### Off 1

#### The reality of presidential power is that it is non-existant – politics acts as a distracting theater from the military-industrial complex acting behind the scenes – institutional action is hopeless – only an active citizenry can solve

Bacevich 10 (Andrew – PhD in American Diplomatic History from Princeton University. Chair of International Relations; Professor of International Relations and History at Boston University “Washington Rules: America’s Path to Permanent War” pg. 31-33) f

Pretending to the role of Decider, a president all too often becomes little more than the medium through which power is exercised. Especially on matters related to national security, others manufacture or manipulate situations to which presidents then react. Only in the most nominal sense did Harry Truman decide to bomb Hiroshima. By the summer of 1945 the momentum dictating that the atomic bomb should be used had become all but irresistible. Much the same can be said about John F. Kennedy's 1961 decision to launch the Bay of Pigs operation, Lyndon Johnson's 1965 decision to commit U.S. combat troops to Vietnam, or even George W. Bush's decision to invade Iraq in 2003. In each case, the erstwhile commander in chief did little more than ratify a verdict that others had already rendered. Yet with rare exceptions, all presidents-even those held responsible for astonishing blunders-maintain the fiction of having remained fully in charge from start to finish. Thus do they sustain the cult of the modern presidency. Dwight D. Eisenhower's justly famous "Farewell Address" stands out as one of those rare exceptions.18 On the eve of leaving office-although not before-Eisenhower offered the American people a glimpse of powerful forces that lay behind and beyond presidential control. He honestly, accurately, and courageously (if belatedly) let his fellow citizens in on the secret that, in Washington, appearances were profoundly deceptive. In describing and decrying what he called the "military-industrial complex," Ike provided a sobering tutorial in political reality, disabusing Americans of civics book notions of a political apparatus purposefully committed to advancing some collective vision of the common good. What Americans mistook for politics-the putative rivalry that pitted Democrats against Republicans, the wrangling between Congress and the White House-actually amounted to little more than theater, he implied. Behind the curtain, a consensus forged of ambition, access, money, fevered imaginations, and narrow institutional interests determined the nation's actual pri0rities. Although Eisenhower was about to surrender his office to a handsome young successor who promised dramatic change-neither the first nor last president to make such a commitment-he knew that John Kennedy's personal qualities, however attractive, counted for little given the forces arrayed against him. "The potential for the disastrous rise of misplaced power exists and will persist," the outgoing president warned. "We should take nothing for granted." Eisenhower's unvarnished warning reflected his own appreciation of a troubling new reality. The nation's "immense military establishment" married to a "permanent armaments industry of vast proportions" wielded influenceeconomic, political, even spiritual"-that reached into "every city, every Statehouse, every office of the Federal government." In effect, by 1961, semiwarriors-those who derived their power and influence by perpetuating an atmosphere of national security crisis-had gained de facto control of The U.S. government. Eisenhower chose not to acknowledge that he himself had served as their ally and enabler. Nor did he explain why he had waited until the eve of his return to private\_ Iife to expose the existence of this misplaced power. Still, given the source, Ike's admission was nothing less than revelatory: Initiatives undertaken to ensure national security had given rise to new institutions and habits deeply antithetical to traditional American values. These new forces had yielded unwelcome consequences that Eisenhower himself, whether as general or as president, had neither intended nor anticipated, threatening American democracy. To expect that Washington would remedy a problem that Washington itself had created was, as Eisenhower understood, a delusion. "Only an alert and knowledgeable citizenry," he insisted, could keep semiwarriors on a sufficiently short leash "so that security and liberty may prosper together." The outgoing president urged ordinary Americans to wake up, pay attention, and reclaim their democracy

#### This endless war causes structural violence, environmental destruction, and destroys deliberative democracy

Bacevich 10 (Andrew – PhD in American Diplomatic History from Princeton University. Chair of International Relations; Professor of International Relations and History at Boston University “Washington Rules: America’s Path to Permanent War” pg. 223-226)

The world-we are incessantly told-is becoming ever smaller, more complex, and more dangerous. Therefore, it becomes necessary for the nation to intensify the efforts undertaken to "keep America safe," while also, of course, advancing the cause of world peace. Achieving these aims-it is said-requires the United States to funnel ever greater sums of money to the Pentagon to develop new means of projecting power, and to hold itself in readiness for new expeditions deemed essential to pacify (or liberate) some dark and troubled quarter of the globe. At one level, we can with little difficulty calculate the cost of these efforts: The untold billions of dollars added annually to the national debt and the mounting toll of dead and wounded U.S. troops provide one gauge. At a deeper level, the costs of adhering to the Washington consensus defy measurement: families shattered by loss; veterans bearing the physical or psychological scars of combat; the perpetuation of ponderous bureaucracies subsisting in a climate of secrecy, dissembling, and outright deception; the distortion of national priorities as the military-industrial complex siphons off scarce resources; environmental devastation produced as a by-product of war and the preparation for war; the evisceration of civic culture that results when a small praetorian guard shoulders the burden of waging perpetual war, while the great majority of citizens purport to revere its members, even as they ignore or profit from their service. Furthermore, there is no end in sight, even though the conditions that first gave rise to the Washington rules haw ceased to exist. U.S. allies in Western Europe and East Asia, weak and vulnerable in the immediate wake of World War II, are today stable, prosperous, and perfectly capable of defending themselves. The .totalitarian ideologies that challenged liberalism in the twenti~th century have definitively and irrevocably failed. Josef Stalin is long gone, as is the Soviet Empire. Red China has become simply China, valued by Americans as a bountiful source of credit and consumer goods. Although Communists still call the shots in Beijing, promoting exports ranks well above promoting Mao's teachings in the party's list of priorities. In the Islamic Republic of Iran, once thought to be the incubator of powerful revolutionary forces, the mullahs find \_themselves hardpressed just to maintain order in the streets. Washington's quasi-official enemies list now consists mostly of pygmies: North Korea, a nation unable to feed its own population; Syria, an Israeli punching bag; Venezuela, governed by a clown; and, for old times' sake, Cuba. The world has by no means entered an era of peace and harmony. Far from it. Yet the threats demanding attention today-terrorism, climate change, drug cartels, Third World underdevelopment and instability, perhaps above all the proliferation of genocidal weapons invented and first employed 5 by the West-bear scant resemblance to the threats that inspired Washington to devise its sacred trinity in the first place. The problem set has changed, while the solutions proffered by Washington remain largely the same. The conviction that the obligations of leadership require the United States to maintain a global military presence, configure its armed forces for power projection, and employ them to impose change abroad persists, forms the enduring leitmotif of U.S. national security policy. Washington clings to its credo and trinity not out of necessity, but out of parochial self-interest laced with inertia. Dwight D. Eisenhower for one would have been appalled. Early in his first term as president, Ike contemplated the awful predicament wrought by the Cold War during its first decade. "What can the world, or any nation in it, hope for," he asked, "if no turning is found on this dread road?" The president proceeded to answer his own question. The worst to be feared would be a ruinous nuclear war. The best would be this: a life of perpetual fear and tension; a burden of arms draining the wealth and the labor of all peoples; a wasting of strength that defies the American system or the Soviet system or any system to achieve true abundance and happiness for the peoples of this earth. Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. The president illustrated his point with specifics: The cost of one modern heavy bomber is this: a modern brick school in more than 30 cities. It is two electric power plants, each serving a town of 60,000 population. It is two finew, fully equipped hospitals. It is some fifty miles of concrete pavement. We pay for a single fighter plane with a half million bushels of wheat. We pay for a single destroyer with new homes that could have housed more than 8,000 people. This is, I repeat, the best way of life to be found on the road the world has b\_een taking. This is not a way of life at all, in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.1 Eisenhower urged Soviet leaders to join ·him in lifting humankind from its iron gibbet. His speech had little practical effect. Perhaps inevitably, the Cold War and its associated arms race continued. Worth recalling, however, is this soldier-statesman's acute discomfort with the progressive militarization of U.S. policy.

#### The president’s real ability lies in his symbolic economy – their application of widespread authority and power to the president invigorates him with that symbolic power.

Rubenstein 08 (Diane – Professor of Political Rhetoric and Science at Cornell University “This Is Not a President: Sense, Nonsense, and the American Political Imaginary” pp. 74-75)

-We might as well insert the "id" -a president without depth. The scandal that the trompe l'oeil poses for political and esthetic representation since the Renaissance is situated in its "unreal reversion" (S, 6o). The aim of the reconstructed Oval Office in both Disneyland and Washington is to supply a sign that will fool (trompe) the eye and abolish the distinction of reference. (Or, as in Bush's own words: "This isn't any signal. It's a direct statement. If it's a signal, fine.")5 In the history of the late-twentieth-century presidency, Bush marks a peculiar instance of the relation of reference to signification. While American presidents since Gerald Ford have been empty signifiers, rarely has there been such a Lacanian relation to language as the one that Bush daily enacts. Bushspeak may be the closest approximation outremer of the Lacanian unconscious: c;a parle: "It says what it knows while the subject does not know it. "6 With Bush, we have a presidential subject that cannot be understood as a signified (i.e., as objectively knowable). This is preparation for the· final turn of the screw: Quayle as Baudrillard's fatal strategy, where "the metamorphosis, tactics and strategies of the object exceed d>e subject's understanding."7 (Carter posed problems of a different psychoanalytical order. For he demonstrated the fissure between idea and affect. Carter always seemed to smile at the wrong time.) The end-of-the-millenni= presidency is a twin appeal to the "image repertoire" and the symbolic order. As image repertoire, it can be read as a litany of bad presidential performances: "LBJ abusing his dogs and exposing his belly; Nixon hunched and glistening like a concerned toad, Gerald Ford tripping over .... " Reagan, as a hyperreal president, could always satisfy our iconic interests: "Reagan was nice as Iago was honest because his image repertoire required it of him."8 Moreover, Reagan was always tangible as symbol if not as image. In the difference between image repertoire and the symbolic order we can first glimpse the subde passage from hyperreality to seduction. What sets Bush apart from Reagan is his intractable opacity. For Bush is a simulacra without perspective. He appears as a pure artifact (our "environmental" president, our "education" president) against a vertical backdrop. Bush replaces Reagan's tangibility with the "tactile vertigo of the afterimage." Richard Goldstein concurs: "now we're in the grip of something that no longer requires a spokesman. "9 This tactile vertigo recounts "the subject's insane desire to obliterate his own image and thereby vanish" (S. 62). Life becomes a "Jeff Koons tableau." Koons the artist and Bush the seducer know how to let the signs hang. Bush/Koons, suspended in ether. This Is Not a President I 7 5 Bush not only follows the hyperrealism of neo-geo/Reagan but recalls the surrealism of Ger.ald Ford. Both share the same knack for the tautology: "Things are more like they are now than they ever have been" (Ford) 10 ; "It's no exaggeration to say the undecideds could go one way or another" (Bush)." They juxtapose physical against linguistic slapstick: Ford trips; Bush slips linguistically. If Gerald Ford recalls the Jerry Lewis of the Lewis-Martin movies in which a subjective irony might still be possible, Bush is most reminiscent of the movies Lewis produced after his split with Martin.12 An internally dissociated subject emerges in the linguistic parapraxis as Bush stages his own disappearance. Pronouns flee, then verbs, in the vanishing act of his State of the Union address: "Ambitious aims? Of course! Easy to do? Far from it." 13 We are left with nothing but the irony of the object, which underscores the tie between Lacan's linguisterie ("linguistricks") and Bushspeak: "what might be called a man, the male speaking being strictly disappears as an effect of discourse by being inscribed within it solely as castration." 14 Ghosts that haunt the emptiness of the stage -Baudrillard (S, 6o) I'm going to be so much better a president for having been at the CIA that you are not going to believe it. -George H. W. Bush 15 What seduces us with Bush, as in the trompe l'oeil, is its missing dimension. And if Ronald Reagan was a hologram, Bush is, in Baudrillard's words, "a superficial abyss." Opposed to Reagan's televisual sarcasm ("How do I spell relief? V-E-T-0"), Bush is a visual non sequitur. Bush affords the same perspectual pleasure as that of the trompe l'oeil (as well as its secret undermining of language), even as he takes us back to our earliest lessons of political representation. Since Machiavelli, power has always-already been a simulation model, only an effect of perspective. Baudrillard recounts that at the heart of the ducal palaces of Urbina and Gubbio were tiny trompe l'oeil sanctuaries, inverted microcosms whose space was actualized by simulation. These sanctuaries (studio los) were blind spots in the palace and were placed at the heart of the prince's politico-architectural space. Through a subversive metonymy, they invite an allegorical reading: that the prince's power is only mastery of a simulated space. This is the prince's secret.16

#### Reject the aff: Embracing a strategy of dissent from militarism key to solve

Ivie 7 (Robert L. Ivie [Professor: University of Indiana, Ph.D., Washington State University, Rhetorical Critique of U.S. public culture; democracy; war propaganda; peace-building communication]], Published 2007 by Kumarian Press, “Dissent from War”, PRINT, note: scanned and run through OCR software, mjb)

Indeed, militarism has become the mindset of American empire—the mindset, Andrew Bacevich argues, that seduces Americans to support a state of warfare. America has adopted the outlook of a security state, of an empire projecting its power worldwide rather than republic defending itself from foreign attack. The American people in an age of empire have become persuaded that their “safety and salvation lies with the sword.” The citizen army has become a professional “imperial army.” America’s “global military supremacy” has become central to its “national identity.” International problems are seen first and foremost as “military problems,” and military means are believed to be the way to reshape the world consistent with American values and the nation’s self-professed utopian ends, which are perceived in turn as “universal truths.” The very aesthetic of war is changing from an image of ugly, wasteful, and degrading brutality to a new, twenty-first century sport. In Bacevich’s blunt and considered assessment, contemporary America has fallen prey to militarism—romanticizing soldiers, fostering nostalgia for military ideals, and adopting military power as the measure of national greatness—to a “degree without precedent in US history.” ¶ The attitude of militarism that is running rampant in America, Bacevich maintains, is unlikely to disappear anytime soon” because, even though it is unprecedented in its current intensity, it has deeps roots in the nation’s past and, consistent with Michael Sherry’s observation, has reshaped American politics, foreign policy, economics, social relations, and general culture over the past half-century so much that it permeates all domains of life. The terrorist attacks of 9/11 gave “added impetus to already exiting tendencies”; America became more itself rather than something different after 9/11, increasingly adopting a militaristic ethos with broad support and too little dissent from mainstream political leaders and the general public. The present-day “infatuation with military power” is a bipartisan project and the handiwork of multiple and disparate groups of opinion leaders. Moreover, it has developed over the last several decades “in full view and with considerable popular approval.” Thus, Bacevich argues, “society at large. . .[cannot] abdicate responsibility for what has come to pass,” and what has come to pass is systemic, broad-based, and deeply ingrained in political culture rather than simply the outcome of a particular presidential election, the fault of an individual president, or the scheming of a single set of presidential advisors. A late turning of public option in the fall elections of 2006 against a stymied occupation of Iraq, we might conclude, reflects impatience with a particular war, not a basic transformation of the war culture. ¶ The image of an imperial army fighting continuous wars of empire does not inspire confidence that an ingrained system of militarism can be changed, habits of war broken, the conscience of a nation restored, or a culture of peace established. Indeed, political theorists Michael Hardt and Antonio Negri maintain that contemporary imperial warfare is perpetual because it functions to sustain the status-quo network of global power relations. War, they argue, is inevitable in a condition of “Empire” and constant as an instrument of rule.” It is the “general matrix for all relations of power and techniques of domination,” a “form of rule” for controlling populations and shaping “all aspects of social life,” Imperial war today regulates life in general and legitimizes itself in the process by propagandizing “the constant presence of an enemy and the threat of disorder.” The “presence of the enemy,” they note, “demonstrates the need for security.” The imagined presence of an enemy is crucial to the system and motive of war. ¶ Making evil enemies present by means of dehumanizing propaganda—propaganda that defies the US as it demonizes the nation’s adversaries—is a destructive ritual of redemption by vicarious sacrifice. It produces the heightened perception of a threat and intensified sense of national insecurity that motivates and excuses a call to arms. Evil, as in the image of an enemy evildoer, is the ultimate symbol of bedlam, babble, and disarray—the Biblical monster of chaos. In a condition of empire and imperial warfare, then, the routine rationalization for resorting to violence is to preserve global order against supposedly evil forces of disorder. This “abuse of evil”—this “discourse of good and evil [that] lacks nuance subtlety, and judicious discrimination”—Richard Bernstein insists is “extremely dangerous in a complex and precarious world” because it stifles thinking instead of promoting us to question and think. For this purpose, war rules. ¶ Yet, resisting the rule of war is possible, according to Hardt and Negri, despite the dominant mindset of militarism in a controlling paradigm of empire that bases politics on coercion and violence. Indeed, resisting war is “the most important task for resistance today.” They content it is reasonable to imagine, under emerging conditions of desire for democracy, peace, and justice, that a multitude of ordinary people might contest militarism through cooperation and communication—what Hardt and Negri call “singularities” acting in common with deference to their differences and without reduction to a “unity”—may well erode the order of Empire to achieve a “peaceful life in common.” The need for peace corresponds with the need for enriched democracy to overcome “the global state of war.” To be sure, “the only democracy that makes sense today is the one that poses peace as its highest value.” ¶ Consistent with Hardt And Negri and for the purpose of working toward a peacebuilding culture, democracy is usefully understood as a practice of collective self-rule constituted by matrices of individuals cooperating and communicating with one another at multiple points of intersection to produce fair and equitable social relations within and against a recalcitrant system of empire, a system of empire that relies on incessant violence and legitimizing images of evildoers to maintain a status-quo relations of global power. Democracy is expressed most directly, acutely, and cogently in collaborative acts of resistance to enemy-making discourses. Surely, as a guiding model for contesting the mindset of militarism, the vision of resisting dehumanizing propaganda by cultivating matrices of democratic dissent makes the prospect of building peace and inhibiting war more plausible over the long haul and less daunting in immediate circumstances. ¶ Understood as constructive democratic resistance, dissent evokes the more judicious and relatively sustainable expectation that acts of peacebuilding can be augmented collectively and habits of war attenuated over time. Dissent cultivates democratic relations and coordinated resistance from the ground up by producing, humanizing acts of identification, that is, acts of communication and coordination that articulate practical points of intersection without effacing the distinguishing identities, cultures, religions, or nationalities of cooperating parties. constructing intersecting points—points to be held in common by those who would oppose the war regime—is a bridging action rather than a fusing process. It is not an attempt to eliminate pluralism, diminish defining differences, or achieve a structured unity in which relative merit is determined for example, by how white or rich or Christian or Western or American a given category of people Is perceived to be. Thus, peacebuilding activism and dissent from war can be imagined as a sustained boundary-spanning project of decentralized and overlapping networks of democratic resistance to the habit of dehumanizing propaganda.

### Off 2

#### Drone Strikes are down now

Walsh, New York Times, 10-25-13 [Declan, “Drone politics take the center stage, even as strikes decrease”, http://tech.mit.edu/V133/N48/long4.html”

But now the volume has been turned up, driven by pressure from advocacy groups, news media leaks and public demands in both countries for greater transparency in the drone program — demands that come, paradoxically, at a time when the pace of U.S. drone strikes has reached its lowest ebb in five years.

#### Stopping indefinite detention trades off with targeted killing.

Entous 10 Entous, Adam. "Special Report: How the White House Learned to Love the Drone." Reuters. Thomson Reuters, 18 May 2010. Web. 09 Aug. 2013. <http://www.reuters.com/article/2010/05/18/us-pakistan-drones-idUSTRE64H5SL20100518>.

By some accounts, the growing reliance on drone strikes is partly a result of the Obama administration's bid to repair the damage to America's image abroad in the wake of Bush-era allegations of torture and secret detentions.¶ Besides putting an end to harsh interrogation methods, the president issued executive orders to ban secret CIA detention centers and close the Guantanamo Bay prison camp.¶ Some current and former counterterrorism officials say an unintended consequence of these decisions may be that capturing wanted militants has become a less viable option. As one official said: "There is nowhere to put them."¶ A former U.S. intelligence official, who was involved in the process until recently, said: "I got the sense: 'What the hell do we do with this guy if we get him?' It's not the primary consideration but it has to be a consideration."¶ There are other reasons behind the expansion of the drone program, including improvements in drone technology.¶ "Many of the highest priority terrorists are in some of the remotest, most inaccessible, parts of our planet," one U.S. official said of why targeted killing has gained favor. "Since they're actively plotting against us and our allies, you've got two choices -- kill or capture. When these people are where they are, and are doing what they're doing, it's just not a tough decision."¶ The Obama White House chaffs at suggestions its policies could make it harder to capture wanted militants.¶ "Any comment along the lines of 'there is nowhere to put captured militants' would be flat wrong. Over the past 16 months, the U.S. has worked closely with its counterterrorism partners in South Asia and around the world to capture, detain, and interrogate hundreds of militants and terrorists," a senior U.S. official said.¶ As the CIA program in Pakistan expands, the Pentagon's own targeted killing programs, run by secretive Special Ops and intelligence units, have also been ramped up under Obama.¶ "There is little to no pushback" from the White House, according to one defense official who supports the policy. He said that when it came to adding wanted militants to top secret target lists, the Pentagon was getting "all the support it could want," though some insiders think the military isn't updating the lists fast enough.¶ For their part, U.S. officials say the targeted killing programs have dealt a serious blow to al Qaeda and the Taliban, probably saving American lives in the process.¶ But as one former intelligence official, quoting Newton's law of motion that every action has a reaction, said: there's no way to know the consequences "upfront."¶ There are signs that the drone strikes may have become a rallying cry for many militants and their supporters, including Faisal Shahzad, the suspect in the attempted car-bombing in New York's Times Square on May 1. U.S. investigators believe Shahzad received assistance from the Pakistani Taliban, which had vowed to avenge the killing of Mehsud.¶ Likewise, al Qaeda in the Arabian Peninsula said its plot to blow up a U.S. passenger jet on Christmas Day was payback for what it called U.S. attacks on the group in Yemen.¶

#### Causes Pak and Yemen Instability – resentment and blowback

Rohde ’12 (David Rohde, American author and investigative journalist for Thomson Reuters. While a reporter for The Christian Science Monitor, he won the Pulitzer Prize for International Reporting in 1996 for his coverage of the Srebrenica massacre. From July 2002 until December 2004, he was co-chief of The New York Times' South Asia bureau, based in New Delhi, India. He shared a second Pulitzer Prize for Times 2008 team coverage of Afghanistan and Pakistan, While in Afghanistan, Rohde was kidnapped by members of the Taliban in November 2008, but managed to escape in June 2009 after seven months in captivity, “How Obama’s drone war is backfiring”, <http://blogs.reuters.com/david-rohde/2012/03/01/how-obamas-drone-war-is-backfiring/>, March/April issue of Foreign Policy, March 1, 2012)

When Barack Obama took the oath of office three years ago, no one associated the phrase “targeted killing” with his optimistic young presidency. In his inaugural address, the 47-year-old former constitutional law professor uttered the word “terror” only once. Instead, he promised to use technology to “harness the sun and the winds and the soil to fuel our cars and run our factories.” Oddly, technology has enabled Obama to become something few expected: a president who has dramatically expanded the executive branch’s ability to wage high-tech clandestine war. With a determination that has surprised many, Obama has embraced the CIA, expanded its powers and approved more targeted killings than any modern president. Over the last three years, the Obama administration has carried out at least 239 covert drone strikes, more than five times the 44 approved under George W. Bush. And after promising to make counterterrorism operations more transparent and rein in executive power, Obama has arguably done the opposite, maintaining secrecy and expanding presidential authority. Just as importantly, the administration’s excessive use of drone attacks undercuts one of its most laudable policies: a promising new post-9/11 approach to the use of lethal American force, one of multilateralism, transparency and narrow focus. Obama’s willingness to deploy lethal force should have come as no surprise. In a 2002 speech, Illinois State Senator Obama opposed Bush’s impending invasion of Iraq, but not all conflicts. “I don’t oppose all wars,” he said. “What I am opposed to is a dumb war.” And as president, in his December 2009 Nobel Peace Prize acceptance speech, Obama warned, “There will be times when nations — acting individually or in concert — will find the use of force not only necessary but morally justified.” Since then, he has not only sent U.S. forces into Afghanistan, Iraq and Libya, but also repeatedly approved commando raids in Pakistan and Somalia and on the high seas, while presiding over a system that unleashed hundreds of drone strikes. In a series of recent interviews, current and former administration officials outlined what could be called an “Obama doctrine” on the use of force. Obama’s embrace of multilateralism, drone strikes and a light U.S. military presence in Libya, Pakistan and Yemen, they contend, has proved more effective than Bush’s go-heavy approach in Iraq and Afghanistan. “We will use force unilaterally if necessary against direct threats to the United States,” Ben Rhodes, the administration’s deputy national security advisor for strategic communications, told me. “And we’ll use force in a very precise way.” Crises the administration deems indirect threats to the United States — such as the uprisings in Libya and Syria — are “threats to global security,” Rhodes argued, and will be responded to multilaterally and not necessarily by force. The drawdown of U.S. troops in Iraq and Afghanistan, as well as the creation of a smaller, more agile U.S. military spread across Asia, the Pacific and the Middle East, are also part of the doctrine. So is the discreet backing of protesters in Egypt, Iran and Syria. The emerging strategy — which Rhodes touted as “a far more focused approach to our adversaries” — is a welcome shift from the martial policies and bellicose rhetoric of both the Bush administration and today’s Republican presidential candidates. But Obama has granted the CIA far too much leeway in carrying out drone strikes in Pakistan and Yemen. In both countries, the strikes often appear to be backfiring. Obama and other administration officials insist the drones are used rarely and kill few civilians. In a rare public comment on the program, the president defended the strikes in late January. “I want to make sure the people understand, actually, drones have not caused a huge number of civilian casualties,” Obama said. “For the most part, they have been very precise precision strikes against al Qaeda and their affiliates. And we are very careful in terms of how it’s been applied.” But from Pakistan to Yemen to post-American Iraq, drones often spark deep resentment where they operate. When they do attack, they kill as brutally as any weapon of war. The administration’s practice of classifying the strikes as secret only exacerbates local anger and suspicion. Under Obama, drone strikes have become too frequent, too unilateral, and too much associated with the heavy-handed use of American power. In 2008, I saw this firsthand. Two Afghan colleagues and I were kidnapped by the Taliban and held captive in the tribal areas of Pakistan for seven months. From the ground, drones are terrifying weapons that can be heard circling overhead for hours at a time. They are a potent, unnerving symbol of unchecked American power. At the same time, they were clearly effective, killing foreign bomb-makers and preventing Taliban fighters from gathering in large groups. The experience left me convinced that drone strikes should be carried out — but very selectively. In the January interview, Obama insisted drone strikes were used only surgically. “It is important for everybody to understand,” he said, “that this thing is kept on a very tight leash.” Drones, though, are in no way surgical. In interviews, current and former Obama administration officials told me the president and his senior aides had been eager from the outset to differentiate their approach in Pakistan and Afghanistan from Bush’s. Unlike in Iraq, where Democrats thought the Bush administration had been too aggressive, they thought the Bush White House had not been assertive enough with Afghan and Pakistani leaders. So the new administration adopted a unilateral, get-tough approach in South Asia that would eventually spread elsewhere. As candidate Obama vowed in a 2007 speech, referring to Pakistan’s president at the time, “If we have actionable intelligence about high-value terrorist targets and President Musharraf won’t act, we will.” In his first year in office, Obama approved two large troop surges in Afghanistan and a vast expansion of the number of CIA operatives in Pakistan. The CIA was also given more leeway in carrying out drone strikes in the country’s ungoverned tribal areas, where foreign and local militants plot attacks for Afghanistan, Pakistan and beyond. The decision reflected both Obama’s belief in the need to move aggressively in Pakistan and the influence of the CIA in the new administration. To a far greater extent than the Bush White House, Obama and his top aides relied on the CIA for its analysis of Pakistan, according to current and former senior administration officials. As a result, preserving the agency’s ability to carry out counterterrorism, or “CT,” operations in Pakistan became of paramount importance. “The most important thing when it came to Pakistan was to be able to carry out drone strikes and nothing else,” said a former official who spoke on condition of anonymity. “The so-called strategic focus of the bilateral relationship was there solely to serve the CT approach.” Initially, the CIA was right. Increased drone strikes in the tribal areas eliminated senior al Qaeda operatives in 2009. Then, in July 2010, Pakistanis working for the CIA pulled up behind a white Suzuki navigating the bustling streets of Peshawar. The car’s driver was later tracked to a large compound in the city of Abbottabad. On May 2, 2011, U.S. commandos killed Osama bin Laden there. The U.S. intelligence presence, though, extended far beyond the hunt for bin Laden, according to former administration officials. At one point, the CIA tried to deploy hundreds of operatives across Pakistan but backed off after suspicious Pakistani officials declined to issue them visas. At the same time, the agency aggressively used the freer hand Obama had given it to launch more drone strikes than ever before. Established by the Bush administration and Musharraf in 2004, the covert CIA drone program initially carried out only “personality” strikes against a preapproved list of senior al Qaeda members. Pakistani officials were notified before many, but not all, attacks. Between 2004 and 2007, nine such attacks were carried out in Pakistan, according to the New America Foundation. In 2008, the Bush administration authorized less-restrictive “signature” strikes in the tribal areas. Instead of basing attacks on intelligence regarding a specific person, CIA drone operators could carry out strikes based on the behavior of people on the ground. Operators could launch a drone strike if they saw a group, for example, crossing back and forth over the Afghanistan-Pakistan border. In 2008, the Bush administration carried out 33 strikes. Under Obama, the drone campaign has escalated rapidly. The number of strikes rose steeply to 53 in 2009 and then more than doubled to 118 in 2010. Former administration officials said the looser rules resulted in the killing of more civilians. Current administration officials insisted that Obama, in fact, tightened the rules on the use of drone strikes after taking office. They said strikes rose under Obama because improved technology and intelligence gathering created more opportunities for attacks than existed under Bush. But as Pakistani public anger over the spiraling strikes grew, other diplomats expressed concern as well. The U.S. ambassador in Pakistan at the time, Anne Patterson, opposed several attacks, but the CIA ignored her objections. When Cameron Munter replaced Patterson in October 2010, he objected even more vigorously. On at least two occasions, CIA Director Leon Panetta dismissed Munter’s protests and launched strikes, the Wall Street Journal later reported. One strike occurred only hours after Sen. John Kerry, head of the Senate Foreign Relations Committee, had completed a visit to Islamabad. A March 2011 strike brought the debate to the White House. A day after Pakistani officials agreed to release CIA contractor Raymond Davis, the agency — again over Munter’s objections — carried out a signature drone strike that the Pakistanis say killed four Taliban fighters and 38 civilians. Already angry about the Davis case, Pakistan’s Army chief, Gen. Ashfaq Parvez Kayani, issued an unusual public statement, saying a group of tribal elders had been “carelessly and callously targeted with complete disregard to human life.” U.S. intelligence officials dismissed the Pakistani complaints and insisted 20 militants had perished. “There’s every indication that this was a group of terrorists, not a charity car wash in the Pakistani hinterlands,” one official told the Associated Press.

Surprised by the vehemence of the official Pakistani reaction, National Security Adviser Tom Donilon questioned whether signature strikes were worthwhile. Critics inside and outside the U.S. government contended that a program that began as a carefully focused effort to kill senior al Qaeda leaders had morphed into a bombing campaign against low-level Taliban fighters. Some outside analysts even argued that the administration had adopted a de facto “kill not capture” policy, given its inability to close Bush’s Guantánamo Bay prison and create a new detention system. In April 2011, the director of Pakistan’s intelligence service, Lt. Gen. Ahmed Shuja Pasha, visited Washington in an effort to repair the relationship, according to news accounts and former administration officials. Just after his visit, two more drone strikes occurred in the tribal areas, which Pasha took as a personal affront. In a rare concession, Panetta agreed to notify Pakistan’s intelligence service before the United States carried out any strike that could kill more than 20 people. In May, after the bin Laden raid sparked further anger among Pakistani officials, Donilon launched an internal review of how drone strikes were approved, according to a former administration official. But the strikes continued. At the end of May, State Department officials were angered when three missile strikes followed Secretary of State Hillary Clinton’s visit to Pakistan. As Donilon’s review progressed, an intense debate erupted inside the administration over the signature strikes, according to the Wall Street Journal. Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, said the strikes should be more selective. Robert Gates, then the defense secretary, warned that angry Pakistani officials could cut off supplies to U.S. troops in Afghanistan. Clinton warned that too many civilian casualties could strengthen opposition to Pakistan’s weak, pro-American president, Asif Ali Zardari. The CIA countered that Taliban fighters were legitimate targets because they carried out cross-border attacks on U.S. forces, according to the former official. In June, Obama sided with the CIA. Panetta conceded that no drone strike would be carried out when Pakistani officials visited Washington and that Clinton and Munter could object to proposed strikes. But Obama allowed the CIA director to retain final say. Last November, the worst-case scenario that Mullen, Gates and Clinton had warned of came to pass. After NATO airstrikes mistakenly killed 24 Pakistani soldiers on the Afghanistan-Pakistan border, Kayani [army chief general] demanded an end to all U.S. drone strikes and blocked supplies to U.S. troops in Afghanistan. At the same time, popular opposition to Zardari soared. After a nearly two-month lull that allowed militants to regroup, drone strikes resumed in the tribal areas this past January. But signature strikes are no longer allowed — for the time being, according to the former senior official. Among average Pakistanis, the strikes played out disastrously. In a 2011 Pew Research Center poll, 97 percent of Pakistani respondents who knew about the attacks said American drone strikes were a “bad thing.” Seventy-three percent of Pakistanis had an unfavorable view of the United States, a 10-percentage-point rise from 2008. Administration officials say the strikes are popular with Pakistanis who live in the tribal areas and have tired of brutal jihadi rule. And they contend that Pakistani government officials — while publicly criticizing the attacks — agree in private that they help combat militancy. Making the strikes more transparent could reduce public anger in other parts of Pakistan, U.S. officials concede. But they say some elements of the Pakistani government continue to request that the strikes remain covert. For me, the bottom line is that both governments’ approaches are failing. Pakistan’s economy is dismal. Its military continues to shelter Taliban fighters it sees as proxies to thwart Indian encroachment in Afghanistan. And the percentage of Pakistanis supporting the use of the Pakistani Army to fight extremists in the tribal areas — the key to eradicating militancy — dropped from a 53 percent majority in 2009 to 37 percent last year. Pakistan is more unstable today than it was when Obama took office. A similar dynamic is creating even worse results on the southern tip of the Arabian Peninsula. Long ignored by the United States, Yemen drew sudden attention after a suicide attack on the USS Cole killed 17 American sailors in the port of Aden in 2000. In 2002, the Bush administration carried out a single drone strike in Yemen that killed Abu Ali al-Harithi, an al Qaeda operative who was a key figure in orchestrating the Cole attack. In the years that followed, the administration shifted its attentions to Iraq, and militants began to regroup. A failed December 2009 attempt by a militant trained in Yemen to detonate a bomb on a Detroit-bound airliner focused Obama’s attention on the country. Over the next two years, the United States carried out an estimated 20 airstrikes in Yemen, most in 2011. In addition to killing al Qaeda-linked militants, the strikes killed dozens of civilians, according to Yemenis. Instead of decimating the organization, the Obama strikes have increased the ranks of al Qaeda in the Arabian Peninsula from 300 fighters in 2009 to more than 1,000 today, according to Gregory Johnsen, a leading Yemen expert at Princeton University. In January, the group briefly seized control of Radda, a town only 100 miles from the capital, Sanaa. “I don’t believe that the U.S. has a Yemen policy,” Johnsen told me. “What the U.S. has is a counterterrorism strategy that it applies to Yemen.” The deaths of bin Laden and many of his lieutenants are a step forward, but Pakistan and Yemen are increasingly unstable. Pakistan is a nuclear-armed country of 180 million with resilient militant networks; Yemen, an impoverished, failing state that is fast becoming a new al Qaeda stronghold. “They think they’ve won because of this approach,” the former administration official said, referring to the administration’s drone-heavy strategy. “A lot of us think there is going to be a lot bigger problems in the future.” The backlash from drone strikes in the countries where they are happening is not the only worry. In the United States, civil liberties and human rights groups are increasingly concerned with the breadth of powers Obama has claimed for the executive branch as he wages a new kind of war. In the Libya conflict, the administration invoked the drones to create a new legal precedent. Under the War Powers Resolution, the president must receive congressional authorization for military operations within 60 days. When the deadline approached in May, the administration announced that because NATO strikes and drones were carrying out the bulk of the missions, no serious threat of U.S. casualties existed and no congressional authorization was needed. “It’s changed the way politicians talk about what should be the most important thing that a nation engages in,” said Peter W. Singer, a Brookings Institution researcher. “It’s changed the way we in the public deliberate war.” Last fall, a series of drone strikes in Yemen set another dangerous precedent, according to civil liberties and human rights groups. Without any public legal proceeding, the U.S. government executed three of its own citizens. On Sept. 30, a drone strike killed Anwar al-Awlaki, a charismatic American-born cleric of Yemeni descent credited with inspiring terrorist attacks around the world. Samir Khan, a Pakistani-American jihadist traveling with him, was killed as well. Several weeks later, another strike killed Awlaki’s 16-year-old son, Abdulrahman al-Awlaki, also a U.S. citizen. Administration officials insisted a Justice Department review had authorized the killings but declined to release the full document. “The administration has claimed the power to carry out extrajudicial executions of Americans on the basis of evidence that is secret and is never seen by anyone,” said Jameel Jaffer, deputy legal director of the American Civil Liberties Union. “It’s hard to understand how that is consistent with the Constitution.” After criticizing the Bush administration for keeping the details of its surveillance, interrogation and detention practices secret, Obama is doing the same thing. His administration has declined to reveal the details of how it places people on kill lists, carries out eavesdropping in the United States or decides whom to detain overseas. The administration is also prosecuting six former government officials on charges of leaking classified information to the media — more cases than all other administrations combined. Administration officials deny being secretive and insist they have disclosed more information about their counterterrorism practices than the Bush administration, which fiercely resisted releasing details of its “war on terror” and established the covert drone program in Pakistan. Obama administration officials say they have established a more transparent and flexible approach outside Pakistan that involves military raids, drone strikes and other efforts. They told me that every attack in Yemen was approved by Yemeni officials. Eventually, they hope to make drone strikes joint efforts carried out openly with local governments. For now, keeping them covert prevents American courts from reviewing their constitutionality, according to Jaffer. He pointed out that if a Republican president followed such policies, the outcry on the left would be deafening. “You have to remember that this authority is going to be used by the next administration and the next administration after that,” Jaffer said. “You need to make sure there are clear limits on what is really unparalleled power.” To their credit, Obama and his senior officials have successfully reframed Bush’s global battle as a more narrowly focused struggle against al Qaeda. They stopped using the term “war on terror” and instead described a campaign against a single, clearly identifiable group. Senior administration officials cite the toppling of Muammar al-Qaddafi as the prime example of the success of their more focused, multilateral approach to the use of force. At a cost of zero American lives and $1 billion in U.S. funding, the Libya intervention removed an autocrat from power in five months. The occupation of Iraq claimed 4,484 American lives, cost at least $700 billion, and lasted nearly nine years. “The light U.S. footprint had benefits beyond less U.S. lives and resources,” Rhodes told me. “We believe the Libyan revolution is viewed as more legitimate. The U.S. is more welcome. And there is less potential for an insurgency because there aren’t foreign forces present.” In its most ambitious proposal, the administration is also trying to restructure the U.S. military, implement steep spending cuts and “right-size” U.S. forces around the world. Under Obama’s plan, the Army would be trimmed by 80,000 soldiers, some U.S. units would be shifted from the Middle East to the Pacific, and more small, covert bases would be opened. Special Forces units that have been vastly expanded in Iraq and Afghanistan would train indigenous forces and carry out counterterrorism raids. Declaring al Qaeda nearly defeated, administration officials say it is time for a new focus. “Where does the U.S. have a greater interest in 2020?” Rhodes asked. “Is it Asia-Pacific or Yemen? Obviously, the Asia-Pacific region is clearly going to be more important.” Rhodes has a point, but Pakistan and its nuclear weapons — as well as Yemen and its proximity to vital oil reserves and sea lanes — are likely to haunt the United States for years. Retired military officials warn that drones and commando raids are no substitute for the difficult process of helping local leaders marginalize militants. Missile strikes that kill members of al Qaeda and its affiliates in Pakistan and Yemen do not strengthen economies, curb corruption or improve government services. David Barno, a retired lieutenant general who commanded U.S. forces in Afghanistan from 2003 to 2005, believes hunting down senior terrorists over and over again is not a long-term solution. “How do you get beyond this attrition warfare?” he asked me. “I don’t think we’ve answered that question yet.”

#### Pakistan collapse causes nuclear war

Pitt ‘9 (William, a New York Times and internationally bestselling author of two books: "War on Iraq: What Team Bush Doesn't Want You to Know" and "The Greatest Sedition Is Silence.", “Unstable Pakistan Threatens the World,” <http://www.arabamericannews.com/news/index.php?mod=article&cat=commentary&article=2183>, May 8, 2009)

But a suicide bomber in Pakistan rammed a car packed with explosives into a jeep filled with troops today, killing five and wounding as many as 21, including several children who were waiting for a ride to school. Residents of the region where the attack took place are fleeing in terror as gunfire rings out around them, and government forces have been unable to quell the violence. Two regional government officials were beheaded by militants in retaliation for the killing of other militants by government forces. As familiar as this sounds, it did not take place where we have come to expect such terrible events. This, unfortunately, is a whole new ballgame. It is part of another conflict that is brewing, one which puts what is happening in Iraq and Afghanistan in deep shade, and which represents a grave and growing threat to us all. Pakistan is now trembling on the edge of violent chaos, and is doing so with nuclear weapons in its hip pocket, right in the middle of one of the most dangerous neighborhoods in the world. The situation in brief: Pakistan for years has been a nation in turmoil, run by a shaky government supported by a corrupted system, dominated by a blatantly criminal security service, and threatened by a large fundamentalist Islamic population with deep ties to the Taliban in Afghanistan. All this is piled atop an ongoing standoff with neighboring India that has been the center of political gravity in the region for more than half a century. The fact that Pakistan, and India, and Russia, and China all possess nuclear weapons and share the same space means any ongoing or escalating violence over there has the real potential to crack open the very gates of Hell itself. Recently, the Taliban made a military push into the northwest Pakistani region around the Swat Valley. According to a recent Reuters report: The (Pakistani) army deployed troops in Swat in October 2007 and use d artillery and gunship helicopters to reassert control. But insecurity mounted after a civilian government came to power last year and tried to reach a negotiated settlement. A peace accord fell apart in May 2008. After that, hundreds — including soldiers, militants and civilians — died in battles. Militants unleashed a reign of terror, killing and beheading politicians, singers, soldiers and opponents. They banned female education and destroyed nearly 200 girls' schools. About 1,200 people were killed since late 2007 and 250,000 to 500,000 fled, leaving the militants in virtual control. Pakistan offered on February 16 to introduce Islamic law in the Swat valley and neighboring areas in a bid to take the steam out of the insurgency. The militants announced an indefinite cease-fire after the army said it was halting operations in the region. President Asif Ali Zardari signed a regulation imposing sharia in the area last month. But the Taliban refused to give up their guns and pushed into Buner and another district adjacent to Swat, intent on spreading their rule. The United States, already embroiled in a war against Taliban forces in Afghanistan, must now face the possibility that Pakistan could collapse under the mounting threat of Taliban forces there. Military and diplomatic advisers to President Obama, uncertain how best to proceed, now face one of the great nightmare scenarios of our time. "Recent militant gains in Pakistan," reported The New York Times on Monday, "have so alarmed the White House that the national security adviser, Gen. James L. Jones, described the situation as 'one of the very most serious problems we face.'" "Security was deteriorating rapidly," reported The Washington Post on Monday, "particularly in the mountains along the Afghan border that harbor al-Qaeda and the Taliban, intelligence chiefs reported, and there were signs that those groups were working with indigenous extremists in Pakistan's populous Punjabi heartland. The Pakistani government was mired in political bickering. The army, still fixated on its historical adversary India, remained ill-equipped and unwilling to throw its full weight into the counterinsurgency fight. But despite the threat the intelligence conveyed, Obama has only limited options for dealing with it. Anti-American feeling in Pakistan is high, and a U.S. combat presence is prohibited. The United States is fighting Pakistan-based extremists by proxy, through an army over which it has little control, in alliance with a government in which it has little confidence." It is believed Pakistan is currently in possession of between 60 and 100 nuclear weapons. Because Pakistan's stability is threatened by the wide swath of its population that shares ethnic, cultural and religious connections to the fundamentalist Islamic populace of Afghanistan, fears over what could happen to those nuclear weapons if the Pakistani government collapses are very real. "As the insurgency of the Taliban and Al Qaeda spreads in Pakistan," reported the Times last week, "senior American officials say they are increasingly concerned about new vulnerabilities for Pakistan's nuclear arsenal, including the potential for militants to snatch a weapon in transport or to insert sympathizers into laboratories or fuel-production facilities. In public, the administration has only hinted at those concerns, repeating the formulation that the Bush administration used: that it has faith in the Pakistani Army. But that cooperation, according to officials who would not speak for attribution because of the sensitivity surrounding the exchanges between Washington and Islamabad, has been sharply limited when the subject has turned to the vulnerabilities in the Pakistani nuclear infrastructure." "The prospect of turmoil in Pakistan sends shivers up the spines of those U.S. officials charged with keeping tabs on foreign nuclear weapons," reported Time Magazine last month. "Pakistan is thought to possess about 100 — the U.S. isn't sure of the total, and may not know where all of them are. Still, if Pakistan collapses, the U.S. military is primed to enter the country and secure as many of those weapons as it can, according to U.S. officials. Pakistani officials insist their personnel safeguards are stringent, but a sleeper cell could cause big trouble, U.S. officials say." In other words, a shaky Pakistan spells trouble for everyone, especially if America loses the footrace to secure those weapons in the event of the worst-case scenario. If Pakistani militants ever succeed in toppling the government, several very dangerous events could happen at once. Nuclear-armed India could be galvanized into military action of some kind, as could nuclear-armed China or nuclear-armed Russia. If the Pakistani government does fall, and all those Pakistani nukes are not immediately accounted for and secured, the specter (or reality) of loose nukes falling into the hands of terrorist organizations could place the entire world on a collision course with unimaginable disaster. We have all been paying a great deal of attention to Iraq and Afghanistan, and rightly so. The developing situation in Pakistan, however, needs to be placed immediately on the front burner. The Obama administration appears to be gravely serious about addressing the situation. So should we all.

### Counterplan

#### United States Supreme Court should grant cert and rule in an appropriate test case that the use of depleted uranium in weaponry violates human rights because the military is not exempted from the application of the law.

#### Observation One—counterplan isn’t topical because it doesn’t restrict a war power under the AUMF

#### Solves the case—ruling on depleted uranium pierces deference

Ghosray 2008 (Saby, Professor of some sort, “When Does Collateral Damaage” in *Creighton Law Review*)

The scenario of overcrowded hospitals with injured children pro- vides in this context only a snapshot of the widespread destruction, which includes extensive civilian casualties from cluster bombs, de- formed babies because of exposure to U.S. depleted uranium, and bus- tling markets leveled by high-altitude bombings. As the evidence of this brutal dimension of occupation percolates through the shield of embedded journalism," we are awakened by the stark reality of pre- sent day Iraq. How long can we continue to ignore mounting evidence of betrayal? A betrayal of the very cornerstone of equality and justice envisioned in the Nuremberg Principles,' 2 and that Justice Robert H. Jackson trumpeted in our civilizations' commitment towards develop- ing a robust form of International Law. Not just robust, but an Inter- national Law that can bring justice to the "usual suspects"13 and stand up to the violators of the Laws of War. 14 As we mark the recentsixty-year anniversary of the Nuremberg Trials in 1946, history re- counts the enduring wisdom of Judge John Parker:' 5¶ The evidence relating to the war crimes has been overwhelm- ing, in its volume and its detail .... The truth remains that war crimes were committed on a vast scale, never before seen in the history of war .... There can be no doubt that the majority of them arose from the Nazi conception of "total war," [sic] with which the aggressive wars were waged. For in this conception of "total war," [sic] the moral ideas underly- ing the conventions, which seek to make war more humane, are no longer regarded as having force or validity. Every- thing is made subordinate to the overmastering dictates of war. Rules, regulations, assurances and treaties all alike are of no moment, and so, freed from the restraining influence of International Law, the aggressive war is conducted by the Nazi leaders in the most barbaric way. Accordingly, war crimes were committed when and wherever the Fuehrer and his close associates thought them to be advantageous. They were for the most part the result of cold and criminal calculation.16¶ History, however, has come back to haunt us, as Judge Parker's words reverberate from the minarets of Ramadi to the ruins of Baby- lon. Poignant questions come before us. Has the value of Iraqi human lives been made subordinate to the mandate of war during the shock and awe17 campaigns in Baghdad? Has the Geneva Convention been made redundant and inapplicable during Operation Phantom Fury in Fallujah?¶ The answer to all of these questions must be a resounding "yes." If not, we are forced to embrace one of two scenarios. In the first, we must deny that aggressive war was conducted at all, and succumb tothe brash emergence of embedded journalism. If we make that denial, however, we succumb to a confusing conundrum, as a series of ques- tions remain unanswered. Can an embedded journalist that rides shotgun in the Bradley Fighting vehicle18 report war crimes commit- ted by the very soldiers upon whom he or she is relying on for personal protection? Can we be proper witnesses to history, while simultane- ously being mugged by it? The second scenario would be to take cover under the expanded abstraction of doctrinal difficulties in applying the concept of collateral damage 19 against the backdrop of aggressive war conducted by the coalition forces in Iraq. The term collateral damage was originally employed in an effort to gain immunity from civilian casualties under the pretext of military necessity. 20 However, the term collateral damage has become a modern day euphemism for mass murder.21 I, therefore, pose the pertinent question: When does collateral damage become a violation of the Laws of War? Accord- ingly, I will begin with a discussion of collateral damage and articu- late its framework of applications within the current confines ofmodern warfare.22 Further, I will examine the specific elements of the Laws of War that provide immunity from war crimes during mod- ern conflicts. 23 Next, I will analyze the application of those elements during the recent United States military exercise in Iraq.24 Third, I will explore whether the existing Laws of War are adequate to address the evolving ground realities in today's battlefields. Then I will con- clude with a discussion of whether it is necessary to expand the cus- tomary Laws of War against established principles of Human Rights doctrine.2 5

#### And the counterplan specifies the elimination of deference—this solves their objections to the use of international law which assume a limited *Hamdan* style ruling

Sloss 2006 (David, “Judicial Deference to Executive Branch Treaty¶ Interpretations: A Historical Perspective¶“ <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1292&context=facpubs&sei-redir=1&referer=http%3A%2F%2Fscholar.google.com%2Fscholar%3Fhl%3Den%26q%3D%2522geneva%2Bconvention%2522%2B%2522judicial%2Bdeference%2522%26btnG%3D%26as_sdt%3D1%252C21%26as_sdtp%3D#search=%22geneva%20convention%20judicial%20deference%22>)

In recent years, there has been a vigorous debate among schol- ars about how much deference courts owe to the executive branch on treaty interpretation questions.' At one end of the spectrum, Professor John Yoo advocates absolute deference to the executive branch. 2 Most scholars favor a more modest form of deference that preserves an independent role for the judiciary in treaty interpreta- tion and application.3 Only one scholar has defended the view that courts owe zero deference to the President on treaty interpretation questions. 4¶ In recent treaty interpretation cases, the Supreme Court has repeatedly stated that "the meaning attributed to treaty provisions by the Government agencies charged with their negotiation and en- forcement is entitled to great weight."5 At the same time, the Cour troutinely adds that executive branch views on treaty interpretation questions are "not conclusive." 6 During the Rehnquist era, though, the Court almost always adopted the treaty interpretation favored by the executive branch. Professor Bederman reviewed Supreme Court decisions in treaty interpretation cases between 1986 and 1999. He found that, "of the twelve treaty interpretation cases con- sidered so far by the Rehnquist Court, in all but one the holding followed the 7 express wishes of the executive branch of the government.¶ The Supreme Court's recent decision in Hamdan v. Rumsfeld8 constitutes a significant departure from this trend. Hamdan presented the Court with a complex array of constitutional, statu-¶ tory and treaty interpretation questions. SixJustices wrote separate opinions in the case, filling more than one hundred pages in Su- preme Court Reports. The bulk of the analysis was devoted to statu- tory interpretation questions. Even so, Justice Stevens devoted approximately five pages of his forty-page majority opinion to issues involving the Geneva Conventions.9 The majority's most important treaty-related holding was that members of al Qaeda are protected by Common Article 3 of the Geneva Conventions.10 In reaching this holding, the Court explicitly rejected the President's contrary determination that Common Article 3 does not apply to al Qaeda members.II Glaringly absent from the Court's analysis is any refer- ence to the established doctrine that courts owe deference to the President's interpretation of a treaty.¶ Although the Court's non-deferential approach to treaty inter- pretation in Hamdan constitutes a significant departure from the Rehnquist Court's highly deferential approach, it is entirely consis- tent with Supreme Court practice in the early years of constitu- tional history. In the first fifty years of U.S. constitutional history, between 1789 and 1838, the Supreme Court decided nineteen cases in which the U.S. government was a party, at least one party raised aclaim or defense on the basis of a treaty, and the Court decided the merits of that claim or defense. 12 The U.S. government won fewer than twenty percent of these cases.' 3 This figure presents a striking contrast between the zero deference approach that the Court ap- plied in the early nineteenth century, and the highly deferential¶ approach that the Court applied in the late twentieth century. This article has two parts. Part One analyzes the Supreme Court's approach to treaty interpretation issues in Hamdan. The¶ analysis demonstrates that the Court decisively rejected the Presi- dent's interpretation of Common Article 3. It is unlikely that the Court's decision in Hamdan heralds a return to the zero deference approach of the early nineteenth century. It is also too early to tell whether Hamdan signals a withdrawal from the highly deferential approach of the Rehnquist Court. However, the decision in Hamdan provides strong evidence that the Court will not accept the¶ absolute deference model advocated by Professor Yoo.¶ Part Two documents that the Court actually applied a zero def- erence approach in treaty interpretation cases in the late eight-¶ eenth and early nineteenth centuries. It provides a brief overview of judicial decisions from 1789 to 1838 in cases raising treaty inter- pretation issues where the U.S. government was a party. The analy- sis demonstrates that, during this period, courts did not defer at all to the executive branch on most treaty interpretation questions. The judicial record from the early nineteenth century suggests, at a minimum, that there is nothing inherent in the constitutional text or structure that requires judicial deference to the executive branch on treaty interpretation issues.

#### Observation Three—net benficial—we have both a framing and a functional net benefit—the interpellative presidency—their focus on regulating the executive instead of the entirety of the military reinstitutes executive focus—our text focuses on the military

#### In practice this means ONLY the counterplan can solve for the aff—the military would just rollback the independent of the president—only counterplan can solve deference

### Afghan Stability

#### Instability is inevitable but won’t escalate

**Finel ‘9**

[Dr. Bernard I. Finel, an Atlantic Council contributing editor, is a senior fellow at the American Security Project, “Afghanistan is Irrelevant,” Apr 27 http://www.acus.org/new\_atlanticist/afghanistan-irrelevant]

It is now a deeply entrenched conventional wisdom that the decision to “abandon” Afghanistan after the Cold War was a tragic mistake. In the oft-told story, our “abandonment” led to civil war, state collapse, the rise of the Taliban, and inevitably terrorist attacks on American soil. This narrative is now reinforced by dire warnings about the risks to Pakistan from instability in Afghanistan. Taken all together, critics of the Afghan commitment now find themselves facing a nearly unshakable consensus in continuing and deepen our involvement in Afghanistan. The problem with the consensus is that virtually **every part of it is wrong**. Abandonment did not cause the collapse of the state. Failed states are not always a threat to U.S. national security. And Pakistan’s problems have little to do with the situation across the border. First, the collapse of the Afghan state after the Soviet withdrawal had little to do with Western abandonment. Afghanistan has always been beset by powerful centrifugal forces. The country is poor, the terrain rough, the population divided into several ethnic groups. Because of this, the country has rarely been unified even nominally and has never really had a strong central government. The dominant historical political system in Afghan is warlordism. This is not a consequence of Western involvement or lack thereof. It is a function of geography, economics, and demography. Second, there is no straight-line between state failure and threats to the United States. Indeed, the problem with Afghanistan was not that it failed but rather that it “unfailed” and becameruled by the Taliban. Congo/Zaire is a failed state. Somalia is a failed state. There are many parts of the globe that are essentially ungoverned. Clearly criminality, human rights abuses, and other global ills flourish in these spaces. But the notion that any and all ungoverned space represents a core national security threat to the United States is simply unsustainable. Third, the problem was the Taliban regime was not that it existed. It was that it was allowed to fester without any significant response or intervention. We largely sought to ignore the regime — refusing to recognize it despite its control of 90% of Afghan territory. Aside from occasional tut-tutting about human rights violations and destruction of cultural sites, the only real interaction the United States sought with the regime was in trying to control drugs. Counter-drug initiatives are not a sound foundation for a productive relationship for reasons too numerous to enumerate here. Had we recognized the Taliban and sought to engage the regime, it is possible that we could have managed to communicate red lines to them over a period of years. Their failure to turn over bin Laden immediately after 9/11 does not necessarily imply an absolute inability to drive a wedge between the Taliban and al Qaeda over time. Fourth, we are now told that defeating the Taliban in Afghanistan is imperative in order to help stabilize Pakistan. But, most observers seem to think that Pakistan is in worse shape now — with the Taliban out of power and American forces in Afghanistan — than it was when the Taliban was dominant in Afghanistan. For five years from 1996 to 2001, the Taliban ruled Afghanistan and the Islamist threat to Pakistan then was unquestionably lower. This is not surprising actually. Insurgencies are at their most dangerous — in terms of threat of contagion — when they are fighting for power. The number of insurgencies that actually manage to sponsor insurgencies elsewhere after taking power is surprising low. The domino theory is as dubious in the case of Islamist movements as it was in the case of Communist expansion. There is a notion that “everything changed on 9/11.” We are backing away as a nation from that concept in the case of torture. Perhaps we should also come to realize that our pre-9/11 assessment of the strategic value and importance of Afghanistan was closer to the mark that our current obsession with it. We clearly made some mistakes in dealing with the Taliban regime. But addressing those mistakes through better intelligence, use of special forces raids, and, yes, diplomacy is likely a better solution than trying to build and sustain a reliable, pro-Western government in Kabul with control over the entire country.

#### Regional cooperation deescalates conflict

**Innocent ‘9**

(Malou, foreign policy – Cato, <http://www.cato.org/pubs/wtpapers/escaping-graveyard-empires-strategy-exit-afghanistan.pdf>)

Additionally, regional stakeholders, especially Russia and Iran, have an interest in a stable Afghanistan. Both countries possess the capacity to facilitate development in the country and may even be willing to assist Western forces. In July, leaders in Moscow allowed the United States to use Russian airspace to transport troops and lethal military equipment into Afghanistan. Yet another relevant regional player is the Collective Security Treaty Organization, made up of Russia, Kazakhstan, Tajikistan, Kyrgyzstan, Uzbekistan, Armenia, and Belarus. At the moment, CSTO appears amenable to forging a security partnership with NATO. CSTO secretary general Nikolai Bordyuzha told journalists in March 2009 of his bloc’s intention to cooperate. “The united position of the CSTO is that we should give every kind of aid to the anti-terror coalition operating in Afghanistan. . . . The interests of NATO and the CSTO countries regarding Afghanistan conform unequivocally.”83 Mutual interests between Western forces and Afghanistan’s surrounding neighbors can converge on issues of transnational terrorism, the Caspian and Central Asia region’s abundant energy resources, cross-border organized crime, and weapons smuggling. Enhanced cooperation alone will not stabilize Afghanistan, but engaging stakeholders may lead to tighter regional security.

### Deference

#### No accidents or miscalculation with Russia

**Ball 6** (Desmond, Special Professor at the Strategic and Defence Studies Centre at the Australian National University, “The Probabilities of ‘On the Beach,’” May, rspas.anu.edu.au/papers/sdsc/wp/wp\_sdsc\_401.pdf)

The prospects of a nuclear war between the United States and Russia must now be deemed fairly remote. There are now no geostrategic issues that warrant nuclear competition and no inclination in either Washington or Moscow to provoke such issues. US and Russian strategic forces have been taken off day-to-day alert and their ICBMs ‘de-targeted’, greatly reducing the possibilities of war by accident, inadvertence or miscalculation. On the other hand, while the US-Russia strategic competition is in abeyance, there are several aspects of current US nuclear weapons policy which are profoundly disturbing. In December 2001 President George W. Bush officially announced that the United States was withdrawing from the Anti-Ballistic Missile (ABM) Treaty of 1972, one of the mainstays of strategic nuclear arms control during the Cold War, with effect from June 2002, and was proceeding to develop and deploy an extensive range of both theatre missile defence and national missile defence (NMD) systems. The first anti-missile missile in the NMD system, designed initially to defend against limited missile attacks from China and North Korea, was installed at Fort Greely in Alaska in July 2004. The initial system, consisting of sixteen interceptor missiles at Fort Greely and four at Vandenberg Air Force in California, is expected to be operational by the end of 2005. The Bush Administration is also considering withdrawal from the Comprehensive Test Ban Treaty and resuming nuclear testing. (The last US nuclear test was on 23 September 1992). In particular, some key Administration officials believe that testing is necessary to develop a ‘new generation’ of nuclear weapons, including low-yield, ‘bunker-busting’, earth-penetrating weapons specifically designed to destroy very hard and deeply buried targets (such as underground command and control centres and leadership bunkers).

#### No US-China war

**Rosecrance et al ‘10** (Richard, Political Science Professor @ Cal and Senior Fellow @ Harvard’s Belfer Center and Former Director @ Burkle Center of IR @ UCLA, and Jia Qingguo, PhD Cornell, Professor and Associate Dean of School of International Studies @ Peking University, “Delicately Poised: Are China and the US Heading for Conflict?” Global Asia 4.4, <http://www.globalasia.org/l.php?c=e251>)

**Will China and the US Go to War?** If one accepts the previous analysis, the answer is “**no**,” or at least not likely. Why? First, despite its revolutionary past, **China has** gradually **accepted the US-**led **world** order **and become a status quo power.** It has joined most of the important inter-governmental international organizations. It has subscribed to most of the important international laws and regimes. It has not only accepted the current world order, it has become a strong supporter and defender of it. China has repeatedly argued that the authority of the United Nations and international law should be respected in the handling of international security crises. China has become an ardent advocate of multilateralism in managing international problems. And China has repeatedly defended the principle of free trade in the global effort to fight the current economic crisis, despite efforts by some countries, including the US, to resort to protectionism. To be sure, there are some aspects of the US world order that China does not like and wants to reform. However, it wishes to improve that world order rather than to destroy it. Second, **China** has **clearly rejected** the option of **territorial expansion.** It argues that territorial expansion is both immoral and counterproductive: immoral because it is imperialistic and counterproductive because it does not advance one’s interests. China’s behavior shows that instead of trying to expand its territories, **it has been trying to settle** its border **disputes through negotiation**. Through persistent efforts, China has concluded quite a number of border agreements in recent years. As a result, most of its land borders are now clearly drawn and marked under agreements with its neighbors. In addition, China is engaging in negotiations to resolve its remaining border disputes and making arrangements for peaceful settlement of disputed islands and territorial waters. Finally, **even on** the question of **Taiwan**, which China believes is an indisputable part of its territory, **it has adopted** a policy of **peaceful reunification**. A country that handles territorial issues in such a manner is by no means expansionist. Third, **China has relied on trade** and investment **for** national welfare and **prestige, instead of** military **conquest.** And like the US, Japan and Germany, China has been very successful in this regard. In fact, so successful that **it** really **sees no other option than** to continue on **this path to prosperity**. Finally, after years of reforms, China increasingly finds itself sharing certain basic values with the US, such as a commitment to the free market, rule of law, human rights and democracy. Of course, there are still significant differences in terms of how China understands and practices these values. However, at a conceptual level, Beijing agrees that these are good values that it should strive to realize in practice. A Different World It is also important to note that certain changes in international relations since the end of World War II have made the peaceful rise of a great power more likely. To begin with, the emergence of nuclear weapons has drastically reduced the usefulness of war as a way to settle great power rivalry. By now, all great powers either have nuclear weapons or are under a nuclear umbrella. If the objective of great power rivalry is to enhance one’s interests or prestige, the sheer destructiveness of nuclear weapons means that these goals can no longer be achieved through military confrontation. Under these circumstances, countries have to find other ways to accommodate each other — something that China and the US have been doing and are likely to continue to do. Also, globalization has made it easier for great powers to increase their national welfare and prestige through international trade and investment rather than territorial expansion. In conducting its foreign relations, the US relied more on trade and investment than territorial expansion during its rise, while Japan and Germany relied almost exclusively on international trade and investment. China, too, has found that its interests are best served by adopting the same approach. Finally, the development of relative pacifism in the industrialized world, and indeed throughout the world since World War II, has discouraged any country from engaging in territorial expansion. **There is less and less popular support for using force to address even legitimate concerns** on the part of nation states. Against this background, efforts to engage in territorial expansion are likely to rally international resistance and condemnation. Given all this, is the rise of China likely to lead to territorial expansion and war with the US? The answer is no.