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#### Congress will ultimately compromise to avert shutdown – GOP divisions make it more likely, not less

Tom Cohen, 9-20-2013, “Congress: will it be a government shutdown or budget compromise?” CNN, http://www.cnn.com/2013/09/19/politics/congress-shutdown-scenarios/index.html?utm\_source=feedburner&utm\_medium=feed&utm\_campaign=Feed%3A+rss%2Fcnn\_allpolitics+(RSS%3A+Politics)

There hasn't been a government shutdown in more than 17 years, since the 28 days of budget stalemate in the Clinton administration that cost more than $1 billion. Now we hear dire warnings and sharpening rhetoric that another shutdown is possible and perhaps likely in less than two weeks when the current fiscal year ends. Despite an escalating political imbroglio, the combination of how Congress works and what politicians want makes the chances of a shutdown at the end of the month uncertain at best. In particular, a rift between Republicans over how to proceed has heightened concerns of a shutdown in the short run, but remains a major reason why one is unlikely in the end. A more probable scenario is a last-minute compromise on a short-term spending plan to fund the government when the current fiscal year ends on September 30. After that, the debate would shift to broader deficit reduction issues tied to the need to raise the federal debt ceiling sometime in October. "There's going to be a lot of draconian talk from both sides, but the likelihood of their being an extended shutdown is not high," said Darrell West, the vice president and director of governance studies at the Brookings Institution. Government shutdown: Again? Seriously? Conservatives tie Obamacare to budget talks While the main issue is keeping the government funded when the new fiscal year begins October 1, a conservative GOP wing in the House and Senate has made its crusade against Obamacare the focus of the debate. They demand a halt to funding for the signature program from President Barack Obama's first term, and they seem indifferent about forcing a government shutdown if that doesn't happen. "I will do everything necessary and anything possible to defund Obamacare," Republican Sen. Ted Cruz of Texas said Thursday, threatening a filibuster and "any procedural means necessary." The GOP split was demonstrated later Thursday by Sen. John McCain, who told CNN that "we will not repeal or defund Obamacare" in the Senate. "We will not, and to think we can is not rational," McCain said. A compromise sought by House Speaker John Boehner and fellow GOP leaders would have allowed a symbolic vote on the defunding provision that the Senate would then strip out. The result would have been what legislators call a "clean" final version that simply extended current levels of government spending for about two months of the new fiscal year, allowing time for further negotiations on the debt ceiling. However, conservative opposition to the compromise made Boehner agree to a tougher version that made overall government funding contingent on eliminating money for Obamacare. Moderate Republicans question the strategy, but fear a right-wing backlash in the 2014 primaries if they go against the conservative wing. In reference to the divisions in the House, McCain said it was "pretty obvious that (Boehner) has great difficulties within his own conference." The House passed the tea party inspired plan on an almost strictly party line vote on Friday, setting in motion what is certain to be 10 days or so of legislative wrangling and political machinations. The measure now goes to the Democratic-led Senate, where Majority Leader Harry Reid made clear on Thursday that any plan to defund Obamacare would be dead on arrival. Instead, the Senate was expected to strip the measure of all provisions defunding Obamacare and send it back to the House. "They're simply postponing an inevitable choice they must face," Reid said of House Republicans. Here is a look at the two most-discussed potential outcomes -- a government shutdown or a short-term deal that keeps the government funded for a few months while further debate ensues. House GOP: defund Obamacare or shut government down Shutdown scenario According to West, the ultimate pressure on whether there is a shutdown will rest with Boehner. With the Republican majority in the House passing the spending measure that defunds Obamacare, Senate Democrats say they will stand united in opposing it. "Don't make it part of your strategy that eventually we'll cave," Sen. Chuck Schumer of New York warned Republicans on Thursday. "We won't. We're unified, we're together. You're not." That means the Senate would remove any provisions to defund Obamacare and send the stripped-down spending proposal back to the House. Boehner would then have to decide whether to put it to a vote, even though that could undermine his already weakened leadership by having the measure pass with only a few dozen moderate Republicans joining Democrats in support. If he refuses to bring the Senate version to the floor for a vote, a shutdown would ensue. "The key player is really Boehner," West said. Polls showing a decrease in public support for the health care reforms embolden the Republican stance. Meanwhile, surveys showing most people oppose a government shutdown and that more would blame Republicans if it happens bolster Democratic resolve. Compromise scenario Voices across the political spectrum warn against a shutdown, including Congressional Budget Office Director Douglas Elmendorf, Federal Reserve Chairman Ben Bernanke, the U.S. Chamber of Commerce and Republican strategist Karl Rove. "Even the defund strategy's authors say they don't want a government shutdown. But their approach means we'll get one," Rove argued in an op-ed published Thursday by the Wall Street Journal. He noted the Democratic-controlled Senate won't support any House measure that eliminates funding for Obamacare, and the White House said Thursday that Obama would veto such a spending resolution. "Republicans would need 54 House Democrats and 21 Senate Democrats to vote to override the president's veto," Rove noted, adding that "no sentient being believes that will happen." West concurred, telling CNN that "you can't expect a president to offer his first born to solve a political problem for the other party." "It's the House split that's causing this to happen," he noted. "People now equate compromise with surrender. It's hard to do anything under those circumstances." Under the compromise scenario, the Senate would remove provisions defunding Obamacare from what the House passes while perhaps making other relatively minor changes to provide Boehner and House Republicans with political cover to back it.

#### The plan would trade off with Congress’s ability to avert the shutdown - GOP has momentum and will, but they need literally every hour to get it done

Frank James, 9-13-2013, “Congress Searches For A Shutdown-Free Future,” NPR, http://www.npr.org/blogs/itsallpolitics/2013/09/13/221809062/congress-searches-for-a-shutdown-free-future

The only thing found Thursday seemed to be more time for negotiations and vote-wrangling. Republican leaders recall how their party was blamed for the shutdowns of the mid-1990s and earnestly want to avoid a repeat, especially heading into a midterm election year. Cantor alerted members Thursday that during the last week of September, when they are supposed to be on recess, they will now most likely find themselves in Washington voting on a continuing resolution to fund the government into October. It looks like lawmakers will need every hour of that additional time. While talking to reporters Thursday, Boehner strongly suggested that House Republicans weren't exactly coalescing around any one legislative strategy. "There are a lot of discussions going on about how — about how to deal with the [continuing resolution] and the issue of 'Obamacare,' and so we're continuing to work with our members," Boehner said. "There are a million options that are being discussed by a lot of people. When we have something to report, we'll let you know."

#### Shutdown wrecks the economy

Yi Wu, 8-27-2013, “Government Shutdown 2013: Still a Terrible Idea,” PolicyMic, http://www.policymic.com/articles/60837/government-shutdown-2013-still-a-terrible-idea

Around a third of House Republicans, many Tea Party-backed, sent a letter last week calling on Speaker John Boehner to reject any spending bills that include implementation of the Affordable Care Act, otherwise known as Obamacare. Some Senate Republicans echo their House colleagues in pondering this extreme tactic, which is nothing other than a threat of government shutdown as neither congressional Democrats nor President Obama would ever agree on a budget that abolishes the new health care law. Unleashing this threat would amount to holding a large number of of the federal government's functions, including processing Social Security checks and running the Centers for Disease Control, hostage in order to score partisan points. It would be an irresponsible move inflicting enormous damage to the U.S. economy while providing no benefit whatsoever for the country, and Boehner is rightly disinclined to pursue it. Government shutdowns are deleterious to the economy. Two years ago in February 2011, a similar government shutdown was looming due to a budget impasse, and a research firm estimated that quater's GDP growth would be reduced by 0.2 percentage points if the shutdown lasted a week. After the budget is restored from the hypothetical shutdown, growth would only be "partially recouped," and a longer shutdown would result in deeper slowdowns. Further, the uncertainties resulting from a shutdown would also discourage business. A shutdown was avoided last-minute that year, unlike in 1995 during the Clinton administration where it actually took place for four weeks and resulted in a 0.5 percentage-point dent in GDP growth. Billions of dollars were cut from the budget, but neither Boehner nor the Republicans at the time were reckless enough to demand cancellation of the entire health care reform enacted a year before.

#### Global nuclear war

Harris & Burrows 9 Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” http://www.ciaonet.org/journals/twq/v32i2/f\_0016178\_13952.pdf

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

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#### 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.

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#### The plan identifies the non-Western world as a space devoid of the rule of law---that sets the stage for aggressive intervention and colonial plunder, which locks in neoliberal structural violence---and their ev is based on distorted representations of the rule of law that have no relationship to reality

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Within this framework, Western law has constantly enjoyed a dominant position during the past centuries and today, thus being in the position to shape and bend the evolution of other legal systems worldwide. During the colonial era, continental-European powers have systematically exported their own legal systems to the colonized lands. During the past decades and today, the United States have been dominating the international arena as the most powerful economic power, exporting their own legal system to the ‘periphery’, both by itself and through a set of international institutions, behaving as a neo-colonialist within the ideology known as neoliberalism.

Western countries identify themselves as law-abiding and civilized no matter what their actual history reveals. Such identification is acquired by false knowledge and false comparison with other peoples, those who were said to ‘lack’ the rule of law, such as China, Japan, India, and the Islamic world more generally. In a similar fashion today, according to some leading economists, Third World developing countries ‘lack’ the minimal institutional systems necessary for the unfolding of a market economy.

The theory of ‘lack’ and the rhetoric of the rule of law have justified aggressive interventions from Western countries into non-Western ones. The policy of corporatization and open markets, supported today globally by the so-called Washington consensus3, was used by Western bankers and the business community in Latin America as the main vehicle to ‘open the veins’ of the continent—to borrow Eduardo Galeano’s metaphor4—with no solution of continuity between colonial and post-colonial times. Similar policy was used in Africa to facilitate the forced transfer of slaves to America, and today to facilitate the extraction of agricultural products, oil, minerals, ideas and cultural artefacts in the same countries. The policy of opening markets for free trade, used today in Afghanistan and Iraq, was used in China during the nineteenth century Opium War, in which free trade was interpreted as an obligation to buy drugs from British dealers. The policy of forcing local industries to compete on open markets was used by the British empire in Bengal, as it is today by the WTO in Asia, Africa, and Latin America.

Foreign-imposed privatization laws that facilitate unconscionable bargains at the expense of the people have been vehicles of plunder, not of legality. In all these settings the tragic human suffering produced by such plunder is simply ignored. In this context law played a major role in legalizing such practices of powerful actors against the powerless.5 Yet, this use of power is scarcely explored in the study of Western law.

The exportation of Western legal institutions from the West to the ‘rest’ has systematically been justified through the ideological use of the extremely politically strong and technically weak concept of ‘rule of law’. The notion of ‘rule of law’ is an extremely ambiguous one. Notwithstanding, within any public discussion its positive connotations have always been taken for granted. The dominant image of the rule of law is false both historically and in the present, because it does not fully acknowledge its dark side. The false representation starts from the idea that good law (which others ‘lack’) is autonomous, separate from society and its institutions, technical, non-political, non-distributive and reactive rather than proactive: more succinctly, a technological framework for an ‘efficient’ market.

The rule of law has a bright and a dark side, with the latter progressively conquering new ground whenever the former is not empowered by a political soul. In the absence of such political life, the rule of law becomes a cold technology. Moreover, when large corporate actors dominate states (affected by a declining regulatory role), law becomes a product of the economy, and economy governs the law rather than being governed by it.

#### Notions of US legal prestige and modeling solidify global inequality by replacing political violence with legal violence---turns the case because it subordinates effective domestic systems to predatory rule of law models

Ugo Mattei 3, Alfred and Hanna Fromm Professor of International and Comparative Law, ¶ U.C. Hastings; Professore Ordinario di Diritto Civile, Università di Torino A Theory of Imperial Law: A Study on U.S. Hegemony and the Latin Resistance, ic.ucsc.edu/~rlipsch/pol160A/Mattei.pdf

This essay attempts to develop a theory of imperial law that is able to explain postCold War changes in the general process of Americanization in legal thinking. My claim is that “imperial law” is now a dominant layer of world-wide legal systems.1 Imperial law is produced, in the interest of international capital, by a variety of both public and private institutions, all sharing a gap in legitimacy, sometimes called the “democratic deficit.” Imperial law is shaped by a spectacular process of exaggeration, aimed at building consent for the purpose of hegemonic domination. Imperial law subordinates local legal arrangements world-wide, reproducing on the global scale the same phenomenon of legal dualism that thus far has characterized the law of developing countries. Predatory economic globalization is the vehicle, the all-mighty ally, and the beneficiary of imperial law. Ironically, despite its absolute lack of democratic legitimacy, imperial law imposes as a natural necessity, by means of discursive practices branded “democracy and the rule of law,” a reactive legal philosophy that outlaws redistribution of wealth based on social solidarity.2 At the core of imperial law there is U.S. law, as transformed and adapted after the Reagan-Thatcher revolution, in the process of infiltrating the huge periphery left open after the end of the Cold War. A study of imperial law requires a careful discussion of the factors of penetration of U.S. legal consciousness world-wide, as well as a careful distinction between the context of production and the context of reception3 of the variety of institutional arrangements that make imperial law. Factors of resistance need to be fully appreciated as well.

I. AMERICAN LAW: FROM LEADERSHIP TO DOMINANCE The years following the Second World War have shown a dramatic change in the pattern of world hegemony in the law. Leading legal ideas, once produced in Continental Civilian Europe and exported through the periphery of the world, are now for the first time produced in a common law jurisdiction: the United States.4 There is little question that the present world dominance of the United States has been economic, military, and political first, and legal only in a more recent moment, so that a ready explanation of legal hegemony can be found with a simple Marxist explanation of law as a superstructure of the economy.5 Nevertheless, the question of the relationship between legal, political, and economic hegemony is not likely to be correctly addressed within a cause-and-effect paradigm.6 Ultimately, addressing this question is a very important area of basic jurisprudential research because it reveals some general aspects about the nature of law as a device of global governance.

Observing historical patterns of legal hegemony allows us to critique the distinction between two main patterns of governance through the law (and of legal transplants).7 Scholars of legal transplants have traditionally distinguished two patterns. The first is law as dominance without hegemony, in which the legal system is ultimately a coercive apparatus asserting political and economic power without consent. This area of inquiry and this model have been used to explain the relationship between the legal system of the motherland and that of the colonies within imperialistic colonial enterprises. The opposing pattern, telling a story of consensual voluntary reception by an admiring periphery of legal models developed and provided for at the center, is usually considered the most important pattern of legal transplants. It is described by stressing on the idea of consent within a notion of “prestige.”8

Little effort is necessary to challenge the sufficiency of this basic taxonomy in introducing legal transplants. Law is a detailed and complex machinery of social control that cannot function with any degree of effectiveness without some cooperation from a variety of individuals staffing legal institutions. These individuals usually consist of a professional elite which either already exists or is created by the hegemonic power. Such an elite provides the degree of consent to the reception of foreign legal ideas that is necessary for any legal transplant to occur. Hence, the distinction between imperialistic and non-imperialistic transplants is a matter only of degree and not of structure. In order to understand the nature of present legal hegemony, it is necessary to capture the way in which the law functions to build a degree of consent to the present pattern of international economic and political dominance.9

In this essay I suggest that a fundamental cultural construct of presumed consent is the rhetoric of democracy and the rule of law utilized by the imperial model of governance, 10 triumphant worldwide together with the neo-American model of capitalism developed by the Reagan and Thatcher revolution early in the 1980s. I argue that the last twenty years have produced the triumph in global governance of reactive, politically irresponsible institutions, such as the courts of law, over proactive politically accountable institutions such as direct administrative apparatuses of the State.11

This essay attempts to open a radical revision of some accepted modes of thought about the law as they appear today, at what has been called “the end of history.”12 Its aim is to discuss some ways in which global legality has been created in the present stage of world-wide legal development. It will show how democracy and the rule of law, in the present legal landscape, are just another rhetoric of legitimization of a given international dynamic of power. It will also denounce the present unconscious state in which the law is produced and developed by professional “consent building” elites. The consequences of such unconsciousness are creating a legal landscape in which the law is “naturally” giving up its role of constraining opportunistic behavior of market actors. This process results in the development of faked rules and institutions that are functional to the interests of the great capital and that dramatically enlarge inequality within society. I predict that such a legal environment is unable to avoid tragic results on a global scale such as those outlined in the well-known parable of the tragedy of the commons.13

My object of observation is a legal landscape in transition. I wish to analyze this path of transition from one political setting (the local state) to another political setting (world governance) in which American-framed reactive institutions are asserting themselves as legitimate and legitimating governing bodies, which I call imperial law. Imperial law is the product of a renowned alliance between state and economic institutions, a cooperative game in which a very limited number of powerful players are at play.14 While in the ages of colonialism such political battles for international hegemony were mostly carried on with an open use of force and political violence (in such a way that final extensive conflict between superpowers was unavoidable), in the age of globalization and of economic Empire political violence has been transformed into legal violence.

#### U.S. legal leadership enables a neocolonial agenda of global neoliberal domination---this link is phenomenally specific to their mechanism of boosting the prestige of U.S. courts in order to export legal norms and practices

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There is a clear pattern of continuity, not of rupture, between the current policy trend in the international institutional setting and earlier practices, in particular colonialism. The Western world, under current U.S. leadership, having persuaded itself of its superior position, largely justified by its form of government, has succeeded in diffusing rule of law ideology as universally valid, behind whose shadows plunder hides, both in domestic and in international matters.

Present-day international interventions led by the United States are no longer openly colonial efforts. They might be called neo-colonial, imperialistic or simply post-colonial interventions. Although practically all of European colonial states (most notably Portugal, Spain, Great Britain, France, Germany and even Italy) regarded themselves as empires, the concept of ‘empire’ is what best describes the present phase of multinational capitalist development with the USA as the most important, hegemonic superpower, using the rule of law to pave the way for international corporate domination.

Export of the law can be described and explained in a variety of ways. A first example is the imperialistic/colonial rule, or imposition of law by military rules, as during military conquest: Napoleon imposed his Civil Code to French-occupied Belgium in the early nineteenth century. Similarly, General MacArthur imposed a variety of legal reforms based on the American government model in post World War II Japan, as a condition of the armistice in the aftermath of Hiroshima. Today, Western-style elections and a variety of other laws governing everyday life are imposed in countries under US occupation, such as Afghanistan and Iraq.

A second model can be described as imposition by bargaining, in the sense that acceptance of law is part of a subtle extortion11. Target countries are persuaded to adopt legal structures according to Western standards or face exclusion from international markets. This model describes the experience of China, Japan and Egypt in the early twentieth century, and, indeed, contemporary operations of the World Bank, IMF, the World Trade Organization (WTO) and other Western development agencies (United States Agency for International Development (USAID), European Bank for Reconstruction and Development (EBRD), and so on) in the ‘developing’ and former socialist world.

A third model, constructed as fully consensual, is diffusion by prestige, a deliberate process of institutional admiration that leads to the reception of law.12 According to this vision, because modernization requires complex legal techniques and institutional arrangements, the receiving legal system, more simple and primitive, cannot cope with the new necessities. It lacks the culture of the rule of law, something that can only be imported from the West. Every country that in its legal development has ‘imported’ Western law has thus acknowledged its ‘legal inferiority’ by admiring and thus voluntarily attempting to import Western institutions. Turkey during the time of Ataturk, Ethiopia at the time of Haile Selassie and Japan during the Meiji restoration are modern examples.

Interestingly, if the transplant ‘fails’, such as with the attempts to impose Western-style regulation on the Russian stock market, or as with many law and development enterprises, it is the recipient society that receives the blame. Local shortcomings and ‘lacks’ are said to have precluded progress in the development of the rule of law. When the World Bank produces a development report on legal issues, it invariably shows insensitivity for local complexities and suggests radical and universal transplantation of Western notions and institutions.

#### Global movements against neoliberal hegemony are emerging now and will be effective---the plan’s consolidation of U.S.-driven economic orthodoxy collapses democracy, causes resource wars, environmental collapse, and extinction

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The dominant economic model based on limitless growth on a limited planet is leading to an overshoot of the human use of the earth’s resources. This is leading to an ecological catastrophe. It is also leading to intense and violent resource grab of the remaining resources of the earth by the rich from the poor. The resource grab is an adjustment by the rich and powerful to a shrinking resource base – land, biodiversity, water – without adjusting the old resource intensive, limitless growth paradigm to the new reality. Its only outcome can be ecological scarcity for the poor in the short term, with deepening poverty and deprivation. In the long run it means the extinction of our species, as climate catastrophe and extinction of other species makes the planet un-inhabitable for human societies. Failure to make an ecological adjustment to planetary limits and ecological justice is a threat to human survival. The Green Economy being pushed at Rio +20 could well become the biggest resource grabs in human history with corporations appropriating the planet’s green wealth, the biodiversity, to become the green oil to make bio-fuel, energy plastics, chemicals – everything that the petrochemical era based on fossil fuels gave us. Movements worldwide have started to say “No to the Green Economy of the 1%”.

But an ecological adjustment is possible, and is happening. This ecological adjustment involves seeing ourselves as a part of the fragile ecological web, not outside and above it, immune from the ecological consequences of our actions. Ecological adjustment also implies that we see ourselves as members of the earth community, sharing the earth’s resources equitably with all species and within the human community. Ecological adjustment requires an end to resource grab, and the privatization of our land, bio diversity and seeds, water and atmosphere. Ecological adjustment is based on the recovery of the commons and the creation of Earth Democracy.

The dominant economic model based on resource monopolies and the rule of an oligarchy is not just in conflict with ecological limits of the planet. It is in conflict with the principles of democracy, and governance by the people, of the people, for the people. The adjustment from the oligarchy is to further strangle democracy and crush civil liberties and people’s freedom. Bharti Mittal’s statement that politics should not interfere with the economy reflects the mindset of the oligarchy that democracy can be done away with. This anti-democratic adjustment includes laws like homeland security in U.S., and multiple security laws in India.

The calls for a democratic adjustment from below are witnessed worldwide in the rise of non-violent protests, from the Arab spring to the American autumn of “Occupy” and the Russian winter challenging the hijack of elections and electoral democracy.

And these movements for democratic adjustment are also rising everywhere in response to the “austerity” programmes imposed by IMF, World Bank and financial institutions which created the financial crisis. The Third World had its structural Adjustment and Forced Austerity, through the 1980s and 1990s, leading to IMF riots. India’s structural adjustment of 1991 has given us the agrarian crisis with quarter million farmer suicides and food crisis pushing every 4th Indian to hunger and every 2nd Indian child to severe malnutrition; people are paying with their very lives for adjustment imposed by the World Bank/IMF. The trade liberalization reforms dismantled our food security system, based on universal PDS. It opened up the seed sector to seed MNCs. And now an attempt is being made through the Food Security Act to make our public feeding programmes a market for food MNCs. The forced austerity continues through imposition of so called reforms, such as Foreign Direct Investment (FDI) in retail, which would rob 50 million of their livelihoods in retail and millions more by changing the production system. Europe started having its forced austerity in 2010. And everywhere there are anti-austerity protests from U.K., to Italy, Greece, Spain, Ireland, Iceland, and Portugal. The banks which have created the crisis want society to adjust by destroying jobs and livelihoods, pensions and social security, public services and the commons. The people want financial systems to adjust to the limits set by nature, social justice and democracy. And the precariousness of the living conditions of the 99% has created a new class which Guy Standing calls the “Precariate”. If the Industrial Revolution gave us the industrial working class, the proletariat, globalization and the “free market” which is destroying the livelihoods of peasants in India and China through land grabs, or the chances of economic security for the young in what were the rich industrialized countries, has created a global class of the precarious. As Barbara Ehrenreich and John Ehrenreich have written in “The making of the American 99%”, this new class of the dispossessed and excluded include “middle class professional, factory workers, truck drivers, and nurses as well as the much poorer people who clean the houses, manicure the fingernails, and maintain the lawn of the affluent”.

Forced austerity based on the old paradigm allows the 1% super rich, the oligarchs, to grab the planets resources while pushing out the 99% from access to resources, livelihoods, jobs and any form of freedom, democracy and economic security. It is often said that with increasing growth, India and China are replicating the resource intensive and wasteful lifestyles of the Western countries. The reality is that while a small 3 to 4% of India is joining the mad race for consuming the earth with more and more automobiles and air conditioners, the large majority of India is being pushed into “de-consumption” – losing their entitlements to basic needs of food and water because of resource and land grab, market grab, and destruction of livelihoods. The hunger and malnutrition crisis in India is an example of the “de-consumption” forced on the poor by the rich, through the imposed austerity built into the trade liberalization and “economic reform” policies.

There is another paradigm emerging which is shared by Gandhi and the new movements of the 99%, the paradigm of voluntary simplicity of reducing one ecological foot print while increasing human well being for all. Instead of forced austerity that helps the rich become super rich, the powerful become totalitarian, chosen simplicity enables us all to adjust ecologically, to reduce over consumption of the planets resources, it allows us to adjust socially to enhance democracy and it creates a path for economic adjustment based on justice and equity.

Forced austerity makes the poor and working families pay for the excesses of limitless greed and accumulation by the super rich. Chosen simplicity stops these excesses and allow us to flower into an Earth Democracy where the rights and freedoms of all species and all people are protected and respected.

#### Our alternative is to reject their emphasis on Western-models of law in favor of a fundamental rethink of democracy from the bottom-up

Ugo Mattei 9, Professor at Hastings College of the Law & University of Turin; and Marco de Morpurgo, M.Sc. Candidate, International University College of Turin, LL.M. Candidate, Harvard Law School, 2009, “GLOBAL LAW & PLUNDER: THE DARK SIDE OF THE RULE OF LAW,” online: <http://works.bepress.com/cgi/viewcontent.cgi?article=1014&context=bocconi_legal_papers>

In the complex spectrum of global law, both throughout the era of colonialism and neo-liberal US-led Western imperialism within a pattern of continuity, the rule of law, together with the theory of ‘lack’ and other powerful rhetorical arguments, has been used in order to legitimize political interventions and plunder in the ‘emerging’ economies. The sacred concept of rule of law, whose positive connotations are ‘naturally’ assumed, has been portrayed as the embodiment of a professional and neutral technology, thus being capable of substituting the lack of democratic legitimacy of the institutions that are protagonist in the creation of global law. But its dark side has never been shown or discussed. An imperial rule of law is now a dominant layer for the worldwide legal systems. It is produced, in the interest of international capital, by a variety of institutions, both public and private, all sharing a gap in political legitimacy sometimes referred to as ‘democratic deficit’.31 At the same time, law has been constructively turned into a technology and a mere component of an economic system of capitalism, thus hiding its intrinsic political nature, and annulling the relevance of local political systems, now impotent in front of the dynamics of global law. The ‘dry technology’ of the rule of law penetrates worldwide legal systems without any political discussion at the local level, attempting to create the conditions for the development of market economies, often without success, and causing serious consequences for the less powerful.

Under the technology of the rule of law, in its imperial version capable of producing plunder, the essence of the United States’ law hides. In the aftermath of World War II, there was a dramatic change in the pattern of Western legal development. Leading legal ideas once produced in continental Europe and exported through the colonized world are now, for the first time, produced in a common law jurisdiction: the United States. Clearly, the present world dominance of the United States has been economic, military and political first, and only recently legal, so that a ready explanation of legal hegemony can be found within a simple conception of law as a product of the economy.32 Furthermore, US law has been capable of expanding worldwide thanks to its prestige, the high level of professionalization of its attorneys and a series of procedural institutions, that benefit plaintiffs, that allow US courts to have a certain capacity to attract jurisdiction, while showing themselves as courts for universal justice.33

The general attitude of the United States has been a very ethnocentric one, and precisely that of showing itself as the guardian of a universal legality, which it is legitimized to export through its courts of law, scholarly production, military and political intervention, and through a set of US-centric international institutions. In recent times, in particular after September 11th 2001 and the declaration of the ‘war on terror’, the US rule of law has come under attack 34, so that once admiring crowds of lawyers and intellectuals worldwide are now beginning to look upon the United States as an uncivilized old West from the perspective of legal culture, despite the professional prestige still enjoyed by the giant New York law firms and by the US academy.

Notwithstanding, there has been no decline in the rhetoric of the rule of law when it comes to foreign relations. Bringing democracy and the rule of law is still used as a justification to keep intruding in foreign affairs. The same can be said for the international financial institutions and their innumerable ‘development’ projects that come packaged with the prestigious wrapping of the rule of law.

A rethinking of the very idea of global law is necessary and it must derive from a revaluation of the local dimension, which is currently ignored by the neo-liberal model of development. The production of global law should change its direction, and follow a bottom-up approach, rather than a top-down one, thus being sensitive to the local particularities and complexities. Western spectacular ideas of democracy and the rule of law should be rethought. On this planet, resources are scarce, but there would be more than enough for all to live well. Nobody would admire and respect someone who, at a lunch buffet for seven, ate 90 percent of the food, leaving the other guests to share an amount insufficient for one. In a world history of capitalism in which the rule of law has reproduced this precise ‘buffet’ arrangement on the large scale, admiring the instruments used to secure such an unfair arrangement seems indeed paradoxical. People have to be free to build their own economies.

There is nothing inevitable about the present arrangements and their dominant and taken-for granted certainties. Indeed, it may be that the present legal and political hegemonies suffer from lack: the lack of world culture and of global political realism.

### 1nc---counterplan

#### The Executive branch of the United States should make necessary adjustments to its targeted killing policy to ensure compliance with relevant domestic and international law, including principles of necessity, distinction, and proportionality. The Executive branch should publicly articulate its legal rationale for its targeted killing policy, including the process and safeguards in place for target selection.

#### 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.

### Terrorism---1NC

#### 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.

#### Constraining targeted killing’s role in the war on terror causes extinction

Louis Rene Beres 11, Professor of Political Science and International Law at Purdue, 2011, “After Osama bin Laden: Assassination, Terrorism, War, and International Law,” Case Western Reserve Journal of International Law, 44 Case W. Res. J. Int'l L. 93

Even after the U.S. assassination of Osama bin Laden, we are still left with the problem of demonstrating that assassination can be construed, at least under certain very limited circumstances, as an appropriate instance of anticipatory self-defense. Arguably, the enhanced permissibility of anticipatory self-defense that follows generally from the growing destructiveness of current weapons technologies in rogue hands may be paralleled by the enhanced permissibility of assassination as a particular strategy of preemption. Indeed, where assassination as anticipatory self-defense may actually prevent a nuclear or other highly destructive form of warfare, reasonableness dictates that it could represent distinctly, even especially, law-enforcing behavior.

For this to be the case, a number of particular conditions would need to be satisfied. First, the assassination itself would have to be limited to the greatest extent possible to those authoritative persons in the prospective attacking state. Second, the assassination would have to conform to all of the settled rules of warfare as they concern discrimination, proportionality, and military necessity. Third, the assassination would need to follow intelligence assessments that point, beyond a reasonable doubt, to preparations for unconventional or other forms of highly destructive warfare within the intended victim's state. Fourth, the assassination would need to be founded upon carefully calculated judgments that it would, in fact, prevent the intended aggression, and that it would do so with substantially less harm [\*114] to civilian populations than would all of the alternative forms of anticipatory self-defense.

Such an argument may appear manipulative and dangerous; permitting states to engage in what is normally illegal behavior under the convenient pretext of anticipatory self-defense. Yet, any blanket prohibition of assassination under international law could produce even greater harm, compelling threatened states to resort to large-scale warfare that could otherwise be avoided. Although it would surely be the best of all possible worlds if international legal norms could always be upheld without resort to assassination as anticipatory self-defense, the persisting dynamics of a decentralized system of international law may sometimes still require extraordinary methods of law-enforcement. n71

Let us suppose, for example, that a particular state determines that another state is planning a nuclear or chemical surprise attack upon its population centers. We may suppose, also, that carefully constructed intelligence assessments reveal that the assassination of selected key figures (or, perhaps, just one leadership figure) could prevent such an attack altogether. Balancing the expected harms of the principal alternative courses of action (assassination/no surprise attack v. no assassination/surprise attack), the selection of preemptive assassination could prove reasonable, life-saving, and cost-effective.

What of another, more common form of anticipatory self-defense? Might a conventional military strike against the prospective attacker's nuclear, biological or chemical weapons launchers and/or storage sites prove even more reasonable and cost-effective? A persuasive answer inevitably depends upon the particular tactical and strategic circumstances of the moment, and on the precise way in which these particular circumstances are configured.

But it is entirely conceivable that conventional military forms of preemption would generate tangibly greater harms than assassination, and possibly with no greater defensive benefit. This suggests that assassination should not be dismissed out of hand in all circumstances as a permissible form of anticipatory self-defense under international law. [\*115]

What of those circumstances in which the threat to particular states would not involve higher-order (WMD) n72 military attacks? Could assassination also represent a permissible form of anticipatory self-defense under these circumstances? Subject to the above-stated conditions, the answer might still be "yes." The threat of chemical, biological or nuclear attack may surely enhance the legality of assassination as preemption, but it is by no means an essential precondition. A conventional military attack might still, after all, be enormously, even existentially, destructive. n73 Moreover, it could be followed, in certain circumstances, by unconventional attacks.

#### Nuclear terrorism is feasible---high risk of theft and attacks escalate

Vladimir Z. Dvorkin ‘12 Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Extinction---equivalent to full-scale nuclear war

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

### Drone prolif---1nc

#### No impact to global drone prolif and it’s impossible to solve

Alejandro Sueldo 12, J.D. candidate and Dean’s Fellow at the University of California, Berkeley, School of Law and a PhD candidate at the Department of War Studies at King’s College London of the University of London, 4/11/12, “The coming drone arms race,” <http://dyn.politico.com/printstory.cfm?uuid=70B6B991-ECA7-4E5F-BE80-FD8F8A1B5E90>

Of particular concern are the legal and policy challenges posed if other states imitate the U.S. targeted killing program. For Washington is setting a precedent whereby states can send drones, often over sovereign borders, to kill foreigners or their own citizens, who are deemed threats.

Other states may also follow Washington’s example and develop their own criteria to define imminent threats and use drones to counter them.

Washington will find it increasingly difficult to protest other nations’ targeted killing programs — particularly when the United States has helped define this lethal practice. U.S. opposition will prove especially difficult when other states justify targeted killings as a matter of domestic affairs.

Should enough states follow the U.S. example, the practice of preemptively targeting and killing suspected threats may develop into customary international law.

Such a norm, however, which requires consistent state practice arising out of a sense of legal obligation, now looks unlikely. While targeted killing policies are arguably executed by states citing a legal obligation to protect themselves from imminent threats, widespread state practice is still uncommon.

But international law does not forbid drones. And given the lack of an international regime to control drones, state and non-state actors are free to determine their future use.

This lack of international consensus about how to control drones stems from a serious contradiction in incentives. Though drones pose grave challenges, they also offer states lethal and non-lethal capabilities that are of great appeal. Because the potential for drone technology is virtually limitless, states are now unwilling to control how drones evolve.

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

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

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

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

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

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

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

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

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

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

#### 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 selfconstraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

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

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

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

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

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

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

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

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

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

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

#### No risk of drone wars

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

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.

Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.

Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.

What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.

Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.

Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.

Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

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

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

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

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

#### No Indo-Pak conflict- energy cooperation and new governance

Sam Tranum 6/25/13, MA from the University of Chicago in IR and a journalist covering energy and politics in South Asia, 6/25/13, "India-Pakistan Energy Cooperation Could Get Boost Under Sharif," World Politics Review, http://www.worldpoliticsreview.com/articles/13049/india-pakistan-energy-cooperation-could-get-boost-under-sharif

Pakistani and Indian officials met earlier this month to discuss cross-border energy cooperation, perhaps signaling that the new government in Islamabad aims to follow through on plans its predecessor spent years talking about. That would be good for both countries. ¶ Nawaz Sharif's Pakistan Muslim League-Nawaz (PML-N) party swept Pakistan's parliamentary election in May, and Sharif took over as prime minister early this month, pledging—among other things—to improve relations with India and address his country's crippling energy shortage. ¶ On June 11, the prime minister’s younger brother, Shahbaz Sharif, the head of government in Pakistan's largest province, Punjab, reportedly met officials from India's Ministry of Power and Ministry of Petroleum and Natural Gas. They talked about Pakistan importing electricity and natural gas from India. ¶ The meeting in itself is not unprecedented. During its five years in power, the previous government in Islamabad under the Pakistan People's Party (PPP) talked to Indian government officials and companies about importing gasoline, diesel, natural gas and electricity. India seemed willing to help Pakistan then, but nothing happened.¶ There are still factions on both sides of the border that oppose normalizing relations and will try to block efforts by Nawaz Sharif and Indian Prime Minister Manmohan Singh to work together on energy and other issues. But as the energy crisis in Pakistan grows increasingly acute, the pressure might overwhelm such opposition. ¶ Among the proposals on the table is a cross-border electricity transmission line with the capacity to transfer 500-1,000 megawatts of power from India to Pakistan. India is short of power and suffers regular planned and unplanned power cuts. But Pakistan is much worse off. ¶ In the fiscal year that ended March 31, the two-thirds of Indians with access to electricity faced an 8.7 percent supply-demand gap. The two-thirds or so of Pakistanis with access to electricity, meanwhile, faced a shortfall of about 30 percent and power cuts 10-13 hours a day, Pakistan’s Supreme Court was reportedly told earlier this month. ¶ Pakistan's power cuts have sparked sometimes-violent protests and slowed the country's economic growth. ¶ If implemented, the proposed transmission line would serve as a sign of goodwill and perhaps earn a small profit for Indian generators. But if 500-1,000 MW of power would help ease Pakistan's power shortage, it wouldn't solve the country’s energy problems. After all, Pakistan has about 22,000 MW of generating capacity, compared to 212,000 MW for India. ¶ Nonetheless, turning to India for power is part of a larger Pakistani strategy to buy more electricity from its neighbors. It imported about 70 MW from Iran last year, is building another 100-MW link and has plans for a 1,000-MW link. There is talk of bringing in 1,000 MW from Tajikistan via Afghanistan, too. ¶ Aside from power, there is also a proposal for an India-to-Pakistan natural gas pipeline. This would allow Pakistan to import either Indian natural gas or liquefied natural gas (LNG) from a third country delivered to one of India's LNG terminals and sent through its pipeline network to Pakistan. Despite years of effort, Pakistan has failed to build its own LNG terminal. ¶ But a natural gas pipeline is the least likely to materialize of the proposed energy cooperation efforts. India only meets about half of its natural gas needs from its own production and its limited LNG import capacity. And a drop in production from Reliance Industries’ massive KG-D6 field off India's east coast means India’s ability to satisfy its own LNG needs has been getting worse, not better. ¶ Still, a delegation from Indian state-controlled gas distribution company GAIL has reportedly offered to deliver to Pakistan 400 million cubic feet of gas per day. To put that in perspective, Pakistan—which uses gas for power generation, cooking, heating and fueling vehicles, among other things—is now surviving on domestic production of about 4 billion cubic feet per day. ¶ Potential profits and international politics may overshadow the fact that Indian consumers need this natural gas, too. Private and state-owned Indian companies may be willing to short their Indian customers if they can get a better offer from across the border. And officials in New Delhi may be willing to let them do so in the name of India-Pakistan confidence-building measures. ¶ Less controversial than the power and natural gas proposals is a plan for India to build a pipeline across the border to sell gasoline or diesel to Pakistan. Although India doesn't produce much crude oil, it is a refining hub: It imports more crude than it needs and turns the excess into gasoline, diesel and other products that it exports. Indian refiners would welcome a new market. ¶ This cross-border energy trade is seen by some as a test-run for India-Pakistan cooperation on the Turkmenistan-Afghanistan-Pakistan-India (TAPI) and Iran-Pakistan-India (IPI) natural gas pipeline projects. The odds at the moment are stacked against both projects. Instability in Afghanistan makes TAPI tough, while U.S. sanctions on Iran make Indian involvement in IPI doubtful. But these factors could change in the future. ¶ More immediately, India's willingness to help ease Pakistan's energy shortage might encourage Sharif's PML-N government to follow through on its predecessor's promise to grant India most favored nation trading status. This is something Indian companies want and many Pakistani businesses don't: They fear they will be overwhelmed by competition from their massive neighbor. ¶ Nevertheless, if India and Pakistan can work together on energy and increase trade, both countries would benefit. Pakistan would get energy to fuel its lagging economy, and India would get a new market for energy and other exports. As a side benefit, integrating their economies a bit more might help to normalize relations and make future conflicts less likely.

### Legitimacy---1nc

#### Alternatives to drones are worse for credibility---and even eliminating them’s not enough to solve

Amitai Etzioni 12, senior advisor to the Carter White House; taught at Columbia University, Harvard and The University of California at Berkeley; and is a university professor and professor of international relations at The George Washington University, 4/2/12, “In Defense of Drones,” http://nationalinterest.org/commentary/defense-drones-6715

Rohde acknowledges that we are dealing with people who make and plant bombs and train suicide bombers, and people who otherwise could not be reached. He reminds us that those we are going after, in the case of Pakistan, are in "the remote tribal areas, which is basically this Taliban safe haven, where they retreat from Afghanistan, and rest and train and recoup. So the only way the United States can sort of pressure the Taliban once they cross the border into Pakistan are these drone strikes.” Well put, but hardly a reason we should not order more drones rather than stand them down.

Why are drones so bad? Mr. Rohde, who was kidnapped by the Taliban and held by them for seven months, a period during which drones were buzzing above his head, tells us that the drones are "haunting.” He found that once the drones were widely used, "the Taliban did not gather in large groups for trainings. . . . And so they're very nervous. . . . They don't move in large convoys. So it definitely slows them down.” I can understand those who argue that we must find a political solution to the conflicts and that military means alone will not suppress the Taliban nor prevent the area from serving as a staging ground for the next 9/11. But as long as fight we must, what exactly is wrong with slowing down our adversaries, making them nervous and preventing them from training in large groups?

In addition, Rohde argues that drones are bad for public relations. He says that "in every country that they're carried out, they are seen as this sort of oppressive American weapon. They attract tremendous public attention and they also fuel tremendous resentment." True enough, but in nations in which the United States uses no drones, it is much resented—in Egypt, for instance. Muslims have many reasons to resent Washington, including its support of Israel and of autocrats in the Middle East, torture of prisoners in Abu Ghraib, the burning of Korans, the collateral damage of bombers other than drones—and above all, American attempts to much change their ways of life.

Moreover, few things agitate Muslims around the world, polls show, more than the presence of American troops—which would have to be used if drones were parked. This was recently highlighted when the Libyan rebels welcomed American and other NATO forces’ bombardment of the Qaddafi forces, even after, in some cases, the rebels suffered casualties as a result of friendly fire—but they strongly opposed any foreign boots on their ground. Drones are alienating, but not more so, and often less, than other things we must do if we are going to fight terrorists and those who harbor them.

#### There’s no impact to anti-drones backlash

Stephen Holmes 13, the Walter E. Meyer Professor of Law, New York University School of Law, July 2013, “What’s in it for Obama?,” The London Review of Books, <http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama>

This is the crux of the problem. We stand at the beginning of the Drone Age and the genie is not going to climb back into the bottle. The chances that this way of war will, over time, reduce the amount of random violence in the world are essentially nil. Obama’s drone policy has set an ominous precedent, and not only for future residents of the White House. It promises, over the long term, to engender more violence than it prevents because it excites no public backlash. That, for the permanent national security apparatus that has deftly moulded the worldview of a novice president, is its irresistible allure. It doesn’t provoke significant protest even on the part of people who condemn hit-jobs done with sticky bombs, radioactive isotopes or a bullet between the eyes – in the style of Mossad or Putin’s FSB. That America appears to be laidback about drones has made it possible for the CIA to resume the assassination programme it was compelled to shut down in the 1970s without, this time, awakening any politically significant outrage. It has also allowed the Pentagon to wage a war against which antiwar forces are apparently unable to rally even modest public support.

#### No impact to heg

Maher 11---adjunct prof of pol sci, Brown. PhD expected in 2011 in pol sci, Brown (Richard, The Paradox of American Unipolarity: Why the United States May Be Better Off in a Post-Unipolar World, Orbis 55;1)

At the same time, preeminence creates burdens and facilitates imprudent behavior. Indeed, because of America’s unique political ideology, which sees its own domestic values and ideals as universal, and the relative openness of the foreign policymaking process, the United States is particularly susceptible to both the temptations and burdens of preponderance. For decades, perhaps since its very founding, the United States has viewed what is good for itself as good for the world. During its period of preeminence, the United States has both tried to maintain its position at the top and to transform world politics in fundamental ways, combining elements of realpolitik and liberal universalism (democratic government, free trade, basic human rights). At times, these desires have conflicted with each other but they also capture the enduring tensions of America’s role in the world. The absence of constraints and America’s overestimation of its own ability to shape outcomes has served to weaken its overall position. And because foreign policy is not the reserved and exclusive domain of the president---who presumably calculates strategy according to the pursuit of the state’s enduring national interests---the policymaking process is open to special interests and outside influences and, thus, susceptible to the cultivation of misperceptions, miscalculations, and misunderstandings. Five features in particular, each a consequence of how America has used its power in the unipolar era, have worked to diminish America’s long-term material and strategic position. Overextension. During its period of preeminence, the United States has found it difficult to stand aloof from threats (real or imagined) to its security, interests, and values. Most states are concerned with what happens in their immediate neighborhoods. The United States has interests that span virtually the entire globe, from its own Western Hemisphere, to Europe, the Middle East, Persian Gulf, South Asia, and East Asia. As its preeminence enters its third decade, the United States continues to define its interests in increasingly expansive terms. This has been facilitated by the massive forward presence of the American military, even when excluding the tens of thousands of troops stationed in Iraq and Afghanistan. The U.S. military has permanent bases in over 30 countries and maintains a troop presence in dozens more.13 There are two logics that lead a preeminent state to overextend, and these logics of overextension lead to goals and policies that exceed even the considerable capabilities of a superpower. First, by definition, preeminent states face few external constraints. Unlike in bipolar or multipolar systems, there are no other states that can serve to reliably check or counterbalance the power and influence of a single hegemon. This gives preeminent states a staggering freedom of action and provides a tempting opportunity to shape world politics in fundamental ways. Rather than pursuing its own narrow interests, preeminence provides an opportunity to mix ideology, values, and normative beliefs with foreign policy. The United States has been susceptible to this temptation, going to great lengths to slay dragons abroad, and even to remake whole societies in its own (liberal democratic) image.14 The costs and risks of taking such bold action or pursuing transformative foreign policies often seem manageable or even remote. We know from both theory and history that external powers can impose important checks on calculated risk-taking and serve as a moderating influence. The bipolar system of the Cold War forced policymakers in both the United States and the Soviet Union to exercise extreme caution and prudence. One wrong move could have led to a crisis that quickly spiraled out of policymakers’ control. Second, preeminent states have a strong incentive to seek to maintain their preeminence in the international system. Being number one has clear strategic, political, and psychological benefits. Preeminent states may, therefore, overestimate the intensity and immediacy of threats, or to fundamentally redefine what constitutes an acceptable level of threat to live with. To protect itself from emerging or even future threats, preeminent states may be more likely to take unilateral action, particularly compared to when power is distributed more evenly in the international system. Preeminence has not only made it possible for the United States to overestimate its power, but also to overestimate the degree to which other states and societies see American power as legitimate and even as worthy of emulation. There is almost a belief in historical determinism, or the feeling that one was destined to stand atop world politics as a colossus, and this preeminence gives one a special prerogative for one’s role and purpose in world politics. The security doctrine that the George W. Bush administration adopted took an aggressive approach to maintaining American preeminence and eliminating threats to American security, including waging preventive war. The invasion of Iraq, based on claims that Saddam Hussein possessed weapons of mass destruction (WMD) and had ties to al Qaeda, both of which turned out to be false, produced huge costs for the United States---in political, material, and human terms. After seven years of war, tens of thousands of American military personnel remain in Iraq. Estimates of its long-term cost are in the trillions of dollars.15 At the same time, the United States has fought a parallel conflict in Afghanistan. While the Obama administration looks to dramatically reduce the American military presence in Iraq, President Obama has committed tens of thousands of additional U.S. troops to Afghanistan. Distraction. Preeminent states have a tendency to seek to shape world politics in fundamental ways, which can lead to conflicting priorities and unnecessary diversions. As resources, attention, and prestige are devoted to one issue or set of issues, others are necessarily disregarded or given reduced importance. There are always trade-offs and opportunity costs in international politics, even for a state as powerful as the United States. Most states are required to define their priorities in highly specific terms. Because the preeminent state has such a large stake in world politics, it feels the need to be vigilant against any changes that could impact its short-, medium-, or longterm interests. The result is taking on commitments on an expansive number of issues all over the globe. The United States has been very active in its ambition to shape the postCold War world. It has expanded NATO to Russia’s doorstep; waged war in Bosnia, Kosovo, Iraq, and Afghanistan; sought to export its own democratic principles and institutions around the world; assembled an international coalition against transnational terrorism; imposed sanctions on North Korea and Iran for their nuclear programs; undertaken ‘‘nation building’’ in Iraq and Afghanistan; announced plans for a missile defense system to be stationed in Poland and the Czech Republic; and, with the United Kingdom, led the response to the recent global financial and economic crisis. By being so involved in so many parts of the world, there often emerges ambiguity over priorities. The United States defines its interests and obligations in global terms, and defending all of them simultaneously is beyond the pale even for a superpower like the United States. Issues that may have received benign neglect during the Cold War, for example, when U.S. attention and resources were almost exclusively devoted to its strategic competition with the Soviet Union, are now viewed as central to U.S. interests. Bearing Disproportionate Costs of Maintaining the Status Quo. As the preeminent power, the United States has the largest stake in maintaining the status quo. The world the United States took the lead in creating---one based on open markets and free trade, democratic norms and institutions, private property rights and the rule of law---has created enormous benefits for the United States. This is true both in terms of reaching unprecedented levels of domestic prosperity and in institutionalizing U.S. preferences, norms, and values globally. But at the same time, this system has proven costly to maintain. Smaller, less powerful states have a strong incentive to free ride, meaning that preeminent states bear a disproportionate share of the costs of maintaining the basic rules and institutions that give world politics order, stability, and predictability. While this might be frustrating to U.S. policymakers, it is perfectly understandable. Other countries know that the United States will continue to provide these goods out of its own self-interest, so there is little incentive for these other states to contribute significant resources to help maintain these public goods.16 The U.S. Navy patrols the oceans keeping vital sea lanes open. During financial crises around the globe---such as in Asia in 1997-1998, Mexico in 1994, or the global financial and economic crisis that began in October 2008--- the U.S. Treasury rather than the IMF takes the lead in setting out and implementing a plan to stabilize global financial markets. The United States has spent massive amounts on defense in part to prevent great power war. The United States, therefore, provides an indisputable collective good---a world, particularly compared to past eras, that is marked by order, stability, and predictability. A number of countries---in Europe, the Middle East, and East Asia---continue to rely on the American security guarantee for their own security. Rather than devoting more resources to defense, they are able to finance generous social welfare programs. To maintain these commitments, the United States has accumulated staggering budget deficits and national debt. As the sole superpower, the United States bears an additional though different kind of weight. From the Israeli-Palestinian dispute to the India Pakistan rivalry over Kashmir, the United States is expected to assert leadership to bring these disagreements to a peaceful resolution. The United States puts its reputation on the line, and as years and decades pass without lasting settlements, U.S. prestige and influence is further eroded. The only way to get other states to contribute more to the provision of public goods is if the United States dramatically decreases its share. At the same time, the United States would have to give other states an expanded role and greater responsibility given the proportionate increase in paying for public goods. This is a political decision for the United States---maintain predominant control over the provision of collective goods or reduce its burden but lose influence in how these public goods are used. Creation of Feelings of Enmity and Anti-Americanism. It is not necessary that everyone admire the United States or accept its ideals, values, and goals. Indeed, such dramatic imbalances of power that characterize world politics today almost always produce in others feelings of mistrust, resentment, and outright hostility. At the same time, it is easier for the United States to realize its own goals and values when these are shared by others, and are viewed as legitimate and in the common interest. As a result of both its vast power but also some of the decisions it has made, particularly over the past eight years, feelings of resentment and hostility toward the United States have grown, and perceptions of the legitimacy of its role and place in the world have correspondingly declined. Multiple factors give rise toanti-American sentiment, and anti-Americanism takes different shapes and forms.17 It emerges partly as a response to the vast disparity in power the United States enjoys over other states. Taking satisfaction in themissteps and indiscretions of the imposing Gulliver is a natural reaction. In societies that globalization (which in many parts of the world is interpreted as equivalent to Americanization) has largely passed over, resentment and alienation are felt when comparing one’s own impoverished, ill-governed, unstable society with the wealth, stability, and influence enjoyed by the United States.18 Anti-Americanism also emerges as a consequence of specific American actions and certain values and principles to which the United States ascribes. Opinion polls showed that a dramatic rise in anti-American sentiment followed the perceived unilateral decision to invade Iraq (under pretences that failed to convince much of the rest of the world) and to depose Saddam Hussein and his government and replace itwith a governmentmuchmore friendly to the United States. To many, this appeared as an arrogant and completely unilateral decision by a single state to decide for itselfwhen---and under what conditions---military force could be used. A number of other policy decisions by not just the George W. Bush but also the Clinton and Obama administrations have provoked feelings of anti-American sentiment. However, it seemed that a large portion of theworld had a particular animus for GeorgeW. Bush and a number of policy decisions of his administration, from voiding the U.S. signature on the International Criminal Court (ICC), resisting a global climate change treaty, detainee abuse at Abu Ghraib in Iraq and at Guantanamo Bay in Cuba, and what many viewed as a simplistic worldview that declared a ‘‘war’’ on terrorism and the division of theworld between goodand evil.Withpopulations around theworld mobilized and politicized to a degree never before seen---let alone barely contemplated---such feelings of anti-American sentiment makes it more difficult for the United States to convince other governments that the U.S.’ own preferences and priorities are legitimate and worthy of emulation. Decreased Allied Dependence. It is counterintuitive to think that America’s unprecedented power decreases its allies’ dependence on it. During the Cold War, for example, America’s allies were highly dependent on the United States for their own security. The security relationship that the United States had with Western Europe and Japan allowed these societies to rebuild and reach a stunning level of economic prosperity in the decades following World War II. Now that the United States is the sole superpower and the threat posed by the Soviet Union no longer exists, these countries have charted more autonomous courses in foreign and security policy. A reversion to a bipolar or multipolar system could change that, making these allies more dependent on the United States for their security. Russia’s reemergence could unnerve America’s European allies, just as China’s continued ascent could provoke unease in Japan. Either possibility would disrupt the equilibrium in Europe and East Asia that the United States has cultivated over the past several decades. New geopolitical rivalries could serve to create incentives for America’s allies to reduce the disagreements they have with Washington and to reinforce their security relationships with the United States.

#### No impact---mitigation and adaptation will solve---no tipping point or “1% risk” args

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006).

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

#### Disease inevitable—multiple global hotspots and always a risk of mutations—the aff doesn’t solve world wide

#### No extinction

Posner 5—Senior Lecturer, U Chicago Law. Judge on the US Court of Appeals 7th Circuit. AB from Yale and LLB from Harvard. (Richard, Catastrophe, http://goliath.ecnext.com/coms2/gi\_0199-4150331/Catastrophe-the-dozen-most-significant.html)

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS, but none has come close to destroying the entire human race. There is a biological reason. Natural selection favors germs of limited lethality; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease.

#### No groupthink---General Counsel reviews each target memo, cases lacking sufficient evidence are routinely rejected

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

Rizzo has called the process by which suspected terrorists are identified and targeted for lethal force as "punctilious." n28 Bruce Reidel, a former CIA officer, claims there is a "well-established protocol." n29 Within the CIA's Counterterrorist Center, a team of roughly ten agency attorneys reviews the evidence against suspected terrorists and prepares memos arguing whether or not the collected evidence merits an order for targeted killing. n30 Memos that recommend targeted killing are sent to the General Counsel for approval. n31 Rizzo described the subordinate lawyers as "very picky" and the memos as "carefully argued." n32 He also described situations in which flimsy cases were rejected for lack of persuasive evidence. n33 However, beyond official descriptions of a rigorous and methodical process, few specific details are known about the evaluation of evidence against suspected terrorists or the standard of proof. n34 How is evidence collected by field agents in foreign countries verified by American attorneys for authenticity and veracity? Are there minimum standards for the quantity and quality of evidence required for a targeted killing order? Is the evidence evaluated under the criminal "beyond a reasonable doubt" standard, or under something less strict, such as the "preponderance of the evidence" standard? These are critical questions, but as the case of Anwar al-Aulaqi [\*1359] demonstrates, the legal standards for targeted killing are unknown, a chilling thought given the extraordinary power involved. n35

#### Aggressive targeted killing policy’s key to stability in Yemen

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

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

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

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

#### Yemeni instability causes oil shocks---collapses the Saudi and global economies

Colonel Hassan Abosaq 12, US Army War College, master of strategic studies degree candidate, 2012, "The Implications of Unstable on Saudi Arabia," Strategy Research Project, www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA560581

Security Implications of Instability in Yemen¶ Conclusion¶ The instability of Yemen will have great implications for the Saudi Arabian economy. Saudi Arabia will need to spend huge amounts of money to reduce the effects of Yemen instability. There will be an increase of budget for border protection to reduce and prevent threats from radical militants and also narcotic and human trafficking. The Saudis had already doubled the size of their border guard along the Sa’ada border in March 2007. The situation in Yemen will force Saudi Arabia to increase its border protection capabilities, which means an increase in personal and budget. It will have to acquire more mobile patrols, unmanned aerial vehicles (UAVs), and other surveillance and enforcement capabilities. The Saudis would expect to build refugee camps for the expected masses of refugees which would affect the Saudi economy. The major impact on the Saudi economy will come from the threat to its oil installations and oil shipments that the instability of Yemen would impose. Yemen overlooks a maritime choke point which is the Strait of Bab al-Mandab. Growing instability in Yemen could lead to the nightmare scenario; two failed states on both sides of important shipping lanes, and close to the world’s most important oil-producing region. Instability in Yemen and the possibility that pirates could begin to use its long and sparsely populated coastlines, could make shipping in the region even more vulnerable. The Gulf of Aden sees huge tonnage in merchant shipping. Every day about 3.3 million barrels of oil passes through these waters (4% of global production). To the north are the Suez Canal and the refineries at the Saudi port of Yanbu. To the south are the Indian Ocean and shipping lanes to energy - hungry Asian markets. It is a transit path for oil from the Arabian Gulf and goods from Southeastern Asia. The piracy threat in the Gulf of Aden, along with terrorist threats, could lead to further pressure on shipping companies to avoid the route through the Suez Canal and the Gulf of Aden, pushing them around the Cape of Good Hope. The instability of Yemen would lead to its waters becoming dangerous and therefore forcing Saudi Arabia to reroute some of its oil through pipelines from the Arabian Gulf region to the Red Sea, and ships would have to take a longer route around the tip of Africa adding about 10,000 km to the journey. This would lead to an increase in insurance premiums and transit time and cost. This would affect the Saudi economy as well as that of the world. AQAP regularly and openly threatens the oil infrastructure in Saudi Arabia. Any terrorist attack on oil installations in Saudi Arabia would most certainly result in a rise in oil prices in addition to decreasing the Saudi oil production which would result in reduction of oil revenues.¶

#### Nuclear war

Islam Yasin Qasem 7, a doctoral candidate in the Department of Politics and Social Sciences at the University of Pompeu Fabra (UPF) in Barcelona, MA in International Affairs from Columbia, July 9, 2007, “The Coming Warfare of Oil Shortage,” online: http://www.opednews.com/articles/opedne\_islam\_ya\_070709\_the\_coming\_warfare\_o.htm

Recognizing the strategic value of oil for their national interests, superpowers will not hesitate to unleash their economic and military power to ensure secure access to oil resources, triggering worldwide tension, if not armed conflict. And while superpowers like the United States maintain superior conventional military power, in addition to their nuclear power, some weaker states are already nuclearly armed, others are seeking nuclear weapons. In an anarchic world with many nuclear-weapon states feeling insecure, and a global economy in downward spiral, the chances of using nuclear weapons in pursues of national interests are high.

# 2NC T

#### 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.

#### Oversight only allows Congress to discourage the President, not restrict --- this distinction is important

Elizabeth Boalt 5, Professor of Law Emeritus, University of California, Berkeley, University of Arkansas at Little Rock School of Law The Journal of Appellate Practice and Process Fall, 20035 J. App. Prac. & Process 473, lexis

Four questions follow: (1) Are discouraging words "restrictions" on citation under Rule 32.1? (2) What difference, if any, does it make? (3) What is the risk of judicial resistance to [\*493] no-citation rules, through discouraging words or other means? and (4) Should discouraging words be forbidden?

1. Are Discouraging Words "Restrictions" under Rule 32.1?

The committee's statement notwithstanding, it is not clear that discouraging words have to be considered "restrictions" on citation under the proposed Rule 32.1. These words may be wholly admonitory - and unenforceable. The Fourth Circuit's rule, for example, states that citing unpublished opinions is "disfavored," but that it may be done "if counsel believes, nevertheless, that [an unpublished opinion] has precedential value in relation to a material issue in a case and that there is no published opinion that would serve as well." n129 On the question of what counsel "believes," surely counsel should be taken at her word; counsel's asserted belief that an unpublished opinion has precedential or persuasive value should not be considered a falsifiable fact. Hence no sanction should be available for violating the Fourth Circuit's rule, and the rule's discouraging language in turn would not be a "prohibition or restriction" that was barred by Rule 32.1 as presently drafted.

In the rules of some other circuits, however, the language disfavoring citation of unpublished opinions is unmoored from anyone's "belief" and arguably does impose an objective "prohibition or restriction" determinable by a court. n130 A court might find, for example, that the required "persuasive value with respect to a material issue that has not been addressed in a published opinion" n131 was not present, and hence that the citation was not permitted by the circuit rule.

With what result? It would follow, paradoxically, that the opinion could be cited - because the circuit rule would be struck down under Rule 32.1 as a forbidden "restriction" on citation.

The committee's double-negative drafting thus creates a Hall of Mirrors in which citation of an unpublished opinion [\*494] would be allowed either way. If the local rule's discouraging language is merely hortatory, it is not a "restriction" forbidden by Rule 32.1; but that doesn't matter, because such a rule does not bar the citation in the first place. If, on the other hand, the local rule's language has bite and is a "restriction," then Rule 32.1 strikes it down, and again the citation is permitted.

#### Their ev only defines "restrictions," not "restrictions on authority" - that kills 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

#### Contextual definitions bad – intent to define outweighs

Eric Kupferbreg 87, University of Kentucky, Senior Assistant Dean, Academic & Faculty Affairs at Northeastern University, College of Professional Studies Associate Director, Trust Initiative at Harvard School of Public Health 1987 “Limits - The Essence of Topicality” http://groups.wfu.edu/debate/MiscSites/DRGArticles/Kupferberg1987LatAmer.htm

Often, field contextual definitions are too broad or too narrow for debate purposes. Definitions derived from the agricultural sector necessarily incorporated financial and bureaucratic factors which are less relevant in considering a 'should' proposition. Often subject experts' definitions reflected administrative or political motives to expand or limit the relevant jurisdiction of certain actors. Moreover, field context is an insufficient criteria for choosing between competing definitions. A particularly broad field might have several subsets that invite restrictive and even exclusive definitions. (e.g., What is considered 'long-term' for the swine farmer might be significantly different than for the grain farmer.) Why would debaters accept definitions that are inappropriate for debate? If we admit that debate is a unique context, then additional considerations enter into our definitional analysis.

# 2NC CP

## Solvency---2NC

#### Disclosing target criteria builds diplomatic credibility, enacts domestic accountability, and doesn’t link to the terror disad

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>

Related to defending the process, and using performance data is the possibility that the U.S. government could publish the targeting criteria it follows. That criteria need not be comprehensive, but it could be sufficiently detailed as to give outside observers an idea about who the individuals singled out for killing are and what they are alleged to have done to merit their killing. As Bobby Chesney has noted, "Congress could specify a statutory standard which the executive branch could then bring to bear in light of the latest intelligence, with frequent reporting to Congress as to the results of its determinations."521 What might the published standards entail? First, Congress could clarify the meaning of associated forces, described in Part I and II. In the alternative, it could do away with the associated forces criteria altogether, and instead name each organization against which force is being authorized,522 such an approach would be similar to the one followed by the Office of Foreign Assets Control when it designates financial supporters of terrorism for sanctions.523¶ The challenge with such a reporting and designation strategy is that it doesn’t fit neatly into the network based targeting strategy and current practices outlined in Parts I-III. If the U.S. is seeking to disrupt networks, then how can there be reporting that explains the networked based targeting techniques without revealing all of the links and nodes that have been identified by analysts? Furthermore, for side payment targets, the diplomatic secrecy challenges identified in Part I remain --- there simply may be no way the U.S. can publicly reveal that it is targeting networks that are attacking allied governments. These problems are less apparent when identifying the broad networks the U.S. believes are directly attacking American interests, however publication of actual names of targets will be nearly impossible (at least ex ante) under current targeting practices.¶ As was discussed above, the U.S. government and outside observers may simply be using different benchmarks to measure success. Some observers are looking to short term gains from a killing while others look to the long term consequences of the targeted killing policy. Should all of these metrics and criteria be revealed? Hardly. However, the U.S. should articulate what strategic level goals it is hoping to achieve through its targeted killing program. Those goals certainly include disrupting specified networks. Articulating those goals, and the specific networks the U.S. is targeting may place the U.S. on better diplomatic footing, and would certainly engender mechanisms of domestic political accountability.

#### Strongly err neg---their authors don’t understand how thorough and effective inter-executive mechanisms are---adding transparency’s clearly sufficient

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>

To date scholars have lacked a thorough understanding of the U.S. government’s targeted killing practices. As such, their commentary is oftentimes premised on easily describable issues, and fails to grapple with the multiple levels of intergovernmental accountability present in current practice. When dealing with the theoretical and normative issues associated with targeted killings, scholars have failed to specify what they mean when they aver that targeted killings are unaccountable. Both trends have impeded legal theory, and constrained scholarly discourse on a matter of public import.

This article is a necessary corrective to the public and scholarly debate. It has presented the complex web of bureaucratic, legal, professional, and political accountability mechanisms that exert influence over the targeted killing process. It has demonstrated that many of the critiques of targeted killings rest upon poorly conceived understandings of the process, unclear definitions, and unsubstantiated speculation. The article’s reform recommendations, grounded in a deep understanding of the actual process, reflect an assumption that transparency, performance criteria, and politically grounded independent review can enhance the already robust accountability mechanisms embedded in current practice.

flow

#### The counterplan aloneis key to effective drone operations---the permutation sends the signal that the rest of the government sides with critics of drones over the executive---that delegitimizes drones and collapses the program

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>

Obama deserves support and praise for this program from across the political spectrum. More than that, though, the drone strikes need an aggressive defense against increasingly vocal critics who are moving to create around drone warfare a narrative of American wickedness and cowardice and of CIA perfidy.

Here the administration has dropped the ball. It has so far failed to provide a robust affirmation of the propositions that underwrite Predator drone warfare. Namely:

n Targeted killings of terrorists, including by Predators and even when the targets are American citizens, are a lawful practice;

n Use of force is justified against terrorists anywhere they set up safe havens, including in states that cannot or will not prevent them;

n These operations may be covert—and they are as justifiable when the CIA is tasked to carry them out secretly as when the military does so in open armed conflict.

n All of the above fall within the traditional American legal view of “self-defense” in international law, and “vital national security interests” in U.S. domestic law.

There are good reasons for Republicans and centrist Democrats to make common cause in defending these propositions. On the one hand, they should want to aggressively protect the administration against its external critics—the domestic and international left—who are eager to prosecute Americans for their actions in the war on terror. They should also want to make clear that in defending drone strikes, they are defending the American (and not just the Obama) legal and strategic position. Moreover, it will be the American view of domestic and international law for future administrations, Democratic and Republican.

At the same time, congressional Republicans and centrist Democrats need to put Obama’s senior legal officials on the record and invite them to defend their own administration, defend it to the full extent that the Obama administration’s actions require. Which is to say, Congress needs to hear publicly from senior administration lawyers and officials who might be personally less-than-enthused about targeted killings of terrorists and not eager to endorse them publicly, or to do so only with hedged and narrow legal rationales from which they can later walk away.

Consider, for instance, the diffidence of Harold Koh, the legal adviser of the Department of State. In an informal public discussion with his predecessor, John Bellinger, aired on C-SPAN on February 17, he was asked about drones and targeted killings and declined to say that the practice was lawful. (Granted, it was in an unscripted setting, which cannot be taken as anyone’s last word and on which it would be unfair to place too much weight.) All he said was that if he concluded that it was unlawful, he would, if he thought it appropriate, resign his position. He added that he remained at his post. The statement falls far short of the defense one might hope for from such a high-ranking administration lawyer. More than a year into the new administration, that ought surely to strike the general counsels of the CIA, the Pentagon, the Director of National Intelligence, the NSC, and other agencies directly conducting these activities as somewhat less than reassuring.

In fact, the administration’s top lawyers should offer a public legal defense of its policies, and congressional Republicans and Democrats should insist on such a defense. This is partly to protect the full use-of-force tools of national security for future administrations, by affirming the traditional U.S. view of their legality. But it is also to protect and reassure the personnel of the CIA, NSC, and intelligence and military agencies who carry out these policies that they are not just effective but lawful policies of the U.S. government and will be publicly defended as such by their superiors.

Even as the Obama administration increasingly relies on Predator strikes for its counterterrorism strategy, the international legal basis of drone warfare (more precisely, its perceived international legal legitimacy) is eroding from under the administration’s feet—largely through the U.S. government’s inattention and unwillingness to defend its legal grounds, and require its own senior lawyers to step up and defend it as a matter of law, legal policy, and legal diplomacy. On the one hand, the president takes credit for the policy—as frankly he should—as taking the fight to the enemy. His vice president positively beams with pride over the administration’s flock of Predator goslings. On the other hand, the Obama administration appears remarkably sanguine about the campaign gearing up in the “international law community” aimed at undermining the legal basis of targeted killing as well as its broad political legitimacy, and ultimately at stigmatizing the use of Predators as both illegal and a coward’s weapon.

Stigmatizing the technology and the practice of targeted killing is only half of it, though. The other half is to undermine the idea that the CIA may use force and has the authority to act covertly under orders from the president and disclosure to Congress, as long provided in U.S. law. The aim is to create a legal and political perception that, under international law, all uses of force must be overt—either as law enforcement or as armed conflict conducted by uniformed military.

The Obama administration is complacent about this emerging “international soft law” campaign. But Obama’s opponents in this country, for their part, likewise underestimate and ignore the threat such a campaign presents to national security. That’s apparently because many on the right find it hard to imagine that mere congeries of NGOs, academics, activists, U.N. officials, and their allies could ever overcome “hard” American national security interests, particularly when covered by the magic of the Obama administration. Both liberal and conservative national security hands, looking at the long history of accepted lawfulness of targeted killings under American law, think, “Come on, there’s obvious sense to this, legal and political. These arguments in domestic and international law have long been settled, at least as far as the U.S. government is concerned.” But if there’s a sense to it, there’s a sensibility as well, one that goes to the overall political and legal “legitimacy” of the practice within a vague, diaphanous, but quite real thing called “global public opinion,” the which is woven and spun by the interlocking international “soft law” community and global media.

It’s a mistake to remain oblivious to either the sense or the sensibility. Outside of government, the oblivious include hard-realist conservatives. Inside government, some important political-legal actors are struggling impressively both to overcome bureaucratic inertia and get in front of this issue, and to overcome factions within government unpersuaded by, if not overtly opposed to, this program—particularly as conducted by the CIA. Those actors deserve political support from congressional Republicans and Democrats. Because obliviousness to the sensibility of lawfulness and legitimacy—well, we should all know better by now. Does anyone still believe that the international legal-media-academic-NGO-international organization-global opinion complex cannot set terms of debate over targeted killing or covert action? Or that it cannot overcome “hard” American security interests? Or that this is merely another fringe advocacy campaign of no real consequence, whether in the United States, or abroad in Europe, or at the United Nations?

The Obama administration assumes that it uniquely sets the terms of legal legitimacy and has the final word on political sensibility. This is not so—certainly not on this issue. The international soft-law campaign looks to the long-term if necessary, and will seek the political death of targeted killings, Predator drones, and their progeny, and even perhaps to CIA covert action, by a hundred thousand tiny paper cuts. The campaign has already moved to the media. Starting with Jane Mayer’s narrative of Predator drone targeted killing in the New Yorker last October, and followed by many imitators, the ideological framework of the story has shifted. In the space of a year—Obama’s year, no less—it has moved from Candidate Obama’s brave articulation of a bold new strategy for attacking terrorists to the NGOs’ preferred narrative of a cowardly, secretive American CIA dealing collateral damage from the skies. Here’s the thumbnail version of drone warfare, as portrayed in the media.

# 2NC Adv 2

#### 30 wars didn’t escalate

Prof. Samuel C. Nana-Sinkam, Special Representative of the Secretary General of the United Nations in Guinea Bissau, October 2k, online: http://www.clubofrome.org/archive/publications/nana%20sources%20of%20conflict%2011.12.00.pdf, accessed July 7, 2007

The African state system is in distress. Since 1970, more than 30 wars have been fought in Africa. A vast majority of the wars have had domestic origins within the respective states. That notwithstanding, once wars in African states erupt, they are often not contained within the territories of states from where conflicts started. Neighbouring states are often, directly or indirectly, covertly or overtly, implicated in the hostilities. In 1999, 15 of the 53 states in Africa were engaged in war. As a result of these conflicts, today, more than 20% of sub Saharan African population is affected by civil war. These wars in Africa account for more than half of war related deaths in the whole world. They have also resulted in more than 8 million refugees. The refugees eventually become sources of new conflicts or central to the escalation of old ones in the region. Refugees are known to have mobilized militarily to be actively engaged in armed hostilities. As a result of these conflicts, some states have imploded. Liberia, Sierra Leone, Somalia, Central African Republic, Eritrea/Ethiopia, Zaire, Congo (Brazzaville), Angola, Burundi and Rwanda are examples. Some of them have been fairly reconstituted as in Liberia and should we say Sierra Leone?. Notwithstanding the great costs, Liberia has been plunged back into civil war and Sierra Leone is yet out of the wood. Some states are in a perpetual state of war. These include Angola, Burundi and Somalia, which are practically states almost permanently in distress. Others have succeeded in maintaining a semblance of normalcy, but only after great trauma to their nationals and at great costs to the sub region as a whole. In none of these major flash points of deadly conflict in Africa has sustainable peace been achieved. What these cases demonstrate is the intractability of war in African states, once armed hostilities have erupted.

#### Empirically denied multiple times over

Docking 1 (Tim, Program Office in the Research and Studies Program and Specialist on African Affairs – USIP and Ph.D. in Political Science – Boston University, “Peacekeeping in Africa”, United States Institute for Peace Special Report, 2-13, http://www.usip.org/pubs/specialreports/sr66.html)

Nowhere was the scope and intensity of violence during the 1990s as great as in Africa. While the general trend of armed conflict in Europe, Asia, the Americas, and the Middle East fell during the 1989-99 period, the 1990s witnessed an increase in the number of conflicts on the African continent. During this period, 16 UN peacekeeping missions were sent to Africa. (Three countries-Somalia, Sierra Leone, and Angola-were visited by multiple missions during this time.) Furthermore, this period saw internal and interstate violence in a total of 30 sub-Saharan states ([see table 1](http://www.usip.org/pubs/specialreports/sr66.html#table1)). In 1999 alone, the continent was plagued by 16 armed conflicts, seven of which were wars with more than 1,000 battle-related deaths (*Journal of Peace Research*, 37:5, 2000, p. 638). In 2000, the situation continued to deteriorate: renewed heavy fighting between Eritrea and Ethiopia claimed tens of thousands of lives in the lead-up to a June ceasefire and ultimately the signing of a peace accord in December; continued violence in the Democratic Republic of Congo (DRC), Sierra Leone, Burundi, Angola, Sudan, Uganda, and Nigeria as well as the outbreak of new violence between Guinea and Liberia, in Zimbabwe, and in the Ivory Coast have brought new hardship and bloodshed to the continent.

# 2NC Adv 1

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

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

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

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

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

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

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

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

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

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

#### 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 selfconstraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

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

#### 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.

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

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

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

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

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#### Congress will successfully avert shutdown now, but Boehner will take it down to the wire

Tal Kopan, 9-20-2013, “Chuck Schumer on shutdown: ‘They’ll blink’,” Politico, http://www.politico.com/story/2013/09/government-shutdown-update-chuck-schumer-97118.html

Sen. Chuck Schumer thinks Republicans won’t go through with shutting down the government, but Republican leadership doesn’t yet have the strength to stand up to the tea party. “At the end of the day, they’ll blink,” Schumer said Friday on MSNBC’s “Morning Joe.” The New York Democrat said he can tell House Republican leaders don’t want to go through with a government spending bill that defunds Obamacare and is dead on arrival in the Senate. “Just look at the body language of Speaker [John] Boehner, of Eric Cantor, they know it’s wrong. All the Republican leadership knows that doing this is a disaster for them; they’re not strong enough to resist the tea party,” Schumer said. Schumer said he believes the GOP leaders are looking ahead to when the deadline to act actually comes, with the hope that moderate Republicans win out. “I think that the Republican leadership is hoping that when we get right up to the debt ceiling, right up to the line, there is such pressure on mainstream Republicans that they stand up … and say to Speaker Boehner and Eric Cantor, ‘Don’t let those 60 tea party people dictate, it’s a disaster.’”

#### Senate will pass a clean CR and kick it back to the house – will go down to the wire

Sean Sullivan, 9-20-2013, “A step-by-step guide to what’s next in the government shutdown showdown,” Washington Post, http://www.washingtonpost.com/blogs/the-fix/wp/2013/09/19/a-step-by-step-guide-to-whats-next-in-the-government-shutdown-showdown/

Continuing resolutions and Obamacare and a shutdown. Oh my! The House on Friday passed a measure that would keep government running and defund Obamacare, setting the stage for a flurry of activity in both chambers of Congress leading up to Sept. 30, the deadline for the federal government to replenish its funding. So, what’s next? Several things — some which we know with more certainty than others. Below we explain how we anticipate the debate playing out on Capitol Hill, step by step, with the caveat that there are a lot of moving parts, and things could change in a hurry. 1. The House voted Friday on a stopgap spending bill that will fund the government beyond Sept. 30, with one exception: Obamacare. This is what House conservatives have been demanding. The measure passed 230-189, with only two Democrats and one Republican crossing party lines. 2. The bill will now go to the Senate, where it stands zero chance of winning passage. None. Zilch. A coterie of Senate conservatives has been trying to ramp up support for defunding Obamacare in the budget debate. But their effort has gained virtually no traction. They will continue to fight. (Sen. Ted Cruz (R-Tex.) has promised to filibuster, though as filibuster veteran Sen. Rand Paul (R-Ky.) noted, it would only delay, not put a full stop to things.) But ultimately, it’s a battle they stand virtually no chance of winning. 3. Senate Majority Leader Harry Reid (D-Nev.) is expected to strip out the part of the bill that defunds Obamacare. The Senate would then pass a CR without the provision, likely some time next week. Even Cruz, a vocal advocate of defunding Obamacare, acknowledged this is the most likely outcome. 4. The Senate-passed CR would be sent back to the House, which would have only days left to vote on it before the end of the month. And this is where things would get interesting. 5. What Speaker John Boehner (R-Ohio) could say to House conservatives at that point is, ‘Hey, we did all we could, but Senate Republicans couldn’t bring this home. Nor will they ever be able to under the current balance of the upper chamber. Let’s vote for the Senate-passed CR and gear up for next month’s debt ceiling fight, in which we are going to try to delay Obamacare for a year.’ 5a. Maybe that would work. More likely, it wouldn’t. Remember, we’re talking about cast-iron House conservatives that Boehner will have to convince. They haven’t budged so far. It’s going to be a very tough sell for GOP leadership. 6. If it doesn’t work (meaning a majority of Republicans don’t buy it), Boehner will have two choices: 1) Cobble together a coalition of moderate Republicans and Democrats to pass the Senate-approved CR and prevent a shutdown, or 2) Don’t vote on it, stand with the cast-iron conservatives and brace for a shutdown. It would not be an easy call. In other words, he’d be in quite a jam.

#### Government will avert shutdown now – GOP will compromise when the Senate sends the bill back

Jennifer Jacobs, 9-20-2013, “Grassley: Government shutdown is 'not going to happen this time',” Des Moines Register, http://www.desmoinesregister.com/article/20130920/NEWS09/130920029/1056/news05

The federal government won’t end up in a shutdown because of the argument over whether to pay for Obamacare, U.S. Sen. Chuck Grassley said today. “It doesn’t have to happen and it’s not going to happen this time,” Grassley said during the taping of “Iowa Press,” a public television show. “I think that there’s too much talk of armageddon.” The Republican-controlled U.S. House this morning voted to erase from a spending bill money that was intended for the Affordable Care Act, setting up a showdown with the Democrats who control the U.S. Senate. Federal lawmakers are working under a deadline – the government will run out of money when the fiscal year ends on Sept. 30. Even with a stalemate, Grassley said the government can finance 84 percent of what it spends with incoming tax money. “Beyond that it is a case of prioritization,” he said. Memories of the shutdown in 1995 prove it’s not a good idea, he said. “Nothing was accomplished and that is precedent enough that I don’t think it’s going to happen again,” he said. But “there’s a lot of problems with Obamacare and if you want to defund it or slow it down for a year like he did for corporations, do it for individuals, it seems to me that is a legitimate part of the debate.” Grassley described how he thinks the battle over the continuing resolution will end up. “What is really going to happen, and this is more process than it is substance, but the House passes a bill. It will come to the Senate. The Senate majority will take out anything dealing with Obamacare, send it back to the House of Representatives, they’ll accept it because they won’t want to shut down the government and it’s going to go to the president and the president is going to sign it.”

#### Consensus of analysts agree

Richard Cowan and Thomas Ferraro, 9-20-2013, “House GOP taunts Democrats after passing anti-Obamacare spending bill,” Chicago Tribune, http://www.chicagotribune.com/health/sns-rt-us-usa-fiscal-20130917,0,542629.story

A familiar Washington melodrama - will they or won't they shut down the government - took center stage on Friday when the Republican-controlled House of Representatives passed a bill to fund the government, but only if President Barack Obama's landmark healthcare law is ransacked. Notching their 42nd vote against "Obamacare" and knowing full well the Democratic Senate will reject it, Republicans in the House cast their votes, staged a noisy celebration in front of a placard declaring: "SenateMustAct," and then left town for several days to give time for the Senate to demolish its work. "The Senate will not pass any bill that defunds or delays Obamacare," Senate Majority Leader Harry Reid said flatly. Later on Friday, Obama called House Speaker John Boehner, to reiterate he would not negotiate on another bill that will soon be before Congress: one to increase U.S. borrowing authority, which is rapidly approaching its $16.7 trillion limit. House Republicans said they were considering a series of controversial initiatives to attach to that bill, which likely prompted Obama's phone call. A White House official said Obama told Boehner in the call that the American people had worked long and hard to dig the country out of the financial crisis and the last thing they needed was another politically motivated, self-inflicted wound. Obama, who would veto any bill that stripped funds from his healthcare law, hit the road too, as he has in past fiscal showdowns. "They're not focused on you," he said of the Republicans as he spoke at a Ford plant in Liberty, Missouri. "They're focused on politics. They're focused on how to mess with me." Jeff Wright, a United Auto Workers officer waiting for Obama, commented, "They're completely dysfunctional." If both houses fail to pass a bill funding the government, it could shut down on October 1, although most Capitol Hill observers doubt it will come to that.

#### Boehner will avert shutdown now – he can get support from Dems even after capitulating on Obamacare vote

Chuck Todd, et al, 9-19-2013, “First Thoughts: Boehner's lose-lose situation,” NBC News, http://firstread.nbcnews.com/\_news/2013/09/19/20578517-first-thoughts-boehners-lose-lose-situation

\*\*\* Boehner’s lose-lose situation: For weeks, House Speaker John Boehner and his leadership team tried to avoid including any defunding of Obamacare in the budget negotiations. But they officially capitulated yesterday. And here’s what it’s getting them: grief and potential problems from all sides. Not surprisingly, the move only alienates the Obama White House, which isn’t going to negotiate over the president’s signature domestic achievement in any way, shape, or form. What’s more, the effort to defund Obamacare raises expectations for the conservative base. (What happens if the final legislation doesn’t touch the health-care law at all? Do House conservatives bolt?) And last night, we learned that it’s still not enough for Sen. Ted Cruz (R-TX), who last night said he wants House Republicans to continue to stand their ground on defunding Obamacare. "[Senate Democratic Majority Leader] Harry Reid will no doubt try to strip the defund language from the continuing resolution, and right now he likely has the votes to do so," Cruz said in the statement, per NBC’s Kasie Hunt and Frank Thorp. "At that point, House Republicans must stand firm, hold their ground, and continue to listen to the American people." So right now, Boehner finds himself in a lose-lose situation: The defund effort has alienated the White House, potentially raised unrealistic expectations among conservatives, and still isn’t enough for Ted Cruz. What a mess. \*\*\* But an exit strategy for him? As it turns out, Cruz’s statement angered the House leadership, which fired back: Why are you giving up the fight in the Senate? In addition, Rep. Tim Griffin (R-AR) tweeted, “so far Sen Rs are good at getting Facebook likes, and townhalls, not much else. Do something…” And perhaps this is Boehner’s exit strategy. What he and House Republicans MIGHT be telegraphing to Cruz in their very pointed responses to him and other conservative senators is that if they can’t “stand firm” against Harry Reid (read: find 41 votes to prevent Reid from stripping the language) then House Republicans aren’t going to be -- borrowing the Wall Street Journal’s editorial page term here -- the sole kamikazes on this. In other words, if Cruz and Senate Republicans can’t win the defunding fight in the Senate, then it’s time to move on to other matters. But that raises other questions: What are those other matters? What does success and compromise look like to Boehner and conservatives if health care is not involved? Is it keeping the sequestration levels? Getting the White House to throw in approval of the Keystone pipeline? If defunding or even a one-year delay won’t be signed into law -- as any sane person would expect with Democrats controlling the Senate and White House -- then what is a satisfactory outcome for Republicans? That’s the million-dollar question. \*\*\* Let the Senate take charge? So it’s not clear to us that either the White House or Boehner knows how this ends. The most LIKELY scenario: If Boehner doesn’t have the votes to be the negotiator here, a small group of Senate Republicans (think McCain, Graham, Corker etc.) work with the White House and Senate Dems for a compromise deal, and then Boehner throws in the towel and allows the House Democrats to provide a majority of the votes. It’s how every other showdown has ended so it’s the most likely ending this time. But can Boehner survive doing this again?

#### GOP will successfully avoid a shutdown now, but it’s still close and time is tight

Ben Terris, 9-15-2013, “Government Shutdown? Not This Time,” National Journal, http://www.nationaljournal.com/congress/government-shutdown-not-this-time-20130915

The drumbeat has already started. "GOP split over healthcare law boosts threat of a government shutdown," says the Los Angeles Times. "A Government Shutdown Just Got More Likely," Business Week said on September 11th. "No Clear Path in Congress Avoiding a Shutdown," NBC said on their website the next day. It makes for an exciting story—albeit one that we've heard many times recently—but the general consensus, both from outside experts and Republican leaders, is that it's just not going to happen. Yet. "I'm very confident in my belief that a shutdown will not happen," said a Republican leadership aide. "I'm not going to rule out the chance that it ever does. But the leadership team and overwhelming number of our members do not want to shut down the government." Politically, Republican leaders know it's in their best interest not to have the government shut down. A new poll from CNN found that the majority of the country would blame them, not Democrats, if such a thing were to happen. That is certainly part of the pitch from top Republicans to their members. They also want their colleagues to think of passing a budget bill—one that keeps sequester-levels of spending intact—as a victory in and of itself. And as for fighting for such trophies as delaying or defunding Obamacare, Republican leadership aides say that all they really need is just a bit more time to convince the holdouts that there's a better moment to have that fight. "If you're looking to partially defund or delay the healthcare law, or individual mandate, or try and force spending cuts, it seems like, given the timing and lay of the land right now, the better place is on the debt limit," said another top Republican staffer. Why? Partly because it gives GOP lawmakers time to rally around a plan. It also has to do with messaging. Many sophomore and freshman Republicans got themselves elected by castigating the country's borrowing habits. For them, it's better to fight about that than to look like a group of people who can't even keep the government's doors open. That doesn't mean it's going to be easy, though. It hasn't been so far. After returning from a month-long vacation, lawmakers debated nothing but a possible military strike against Syria, leaving very little room for discussions about funding the government. By the time House Majority Leader Eric Cantor came up with a plan for such a funding bill, he and the leadership team couldn't garner enough support from Republicans to even bring it up for a vote. The problem was, conservatives didn't feel Cantor's bill made a real enough effort to defund Obamacare. While the vast majority of Cantor's colleagues supported his plan, it would only take a small fraction of opposition to derail it. The vote was put on hold, but Boehner hinted at a press conference that the plan is still to try and sell Cantor's proposal—or something like it—to his members. When a reporter implied that such a course of action had been rejected, the Speaker winked and said: "Not quite yet."

#### The GOP will back down—they will delay attacking Obamacare

Jennifer Rubin 9/17, writes the Right Turn blog for The Washington Post, “Do defunding Obamacare efforts have GOP support?,” http://www.washingtonpost.com/blogs/right-turn/wp/2013/09/17/do-defunding-obamacare-efforts-have-gop-support/

It is hard to gauge the degree to which the shutdown fever has gripped the House GOP. The shutdown forces are loud and enjoy the talk show echo chamber, but do they have support among their colleagues?¶ We know that those advocating a government shutdown to “defund” Obamacare haven’t convinced even a majority of their Senate colleagues. In the House, a senior House aide offered that most of the conference was “supportive” of the speaker’s approach. Another suggested the “tide” was in the direction, but that it wouldn’t be hard for hardliners to drive the House off course once again.¶ There are some signs, however, that the prospect of a shutdown has alarmed Republicans, who think that while the aim of getting rid of Obamacare is admirable, the strategy is suicidal. The argument that the shutdown crowd is actually electorally helping the Democratic Congressional Campaign Committee (by infighting with their own colleagues and egging them on toward an unpopular strategy) has some resonance among GOP members. (The Wall Street Journal editorial board warns, “The kamikazes could end up ensuring the return of all-Democratic rule.”)¶ In the House, GOP staffers have taken to calling out a major instigator of the shutdown hooey, Sen. Ted Cruz (R-Tex.) (“anger at Cruz carries a fairly broad base among House Republicans, many of whom view his Obamacare push as self-destructive to the party”).¶ Conservatives opposed to a shutdown strategy seem to be making progress in debunking the hard right’s nonsense claim that unless a Republican votes for a shutdown he’s an Obamacare supporter.¶ In a TV appearance, Budget Committee chairman Paul Ryan (R-Wis.) told a local Wisconsin interviewer, “Well, I don’t think we’ll have a government shutdown, but we want to do anything we can possible to delay Obamacare. One of the problems is there’s a little misconception out there, that if we stop funding what we call discretionary spending, that that stops Obamacare. It doesn’t. Entitlements continue on. Social Security and Medicare, those things continue, even if we have a government shutdown.” He explained, “ Obamacare is an entitlement. So it’s not within the power of the House Republicans unilaterally to defund Obamacare by just passing one bill and it happens. To defund or delay Obamacare, Obama himself has to sign that bill into law. And so what we’re trying to do is figure out the best way of maximizing our leverage to get the president to delay his health-care law.”¶ At National Review Online, Avik Roy likewise counsels that “the chances that President Obama will agree to defund his signature achievement are zero, whereas the chances that the public would punish Republicans for shutting down the government are, shall we say, non-zero.”¶ He favors Majority leader Eric Cantor’s approach. (The House “would simultaneously fund the government, including Obamacare, at sequester levels while also passing a separate resolution that would amend the CR to defund Obamacare. By using this mechanism, the House would force the Senate to vote on the defunding resolution, while preserving the sequester-driven spending caps, and also ensuring that any government shutdown would be the fault of Democrats in the Senate.”)¶ And he picks up on the irritation of a growing number of elected officials with Heritage Action (“I’m not sure who died and made Heritage pope, but apparently Heritage Action thinks it has the authority to excommunicate Paul Ryan, Tom Coburn, Grover Norquist, and countless others from the conservative movement.”) He turns tables, labeling GOP conservatives who insist the only chance to kill Obamacare is through a suicidal shutdown this fall as the real “surrender caucus.”¶ Other conservatives like James Capretta and Jeffrey Anderson, who have not only worked assiduously for Obamacare’s repeal, but crafted alternatives to Obamacare (something the Cruz-Lee-Marco Rubio faction hasn’t done), also tell conservatives that while the public is with them on getting rid of Obamacare, a shutdown remains unpopular and will lose them support. Instead, they encourage “GOP leaders and rank-and-file members [who] are coalescing around the view that Obamacare should be their primary target—and that delaying it should be their principal short-term goal political perspective.” They point to polling that strongly supports their strategy.¶ What these opponents of the shutdown strategy can do is provide protection to House members who fear being labeled as soft on Obamacare. By making clear the choice is one of strategy –rejecting a bad one in favor of one that might work – they go a long way toward putting pressure on the pro-shutdown squad to explain how their plan is actually going to work.

#### Doesn’t matter—the shutdowners don’t have support

Andrew Stiles 9/15, National Review Online, “Defund-O’care Battle Still Divides Republicans,” http://www.nationalreview.com/article/358545/defund-ocare-battle-still-divides-republicans-andrew-stiles

Ted Cruz may be an omnipresent rising conservative star. But the Texas Republican and his allies, including Senators Mike Lee (R., Utah) and Marco Rubio (R., Fla.), along with outside groups such as Heritage Action and the Club for Growth, aren’t so popular in the House these days. Their aggressive defunding campaign, which has (via Heritage Action) pledged to spend more than half-a-million dollars in online ads targeting House Republicans, has aggravated the leadership as well as rank-and-file members.¶ Aides complain, often heatedly, about what they view as an effort to micromanage House Republicans that risks not only dividing the party but also destroying the GOP’s political leverage in budget negotiations with the White House. They are convinced that the ultimate goal of the defund campaign is to shut the government down, something that polls suggest could be a political disaster for Republicans.

#### The politics disad is an opportunity cost to the plan

Saideman 11 Steve is an Associate Prof of PoliSci at McGill University. “Key Constraint on Policy Relevance,” July 25, http://duckofminerva.blogspot.com/2011/07/key-constraint-on-policy-relevance.html

I would go one step further and suggest that one of the key problems for scholars who want to be relevant for policy debates is that we tend to make recommendations that are "incentive incompatible." I love that phrase. **What is best for policy may not be what is best for politics**, and so we may think we have a good idea about what to recommend but get frustrated when our ideas do not get that far. ¶ Lots of folks talking about early warning about genocide, intervention into civil wars and the like blame "political will." That countries lack, for whatever reason, the compulsion to act. Well, that is another way of saying that domestic politics matters, but we don't want to think about it. ¶ Dan's piece contains an implication which is often false--that IR folks have little grasp of domestic politics. Many IR folks do tend to ignore or simplify the domestic side too much, but there is plenty of scholarship on the domestic determinants of foreign policy/grand strategy/war/trade/etc. Plenty of folks look at how domestic institutions and dynamics can cause countries to engage in sub-optimal foreign policies (hence the tradeoff implied in my second book--For Kin or Country). ¶ The challenge, then, is to figure out what would be a cool policy and how that cool policy could resonate with those who are relevant domestically. That is not easy, but it is what is necessary. To be policy relevant requires both parts--articulating a policy alternative that would improve things and some thought about how the alternative could be politically appealing. **¶ Otherwise, we can just dream about the right policy and gnash our teeth when it never happens.**

Government shutdown stalls the recovery

Motoko Rich, 4-7-2011, "Government Shutdown Would Have Wide Ripples," New York Times, http://www.nytimes.com/2011/04/08/business/economy/08econ.html?pagewanted=all

It’s not just an estimated 800,000 federal employees who would feel the financial pinch of a government shutdown. Among the people anxiously waiting to hear if Congress can reach a budget deal are front desk clerks at the Ahwahnee Hotel in Yosemite National Park, manufacturing executives whose companies supply goods to federal agencies, bank loan officers who make mortgages guaranteed by the Federal Housing Administration and Wall Street analysts who depend on a steady flow of government data. The federal government is, after all, a very big business, and temporarily pulling the plug would disrupt many other businesses. President Obama has warned that the looming shutdown could stall the already fragile economic recovery by choking off much-needed paychecks to workers and introducing another level of uncertainty in an already uncertain world. Economists are divided as to how much the shutdown would rattle the economy. Of course, some of it depends on how long any stoppage lasts. If Congress agrees to a budget quickly, it might be just a few national park visitors who are disappointed over the weekend. But if the hiatus stretches to a week — or to nearly three weeks as it did in 1995 — then the ripples could quickly fan out.

#### Shutdown would cause a recession – past shutdowns didn’t happen during a fragile economy

Daily Kos, 1-14-2013, "Government Shutdown: What It Is, and What It Isn't (Update x1)," http://www.dailykos.com/story/2013/01/14/1178981/-Government-Shutdown-What-It-Is-and-What-It-Isn-t

That said, there is an important element that is very different this time. During the 1995-1996 shutdown, the United States was not undergoing any economic turmoil besides the effects of the shutdown. While Bill Clinton certainly left office with the first projected budget surplus since 1969, he was working with a stable economy. It was a relatively safe time to consider budget cuts and to start paying down the deficit. Today, we're still recovering from 'The Great Recession' and the new economic fad is that the only way out of the recession is to immediately and severely cut spending. President Obama has already cut the deficit by $1.2 trillion dollars (and as pointed out by Jed Lewinson, it's $2.4 trillion counting new tax revenue). Cut too much spending at this point, and the government will depress demand and potentially drive the country back into recession. This is not the time to aim for a balanced budget. This is not a family trying to balance its budget- families don't have B-52s. This is the world's largest economy trying to stay afloat without making bad decisions.

#### Government shutdown wrecks the economy – this time is really seriously different

Ben White and MJ Lee, 8-12-2013, “Next fiscal fight: Why Wall Street should worry,” Politico, http://www.politico.com/story/2013/08/wall-street-debt-ceiling-95426.html?hp=t1

The prevailing view: When Congress returns in September, sabers will be rattled and threats will be hurled. But then, as usual, Washington will grind out a crummy deal that keeps the federal lights on and avoids a disastrous default. “D.C. always gets very close to the edge and then in the end finds an eleventh-hour solution,” said Jan Hatzius, chief economist at Goldman Sachs. “It seems hard to believe that we are going to have a really big problem” But this time — wait for it — could be different. Really, seriously different. Here is just a sampling of why Wall Street may be wrong: The House GOP is hopelessly fractured on spending strategy. Senate Republicans who might otherwise broker a deal face primary challenges that make compromise potentially deadly. Other Senate Republicans are jockeying for 2016. And congressional Democrats have no appetite for any bargain — grand or otherwise — that cuts entitlement spending. President Barack Obama at his Friday news conference before leaving for vacation lectured Republicans and mocked their threats to shut down the government rather than fund his signature health care law. Hardly a promising sign for the fall. “The idea that you would shut down the government at a time when the recovery is getting some traction …,” Obama said, “I’m assuming that they will not take that path. I have confidence that common sense, in the end, will prevail.” And it is not just a government shutdown or debt-ceiling crisis that could cause a Beltway shakeup of markets this fall. There is also the possibility of a nasty confirmation fight for the next chairman of the Federal Reserve just as the central bank starts to wind down its program of buying hundreds of billions in bonds to support the economy. Wrap all this potential dysfunction together and there is a real chance that the fall of 2013 will be more like the summer of 2011, when a near-miss on the debt ceiling led to a ratings agency downgrade, a huge sell-off in the stock market and yet another hit to an economy that might otherwise be heating up nicely. “There’s going to be some pain that isn’t being priced into market expectations,” said Compass Point Research & Trading analyst Isaac Boltansky. “Right now the markets are doing well, but I don’t think it’s pricing in this impending battle.” Or battles.

#### Government shutdown wrecks the US economy – undermines recovery and hurts job growth

Barbara Boxer, US Senator D-CA, 2-17-2011, "Official Website of U.S. Senator Barbara Boxer: Press Releases,” https://www.boxer.senate.gov/en/press/releases/021711b.cfm

U.S. Senators Barbara Boxer (D-CA) and Bob Casey (D-PA) today introduced legislation that would prevent Members of Congress and the President of the United States from being paid during a shutdown of the federal government, which Republicans have repeatedly threatened. “A government shutdown would be a disaster for our nation and for our economy,” Senator Boxer said. “If we can’t resolve our differences, we should not receive a paycheck. It is our job to work together for the good of the American people, and that’s why I call on my Republican colleagues to take the government shutdown option off the table.” “Economists have warned that a government shutdown would hurt the economy and endanger job creation,” said Senator Casey. “A shutdown in a fragile economic recovery will hurt people who have already suffered through the recession. If it comes to a government shutdown, everyone should agree that Members of Congress and the President should not receive pay or retroactive pay.” Republican leaders have refused to take the threat of a government shutdown off the table, even though a shutdown would affect the lives of millions of Americans by disrupting Social Security checks, benefits for veterans and paychecks for our troops.

#### Government shutdown cripples the global economy

CBS Miami, 8-15-2013, “Capitol Hill Rocketing Towards Economic Showdown,” http://miami.cbslocal.com/2013/08/15/capitol-hill-rocketing-towards-economic-showdown/

As the annual August recess continues in Washington, the outcry from some of the most conservative members of the Republican caucus continue to call for either a government shutdown or a debt limit default to halt the implementation of the Affordable Care Act. Republican leadership in both the House of Representatives and the Senate have refused to take a side in the debate yet. But, prominent Republicans like Senators Marco Rubio and Ted Cruz are leading the charge to try to shut down the government or default on the debt to get their way on health care. Initially, Rubio and Cruz began the call to refuse to fund the government unless the health care reform act was shut down around a month ago. At first, the notion was dismissed by many GOP members, including conservative Oklahoma Senator Tom Coburn. Senator Coburn quoted Congressional research that showed that most of the funds for the Affordable Care Act were mandatory funding and wouldn’t be impacted by the threat of a government shutdown. The conservative anxiety over the implementation of the Affordable Care Act, which will be mostly in place by the end of the year, has taken on a new shape with Senator Rubio changing the rules for opposing the bill nicknamed Obamacare. “You cannot say you are against Obamacare if you are willing to vote for a law that funds it,” Senator Rubio has said. “If you’re willing to fund this thing, you can’t possibly say you’re against it.” The problem for Rubio and other conservatives is that the call to “repeal and replace” from 2010 has morphed into simply repeal with no replacement to help manage health care costs being proposed. The GOP-led House has voted 40 times to repeal the Affordable Care Act since 2010, but hasn’t proposed a replacement bill yet. Plus, more moderate Republicans who would typically be in the mood to compromise to keep the government moving and even to make the Affordable Care Act work better for their constituents are disappearing quickly in Washington. The threat of tea party challenges from the right is forcing many Republicans who in the past would have sought a compromise with Congressional/Senate Democrats or the president are now moving further to the right to keep from facing a primary fight. This is on display in both Tennessee and Kentucky. In Tennessee, Republican Senator Lamar Alexander, who has always received solid ratings from conservative groups, is being asked to step down by tea party groups because “our great nation can longer afford compromise and bipartisanship, two traits for which you have become famous.” In Kentucky, Senate Minority Leader Mitch McConnell is facing a tea party challenge in his state’s primary. If Senator McConnell were to negotiate or strike a deal with Senate Democrats, it would likely weaken him enough to possibly cost him his seat in the Senate. But, that is the point Washington has quickly found itself at as a massive showdown over funding the government and raising the debt ceiling loom large in September. As time has gone on from the initial call to shut down the government to prevent the implementation of the Affordable Care Act, some are turning instead to the possibility of another fight over the nation’s debt limit. In the last week, calls have started to go out that if a government shutdown threat won’t stop the Affordable Care Act’s implementation, then the GOP should refuse to raise the debt limit unless the ACA is halted. The last time the GOP took the debt limit hostage a few years ago, the nation’s credit rating dropped and the recovery from the Great Recession was pushed further back. President Barack Obama has repeatedly said throughout the last few months that he “will not” negotiate on the debt ceiling again. Senate Majority Leader Harry Reid echoed the president’s remarks last month. The debt limit fight is over raising the nation’s debt limit to pay for bills that have already been charged, not future spending. Economists have warned that a debt default by the United State could completely cripple the global economy. A massive bond sell off would be possible and some economists fear a global depression could ensue, depending on the length of the default. Still, Washington is barreling towards a massive conflict in September that could turn into much ado about nothing or plunge the U.S. and global economy into a meltdown. In the past few years, Congress has worked best when it’s coming up on a deadline. But, between primary battles and ideological rigidness, it remains to be seen if the current group on Capitol Hill will be able to defuse the ticking time bomb.

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

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

#### **Changes in drone policy cause fights between Congress and the White House.**

Plain Dealer 13

(The Plain Dealer staff and wire reports, “Battle brewing over Obama administration's use of deadly drones”, 2/6/13, http://www.cleveland.com/nation/index.ssf/2013/02/battle\_brewing\_over\_obama\_admi.html)

As some in Congress are looking to limit America's authority to kill suspected terrorists, the White House and Justice Department on Tuesday adamantly defended the administration's authority to use unmanned drones following the release of a controversial memo on the program.¶ Fox News reports that President Obama's advisers are also trying to tamp down concerns about the targeted killings ahead of the confirmation hearing Thursday for CIA director nominee John Brennan -- the counterterrorism adviser and drone-program supporter who has come under criticism from Democrats.¶ The furor is heating up after a white paper, leaked on Monday night and dating from 2011, justifies the killing of United States citizens who hold senior positions in al-Qaida and pose an "imminent threat of violent attack" against America. ¶ The white paper provides some detail of the legal framework under United States and international law for the drones policy, including that the United States is at war with al-Qaida. But it has come under criticism from human rights groups for making too broad a case for killing, rather than capturing, suspected American and foreign terrorists. ¶ The report was shown to senators several weeks ago, but failed to allay their concerns. It was made public by NBC News

#### Obama has political capital

John Kornblum 9-11, former U.S. ambassador to Germany, 9-11-2013, “Is Obama a Lame-Duck President?” Carnegie Europe, http://carnegieeurope.eu/strategiceurope/?fa=52932

U.S. President Barack Obama is far from a lame-duck president. Such charges often arise when a politician is facing difficulties, and it is true that Obama has not been as adroit as he might have been on issues such as Syria. But if Syrian stocks of poison gas are put under international control, as was proposed this week, he will in fact gain in both influence and reputation. And the reality is that the U.S. economy is improving, the nation’s overseas military involvements are being cut back, and the Republicans continue to self-destruct. There is rough sledding ahead, but the president has more than enough political capital to deal with the problems he faces.

#### Restrictions on targeting killing are highly controversial---spun as being objectively pro-terrorist

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>

There may be a deeper problem with congressional oversight of targeted killings. It simply lacks a sufficiently numbered constituency that is impacted by the program.460 More pointedly, are the issues in the targeted killing policy important enough for any individual member of Congress to take steps to change the policy? Will a member lose their seat over a failure to provide greater due process protections or more reliable targeting information in the kill-list creation process? Or is it more likely that they will lose their seat if they champion the cause of potential targets and one of those targets is not struck but subsequently carries out an attack? That is the political calculus facing policymakers and in that calculus, it seems difficult to justify changing targeting absent some clear benefit to national security or some clear political gain in a congressman’s home district. Moreover, even if individual policymakers agree that the policy should be changed, they may face substantial hurdles in their attempts to convince congressional leaders (who drive the legislative agenda) that the policy should be overhauled.461

#### Zero political support for limitations on targeted killing from either Congress or the White House

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.

#### Drones are politically popular

Smithson, 12

(S, witer for the Washington Times, "Drones over U.S. get OK by Congress", Feb 7, [www.washingtontimes.com/news/2012/feb/7/coming-to-a-sky-near-you/?page=all](http://www.washingtontimes.com/news/2012/feb/7/coming-to-a-sky-near-you/?page=all) NL)

Look! Up in the sky! Is it a bird? Is it a plane? It’s … a drone, and it’s watching you. That’s what privacy advocates fear from a bill [Congress](http://www.washingtontimes.com/topics/congress/) passed this week to make it easier for the government to fly unmanned spy planes in U.S. airspace. The [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) Reauthorization Act, which President [Obama](http://www.washingtontimes.com/topics/barack-obama/) is expected to sign, also orders the [Federal Aviation Administration](http://www.washingtontimes.com/topics/federal-aviation-administration/) to develop regulations for the testing and licensing of commercial drones by 2015. Privacy advocates say the measure will lead to widespread use of drones for electronic surveillance by police agencies across the country and eventually by private companies as well. “There are serious policy questions on the horizon about privacy and surveillance, by both government agencies and commercial entities,” said [Steven Aftergood](http://www.washingtontimes.com/topics/steven-aftergood/), who heads the Project on Government Secrecy at the [Federation of American Scientists](http://www.washingtontimes.com/topics/federation-of-american-scientists/). The [Electronic Frontier Foundation](http://www.washingtontimes.com/topics/electronic-frontier-foundation/) also is “concerned about the implications for surveillance by government agencies,” said attorney [Jennifer Lynch](http://www.washingtontimes.com/topics/jennifer-lynch/). The provision in the legislation is the fruit of “a huge push by lawmakers and the defense sector to expand the use of drones” in American airspace, she added. According to some estimates, the commercial drone market in the United States could be worth hundreds of millions of dollars once the [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) clears their use. The agency projects that 30,000 drones could be in the nation’s skies by 2020. The highest-profile use of drones by the United States has been in the [CIA](http://www.washingtontimes.com/topics/united-states-central-intelligence-agency/)’s armed Predator-drone program, which targets [al Qaeda](http://www.washingtontimes.com/topics/al-qaeda/) terrorist leaders. But the vast majority of U.S. drone missions, even in war zones, are flown for surveillance. Some drones are as small as model aircraft, while others have the wingspan of a full-size jet. In [Afghanistan](http://www.washingtontimes.com/topics/afghanistan/), the U.S. use of drone surveillance has grown so rapidly that it has created a glut of video material to be analyzed. The legislation would order the [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/), before the end of the year, to expedite the process through which it authorizes the use of drones by federal, state and local police and other agencies. The [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) currently issues certificates, which can cover multiple flights by more than one aircraft in a particular area, on a case-by-case basis. The [Department of Homeland Security](http://www.washingtontimes.com/topics/department-of-homeland-security/) is the only federal agency to discuss openly its use of drones in domestic airspace. U.S. Customs and Border Protection, an agency within the [department](http://www.washingtontimes.com/topics/department-of-homeland-security/), operates nine drones, variants of the [CIA](http://www.washingtontimes.com/topics/united-states-central-intelligence-agency/)’s feared Predator. The aircraft, which are flown remotely by a team of 80 fully qualified pilots, are used principally for border and counternarcotics surveillance under four long-term [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) certificates. Officials say they can be used on a short-term basis for a variety of other public-safety and emergency-management missions if a separate certificate is issued for that mission. “It’s not all about surveillance,” [Mr. Aftergood](http://www.washingtontimes.com/topics/steven-aftergood/) said. Homeland Security has deployed drones to support disaster relief operations. Unmanned aircraft also could be useful for fighting fires or finding missing climbers or hikers, he added. The [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) has issued hundreds of certificates to police and other government agencies, and a handful to research institutions to allow them to fly drones of various kinds over the United States for particular missions. The agency said it issued 313 certificates in 2011 and 295 of them were still active at the end of the year, but the [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) refuses to disclose which agencies have the certificates and what their purposes are. The [Electronic Frontier Foundation](http://www.washingtontimes.com/topics/electronic-frontier-foundation/) is suing the [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) to obtain records of the certifications. “We need a list so we can ask [each agency], ‘What are your policies on drone use? How do you protect privacy? How do you ensure compliance with the Fourth Amendment?’ ” [Ms. Lynch](http://www.washingtontimes.com/topics/jennifer-lynch/) said. “Currently, the only barrier to the routine use of drones for persistent surveillance are the procedural requirements imposed by the [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) for the issuance of certificates,” said [Amie Stepanovich](http://www.washingtontimes.com/topics/amie-stepanovich/), national security counsel for the Electronic Privacy Information Center, a research center in Washington. The Department of Transportation, the parent agency of the [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/), has announced plans to streamline the certification process for government drone flights this year, she said. “We are looking at our options” to oppose that, she added. Section 332 of the new [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) legislation also orders the agency to develop a system for licensing commercial drone flights as part of the nation’s air traffic control system by 2015. The agency must establish six flight ranges across the country where drones can be test-flown to determine whether they are safe for travel in congested skies. Representatives of the fast-growing unmanned aircraft systems industry say they worked hard to get the provisions into law. “It sets deadlines for the integration of [the drones] into the national airspace,” said [Gretchen West](http://www.washingtontimes.com/topics/gretchen-west/), executive vice president of the Association for Unmanned Vehicle Systems International, an industry group. She said drone technology is new to the [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/). The legislation, which provides several deadlines for the [FAA](http://www.washingtontimes.com/topics/federal-aviation-administration/) to report progress to [Congress](http://www.washingtontimes.com/topics/congress/), “will move the [drones] issue up their list of priorities,” [Ms. West](http://www.washingtontimes.com/topics/gretchen-west/) said.

#### GOP hates the aff – support for broad targeted killing powers

Savage 11 Charlie Savage, newspaper reporter in Washington, D.C., with the New York Times, “In G.O.P. Field, Broad View of Presidential Power Prevails”, Herald Tribune, December 20th, 2011, http://www.heraldtribune.com/article/20111229/ZNYT02/112293016/-1/news?Title=In-G-O-P-Field-Broad-View-of-Presidential-Power-Prevails

WASHINGTON — Even as they advocate for limited government, many of the Republican presidential candidates hold expansive views about the scope of the executive powers they would wield if elected — including the ability to authorize the targeted killing of United States citizens they deem threats and to launch military attacks without Congressional permission.

#### Shutdown flips the midterm and wrecks the GOP – they’d take both halves now

John Dickhaus, 9-15-2013, “Government Shutdown 2013: Tea Party, Shut Up and Trust Your Leaders,” Policy Mic, http://www.policymic.com/articles/63559/government-shutdown-2013-tea-party-shut-up-and-trust-your-leaders

House Majority Whip Kevin McCarthy (R-Calf.) announced Wednesday that a bill that would have averted a government shutdown would not go to a vote, due to Republican division on how to challenge President Obama's Affordable Care Act. Under the current House leadership's floor plan, the vote on a continuing resolution to fund the government would be split into two parts. The first part would continue to fund the government at current levels, while the second portion of the resolution would defund the Affordable Care Act. Due to a rule introduced in the House when debate over this resolution began, before the House Clerk sends the bill to the Senate to be voted on, the Senate must first vote on whether or not to defund the Affordable Care Act — a vote that Senate Democrats will certainly never allow. The House leadership's plan is brilliant heading into the 2014 midterms. If the continuing resolution passes the House, the ball is finally placed in the court of Senate Democrats for the first time since President Obama signed the Affordable Care Act into law in March 2010. When the CR passes, Senate Democrats, many of whom are up for reelection in 2014 in vulnerable states, will no longer be able to beat around the bush, but instead must tell their constituents whether or not they support what is sure to be President Obama's biggest legacy while in office. It is reasonable to infer that most Democrats would vote "yes" to keep funding the Affordable Care Act, which could translate into a positive election strategy for Republicans in 2014. The one problem in the House leadership's strategy is Tea Party representatives. The same Tea Party Republicans that rejoiced in the defeat of the Farm Bill in June and embarrassed Republicans on a national level are once again sowing the seeds of discord and threatening to turn a chance of regaining the Senate into a scenario in which the GOP could potentially lose the House in 2014. This is my message to the Tea Party members who do not know what it is like to be in the minority party and don't know anything about governing: Trust your leadership and try to look at the big picture for once. Instant government does not happen overnight. Speaker Boehner isn't a dictator who can get rid of President Obama's laws on a whim. There is a legislative process that must be followed and Republicans have to play the game to get enough seats before real conservative change can occur. The Tea Party can get on its bully pulpit all it wants an accuse the House majority whip of "whipping votes for Obamacare," but where is that going to land Republicans if the government shuts down and Republicans lose the House next November? The Tea Party may claim that Americans want a government shutdown, but wake up and smell the coffee — your caucus is disillusioned and has lost the PR war on every single front. The Tea Party caucus may point to the 1995-1996 government shutdown as a precedent that will give Republicans broader electoral possibilities. They are wrong. Americans are tired of dealing with government shutdowns every six months and are just ready to return to normalcy. A government shutdown at this point in time is sure to cripple any chance Republicans had at capturing the Senate in 2014. The defeat of the Farm Bill was not a victory to celebrate. It was shameful. In a time when Republicans are vulnerable after losing the popular vote in the last four out of five presidential elections and are likely to lose the 2016 presidential election, party unity and cohesion are what is needed to carry the conservative message into the 21st century. Despite what the Tea Party caucus may think, House leadership is fighting for the same principles that they defend. The difference: the House leadership knows how to pick its battles and wait for the opportune moment to deliver a coup d'etat. The House leaderships strategy is a strong one that can and will lead to GOP success in the 2014 midterms. In the meantime, Republican leadership needs to draw the red line on representatives who are continually detracting from the Republican message. The House leadership should rake these representatives over the coals, like the Democrats did with Sen. Joe Lieberman (I-Con.) when they threatened to strip him of his chairmanship of the Homeland Security and Government Affairs committees. It is time for John Boehner, Eric Cantor, and Kevin McCarthy to stand up to the Tea Party and let them know that they do not control the Republican party in the House and do not represent mainstream conservatives within the United States. That disunity at a vulnerable time for the party is not going to be tolerated. That they are their own men and not servants of demagogues. That the next time the Tea Party thinks about crossing the House leadership, sic sunt dracones — here be dragons. After all, nobody wants to wake a dragon.

**Democratic house means Obama can get a carbon tax passed**

Ben **Wolfgang**, The Washington Times, 3-13-2013, “Issue of carbon tax rears up once again,”

 http://www.washingtontimes.com/news/2013/mar/13/issue-of-carbon-tax-rears-up-once-again/#ixzz2NrEfFHxI , accessed 5-10-2013

Business leaders joined a group of House Republicans on Wednesday to denounce a tax on carbon emissions — a concept that they acknowledge has virtually no chance of being translated into law anytime soon.¶ But while they’re confident such a tax has little chance of passing Congress, some Democrats and environmental groups still vehemently support it. President Obama’s recent vow to aggressively confront climate change in his second term has helped resurrect the notion, despite the long odds.¶ “President Obama and his minions are floating the idea, bills are being introduced,” said Rep. Joe Barton, Texas Republican, speaking at a Wednesday afternoon news conference outside of the Capitol.¶ “It’s part of their agenda. We’ve decided that instead of being silent, it’s better to be pro-active,” he added.¶ As part of that offensive strategy, Mr. Barton and Rep. Steve Scalise, Louisiana Republican and chairman of the party’s study committee, introduced a House resolution opposing “efforts by Washington liberals to install a nationwide carbon tax.”¶ It’s not yet clear whether the resolution will get a vote on the House floor.

#### Carbon tax would destroy the US economy

Alan Caruba, 3-26-2013, "Warning Signs: A Carbon Tax Would Destroy America," Warning Signs, http://factsnotfantasy.blogspot.com/2013/03/a-carbon-tax-would-destroy-america.html, accessed 5-10-2013

If you want to know what a carbon tax on emissions of carbon dioxide (CO2) would do to America you need only look at the destruction of industry and business in Australia, along with the soaring costs for energy use it imposes on anyone there. “The carbon tax is contributing to a record number of firms going to the wall with thousands of employees being laid off and companies forced to close factories that have stood for generations”, Steve Lewis and Phil Jacob reported in a March 18 issue of The Daily Telegraph, a leading Australian newspaper. “Soaring energy bills caused by the government’s climate change scheme have been called ‘the straw that broke the camel’s back’ by company executives and corporate rescue doctors who are trying to save ailing firms.” The passage of a carbon tax in America would have the exact same results and it remains a top priority for the White House and Democrats in Congress who see it as a bonanza in new funding for the government.