## 1NC

### 1

#### 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.

#### Plan saps Obama’s PC

Douglas L. Kriner 10, Assistant Professor of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 68-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital

Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea."¶ While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.60¶ In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's highest second-term domestic priorities, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61¶ When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### 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.”

#### **Immigration reform is key to all aspect of heg**

Nye 12 Joseph S. Nye, a former US assistant secretary of defense and chairman of the US National Intelligence Council, is a Professor at Harvard University. “Immigration and American Power,” December 10, Project Syndicate, http://www.project-syndicate.org/commentary/obama-needs-immigration-reform-to-maintain-america-s-strength-by-joseph-s--nye

CAMBRIDGE – The United States is a nation of immigrants. Except for a small number of Native Americans, everyone is originally from somewhere else, and even recent immigrants can rise to top economic and political roles. President Franklin Roosevelt once famously addressed the Daughters of the American Revolution – a group that prided itself on the early arrival of its ancestors – as “fellow immigrants.”¶ In recent years, however, US politics has had a strong anti-immigration slant, and the issue played an important role in the Republican Party’s presidential nomination battle in 2012. But Barack Obama’s re-election demonstrated the electoral power of Latino voters, who rejected Republican presidential candidate Mitt Romney by a 3-1 majority, as did Asian-Americans.¶ As a result, several prominent Republican politicians are now urging their party to reconsider its anti-immigration policies, and plans for immigration reform will be on the agenda at the beginning of Obama’s second term. Successful reform will be an important step in preventing the decline of American power.¶ Fears about the impact of immigration on national values and on a coherent sense of American identity are not new. The nineteenth-century “Know Nothing” movement was built on opposition to immigrants, particularly the Irish. Chinese were singled out for exclusion from 1882 onward, and, with the more restrictive Immigration Act of 1924, immigration in general slowed for the next four decades.¶ During the twentieth century, the US recorded its highest percentage of foreign-born residents, 14.7%, in 1910. A century later, according to the 2010 census, 13% of the American population is foreign born. But, despite being a nation of immigrants, more Americans are skeptical about immigration than are sympathetic to it. Various opinion polls show either a plurality or a majority favoring less immigration. The recession exacerbated such views: in 2009, one-half of the US public favored allowing fewer immigrants, up from 39% in 2008.¶ Both the number of immigrants and their origin have caused concerns about immigration’s effects on American culture. Demographers portray a country in 2050 in which non-Hispanic whites will be only a slim majority. Hispanics will comprise 25% of the population, with African- and Asian-Americans making up 14% and 8%, respectively.¶ But mass communications and market forces produce powerful incentives to master the English language and accept a degree of assimilation. Modern media help new immigrants to learn more about their new country beforehand than immigrants did a century ago. Indeed, most of the evidence suggests that the latest immigrants are assimilating at least as quickly as their predecessors.¶ While too rapid a rate of immigration can cause social problems, over the long term, immigration strengthens US power. It is estimated that at least 83 countries and territories currently have fertility rates that are below the level needed to keep their population constant. Whereas most developed countries will experience a shortage of people as the century progresses, America is one of the few that may avoid demographic decline and maintain its share of world population.¶ For example, to maintain its current population size, Japan would have to accept 350,000 newcomers annually for the next 50 years, which is difficult for a culture that has historically been hostile to immigration. In contrast, the Census Bureau projects that the US population will grow by 49% over the next four decades.¶ Today, the US is the world’s third most populous country; 50 years from now it is still likely to be third (after only China and India). This is highly relevant to economic power: whereas nearly all other developed countries will face a growing burden of providing for the older generation, immigration could help to attenuate the policy problem for the US.¶ In addition, though studies suggest that the short-term economic benefits of immigration are relatively small, and that unskilled workers may suffer from competition**,** skilled immigrants can be important to particular sectors – and to long-term growth. There is a strong correlation between the number of visas for skilled applicants and patents filed in the US. At the beginning of this century, Chinese- and Indian-born engineers were running one-quarter of Silicon Valley’s technology businesses, which accounted for $17.8 billion in sales; and, in 2005, immigrants had helped to start one-quarter of all US technology start-ups during the previous decade. Immigrants or children of immigrants founded roughly 40% of the 2010 Fortune 500 companies.¶ Equally important are immigration’s benefits for America’s soft power. The fact that people want to come to the US enhances its appeal, and immigrants’ upward mobility is attractive to people in other countries. The US is a magnet, and many people can envisage themselves as Americans, in part because so many successful Americans look like them. Moreover, connections between immigrants and their families and friends back home help to convey accurate and positive information about the US.¶ Likewise, because the presence of many cultures creates avenues of connection with other countries, it helps to broaden Americans’ attitudes and views of the world in an era of globalization. Rather than diluting hard and soft power, immigration enhances both.¶ Singapore’s former leader, Lee Kwan Yew, an astute observer of both the US and China, argues that China will not surpass the US as the leading power of the twenty-first century, precisely because the US attracts the best and brightestfrom the rest of the world and melds them into a diverse culture of creativity. China has a larger population to recruit from domestically, but, in Lee’s view, its Sino-centric culture will make it less creative than the US.¶ That is a view that Americans should take to heart. If Obama succeeds in enacting immigration reform in his second term, he will have gone a long way toward fulfilling his promise to maintain the strength of the US.

#### Heg solves great power war

Khalilzad 11 – Zalmay Khalilzad, the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, February 8, 2011, “The Economy and National Security; If we don’t get our economic house in order, we risk a new era of multi-polarity,” online: <http://www.nationalreview.com/articles/259024/economy-and-national-security-zalmay-khalilzad>

We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the **higher risk of escalation.**¶ The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars.¶ American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions.¶ As rival powers rise, Asia in particular is likely to emerge as a zone of **great-power competition**. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still, the United States is the most significant barrier facing Chinese hegemony and aggression.

### 2

#### 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 authorities 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

### 3

#### Security is a psychological construct—the aff’s scenarios for conflict are products of paranoia that project our violent impulses onto the other

Mack 91 – Doctor of Psychiatry and a professor at Harvard University (John, “The Enemy System” http://www.johnemackinstitute.org/eJournal/article.asp?id=23 \*Gender modified)

**The** **threat of nuclear annihilation** has stimulated us to try to **understand what it is about (hu)mankind that has led to** such self-destroying behavior. Central to this inquiry is an exploration of the adversarial relationships between ethnic or national groups. It is out of such enmities that war, including nuclear war should it occur, has always arisen. Enmity between groups of people stems from the interaction of psychological, economic, and cultural elements. These include fear and hostility (which are often closely related), competition over perceived scarce resources,[3] the need for individuals to identify with a large group or cause,[4] a tendency to disclaim and assign elsewhere responsibility for unwelcome impulses and intentions, and a peculiar susceptibility to emotional manipulation by leaders who play upon our more savage inclinations in the name of national security or the national interest. A full understanding of the "enemy system"[3] requires insights from many specialities, including psychology, anthropology, history, political science, and the humanities. In their statement on violence[5] twenty social and behavioral scientists, who met in Seville, Spain, to examine the roots of war, declared that there was **no scientific basis for regarding (hu)man(s) as** an **innately aggressive** animal, inevitably committed to war. The Seville statement implies that we have real choices. It also points to a hopeful paradox of the nuclear age: threat of nuclear war may have provoked our capacity for fear-driven polarization but at the same time it has inspired unprecedented efforts towards cooperation and settlement of differences without violence. The Real and the Created Enemy Attempts to **explore the psychological roots of enmity** are frequently met with responses on the following lines: "**I can accept psychological explanations of things,** but my enemy is real. The Russians [or Germans, Arabs, Israelis, Americans] are armed, threaten us, and intend us harm. Furthermore, there are real differences between us and our national interests, such as competition over oil, land, or other scarce resources, and genuine conflicts of values between our two nations. It is essential that we be strong and maintain a balance or superiority of **military and political power**, lest the other side take advantage of our weakness". This argument does not address the distinction between the enemy threat and one's own contribution to that threat-**by distortions of perception**, provocative words, and actions. In short, the enemy is real, but **we have not learned to understand how** we have created that enemy, or how the threatening image we hold of the enemy relates to its actual intentions. "We never see our enemy's motives and we never labor to assess his will, with anything approaching objectivity".[6] Individuals may have little to do with the choice of national enemies. Most Americans, for example, know only what has been reported in the mass media about the Soviet Union. We are largely unaware of the forces that operate within our institutions, affecting the thinking of our leaders and ourselves, and which determine how the Soviet Union will be represented to us. Ill-will and a desire for revenge are transmitted from one generation to another, and **we are not taught to** think critically **about how** our assigned enemies are selected for us. In the relations between potential adversarial nations there will have been, inevitably, real grievances that are grounds for enmity. But the attitude of one people towards another is usually determined by leaders who manipulate the minds of citizens for domestic political reasons which are generally unknown to the public. As Israeli sociologist Alouph Haveran has said, in times of conflict between nations **historical accuracy is the first victim**.[8] The Image of the Enemy and How We Sustain It Vietnam veteran William Broyles wrote: "War begins in the mind, with the idea of the enemy."[9] But to sustain that idea in war and peacetime a nation's leaders must maintain public support for the massive expenditures that are required. Studies of enmity have revealed susceptibilities, though not necessarily recognized as such by the governing elites that provide raw material upon which the leaders may draw to sustain the image of an enemy.[7,10] Freud[11] in his examination of mass psychology identified the proclivity of individuals to **surrender personal responsibility to the leaders of large groups**. This surrender takes place in both totalitarian and democratic societies, and without coercion. Leaders can therefore designate outside enemies and take actions against them with little opposition. Much further research is needed to understand the psychological mechanisms that impel individuals to kill or allow killing in their name, often with little questioning of the **morality or consequences** of such actions. Philosopher and psychologist Sam Keen asks why it is that in virtually every war "The enemy is seen as less than human? He's faceless. He's an animal"." Keen tries to answer his question: "The image of the enemy is not only the soldier's most powerful weapon; it is society's most powerful weapon. **It enables people en masse to** participate in acts of violence they would never consider doing as individuals".[12] National leaders become skilled in presenting the adversary in dehumanized images. The mass media, taking their cues from the leadership, contribute powerfully to the process.

#### Their paranoid projections guarantee extinction—it’s try or die

Hollander 3 – professor of Latin American history and women's studies at California State University (Nancy, "A Psychoanalytic Perspective on the Politics of Terror:In the Aftermath of 9/11" www.estadosgerais.org/mundial\_rj/download/FLeitor\_NHollander\_ingl.pdf)

In this sense, then, 9-11 has symbolically constituted a relief in the sense of a decrease in the persecutory anxiety provoked by living in a culture undergoing a deterioration from within. The implosion reflects the economic and social trends I described briefly above and has been manifest in many related symptoms, including the erosion of family and community, the corruption of government in league with the wealthy and powerful, the abandonment of working people by profit-driven corporations going international, urban plight, a drug-addicted youth, a violence addicted media reflecting and motivating an escalating real-world violence, the corrosion of civic participation by a decadent democracy, a spiritually bereft culture held prisoner to the almighty consumer ethic, racial discrimination, misogyny, gaybashing, growing numbers of families joining the homeless, and environmental devastation. Was this not lived as a kind of societal suicide--an ongoing assault, an aggressive attack—against life and emotional well-being waged from within against the societal self? In this sense, 9/11 permitted a respite from the sense of internal decay by inadvertently stimulating a renewed vitality via a **reconfiguration of political and psychological forces**: tensions within this country—between the “haves-mores” and “have-lesses,” as well as between the defenders and critics of the status quo, yielded to a wave of nationalism in which a united people--Americans all--stood as one against external aggression. At the same time, the generosity, solidarity and selfsacrifice expressed by Americans toward one another reaffirmed our sense of ourselves as capable of achieving the “positive” depressive position sentiments of love and empathy. Fractured social relations were symbolically repaired. The enemy- -the threat to our integrity as a nation and, in D. W. Winnicott’s terms, to our sense of going on being--**was no longer the web of complex internal force**s so difficult to understand and change, but a simple and **identifiable enemy from outside of us**, clearly marked by their difference, their foreignness and their uncanny and unfathomable “uncivilized” pre-modern character. The societal relief came with the **projection of aggressive impulses** onto an easily dehumanized **external enemy, where they could be justifiably** attacked and **destroyed**. This country’s response to 9/11, then, in part demonstrates how persecutory anxiety is more easily dealt with in individuals and in groups when it is experienced as being provoked from the outside rather than from internal sources. As Hanna Segal9 has argued (IJP, 1987), groups often tend to be narcissistic, self-idealizing, and paranoid in relation to other groups and to **shield themselves from knowledge about the reality of** their own aggression, which of necessity is **projected into an enemy**-- real or imagined--so that it can be demeaned, held in contempt and then attacked. In this regard, 9/11 permitted a new discourse to arise about what is fundamentally wrong in the world: indeed, the anti-terrorism rhetoric and policies of the U.S. government functioned for a period to overshadow the anti-globalization movement that has identified the fundamental global conflict to be between on the one hand the U.S. and other governments in the First World, transnational corporations, and powerful international financial institutions, and on the other, workers’ struggles, human rights organizations and environmental movements throughout the world. The new discourse presents the fundamental conflict in the world as one between civilization and fundamentalist terrorism. But this “civilization” is a wolf in sheep’s clothing, and those who claim to represent it reveal the kind of splitting Segal describes: a hyperbolic idealization of themselves and their culture and a projection of all that is bad, including the consequences of the terrorist underbelly of decades long U.S. foreign policy in the Middle East and Asia, onto the denigrated other, who must be annihilated. The U.S. government, tainted for years by its ties to powerful transnational corporate interests, has recreated itself as the nationalistic defender of the American people. In the process, patriotism has kidnapped citizens’ grief and mourning and militarism has high **jacked people’s fears and anxieties**, converting them into a passive consensus for an increasingly authoritarian government’s domestic and foreign policies. The defensive significance of this new discourse has to do with another theme related to death anxiety as well: the threat of species annihilation that people have lived with since the U.S. dropped atomic bombs on Hiroshima and Nagasaki. Segal argues that the leaders of the U.S. as well as other countries with nuclear capabilities, have **disavowed their** own **aggressive motivations** as they developed10 weapons of mass destruction. The distortion of language throughout the Cold War, such as “deterrence,” “flexible response,” Mutual Assured Destruction”, “rational nuclear war,” “Strategic Defense Initiative” has served to deny the aggressive nature of the arms race (p. 8) and “to disguise from ourselves and others the horror of a nuclear war and our own part in making it possible or more likely” (pp. 8-9). Although the policy makers’ destructiveness can be hidden from their respective populations and justified for “national security” reasons, Segal believes that such denial only increases reliance on projective mechanisms and stimulates paranoia.

#### Don’t call it an alternative---our response is to interrogate the epistemological failures of the 1ac---this is a prereq to successful policy

Ahmed 12 Dr. Nafeez Mosaddeq Ahmed is Executive Director of the Institute for Policy Research and Development (IPRD), an independent think tank focused on the study of violent conflict, he has taught at the Department of International Relations, University of Sussex "The international relations of crisis and the crisis of international relations: from the securitisation of scarcity to the militarisation of society" Global Change, Peace & Security Volume 23, Issue 3, 2011 Taylor Francis

While recommendations to shift our frame of orientation away from conventional state-centrism toward a 'human security' approach are valid, this cannot be achieved without confronting the deeper theoretical assumptions underlying conventional approaches to 'non-traditional' security issues.106 By occluding the structural origin and systemic dynamic of global ecological, energy and economic crises, orthodox approaches are incapable of transforming them. Coupled with their excessive state-centrism, this means they operate largely at the level of 'surface' impacts of global crises in terms of how they will affect quite traditional security issues relative to sustaining state integrity, such as international terrorism, violent conflict and population movements. Global crises end up fuelling the projection of risk onto social networks, groups and countries that cross the geopolitical fault-lines of these 'surface' impacts - which happen to intersect largely with Muslim communities. Hence, regions particularly vulnerable to climate change impacts, containing large repositories of hydrocarbon energy resources, or subject to demographic transformations in the context of rising population pressures, have become the focus of state security planning in the context of counter-terrorism operations abroad.

The intensifying problematisation and externalisation of Muslim-majority regions and populations by Western security agencies - as a discourse - is therefore not only interwoven with growing state perceptions of global crisis acceleration, but driven ultimately by an epistemological failure to interrogate the systemic causes of this acceleration in collective state policies (which themselves occur in the context of particular social, political and economic structures). This expansion of militarisation is thus coeval with the subliminal normative presumption that the social relations of the perpetrators, in this case Western states, must be protected and perpetuated at any cost - precisely because the efficacy of the prevailing geopolitical and economic order is ideologically beyond question.

As much as this analysis highlights a direct link between global systemic crises, social polarisation and state militarisation, it fundamentally undermines the idea of a symbiotic link between natural resources and conflict per se. Neither 'resource shortages' nor 'resource abundance' (in ecological, energy, food and monetary terms) necessitate conflict by themselves.

There are two key operative factors that determine whether either condition could lead to conflict. The first is the extent to which either condition can generate socio-political crises that challenge or undermine the prevailing order. The second is the way in which stakeholder actors choose to actually respond to the latter crises. To understand these factors accurately requires close attention to the political, economic and ideological strictures of resource exploitation, consumption and distribution between different social groups and classes. Overlooking the systematic causes of social crisis leads to a heightened tendency to problematise its symptoms, in the forms of challenges from particular social groups. This can lead to externalisation of those groups, and the legitimisation of violence towards them.

Ultimately, this systems approach to global crises strongly suggests that conventional policy 'reform' is woefully inadequate. Global warming and energy depletion are manifestations of a civilisation which is in overshoot. The current scale and organisation of human activities is breaching the limits of the wider environmental and natural resource systems in which industrial civilisation is embedded. This breach is now increasingly visible in the form of two interlinked crises in global food production and the global financial system. In short, industrial civilisation in its current form is unsustainable. This calls for a process of wholesale civilisational transition to adapt to the inevitable arrival of the post-carbon era through social, political and economic transformation.

Yet conventional theoretical and policy approaches fail to (1) fully engage with the gravity of research in the natural sciences and (2) translate the social science implications of this research in terms of the embeddedness of human social systems in natural systems. Hence, lacking capacity for epistemological self-reflection and inhibiting the transformative responses urgently required, they reify and normalise mass violence against diverse 'Others', newly constructed as traditional security threats enormously amplified by global crises - a process that guarantees the intensification and globalisation of insecurity on the road to ecological, energy and economic catastrophe. Such an outcome, of course, is not inevitable, but extensive new transdisciplinary research in IR and the wider social sciences - drawing on and integrating human and critical security studies, political ecology, historical sociology and historical materialism, while engaging directly with developments in the natural sciences - is urgently required to develop coherent conceptual frameworks which could inform more sober, effective, and joined-up policy-making on these issues.

### 4

#### 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."

### 5

#### Plan collapses the effectiveness of targeted killing---disrupts military operations and degrades the quality of decisions

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/>

Starting with the last of these criteria: this one is implicit in every military operation, This includes consideration of, for example, the type of weapon used, and the elimination or minimization of collateral damage. Often, these matters are, and should be, left to the discretion of the military commander in direct control of the operation, along with the time, place and manner of the operation. Even if the overall approval of the operation comes from the President or Secretary of Defense, this particular aspect of it is not something that we should normally seek to micromanage from Washington; likewise, there is also not much to be gained by having a federal judge try to review these details in advance.

Next, there are the questions of feasibility of capture and imminence. These really are up-to-the-minute, real time assessments of the type I believe Judge Bates was referring to when he said that courts are “institutionally ill-equipped ‘to assess the nature of battlefield decisions.’”[11] Indeed, I have seen feasibility of capture of a particular objective change several times in one night. Nor are these questions ones of a legal nature, by the way.

Judges are accustomed to making legal determinations based on a defined, settled set of facts – a picture that has already been painted; not a moving target, which is what we are literally talking about here. These are not one-time-only judgments and we want military and national security officials to continually assess and reassess these two questions up until the last minute before an operation. If these types of continual reassessments must be submitted to a member of the Article III branch of government for evaluation, I believe we compromise our government’s ability to conduct these operations effectively. The costs will outweigh the benefits. In that event, I believe we will also discourage the type of continual reevaluation I’m referring to.

#### Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

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

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Limiting targeted killings in Pakistan causes a shift to ground assaults---turns the case and collapses the Pakistani government

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

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

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

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

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

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

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

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

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

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

#### Empowering Pakistani hardliners triggers nuclear war with India---extinction

Greg Chaffin 11, Research Assistant at Foreign Policy in Focus, July 8, 2011, “Reorienting U.S. Security Strategy in South Asia,” online: http://www.fpif.org/articles/reorienting\_us\_security\_strategy\_in\_south\_asia

This policy is probably not directed from the top. Indeed, any characterization of Pakistan as a unitary actor would be fallacious. Portions of the military and ISI, whose primary concern is the strategic challenge posed by India, operate largely without constraints or civilian oversight. As a result of this strategic calculus, Pakistan has not and will never be the strategic ally the United States wants or needs. Indeed, so long as Pakistan’s overriding security concern emanates from India, U.S. and Pakistani interests in Afghanistan will diverge.

Five Minutes to Midnight

The greatest threat to regional security (although curiously not at the top of most lists of U.S. regional concerns) is the possibility that increased India-Pakistan tension will erupt into all-out war that could quickly escalate into a nuclear exchange. Indeed, in just the past two decades, the two neighbors have come perilously close to war on several occasions. India and Pakistan remain the most likely belligerents in the world to engage in nuclear war. ¶ Due to an Indian preponderance of conventional forces, Pakistan would have a strong incentive to use its nuclear arsenal very early on before a routing of its military installations and weaker conventional forces. In the event of conflict, Pakistan’s only chance of survival would be the early use of its nuclear arsenal to inflict unacceptable damage to Indian military and (much more likely) civilian targets. By raising the stakes to unacceptable levels, Pakistan would hope that India would step away from the brink. However, it is equally likely that India would respond in kind, with escalation ensuing. Neither state possesses tactical nuclear weapons, but both possess scores of city-sized bombs like those used on Hiroshima and Nagasaki. ¶ Furthermore, as more damage was inflicted (or as the result of a decapitating strike), command and control elements would be disabled, leaving individual commanders to respond in an environment increasingly clouded by the fog of war and decreasing the likelihood that either government (what would be left of them) would be able to guarantee that their forces would follow a negotiated settlement or phased reduction in hostilities. As a result any such conflict would likely continue to escalate until one side incurred an unacceptable or wholly debilitating level of injury or exhausted its nuclear arsenal. ¶ A nuclear conflict in the subcontinent would have disastrous effects on the world as a whole. In a January 2010 paper published in Scientific American, climatology professors Alan Robock and Owen Brian Toon forecast the global repercussions of a regional nuclear war. Their results are strikingly similar to those of studies conducted in 1980 that conclude that a nuclear war between the United States and the Soviet Union would result in a catastrophic and prolonged nuclear winter, which could very well place the survival of the human race in jeopardy. In their study, Robock and Toon use computer models to simulate the effect of a nuclear exchange between India and Pakistan in which each were to use roughly half their existing arsenals (50 apiece). Since Indian and Pakistani nuclear devices are strategic rather than tactical, the likely targets would be major population centers. Owing to the population densities of urban centers in both nations, the number of direct casualties could climb as high as 20 million. ¶ The fallout of such an exchange would not merely be limited to the immediate area. First, the detonation of a large number of nuclear devices would propel as much as seven million metric tons of ash, soot, smoke, and debris as high as the lower stratosphere. Owing to their small size (less than a tenth of a micron) and a lack of precipitation at this altitude, ash particles would remain aloft for as long as a decade, during which time the world would remain perpetually overcast. Furthermore, these particles would soak up heat from the sun, generating intense heat in the upper atmosphere that would severely damage the earth’s ozone layer. The inability of sunlight to penetrate through the smoke and dust would lead to global cooling by as much as 2.3 degrees Fahrenheit. This shift in global temperature would lead to more drought, worldwide food shortages, and widespread political upheaval.¶ Although the likelihood of this doomsday scenario remains relatively low, the consequences are dire enough to warrant greater U.S. and international attention. Furthermore, due to the ongoing conflict over Kashmir and the deep animus held between India and Pakistan, it might not take much to set them off. Indeed, following the successful U.S. raid on bin Laden’s compound, several members of India’s security apparatus along with conservative politicians have argued that India should emulate the SEAL Team Six raid and launch their own cross-border incursions to nab or kill anti-Indian terrorists, either preemptively or after the fact. Such provocative action could very well lead to all-out war between the two that could quickly escalate.

### 1NC Norms

#### 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.

#### 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.

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

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

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

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

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

#### No Sino-Japanese war [over the Senkakus]---economic ties and the US check

Richard Katz 13 Richard Katz is the editor of the semiweekly Oriental Economist Alert, a report on the Japanese economy. “Mutual Assured Production,” Foreign Affairs, July/August, Vol. 92, Issue 4, EBSCO

Why Trade Will Limit Conflict Between China and Japan¶ During the Cold War, the United States and the Soviet Union carefully avoided triggering a nuclear war because of the assumption of "mutual assured destruction": each knew that any such conflict would mean the obliteration of both countries. Today, even though tensions between China and Japan are rising, an economic version of mutual deterrence is preserving the uneasy status quo between the two sides.¶ Last fall, as the countries escalated their quarrel over an island chain that Japan has controlled for more than a century, many Chinese citizens boycotted Japanese products and took to the streets in anti-Japanese riots. This commotion, at times encouraged by the Chinese government, led the Japanese government to fear that Beijing might exploit Japan's reliance on China as an export market to squeeze Tokyo into making territorial concessions. Throughout the crisis, Japan has doubted that China would ever try to forcibly seize the islands -- barren rocks known in Chinese as the Diaoyu Islands and in Japanese as the Senkaku Islands -- if only because the United States has made it clear that it would come to Japan's defense. Japanese security experts, however, have suggested that China might try other methods of intimidation, including a prolonged economic boycott.¶ But these fears have not materialized, for one simple reason: China needs to buy Japanese products as much as Japan needs to sell them. Many of the high-tech products assembled in and exported from China, often on behalf of American and European firms, use advanced Japanese-made parts. China could not boycott Japan, let alone precipitate an actual conflict, without stymieing the export-fueled economic miracle that underpins Communist Party rule.¶ For the moment, the combination of economic interdependence and Washington's commitment to Japan's defense will likely keep the peace. Still, an accidental clash of armed ships around the islands could lead to an unintended conflict. That is why defense officials from both countries have met with an eye to reducing that particular risk. With no resolution in sight, those who fear an escalation can nonetheless take solace in the fact that China and Japan stand to gain far more from trading than from fighting.

#### And, 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.

### 1NC AQIM

#### There’s a sustainable consensus on the drone program---no chance of judicial, legislative, diplomatic, or domestic political constraints---detention policy empirically proves

Robert Chesney 12, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, 8/29/12, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2138623>

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas.

The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a mend-it-don’t-end-it approach culminating in passage of the Military Commissions Act of 2009, which addressed a number of key objections to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but the system as a whole is far more stable today than at any point in the past decade.51

There have been strong elements of cross-party continuity between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, the legality of using lethal force not just in contexts of overt combat deployments but also in areas physically remote from the “hot battlefield.” Indeed, the Obama administration quickly outstripped the Bush administration in terms of the quantity and location of its airstrikes outside of Afghanistan,52 and it also greatly surpassed the Bush administration in its efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also succeeded in fending off a lawsuit challenging the legality of the drone strike program (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54

The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. Far from it; a steady drumbeat of criticism persists, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, this criticism no longer seemed likely to spill over in the form of disruptive judicial rulings, newly-restrictive legislation, or significant spikes in diplomatic or domestic political pressure, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an extended period of cross-branch and cross-party consensus, and this in turn left the impression that the underlying legal architecture had reached a stage of stability that was good enough for the time being.

#### No scenario for nuclear terror---consensus of experts

Matt Fay ‘13, PhD student in the history department at Temple University, has a Bachelor’s degree in Political Science from St. Xavier University and a Master’s in International Relations and Conflict Resolution with a minor in Transnational Security Studies from American Military University, 7/18/13, “The Ever-Shrinking Odds of Nuclear Terrorism”, webcache.googleusercontent.com/search?q=cache:HoItCUNhbgUJ:hegemonicobsessions.com/%3Fp%3D902+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-a

For over a decade now, one of the most oft-repeated threats raised by policymakers—the one that in many ways justified the invasion of Iraq—has been that of nuclear terrorism. Officials in both the Bush and Obama administrations, including the presidents themselves, have raised the specter of the atomic terrorist. But beyond mere rhetoric, how likely is a nuclear terrorist attack really?¶ While pessimistic estimates about America’s ability to avoid a nuclear terrorist attack became something of a cottage industry following the September 11th attacks, a number of scholars in recent years have pushed back against this trend. Frank Gavin has put post-9/11 fears of nuclear terrorism into historical context (pdf) and argued against the prevailing alarmism. Anne Stenersen of the Norwegian Defence Research Establishment has challenged the idea that al Qaeda was ever bound and determined to acquire a nuclear weapon. John Mueller ridiculed the notion of nuclear terrorism in his book Atomic Obsessions and highlighted the numerous steps a terrorist group would need to take—all of which would have to be successful—in order to procure, deliver, and detonate an atomic weapon. And in his excellent, and exceedingly even-handed, treatment of the subject, On Nuclear Terrorism, Michael Levi outlined the difficulties terrorists would face building their own nuclear weapon and discussed how a “system of systems” could be developed to interdict potential materials smuggled into the United States—citing a “Murphy’s law of nuclear terrorism” that could possibly dissuade terrorists from even trying in the first place.¶ But what about the possibility that a rogue state could transfer a nuclear weapon to a terrorist group? That was ostensibly why the United States deposed Saddam Hussein’s regime: fear he would turnover one of his hypothetical nuclear weapons for al Qaeda to use.¶ Enter into this discussion Keir Lieber and Daryl Press and their article in the most recent edition of International Security, “Why States Won’t Give Nuclear Weapons to Terrorists.” Lieber and Press have been writing on nuclear issues for just shy of a decade—doing innovative, if controversial work on American nuclear strategy. However, I believe this is their first venture into the debate over nuclear terrorism. And while others, such as Mueller, have argued that states are unlikely to transfer nuclear weapons to terrorists, this article is the first to tackle the subject with an empirical analysis.¶ The title of their article nicely sums up their argument: states will not turn over nuclear weapons terrorists. To back up this claim, Lieber and Press attack the idea that states will transfer nuclear weapons to terrorists because terrorists operate of absent a “return address.” Based on an examination of attribution following conventional terrorist attacks, the authors conclude:¶ [N]either a terror group nor a state sponsor would remain anonymous after a nuclear attack. We draw this conclusion on the basis of four main findings. First, data on a decade of terrorist incidents reveal a strong positive relationship between the number of fatalities caused in a terror attack and the likelihood of attribution. Roughly three-quarters of the attacks that kill 100 people or more are traced back to the perpetrators. Second, attribution rates are far higher for attacks on the U.S. homeland or the territory of a major U.S. ally—97 percent (thirty-six of thirty-seven) for incidents that killed ten or more people. Third, tracing culpability from a guilty terrorist group back to its state sponsor is not likely to be difficult: few countries sponsor terrorism; few terrorist groups have state sponsors; each sponsor terrorist group has few sponsors (typically one); and only one country that sponsors terrorism, has nuclear weapons or enough fissile material to manufacture a weapon. In sum, attribution of nuclear terror incidents would be easier than is typically suggested, and passing weapons to terrorists would not offer countries escape from the constraints of deterrence.¶ From this analysis, Lieber and Press draw two major implications for U.S. foreign policy: claims that it is impossible to attribute nuclear terrorism to particular groups or potential states sponsors undermines deterrence; and fear of states transferring nuclear weapons to terrorist groups, by itself, does not justify extreme measures to prevent nuclear proliferation.¶ This is a key point. While there are other reasons nuclear proliferation is undesirable, fears of nuclear terrorism have been used to justify a wide-range of policies—up to, and including, military action. Put in its proper perspective however—given the difficulty in constructing and transporting a nuclear device and the improbability of state transfer—nuclear terrorism hardly warrants the type of exertions many alarmist assessments indicate it should.

#### No impact to bioterror

Dove 12 [Alan Dove, PhD in Microbiology, science journalist and former Adjunct Professor at New York University, “Who’s Afraid of the Big, Bad Bioterrorist?” Jan 24 2012, http://alandove.com/content/2012/01/whos-afraid-of-the-big-bad-bioterrorist/]

The second problem is much more serious. Eliminating the toxins, we’re left with a list of infectious bacteria and viruses. With a single exception, these organisms are probably near-useless as weapons, and history proves it.¶ There have been at least three well-documented military-style deployments of infectious agents from the list, plus one deployment of an agent that’s not on the list. I’m focusing entirely on the modern era, by the way. There are historical reports of armies catapulting plague-ridden corpses over city walls and conquistadors trying to inoculate blankets with Variola (smallpox), but it’s not clear those “attacks” were effective. Those diseases tended to spread like, well, plagues, so there’s no telling whether the targets really caught the diseases from the bodies and blankets, or simply picked them up through casual contact with their enemies.¶ Of the four modern biowarfare incidents, two have been fatal. The first was the 1979 Sverdlovsk anthrax incident, which killed an estimated 100 people. In that case, a Soviet-built biological weapons lab accidentally released a large plume of weaponized Bacillus anthracis (anthrax) over a major city. Soviet authorities tried to blame the resulting fatalities on “bad meat,” but in the 1990s Western investigators were finally able to piece together the real story. The second fatal incident also involved anthrax from a government-run lab: the 2001 “Amerithrax” attacks. That time, a rogue employee (or perhaps employees) of the government’s main bioweapons lab sent weaponized, powdered anthrax through the US postal service. Five people died.¶ That gives us a grand total of around 105 deaths, entirely from agents that were grown and weaponized in officially-sanctioned and funded bioweapons research labs. Remember that.¶ Terrorist groups have also deployed biological weapons twice, and these cases are very instructive. The first was the 1984 Rajneeshee bioterror attack, in which members of a cult in Oregon inoculated restaurant salad bars with Salmonella bacteria (an agent that’s not on the “select” list). 751 people got sick, but nobody died. Public health authorities handled it as a conventional foodborne Salmonella outbreak, identified the sources and contained them. Nobody even would have known it was a deliberate attack if a member of the cult hadn’t come forward afterward with a confession. Lesson: our existing public health infrastructure was entirely adequate to respond to a major bioterrorist attack.¶ The second genuine bioterrorist attack took place in 1993. Members of the Aum Shinrikyo cult successfully isolated and grew a large stock of anthrax bacteria, then sprayed it as an aerosol from the roof of a building in downtown Tokyo. The cult was well-financed, and had many highly educated members, so this release over the world’s largest city really represented a worst-case scenario.¶ Nobody got sick or died. From the cult’s perspective, it was a complete and utter failure. Again, the only reason we even found out about it was a post-hoc confession. Aum members later demonstrated their lab skills by producing Sarin nerve gas, with far deadlier results. Lesson: one of the top “select agents” is extremely hard to grow and deploy even for relatively skilled non-state groups. It’s a really crappy bioterrorist weapon.¶ Taken together, these events point to an uncomfortable but inevitable conclusion: our biodefense industry is a far greater threat to us than any actual bioterrorists.

#### No AQIM presence- no base or central support

Anouar Boukhars, August 13, PhD in international studies, visiting fellow at FRIDE and non-resident scholar at the Middle East Programme of the Carnegie ¶ Endowment for International Peace, assistant professor of International Relations at McDaniel College in ¶ Maryland. , August 2013, "Al-Qaeda’s Resurgence¶ in North Africa?," http://www.fride.org/download/WP\_120\_AlQaeda\_resurgence\_in\_North\_Africa.pdf

This is not the first time that AQIM finds itself uprooted, marginalised and **¶** drifting ideologically. After its strategic defeat in Algeria in the early 2000s, the ¶ then GSPC was in desperate need of finding a new sanctuary and rebranding itself. Its ¶ image was badly battered and its narrative was fragmented, incoherent and widely ¶ discredited. The 11 September 2001 attacks and the onset of America’s global war ¶ on terror suddenly gave a declining Algerian terrorist organisation new purpose and ¶ focus.8¶ Embracing Bin-Laden’s war against the ‘crusader alliance’ was an opportunistic ¶ means to salvage its reputation. At the time, Bin Laden’s cachet conferred respectability ¶ on militant groups. Acquiring his imprimatur in 2006 boosted the group’s acceptability in radical circles. ¶ In the midst of this search for a new incarnation, AQIM sought sanctuaries in the ¶ Sahelian hinterlands. Morocco, Tunisia and Libya were difficult to penetrate, but the ¶ immense territories of the Sahara provided ideal locations to resettle. Contrary to ¶ much conventional wisdom, however, Mali’s fall into AQIM’s hands was not due to ¶ the ‘syndrome of ungoverned spaces’. If that were true, Mauritania, Niger and other ¶ weak states would have suffered the same fate.9¶ AQIM did not spread its tentacles in **¶** a political, economic and social vacuum in northern Mali. AQIM thrived because of ¶ the active collusion of state actors, the toxic relations between centre and periphery, ¶ and inter and intra-ethnic competition in the north over drug trafficking proceeds, ¶ resources, and rights. ¶ The eruption of civil war in Libya in 2011 was another opportunity for the organisation ¶ to seize the moment. Just as the global war on terror gave the organisation new life, the ¶ West’s military assistance in ending Muammar Gaddafi’s dictatorship in Libya opened ¶ new opportunities for AQIM to arm itself and further exacerbate insecurities in the ¶ region. Western governments also contributed to the growth of AQIM and its affiliates ¶ through payments of large sums of ransom money.10¶ But AQIM’s fortunes ended in January 2013, in part due to its overreach in hijacking **¶** the 2012 Tuareg rebellion in northern Mali. The organisation’s amorphous structure, **¶** factional competition within its Algerian leadership and the fluidity of its affiliates **¶** made it almost impossible for AQIM to rein in the excesses of its ‘hothead’ emirs in **¶** Mali. As predicted by Abdelmalek Droukdel, the Algerian-based emir of AQIM, the **¶** zealous application of a radical form of Shariah law alienated the local population **¶** and mobilised international support for ending AQIM-led rule in northern Mali.11¶ In a context of government-sponsored corruption and rigid social hierarchy, people ¶ yearned for justice and equal treatment, and Shariah held the promise of equality for ¶ all under the law.12 But the hypocrisy of Droukdel’s fighters in upholding the rule of **¶** law to all but themselves and their extremist excesses and flouting of the standards of **¶** proof prescribed by Shariah alienated their constituency.13

#### No chance of war from economic decline---best and most recent data

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

The final outcome addresses a dog that hasn’t barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder.

The aggregate data suggests otherwise, however. The Institute for Economics and Peace has constructed a “Global Peace Index” annually since 2007. A key conclusion they draw from the 2012 report is that “The average level of peacefulness in 2012 is approximately the same as it was in 2007.”38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.”40

None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard “V”-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of “contained depression.”41 The key word is “contained,” however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: “that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate.”42

# 2NC

## T

### 2NC Overview

#### There's a clear brightline---restrictions require a floor and a ceiling---oversight is a floor but doesn't set a cap on the President's potential actions

USCA 77, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 564 F.2d 292, 1977 U.S. App. LEXIS 10899,. 1978 Fire & Casualty Cases (CCH) P317

Continental argues that even if the Aetna and Continental policies provide coverage for the Cattuzzo accident, that coverage should [\*\*8] be limited to a total of $300,000 because Atlas agreed to procure "not less than" $300,000 coverage. The District Court properly found that the subcontract language does not support a restriction on the terms of Continental's policy because the subcontract only sets a floor, not a ceiling, for coverage.

### AT: We Meet

#### Defining "restrictions on authority" is key to predictability

J.A.D. Haneman 59, justice of the Superior Court of New Jersey, Appellate Division. “Russell S. Bertrand et al. v. Donald T. Jones et al.,” 58 NJ Super. 273; 156 A.2d 161; 1959 N.J. Super, Lexis

 HN4 In ascertaining the meaning of the word "restrictions" as here employed, it must be considered in context with the entire clause in which it appears. It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.¶ HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that a word is known from its associates. Words of general and specific import take color from each other when associated together, and thus the word of general significance is modified by its associates of restricted sense. 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

#### And, substantial requires an objective, absolute measurement--- there's no way to quantify the impact oversight has on War Powers which means that their interpretation has no coherent way to account for an entire word in the topic

Words & Phrases 64, 40 W&P 759

The words "outward, open, actual, risible, substantial, and exclusive," in connection with a change of possession, mean substantially the same thing. They mean not concealed; not bidden; exposed to view; free from concealment dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including, admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 111. App. 308, 31R

## CP

### Solves---Norms/Precedent/Drone Prolif

#### Executive-branch transparency and bringing U.S. practice in line with policy builds the international diplomatic capital to press for drone norms

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>

But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions.

A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs.

Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists.

The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

#### Legal transparency solves global drone prolif---allows the U.S. to successfully shape international norms

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

The fact remains that by using drones so much, Washington risks setting a troublesome precedent with regard to extrajudicial and extraterritorial killings. Zeke Johnson of Amnesty International contends that "when the U.S. government violates international law, that sets a precedent and provides an excuse for the rest of the world to do the same." And it is alarming to think what leaders such as Syrian President Bashar al-Assad, who has used deadly force against peaceful pro-democracy demonstrators he has deemed terrorists, would do with drones of their own. Similarly, Iran could mockingly cite the U.S. precedent to justify sending drones after rebels in Syria. Even Brennan has conceded that the administration is "establishing precedents that other nations may follow."

Controlling the spread of drone technology will prove impossible; that horse left the barn years ago. Drones are highly capable weapons that are easy to produce, and so there is no chance that Washington can stop other militaries from acquiring and using them. Nearly 90 other countries already have surveillance drones in their arsenals, and China is producing several inexpensive models for export. Armed drones are more difficult to produce and deploy, but they, too, will likely spread rapidly. Beijing even recently announced (although later denied) that it had considered sending a drone to Myanmar (also called Burma) to kill a wanted drug trafficker hiding there.

The spread of drones cannot be stopped, but the United States can still influence how they are used. The coming proliferation means that Washington needs to set forth a clear policy now on extrajudicial and extraterritorial killings of terrorists -- and stick to it. Fortunately, Obama has begun to discuss what constitutes a legitimate drone strike. But the definition remains murky, and this murkiness will undermine the president's ability to denounce other countries' behavior should they start using drones or other means to hunt down enemies. By keeping its policy secret, Washington also makes it easier for critics to claim that the United States is wantonly slaughtering innocents. More transparency would make it harder for countries such as Pakistan to make outlandish claims about what the United States is doing. Drones actually protect many Pakistanis, and Washington should emphasize this fact. By being more open, the administration could also show that it carefully considers the law and the risks to civilians before ordering a strike.

Washington needs to be especially open about its use of signature strikes. According to the Obama administration, signature strikes have eliminated not only low-level al Qaeda and Taliban figures but also a surprising number of higher-level officials whose presence at the scenes of the strikes was unexpected. Signature strikes are in keeping with traditional military practice; for the most part, U.S. soldiers have been trained to strike enemies at large, such as German soldiers or Vietcong guerrillas, and not specific individuals. The rise of unconventional warfare, however, has made this usual strategy more difficult because the battlefield is no longer clearly defined and enemies no longer wear identifiable uniforms, making combatants harder to distinguish from civilians. In the case of drones, where there is little on-the-ground knowledge of who is who, signature strikes raise legitimate concerns, especially because the Obama administration has not made clear what its rules and procedures for such strikes are.

Washington should exercise particular care with regard to signature strikes because mistakes risk tarnishing the entire drone program. In the absence of other information, the argument that drones are wantonly killing innocents is gaining traction in the United States and abroad. More transparency could help calm these fears that Washington is acting recklessly.

### Solvency---Congress---2NC

#### Congressional oversight of the program is already effective, it’s just not publicly discussed---the CP publicizes the results of Congress’s already-ongoing oversight

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>

Congressional oversight of executive branch activities is believed to be a core constitutional duty.443 Arthur Schlesinger wrote that this duty, while not written into the Constitution, existed because “the power to make laws implied the power to see whether they were faithfully executed.”444 Founding-era actions support this view, with Congress conducting in 1792 its first oversight investigation into America’s military campaign against Indians on the frontier.445 In 1885, future president Woodrow Wilson (at the time an academic) wrote in Congressional Government that Congressional oversight was just as important as lawmaking.446 Oversight is a form of accountability, but what exactly is oversight? Moreover, how can we know what “good” oversight is?

Amy Zegart argues that defining good oversight is difficult for three reasons.447 First, “‘good’ oversight is embedded in politics and intertwined with policy advocacy on behalf of constituents and groups and their interests.”448 Second, “many agencies are designed with contradictory missions that naturally pull them in different directions as the power of contending interest groups waxes and wanes.”449 Third, “good oversight is hard to recognize because many important oversight activities are simply invisible or impossible to gauge.”450 In a particularly salient example, Zegart notes:

Telephone calls, e-mails and other informal staff oversight activities happen all the time, but cannot be counted in data sets or measured in other systematic ways. Even more important, the very possibility that an agency’s action might trigger a future congressional hearing (what some intelligence officials refer to as ‘the threat of the green felt table’) or some other sort of congressional response can dissuade the executive branch officials from undertaking the proposed action in the first place. This kind of anticipatory oversight can be potent. But from the outside, it looks like no oversight at all.451

If oversight of targeted killings is a form of political accountability, it may be one that is difficult to see from the outside. This fact is borne out by Senator Diane Feinstein’s release of details regarding congressional oversight of the targeted killing program. Those details were largely unknown and impossible to gauge until political pressure prompted her to issue a statement. In that statement she noted:

The committee has devoted significant time and attention to targeted killings by drones. The committee receives notifications with key details of each strike shortly after it occurs, and the committee holds regular briefings and hearings on these operations—reviewing the strikes, examining their effectiveness as a counterterrorism tool, verifying the care taken to avoid deaths to non-combatants and understanding the intelligence collection and analysis that underpins these operations. In addition, the committee staff has held 35 monthly, in-depth oversight meetings with government officials to review strike records (including video footage) and question every aspect of the program.452

#### Only a united front of Congress and the Executive defending the legality of the current program both legitimizes it and preserves flexibility to use drones effectively

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

THOUGH THE CRITICS ARE WRONG TO CLAIM THAT drone warfare itself is neither effective nor ethical, they are not wrong to inquire about process and policy concerns. Drone warfare and the development of tools for using force in discrete and focused ways are inviting novel questions of law, ethics, and policy. The list of matters that need legislative and administrative reform in order to put drone warfare and targeted killing on an institutionally stable footing is a long one.

As "associated forces" of al-Qaeda evolve and fragment into groups only notionally connected to the al-Qaeda of 9/11, the 2001 Authorization for Use of Military Force (AUMF) looks increasingly threadbare. At some point, whether by the increasingly tenuous connection of new groups to the AUMF or by the appearance of some wholly new terrorist threat unrelated in any way to 9/11 or al-Qaeda or jihadis, the president will have to act either under his own constitutional authority or obtain a new congressional authorization.

It is also the case that the definition of "covert action" itself needs to be revised to take into account operations that now span a range from truly secret to unacknowledged to plausibly deniable to only preposterously deniable. Congress and the president must address the fundamental question of which policies, processes, means, methods, and operations must remain secret and which ought to be revealed for public discussion.

There is little indication that either the Congress or the president has any appetite for addressing many, if any, of the serious questions. Instead there is grandstanding by Republicans and Democrats alike, grandiloquent speeches on the Constitution, and precious little attention paid to how citizens who have taken up armed conflict and terrorism against the United States should actually be uncovered and dealt with. That's apart from the propensity of Congress to go AWOL on its oversight responsibilities and punt to a bunch of judges so it doesn't have to take any blame for killing an innocent American or allowing an American terrorist in Yemen to direct the killing of innocent Americans.

Without a hardheaded effort on the part of Congress and the executive branch to make drone policy, the efforts to discredit drones will continue. The current wide public support in the United States today should not mask the ways in which public perception and sentiment can be shifted, here and abroad. The campaign of delegitimation is modeled on the one against Guantanamo Bay during the George W. Bush administration; the British campaigning organization Reprieve tweets that it will make drones the Obama administration's Guantanamo. Then as now, administration officials did not, or were unforgivably slow to, believe that a mere civil-society campaign could force a reset of their policies. They miscalculated then and, as former Bush administration officials John Bellinger and Jack Goldsmith have repeatedly warned, they might well be miscalculating now.

U.S. counterterrorism policy overall needs to be embedded in policies, processes, and laws that get beyond mere executive-branch discretion and bear the stamp of the two political branches coming together in tools available in a stable way across presidential administrations of both parties. We are not there now. While the critics are not wrong to call for reform of drone-warfare processes, many of them see these merely as the first step to ending drone warfare altogether. They are advocating procedural reforms not to give it a permanent and steady framework for the long run, but effectively to outlaw the practice.

Republicans should not be enablers in this effort. They should not mimic the disgraceful behavior of Democrats during the Bush-era war on terror. They should be moving -- especially in Congress -- to offer firm institutional and political support to drone warfare as a legitimate, effective, legal, ethical, and necessary tool of counterterrorism. Republicans in Congress should stand with the president on the main issue of drone warfare, to shore up the foundations of its legitimacy. They should do this not only because it is the right thing to do, but as a practical matter -- to preserve this key element of 21st-century defense for future presidents, among whom there will surely be a Republican or two.

### Solves---Perception---General

#### The CP shapes the development of global norms on drones and actively builds legitimacy---that means it solves their perception deficits because all their ev is only about the way that drones are perceived now, not how they’re perceived after a vigorous defense by the U.S.

Kenneth Anderson 10, Professor of International Law at American University, 3/8/10, “Predators Over Pakistan,” The Weekly Standard, <http://www.weeklystandard.com/print/articles/predators-over-pakistan>

But a thorough reading of the Predator coverage calls to mind how the detention, interrogation, and rendition debates proceeded over the years after 9/11. As Brookings scholar Benjamin Wittes observes, those arguments also had elements of both legal sense and sensibility. Ultimately the battle of international legal legitimacy was lost, even though detention at Guantánamo continues for lack of a better option. It is largely on account of having given up the argument over legitimacy, after all, that it never occurred to the Obama administration not to Mirandize the Christmas Bomber. Baseline perceptions of legitimacy have consequences. ¶ Nor is the campaign to delegitimize targeted killing only about the United States. Legal moves in European courts have already been made against Israeli officials involved in targeted killing against Hamas in the Gaza war. Unsavory members of the U.N. act alongside the world’s most fatuously self-regarding human rights groups to press for war crimes prosecutions. All of this is merely an opening move in a larger campaign to stigmatize and delegitimize targeted killing and drone attacks. What can be done to Israelis can eventually be done to CIA officers. Perhaps a London bookmaker can offer odds on how soon after the Obama administration leaves office CIA officers will be investigated by a court, somewhere, on grounds related to targeted killing and Predator drone strikes. And whether the Obama administration’s senior lawyers will rise to their defense—or, alternatively, submit an amicus brief calling for their prosecution. ¶ Thus it matters when the U.N. special rapporteur on extrajudicial execution, Philip Alston, demands, as he did recently, that the U.S. government justify the legality of its targeted killing program. Alston, a professor at New York University, is a measured professional and no ideologue, and he treads delicately with respect to the Obama administration—but he treads. Likewise it matters when, in mid-January, the ACLU handed the U.S. government a lengthy FOIA request seeking extensive information on every aspect of targeted killing through the use of UAVs. The FOIA request emphasizes the legal justification for the program as conducted by the U.S. military and the CIA. ¶ Legal justification matters, partly for reasons of legitimacy and partly because the United States is, and wants to be, a polity governed by law. This includes international law, at least insofar as it means something other than the opinions of professors and motley member-states at the U.N. seeking to extract concessions. International law, it is classically said, consists of what states consent to by treaty. Add to this “customary law”—as evidenced by how states actually behave and as provided in their statements, their so-called opinio juris. Customary law is evidenced when states do these things because they see them as binding obligations of law, done from a sense of legal obligation—not merely habit, policy, or convenience, practices that they might change at any moment because they did not engage in them as a matter of law. ¶ What the United States says regarding the lawfulness of its targeted killing practices matters. It matters both that it says it, and then of course it matters what it says. The fact of its practices is not enough, because they are subject to many different legal interpretations: The United States has to assert those practices as lawful, and declare its understanding of the content of that law. This is for two important reasons: first to preserve the U.S. government’s views and rights under the law; and second, to make clear what it regards as binding law not just for itself, but for others as well. ¶ Other states, the United Nations, international tribunals, NGOs, and academics can cavil and disagree with what the United States thinks is law. But no Great Power’s consistently reiterated views of international law, particularly in the field of international security, can be dismissed out of hand. It is true of the United States and it is also true of China. It is not a matter of “good” Great Powers or “bad.” Nor is it merely “might makes right.” It is, rather, a mechanism that keeps international law grounded in reality, and not a plaything of utopian experts and enthusiasts, departing this earth for the City of God. It remains tethered to the real world both as law and practice, conditioned by how states see and act on the law. ¶ The venerable U.S. view of the “law of nations” is one of moderate moral realism—the world “as it is,” as the president correctly put it in his Nobel Prize address. It is not the vision of radical utopians and idealists; neither is it that of radical skeptics about the very existence of law in international affairs. On the contrary, the time-honored American view has always been pragmatic about international law (thereby acting to preserve it from radical internationalism and radical skepticism). But upholding the American view requires more than simply dangling the inference that if the United States does it, it means the United States must intend it as law. Traditional international law requires more than that, for good reason. The U.S. government should provide an affirmative, aggressive, and uncompromising defense of the legal sense and sensibility of targeted killing. The U.S. government’s interlocutors and critics are not wrong to demand one, even those whose own conclusions have long since been set in stone. ¶ A clear statement of legal position need not be an invitation to negotiate or alter it, even when others loudly disagree. In international law, a state’s assertion that its policies are lawful, particularly such an assertion from a great power in matters of international security, is an important element all by itself in making it lawful, or at least not unlawful. But in vast areas of security, self-defense, and the use of force, the U.S. government has in recent years left a huge deficit as to how its actions constitute a coherent statement of international law. ¶ For once, Washington should move to get ahead of a contested issue of international legal legitimacy and “soft law.” Why else have an Obama administration, if not to get out in front on a practice that it has ramped up on grounds of both necessity and humanitarian minimization of force? The CIA has taken a few baby steps by selectively leaking some collateral damage data to a few reporters. But the CIA is going to have to say more. The U.S. government needs to defend targeted killings as both lawful, and as an important step forward in the development of more sparing and discriminating—more humanitarian—weaponry.

## Case

### Restraint Fails---2NC

#### U.S. self-restraint won’t convince any other state to restrict their own drone programs:

#### a) Drones are in other countries self-interest---they’re cheap, easy and effective, which means the plan can’t remove the original incentive to use them---China and Russia empirically won’t ever pursue soft-line policies against perceived threats to their stability---that’s Etzioni

#### b) Norms empirically fail---other countries MIRV their nukes even though the US banned that and China’s pursuing cyber despite our limited capability---they don’t have a reverse causal card---even if US policy allows other countries to legitimize their programs, there’s no reason the plan’s norms close Pandora’s box

#### c) Drones not key---they’re just the first in line of next generation warfare---setting norms on drones means countries just shift to other futuristic weapons---that’s Etzioni

#### 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.

#### States that deploy drones will never also adopt U.S. standards---they don’t care, they only want the tech to enable them to do shit they want to do anyways

Paul J. Saunders 13, executive director of the Center for the National Interest, 3/4/13, “We Won't Always Drone Alone,” http://nationalinterest.org/commentary/we-wont-always-drone-alone-8177?page=show

When and how the executive branch can employ drones—and what oversight from the legislative and judicial branches is required—are important and serious matters. They become especially significant when they intersect with the rights of American citizens, whether in domestic surveillance or in international counterterrorism strikes. In emotional terms, drones collide with some of America’s most fundamental values. For these reasons, the existing debate over drones should continue.

That said, the United States has well-established rules for the use of lethal force in war and in law enforcement operations. There are extensive rules governing surveillance, too. From this perspective, drones represent a new way of doing things that the executive branch has done for some time and do not pose a radical challenge to existing policies and procedures—except, perhaps, for strains imposed by the sheer number of strikes. Ultimately, however, America has had the drone debate before in various guises and will eventually find a way forward that satisfies legal and oversight concerns.

A broader and deeper challenge is how others—outside the United States—will use drones, whether armed or unarmed, and what lessons they will draw from Washington’s approach. Thus far, the principal lesson may well be that drones can be extremely effective in killing your opponents, wherever they are, without risking your own troops and without sending soldiers or law enforcement personnel across another country’s borders. It seems less likely that others will adopt U.S.-style legal standards and oversight procedures, or that they will always ask other governments before sending drones into their airspace.

### 2NC SCS

#### No risk of territorial disputes---

Economic trade between China and Japan as well as the US commitment to the region means China won’t act aggressively---that’s Katz

#### China wants a peaceful rise---any threats are just saber rattling---US also deters

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

Nevertheless, **it remains unlikely that any conflict** between China and Japan, Philippines, or Vietnam will **amount to more than saber rattling and harsh words.** Even a "small" police action against the Philippines or Vietnam over the Spratly Islands, however successful for China, would have severe consequences. Any Chinese use of force **would realize the fears of every state** in the region. Moreover, **Beijing's hope for a peaceful rise would be immediately set back, if not ruined**.

Presently, tensions are already running high; however, any clear displays of Chinese aggression would simply add fuel to the fire. Countries such as the Philippines and Vietnam would then be able to turn some of their neighbours—previously skeptical, if not cautious, about standing in opposition to China—and convince these states to protest openly. Any goodwill China possessed among some of these countries would evaporate as the Philippines and/or Vietnam make their case.

However, of all the scenarios of a conflict involving China, what can be certain is the potential for an immediate American intervention. While it is questionable that the US would directly intervene in any skirmish between nations, it is likely that Washington would use the conflict as an excuse for deploying a larger, if not more permanent, security force in Asia-Pacific. Although an increased American footprint would not be welcomed by all in the region, **the US would prove to be an appropriate balance against China.**

#### More ev---economic ties check

Katz 13 Richard Katz is the editor of the semiweekly Oriental Economist Alert, a report on the Japanese economy. “Mutual Assured Production,” Foreign Affairs, July/August, Vol. 92, Issue 4, EBSCO

PAX ECONOMICA¶ As World War I cruelly demonstrated, economic self-interest does not always override nationalist emotions. But it does raise the costs of letting passions dominate foreign policy.¶ For most of the past three decades, in recognition of those costs, China has sought what its leaders term a "peaceful rise." In the past few years, however, Beijing has shifted to a far more abrasive posture toward several countries in Asia. Some observers speculate that China's newfound assertiveness is a response to political dysfunction and the financial crisis in the West, which have led Beijing to doubt the United States' staying power and overestimate its own strength. Whatever the reasons, the new approach is reportedly disdained as self-defeating by many of China's business leaders and, according to Kiyoyuki Seguchi, research director at the Canon Institute for Global Studies, even by certain elements of its military.¶ Mao once observed that "political power grows out of the barrel of a gun." But in today's China, it is trade and globalization that pay for that gun. Despite Beijing's increasingly assertive stance, many Chinese officials recognize the costs of threatening the country's economic ties. As an op-ed in China Daily, an official Communist Party paper, put it last August, "Blindly boycotting Japanese goods by giving way to sentiments could harm our own industries and exports, and reduce employment."

### No Program Collapse---2NC

#### There is no chance that the U.S. will curtail its drone program as a result of criticism---no risk of court rulings, legislation, or domestic political backlash---the U.S. won’t cave in to allies because of a broad, bipartisan consensus on the utility of current drone policy---that’s Chesney.

#### This is empirically proven by detention policy---the early Obama administration wanted to shut down military commissions but a broad consensus in Congress kept them open, despite global backlash and criticism.

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

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

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

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

#### Specifically, criticism over lack of judicial review won’t collapse the program

Benjamin Wittes 13, Senior Fellow in Governance Studies at the Brookings Institution, 2/27/13, “In Defense of the Administration on Targeted Killing of Americans,” <http://www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/>

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

There is, in other words, a consensus among the branches of government on the point that the United States is engaged in an armed conflict that involves co-belligerent forces and follows the enemy to the new territorial ground it stakes out. It is a consensus that rejects the particular view of the law advanced by numerous critics. And it is a consensus on which the executive branch is entitled to rely in formulating its legal views.

Second, a mounting chorus of critics has insisted that judicial review must be a feature of the legal framework that authorizes the targeting of any American nationals. The New York Times, for example, has editorialized that “[g]oing forward, [President Obama] should submit decisions like [the Al-Aulaqi] one to review by Congress and the courts. If necessary, Congress could create a special court to handle this sort of sensitive discussion, like the one it created to review wiretapping.”

The question of whether targeting judgments might benefit from some form of judicial review—either prospectively or after-the-fact—is an enormously complicated one. Scholars have put together several thoughtful proposals for review mechanisms,[6] and I don’t rule out the idea of some form of judicial review—though I tend to disfavor it. But critically, none of these or other proposals to change the rules to include judicial review undermines the integrity of the administration’s view of current law, which simply does not provide for judicial involvement in targeting decisions. Whether some as-yet-unwritten statutory framework might usefully provide for judicial involvement presents a difficult question. But it’s hard to fault Attorney General Holder for failing to bring the Anwar Al-Aulaqi case for prospective review before a court that does not exist.

#### Backlash is inevitable even with the plan---critics want to shut the entire program down, but Obama’s not budging

Steven Groves 13, the Bernard and Barbara Lomas Fellow in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation, 1/25/13, “The U.S. Should Ignore U.N. Inquiry Into Drone Strikes,” http://blog.heritage.org/2013/01/25/the-u-s-should-ignore-u-n-inquiry-into-drone-strikes/

Various international legal academics and human rights activists have regularly made these and other similar allegations ever since the Obama Administration stepped up the drone program in 2009. While drone strikes cannot be viewed alone as an effective counterterrorism strategy, the Administration has repeatedly defended the legality of the program.

Emmerson and his fellow U.N. special rapporteurs Philip Alston and Christof Heyns have repeatedly demanded that the U.S. provide more information on drone strikes—and the U.S. has repeatedly complied, issuing public statement after public statement defending every aspect of the drone program.

Public statements detailing the legality and propriety of the drone program have been made by top Administration officials, including State Department Legal Adviser Harold Koh, Attorney General Eric Holder, Deputy National Security Advisor John Brennan, General Counsel for the Department of Defense Jeh Johnson, and CIA General Counsel Stephen Preston.

Increased transparency will, of course, be deemed by human rights activists as insufficient where their true goal is to stop the U.S. drone program in its entirety. Unless and until the U.S. can somehow promise that no civilian casualties will result from drone strikes, such strikes will be considered violations of international law.

Ignoring the U.N. probe will not make it go away, but the Obama Administration should not be so naive as to expect that its cooperation will substantively alter the investigation’s findings and conclusions.

### No nuke terror

#### No risk of nuclear terror---

Terrorists lack the technology or nuclear materials to build a bomb and no state wants to give it to them---prever our Fay evidence---it cites a consensus of experts who have done in depth scenario analysis been right for decades---that’s Fay

### AQIM

#### Even if these cards weren’t true in general, they are for AQIM---

Anouar Boukhars, August 13, PhD in international studies, visiting fellow at FRIDE and non-resident scholar at the Middle East Programme of the Carnegie ¶ Endowment for International Peace, assistant professor of International Relations at McDaniel College in ¶ Maryland. , August 2013, "Al-Qaeda’s Resurgence¶ in North Africa?," http://www.fride.org/download/WP\_120\_AlQaeda\_resurgence\_in\_North\_Africa.pdf

This is not the first time that AQIM finds itself uprooted, marginalised and **¶** drifting ideologically. After its strategic defeat in Algeria in the early 2000s, the ¶ then GSPC was in desperate need of finding a new sanctuary and rebranding itself. Its ¶ image was badly battered and its narrative was fragmented, incoherent and widely ¶ discredited. The 11 September 2001 attacks and the onset of America’s global war ¶ on terror suddenly gave a declining Algerian terrorist organisation new purpose and ¶ focus.8¶ Embracing Bin-Laden’s war against the ‘crusader alliance’ was an opportunistic ¶ means to salvage its reputation. At the time, Bin Laden’s cachet conferred respectability ¶ on militant groups. Acquiring his imprimatur in 2006 boosted the group’s acceptability in radical circles. ¶ In the midst of this search for a new incarnation, AQIM sought sanctuaries in the ¶ Sahelian hinterlands. Morocco, Tunisia and Libya were difficult to penetrate, but the ¶ immense territories of the Sahara provided ideal locations to resettle. Contrary to ¶ much conventional wisdom, however, Mali’s fall into AQIM’s hands was not due to ¶ the ‘syndrome of ungoverned spaces’. If that were true, Mauritania, Niger and other ¶ weak states would have suffered the same fate.9¶ AQIM did not spread its tentacles in **¶** a political, economic and social vacuum in northern Mali. AQIM thrived because of ¶ the active collusion of state actors, the toxic relations between centre and periphery, ¶ and inter and intra-ethnic competition in the north over drug trafficking proceeds, ¶ resources, and rights. ¶ The eruption of civil war in Libya in 2011 was another opportunity for the organisation ¶ to seize the moment. Just as the global war on terror gave the organisation new life, the ¶ West’s military assistance in ending Muammar Gaddafi’s dictatorship in Libya opened ¶ new opportunities for AQIM to arm itself and further exacerbate insecurities in the ¶ region. Western governments also contributed to the growth of AQIM and its affiliates ¶ through payments of large sums of ransom money.10¶ But AQIM’s fortunes ended in January 2013, in part due to its overreach in hijacking **¶** the 2012 Tuareg rebellion in northern Mali. The organisation’s amorphous structure, **¶** factional competition within its Algerian leadership and the fluidity of its affiliates **¶** made it almost impossible for AQIM to rein in the excesses of its ‘hothead’ emirs in **¶** Mali. As predicted by Abdelmalek Droukdel, the Algerian-based emir of AQIM, the **¶** zealous application of a radical form of Shariah law alienated the local population **¶** and mobilised international support for ending AQIM-led rule in northern Mali.11¶ In a context of government-sponsored corruption and rigid social hierarchy, people ¶ yearned for justice and equal treatment, and Shariah held the promise of equality for ¶ all under the law.12 But the hypocrisy of Droukdel’s fighters in upholding the rule of **¶** law to all but themselves and their extremist excesses and flouting of the standards of **¶** proof prescribed by Shariah alienated their constituency.13

### Backlash inev

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

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

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#### Counterplan solves their uniqueness arguments

#### Presidential war power authority’s high now --- Congress isn’t getting involved

Jim Webb 13, former U.S. senator from Virginia and Secretary of the Navy in the Reagan administration, March 1, “Congressional Abdication,” The National Interest, http://nationalinterest.org/article/congressional-abdication-8138?page=4

Practical circumstances have changed, but basic philosophical principles should not. We reluctantly became a global military power in the aftermath of World War II, despite our initial effort to follow historical patterns and demobilize. NATO was not established until 1949, and the 1950 invasion of South Korea surprised us. In the ensuing decades, the changing nature of modern warfare, the growth of the military-industrial complex and national-security policies in the wake of the Cold War all have contributed to a mammoth defense structure and an atrophied role for Congress that would not have been recognizable when the Constitution was written. And there is little doubt that Dwight D. Eisenhower, who led the vast Allied armies on the battlefields of Europe in World War II and who later as president warned ominously of the growth of what he himself termed the “military-industrial complex,” is now spinning in his tomb.¶ Perhaps the greatest changes in our defense posture and in the ever-decreasing role of Congress occurred in the years following the terrorist attacks on U.S. soil of September 11, 2001. Powers quickly shifted to the presidency as the call went up for centralized decision making in a traumatized nation where quick, decisive action was considered necessary. It was considered politically dangerous and even unpatriotic to question this shift, lest one be accused of impeding national safety during a time of war. Few dared to question the judgment of military leaders, many of whom were untested and almost all of whom followed the age-old axiom of continually asking for more troops, more money and more authority. Members of Congress fell all over themselves to prove they were behind the troops and behind the wars.¶ Hundreds of billions of dollars were voted for again and again in barely examined “emergency” supplemental appropriations for programs to support our ever-expanding military operations. At the same time, party loyalties over a range of contentious policy decisions became so strong that it often seemed we were mimicking the British parliamentary system, with members of Congress lining up behind the president as if he were a prime minister—first among Republicans with George W. Bush and then among Democrats with Barack Obama. And along the way, Congress lost its historic place at the table in the articulation and functioning of national-security policy.¶ This is not the same Congress that eventually asserted itself so strongly into the debate over the Vietnam War when I was serving on the battlefield of that war as a Marine infantry officer. It is not the Congress in which I served as a full committee counsel during the Carter administration and the early months following the election of Ronald Reagan. It is not the Congress, fiercely protective of its powers, that I dealt with regularly during the four years I spent as an assistant secretary of defense and as secretary of the navy under Reagan.¶ From long years of observation and participation it seems undeniable that the decline of congressional influence has affected our national policies in many ways, although obviously not everyone in Congress will agree with this conclusion. As in so many other areas where powers disappear through erosion rather than revolution, many members of Congress do not appreciate the power that they actually hold, while others have no objection to the ever-expanding authority of the presidency. Nonetheless, during my time in the Senate as a member of both the Armed Services and Foreign Relations committees, I repeatedly raised concerns about the growing assertion of executive power during the presidencies of both Bush and Obama as well as the lack of full accountability on a wide variety of fronts in the Department of Defense. These issues remain and still call for resolution.¶ WHEN IT comes to foreign policy, today’s Americans are often a romantic and rather eager lot. Our country’s continually changing, multicultural demographics and relatively short national history tend to free many strategic thinkers from the entangled sense of the distant past that haunts regions such as Europe and East Asia. The “splendid isolation” of the North American continent obviates the need to account for future challenges that otherwise would be inherent due to geographic boundaries as with Germany, France and Russia in Europe, or China, Korea, Japan and Russia in East Asia.¶ And so when our security is threatened we tend to take a snapshot view of how to respond, based on the analytical data of the moment rather than the historical forces that might be unleashed by our actions down the road. This reliance on data-based solutions that emphasize the impact of short-term victories was Robert McNamara’s great oversight as he designed our military policy in Vietnam during Lyndon Johnson’s administration. It was also Donald Rumsfeld’s strategic flaw as the George W. Bush administration planned and executed the “cakewalk” that soon became the predictable quagmire following the invasion of Iraq.¶ Resolving foreign-policy challenges depends not only on reacting to the issues of the day but also on understanding how history has shaped them and how our actions may have long-term consequences. This reality may seem obvious to people who devote their professional lives to foreign affairs, but many American political leaders tend to lose sight of it as the cameras roll and the ever-present microphones are thrust into their faces, putting one a mere five minutes away from a YouTube blast that might ruin his or her career. Politicians are expected to utter reasonably profound truths and to have at least talking points if not solutions, even if they are not intimately familiar with the historical trends that have provoked the crisis of the moment.¶ But in the aftermath of the analytically simpler challenges of the Cold War, present-day crises have become more complicated to explain with any expertise, even as the electoral process has become more obsessed with the necessities of fund-raising and as the political messages themselves have been reduced to blunt one-line phrases. As former House Speaker Thomas P. “Tip” O’Neill famously put it decades ago, most politics are local, and most politicians learn about the essentials of foreign policy only after they have been elected, if at all. This dichotomy explains the nearly total absence of any real foreign-policy debate in our electoral process, whether at the congressional or presidential level.¶ Nowhere is this truth more self-evident than in the national discussions that have emerged in the aftermath of the 9/11 terrorist attacks. Despite more than ten years of ongoing combat operations, and despite the frequent congressional trips to places such as Iraq and Afghanistan (usually on highly structured visits lasting only a few hours, or at the most a day or two), Congress has become largely irrelevant to the shaping, execution and future of our foreign policy. Detailed PowerPoint briefings may be given by colonels and generals in the “battle zones.” Adversarial confrontations might mark certain congressional hearings. Reports might be demanded. Passionate speeches might be made on the floor of the House and the Senate. But on the issues of who should decide when and where to use force and for how long, and what our country’s long-term relations should consist of in the aftermath, Congress is mostly tolerated and frequently ignored. The few exceptions come when certain members are adamant in their determination to stop something from happening, but even then they do not truly participate in the shaping of policy.

# 1NR

### Groupthink

#### They say groupthink

#### Judicial review causes worse decisions because the commanders would avoid revising their plans in response to new intel so that they wouldn’t have to repeatedly go to court for re-authorization---that’s 1NC Johnson

#### No groupthink---there are several different checkpoints on the way to a targeting decision and objection at any point stops the entire op

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

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

#### Fear of judicial review makes commanders risk acceptant---causes more risk-taking

Peter Margulies 10, Professor of Law, Roger Williams University, November 2010, “ARTICLE: Judging Myopia in Hindsight: Bivens Actions, National Security Decisions, and the Rule of Law,” Iowa Law Review, 96 Iowa L. Rev. 195

Courts also correct for hindsight bias. n10 Graced with the omniscience of hindsight, courts and juries overestimate officials' ability to correctly decide whom to arrest, detain, or interrogate. To avoid separation-of-powers issues prompted by punishing officials for mere mistakes, courts have ruled that officials retain qualified immunity from suit unless they have violated "clearly settled" law. n11¶ While judicial correctives for both myopia and hindsight bias vindicate values like due process and the separation of powers, they also reduce volatility. Myopia and hindsight bias hold the rule of law hostage to wide political oscillations. These occur because people facing losses are risk-prone. n12 Behavioral substitutions that adjust to changes in the law n13 may [\*200] entail risk-seeking that undermines the potential for deliberation among divergent stakeholders. For example, when political dissenters lose faith in the prospects for a peaceful transition from myopic policies, they may substitute revolutionary action for reformist speech. n14 Having staged a revolution, some erstwhile rebels learn the wrong lesson, using the machinery of the state to police the purity of adherents. n15 Remnants of the former regime recoup, citing the rebels' excesses. In each phase of the cycle, differentiation from the previous phase becomes a proxy for soundness on the merits. A carefully crafted damages remedy restrains official myopia and thereby curbs this counterproductive cycle. Viewed in that light, judicial solicitude for free speech is not only an expression of constitutional principle; it is also an institutional mechanism for safely containing the sometimes volatile "experiment" of popular governance. n16¶ Hindsight bias's role in the promotion of volatility compounds the challenges that judicial review must confront. Theorists have observed that subjects of regulation who fear regulators' hindsight bias become alienated [\*201] from the entire legal regime. n17 They view the status quo as intolerable and take unwise risks that undermine compliance. Since defendants in Bivens actions are subject to regulation by judges and juries, fear of hindsight bias can make them unduly risk-prone. Officials who fear future retaliation may cling stubbornly to power, doubling down on repressive measures because they view the status quo as trending in the wrong direction. n18 This risk-prone behavior exacerbates the cycling that the Boumediene v. Bush Court sought to curb. To reduce cycling and enhance deliberation, courts must strive for an equilibrium that corrects for both myopia and hindsight bias.¶ Unfortunately, recent judicial decisions have abandoned this search for an equilibrium and embraced categorical deference or intervention. In Ashcroft v. Iqbal n19 and Arar v. Ashcroft, n20 categorical deference carried the day. Viewing qualified immunity as insufficient to protect against hindsight bias, Iqbal dismissed claims that senior officials turned a blind eye to the mistreatment of post-9/11 detainees. Arar precluded claims that defendants aided an "extraordinary rendition" to Syria. Neither decision discussed whether official myopia might have led to the brutal treatment that the plaintiffs alleged. Instead, these decisions viewed responses to risk as binary, requiring that officials choose between abusing detainees and abdication in the face of terror. n21¶ [\*202] The categorical-deference approach has an interventionist counterpart. n22 In al-Kidd v. Ashcroft n23 and Padilla v. Yoo, n24 courts evaluated officials' decisions from the cozy recliner of retrospect. Padilla, involving a formerly detained alleged enemy combatant's claim for damages, asked only whether the plaintiff's rights were violated. The court collapsed qualified immunity's core distinction between the present legal status of the plaintiff's rights and their status at the time of the official defendant's decision. The court in al-Kidd, a case involving a former material witness's claim that he was wrongly detained, insisted on a distinction between witness and target that would deprive officials of needed flexibility in transnational terrorism cases. Ironically, the interventionist decisions posit the same binary choice as the categorical-deference model: overreaching or abdication. Categorical deference and intervention thus undermine hopes for equilibrium between presentist and hindsight biases.

### Restr inev=above

### Link

#### They say courts would approve them---we’ll do the link debate here

#### Conceded 1NC link argument---destroys operational effectiveness and unit cohesion because the court gets too much of a say and has no competence ot rule on these issues

#### The court would rule that all targeted killings violated imminence requirements---that means they ban targeted killing

Benjamin McKelvey 11, J.D., Vanderbilt University Law School, November 2011, “NOTE: Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, 44 Vand. J. Transnat'l L. 1353

Therefore, the President was justified in using lethal force to protect the nation against Aulaqi, or any other American, if that individual presented a concrete threat that satisfied the "imminence" standard. n109 However, the judiciary may, as a matter of law, review the use of military force to ensure that it conforms with the limitations and conditions of statutory and constitional grants of authority. n110 In the context of targeted killing, a federal court could evaluate the targeted killing program to determine whether it satisfies the constitutional standard for the use of defensive force by the Executive Branch. Targeted killing, by its very name, suggests an entirely premeditated and offensive form of military force. n111 Moreover, the overview of the CIA's targeted killing program revealed a rigorous process involving an enormous amount of advance research, planning, and approval. n112 While the President has exclusive authority over determining whether a specific situation or individual presents an imminent threat to the nation, the judiciary has the authority to define "imminence" as a legal standard. n113 These [\*1368] are general concepts of law, not political questions, and they are subject to judicial review. n114¶ Under judicial review, a court would likely determine that targeted killing does not satisfy the imminence standard for the president's authority to use force in defense of the nation. Targeted killing is a premeditated assassination and the culmination of months of intelligence gathering, planning, and coordination. n115 "Imminence" would have no meaning as a standard if it were stretched to encompass such an elaborate and exhaustive process. n116 Similarly, the concept of "defensive" force is eviscerated and useless if it includes entirely premeditated and offensive forms of military action against a perceived threat. n117 Under judicial review, a court could easily and properly determine that targeted killing does not satisfy the imminence standard for the constitutional use of defensive force. n118

#### Plan kills intel sharing---courts would mandate disclosure causing a chilling effect---low link threshold

Stuart F. Delery 12, Principal Deputy Assistant Attorney General, Civil Division, 12/14/12, Defendants’ Motion to Dismiss, NASSER AL-AULAQI, as personal representative of the estate of ANWAR AL-AULAQI, et al., Plaintiffs, v. LEON E. PANETTA, et al., in their individual capacities, Defendants, No. 1:12-cv-01192 (RMC), <http://www.lawfareblog.com/wp-content/uploads/2012/12/MTD-AAA.pdf>

Third, Plaintiffs’ claims raise the specter of disclosing classified intelligence information in open court. The D.C. Circuit has recognized that “the difficulties associated with subjecting allegations involving CIA operations and covert operatives to judicial and public scrutiny” are pertinent to the special factors analysis. Wilson, 535 F.3d at 710. In such suits, “‘even a small chance that some court will order disclosure of a source’s identity could well impair intelligence gathering and cause sources to close up like a clam.’” Id. (quoting Tenet v. Doe, 544 U.S. 1, 11 (2005)). And where litigation of a plaintiff’s allegations “would inevitably require an inquiry into ‘classified information that may undermine ongoing covert operations,’” special factors apply. Wilson, 535 F.3d at 710 (quoting Tenet, 544 U.S. at 11). See also Vance, 2012 WL 5416500 at \*8 (“When the state-secrets privilege did not block the claim, a court would find it challenging to prevent the disclosure of secret information.”); Lebron, 670 F.3d at 554 (noting that the “chilling effects on intelligence sources of possible disclosures during civil litigation and the impact of such disclosures on military and diplomatic initiatives at the heart of counterterrorism policy” are special factors); Arar, 585 F.3d at 576 (holding that the risk of disclosure of classified information is a special factor in the “extraordinary rendition” context).¶ This precedent controls here. Plaintiffs’ allegations that Department of Defense and CIA officials targeted Al-Aulaqi and then “authorized and directed” a series of missile strikes in Yemen are claims which—assuming their truth as pled for purposes of this motion only—would “inevitably require an inquiry into classified information,” Wilson, 535 F.3d at 710, as the United States has made clear in its statement of interest.20 The Court thus should not infer a novel remedy in this context.

#### That destroys drone effectiveness

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

ARE DRONE TECHNOLOGY AND TARGETED KILLING really so strategically valuable? The answer depends in great part not on drone technology, but on the quality of the intelligence that leads to a particular target in the first place. The drone strike is the final kinetic act in a process of intelligence-gathering and analysis. The success -- and it is remarkable success -- of the CIA in disrupting al-Qaeda in Pakistan has come about not because of drones alone, but because the CIA managed to establish, over years of effort, its own ground-level, human-intelligence networks that have allowed it to identify targets independent of information fed to it by Pakistan's intelligence services. The quality of drone-targeted killing depends fundamentally on that intelligence, for a drone is not much use unless pointed toward surveillance of a particular village, area, or person.

#### Plan destroys the integrity of the chain of command---destroys strategic clarity that’s key to operational effectiveness

Larry Maher 10, Quartermaster General, Veterans of Foreign Wars, et al, 9/30/10, BRIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS AND DISMISSAL, Nasser al-Aulaqi, Plaintiff, vs. Barack H. Obama, et al., Defendants, <http://www.lawfareblog.com/wp-content/uploads/2010/10/VFW_Brief_PACER.pdf>

A. Adjudication Of This Case Would Compromise The Military Principle Of “Unity Of Command,” And Undermine The Chain Of Command

“Unity of command,” and its corollary, “unity of effort,” are fundamental principles of warfare which are central to the effectiveness of Western militaries. See Carl von Clausewitz, On War 200-210 (Michael Howard & Peter Paret, ed. and trans., Princeton University Press 1976) (1832) (hereinafter “Clausewitz”). There “is no higher and simpler law of strategy” than to apply this principle in order to concentrate a nation’s military power its adversaries’ “center of gravity.” Id. at 204. This principle was first embraced by the American military during the 19th Century, and has subsequently shaped the organizational structure of American warfighting through two world wars and countless other conflicts. See James F. Schnabel, History of the Joints Chiefs of Staff, Vol. 1 at 80-87 (1996); Russell F. Weigley, History of the United States Army at 422-423 (Bloomington: Indiana University Press, 1984). Unity of command requires the integration of all combat functions into a single organizational element, with command authority vested in a single individual. See U.S. Joint Chiefs of Staff, Joint Pub. 3-0, Joint Operations at Appx. A, p. A-2 (2010), available at http://www.dtic.mil/doctrine/new\_pubs/jp3\_0.pdf.

The U.S. military implements “unity of command” through its chain of command—a hierarchical organizational structure which transmits command authority from the President through the Secretary of Defense, through subordinate military officers, down to the lowest ranking soldier, sailor, airman or Marine on the frontlines of America’s armed conflicts. This chain of command serves important organizational purposes, by vesting command authority in individual officers who are responsible for specific missions, and are empowered to command their personnel to achieve those missions. The chain of command also supports important normative and legal policy purposes, such as the doctrine of “command responsibility,” which renders battlefield commanders responsible for all their units do or fail to do, whether they knew about such conduct, or should have known about it. See Application of Yamashita, 327 U.S. 1, 14-16 (1946); see also Army Field Manual 27-10, The Law of Land Warfare at ¶ 501 (1956) (stating U.S. Army doctrine on “command responsibility”).

“Everything in war is very simple,” Clausewitz noted, “but the simplest thing is difficult.” Clausewitz at 119. The dangers of war, the fatigue of close combat, and the uncertainty which lurks within the fog of war, all combine to create a kind of “friction” which impedes the progress of armies. Id. A more contemporary author and veteran describes this fog:

For the common soldier, at least, war has the feel, the spiritual texture, of a great ghostly fog, thick and permanent. There is no clarity. Everything swirls. The old rules are no longer binding, the old truths no longer true. Right spills over into wrong. Order blends into chaos, love into hate, ugliness into beauty, law into anarchy, civility into savagery. The vapor sucks you in. You can’t tell where you are, or why you’re there, and the only certainty is overwhelming ambiguity . . . . You lose your sense of the definite, hence your sense of truth itself.

Tim O’Brien, The Things They Carried 88 (1990).

The military chain of command is designed to counteract this fog and friction of war, by providing clarity of orders and purpose to individual soldiers and their units. Similarly, this organizational structure exists to impose some order on the behavior and actions of soldiers and units, aligning their conduct with national goals, framing their actions in the context of strategic and operational campaigns, and focusing their efforts on the missions which support these broader endeavors. It is this structure which differentiates the armed forces of a nation from an armed group of thugs, and which ensures that national armed forces conduct themselves in accordance with the laws of armed conflict. Cf. Annex to the Convention, Hague Convention No. IV Respecting the Laws and Customs of War on Land, art. 1, Oct. 18, 1907, 36 Stat. 2277, 205 Consol. T.S. 277; Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 4, Aug. 12, 1949, 6 U.S.T. 3316, T.I.A.S. No. 3364.

Our nation’s military personnel depend on their chain of command to provide them with certainty, clarity and authority in the heat of battle. Into this ordered system, Plaintiff wishes to inject the uncertainty of the American adversarial litigation process, by seeking, inter alia, that this Court declare there is no armed conflict in Yemen, and that orders issued by the President in response to that conflict should be enjoined. Not only would this force the court to go far beyond the “limited institutional competence of the judiciary” by involving it in sensitive matters of national security, cf. Arar v. Ashcroft, 585 F.3d 559, 576 (2d Cir. 2009) (citations omitted), but this also would undermine the chain of command by literally interposing this Court between the President and his subordinate officers, thereby contravening the core doctrinal principle of “unity of command,” which has served American military forces in good stead since the Civil War.

In asking the Court to hear this case, and to entertain the extraordinary remedy of injunctive relief against the President and his cabinet, the Plaintiff is asking the court to overturn the political judgment of the President and Congress that the nation is at war; that this war is an armed conflict against Al Qaeda; and that it is appropriate to use a blend of military, intelligence and diplomatic force to wage this war. All three branches of Government have decided that “[w]e are [] at war with al Qaeda and its affiliates.” Remarks of the President on National Security, May 21, 2009; see also Authorization for Use of Military Force (“AUMF”), Pub. L. No. 107-40, 115 Stat. 224 (2001); Hamdan v. Rumsfeld, 548 U.S. 557, 628-31 (2006). Political leaders from both political parties, over the course of two presidencies and five elected Congresses, have agreed upon, authorized, and appropriated funds for this war against Al Qaeda.

### Legwork

#### They say legwork now---this isn’t what any of our link arguments are about, but it does prove there’s no groupthink now

### Improves decisions

#### Cross-apply our links from above

#### Courts have no competence

Steve Vladeck 13, professor of law and the associate dean for scholarship at American University Washington College of Law, 2/10/13, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…,” http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/

In my view, the adversity issue is the deepest legal flaw in “drone court” proposals. But the idea of an ex ante judicial process for signing off on targeted killing operations may also raise some serious separation of powers concerns insofar as such review could directly interfere with the Executive’s ability to carry out ongoing military operations…¶ First, and most significantly, even though I am not a particularly strong defender of unilateral (and indefeasible) presidential war powers, I do think that, if the Constitution protects any such authority on the part of the President (another big “if”), it includes at least some discretion when it comes to the “defensive” war power, i.e., the President’s power to use military force to defend U.S. persons and territory, whether as part of an ongoing international or non-international armed conflict or not. And although the Constitution certainly constrains how the President may use that power, it’s a different issue altogether to suggest that the Constitution might forbid him for acting at all without prior judicial approval–especially in cases where the President otherwise would have the power to use lethal force.¶ This ties together with the related point of just how difficult it would be to actually have meaningful ex ante review in a context in which time is so often of the essence. If, as I have to think is true, many of the opportunities for these kinds of operations are fleeting–and often open and close within a short window–then a requirement of judicial review in all cases might actually prevent the government from otherwise carrying out authority that most would agree it has (at least in the appropriate circumstances). This possibility is exactly why FISA itself was enacted with a pair of emergency provisions (one for specific emergencies; one for the beginning of a declared war), and comparable emergency exceptions in this context would almost necessarily swallow the rule. Indeed, the narrower a definition of imminence that we accept, the more this becomes a problem, since the time frame in which the government could simultaneously demonstrate that a target (1) poses such a threat to the United States; and (2) cannot be captured through less lethal measures will necessarily be a vanishing one. Even if judicial review were possible in that context, it’s hard to imagine that it would produce wise, just, or remotely reliable decisions.¶ That’s why, even though I disagree with the DOJ white paper that ex ante review would present a nonjusticiable political question, I actually agree that courts are ill-suited to hear such cases–not because, as the white paper suggests, they lack the power to do so, but because, in most such cases, they would lack the *competence* to do so.¶ [Italics in original]

#### Strongly err neg---it’s their burden to prove judges have the competence to preserve effective drone missions---you should presume that they don’t

Jack Goldsmith 12, Harvard Law professor and a member of the Hoover Task Force on National Security and Law, 3/19/12, “Fire When Ready,” http://www.foreignpolicy.com/articles/2012/03/19/fire\_when\_ready

This conclusion will not assuage critics like Andrew Rosenthal who insist that "the president must receive judicial input before ordering the death of an American citizen." What Rosenthal and other krytocrats have not explained is how the Constitution permits, much less demands, such ex ante judicial input. These critics have not grappled with Judge Bates's analysis. Nor have they explained how a presidential request for judicial approval to target and kill a terrorist suspect is consistent with the constitutional limitation of judicial power to cases and controversies between parties in court.

It is also unclear whether judges possess the competence to assess and quickly act upon military targets, or whether they would welcome the responsibility for targeting decisions. Perhaps Congress could devise a lawful and effective scheme of judicial or administrative review of the president's targeting decisions. But it has shown no inclination to do so, and it appears to support the current arrangement.

#### Every strike’s vetted by countless different organizations---they can’t all be groupthinking now

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>

Furthermore, the same pattern of life analysis techniques described in Part II.A. and III.A.1. will also aid attackers in identifying potential harm to civilians. For example, it is common for an operations center to monitor a targeted individual for days or weeks on end, suspending an attack until the target is no longer near civilians or civilian objects.278 The targeting of Baz Mohammed Faizan, a Taliban leader provides a helpful illustration regarding the procedures that must precede a strike on a kill-list target. Faizan, at the time of his targeting was the sixth most important person on the military’s kill-list for Afghanistan.279 After days of twenty-four hour pattern of life surveillance and analysis a special operations team was nearly certain that they had located him.280 However, before striking him a series of additional criteria had to be satisfied. As William M. Arkin, who observed the 2008 strike recounted:

If the target didn’t move, if positive ID could be established, if the visual chain of custody could be sustained, and permission could be obtained, and if the collateral damage estimate was accepted up the chain, well, then an air strike would be mounted.281

Even if Faizan were positively identified, that positive ID would require a second independent source, such as a telephone intercept by the NSA or a human source, to confirm the identity of the target as Faizan.282 Furthermore, it would have to be demonstrated that Faizan had been tracked in a “near-perfect, unbroken chain of custody –from first identification all the way to the attack, 24/7.”283 If he was even momentarily lost by disappearing into a crowd or by slipping from view under trees,284 the entire positive identification process would need to be restarted or the strike would be called off.285 Approval of the Faizan strike required sign-off by the in theater commander in Kabul, and also the director of operations at Central Command in Tampa Florida. All of these procedures were intended to avoid killing civilians, but also slowed down the operation and jeopardized the success of the mission. These procedures are not required by law, but rather are dictated by policy, showing the power of sub legal rules. Moreover, as an accountability matter, the observations and surveillance detailed above is viewed by dozens of people. For example, Predator video feeds are broadcast in real time to viewers in command centers around the world, to ground forces, to other air units, to the unit being supported on the ground, to special operations teams, and to analysts assigned to monitor every mission among others.286

### Impact

#### Their defense is wrong---pakistani use is highly likely

Phil Lai 12, Davis Fellow at the James Martin Center for Nonproliferation Studies, Brown undergraduate, 11/13/12, “A New Path to Accidental Nuclear War in South Asia?,” http://wmdjunction.com/121113\_sasia\_accidental\_nuclear\_war.htm

India is right to urge continued vigilance at a time when many nuclear weapon states are in the process of re-examining their deterrence priorities in the face of aging warheads and delivery systems and serious budgetary constraints. Recent events warn that the world's nuclear weapons and materials may not be quite as well-protected as we would like to think. The July infiltration of the Y-12 National Security Complex in Tennessee by an octogenarian nun and two retirement-age peace activists caused no small embarrassment to the United States. More alarmingly, in August, a group of armed Pakistani Taliban militants attacked the Minhas Air Force Base, a large facility believed to house a portion of Pakistan's nuclear arsenal. Though numbering less than ten, the militants were nevertheless able to tie up the base's security forces in an engagement lasting at least two hours.

A Potential New Kind of Nuclear Terrorism

While the actual threat posed by the Minhas militants to Pakistani nuclear assets is open for debate, the attack does point to the increasing sophistication and ambition of Pakistan's militant groups—and also to the potential for a different kind of nuclear terrorism. Nuclear terrorism is traditionally understood to take one of four forms: direct acquisition and deployment of a nuclear device, independent fabrication of a device using stolen materials, release of radiation by attacking nuclear facilities, or release of radiation through other means of dispersal. But the particular circumstances of the South Asian security situation raise the troubling possibility of a fifth scenario: a nuclear exchange intentionally provoked by terrorist activity that is not itself inherently nuclear. Considering the relatively high technical barriers to other forms of nuclear terrorism, this scenario may be attractive to an organization seeking the overthrow or destruction of a state.

The notion that a non-state actor might be able to incite a nuclear conflict has long been a staple of film and novel thrillers. In the film The Sum of All Fears, neo-Nazi extremists place a formerly lost nuclear bomb in a Baltimore football stadium, hoping to drive the United States and Russia to mutual annihilation and bring about a new world order. In the latest installment in the Mission: Impossible series, a former nuclear strategist acquires and uses Russian launch codes in the belief that a similar world-consuming conflagration would allow a united civilization to rise from the ashes. Within the trope, an initial nuclear explosion has always been the key to sparking the conflict; much exposition and dramatic tension flows from the terrorists' acquisition of a device, and the authorities' subsequent efforts to track it.

In real life, there have been several incidents in which early warning systems mistakenly identified an incoming nuclear attack. In 1995, for example, Russian early warning radars mistook a Norwegian scientific rocket for a US submarine-launched ballistic missile; the alert went all the way up to then-President Boris Yeltsin before the mistake was discovered. More recently, the explosion of a meteor over the Mediterranean Sea during the 2001-02 Operation Parakram crisis raised concerns that Indian or Pakistani early warning systems on high alert might mistake a similar natural explosion for a nuclear detonation. Several factors specific to the India-Pakistan nuclear dyad make it inherently unstable, and, as a result, particularly vulnerable to a mistaken identity incident or a malicious "spoofing" attack.

A Tense and Distrustful Relationship

The relationship between India and Pakistan—twin nations born a day apart from the tatters of British India—is fundamentally one of mistrust. In the 1940 Lahore address that set the wheels of Partition in motion, Pakistan's founding father Muhammed Ali Jinnah argued forcefully for a separate Pakistani state, asserting that Hindus and Muslims belonged to two fundamentally different and immiscible civilizations, and could not therefore coexist in harmony. Sixty-five years, three major armed conflicts, and countless smaller-scale clashes later, India and Pakistan still regard each other as very much existential threats, as asserted by former Pakistani President Pervez Musharraf in a March 2011 interview. Predictably, Indian and Pakistani nuclear developments have historically closely mirrored one another: speaking in 1965, then-Pakistani Prime Minister Ali Zulfikar Bhutto famously stated that if India acquired the bomb, so too would Pakistan, even if the people had to "eat grass or leaves." Following several decades of covert development, both countries tested mature weapon designs in 1998, only weeks apart. Having demonstrated their capabilities, both states then immediately declared self-imposed moratoriums on testing, and the subcontinent has lived in an uneasy standoff ever since. Historically cool Sino-Indian relations add an unwelcome third dimension to the puzzle; India finds itself in the unenviable position of having to offset Chinese capabilities without provoking Pakistan into a nuclear arms race.

Unable to go toe-to-toe with the conventionally superior Indian Army, Pakistan has historically turned to alternative means of achieving its foreign policy goals, chief of which has always been the resolution of the Kashmir territorial dispute. Having demonstrated a credible deterrent with the 1998 tests, Pakistan was then free to step up subconventional attacks on its neighbor. The 1999 Kargil War—sparked by the infiltration of Pakistani paramilitaries and Kashmiri militants into Indian-held Kashmir—marks only the second instance in which nuclear-armed states have engaged in direct conflict, the first being the Sino-Soviet border dispute of 1969. Just two years later, suspected Pakistani state involvement in a terrorist attack on the Indian Parliament led to a six-month standoff that was defused only with foreign mediation. The possibility of nuclear war was raised during both conflicts, at various levels and on both sides. Pakistan finds it difficult to erase the taint of its Intra-Services Intelligence agency's decades-long association with groups like Lashkar-e-Taiba; in the days following an attack, suspicions are invariably leveled at Islamabad even in the absence of any discernible link. It is entirely possible that a future incident would push already strained India-Pakistan relations to the nuclear brink.

Geography is another factor. Close physical proximity makes for short flight times, and combined with the development of reliable, solid-fueled rockets such as Pakistan's Shaheen and the Indian Agni series, the time elapsed between a launch decision and missiles striking Islamabad or New Delhi might very well be measured in seconds rather than minutes. Former British Director of Communications and Strategy Alastair Campbell recalls a senior Pakistani general boasting at a 2001 dinner party that Pakistani missiles could hit India in as little as eight seconds. With such dramatically compressed reaction times, the margin for error is greatly reduced.

All nuclear-armed states face what is known as the "always-never" dilemma—the stakes of using nuclear weapons demand that a device is always ready when called upon, but never used without positive authorization. While the latter criterion points to more centralized control, the former favors greater devolution of power. India seems to lean towards the "never" side of the conundrum; its Nuclear Command Authority chain terminates with Prime Minister Singh, ensuring that ultimate launch authority remains in civilian hands. However, Pakistan's National Command Authority, while nominally also headed by the civilian prime minister, likely falls much more under the influence of the Pakistani armed forces. Given Pakistan's counterforce deterrence priorities and lack of strategic depth, some degree of predelegation of authority to downstream commanders during times of heightened tensions is not improbable. To make matters worse, neither India nor Pakistan is known to employ the electronic locks known as permissive action links (PALs) that safeguard US weapons from unauthorized use. When individuals have their finger on the button, stated nuclear doctrine matters little. Knowing he might have only seconds to react, a Pakistani commander in control of nuclear weapons might easily find himself faced with a "use it or lose it" dilemma, and decide to deploy his weapons rather than risk their capture or destruction. Sheer geographical proximity makes the India-Pakistan powder keg particularly volatile; Cold War deterrence logic, in which oceans separated the main belligerents, may not scale very well to adjoining states.

A Growing Risk

This brings us back to the attack on Minhas Air Force Base in August. The militants who infiltrated the base were dressed as Pakistani Air Force personnel, but it is not so difficult to imagine a scenario where similarly-equipped assailants instead present themselves in Indian Army uniforms. If such an attack were to transpire during a time of already tense relations, when weapons might be raised to a higher readiness level for signaling purposes—as was suspected of India and Pakistan during Kargil—the consequences of an isolated, panicked Pakistani commander believing the weapons under his command were under surprise attack by Indian forces could be catastrophic.