitsu to cast all of the targets such developments will reasonably put in the cross hairs as, legally speaking, combatants.

Yet the problem is still deeper and more immediate than that, for the accepted space for targeted killings is eroding even within what a reasonable American might understand as the four corners of our conflict with al Qaeda. In many situations in which any American president, Obama certainly included, would want to use a targeted killing, it is unclear to some important actors—at the United Nations, among our allies, among international law scholars, and among NGO activists—as a matter of international law that a state of armed conflict actually exists or that a targeted killing can qualify as an act of self-defense. The legal situation, therefore, threatens to become one in which, on the one hand, targeted killing outside of a juridical armed conflict is legally impermissible and, on the other hand, as a practical matter, no targeted killing even within the context of a “war” with al Qaeda is legally permissible, either.

Congress’s role in this area is admittedly a peculiar one. It is mostly—though not entirely—politically defensive in nature. After all, the domestic legal authorities to conduct targeted killings and other “intelligence” uses of force have existed in statutory form at least since the legislation that established the Central Intelligence Agency in 1947 and in other forms long pre-dating that.9 The problem is that although domestic legal authority exists for the use of force against terrorists abroad, currents are stirring in international law and elsewhere that move to undermine that authority. Powerful trend and opinion-setting—so-called “soft law”—currents are developing in ways that, over time, promise to make the exercise of this activity ever more difficult and to create a presumption, difficult to overcome, that targeted killing is in fact both illegitimate and, indeed, per se illegal except in the narrowest of war-like conditions. The role of Congress is therefore to reassert, reaffirm, and reinvigorate the category as a matter of domestic law and policy, and as the considered, official view of the United States as a matter of international law.

#### Geographic limits on where targeted killings can be the first resort create terrorist safe havens that enable continued attacks---collapses the usefulness of TKs

Laurie R. Blank 10, Director, International Humanitarian Law Clinic, Emory Law School, 9/16/10, “DEFINING THE BATTLEFIELD IN CONTEMPORARY CONFLICT AND COUNTERTERRORISM: UNDERSTANDING THE PARAMETERS OF THE ZONE OF COMBAT,” Georgia Journal of International and Comparative Law, Vol. 39, No. 1, 2010, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1677965>

The ramifications of including areas within the zone of combat, such as the accompanying authority to use lethal force as a first resort, raise a variety of policy considerations. The two primary considerations weigh directly against each other and perhaps, as a result, lend credence to the need for a middle ground in defining the zone of combat. First, some argue that creating geographic limits to the battlefield has the problematic effect of granting terrorists a safe haven. For example, a member of al Qaeda can be a legitimate target as a result of continuous participation in hostilities, thus losing any immunity from attack he might have had by dint of being a civilian.105 If the zone of combat is limited geographically to certain areas, then this member of al Qaeda can avoid being targeted—and thus regain civilian immunity, in essence—simply by crossing an international border even while remaining active in a terrorist organization engaged in a conflict with the U.S.106 Geographic limits designed to curtail the use of governmental military force thus effectively grant terrorists a safe haven and extend the conflict by enabling them to regroup and continue their attacks.

#### The plan’s precedent causes further constraint --- undermines overall war powers

Paul 8 Christopher, Senior Social Scientist; Professor, Pardee RAND Graduate School Pittsburgh Office Education Ph.D., M.A., and B.A. in sociology, University of California, Los Angeles, “US Presidential War Powers: Legacy Chains in Military Intervention Decisionmaking\* ,” Journal of Peace Research, Vol. 45, No. 5 (Sep., 2008), pp. 665-679

Legacy Chains

Finegold & Skocpol (1995: 222) describe policy legacies: Past and present policies are connected in at least three different ways. First, past policies give rise to analogies that affect how public officials think about contemporary policy issues. Second, past policies suggest lessons that help us to understand the processes by which contemporary policies are formulated and implemented and by which the conse quences of contemporary policies will be determined. Third, past policies impose limitations that reduce the range of policy choices available as responses to contemporary problems. All three of the ways in which they connect past policy to present policy can be viewed as changes in the institutional context in which policy is made. These legacies are institutionalized in two different ways: first, through changes in formal rules or procedures, and second, in the 'taken for granteds', 'schemas', and accepted wisdom of policy makers and ordinary citizens alike (Sewell, 1992: 1-29). While a policy or event can leave multiple legacies, it often leaves a single major legacy. For example, the War Powers Resolution for mally changed the relationship between the president and the congress with regard to war-making and the deployment of troops. Subsequent military interventions were influenced by this change and have, in turn, left their own legacy (legal scholars might call it precedent) as a link in that chain. Legacy chains can be modified, trans formed, or reinforced as they step through each 'link' in the chain. As another example, US involvement in Vietnam left a legacy in the sphere of press/military relations which affected the intervention in Grenada in 1983 (the press was completely excluded for the first 48 hours of the operation). The press legacy chain begun in Vietnam also affected the Panama invasion of 1989 (a press pool was activated, in country, but excluded from the action), but the legacy had been trans formed slightly by the Grenada invasion (the press pool system itself grew out of complaint regarding press exclusion in Grenada) (Paul & Kim, 2004). Because of the different ways in which policy legacies are institutionalized, some legacies have unintended institutional cons quences. The War Powers Resolution was intended to curtail presidential war-making powers and return some authority to the con gress. In practice, the joint resolution failed to force presidents to include congressional participation in their intervention decision making, but it had the unintended conse quence of forcing them to change the way they planned interventions to comply with the letter of the law (see the extended ex ample presented later in the article).1

#### Extinction

Weinberger 9 [Seth Weinberger, Assistant Professor in the Department of Politics and Government at the University of Puget Sound, M.A. and Ph.D. in Political Science from Duke University, "Balancing War Powers in an Age of Terror", The Good Society, 18(2), <http://muse.jhu.edu/journals/good_society/v018/18.2.weinberger.html>]

**In wartime**, however, **it may be** neither expedient nor strategically sound **for the president to be forced to come before Congress for permission for each and every legislative action deemed necessary** for the war effort. C**ircumstances in war are** fluid and unpredictable**, and legislation passed at one time may quickly become irrelevant or obsolete. The deliberation and compromise that are the hallmarks of congressional legislation may be ill-suited to war, which demands** swift and decisive action **to keep on top of rapidly shifting military situations**. As one scholar puts it, "**Congress at war is not a pretty sight. The legislative branch can be questioning and judgmental, impatient for victories yet free with inexpert advice, slow to provide the men and materiel for combat, reluctant to vote the taxes needed to pay for the war, critical of generals, and careless with secrets**."25 **In times in which the country faces an** existential, or otherwise exceedingly dangerous, threat**, it may not behoove the president, the military, or the nation as a whole to require the president to ask Congress time and time again to enact laws to advance the war effort.**

## Drones Advantage

### Sig Strikes Turn

#### The plan specifically and narrowly creates restrictions on targeted killings---those killings are legally and operationally distinct from “signature strikes”

David Hastings Dunn 13, Reader in International Politics and Head of Department in the Department of Political Science and International Studies at the University of Birmingham, UK, and Stefan Wolff, Professor of International Security at the University of Birmingham in the UK, March 2013, “Drone Use in Counter-Insurgency and Counter-Terrorism: Policy or Policy Component?,” in Hitting the Target?: How New Capabilities are Shaping International Intervention, ed. Aaronson & Johnson, http://www.rusi.org/downloads/assets/Hitting\_the\_Target.pdf

Yet an important distinction needs to be drawn here between acting on operational intelligence that corroborates existing intelligence and confirms the presence of a specific pre-determined target and its elimination – so-called ‘targeted strikes’ (or less euphemistically, ‘targeted killings’) – and acting on an algorithmic analysis of operational intelligence alone, determining on the spot whether a development on the ground suggests terrorist activity or association and thus fulfils certain (albeit, to date, publicly not disclosed) criteria for triggering an armed response by the remote pilot of a drone – so-called ‘signature strikes’.6

Targeted strikes rely on corroborating pre-existing intelligence: they serve the particular purpose of eliminating specific individuals that are deemed crucial to enemy capabilities and are meant to diminish opponents’ operational, tactical and strategic capabilities, primarily by killing mid- and top-level leadership cadres. To the extent that evidence is available, it suggests that targeted strikes are highly effective in achieving these objectives, while simultaneously generating relatively little blowback, precisely because they target individual (terrorist) leaders and cause few, if any, civilian casualties. This explains, to a significant degree, why the blowback effect in Yemen – where the overwhelming majority of drone strikes have been targeted strikes – has been less pronounced than in Pakistan and Afghanistan.7

Signature strikes, in contrast, can still be effective in diminishing operational, tactical and strategic enemy capabilities, but they do so to a certain degree by chance and also have a much higher probability of causing civilian casualties. Using drones for signature strikes decreases the dependence on pre-existing intelligence about particular leaders and their movements and more fully utilises their potential to carry out effective surveillance and respond to the conclusions drawn from it immediately. Signature strikes have been the predominant approach to drone usage in Pakistan and Afghanistan.8 Such strikes have had the effect of decimating the rank and file of the Taliban and their associates – but they have also caused large numbers of civilian casualties and, at a minimum, weakened the respective host governments’ legitimacy and forced them to condemn publicly, and in no uncertain terms, the infringement of their states’ sovereignty by the US. In turn, this has strained already difficult relations between countries which have more common than divergent interests when it comes to regional stability and the fight against international terrorist networks. That signature strikes have a high probability of going wrong and that such failures prove extremely counterproductive is also illustrated by a widely reported case from Yemen, in which twelve civilians were killed in the proximity of a car identified as belonging to an Al-Qa’ida member.9

The kind of persistent and intimidating presence of a drone policy geared towards signature strikes, and the obvious risks and consequences involved in repeatedly making wrong decisions, are both counterproductive in themselves and corrosive of efforts that seek to undercut the local support enjoyed by insurgent and terrorist networks, as well as the mutual assistance that they can offer each other. Put differently, signature strikes, in contrast to targeted killings, do anything but help to disentangle the links between insurgents and terrorists.

#### Establishing new restrictions that only apply to targeted killings causes a shift to signature strikes

Jeh Johnson 13, former Pentagon General Counsel, 3/18/13, “Keynote address at the Center on National Security at Fordham Law School: A “Drone Court”: Some Pros and Cons,” <http://www.lawfareblog.com/2013/03/jeh-johnson-speech-on-a-drone-court-some-pros-and-cons/>

Also, beware of creating the wrong set of incentives for those who must conduct these operations. A lawful military objective may include an individual, whether his name or his citizenship are known; it may also include a location (like a terrorist training camp) or an object (like a truck filled with explosives). By creating a separate legal regime with additional requirements for an objective if his name or citizenship becomes known, what disincentives do we create for an operator to know for certain the identity of those likely to be present at a terrorist training camp or behind the wheel of the truck bomb? Or, must the government refrain from an attack on what it knows to be an active and dangerous training camp if an al Qaeda terrorist who might be a U.S. citizen wanders in?

#### Signature strikes are far worse for all of their impacts---this turns the case on a grand scale

David Hastings Dunn 13, Reader in International Politics and Head of Department in the Department of Political Science and International Studies at the University of Birmingham, UK, and Stefan Wolff, Professor of International Security at the University of Birmingham in the UK, March 2013, “Drone Use in Counter-Insurgency and Counter-Terrorism: Policy or Policy Component?,” in Hitting the Target?: How New Capabilities are Shaping International Intervention, ed. Aaronson & Johnson, http://www.rusi.org/downloads/assets/Hitting\_the\_Target.pdf

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### AT: Allied Cooperation

#### Allies increasingly agree that TKs are appropriate as a first resort even outside of hot conflict zones

Geoffrey S. Corn 12, Professor of Law and Presidential Research Professor, South Texas College of Law, 2012, “Blurring the Line Between the Jus ad Bellum and the Jus in Bello,” in Non-International Armed Conflict in the Twenty-First Century, p. 75-76

The statement by Legal Advisor Koh following the Bin Laden raid addressing U.S. legal authority for the mission and for killing Bin Laden is perhaps as clear an articulation of a legal basis for a military action ever provided by the Department of State.175 Indeed, the fact that Koh articulated an official U.S. interpretation of both the jus ad helium and jus in bello makes his use of a website titled Opinio Juris176 especially significant (as such a statement by a government official in Koh's position is clear evidence of opinio juris). Unlike his earlier statement at a meeting of the American Society of International Law,'77 Koh did not restrict his invocation of law to the jus ad helium. Instead, he asserted the U.S. position that the mission was justified pursuant to the inherent right of self-defense, but also that Bin Laden's killing was lawful pursuant to the jus in bello. Koh properly noted that as a mission executed in the context of the armed conflict with al Qaeda, the LOAC imposed no obligation on U.S. forces to employ minimum necessary force. Instead, Bin Laden's status as an enemy belligerent justified the use of deadly force as a measure of first resort, and Bin Laden bore the burden of manifesting his surrender in order to terminate that authority. Hence, U.S. forces were in no way obligated to attempt to capture Bin Laden before resorting to deadly force.178

A recent statement made by John Brennan, Deputy National Security Advisor for Homeland Security and Counterterrorism, further clarifies the current administration's justification for using deadly force as a first resort against al Qaeda operatives:

The United States does not view our authority to use military force against al-Qa'ida as being restricted solely to "hot" battlefields like Afghanistan. Because we are engaged in an armed conflict with al-Qa'ida, the United States takes the legal position that... we have the authority to take action against al-Qa'ida and its associated forces without doing a separate self-defense analysis each time----

This Administration's counterterrorism efforts outside of Afghanistan and Iraq are focused on those individuals who are a threat to the United States, whose removal would cause a significant—even if only temporary—disruption of the plans and capabilities of al-Qa'ida and its associated forces. Practically speaking, then, the question turns principally on how you define "imminence."

We are finding increasing recognition in the international community that a more flexible understanding of "imminence" may be appropriate when dealing with terrorist groups, in part because threats posed by non-state actors do not present themselves in the ways that evidenced imminence in more traditional conflicts… Over time, an increasing number of our international counterterrorism partners have begun to recognize that the traditional conception of what constitutes an "imminent" attack should be broadened in light of the modern-day capabilities, techniques, and technological innovations of terrorist organizations.1'9

#### The allied governments that oppose targeted killings think they’re inherently illegal no matter what---the plan’s obviously insufficient to meet their standards

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

Similarly, very few people in the United States, regardless of political persuasion, would regard the Predator strike in Yemen on November 3, 2002—which killed six people, including a senior member of al Qaeda, Qaed Salim Sinan al-Harethi, in a vehicle on the open road—as anything other than a good thing, regardless of how one characterizes it legally. Yet the U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions described it as a “clear case of extrajudicial killing.”58 The legal analysis followed that held by Amnesty International and many others—to wit, that it does not matter whether the targeted killing takes place in armed conflict or not, nor how the United States justifies it legally, because international human rights law continues to apply no matter what and to require that the governments involved seek to arrest, rather than to kill.

A subsequent U.N. special rapporteur on extrajudicial, summary or arbitrary executions summarized his office’s view in 2004: “Empowering Governments to identify and kill ‘known terrorists’ places no verifiable obligation upon them to demonstrate in any way that those against whom lethal force is used are indeed terrorists, or to demonstrate that every other alternative had been exhausted.”59 Once again, it is hard to see how targeted killing as a policy could survive in any form with such a legal characterization.

Various European allies have been extremely hostile toward the practice. Swedish Foreign Minister Anna Lindh was among the most outspoken critics of the U.S. targeting of al-Harethi in November 2002. She described the operation as “a summary execution that violated human rights…Even terrorists must be treated according to international law. Otherwise any country can start executing those whom they consider terrorists.”60 The criticism is even stronger when the actor is Israel—which undertakes targeted killing in keeping with the peculiarly long-term, “mixed” war-security and intelligence-law enforcement nature of its struggle—and, incidentally, with far more procedural protections than the United States uses, including judicial review. Then the gloves come off completely in expressions of international hostility to the practice.61

To be clear, under the standards these groups are articulating, these practices are regarded as crimes by a sizable and influential part of the international community. This is so whether or not these acts are currently reachable by any particular tribunal. As the coercive interrogation debate shows, with Spain and other countries considering prosecutions in their own courts, the trend is toward an expansion of jurisdiction of such tribunals. And America’s claim that these are killings of combatants in an armed conflict governed by either self-defense or IHL does not cut much ice against the views of those who either reject the armed conflict claim outright or else claim that even in armed conflict, human rights standards will apply.

American officials seem to believe that by appealing to the detailed and specific requirements of IHL on the formal and technical definition of combatancy as an apparent condition of finding a lawful target, they have done an especially good and rigorous parsing of the legal requirements. As far as the international law community is concerned, however, the combatancy standard is not some especially rigorous approach that shows how concerned a party is for international law. To the contrary, it is by definition a relaxation of the ordinary standard of international human rights law, including prohibitions on murder and extrajudicial killing—and it can only be justified by the existence of an armed conflict that meets the definitions of IHL treaties.

At times it appears that the United States government has little idea how much its concession of formal requirements of combatancy concedes. Yet when the United States argues that it’s okay to target someone because he is a combatant, it effectively concedes that the conflict must meet the definition of an IHL conflict for such an attack to be legitimate. By contrast, what the United States needs, and its historic position has asserted, is a claim that self-defense has an existence as a doctrine apart from IHL armed conflict that can justify the use of force against an individual. The United States has long assumed, then-Legal Adviser to the State Department Abraham Sofaer stated in 1989, that the “inherent right of self defense potentially applies against any illegal use of force, and that it extends to any group or State that can properly be regarded as responsible for such activities.”62

To put the matter simply, the international law community does not accept targeted killings even against al Qaeda, even in a struggle directly devolving from September 11, even when that struggle is backed by U.N. Security Council resolutions authorizing force, even in the presence of a near-declaration of war by Congress in the form of the AUMF, and even given the widespread agreement that the U.S. was both within its inherent rights and authorized to undertake military action against the perpetrators of the attacks. If targeted killing in which the international community agreed so completely to a military response against terrorism constitutes extrajudicial execution, how would it be seen in situations down the road, after and beyond al Qaeda, and without the obvious condition of an IHL armed conflict and all these legitimating authorities?

In the view of much of the international law community, a targeted killing can only be something other than an extrajudicial execution—that is, a murder—if

• It takes place in an armed conflict;

• The armed conflict is an act of self-defense within the meaning of the UN Charter, and

• It is also an armed conflict within the meaning of IHL; and finally,

• Even if it is an armed conflict under IHL, the circumstances must not permit application of international human rights law, which would require an attempt to arrest rather than targeting to kill.

As a practical matter, these conditions would forbid all real-world targeted killings. As we now turn to see, the United States has never accepted these criteria. The result is that a strategic centerpiece of U.S. counterterrorism policy rests upon legal grounds regarded as deeply illegal—extrajudicial killing is one of the most serious violations of international human rights, after all, as well it should be—by large and influential parts of the international community. The change of administration from Bush to Obama gives some protection to the policy, but not likely for all of the Obama term and still less likely beyond it. We turn now from how the international law community sees targeted killing to U.S. views of the subject under both international and domestic law.

#### US anti-terror intel is fine on its own – outstrips everybody else

Barton Gellman and Greg Miller, 8-29-2013, “Top secret ‘black budget’ reveals US spy agencies’ spending,” LA Daily News, http://www.dailynews.com/government-and-politics/20130829/top-secret-black-budget-reveals-us-spy-agencies-spending

“The United States has made a considerable investment in the Intelligence Community since the terror attacks of 9/11, a time which includes wars in Iraq and Afghanistan, the Arab Spring, the proliferation of weapons of mass destruction technology, and asymmetric threats in such areas as cyber-warfare,” Director of National Intelligence James Clapper said in response to inquiries from The Post. “Our budgets are classified as they could provide insight for foreign intelligence services to discern our top national priorities, capabilities and sources and methods that allow us to obtain information to counter threats,” he said. Among the notable revelations in the budget summary: Spending by the CIA has surged past that of every other spy agency, with $14.7 billion in requested funding for 2013. The figure vastly exceeds outside estimates and is nearly 50 percent above that of the National Security Agency, which conducts eavesdropping operations and has long been considered the behemoth of the community. The CIA and NSA have launched aggressive new efforts to hack into foreign computer networks to steal information or sabotage enemy systems, embracing what the budget refers to as “offensive cyber operations.” The NSA planned to investigate at least 4,000 possible insider threats in 2013, cases in which the agency suspected sensitive information may have been compromised by one of its own. The budget documents show that the U.S. intelligence community has sought to strengthen its ability to detect what it calls “anomalous behavior” by personnel with access to highly classified material. U.S. intelligence officials take an active interest in foes as well as friends. Pakistan is described in detail as an “intractable target,” and counterintelligence operations “are strategically focused against [the] priority targets of China, Russia, Iran, Cuba and Israel.” In words, deeds and dollars, intelligence agencies remain fixed on terrorism as the gravest threat to national security, which is listed first among five “mission objectives.” Counterterrorism programs employ one in four members of the intelligence workforce and account for one-third of all spending. The governments of Iran, China and Russia are difficult to penetrate, but North Korea’s may be the most opaque. There are five “critical” gaps in U.S. intelligence about Pyongyang’s nuclear and missile programs, and analysts know virtually nothing about the intentions of North Korean leader Kim Jong Un. Formally known as the Congressional Budget Justification for the National Intelligence Program, the “Top Secret” blueprint represents spending levels proposed to the House and Senate intelligence committees in February 2012. Congress may have made changes before the fiscal year began on Oct 1. Clapper is expected to release the actual total spending figure after the fiscal year ends on Sept. 30. The document describes a constellation of spy agencies that track millions of individual surveillance targets and carry out operations that include hundreds of lethal strikes. They are organized around five priorities: combating terrorism, stopping the spread of nuclear and other unconventional weapons, warning U.S. leaders about critical events overseas, defending against foreign espionage and conducting cyber operations. In an introduction to the summary, Clapper said the threats now facing the United States “virtually defy rank-ordering.” He warned of “hard choices” as the intelligence community — sometimes referred to as the “IC” — seeks to rein in spending after a decade of often double-digit budget increases. This year’s budget proposal envisions that spending will remain roughly level through 2017 and amounts to a case against substantial cuts. “Never before has the IC been called upon to master such complexity and so many issues in such a resource-constrained environment,” Clapper wrote. The summary provides a detailed look at how the U.S. intelligence community has been reconfigured by the massive infusion of resources that followed the Sept. 11 attacks. The United States has spent more than $500 billion on intelligence during that period, an outlay that U.S. officials say has succeeded in its main objective: preventing another catastrophic terrorist attack in the United States. The result is an espionage empire with resources and reach beyond those of any adversary, sustained even now by spending that rivals or exceeds the levels reached at the height of the Cold War.

### AT: Pakistan Collapse

#### 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.

#### No Pakistan collapse impact

Tepperman 9—Deputy Editor at Newsweek. Frmr Deputy Managing Editor, Foreign Affairs. LLM, i-law, NYU. MA, jurisprudence, Oxford. (Jonathan, Why Obama Should Learn to Love the Bomb, http://jonathantepperman.com/Welcome\_files/nukes\_Final.pdf)

Note – Michael Desch = prof, polsci, Notre Dame

As for Pakistan, it has taken numerous precautions to ensure that its own weapons are insulated from the country’s chaos, installing complicated firing mechanisms to prevent a launch by lone radicals, for example, and instituting special training and screening for its nuclear personnel to ensure they’re not infiltrated by extremists. Even if the Pakistani state did collapse entirely—the nightmare scenario— the chance of a Taliban bomb would still be remote. Desch argues that the idea that terrorists “could use these weapons radically underestimates the difficulty of actually operating a modern nuclear arsenal. These things need constant maintenance and they’re very easy to disable. So the idea that these things could be stuffed into a gunnysack and smuggled across the Rio Grande is preposterous.”

### AT: India First Strike

#### No Indian intervention

Sunil Dasgupta '13 Ph.D. in political science and the director of UMBC's Political Science Program and a senior fellow at Brookings, 2/25/13, "How will India respond to civil war in Pakistan," East Asia Forum, http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/

In 2013, prospects of another [civil war in Pakistan](http://tribune.com.pk/story/487017/the-2013-jitters/) — this time one that pits radical Islamists against the secular but authoritarian military — have led once again to questions about what India would do. What would trigger Indian intervention, and who would India support?¶ **In the context of a civil war between Islamists and the army in Pakistan**, **it is hard to imagine Pakistani refugees streaming into India and triggering intervention as the Bengalis did in 1971**. **Muslim Pakistanis do not see India as a refuge**, and Taliban fighters are likely to seek refuge in Afghanistan, especially if the United States leaves the region.¶ A more selective spillover, such as the increased threat of terrorism, is possible. **But a civil war inside Pakistan is more likely to** [**train radical attention on Pakistan itself**](http://www.eastasiaforum.org/2012/12/12/extremism-in-pakistan-the-more-things-change/) **than on India.**¶In fact, the real problem for India would be in Afghanistan. India has already staked a claim in the Afghan endgame, so if Islamists seek an alliance with an Afghan government favoured by India, New Delhi’s best option might be to side covertly with the Islamists against the Pakistani army. But this is unlikely, because for India to actually side with Islamists, US policy in Pakistan and Afghanistan would have to change dramatically.¶ Conversely, for India to back the Pakistani army over the Islamists, Indian leaders would need to see a full and verifiable settlement of all bilateral disputes with India, including Kashmir, and/or the imminent fall of Pakistani nuclear weapons into the hands of Islamists.¶ In the first case, [a Kashmir resolution is not only unrealistic](http://www.eastasiaforum.org/2012/09/14/india-and-pakistan-a-decade-since-operation-parakram/), but also likely to weaken the legitimacy of the Pakistani army itself, jeopardising the army’s prospects in the civil war. In the second case, Indian leaders would need to have independent (non-US/UK) intelligence, or alternatively see US action (such as a military raid on Pakistani nuclear facilities) that convinces them that nuclear weapons are about to pass into terrorist hands. Neither of those triggers is likely to exist in the near future.¶ As it is, India and Pakistan have gone down to the nuclear edge four times — in 1986, 1990, 1999 and 2001–02. In each case, India responded in a manner that did not escalate the conflict. Any incursion into Pakistan was extremely limited. An Indian intervention in a civil war in Pakistan would be subject to the same limitations — at least so long as the Pakistani army maintains its integrity.¶ Given the new US–India ties, the most important factor in determining the possibility and nature of Indian intervention in a possible Pakistani civil war is Washington. If the United States is able to get Kabul and Islamabad to work together against the Taliban, as it is trying to do now, then India is likely to continue its current policy or try to preserve some influence in Afghanistan, especially working with elements of the Northern Alliance.¶ India and Afghanistan already have a strategic partnership agreement in place that creates the framework for their bilateral relationship to grow, but the degree of actual cooperation will depend on how Pakistan and the Taliban react. If Indian interests in Afghanistan come under attack, New Delhi might have to pull back. The Indian government has been quite clear about not sending troops to Afghanistan.¶ If the United States shifts its policy to where it has to choose Kabul over Islamabad, in effect reviving the demand for an independent Pashtunistan, India is likely to be much more supportive of US and Afghan goals. The policy shift, however, carries the risk of a full-fledged proxy war with Pakistan in Afghanistan, but should not involve the prospect of a direct Indian intervention in Pakistan itself.¶ India is not likely to initiate an intervention that causes the Pakistani state to fail.

## Norms Advantage

### U.S. Not Key---1NC

#### No causal link between U.S. drone doctrine and other’ countries choices---means can’t set a precedent

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

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

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

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

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

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

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

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

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

### Restraint Fails---1NC

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

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

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage.

Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of self constraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

### U.S. Won’t Pursue---1NC

#### Obama won’t pursue drone norms internationally---not even with allies

Kristin Roberts 13, News Editor, National Journal, 3/22/13, “When the Whole World Has Drones,” <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>

Obama promised in his 2013 State of the Union to increase the drone program’s transparency. “In the months ahead, I will continue to engage Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world,” the president said on Feb. 12. Since then, the administration, under pressure from allies on Senate Intelligence, agreed to release all of the legal memos the Justice Department drafted in support of targeted killing.

But, beyond that, it’s not certain Obama will do anything more to shine light on this program. Except in situations where leaks help it tell a politically expedient story of its skill at killing bad guys, the administration has done little to make a case to the public and the world at large for its use of armed drones.

Already, what’s become apparent is that the White House is not interested in changing much about the way it communicates strike policy. (It took Sen. Rand Paul’s 13-hour filibuster of CIA Director John Brennan’s nomination to force the administration to concede that it doesn’t have the right to use drones to kill noncombatant Americans on U.S. soil.) And government officials, as well as their surrogates on security issues, are actively trying to squash expectations that the administration would agree to bring the judicial branch into the oversight mix. Indeed, judicial review of any piece of the program is largely off the table now, according to intelligence officials and committee members.

Under discussion within the administration and on Capitol Hill is a potential program takeover by the Pentagon, removing the CIA from its post-9/11 role of executing military-like strikes. Ostensibly, that shift could help lift the secret-by-association-with-CIA attribute of the program that some officials say has kept them from more freely talking about the legitimate military use of drones for counterterrorism operations. But such a fix would provide no guarantee of greater transparency for the public, or even Congress.

And if the administration is not willing to share with lawmakers who are security-cleared to know, it certainly is not prepared to engage in a sensitive discussion, even among allies, that might begin to set the rules on use for a technology that could upend stability in already fragile and strategically significant places around the globe. Time is running out to do so.

### AT: South China Seas

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

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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.

### AT: Senkakus

#### The U.S. and Japan are boosting surveillance drone capabilities---obviously the plan doesn’t affect that---makes the impact inevitable

AP 10-2 – Associated Press, 10/2/13, “US, Japan to deploy new radar, drones in next year,” http://www.times-standard.com/ci\_24228434/us-japan-deploy-new-radar-drones-next-year

U.S. and Japanese officials said Thursday they will position a second early-warning radar in Japan within the next year and deploy new long-range surveillance drones to help monitor disputed islands in the East China Sea by next spring, moves that may well raise tensions again with China.

The foreign and defense ministers of the two countries also, for the first time, put a price on what Japan will contribute to the relocation of Marines out of Okinawa to Guam and other locations in the Asia-Pacific region. Japan will pay up to $3.1 billion of the move, which includes development of new facilities in Guam and the Northern Mariana Islands.

The announcements came at the close of high-level meetings between U.S. Secretary of State John Kerry and U.S. Defense Secretary Chuck Hagel with Japanese Foreign Minister Fumio Kishida and Defense Minister Itsunori Onodera. The talks, ahead of President Barack Obama's visits to Indonesia and Brunei next week, were aimed at modernizing the American-Japanese alliance that both sides maintain is a cornerstone of peace and stability in North Asia.

The new X-band radar system would boost Japan's ability to track and intercept missiles from across the Sea of Japan and will be set up on the west coast. Officials have said it is aimed at protecting the region against the threat from North Korea, and is not directed at China.

But the drones—two or three that will fly out of a U.S. base—are designed in part to help step up surveillance around the Senkaku islands, a source of heated debate between Japan and China.

### AT: Caucuses

#### Powers will work together to stabilize the region—security and economic incentives

Gresh 12 (Dr. Geoffrey F., Assistant Professor of International Security Studies at National Defense University, “Russia, China, and stabilizing South Asia”, 3/12, http://afpak.foreignpolicy.com/posts/2012/03/12/russia\_china\_and\_stabilizing\_south\_asia)

As the U.S. begins to withdraw troops from Afghanistan, Russia and China have both declared a desire to increase their military presence throughout Central and South Asia. This new regional alignment, however, should not be viewed as a threat to U.S. strategic national interests but seen rather as concurrent with strategic and regional interests of the United States: regional peace, stability and the prevention of future terrorist safe havens in ungoverned territories. As China and Russia begin to flex their military muscles, the U.S. military should harness their expanded regional influence to promote proactively a new period of responsible multilateral support for Afghanistan and Pakistan. This past December it became clearer that Russia had begun to re-assert its regional presence when the Collective Security Treaty Organization (CSTO) granted Russia the veto power over any member state's future decision to host a foreign military. CSTO members, including Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, have become increasingly valuable U.S. partners in the Northern Distribution Network after Pakistan shut down U.S. military supply routes running from the south into Afghanistan when NATO troops killed 24 Pakistani soldiers last November in the border area of Salala. Though it appears the route may soon open again, the United States must still adopt a new strategy that works more closely with Russia and the CSTO to maintain the Northern Distribution Network long into the future, which currently accounts for about 60 percent of all cargo transiting Central Asia en route to Afghanistan. Certainly, the U.S. risks being unable to control many aspects of the Northern Distribution Network as it withdraws from the region, and this may in turn adversely affect Afghanistan's future success. However, if the United States remains concerned about leaving the region to a historically obdurate regional rival like Russia, it should also bear in mind that Russia has a vital strategic interest in the future stability of the region. Russia has approximately 15 million Muslims living within its borders, with an estimated 2 million Muslims in Moscow. Russia is fearful of what occurs on its periphery and wants to minimize the spread of Muslim extremism that may originate from an unstable Afghanistan or Pakistan. In addition, Russia does not want regional instability that threatens its oil and gas investments. In particular, Russia wants to ensure that it continues to influence the planning and implementation of the potentially lucrative natural gas pipeline that may one day traverse Turkmenistan, Afghanistan, Pakistan, and India. In a recent meeting with Pakistani Foreign Minister Hina Rabbani Khar, Russian Foreign Minister Sergey Lavrov discussed Russia's commitment to preserving peace and stability throughout the AfPak region, and rejected the use of violence by al-Qaeda and its affiliates that aim to undermine the current Afghan government. Furthermore, he pledged to bolster bilateral ties and work cooperatively with Pakistan to achieve stability in Afghanistan. A newly-elected President Vladimir Putin also recently wrote in a campaign brief that "Russia will help Afghanistan develop its economy and strengthen its military to fight terrorism and drug production." It is not lost on the U.S. government that Russia is proposing to succeed where the U.S. has struggled. However, if Russia does succeed in helping establish a secure Afghanistan and Pakistan that can prevent the spread of bases for terrorism then it is a victory for everyone. Aside from Pakistan, and in line with promoting security throughout the region, Russia announced recently that it will provide $16 million to Kyrgyzstan to assist with border security in the south. Russia also agreed recently to pay $15 million in back rent for its four military facilities across the country, including an air base, a torpedo test center on Lake Issyk-Kul, and a communications center in the south. Further, Russia signed a security pact with Tajikistan last fall to extend its basing lease for 49 years, in addition to a bilateral agreement that will enable Russia to become more integrated into Tajikistan's border security forces that oversee an 830-mile border with Afghanistan. Providing similar types of U.S. aid and security support will also help ensure that the valuable Northern Distribution Network remains open and secure for supply lines into Afghanistan. If the northern trade routes are shut down it would adversely affect aid arriving to Afghanistan and therefore jeopardize the stability of Afghanistan and the region. It would also be in opposition to Russia's regional interests. Rather than citing these examples in Kyrgyzstan and Tajikistan as a demonstration of how the U.S. will soon lose out in the region to a resurgent Russia, policymakers can view them as an indication of how Russian interests align with the U.S. to help maintain regional security. More importantly, if Russia wants to take a more active future role in Central Asia, the U.S. should address this shift and work directly with Russia and other CSTO members to ensure that the Northern Distribution Network remains operational in the distant future. Certainly, the U.S. should not be naïve to think that Russia will not at times oppose U.S. regional interests and that there will not be significant areas of conflict. In 2009, Russia tried to convince then President of Kyrgyzstan Kurmanbek Bakiyev to terminate the U.S. contract for its base in Manas. In this case, the U.S. fended off the threat of expulsion successfully through promises of increased U.S. military and economic aid. Continuing to maintain significant amounts of aid to the Central Asia Republics will therefore provide additional incentives to ensure the U.S. is less vulnerable to Russian whims, while at the same time remaining present and active for the benefit of regional security and the maintenance of the Northern Distribution Network. Another powerful regional player, China, also has a vested interest in the stability of the AfPak region, and has already begun to play a more active security role. It was reported this past January, for example, that China intends to establish one or more bases in Pakistan's Federally Administered Tribal Areas. Subsequently, at the end of February, Beijing played host to the first China-Afghanistan-Pakistan trilateral dialogue to discuss regional cooperation and stability. Due to China's shared borders and vibrant trade with both Afghanistan and Pakistan -- not to mention China's estimated 8 million Turkic-speaking Muslim Uyghurs living in western Xinjiang Province -- it has a direct interest in ensuring that both Afghanistan and Pakistan remain stable long into the future. Bilateral trade between China and Pakistan, for example, increased 28 percent in the past year to approximately $8.7 billion. China also signed an oil agreement with Afghanistan in December that could be worth $7 billion over the next two decades. Additionally, China is concerned about the rise of its Uyghur separatist movement that maintains safe havens in both countries, in addition to the spread of radical Islam. The United States should push China to become more actively engaged in Pakistan's security affairs as China has a direct interest in moderating radicalism in Pakistan and keeping it stable. Indicative of Pakistan's strategic value to China, since 2002 China has financed the construction and development of Pakistan's Gwadar deep water port project. China has contributed more than $1.6 billion toward the port's development as a major shipping and soon-to-be naval hub, which is located just 250 miles from the opening of the Persian Gulf. A Pakistan Supreme Court decision in 2011 enabled China to take full control of Gwadar from a Singapore management company further establishing China's firm position in the Pakistani port city. The creation of a new Chinese military network in Pakistan between Gwadar and the FATA would enable China to oversee the transit and protection of Chinese goods and investments that travel from both the coast and interior through the Karakorum corridor to China's Xinjiang Province. China already has an estimated 4,000 troops in Gilgit Baltistan, part of the larger and disputed Kashmir, and just recently it was reported after a January 2012 trip by Pakistani Army Chief General Ashfaq Kayani to China that Pakistan is considering leasing Gilgit Baltistan to China for the next 50 years. Such a move would indeed escalate tensions with India to the south, but from a Pakistani perspective, China would be positioned better than it already is to assist with any future Pakistani national security concerns. And from a Chinese perspective, it would improve their ability to monitor any illicit Uyghur activities aimed at inciting further rebellion in western China. With interest comes responsibility, and in the wake of the recent reports predicting the establishment of a more robust Chinese military network across Pakistan, it is time that China begins to supplement its increased involvement in Pakistan by helping to maintain peace and stability throughout the entire AfPak region. Certainly after fighting two long wars, the United States can no longer be the sole world power responsible for the region, and both China and Russia have been U.S. security free-riders for too long. They have benefited financially while NATO continues to lose soldiers and accrue a massive war debt. After 11 years of war, it is time the United States work more proactively with Russia, China, Pakistan and the Central Asian Republics to create solutions for the future stability and collective security of the region. Indeed, we may not have a choice, and the United States should embrace the transformation of a new era in Eurasia's heartland.

#### No US-Russian war

Ryabikhin et al 9 [Dr. Leonid Ryabikhin, expert of the Russian Science Committee for Global Security, General (Ret.) Viktor Koltunov, Dr. Eugene Miasnikov, June 2009, “De-alerting: Decreasing the Operational Readiness of Strategic Nuclear Forces,” http://www.ewi.info/system/files/RyabikhinKoltunovMiasnikov.pdf]

The issue of the possibility of an “accidental” nuclear war itself is hypothetical. Both states have developed and implemented constructive organizational and technical measures that practically exclude launches resulting from unauthorized action of personnel or terrorists. Nuclear weapons are maintained under very strict system of control that excludes any accidental or unauthorized use and guarantees that these weapons can only be used provided that there is an appropriate authorization by the national leadership. Besides that it should be mentioned that even the Soviet Union and the United States had taken important bilateral steps toward decreasing the risk of accidental nuclear conflict. Direct emergency telephone “red line” has been established between the White House and the Kremlin in 1963. In 1971 the USSR and USA signed the Agreement on Measures to Reduce the Nuclear War Threat. This Agreement established the actions of each side in case of even a hypothetical accidental missile launch and it contains the requirements for the owner of the launched missile to deactivate and eliminate the missile. Both the Soviet Union and 5 the United States have developed proper measures to observe the agreed requirements.

# 2NC

## War Fighting DA

#### The AUMF provides broad targeted killing authority now---new restrictions cause the Executive to shift justifications and accelerate strikes based on self-defense---that destroys solvency and triggers global instability

Beau D. Barnes 12, J.D., Boston University School of Law, M.A. in Law and Diplomacy, The Fletcher School of Law and Diplomacy at Tufts University, 2012, “Reauthorizing the 'War on Terror': The Legal and Policy Implications of the AUMF's Coming Obsolescence,” Military Law Review, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2150874&download=yes>

In a world without a valid AUMF, the United States could base its continued worldwide counterterrorism operations on various alternative domestic legal authorities. All of these alternative bases, however, carry with them significant costs—detrimental to U.S. security and democracy. The foreign and national security policy of the United States should rest on “a comprehensive legal regime to support its actions, one that [has] the blessings of Congress and to which a court would defer as the collective judgment of the American political system about a novel set of problems.”141 Only then can the President’s efforts be sustained and legitimate.

2. Effect on the International Law of Self-Defense

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

#### The availability of self-defense as a justification means the plan legally precludes zero targeted killings outside zones of hostilities

Jack Goldsmith 13, the Henry L. Shattuck Professor at Harvard Law School, 5/28/13, “Eight Thoughts on the Broad Reading of Article II Inherent in Bobby’s Conjecture,” http://www.lawfareblog.com/2013/05/eight-thoughts-on-the-broad-reading-of-article-ii-inherent-in-bobbys-conjecture/

Bobby’s post from Friday argued that “the current shadow war approach to counterterrorism doesn’t really require an armed-conflict predicate–or an AUMF, for that matter.” Bobby’s point is that most if not all of the USG’s current uses of force outside Afghanistan could in theory continue even if the armed conflict against al Qaeda ended. This is because, as Bobby says, the administration’s “imminent threat” constraint outside hot battlefields – which has allowed quite a lot of lethal force to be used in many nations – “is at least as restrictive as the boundaries of the self-defense model developed during the Reagan and Clinton years.” When these factors are combined with technological innovations (drones and the like) and the global dispersion of the threat, Bobby concludes:

In short, the practical constraints on using force in self-defense have been removed, and if we find ourselves once more without a claim of armed conflict to support uses of force, we may well discover as a result that the pre-9/11 legal model is much less constraining than commonly assumed. Indeed, one might conclude that there is nothing currently done outside of Afghanistan by way of targeting under the color of the law of armed conflict that could not be done under color of the pre-9/11 self-defense model.

#### The administration’s conception of ‘imminent threat’ is so broad that self-defense authority justifies anything

Kenneth Roth 13, Executive Director, Human Rights Watch, 5/16/13, “US: Statement to the Senate Armed Services Committee on the AUMF, Targeted Killing, & Guantanamo,” http://www.hrw.org/news/2013/05/16/us-statement-senate-armed-services-committee-aumf-targeted-killing-guantanamo

Even in the absence of a combatant at war with the United States, the US government is entitled to use lethal force in certain limited circumstances under international human rights law. A police officer on the streets of Washington, for example, is entitled to shoot a suspect if it is the last feasible resort to avoid an “imminent” threat to life—such as when a hostage-taker is holding a gun to a victim’s head. That same standard might justify targeting people overseas as well (leaving aside questions of sovereignty, which would depend on the consent of the relevant government).

At times the Obama administration has used this language of imminence but it has done so in a way that seems to render it infinitely elastic. The administration has argued that it should not have to wait until the last possible moment to avert a planned attack—a fair point—but in certain circumstances it appears to be lethally striking targets where no reasonable claim of an imminent threat can be made. The alleged use of signature strikes provides perhaps the clearest illustration of the problem. The lack of clarity and transparency surrounding the drone program leaves the impression that people are being targeted for no more than carrying weapons and associating with unsavory people. The administration’s unwillingness in many cases to articulate anything remotely resembling an imminent threat makes it seem that human rights standards on policing, insofar as they are being relied upon to justify drone strikes, are being flouted.

## Drones Adv

### 2NC---Obama Circumvents---TKs

#### Targeted killing regulation is impossible --- plenty of avenues for circumvention

Alston 11, professor – NYU Law (Philip, 2 Harv. Nat'l Sec. J. 283)

Despite the existence of a multiplicity of techniques by which the CIA might be held to account at the domestic level, the foregoing survey demonstrates that there is no evidence to conclude that any of them has functioned effective-ly in relation to the expanding practices involving targeted killings. The CIA Inspector General's Office has been unable to exact accountability and proposals to expand or strengthen his role run counter to almost all official actions taken in relation to his work. The President's Intelligence Oversight Board and the President's Foreign Intelligence Advisory Board are lauded by some for their potential, but there is no indication that they scrutinize activities such as targeted killings policy or practice, and many indications that they view their role as being to support rather than monitor the intelligence community. The Privacy and Civil Liberties Oversight Board remains dormant. Congressional oversight has been seriously deficient and far from manifesting an appetite to scrutinize the CIA's targeted killings policies, a range of senior members of congress are on record as favoring a hands-off policy. And a combination of the political question doctrine, the state secrets privilege, and a reluctance to prosecute, ensure that the courts have indeed allowed the CIA to fall into a convenient legal **gre**y hole. Finally, civil society has been largely stymied by the executive and the courts in their efforts to make effective use of freedom of information laws. All that remains is the media, and most of what they obtain through leaks come from government sources that are deliberately "spinning" the story in their own favor. Simi-lar conclusions have been reached in closely related contexts. Thus, for example, Kitrosser's survey of official responses to the warrantless wiretapping initiated after 9/11 led her to conclude that it was a shell [\*406] game, involving "an indefinite bi-partisan, cross-administration, cross-institutional pattern of accountability-avoidance." n450 In brief, at least in relation to targeted killings, the CIA enjoys almost complete impunity and is not subject to any form of meaningful internal or external accountability. Whether from the perspective of democratic theory or of interna-tional accountability for violations of the right to life, this is deeply problematic. One solution to this that has been sug-gested by some commentators is to follow the precedent set by Israel in its efforts to ensure legal oversight of its target killings programs. We turn now to examine the feasibility and desirability of pursuing such an option.

#### The exec will redefine the law to get around the plan

Norman Pollack 13, Prof of History @ MSU and PhD in History from Harvard, “Drones, Israel, and the Eclipse of Democracy, Counterpunch, 2/5, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to **remake the laws** of war by consciously violating them and then **creating** new legal concepts to provide juridical cover for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is** hardly a novice **at** this game of **stretching the law to suit the convenience of**, shall we say, the **national interest**? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama **redefined the meaning** of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### No chance of enforcement --- delegation, emergencies, info-deficits, and loopholes all prove

Eric Posner 11, the Kirkland and Ellis Professor of Law @ U-Chicago, and Adrian Vermeule, the John H. Watson, Jr. Professor of Law @ Harvard, “The Executive Unbound: After the Madisonian Republic,” Oxford U Press, Feb 16, p. 7-10

Having defined our terms as far as possible, our main critical thesis is that liberal legalism has proven unable to generate meaningful constraints on the executive. Two problems bedevil liberal legalism: delegation and emergencies. The first arises when legislatures enact statutes that grant the executive authority to regulate or otherwise determine policy, the second when external shocks require new policies to be adopted and executed with great speed. Both situations undermine the simplest version of liberal legalism, in which legislatures themselves create rules that the executive enforces, subject to review by the courts. Delegation suggests that the legislature has ceded lawmaking authority to the executive, de facto if not de jure,14 while in emergencies, only the executive can supply new policies and real-world action with sufficient speed to manage events. The two problems are related in practice. When emergencies occur, legislatures acting under real constraints of time, expertise, and institutional energy typically face the choice between doing nothing at all or delegating new powers to the executive to manage the crisis. As we will see, legislatures often manage to do both things; they stand aside passively while the executive handles the first wave of the crisis, and then come on the scene only later, to expand the executive's de jure powers, sometimes matching or even expanding the de facto powers the executive has already assumed. A great deal of liberal legal theory is devoted to squaring delegation and emergencies with liberal commitments to legislative governance. Well before World War I, the Madisonian framework of separated powers began to creak under the strain of the growing administrative state, typically thought to have been inaugurated by the creation of the Interstate Commerce Commission in 1887. For Madisonian theorists, delegation threatened the separation of powers by effectively combining lawmaking and law-execution in the same hands, and emergencies threatened legislative primacy by requiring the executive to take necessary measures without clear legal authorization, and in some cases in defiance of existing law. (We refer to the Madisonian tradition as it has developed over time and as it exists today, not to Madison himself, whose views before the founding were less legalistic than they would become during the Washington and Adams administrations.) As to both delegation and emergencies, Madisonian liberals have repeatedly attempted to compromise with the administrative state, retreating from one position to another and attempting at every step to limit the damage. In one prominent strand of liberal legal theory and doctrine, which has nominally governed since the early twentieth century, delegation is acceptable as long as the legislature supplies an "intelligible principle"15 to guide executive policymaking ex ante; this is the so-called "nondelegation doctrine." This verbal formulation, however, proved too spongy to contain the administrative state. During and after the New Deal, under strong pressure to allow executive policymaking in an increasingly complex economy, courts read the intelligible principle test so capaciously as to allow statutes delegating to the president and agencies the power to act in the "public interest," nowhere defined.'6 Before 1935, the U.S. Supreme Court mentioned nondelegation in dictum but never actually applied it to invalidate any statutes; in 1935, the Court invalidated two parts of the National Industrial Recovery Act on nondelegation grounds;" since then, the Court has upheld every challenged delegation. Subsequently, liberal legal theorists turned to the hope that legislatures could create administrative procedures and mechanisms of legislative and judicial oversight that would enforce legal constraints on the executive ex post, as a second-best substitute for the Madisonian ideal. In American administrative law, a standard account of the Administrative Procedure Act (APA), the framework statute for the administrative state, sees it as an attempt to translate liberal legalism into a world of large-scale delegation to the executive, substituting procedural controls and judicial review for legislative specification of policies. The APA applies to administrative action in a broad range of substantive areas, but does not apply to presidential action, so Congress has also enacted a group of framework statutes that attempt to constrain executive action in particular areas. Examples are the War Powers Resolution, which regulates the presidential commitment of armed forces abroad, the National Intelligence Act, which structures the intelligence agencies and attempts to require executive disclosure of certain intelligence matters to key congressional committees, and the Inspector General Act, which installs powerful inspectors general throughout the executive branch. As to emergencies, starting at least with John Locke's discussion of executive "prerogative," liberal political and constitutional theorists have struggled to reconcile executive primacy in crises with the separation of powers or the rule of law or both. Such questions have become all the more pressing in the twentieth and twenty-first centuries, when a series of wars, economic emergencies, and other crises have multiplied examples in which the executive proceeded with dubious legal authority or simply ignored the laws. Here too, the response has been a series of legal constraints, such as the APA's restrictions on emergency administrative action, and framework statutes such as the National Emergencies Act, which regulates the president's ability to invoke grants of emergency powers granted under other laws. One of our main claims is that these approaches are palliatives that have proven largely ineffective, and that fail to cure the underlying ills of liberal legalism. The same institutional and economic forces that produce the problems of delegation and emergencies also work to undermine legalistic constraints on the executive. The complexity of policy problems, especially in economic domains, the need for secrecy in many matters of security and foreign affairs, and the sheer speed of policy response necessary in crises combine to make meaningful legislative and judicial oversight of delegated authority difficult in the best of circumstances. In emergencies, the difficulties become insuperable—even under the most favorable constellation of political forces, in which the independently elected executive is from a different party than the majority of the Congress. Liberal legalism, in short, has proven unable to reconcile the administrative state with the Madisonian origins of American government. The constitutional framework and the separation-of-powers system generate only weak and defeasible constraints on executive action. Madisonian oversight has largely failed, and it has failed for institutional reasons. Both Congress and the judiciary labor under an informational deficit that oversight cannot remedy, especially in matters of national security and foreign policy, and both institutions experience problems of collective action and internal coordination that the relatively more hierarchical executive can better avoid. Moreover, political parties, uniting officeholders within different institutions, often hobble the institutional competition on which Madisonian theorizing relies.'8 Congressional oversight does sometimes serve purely political functions—legislators, particularly legislators from opposing parties, can thwart presidential initiatives that are unpopular—but as a legal mechanism for ensuring that the executive remains within the bounds of law, oversight is largely a failure. The same holds for statutory constraints on the executive—unsurprisingly, as these constraints are the product of the very Madisonian system whose failure is apparent at the constitutional level. In the terms of the legal theorist David Dyzenhaus, the APA creates a series of legal "black holes" and "grey holes" that either de jure or de facto exempt presidential and administrative action from ordinary legal requirements, and hence from (one conception of) the rule of law.19 The scope of these exemptions waxes and wanes with circumstances, expanding during emergencies and contracting during normal times, but it is never trivial, and the administrative state has never been brought wholly under the rule of law; periodically the shackles slip off altogether.

### AT: Kris---1NC

#### Kris is exclusively writing about detention---the key line in this card is that “Our friends accept only a law enforcement response outside theatres of active armed conflict”---that line has a footnote right after it, which says:

76. As discussed in Part I, supra, the Obama administration has made clear that it will use military commissions and law of war detention. See infra Part IV.

### Allies =/= Key

#### Allied coop on law enforcement is unnecessary and has lots of barriers

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

Despite these growing U.S.-EU ties and agreements in the law enforcement area, some U.S. critics continue to doubt the utility of collaborating with EU-wide bodies given good existing bilateral relations between the FBI and CIA (among other agencies) and national police and intelligence services in EU member states. Many note that Europol lacks enforcement capabilities, and that its effectiveness to assess and analyze terrorist threats and other criminal activity largely depends on the willingness of national services to provide it with information. Meanwhile, European officials complain that the United States expects intelligence from others, but does not readily share its own. Others contend that European opposition to the U.S. death penalty or resistance to handing over their own nationals may still slow or prevent the timely provision of legal assistance and the extradition of terrorist suspects in some cases.

### Current Drone Policy Solves Coop

#### Current drone policy locks in cooperation from allies---drones are naturally declining as a function of their own success---Obama’s adopted a flexible framework that emphasizes non-lethal methods where appropriate---creates a foundation for sustainable coop while preserving drone flexibility

Peter Juul 13, Policy Analyst at the Center for American Progress, 2/6/13, “Moving Beyond 9/11: The United States Needs a Broader-Based and Sustainable Counterterrorism Policy,” http://susris.com/2013/02/07/drone-basing-revelation-underscores-strong-defense-and-security-bonds/

Terrorism will be with us in some form or another for the foreseeable future. And it’s just as likely that given changing dynamics and realities that the drone strikes that have apparently proven effective against Al Qaeda central will have limited utility going forward. The confluence of circumstances that allows drone strikes in Yemen and Pakistan—groups that have directly targeted the United States from active conflict zones over which nominal governments have little authority and allow drone strikes—are unlikely to recur in the future. While the possibility that these circumstances may occur again cannot be definitively ruled out, they suggest it would be appropriate to adopt a high threshold when considering the use of drone strikes as a counterterrorism tool.

By contrast with Al Qaeda central and Al Qaeda in the Arabian Peninsula, the extremists threatening Mali have not directly targeted the United States, and longstanding U.S. ally France has taken responsibility in working with the Malian government to turn them back. What’s more, the United States is working to train the troops of various African nations to step into the situation as well. No matter how brutal they may otherwise be, not every terrorist group will directly target the U.S. homeland, and those that do may not have the opportunity to hide in legally distinct areas such as Pakistan’s tribal areas where foreign government security forces do not operate. Other governments may or may not prove as cooperative in allowing drone strikes as those of Pakistan and Yemen, preferring other approaches or types of U.S. assistance.

In other words, drones will probably outlive their usefulness as a counterterrorism tool when Al Qaeda central is judged to be on a permanent path to defeat. This is not to say that drones will not have utility in certain conflicts involving terrorist groups, but rather that the current framework for their use is based on the unique circumstances of the conflict between the United States and Al Qaeda. Other places drones have been used—Afghanistan, Iraq, and Libya, for example—fall more clearly under policy and legal frameworks of conventional war. Policymakers should not assume that this framework is easily transferable to the problems posed by other violent Islamist extremist groups and non-Islamist terrorist organizations in other parts of the world.

Looking forward, a broader-based and more sustainable counterterrorism policy that can both adapt to post-Al Qaeda terrorist threats—including other violent Islamist extremists—wherever they arise and is not based on the exigencies of the fight against Al Qaeda central will be needed. Interestingly, the Obama administration appears to have taken some steps forward on this front. The recent development of a counterterrorism “playbook” reportedly setting clear rules for lethal CIA strikes—exempting Pakistan for one to two years—shows how far the administration is going to rationalize its counterterrorism policies. And the work the State Department’s Bureau of Counterterrorism has done to promote counterterrorism cooperation and capacity building across U.S. allies and partners—such as the launch of the Global Counterterrorism Forum in 2011, as well as various regional cooperation initiatives— provides a foundation for the future.

### Coop Inevitable/No Impact to Backlash---Drones

#### Allies will inevitably come around on US drone doctrine questions---they know they’re the future of war and won’t want to be left out

Ulrike Esther Franke 13, Ph.D. Candidate, International Relations, University of Oxford, April 2013, “Just the new hot thing? The diffusion of UAV technology worldwide and its popularity among democratic states,” <http://files.isanet.org/ConferenceArchive/4269932e782d47248d5269ad381ca6c7.pdf>

As shown in the first part of this paper, democracies seem to be particularly interested in drone technology. Niklas Schoerning argues that especially western democracies are fuelling a global UAV arms race.56 I argue that in addition to the aforementioned arguments, there are three main reasons why democracies and especially western democracies are particularly interested in the unmanned technology.

Prestige (among partners): Not only autocracies have an interest in depicting their armed forces as modern and powerful. Democracies use UAVs to show off as well – however, their aim is rather to portray themselves as capable and reliable coalition partners for other western democracies and especially with an eye on the United States. French General Patrick Charaix points out: “If [France] wants to remain powerful within a coalition, we need to bring an unmanned capability to the table. Indeed, those countries that count have this military means which contributes on the one hand to the success of a mission and on the other hand increases the power and influence of the country.57 German defence minister Thomas de Maizière voiced a similar opinion in a recent speech on UAVs in the Bundestag: “We cannot say ‘we’ll keep the stagecoach’ while all others are developing the railway”.58 UAVs, according to this interpretation, are the irresistible future – those who are not part of it will lose out. An important aspect of this desire not to lose out is interoperability.59 Western states rarely go to war alone anymore. Today’s western wars are fought by coalitions, namely within NATO. This has important consequences for the equipment that is needed: the members of the coalition need to use the same kind of material in order to be effective and powerful.60 As NATO is dominated by the US and since the US is the most capable user of UAVs, this has important repercussions on the other NATO members. For Frans Osinga, NATO is “an obvious and important avenue of infusion of US military […] technology”.61

### Global Blowback

#### No global blowback

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

That leaves the broader claim of global blow-back -- the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the evidence is so diffuse as to be pointless. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes -- or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism -- Mark Mazzetti's new book, The Way of the Knife, is a good example -- because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. The blowback argument is also peculiarly susceptible to raising the behavioral bar the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up.

From a strategic standpoint, however, the trouble with the blowback theory is simple: It will always counsel doing nothing rather than doing something. It's the kibitzer's lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blow-back scenario.

There might be situations in which to give it priority; Gregory Johnsen, a Yemen expert, for example, says that a particular form of strike in Yemen causes blowback because it hits low-level fighters whose families cannot understand the American justification. (The response is, usually, that we are effectively fighting as the air arm of the Yemen government against its insurgents, including its low-level fighters.) That bears attention; whether it outweighs the strategic concern of supporting the Yemeni government, which does have to fight even low-level insurgents who in effect offer protection to the transnational terrorist wing, is another question. But we should consider it carefully.

Blowback is a form of the precautionary principle. But it's awfully difficult to conduct war, after all, on the basis of "first do no harm." As it happens, the United States once had a commander driven largely by considerations of blowback from a restive local population. His name was George McClellan. If he had not been replaced by Abraham Lincoln, the Union would have lost the Civil War.

### AT: Pak Impact

#### Pakistan resilient

Sunil Dasgupta '13 Ph.D. in political science and the director of UMBC's Political Science Program and a senior fellow at Brookings, 2/25/13, "How will India respond to civil war in Pakistan," East Asia Forum, http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/

Bill Keller of the New York Times [has described Pakistani president Asif Ail Zardari](http://www.nytimes.com/2011/12/18/magazine/bill-keller-pakistan.html?pagewanted=all&_r=0) as overseeing ‘a ruinous kleptocracy that is spiraling deeper into economic crisis’. But in contrast to predictions of an unravelling nation, British journalist-scholar [Anatol Lieven argues](http://www.anu.edu.au/vision/videos/6291/) that the Pakistani state is likely to continue muddling through its many problems, unable to resolve them but equally predisposed against civil war and consequent state collapse. Lieven finds that the strong bonds of family, clan, tribe and the nature of South Asian Islam prevent modernist movements — propounded by the government or by the radicals — from taking control of the entire country.¶ Lieven’s analysis is more persuasive than the widespread view that Pakistan is about to fail as a state. The formal institutions of the Pakistani state are surprisingly robust given the structural conditions in which they operate. Indian political leaders recognise Pakistan’s resilience. Given the bad choices in Pakistan, they would rather not have anything to do with it. If there is going to be a civil war, why not wait for the two sides to exhaust themselves before thinking about intervening? The 1971 war demonstrated India’s willingness to exploit conditions inside Pakistan, but to break from tradition requires strong, countervailing logic, and those elements do not yet exist. [Given the current conditions](http://www.eastasiaforum.org/2012/12/30/pakistans-bleak-outlook-lightened-by-the-game-changer-with-india/) and those in the foreseeable future, India is likely to sit out a Pakistani civil war while covertly coordinating policy with the United States.

## Norms Adv

### 1NC No Drone Wars

#### No risk of drone wars

Joseph Singh 12, researcher at the Center for a New American Security, 8/13/12, “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2eSvaZnfQ

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.

#### Drones will only ever be used in highly permissive environments that lack air defense

Michael W. Lewis 12, Associate Professor of Law at Ohio Northern University Pettit College of Law, Spring 2012, “ARTICLE: SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield,” Texas International Law Journal, p. lexis

Like any weapons system drones have significant limitations in what they can achieve. Drones are extremely vulnerable to any type of sophisticated air defense system. They are slow. Even the jet-powered Avenger recently purchased by the Air Force only has a top speed of around 460 miles per hour, n20 meaning that it cannot escape from any manned fighter aircraft, not even the outmoded 1970s-era fighters that are still used by a number of nations. n21 Not only are drones unable to escape manned fighter aircraft, they also cannot hope to successfully fight them. Their air-to-air weapons systems are not as sophisticated as those of manned fighter aircraft, n22 and in the dynamic environment of an air-to-air engagement, the drone operator could not hope to match the situational awareness n23 of the pilot of manned fighter aircraft. As a result, the outcome of any air-to-air engagement between drones and manned fighters is a foregone conclusion. Further, drones are not only vulnerable to manned fighter aircraft, they are also vulnerable to jamming. Remotely piloted aircraft are dependent upon a continuous signal from their operators to keep them flying, and this signal is vulnerable to disruption and jamming. n24 If drones were [\*299] perceived to be a serious threat to an advanced military, a serious investment in signal jamming or disruption technology could severely degrade drone operations if it did not defeat them entirely. n25

These twin vulnerabilities to manned aircraft and signal disruption could be mitigated with massive expenditures on drone development and signal delivery and encryption technology, n26 but these vulnerabilities could never be completely eliminated. Meanwhile, one of the principal advantages that drones provide - their low cost compared with manned aircraft n27 - would be swallowed up by any attempt to make these aircraft survivable against a sophisticated air defense system. As a result, drones will be limited, for the foreseeable future, n28 to use in "permissive" environments in which air defense systems are primitive n29 or non-existent. While it is possible to find (or create) such a permissive environment in an inter-state conflict, n30 permissive environments that will allow for drone use will most often be found in counterinsurgency or counterterrorism operations.

### U.S. Not Key---2NC

#### No ‘global precedent’ is affected by anything the U.S. does---states will inevitably pursue drones

Robert Wright 12, “The Incoherence of a Drone-Strike Advocate,” 11/14/12, http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.

Boot started out with this observation:

I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.

That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?

As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:

You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

#### Drone norms structurally fail---non-democracies will inevitably cheat---the only country constrained will be the U.S.

Ben Lerner 13, Vice President for Government Relations at the Center for Security Policy, 3/25/13, “Judging ‘Drones’ from Afar,” http://spectator.org/archives/2013/03/25/judging-drones-from-afar/print

Those international events are significant. UAV technology has proliferated substantially in recent years, and not just among allies like the United Kingdom, Israel and Colombia. The Project 2049 Institute recently published a critical study on China’s UAV program, detailing its architecture as well as some of the tactical innovations that the People’s Liberation Army (PLA) has in mind. The report states in part:

[A]ccording to several military-technical materials reviewed for this study, PLA operational thinkers and scientists envision attacking U.S. aircraft carrier battle groups with swarms of multi-mission UAVs in the event of conflict.… The ultimate goal of combined UAV and missile campaigns would be to penetrate otherwise robust defense networks through tightly coordinated operations planned to optimize the probability of overwhelming targets.

Meanwhile, the Iranians are experimenting with their own UAV capabilities, including through use by proxies such as Hezbollah, which last year launched a UAV into Israel. Pakistan and Turkey, rapidly exiting their pro-American orbits (such as they were), are entering this space as well: The Pakistani military last fall revealed that it is working on developing its own combat UAV, while reports from the same time period indicate that Turkey will supply its army with indigenously produced UAVs by the end of this year.

This proliferation is also forming the backdrop against which the United Nations is conducting an investigation of UAV use in counter-terrorism operations in order to determine, according to special investigator for the U.N. Human Rights Council Ben Emmerson, “whether there is a plausible allegation of unlawful killing.” The New York Times, in covering this development, conveys Emmerson’s less-than-convincing reassurances that this is not about the United States and its allies:

The immediate focus, Mr. Emmerson said in an interview, would be on 25 selected drone strikes that had been conducted in recent years in Afghanistan, Pakistan, Yemen, Somalia and the Palestinian territories. That put the panel’s spotlight on the United States, Britain and Israel, the nations that have conducted drone attacks in those areas, but Mr. Emmerson said the inquiry would not be singling out the United States or any other countries.

While it appears that Reuters’ inference — that President Obama is seeking out an international agreement on UAVs in response to events like these — is inaccurate, it remains plausible that he would take us down this path. Let’s not forget that President Obama has been a major supporter of multilateral agreements that limit American sovereignty, including the U.N. Law of the Sea Treaty, the Comprehensive Test Ban Treaty, the Convention on the Rights of Persons with Disabilities, and others.

If President Obama pursues global rules for UAVs, such an initiative could also have the added benefit, from his perspective, of atoning for sins committed against his far-left political base. If waging, and escalating, UAV warfare has rendered the President a disciple of Vice President Cheney in the eyes of the enraged left, volunteering to restrain our own UAV use through the creation and application of global rules might make up for the transgression.

Whatever the potential motivations for trying to codify international rules for using UAVs, such a move would be ill advised. While in theory, every nation that signs onto a treaty governing UAVs will be bound by its requirements, it is unlikely to play out this way in practice. It strains credulity to assume that China, Russia, Iran, and other non-democratic actors will not selectively apply (at best) such rules to themselves while using them as a cudgel with which to bash their rivals and score political points. The United States and its democratic allies, meanwhile, are more likely to adhere to the commitments for which they signed up. The net result: we are boxed in as far as our own self-defense, while other nations with less regard for the rule of law go use their UAVs to take out whomever, whenever, contorting said “rules” as they see fit. One need only look at China’s manipulation of the Law of the Sea Treaty to justify its vast territorial claims at the expense of its neighbors to see how this often plays out.

And who would enforce the treaty’s rules — a third party tribunal? Would it be an apparatus of the United Nations, the same U.N. that assures us that it is not coming after the United States or its allies specifically, even as its investigation takes on as its “immediate focus” UAV operations recently conducted by those countries?

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

### Restraint Fails---2NC

#### Zero chance that U.S. self-restraint causes any other country to give up their plans for drones

Max Boot 11, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 10/9/11, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, <http://www.commentarymagazine.com/2011/10/09/drone-arms-race/>

The New York Times engages in some scare-mongering today about a drone ams race. Scott Shane notes correctly other nations such as China are building their own drones and in the future U.S. forces could be attacked by them–our forces will not have a monopoly on their use forever. Fair enough, but he goes further, suggesting our current use of drones to target terrorists will backfire:

If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them.

“The problem is that we’re creating an international norm” — asserting the right to strike preemptively against those we suspect of planning attacks, argues Dennis M. Gormley, a senior research fellow at the University of Pittsburgh and author of Missile Contagion, who has called for tougher export controls on American drone technology. “The copycatting is what I worry about most.”

This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran.

The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example. In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests.

Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone?

While a decision on our part to stop drone strikes would be unlikely to alter Russian or Chinese thinking, it would have one immediate consequence: al-Qaeda would be strengthened and could regenerate the ability to attack our homeland. Drone strikes are the only effective weapon we have to combat terrorist groups in places like Pakistan or Yemen where we don’t have a lot of boots on the ground or a lot of cooperation from local authorities. We cannot afford to give them up in the vain hope it will encourage disarmament on the part of dictatorial states.

#### No chance of escalation in the SCS or Senkaku

David A. Beitelman 12, PhD student in Political Science at Dalhousie University and a Doctoral Fellow at the Centre for Foreign Policy Studies in Halifax, Nova Scotia, Canada, September 2012, “Senkaku Islands Dispute: Do Not Believe the Hype, China and Japan Are Not About to Go to War,” http://www.policymic.com/articles/14910/senkaku-islands-dispute-do-not-believe-the-hype-china-and-japan-are-not-about-to-go-to-war

But despite the rhetoric and saber rattling, the prospects for conflict are less than those who sell the news would have you believe.

Most troubling to observers are the anti-Japanese demonstrations that have been flaring up across China and a naval "show of force" by the Chinese navy into Japanese controlled waters. But it is important to keep this all in perspective. China’s economy is slowing and the ruling Chinese Communist Party (CCP) is preparing for a change in leadership. What’s more, the CCP has been at the receiving end of a lot of criticism in the wake of the Gu Kailai murder trial and its revelation of wide-spread corruption by her husband, Bo Xilai, a high-ranking CCP official. There is also the bizarre case of the son of another high-ranking CCP official, Ling Jihua, who died after he crashed his Ferrari while naked and in the company of two women. The CCP derives a great deal of its legitimacy from the country’s impressive economic performance over the past 30 or so years. With the economy slowing and the perception that the ruling party is corrupt, out of touch, and incompetent, while in the midst of a power transition, it becomes easy to see why the CCP may benefit from ratcheting up nationalist sentiment, particularly against its long-time rival Japan. It is unlikely the Chinese government would allow the situation to escalate to a point of actual conflict. Not only does China have important economic relations with its neighbors, including Japan, it knows it is a conflict it cannot win.

The rise in tensions in the South China Sea come in midst of America’s "Pacific pivot" – a large scale multi-dimensional strategic realignment of military, economic, and political resources to the Asia-Pacific region that began in earnest in November 2011. The United States is looking to build an institutional framework in the region similar to the one it created in Europe after World War II. At the center of this framework is, arguably, a need to "contain" China, or at least strongly influence its strategic calculus as it modernizes its military and becomes a more assertive regional and global power. Should the situation in the region come to blows, China is well aware that those it would be fighting have military alliances and agreements with the United States. Fighting Japan or South Korea is one thing. Fighting the United States is another. Fighting any combination of the U.S. and another regional power – particularly Japan – is simply un-winnable.

More important when considering the prospects for conflict in the region is the simple financial calculus: states go to war when the cost of doing so is less than the perceived rewards. While these islands may be rich in energy resources, it is unlikely that they exceed the economic and political costs of a war between any of these countries. A war between Japan and China would be a crippling blow to an already fragile global economy, particularly to the economies of those states involved. NATO taking out Libya could be done on the cheap; war between China and Japan cannot. It is not for nothing that China has already stated it would not use force to resolve territorial issues in the region. China and Japan may be flexing their muscles a bit, but both know it is in their best interests to resolve differences through negotiation, not war.

### 2NC Central Asia War

#### All powers are cooperating---their evidence is antiquated

Pantucci and Petersen 5/1/12 (Raffaello, Visiting Scholar at the Shanghai Academy of Social Sciences (SASS) and Alexandros, author of The World Island: Eurasian Geopolitics and the Fate of the West, “The New Great Game: Development, Not Domination, in Central Asia”, http://www.theatlantic.com/international/archive/2012/05/the-new-great-game-development-not-domination-in-central-asia/256578/)

It is cliché to talk about Central Asia in great-game terms, with battling rival powers elbowing each other to assert their influence. Seeing the region as either as a buffer area to other powers or as a source of natural wealth and instability, the surrounding large powers have long treated Central Asia as little more than a chessboard on which to move pawns. These days, however, the strategic approach taken by surrounding powers has shifted. Rather than talking about dominating the region, the discussion is focused on differing approaches to development, all of them tied to great powers' particular interests. Lead amongst these are China, Russia and the United States--all of which have launched new initiatives intended to bring stability and security to the region.

#### Their authors are idiots---too many disincentives for Central Asia war

Kofman 11 (Michael, Program Manager at the Center for Strategic Research at National Defense University’s Institute for National Strategic Studies, “Central Asia: Great Games or Graveyard?”, 6/4, http://www.diplomaticourier.com/news/central-asia/319)

On February 22nd, in what the Financial Times characterized as “Central Asia’s gradual shift from Moscow and towards Beijing,” China drastically expanded its investment in Kazakhstan. Not only in oil, but in a broad range of areas including water, uranium, and transit infrastructure worth billions of dollars. The rapidly increasing level of Chinese investment in Central Asia is not news, nor is the commonly noted decline of Russian influence in the region, but its geopolitical implications and the future trajectory of development in Central Asia continue to be hotly debated. Perhaps no phrase could be more anachronistic today, and less insightful, than attempting to describe current politics in the region as a renewal of the Great Game. If anything, the modern story of Central Asia is one where Central Asian states and local elites are increasing integration with the rest of the continent and beyond through policies that diversify economic ties and balance the influence of major powers, creating leverage and options for themselves. Russia, China, and the U.S. have been competing for investment, particularly access to energy resources. However, they all have common interests in maintaining regional stability, countering narcotics trafficking and terrorism along with improving the overall regional capacity for trade. Central Asian states themselves have emerged as the arbiters of their fate. Having remained independent despite Russian efforts to bring them back into the fold, some have made considerable economic progress by leveraging vast energy resources, but this development has remained highly uneven. Political reform has been negligible since the collapse of the USSR. Most countries are still ruled by strongmen intending to stay in power for life through skillful use of rigged elections and navigation of elite- or clan-based politics. Governments remain corrupt, inefficient and nepotistic. They continue to muddle through with weak economies and poor regional economic integration. Significant ethnic tensions and a disenfranchised population loom just below the surface of stability; a rapid flare of political unrest, as in Kyrgyzstan last year, remains a real concern. This order will prove particularly fragile during times of leadership transition in the future.

# 1NR

## Politics

### Turns Case

#### Turns terrorism and Pakistan---increases recruitment because of backlash

Lipin 8 - Michael Lipin, VOA News, 11-21, 2008, “Analysts: Al-Qaida Seeks to Capitalize on Global Financial Crisis,” online: http://voanews.com/english/2008-11-21-voa3.cfm

The world's financial crisis appears to have energized Islamic militants and their supporters.¶ Groups that monitor terrorist Internet traffic have seen a flurry of messages on al-Qaida-linked Web sites that gloat over the West's economic difficulties, and urge militants to take advantage.¶ On one Web site monitored by the U.S.-based SITE Intelligence Group, a user says, "now is a golden opportunity. If America is hit now, it will never survive, unless God permits it."¶ Al-Qaida spokesman Adam Gadahn released a video last month saying the terror network hopes to use the financial crisis to inflict a "crushing defeat" on what he calls the "enemies of Islam."¶ Terrorism expert and professor Bruce Hoffman of Georgetown University in Washington says al-Qaida has long sought to destroy the West's way of life, rather than try to win a conventional war. ¶ "In terms of al-Qaida's propaganda, for at least the past six years - they have constantly hit on the issue that they will bankrupt us. So, consequently they see recent global economic events as providing proof of the effectiveness of their strategy. That may be completely divorced from reality, but, unfortunately, propaganda does not have to be true to be believed," he said.¶ Matthew Levitt of the Washington Institute for Near Eastern Affairs agrees that al-Qaida is using the financial crisis as a propaganda tool.

#### Turns norms

#### econ collapse increases risk taking because countries have nothing to lose---they’ll lashout aggressively---undermines multilateral institutions and the liberal order that props up norms in the first place---best statistics

Royal 10 – Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow.¶ First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown.¶ Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4¶ Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write:¶ The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89)¶ Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions.¶ Furthermore, crises generally reduce the popularity of a sitting government. “Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force.¶ In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.¶ This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

#### Guts credibility of the US---that’s Klein---we can’t influence norms if we’re not the global leader

#### Turns South and East China Seas---creates an incentive to claim the islands for RESOURCES

#### Turns Russia---the gov wouldn’t be able to pay officials to watch nukes

### AT: Impact D

#### Yes econ impact---increases nationalism, causes great power nuclear war---that’s Merlini

#### Statistical analysis proves global economic crisis makes conflict likely---small conflicts escalate to global war

Michael T **Klare 9**, Professor of Peace and World Security Studies at Hampshire College in Amherst, Massachusetts, The Morung Express, 2-28-09, http://www.morungexpress.com/express\_review/15698.html

For the most part, such upheavals, even when violent, are likely to remain localized in nature, and disorganized enough that government forces will be able to bring them under control within days or weeks, even if - as with Athens for six days last December - urban paralysis sets in due to rioting, tear gas, and police cordons. That, at least, has been the case so far. It is entirely possible, however, that, **as the economic crisis worsens, some of these incidents will metastasize into far more intense and long-lasting events: armed rebellions, military takeovers, civil conflicts, even economically fueled wars between states.**

Every outbreak of violence has its own distinctive origins and characteristics. All, however, are driven by a similar combination of anxiety about the future and lack of confidence in the ability of established institutions to deal with the problems at hand. And just **as the economic crisis has proven global in ways not seen before, so local incidents** - especially given the almost instantaneous nature of modern communications - **have a potential to spark others in far-off places**, linked only in a virtual sense.

[continues…24 paragraphs later]

Some sense of this new reality appears to have percolated up to the highest reaches of the US intelligence community. In testimony before the Senate Select Committee on Intelligence on February 12th, Admiral Dennis C Blair, the new Director of National Intelligence, declared, “The **primary near-term security concern** of the United States is the global economic crisis and its **geopolitical implications** ... **Statistical modeling** shows that economic crises increase the risk of **regime-threatening instability** if they persist over a one to two year period” - certain to be the case in the present situation.

Blair did not specify which countries he had in mind when he spoke of “regime-threatening instability” - a new term in the American intelligence lexicon, at least when associated with economic crises - but it is clear from his testimony that US officials are **closely** **watching dozens of shaky nations in Africa, the Middle East, Latin America, and Central Asia.** Now go back to that map on your wall with all those red and orange pins in it and proceed to color in appropriate countries in various shades of red and orange to indicate recent striking declines in gross national product and rises in unemployment rates. Without 16 intelligence agencies under you, you’ll still have a pretty good idea of the places that Blair and his associates are eyeing **in terms of instability as the future darkens on a planet at the brink.**

### AT: Berman

#### There IS a window

Byron York, chief political correspondent for Washington Examiner, 10-25-2013, “Next on Obama's agenda,” Trib Live, http://triblive.com/opinion/featuredcommentary/4924091-74/reformers-immigration-bill

But that doesn't keep immigration reformers from trying — and hoping. “There is still a window,” says one House GOP aide involved in crafting a reform proposal. “The leadership has said keep working on it and see what you can do.” Republican immigration proponents have been quietly talking to GOP members throughout even the craziest days of the shutdown and default fights. They report some progress. Yes, the most conservative House Republicans are mostly against them. But those with a libertarian bent are more open to the cause. The aide says reformers have had good meetings “with a few of those guys who were with Ted Cruz at Tortilla Coast,” referring to the House conservatives who met with the Texas senator at a Washington, D.C., restaurant and ended up holding out longest against a deal to end the shutdown. But the problem for reformers is not the fractiousness of House Republicans, although that doesn't help. The problem is that the reformers have never found a way to balance the border security demands of conservatives with the reformers' demand for quick legalization of the 11 million-plus immigrants currently in the United States illegally. The conservatives must have security first, and then legalization (and even then, some won't ever support reform). The reformers won't wait until security is in place before starting legalization. The Senate papered over the problem by throwing billions of dollars at border security in the final rush to pass the Gang of Eight bill. But that didn't make the Gang's solution any more attractive to House conservatives. “I think there would be overwhelming opposition from within the ranks to going to conference with the Gang of Eight bill,” one conservative House member said in an email. But the reformers, led by Obama, are still trying. They have the Senate bill in their pocket. They have nearly unanimous Democrat support plus a significant number of Republicans. They have the support of powerful interest groups. And they have money. At a recent Congressional Hispanic Conference meeting, Democrat Rep. John Yarmuth of Kentucky noted that the forces of comprehensive immigration reform include vastly wealthy businesses willing to spend big to win. And the other side? “There is no money on the other side of the issue,” Yarmuth said. An initiative with that much money and that much clout behind it can never be dismissed.

#### GOP is weak and pressure is building --- reject their evidence

David Leopold 10/24/13, immigration attorney and past general council at the American Immigration Lawyers Association, “Immigration Reform Is Alive and Kicking on Capitol Hill,” Huffington Post, <http://www.huffingtonpost.com/david-leopold/immigration-reform-is-alive_b_4136478.html>

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

#### Tea Party’s weakened---empowers GOP moderates who’re open to reform

Robert Creamer 10-25, political organizer and Partner, Democracy Partners, 10/25/13, “Four Reasons Why Shutdown Battle Increases Odds of Passing Immigration Reform,” http://www.huffingtonpost.com/robert-creamer/four-reasons-why-shutdown\_b\_4162829.html

Yesterday, President Obama renewed his own push for passage of comprehensive immigration reform with a pathway to citizenship.

Portions of the pundit class continue to believe the immigration reform is barely hanging on life support. In fact, in the post-shutdown political environment, there are four major reasons to believe that the odds of Congressional passage of immigration reform have actually substantially increased:

Reason #1. The extreme Tea Party wing of the Republican Party has been marginalized. That is particularly true when it comes to the efficacy of their political judgment. For those Republicans who want to keep the Republican Party in the majority - or who occupy marginal seats and hope to be reelected -- it's a safe bet that fewer and fewer are taking political advice from the likes of Ted Cruz.

The Republican Party brand has sunk to all-time lows. In a post-shutdown Washington Post-ABC News poll, the percentage of voters holding unfavorable views of the Republican Party jumped to 67 percent. Fifty-two percent of the voters hold the GOP responsible for the shutdown, compared with only 31 percent who hold President Obama responsible.

And, of course, far from achieving their stated goal of defunding ObamaCare, they basically got nothing in exchange for spending massive amounts of the Party's political capital.

Increasingly, many Republicans have come to the view that taking political advice from the Tea Party crowd is like taking investment advice from Bernie Madoff.

And many Republicans are coming to realize that hard-core opponents of immigration reform like Congressmen Steve King and Louie Gohmert are just not attractive to swing voters - especially not to suburban women. The fear of being tainted by the Tea Party has grown among moderate Republicans and those in marginal districts.

All of that has lessened the extremist clout within the GOP House caucus.

And it should also be acknowledged that the "shutdown the government - to hell with the debt ceiling" crowd is not entirely the same as the "round up all the immigrants" gang. Immigration reform has a good deal of support among Evangelical activists that might share Tea Party tendencies on other issues. That's also true among a growing group of economic libertarians.

The business community provides most of the money to fuel the Republican political machine. And the business community - which very much wants comprehensive immigration reform (along with the Labor movement) - is furious with the Tea Party wing and is more ready than ever to challenge them - especially on immigration.

Yesterday's Wall Street Journal reports that:

Some big-money Republican donors, frustrated by their party's handling of the standoff over the debt ceiling and government shutdown, are stepping up their warnings to GOP leaders that they risk long-term damage to the party if they fail to pass immigration legislation.

Some donors say they are withholding political contributions from members of Congress who don't support action on immigration, and many are calling top House leaders. Their hope is that the party can gain ground with Hispanic voters, make needed changes in immigration policy and offset some of the damage that polls show it is taking for the shutdown.

#### None of this means uniqueness overwhelms---the GOP could still screw it up

Robert Creamer 10-25, political organizer and Partner, Democracy Partners, 10/25/13, “Four Reasons Why Shutdown Battle Increases Odds of Passing Immigration Reform,” http://www.huffingtonpost.com/robert-creamer/four-reasons-why-shutdown\_b\_4162829.html

Bottom line: there is every reason for the GOP leadership to make the decision that it needs to give a comprehensive immigration bill with a path to citizenship an up or down vote on the House floor. If they do, the bill will pass. That would provide Republicans with a good example of bipartisan problem-solving for independent voters, avoid the political risks of mobilizing an incensed, increasingly Democratic Hispanic voting block, please GOP business supporters and -- according to independent economists -- boost economic output over the next two decades by about a 1.4 trillion dollars while reducing the federal deficit by almost a trillion.

You'd think this would be a no-brainer for the GOP. Could they be so stupid? Given the events of the last month, who knows? But even a mouse figures out how to find its way out of a maze after it has banged its head into the wall enough times. Now let's see if that's true of elephants.

### AT: Obamacare

#### No health care thumper – they’ll fix the website quickly

Maggie Fox, 10-25-2013, “Healthcare.gov will work smoothly by end of November, government pledges,” NBC News, http://www.nbcnews.com/health/healthcare-gov-will-work-smoothly-end-november-government-pledges-8C11466184

The troubled federal health insurance website will be fixed by the end of November, giving uninsured Americans two weeks to get signed up in time to have health insurance by the earliest possible date, officials pledged Friday. One of the main government contractors, QSSI, has been assigned to oversee the fix, says Jeff Zients, the newly appointed chief White House economic adviser who’s been tasked to fix the logjammed website. “We are confident that by the end of the November, healthcare.gov will be smooth for the vast majority of users,” Zients told reporters on a conference call. “Over the last week we worked with a team of experts to conduct an assessment of the overall state of the healthcare.gov site," Zients said. They lent "fresh eyes" to the problems plaguing the site. “The system is getting better,” he added. “There is a lot of work to do but healthcare.gov is fixable.”

#### Issue-spec UQ

#### Their STrassel ev just says the Democrats freaked out---they’re not relevant, they’ll vote for immigration, it’s a question of GOP moderates

#### Dovere not about immigration

#### It’s the top priority

David Jackson, 10-24-2013, “Obama's day: Immigration again,” USA Today, http://www.usatoday.com/story/theoval/2013/10/24/obama-immigration-health-care-dnc-womens-forum/3176469/

Amid criticism of the health care rollout, President Obama turns attention Thursday to what has become his top legislative priority: Immigration. Obama delivers a mid-morning speech calling on Congress to pass what the White House calls "common sense immigration reform."

#### Obama has PC and it’s key to immigration

Jeff Mason, 10-20-2013, “Analysis: Despite budget win, Obama has weak hand with Congress,” Reuters, http://www.reuters.com/article/2013/10/20/us-usa-fiscal-obama-shutdown-analysis-idUSBRE99J01120131020

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

### TK Fights Cost PC

#### Targeted killing restrictions sap political capital – spills over to other issues

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

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

### TK---Obama Fights---Unpopular

#### TK restrictions would decimate Obama’s domestic agenda

HUGHES 2/6/13 White House Correspondent—The Washington Examiner [Brian Hughes, Obama's base increasingly wary of drone program, http://washingtonexaminer.com/obamas-base-increasingly-wary-of-drone-program/article/2520787]

The heightened focus on President Obama's targeted killings of American terror suspects overseas has rattled members of his progressive base who have stayed mostly silent during an unprecedented use of secret drone strikes in recent years.¶ During the presidency of George W. Bush, Democrats, including then-Sen. Obama, hammered the administration for employing enhanced interrogation techniques, which critics labeled torture.¶ Liberals have hardly championed the president's drone campaign but have done little to force changes in the practice, even as the White House touts the growing number al Qaeda casualties in the covert war.¶ The issue grates on some Democrats who backed Obama over Hillary Clinton because of her vote in favor of the war in Iraq, only to see the president ignore a campaign promise to close the detainee holding camp in Guantanamo, Cuba, and mount a troop surge in Afghanistan.¶ With the confirmation hearing Thursday for John Brennan, Obama's nominee for CIA director -- and the architect of the drone program -- Democrats will have a high-profile opportunity to air their concerns over the controversial killings.¶ "You watch and see -- the left wing of the party will start targeting Obama over this," said Larry Sabato, a political scientist at the University of Virginia. "It's inevitable. The drumbeat will increase as time goes on, especially with each passing drone strike."¶ Obama late Wednesday decided to share with Congress' intelligence committees the government's legal reasoning for conducting drones strikes against suspected American terrorists abroad, the Associated Press reported. Lawmakers have long demanded to see the full document, accusing the Obama administration of stonewalling oversight efforts.¶ Earlier in the day, one Democrat even hinted at a possible filibuster of Brennan if given unsatisfactory answers about the drone program.¶ "I am going to pull out all the stops to get the actual legal analysis, because with out it, in effect, the administration is practicing secret law," said Sen. Ron Wyden, D-Ore., a member of the Senate Select Intelligence Committee. "This position is no different [than] that the Bush administration adhered to in this area, which is largely 'Trust us, we'll make the right judgments.' "¶ In a Justice Department memo released this week, the administration argued it could order the killing of a suspected American terrorist even with no imminent threat to the homeland.¶ White House press secretary Jay Carney insisted on Wednesday that the administration had provided an "unprecedented level of information to the public" about the drone operations. Yet, questions remain about who exactly orders the killings, or even how many operations have been conducted.¶ "There's been more noise from senators expressing increased discomfort [with the drone program]," said Joshua Foust, a fellow at the American Security Project. "For Brennan, there's going to be more opposition from Democrats than Republicans. It's not just drones but the issue of torture."¶ Facing concerns from liberals, Brennan had to withdraw his name from the running for the top CIA post in 2008 over his connections to waterboarding during the Bush administration.¶ Since becoming president, Obama has championed and expanded most of the Bush-era terror practices that he decried while running for the White House in 2008.¶ It's estimated that roughly 2,500 people have died in drone strikes conducted by the Obama administration.¶ However, most voters have embraced the president's expanded use of drone strikes. A recent Pew survey found 62 percent of Americans approved of the U.S. government's drone campaign against extremist leaders. And some analysts doubted whether Democratic lawmakers would challenged Obama and risk undermining his second-term agenda.¶ "Democrats, they're going to want the president to succeed on domestic priorities and don't want to do anything to erode his political capital," said Christopher Preble, vice president for defense and foreign policy studies at the Cato Institute. "It's just so partisan right now. An awful lot of [lawmakers] think the president should be able to do whatever he wants."

#### Obama would fight TK restrictions

* AT: “He supports drone court”

NYT 13 5-24-2013 (The End of the Perpetual War, lexis)

In the past, we have been deeply troubled by the administration's insistence that the review of planned targeted killings be handled entirely within the executive branch. On Thursday, he said he was willing to talk to Congress about ''options for increased oversight'' -- including the establishment of ''a special court to evaluate and authorize lethal action'' or ''an independent oversight board in the executive branch.'' Mr. Obama said he had constitutional and operational concerns about both ideas; in the end, he may not agree to either. But at least he did not contemptuously dismiss them as some of his advisers have done in the past.

### 2NC---PC Key

#### Political Capital is key to immigration – overcomes barriers to passage

Richard Andrew, 10-25-2013, “Will the GOP Accept Obama’s Peace Offering?” Ring of Fire, http://www.ringoffireradio.com/2013/10/will-gop-accept-obamas-peace-offering/

President Obama is pushing for immigration reform now while the GOP has been knocked on their heels from the government shutdown. Obama is trying to give them a way out by moving a bill that a majority in both congressional chambers can agree to. The operative word here is compromise. Frank Sharry, executive director of America’s Voice, an immigration advocacy group, told NPR “If they want to take advantage of the get-out-of-jail card Democrats have offered them, this would be the perfect opportunity to do it.” There have been huge rallies around immigration since way before the last presidential election. Groups like America’s Voice are going to step up their rallies regardless of what Congress does. Sharry continues with a determined outcry, “We’re going to throw down until they either say ‘yes’ or they make it clear they’re not going to get to yes and then we’ll pivot to try to un-elect them.” That sounds like a determined group. These advocacy groups believe that, after the shutdown debacle , the GOP is ready to show the country that they can govern. NPR reported that after successfully staring down congressional Republicans in the shutdown-debt ceiling fight, President Obama has pivoted to immigration in a move with almost no downside. I have found the enemy and it is us. If President Obama is trying to push for immigration reform, the Tea Partiers will find a way to turn it against him. Sen. Rubio (R-FL), has already begun to turn the blame towards Obama. Rubio said that “The president has undermined this effort, absolutely, because of the way he has behaved over the last three weeks.” Like Rubio, Rep. Raul Labrador (R-ID), also has immigrant parents. The American Prospect reported him as saying, “After the way the president acted over the last two or three weeks where he would refuse to talk to the Speaker of the House … they’re not going to get immigration reform. That’s done.” The President will have to show some strong leadership skills that can drive a wedge between the Tea Party caucus in both Houses and the more moderate Republicans. What would happen if we have a debate about immigration? That would bring the GOP out of the darkness and into the public light and hold the Tea Party’s feet to the fire. That should be the first thing Congress should do to bring about change on the subject of immigration. The president has already alluded to the second point of attack. In a comment he made on Univision last week, he said, “We had a very strong Democratic and Republican vote in the Senate. The only thing right now that’s holding it back is, again, Speaker Boehner not willing to call the bill on the floor of the House of Representatives.”

# 2NR

#### Obama’s pressure is the deciding factor

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

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

#### **Political capital is the deciding factor**

Shifter 12/27/12 Michael is the President of Inter-American Dialogue. “Will Obama Kick the Can Down the Road?” 2012, http://www.thedialogue.org/page.cfm?pageID=32&pubID=3186

Not surprisingly, Obama has been explicit that reforming the US’s shameful and broken immigration system will be a top priority in his second term. There is every indication that he intends to use some of his precious political capital – especially in the first year – to push for serious change. The biggest lesson of the last election was that the “Latino vote” was decisive. No one doubts that it will be even more so in future elections. During the campaign, many Republicans -- inexplicably -- frightened immigrants with offensive rhetoric. But the day after the election, there was talk, in both parties, of comprehensive immigration reform. ¶ Despite the sudden optimism about immigration reform, there is, of course, no guarantee that it will happen. It will require a lot of negotiation and deal-making. Obama will have to invest a lot of his time and political capital -- twisting some arms, even in his own party. Resistance will not disappear.

Carrie Dunn 10/20/13 NBC Politics, “Did shutdown 'poison the well' for immigration reform?,” http://nbcpolitics.nbcnews.com/\_news/2013/10/20/21026903-did-shutdown-poison-the-well-for-immigration-reform?lite

The logic for some supporters of reform is that – if House Speaker John Boehner put the Senate-passed immigration reform bill on the House floor, it would pass with a bipartisan majority, similar to Wednesday’s margin on the must-do debt limit bill. ¶ In an interview with Univision, Senate Majority Leader Harry Reid said that he hopes the shutdown fight means the end of Boehner's refusal to bring legislation to the floor that doesn't have the support of the majority of Republicans. ¶ "If immigration were brought to the floor tomorrow it would pass overwhelming in the House of Representatives, overwhelmingly," Reid said. "The American people want it, it would reduce the debt by a trillion dollars. It’s long overdue."