### Off1

#### The President of the United States should issue an executive order establishing a national security court with jurisdiction over targeted killings based on a strict scrutiny standard. The executive branch should release the findings of the court to the public ex-ante.

#### CP Solves drone strikes

Katyal 13 [Neal K, writer for NY Times, “Who Will Mind Drones?” New York Times, February 21, 2013, <http://www.nytimes.com/2013/02/21/opinion/an-executive-branch-drone-court.html?_r=0>] CPO

But simply placing a drone court in the judicial branch is not a guaranteed check. The FISA Court’s record is instructive: between 1979 and 2011 it rejected only 11 out of more than 32,000 requests — making the odds of getting a request rejected, around 1 in 3,000, approximately the same as those of being struck by lightning in one’s lifetime. What reason does the FISA Court give us to think that judges are better than specialists at keeping executive power in check?¶ The written decisions of an internal national security court, in contrast, would be products of an adversarial system (unlike the FISA Court), and later reviewed by Congressional intelligence committees. If members of Congress saw troublesome trends developing, it could push legislation to constrain the executive. That is something a federal judge cannot do.¶ One of our Constitution’s greatest virtues is that it looks to judges as a source of reasoned, practical, rights-minded decision making. But judges should be left to what they know. A national security court inside the executive branch may not be a perfect solution, but it is a better way to balance the demands of secrecy and speed with those of liberty and justice.

#### Strict Scrutiny solves any solvency deficit

Guiora, 12 [Amos, Professor of Law, SJ Quinney College of Law, University of Utah, author of numerous books dealing with military law and national security including Legitimate Target: A Criteria-Based Approach to Targeted Killing, “Drone Policy: A Proposal Moving Forward,” <http://jurist.org/forum/2013/03/amos-guiora-drone-policy.php>, ALB]

Targeted killing sits at the intersection of law, morality, strategy and policy. I am a proponent of targeted killing because it enables the state to protect its innocent civilian population. However, my support for targeted killing is conditioned on the process being subject to rigorous standards, criteria and guidelines.¶ My advocacy of both targeted killing and criteria-based decision-making rests largely on 20 years of experience with a "seat at the table" of operational counterterrorism. The dangers inherent in the use of state power are enormous. On the opposite side of the equation, however, is the terrible cost of terrorism; after all, terrorists deliberately target innocent civilians.¶ However, broad definitions of imminence combined with new technological capabilities drastically affect the implementation of targeted killing predicated on legal and moral principles. The recently released US Department of Justice (DOJ) "white paper" regarding the Obama administration's drone policy defines "imminence" so expansively there need not be clear evidence of a specific attack to justify the killing of an individual, including US citizens. This extraordinary broadness creates a targeted killing paradigm akin to interrogation excesses under the Bush administration that followed in the wake of the Bybee Memo.¶ The solution to this search for an actionable guideline is adoption of a strict scrutiny standard which would enable operational engagement of a non-state actor predicated on intelligence information subject to admissibility standards akin to a court of law. Such intelligence would have to be reliable, material and probative.¶ To re-phrase, this strict scrutiny test seeks to strike a balance by enabling the state to act sooner but subjecting that action to significant restrictions. This paradigm would be predicated on narrow definitions of imminence and legitimate targets. Rather than enabling the consequences of the DOJ memo, the strict scrutiny test would ensure implementation of person-specific operational counterterrorism. That is the essence of targeted killing conducted in accordance with the rule of law and morality in armed conflict.¶ This proposal is predicated on the understanding that, while nation states need to engage in operational counterterrorism, mistakes regarding the correct interpretation and analysis of intelligence information can lead to tragic mistakes. Adopting admissibility standards akin to criminal law minimizes operational error.¶ Rather than relying on the executive branch to make decisions in a "closed world" devoid of oversight and review, the intelligence information justifying the proposed action must be submitted to a court that would ascertain the information's admissibility. The discussion before the court would necessarily be conducted ex parte; however, the process of preparing and submitting available intelligence information to a court would significantly contribute to minimizing operational error that otherwise would occur.¶ The logistics of this proposal are far less daunting than might seem — the court before which the executive would submit the evidence is the US Foreign Intelligence Surveillance Court (FISA Court), established by the Foreign Intelligence Surveillance Act. Presently, FISA Court judges weigh the reliability of intelligence information in determining whether to grant government ex parte requests for wire-tapping warrants. Under this proposal, judicial approval is necessary prior to undertaking a counterterrorism operation predicated solely on intelligence information. The standard the court would adopt in determining the information's reliability is the same applied in the traditional criminal law paradigm.¶ The court would cross-examine the representative of the executive branch and subsequently rule as to the information's admissibility. While some may suggest that the FISA Court is largely an exercise in "rubber-stamping," the importance of this proposal is in requiring the government to present the available information to an independent judiciary as a precursor to engaging in operational counterterrorism.¶ While this proposal explicitly calls for changing the nature of the relationship between the executive and the judicial branches of the government, it would serve to minimize collateral damage in drone attacks predicated on narrow definitions of legitimate target.¶ This proposal does not limit the state's fundamental right to self-defense. Rather, it creates a process seeking to objectify counterterrorism by seeking to establish standards for determining the reliability of intelligence information that is the backbone of targeted killing decision-making.¶ The practical impact? A drone policy predicated on the rule of law and morality rather than the deeply troubling paradigm established by the Obama administration in the DOJ white paper.

### Off2

#### Unique LINK—Obama is massively expanding Presidential War Powers Now—Plan is a unique reversal of that trend.

Friedersdorf, 9-12-13 [Obama Acts Like He Doesn't Know He's an Executive-Power Extremist On the fake moderation of a president who talks a good game but doesn't follow through CONOR FRIEDERSDORF SEP 12 2013 is a staff writer at The Atlantic, where he focuses on politics and national affairs. http://www.theatlantic.com/politics/archive/2013/ 09/obama-acts-like-he-doesnt-know-hes-an-executive-power-extremist/279583/]

It's often hard to tell if President Obama is lying to the American people or to himself. Is he willfully misrepresenting who he is? Or is he blind to his true self? Over the last five years he has repudiated many of the positions he took in 2008, but still talks like and perhaps likes to think of himself as the man who ran on change. A passage from his Tuesday speech on Syria provides a striking example. The relevant passage -- an aside on executive power -- comes just after the president explains that he favors a strike on Syria to deter the use of chemical weapons (emphasis added): That's my judgment as commander-in-chief. But I’m also the president of the world’s oldest constitutional democracy. So even though I possess the authority to order military strikes, I believed it was right, in the absence of a direct or imminent threat to our security, to take this debate to Congress. I believe our democracy is stronger when the president acts with the support of Congress. And I believe that America acts more effectively abroad when we stand together. This is especially true after a decade that put more and more war-making power in the hands of the president, and more and more burdens on the shoulders of our troops, while sidelining the people’s representatives from the critical decisions about when we use force. What a fascinating paragraph! Even as Obama implies that he is a circumspect steward of constitutional democracy, he asserts that even absent "a direct or imminent threat," he has absolute power to wage war without congressional support, the Constitution and the opinions of the demos be damned. If the passage ended there it would be staggering in its internal tension. As Jack Goldsmith explained in detail, intervening in Syria without congressional sign-off would "push presidential war unilateralism beyond where it has gone before." Asserting that power without using it is still an extreme position to take.¶ Obama goes a delusion farther. Ostensibly because he hasn't yet intervened, even though he repeatedly and needlessly asserts his right to do so unilaterally, he casts himself as moving away from unilateralism and toward consulting Congress. The benefits are "especially true after a decade that put more and more war-making power in the hands of the president," he notes, "while sidelining the people’s representatives from the critical decisions about when we use force."¶ The grammer is priceless. Who "put more and more war-making power in the hands of the president"? In Obama's telling, "a decade" put the executive power there.¶ The absence of a human subject in the sentence isn't hard to figure out. For all President George W. Bush's faults, he sought and received majority support for the Patriot Act, the September 2001 AUMF, the War in Afghanistan, and the War in Iraq. Obama's expansion of the drone war and his illegal war-making in Libya didn't turn out as bad as Iraq, so it's hard to see him as a worse president, but Obama has done more than Bush to expand the war-making power of the White House. As for "sidelining the people’s representatives from the critical decisions about when we use force," it's Obama who went into Libya despite the fact that a House vote to approve U.S. involvement was brought to the floor and voted down.¶ Yet Obama complains about these trends as if someone other than Obama is responsible for them, and as if he has been and remains powerless to do more to reverse them. When Obama asked Congress to vote in Syria, no one forced him to insist that he had the power to intervene militarily even if a legislative vote declared otherwise. No one forced him to defend the extreme position that the presidential war power is so sweeping that it includes waging wars of choice rejected by Congress that don't involve any direct or imminent threat to the United States. ¶ He went out of his way to defend that maximal precedent, even as gave us the impression that he was trying to rein in executive power that he claims to find regrettable and worrisome. It's all consistent with Obama's favorite rhetorical tactic: granting the validity of an objection in his rhetoric, then totally ignoring the objection in his actions. In so doing, he confuses public discourse and subverts debate. We know that Obama is an executive-power extremist in his actions. He believes the president has the power to intervene militarily without Congress in places that do not threaten America; that he can order American citizens killed in secret without due process; that he can secretly collect data on the phone calls of all Americans; that he can invoke the state-secrets privilege to avoid adjudicating constitutional challenges to his policies on their merits; that he can indefinitely detain prisoners without evidence, charges or due process, that he can sit in judgment of anyone on earth, then send a drone anywhere to strike them.¶ Yes, we know that Obama is an executive-power extremist in his actions, that there are many steps to rein in executive power that he could take but hasn't taken ... and that he worries repeatedly about an excess of executive power in his rhetoric. What we don't know is the reason for this disconnect. After all, this ain't like Gitmo. If he really wanted to do more to shrink executive power, he could do a lot unilaterally, and no one could stop him. Is he trying to fool us? Or is he fooling himself, because he likes to think of himself as more prudent and moderate man than he is? Can he not bear the truth that he's a Cheneyite extremist\*? My best guess is that he's trying to fool us. But it's hard to know for sure.¶ \*It would be fascinating to look at the many issues on which Bush-Cheney and Obama take the same position, and compare how many times each was referred to in the media as "out of the mainstream," a phrase that faded fast circa January 2009.

#### That prevents Obama’s focus on Arms reduction will create a cooperative relationship with Russia sustaining relations

Steven Pifer, 1-9-13 (Director of the Brookings Arms Control Initiative, “US-Russia Relations in Obama’s Second Term”, European Leadership Network)

When Barack Obama took office in January 2009, US-Russia relations had fallen to their lowest point since the collapse of the Soviet Union. The “reset” launched by his administration helped turn that around, producing the New START Treaty and deeper cooperation on issues such as Iran, Afghanistan and Russia’s entry into the World Trade Organization. By any objective measure, the US-Russia relationship is in better shape today than it was in 2008.¶ That said, 2012 saw a new degree of tension enter relations, as the two countries differed over issues such as Syria and democracy in Russia. Presidential elections in both countries contributed to something of a pause in relations. The Russians essentially marked time on arms control and missile defense, waiting to see who would occupy the Oval Office in 2013, while the White House downplayed arms control, not wanting it to become a political issue during the US presidential campaign.¶ The challenge for Washington and Moscow now is whether they can move beyond the reset and current frictions to build a more sustainable relationship, deepening cooperation on issues where their interests converge while defending their positions where they differ.¶ The Agenda¶ The US-Russia agenda holds a range of issues on which the sides’ interests appear to converge. Both have an interest in strategic stability. The levels of nuclear weapons—some 5,000 or more on each side—make little sense 20 years after the Cold War. One question thus is whether the sides can build on the New START Treaty and negotiate further reductions, including reserve strategic warheads and non-strategic nuclear weapons. A single aggregate limit could create a mechanism under which Washington could trade a reduction in its advantage in reserve strategic warheads for a Russian reduction in its advantage in non-strategic nuclear weapons. A sublimit on deployed strategic warheads, the systems of greatest concern, would make sense as well.¶ Progress on nuclear arms reductions undoubtedly will require a settlement on missile defense. US and Russian military experts in 2011 reportedly found significant convergence on ideas such as transparency, joint exercises and jointly-manned NATO/Russia missile defense centers. Building on this, a solution could be possible if (1) the Russians drop their demand for a “legal guarantee” that US missile defenses not be directed against Russian strategic missiles, which would never be approved by the Senate, and (2) the United States offers more transparency and flexibility on its plans, e.g., states unequivocally that, if Iran is not progressing toward an ICBM capability, deployment of the SM-3 Bloc IIB interceptor in Europe would be deferred.¶ Although Moscow is unhappy that Washington applied additional sanctions on Iran outside of the UN Security Council, Russia nevertheless toughened its stance on Tehran, including by agreeing to an arms embargo. The two countries continue to have a shared interest in working within the P5-plus-1 process to dissuade Iran from developing a nuclear weapons capability.¶ Russia has proved very helpful in providing supply routes for US and coalition forces in Afghanistan. As those forces wind down major combat operations, the United States and Russia still share an interest in preventing the Taliban’s return or the Afghan state’s collapse into instability.¶ Washington and Moscow have expressed a desire to increase trade and investment relations. That would benefit both economies and could also provide a measure of commercial ballast to steady the relationship when other problems arise. Russia’s entry into the WTO helps, as would reforms to promote a more normal and welcoming business climate in Russia.¶ Invariably, however, difficult problems will remain on the agenda, which is something to be expected when two countries interact on so many global issues. Syria currently poses a major problem, but the Russian position may evolve as it becomes evident that Assad’s days are numbered. The United States will continue to raise democracy and human rights concerns about Russia, which unfortunately have grown over the past year. Moscow will engage in tit-for-tat retaliation for the passage of the Magnitskiy bill, such as its reprehensible decision to ban the adoption of Russian orphans by Americans, which most of all penalizes Russian children. That will introduce new friction into bilateral relations, but it is up to the two governments to determine whether such issues derail the relationship or can be controlled.¶ The Key Question¶ The challenge for Washington and Moscow is to deepen cooperation on those issues where their interests converge while managing their differences on other questions. Direct involvement by the two presidents can be important in this regard. President Putin has invited President Obama to make an early visit to Russia, which Obama has accepted in principle.¶ The key question is how they will engage and on what. By all accounts, Obama would like his presidency to be “transformational” regarding nuclear arms control. The US military can live comfortably within New START, but the president would like to reduce the levels of nuclear weapons further. Washington understands that this will require a settlement on missile defense. If Putin is prepared to deal reasonably on these issues, that would provide the basis for a presidential agenda, one that would engage Obama’s interest.¶ If the Russians prefer instead to resist further nuclear reductions, it is not clear what “big” issue on the US -Russia agenda would draw Obama’s attention. Russia would turn out to be less relevant to the White House agenda in his second term, and it would be difficult to sustain the level of presidential attention that the relationship commanded in 2009-2011. That might not be a disaster—and some in both countries would welcome it—but US-Russian relations tend to do better when the presidents are directly engaged. The approach taken by Putin and Moscow to arms control in dealing with Obama in his second term will matter not just for further nuclear weapons reductions, but also for the broader US-Russia relationship.

#### Relations are the biggest controlling impact – solves multiple extinction scenarios - Iran prolif, US-Russia War, terrorism and economic security

Allison and Blackwill 11 (10-30-11 Graham Allison, Director, Belfer Center for Science and International Affairs; Douglas Dillon Professor of Government; Faculty Chair, Dubai Initiative, Harvard Kennedy School, Robert D. Blackwill, International Council Member, Belfer Center for Science and International Affairs "10 Reasons Why Russia Still Matters"http://belfercenter.ksg.harvard.edu/publication/21469/10\_reasons\_why\_russia\_still\_matters.html)

That central point is that Russia matters a great deal to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir Putin’s decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies. No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, Russia is a player whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons. Ten realities require U.S. policymakers to advance our nation’s interests by engaging and working with Moscow. First, Russia remains the only nation that can erase the United States from the map in 30 minutes. As every president since John F. Kennedy has recognized, Russia’s cooperation is critical to averting nuclear war. Second, Russia is our most consequential partner in preventing nuclear terrorism. Through a combination of more than $11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the “evil empire,” not one nuclear weapon has been found loose. Third, Russia plays an essential role in preventing the proliferation of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran’s drive toward nuclear weapons, Russian choices to sell or withhold sensitive technologies are the difference between failure and the possibility of success. Fourth, Russian support in sharing intelligence and cooperating in operations remains essential to the U.S. war to destroy Al Qaeda and combat other transnational terrorist groups. Fifth, Russia provides a vital supply line to 100,000 U.S. troops fighting in Afghanistan. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries. Sixth, Russia is the world’s largest oil producer and second largest gas producer. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia’s impact at our gas pumps. Seventh, Moscow is an important player in today’s international system. It is no accident that Russia is one of the five veto-wielding, permanent members of the U.N. Security Council, as well as a member of the G-8 and G-20. A Moscow more closely aligned with U.S. goals would be significant in the balance of power to shape an environment in which China can emerge as a global power without overturning the existing order. Eighth, Russia is the largest country on Earth by land area, abutting China on the East, Poland in the West and the United States across the Arctic. This territory provides transit corridors for supplies to global markets whose stability is vital to the U.S. economy. Ninth, Russia’s brainpower is reflected in the fact that it has won more Nobel Prizes for science than all of Asia, places first in most math competitions and dominates the world chess masters list. The only way U.S. astronauts can now travel to and from the International Space Station is to hitch a ride on Russian rockets. The co-founder of the most advanced digital company in the world, Google, is Russian-born Sergei Brin. Tenth, Russia’s potential as a spoiler is difficult to exaggerate. Consider what a Russian president intent on frustrating U.S. international objectives could do — from stopping the supply flow to Afghanistan to selling S-300 air defense missiles to Tehran to joining China in preventing U.N. Security Council resolutions. So next time you hear a policymaker dismissing Russia with rhetoric about “who cares?” ask them to identify nations that matter more to U.S. success, or failure, in advancing our national interests.

### Off3

Debt ceiling will be raised now

Przybyla, 9/24 [Heidi, Bloomberg, “Republicans Debt-Ceiling Strategy Relies on Obama Budget,” <http://www.bloomberg.com/news/2013-09-24/republicans-debt-ceiling-strategy-relies-on-obama-budget.html>, ALB]

Senate

Democrats including Senate Budget Committee Chairman Patty Murray predict Republicans will capitulate rather than allow a default. Obama won’t “under any circumstances” negotiate on the debt limit, spokesman Jay Carney said yesterday.¶ Obama has said he’s willing to negotiate to reduce entitlement costs. In his most recent budget plan, he proposed reducing Medicare spending by $371 billion over 10 years by taking money from provider groups including hospitals, managed-care plans and nursing homes. Health care and entitlement costs account for 43 percent of the U.S. budget.¶ Obama’s fiscal 2014 blueprint also proposes saving $50 billion over a decade by requiring the wealthy to pay more for their Medicare Part B and Part D coverage starting in 2017.¶ Republican Priorities¶ The House-led effort to strip funding from Obamacare, headed for defeat in the Senate, has obscured Republicans’ priorities of reining in mandatory spending, Cornyn said.¶ Even with Obama’s refusal to negotiate, there is room for compromise on the debt measure, said Senator Amy Klobuchar.¶ “There will be an agreement, and I think we can do it without any of these extraneous, partisan poison pills,” the Minnesota Democrat said on NBC’s “Meet the Press” on Sept. 22.¶ Murray, who also led a 2011 supercommittee on debt reduction, said there can be no real negotiating as long as the Tea Party is singularly focused on defunding Obamacare. “If there is a fair and balanced path forward,” she said, “I’m on board, but it’s not going to include eliminating Obamacare.”¶ Small Scale¶ Senator Mike Crapo, an Idaho Republican and member of a separate debt-negotiating group, said a small-scale bargain targeting entitlement spending is possible once wrangling over Obamacare ends.¶ “The only place you can be incremental at this point is in entitlement reform,” Crapo said. Revisions to the U.S. tax code must be made in a comprehensive way, and the Congress has already cut other federal programs to historic lows, he said.

#### Restrictions kill PC- Obama’s first term proves other objectives outweigh SOP questions

Ackerman and Hathaway 11 (Bruce and Oona, Sterling Professor of Law and Political Science, Yale Law School; Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School; LIMITED WAR AND THE CONSTITUTION: IRAQ AND THE CRISIS OF PRESIDENTIAL LEGALITY, 109 Mich. L. Rev. 447, lexis)

President Bush had now transformed a war authorized by Congress into a war authorized by the president alone. Gone was Saddam's "continuing" threat to the national security of the United States. Gone were the U.N. Security Council resolutions. In their place, the president presented Congress with a fait accompli - a document that committed the country to fight the war for three more years. n115 But would the new administration go along with this unconstitutional power play? Only months before, Senators Obama, Biden, and Clinton had endorsed a resolution demanding the submission of any new Iraq agreement to Congress for approval. n116 Now that they were president, vice president, and secretary of state, they could make their earlier resolution into reality.¶ As they pondered their next steps, developments in Iraq provided an ironic commentary. The new Iraqi constitution, like our own, required the chief executive to submit the bilateral agreements to the country's parliament for ratification. In stark contrast to President Bush, Prime Minister Maliki followed constitutional requirements, providing the Iraq assembly with an opportunity to deliberate upon and approve the bilateral agreement. n117 Did Iraq's embryonic democracy have an important constitutional lesson to teach the oldest democracy in the world? n118¶ [\*475] While campaigning for the presidency, Senators Obama and Clinton appeared to think so. But on January 20th, President Obama and Secretary of State Clinton silently acquiesced in their predecessor's usurpation of congressional authority. They made no public effort to reconcile this decision with their previous protests. Their silent acceptance of Bush's agreement with Iraq - effectively ratifying it - had obvious political advantages: when Obama announced his determination to withdraw combat troops by August 2010, Republicans were in no position to denounce the administration's plans as tantamount to surrender, for the pronouncement was consistent with the plan announced in the agreement negotiated by President Bush. n119¶ Congress joined in this act of collective amnesia - with politics, once again, serving as the obvious motivation. The Democrats in control of both houses had better things to do than embarrass their new president with constitutional objections to the ongoing military effort in Iraq. They were preparing themselves for the coming struggle over the stimulus package, health care reform, financial reform, and other high-priority initiatives. No one was prepared to fight for Congress's right to approve an agreement that was already in place and was serving as the basis of the country's war in Iraq.¶ Nor were minority Republicans inclined to act as the nation's constitutional conscience. This would not only involve a direct attack on Bush's earlier actions. It would (implicitly) suggest that President Obama had the constitutional prerogative to repudiate the Bush agreement and opt for a speedier pullout in Iraq - a policy few if any Republicans in Congress supported.¶ Political imperatives were now trumping the institutional logic of the separation of powers. n120 Both political parties had an interest in allowing President Obama to silently ratify President Bush's transformation of a limited war into an unlimited conflict. With no one contesting the matter, the media failed to note the odd disjunction posed by Iraq's turn to parliamentary participation and Washington's embrace of executive unilateralism.

#### **Pol cap is key to the debt ceiling**

Kuhnhenn, 9/9 [Jim, “Syria, budget could become Obama’s make-or-break issues,” <http://www.denverpost.com/politics/ci_24046750/syria-budget-could-become-obamas-make-or-break>, ALB]¶

The tasks stacking up before President Barack Obama over the coming weeks will test his persuasive powers and his mobilizing skills more than at any other time in his presidency.¶ How well Obama handles the challenges could determine whether he leads from a position of strength or whether he becomes a lame duck one year into his second term.¶ Between now and the end of October, Obama must persuade wary lawmakers that they should grant him authority to take military action against Syria; take on Congress in an economy-rattling debate over spending and the nation's borrowing limit; and oversee a crucial step in putting in place his prized health care law.¶

Failure to act on the debt ceiling collapses the economy-Multiple internal links

Swagel, 9/4 [Phillip, professor at the School of Public Policy at the University of Maryland, assistant secretary for economic policy at the Treasury Department from 2006 to 2009, “Fiscal Collisions Ahead,” <http://economix.blogs.nytimes.com/2013/09/04/fiscal-collisions-ahead/>, ALB]

A failure to act would harm the economy. Not lifting the debt ceiling in particular would be expected to have catastrophic economic effects. Interest rates could skyrocket if investors question the full faith and credit of the United States government, leading to a credit crunch that pummels business and consumer spending. The calamity might be avoided if the Treasury Department makes payments to bondholders to avoid a default, but even with this contingency plan (which the Treasury shows no sign of putting into place), the spectacle of a government that cannot finance its routine operations would doubtless translate into a severe negative impact on private confidence and spending.¶ A shutdown of nonessential government operations on Oct. 1 would mean an unintended reduction in spending that could retard [halt[ the recovery, but the larger consequence again would be indirect through a hit to confidence. With the government unable to attend to routine matters, it does not take much to imagine that American families and companies would halt plans to spend, invest and hire. This would repeat the natural instinct that contributed to the plunge in economic activity in the fall of 2008.¶ Fiscal uncertainty matters for monetary policy as well, because the Federal Reserve will hesitate to start unwinding its expansionary policy if a serious fiscal drag seems imminent.

#### Best studies prove economic collapse causes war

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 Modclski 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 (1990, 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.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

### Off4

#### Terror studies forms an epistemic community which reinforces dominant power structures and legitimizes western security agendas – their knowledge is produced within a self-referential state-sponsored sphere which excludes dissenting voices

Jackson et al ‘09 (Richard Jackson, Reader in International Politics at Aberystwyth University, where he is also a senior researcher in the Centre for the Study of Radicalisation and Contemporary Political Violence (CSRV), Marie Breen Smyth and Jeroen Gunning, “Critical terrorism studies: Framing a new research agenda,” in “Critical terrorism studies: a new research agenda,” ed: Richard Jackson, p. 217-221)

A related weakness in the field is the dominance of what can be called ‘problem-solving’ approaches to the study of political terror which fail to interrogate the role of the status quo and existing power structures in perpetuating insecurity and violence (Gunning, 2007a). The adoption of a problem-solving approach is in part a consequence of the frequently compromising ethical-political relationships between states and their security agencies, and some scholars and analysts engaged in the study of non-state terrorism (Ranstorp, Raphael, this volume). This is the so-called ‘embedded experts’ or ‘organic intellectuals’ problem, whereby the leading scholars constitute an influential epistemic community directly linked to state power (see Burnett and Whyte, 2005; Jackson, 2007f). The dominance of this intellectual network is in part maintained through the operation of closed, static, and self-referential systems of knowledge production which function to exclude scholars with dissenting or counter-hegemonic views (see Reid, 1993). But it is also a function of the dominance of state-centric, realist perspectives among the leading scholars within the field. A particularly deleterious consequence of adopting a problem-solving perspective is the prioritisation of topics tailored to the demands of policymakers for practically useful knowledge in the fight against terrorism, or, the securitisation of research. Importantly, we detect a failure in the field to adequately reflect upon questions of research ethics, particularly as they relate to the safety of informants and primary researchers, the effects of research on ‘suspect communities’ and different end-users, and the way terrorism research is frequently called upon by governments and elites to legitimise certain counterterrorism practices and policies (see Breen Smyth, this volume; Toros, 2008b). There is no getting away from the reality that as with other terms like ‘paedophile’ or ‘rapist’, using the ‘terrorism’ label in relation to other human beings has real consequences on their lives and well-being and that of their families, friends, and wider community. More broadly, and related to the problem of embeddedness and problem-solving in the service of the status quo, we believe insufficient attention is paid to the ethics of advocating, endorsing, or just failing to openly condemn particular counterterrorism policies such as targeted assassination, rendition, torture, internment, shoot-to-kill policies, and harsh prison sentencing. Similarly, there has not been sufficient, rigorous research into the immediate, long-term and wider social effects of these counterterrorism policies, although an increasing number of (non-traditional) scholars have come to question the advisability of such tactics on the basis of empirical research (see Araj, 2008; Hafez, 2003). Finally, there is the impact of the current war on terrorism, which has had a noticeably chilling and disciplining effect on terrorism research due to the disciplinary nature of the ‘you are either for us or against us’ rhetoric and the political demands for national unity. This has lead directly to attempts at censorship of certain academics and commentators by some states, other scholars, and media commentators, as well as self-censorship and pressure on academics by state security organisations to inform on their students (see Breen Smyth, this volume). Another effect of the war on terrorism has been the compromising of existing research relationships through the co-option of researchers into government-determined research programmes, and the tainting of researchers with the suspicion that they may be working for the security services. Lastly, the war on terror has created a legal environment in which withholding information about one’s informants or possessing certain kinds of widely available materials are now criminal offences.

#### This ensures massive escalation – this approach is historically the largest proximate cause of violent death – non-state terrorism can’t hold a candle to it

Jackson et al ‘08 (Richard, Reader in International Politics at Aberystwyth University, where he is also a senior researcher in the Centre for the Study of Radicalisation and Contemporary Political Violence (CSRV), Eamon Murphy, Professor of History and International Relations at Curtin University of Technology in Western Australia, and Scott Poynting, Professor in Sociology, Manchester Metropolitan University, “Introduction,” in “Contemporary State Terrorism: Theory and practice,” p. 1-2)

By all accounts, state terrorism has been one of the greatest sources of human suffering and destruction of the past five centuries. Employing extreme forms of exemplary violence against ordinary people and specific groups in order to engender political submission to newly formed nation states, transfer popula- tions, and generate labour in conquered colonial territories, imperial powers and early modern states killed literally tens of millions of people and destroyed entire civilizations and peoples across the Americas, the Asia-Pacific, the sub- continent, the Middle East, and Africa. Later, during the twentieth century, modern states were responsible for the deaths of 170 million to 200 million people outside of war (Rummel 1994), a great many of them murdered during notorious campaigns of state terrorism such as Stalin’s great terror, Mao’s Great Leap Forward, and Kampuchea’s return to Year Zero, and the rule of various dictatorial regimes in Chile, Argentina, South Africa, Uganda, Somalia, Indone- sia, Iran, Iraq and dozens of other countries. During the great wars of the twenti- eth century, millions of civilians were killed in atomic attacks and ‘terror bombing’ campaigns designed specifically to undermine morale and intimidate into submission – a case of randomly killing some people in order to influence others, which is the essence of the terrorist strategy (Grosscup 2006). Disturbingly, state terrorism remains as one of the single greatest threats to human and societal security and well-being today. Certainly, in comparison to the terrorism perpetrated by non-state insurgent groups, the few thousand deaths and injuries caused by ‘terrorism from below’ every year pales into rela- tive insignificance besides the hundreds of thousands of people killed, kid- napped, ‘disappeared’, injured, tortured, raped, abused, intimidated, and threatened by state agents and their proxies in dozens of countries across the globe in places like Chechnya, Kashmir, Palestine, Iraq, Colombia, Zimbabwe, Darfur, Congo, Somalia, uzbekistan, China and elsewhere. Even more disturb- ingly, government-directed campaigns of counter-terrorism in the past few decades have frequently descended into state terrorism by failing to distinguish between the innocent and the guilty, responding highly disproportionately to acts of insurgent violence, and aiming to terrify or intimidate the wider population or particular communities into submission (Goodin 2006: 69–73). Consequently, the victims of state counter-terrorism have always vastly outnumbered the deaths caused by non-state or insurgent terrorism, including in the ongoing global war on terrorism.

#### The alt solves- your role is an educator, rejecting bad forms of scholarship allows us to challenge dominant narratives and actualize change

Zulaika and Douglass, 2009 (Joseba and William, Center for Basque Studies, University of Nevada, Reno, NV, USA, “The terrorist subject: terrorism studies and the absent subjectivity,” Critical Studies on Terrorism 1:1, p. 30-32)

Recently, John Mueller has demonstrated convincingly how ‘overblown’ the threat of ter- rorism is; he writes that the likelihood of dying from it is about the same as from the impact of a falling asteroid or an allergic reaction to peanuts (Mueller 2006, pp. 2, 13). What about the vaunted threat of terrorists deploying weapons of mass destruction? The actual capacity for them to develop a nuclear device is considered by the experts to be extremely low (Mueller 2006, pp. 15–24). The technological sophistication of the 9/11 attacks rested upon box cutters. But such a reality check does not address key components of the terrorist phenomenon – those having to do with the imaginative and subjective aspects of the threat. If objectively the danger is so minimal, yet is perceived by the public in such apoca- lyptic terms, the challenge for Critical Terrorism Studies is how to account for the dispar- ity. This requires investigating that most tabooed of topics, namely, terrorist subjectivity and the ways in which terrorist desire may paradoxically advance its agenda through non- events. A case in point is the reality and dialectics of threats, a key ingredient of terrorism discourse and performance. The very meaning of the act that constitutes a threat is entwined with perception of it. The same threat can be dismissed as irrelevant and make- believe, a non-event, or else as deadly serious, depending on context, on interpretation, on who perceives it. The Unabomber managed to bring the traffic in California airports to a halt simply by sending a letter to the San Francisco Chronicle that said that within a week he would blow up an airliner (while sending another to the New York Times stating that the threat was a ‘prank’). The actual reality of a catastrophic threat might be mere ‘prank’, but it can still be deadly serious – a non-event that was at once utterly terroristic. What did lend credibility to the Unabomber was that he had shown in the past his capacity to outmanoeuvre the police and engage in lethal action. Feared terrorists might be simply ‘playing terrorist’, yet who else knows that they are not acting seriously this time?2 The actual evidence of terrorism may be lacking, yet the public feels that there are rea- sonable grounds to be scared. The Islamic apocalyptic threat feeds off of the recent history of other acts of terrorism having taken place, as well as from the fact that we can safely guess their intentions; that is, their burning antagonism against the Occident in general. We are forced to take into account the subjectivity of the terrorist plotters – their humilia- tions and desires, their ‘death instinct’ and potential for madness – and not only their actual deeds. Detective fiction teaches us that the tough cop is always outsmarted by the apparently ignorant detective who ends up resolving the case by bringing into the equation the mur- derer’s desire. The detective’s problem is not unlike that studied by Gottlob Frege regard- ing set theory. To begin with, Frege’s numbers, as well as the detective function, assume that the categories of counting create the objects that fall within them. As noted above, terrorism is a prime instance of the power of statistics to constitute rather than calculate the phenomenon. The category subsumes the being. But, as pointed out by Joan Copjec, there is a different reading of Frege by Jacques Lacan who, on the contrary, argues ‘that there are real objects that are not reducible to any category’. That derives from Lacan’s logical insight that for counting to be possible: the set of numbers must register one category under which no objects fall. The category is that of the ‘not-identical-to-itself’; the number of objects subsumed by it is zero. (Copjec 1994, p. 171) Regarding terrorism, as in the detective’s case, the actual evidence might be missing (zero), yet we can still infer its reality from the traces left by the desire of the potential actors and the interpretations given by their audiences. The view that interpretation is desire – for both the actor and his/her audience – cannot be ignored in terrorism studies. This is how we have become accepting of alleged terrorist plots that, as unconvincing as they might be if actually scrutinized and pondered, are still so frightening when perceived through the imputed and imponderable subjectivities of the potential terrorists. The paradox of set theory is articulated by logicians as the inability of an infinite series of numbers to effect their own closure. The endless waiting for terror, its ever-present threat, is also premised in this inability to close the field. The entire theory of set numbers hinges on the internal limit of the series, and that which is impossible to think from the logical functioning of numbers whose sets are closed or ‘sutured’ by such limitation. The logical suture is empty of content while at the same time it determines the autonomy of the series of numbers. Suture, in brief, supplies the logic of a paradoxical function whereby a supplementary ele- ment is ADDED to the series of signifiers in order to mark the LACK of a signifier that could close the set. (Copjec 1994, p. 174) This non-empirical ‘addition’ that closes the field is what confers a differential quality to ‘our’ side. Hence, the counting and naming performances assume foundational powers. If it can be said that modern nations are the product of counting, of collating diverse peoples into citizens, in the post-9/11 world what matters is the set defined as ‘terrorist’ – this is the ‘addition’, the suturing point that differentiates them from us, and it is in itself devoid of content, it is the ‘zero’ of set theory that allows for the internal limit. One can read terrorism as a detective would, namely, through the subjectivity of the terrorist, and not as does the plodding policeman, namely, blinded by the literalness of the corpse, unable to see that the entire thing consists in taking into account the internal limit or zero that makes the series possible. The point is that a performance in the space of such deep play leaves so many traces and unaccounted-for alternatives that it can never be fully described, and that the very meaning and perpetuation of the catastrophe, the never-ending threat it poses, depends in the end largely on the interpretation given to it. The detective pays attention to the law of limit, of ignorance, of the point at which all the premises fail and therefore have to be relinquished. There is more to the evidence than the evidence shows – the way it is given, what it conceals, the gap between the ‘facts’ and that which they confirm. In Lacanian vocabulary, the real is always lurking about ready to intrude in the symbolic. The detective, like the psychoanalyst, has to read what remains hidden, the real of desire – desire that is ruled by the law of the negative, the ‘zero’ that closes the series. The premise is that: There is a gap, a distance, between the evidence and that which the evidence establishes, which means that there is something that is not visible in the evidence: the principle by which the trail attaches itself to the criminal. (Copjec 1994, p. 176) Terrorism experts and commentators are for the most part like the realist policemen gazing at the evidence, yet unable to read the paradoxical logic of the desire that fuels it, whereby lack turns into excess and whereby interpretation establishes the evidence’s meaning (success or failure of the violence, martyrdom or catastrophe for its perpetrators) both for ‘them’ and for ‘us’. Interpretation being the work of desire, it implies acceptance that one does not know everything, that the evidence does not tell us how to read it. Only through the intervention of one’s own desire can analysis interpret what ‘terrorism’ is tell- ing us. The terrorist’s desire, the terrorist’s real, can only be understood through the ana- lyst’s desire. Still, even if interpretation thinks under the effect of desire, this does not mean that the interpreter is not seeking objectivity. As a result, in terrorism, as in detective fiction, it is not the evidence that has to be taken literally, as does the ignorant policeman, but rather ‘desire must be taken literally’ (Copjec 1994, p. 178). Intrinsic to desire is the inner gap that results from the absence of a final signifier and which calls for interpreta- tion. To understand the horror and the erotics of terrorist martyrdom, one has to take into account the logic of desire whereby lack turns into excess. This requires that we take the terrorist subject himself/herself as a primary and autono- mous locus of investigation. The will of the terrorist does not figure in our discourse. Some expert might know, of course, that what enraged bin Laden is the US military pres- ence in his native Saudi Arabia, which for him amounts to occupation of sacred lands by an invader. But these are footnotes to a public debate overwhelmed by the perception of utterly senseless nihilism on the part of the terrorists. It is the all too present logic of taboo obtaining here: since terrorism is unspeakable Evil, you must avoid any contact with it or even contemplation of it, let alone projecting yourself into the terrorist’s subjectivity. The mere act of paying attention to what the terrorists have to say is a fateful step towards per- haps making an effort to understand their motives, something that might lead to somehow ‘justifying’ what is unjustifiable. Can you appease Adolf Hitler? But it is one thing to seek understanding and quite another to justify. The terrorist’s actions might be saying: read my desire, read my terror. But if to just pay attention to the terrorist is to already give in, there is no way to learn about him or her. Who wants to be confronted with the maddening paradoxes of suicidal desire?

### Solvency

#### Judicial oversight fails

Schmitt 13 [Gary J., Resident Scholar, Co-Director of the Marilyn Ware Center for Security Studies and Director of the Program on American Citizenship at the American Enterprise Institute, “Drone on,” <http://aei.org/article/foreign-and-defense-policy/terrorism/drone-on/>, ALB]

Nor is it the case that the courts have been ignored. It is impossible to read the white paper, with its citations of court decisions and its criteria for “balancing” state and individual interests based on court decisions, and not conclude that the paper was produced in the shadow of the federal court’s newfound, post-9/11 willingness to review executive branch counterterrorism policies. Shamsi also conveniently ignores the fact that when the ACLU sued the U.S. government over placing Anwar al-Awlaki (the American citizen and radical imam who planned the failed “underwear bomber” attack over Detroit in 2009 and was subsequently killed by a drone strike) on a “kill list,” the federal court dismissed the suit. According to the court, these were policies and decisions the Constitution had left in the hands of the political branches, those “best positioned and most politically accountable for making them.” In short, those opposed to the drone program got their day in court; they just don’t like what the court decided.

#### Oversight of targeting killings causes a shift to signature strikes—Makes all their impacts inevitable

Ohlin 13 Jens David Ohlin 13, Professor at Cornell Law School, http://www.liebercode.org/2013/02/would-federal-district-court-for-drones.html

**One of the more interesting recent proposals for curing the "due process" deficit in the Administration's targeted killings program is for Congress to create a federal court to approve drone strikes**. Senator Dianne Feinstein, among others, is championing this strategy. I don't think it will work. Here's why. First, the court would be modeled after the super-secret FISA court for approving government requests for surveillance in terrorism cases. Such courts impose a form of judicial review, yes, but there is little transparency and no adversarial process. But there are bigger problems. As some of my colleagues have already explained**, it is unlikely and improbable that such a court could authorize specific operational strikes**. **That would be difficult to implement in real time, and might even be unconstitutional for infringing on the Executive Branch's commander-in-chief power**. Rather, **such a court would approve the administration's decision to place an individual's name on an approved target list**. A court would review the legitimacy of this decision with the power to remove the name if the individual does not meet the standard for being a functional member of al-Qaeda. Although this is more plausible, I still don't think it will work. In the end, I think **it would just push the administration to avoid targeted killings and would have the opposite effect.** **It would increase, not decrease, collateral damage**. Let me explain. **Suppose the government has previously used the kill list to govern the selection procedure for targeted killings.** The list serves as a clearinghouse for debates and ultimately conclusions about who is a high-value target. If the administration decides that the individual should be pursued, he is placed on the list. If the administration decides that the individual is of marginal or no value, he is removed from the list or never placed on it to begin with. Now imagine that a court is requiring that the list be approved by a judicial process. **Why would the administration have any incentive at all to keep adding names to the list? Why not stop using it entirely? It could then rely exclusively on signature strikes** -- an important legal development well documented by Kevin Heller in his forthcoming JICJ article on the subject. **Such strikes would not be banned by the court because the US would not know exactly who it is bombing**. (I'm assuming for the sake of argument that the US is still engaged in an armed conflict with al-Qaeda and that the AUMF or some other statutory authorization for the President's pursuit of the conflict would still be in place.) Essentially, **this would be a case of willful blindness** -- a concept well known to criminal law scholars. **The real benefit of targeted killings is that the administration knows the exact threat and only targets one individual. That has changed warfare tremendously**. **But the court system would push the military back towards the old system**: **target groups of individuals who are known terrorists or enemy combatants** -- but you don't know exactly who they are. You just know they are the enemy. **That's the system that reigned in all previous conflicts**. **And there would be a disincentive to ever acquire more specific information**. Why have a drone hover over an area with known terrorists in order to determine, through surveillance, the exact identity of the individual's there? That would only trigger the jurisdiction of the drone court. So ignorance would maintain the legality of the strike. I don't think that is what Congressional staffers have in mind.

#### Plan violates article III—Guarantees rollback

Vladeck 13 (Why a “Drone Court” Won’t Work–But (Nominal) Damages Might… Steve Vladeck is a professor of law and the associate dean for scholarship at American University Washington College of Law. A 2004 graduate of Yale Law School, Steve clerked for Judge Marsha Berzon on the Ninth Circuit and Judge Rosemary Barkett on the Eleventh Circuit. Sunday, February 10, 2013 )kk

There’s been a [fair amount](http://www.nytimes.com/2013/02/09/world/a-court-to-vet-kill-lists.html) of [buzz](http://www.washingtonpost.com/politics/courts_law/feinstein-says-lawmakers-may-set-up-special-courts-to-monitor-drone-strikes/2013/02/07/4546beb0-7187-11e2-b3f3-b263d708ca37_story.html) over the past few days centered around the idea of a statutory “drone court”–a tribunal modeled after the [Foreign Intelligence Surveillance Court](http://www.fjc.gov/history/home.nsf/page/courts_special_fisc.html) (FISC) that would (presumably) provide at least some modicum of due process before the government engages in targeted killing operations, but that, like the FISC, would generally operate ex parte and in secret in order to protect the government’s interests, as well. Indeed, as Scott Shane [reported in Friday’s New York Times](http://www.nytimes.com/2013/02/09/world/a-court-to-vet-kill-lists.html), it appears that there’s already been debate over this very issue within the Obama Administration, and former Defense Secretary Gates [appeared to come out in favor of the idea](http://politicalticker.blogs.cnn.com/2013/02/10/gates-drone-program-while-useful-would-benefit-from-more-oversight/) on “State of the Union” on CNN Sunday morning.¶ As I explain (in rather painful length) below the fold, I think there are formidable legal and policy obstacles standing in the way of any such proposal–obstacles that would largely (albeit not entirely) dissipate in the context of after-the-fact damages actions. Thus, if Congress and/or the Obama Administration is truly serious about creating a meaningful regime of judicial supervision (and I realize that this is a big “if”), its real focus should be on the codification of a statutory cause of action for nominal damages ($1) for those unlawfully injured by such operations (or their heirs)–and not on the creation of a new ex ante process (and tribunal) that would raise as many questions as it answers.¶ I. Drone Courts and Article III¶ Although the “drone court” proposals floating around vary to some degree in their (sparse) details, one of the core ideas behind them is that such a body would operate much like the FISC–with the government proceeding ex parte and in camera before the court in order to obtain something tantamount to a warrant prior to engaging in a targeted killing operation. (It would presumably defeat the purpose, after all, if the target of the putative operation had notice and an opportunity to be heard prior to the attack.) The hardest question is what, exactly, the government would be seeking judicial review of at this stage… Some possibilities, among others:¶ Whether the target is in fact a belligerent who can be targeted as part of the non-international armed conflict between the United States and al Qaeda and its affiliates;¶ Whether the target does in fact present an imminent threat to the United States and/or U.S. persons overseas (although the definition of “imminent” may depend on the answer to (1)); and¶ Whether it is in fact impossible to incapacitate the target (including by capturing him) in the relevant time frame with any lesser degree of force.¶ Leaving aside (for the moment) the potential separation of powers issues such review would raise, there’s a more basic problem: the possible absence of a meaningful “case or controversy” for Article III purposes.¶ The Supreme Court has long emphasized, as it explained in [Flast v. Cohen](http://supreme.justia.com/cases/federal/us/392/83/case.html), that one of the central purposes of Article III’s “[case-or-controversy requirement](http://law2.umkc.edu/faculty/projects/ftrials/conlaw/caseorcontroversy.htm)” is to ensure that “the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution.” That is to say, “adversity” is one of the cornerstones of an Article III case or controversy, and it would be noticeably lacking in a drone court set up along the lines noted above.¶ The standard response to this concern is the observation that the same is true of the FISC–that, in most of its cases, the Foreign Intelligence Surveillance Court operates ex parte and in camera, ruling on a government’s warrant application without any adversarial process whatsoever. And time and again, courts have turned away challenges to the FISA process based upon the same argument–that the FISC violates Article III as so constituted (see, e.g., footnote 19 of the FISA Court of Review’s 2002 decision in [In re Sealed Case](https://www.fas.org/irp/agency/doj/fisa/fiscr111802.html)).¶ But insofar as the FISC operates ex parte, courts have consistently upheld its procedures against any Article III challenge by analogy to the power of Article III judges to issue search warrants–a process defended entirely by reference to the Fourth Amendment, which the Supreme Court [has interpreted to require a “prior judicial judgment”](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0407_0297_ZO.html) (in most cases, anyway) that the government has probable cause to justify a search–that is, as a necessary compromise between effective law enforcement and individual rights. As [David Barron and Marty Lederman have explained](http://hlr.rubystudio.com/media/pdf/barron_lederman2.pdf), the basic idea is “that the court is adjudicating a proceeding in which the target of the surveillance is the party adverse to the government, just as Article III courts resolve warrant applications proceedings in the context of conventional criminal prosecutions without occasioning constitutional concerns about the judicial power.” And part of why those constitutional concerns don’t arise in the context of search warrants is because the subject of the warrant will usually have an opportunity to attack the warrant–and, thus, the search–collaterally, whether in a motion to suppress in a criminal prosecution or a civil suit for damages, both of which would be after-the-fact. (FISA, too, [creates a cause of action for “aggrieved persons.”](http://www.law.cornell.edu/uscode/text/50/1810))¶ To be sure, it’s already a bit of a stretch to argue that FISA warrants are obtained in contemplation of future criminal (or civil) proceedings (which is part of why Laurence Silberman testified against FISA’s constitutionality in 1978, and why the 1978 OLC opinion on the issue didn’t rest on this understanding in arguing for FISA’s constitutionality), and it’s even more of a stretch to make this argument in the context of the FISA Amendments Act of 2008 (the merits of which have yet to be reached by any court…).¶ But the critical point for now is that this is the fiction on which every court to reach the issue has relied. In contrast, there is no real argument that a “drone warrant” would be in contemplation of future judicial proceedings–indeed, the entire justification for a “drone court” is to pretermit the need for anysubsequent judicial intervention. In such a context, any such judicial process would present a serious constitutional question not raised by FISA, especially the more that the substantive issues under review deviate from questions typically asked by courts at the ancillary search-warrant stage of a criminal investigation (e.g., the second and third questions noted above).¶ Finally, as one footnote to the Article III issue, it also bears emphasizing that these concerns can’t be sidestepped by having a non-Article III federal court hear such ex parte applications. Although the Supreme Court has upheld non-Article III federal courts for cases “arising in the land or naval forces,” it has consistently understood that authority to encompass only those criminal prosecutions that may constitutionally be pursued through court-martial or military commission. The idea that Congress could create a non-Article III federal court to hear entirely civil claims arising out of military action is not only novel, but difficult to square with what little the Court has said in this field.

### Terrorism

#### Solving drones doesn’t get to the root of terrorist recruitment

Harold Brown was U.S. secretary of Defense during the Carter administration and author with Joyce Winslow of Star Spangled Security: Applying Lessons Learned Over Six Decades Safeguarding America. He is a trustee emeritus of the RAND Corporation, a trustee of CSIS and a member of the Defense Policy Board for the last 20 years., 5-16-13 (“Drones Are Useful, but Not the Solution or the Problem”, RAND)

The use of drones to attack the Taliban in Afghanistan and Pakistan, and al Qaeda there and in Yemen, draws criticism for exacerbating anti-American sentiment. But drone use needs to be seen in broader contexts as the U.S. withdraws from combat in Afghanistan, deals with unrest in the Middle East and Persian Gulf, and grapples with al Qaeda threats to our homeland.¶ Debate has focused on using drones to assassinate — that is the proper word — those identified as major al Qaeda operatives, their allies or others in Afghanistan, Pakistan, and Yemen. Al Qaeda continues to seek a 9/11-sized attack on the U.S., making it appropriate to target complicit individuals outside the United States for killing or capture. We need to re-examine how to do it, along with the costs and risks.¶ Special forces, like those that killed Osama bin Laden, are an alternative to drones. That particular mission was a clandestine operation in a stable environment. It's not easily replicated in the “Wild Mideast,” where the risk of failure and of U.S. deaths or captures would be high, along with casualties to innocent bystanders. The reactions of the Pakistani government and public to the Osama raid were more negative than to drone strikes, even though no Pakistanis were injured.¶ Another alternative to drones is manned aircraft strikes. They are likely to be less effective than drones and could kill far more bystanders. Drones can stay over the target longer, improving accuracy without risking U.S. personnel. And drones can operate with a smaller footprint because much of the supporting apparatus is remote.

#### Squo drone strategy solves terrorism, benefits outweigh any risk of blowback

Patrick B. Johnston is an associate political scientist at the RAND Corporation, a nonprofit, nonpartisan research institution. He is the author of "Does Decapitation Work? Assessing the Effectiveness of Leadership Targeting in Counterinsurgency Campaigns," published in International Security (Spring 2012). 8-22-12 (Drone Strikes Keep Pressure on al-Qaida”)

¶ Compared to manned aircraft, drones have some advantages as counter-insurgency tools, such as lower costs, longer endurance and the lack of a pilot to place in harm's way and risk of capture. These characteristics can enable a more deliberative targeting process that serves to minimize unintentional casualties. But the weapons employed by drones are usually identical to those used via manned aircraft and can still kill civilians—creating enmity that breeds more terrorists.¶ ¶ Yet many insurgents and terrorists have been taken off the battlefield by U.S. drones and special-operations forces. Besides Mehsud, the list includes Anwar al-Awlaki of al-Qaida in the Arabian Peninsula; al-Qaida deputy leader Abu Yahya al-Li-bi; and, of course, al-Qaida leader Osama bin Laden. Given that list, it is possible that the drone program has prevented numerous attacks by their potential followers, like Shazad.¶ ¶ What does the removal of al-Qaida leadership mean for U.S. national security? Though many in al-Qaida's senior leadership cadre remain, the historical record suggests that "decapitation" will likely weaken the organization and could cripple its ability to conduct major attacks on the U.S. homeland.¶ ¶ Killing terrorist leaders is not necessarily a knockout blow, but can make it harder for terrorists to attack the U.S. Members of al-Qaida's central leadership, once safely amassed in northwestern Pakistan while America shifted its focus to Iraq, have been killed, captured, forced underground or scattered to various locations with little ability to communicate or move securely.¶ ¶ Recently declassified correspondence seized in the bin Laden raid shows that the relentless pressure from the drone campaign on al-Qaida in Pakistan led bin Laden to advise al-Qaida operatives to leave Pakistan's Tribal Areas as no longer safe. Bin Laden's letters show that U.S. counterterrorism actions, which had forced him into self-imposed exile, had made running the organization not only more risky, but also more difficult.¶ ¶ As al-Qaida members trickle out of Pakistan and seek sanctuary elsewhere, the U.S. military is ramping up its counterterrorism operations in Somalia and Yemen, while continuing its drone campaign in Pakistan. Despite its controversial nature, the U.S. counter-terrorism strategy has demonstrated a degree of effectiveness.¶

Ant-drone backlash is small and inevitable

Byman 13 (Daniel Byman, Brookings Institute Saban Center for Middle East Policy, Research Director, and Foreign Policy, Senior Fellow, July/Aug 2013, “Why Drones Work: The Case for the Washington's Weapon of Choice”, www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman)

Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by anti-drone organizations, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

#### No impact to terrorism

**Mueller and Steward 12** (John Mueller and Mark G. Stewart, Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute AND Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle, "The Terrorism Delusion," Summer, International Security, Vol. 37, No. 1, politicalscience.osu.edu/faculty/jmueller//absisfin.pdf)

In 2009, the U.S. Department of Homeland Security (DHS) issued a lengthy report on protecting the homeland. Key to achieving such an objective should be a careful assessment of the character, capacities, and desires of potential terrorists targeting that homeland. Although the report contains a section dealing with what its authors call “the nature of the terrorist adversary,” the section devotes only two sentences to assessing that nature: “The number and high profile of international and domestic terrorist attacks and disrupted plots during the last two decades underscore the determination and persistence of terrorist organizations. Terrorists have proven to be relentless, patient, opportunistic, and flexible, learning from experience and modifying tactics and targets to exploit perceived vulnerabilities and avoid observed strengths.”8¶ This description may apply to some terrorists somewhere, including at least a few of those involved in the September 11 attacks. Yet, it scarcely describes the vast majority of those individuals picked up on terrorism charges in the United States since those attacks. The inability of the DHS to consider this fact even parenthetically in its fleeting discussion is not only amazing but perhaps delusional in its single-minded preoccupation with the extreme.¶ In sharp contrast, the authors of the case studies, with remarkably few exceptions, describe their subjects with such words as incompetent, ineffective, unintelligent, idiotic, ignorant, inadequate, unorganized, misguided, muddled, amateurish, dopey, unrealistic, moronic, irrational, and foolish.9 And in nearly all of the cases where an operative from the police or from the Federal Bureau of Investigation was at work (almost half of the total), the most appropriate descriptor would be “gullible.”¶ In all, as Shikha Dalmia has put it, would-be terrorists need to be “radicalized enough to die for their cause; Westernized enough to move around without raising red flags; ingenious enough to exploit loopholes in the security apparatus; meticulous enough to attend to the myriad logistical details that could torpedo the operation; self-sufficient enough to make all the preparations without enlisting outsiders who might give them away; disciplined enough to maintain complete secrecy; and—above all—psychologically tough enough to keep functioning at a high level without cracking in the face of their own impending death.”10 The case studies examined in this article certainly do not abound with people with such characteristics. ¶ In the eleven years since the September 11 attacks, no terrorist has been able to detonate even a primitive bomb in the United States, and except for the four explosions in the London transportation system in 2005, neither has any in the United Kingdom. Indeed, the only method by which Islamist terrorists have managed to kill anyone in the United States since September 11 has been with gunfire—inflicting a total of perhaps sixteen deaths over the period (cases 4, 26, 32).11 This limited capacity is impressive because, at one time, small-scale terrorists in the United States were quite successful in setting off bombs. Noting that the scale of the September 11 attacks has “tended to obliterate America’s memory of pre-9/11 terrorism,” Brian Jenkins reminds us (and we clearly do need reminding) that the 1970s witnessed sixty to seventy terrorist incidents, mostly bombings, on U.S. soil every year.12¶ The situation seems scarcely different in Europe and other Western locales. Michael Kenney, who has interviewed dozens of government officials and intelligence agents and analyzed court documents, has found that, in sharp contrast with the boilerplate characterizations favored by the DHS and with the imperatives listed by Dalmia, Islamist militants in those locations are operationally unsophisticated, short on know-how, prone to making mistakes, poor at planning, and limited in their capacity to learn.13 Another study documents the difficulties of network coordination that continually threaten the terrorists’ operational unity, trust, cohesion, and ability to act collectively.14¶ In addition, although some of the plotters in the cases targeting the United States harbored visions of toppling large buildings, destroying airports, setting off dirty bombs, or bringing down the Brooklyn Bridge (cases 2, 8, 12, 19, 23, 30, 42), all were nothing more than wild fantasies, far beyond the plotters’ capacities however much they may have been encouraged in some instances by FBI operatives. Indeed, in many of the cases, target selection is effectively a random process, lacking guile and careful planning. Often, it seems, targets have been chosen almost capriciously and simply for their convenience. For example, a would-be bomber targeted a mall in Rockford, Illinois, because it was nearby (case 21). Terrorist plotters in Los Angeles in 2005 drew up a list of targets that were all within a 20-mile radius of their shared apartment, some of which did not even exist (case 15). In Norway, a neo-Nazi terrorist on his way to bomb a synagogue took a tram going the wrong way and dynamited a mosque instead.15

**Don’t solve groupthink – court judges are ideological too and will follow current trends – they’r pressured by the executive too**

#### Groupthink theory is wrong

Anthony Hempell 04, User Experience Consulting Senior Information Architect, “Groupthink: An introduction to Janis' theory of concurrence-seeking tendencies in group work., <http://www.anthonyhempell.com/papers/groupthink/>, March 3

In the thirty years since Janis first proposed the groupthink model, there is still little agreement as to the validity of the model in assessing decision-making behaviour (Park, 2000). Janis' theory is often criticized because it does not present a framework that is suitable for empirical testing; instead, the evidence for groupthink comes from largely qualitative, historical or archival methods (Sunstein, 2003). Some critics go so far as to say that Janis's work relies on "anecdote, casual observation, and intuitive appeal rather than rigorous research" (Esser, 1998, cited in Sunstein, 2003, p.142). While some studies have shown support for the groupthink model, the support tends to be mixed or conditional (Esser, 1998); some studies have revealed that a closed leadership style and external threats (in particular, time pressure) promote groupthink and defective decision making (Neck & Moorhead, 1995, cited by Choi & Kim, 1999); the effect of group cohesiveness is still inconclusive (Mullen, Anthony, Salas & Driskel, 1994, cited by Choi & Kim, 1999). Janis's model tends to be supported by studies that employ a qualitative case-study approach as opposed to experimental research, which tends to either partially support or not support Janis's thesis (Park, 2000). The lack of success in experimental validation of groupthink may be due to difficulties in operationalizing and conceptualizing it as a testable variable (Hogg & Hains, 1998; Park, 2000). Some researchers have criticized Janis for categorically denouncing groupthink as a negative phenomenon (Longley & Pruitt, 1980, cited in Choi & Kim, 1999). Sniezek (1992) argues that there are instances where concurrence-seeking may promote group performance. When used to explain behaviour in a practical setting, groupthink has been frames as a detrimental group process; the result of this has been that many corporate training programs have created strategies for avoiding groupthink in the workplace (Quinn, Faerman, Thompson & McGrath, 1990, cited in Choi & Kim, 1999). Another criticism of groupthink is that Janis overestimates the link between the decision-making process and the outcome (McCauley, 1989; Tetlock, Peterson, McGuire, Chang & Feld, 1992; cited in Choi & Kim, 1999). Tetlock et al argue that there are many other factors between the decision process and the outcome. The outcome of any decision-making process, they argue, will only have a certain probability of success due to various environmental factors (such as luck). A large-scale study researching decision-making in seven major American corporations concluded that decision-making worked best when following a sound information processing method; however these groups also showed signs of groupthink, in that they had strong leadership which attempted to persuade others in the group that they were right (Peterson et al, 1998, cited in Sunstein, 2003). Esser (1998) found that groupthink characteristics were correlated with failures; however cohesiveness did not appear to be a factor: groups consisting of strangers, friends, or various levels of previous experience together did not appear to effect decision-making ability. Janis' claims of insulation of groups and groups led by autocratic leaders did show that these attributes were indicative of groupthink symptoms. Moorhead & Montanari conducted a study where they concluded that groupthink symptoms had no significant effect on group performance, and that "the relationship between groupthink-induced decision defects and outcomes were not as strong as Janis suggests" (Moorhead & Montanari, 1986, p. 399; cited by Choi & Kim, 1999).

**The impact to groupthink is about it in the context of nuclear weapons – but the aff doesn’t set a precedent on that**

#### Very low probability

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, 2010 Available Online to Subscribing Institutions via InformaWorld)

There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability?

#### Their scenario rests on the US blaming China and Russia for the attack, but we won’t

Ayson 10 (Robert, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, 2010 Available Online to Subscribing Institutions via InformaWorld)

It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to befingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well.

### Drones

#### No US precedent---not causal

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.

#### 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 indo-pak war – economics**

**Hopewell 12** (Kimberly, writer for *American Foreign Policy*, a Princeton newspaper, “India-Pakistan Relations: Peace Through Economics?” 4/15, http://afpprinceton.tumblr.com/post/21145247330/india-pakistan-relations-peace-through-economics)

In the last half century, India-Pakistan relations have seen three wars; threats of nuclear force; and strains due to a variety of hot button issues. They include terrorism, control of water resources, and the territory of Kashmir. The NYTimes’ Jim Yardley explains that new economic ties may prove to be more successful than traditional diplomacy at repairing this relationship. Last February, the first Indian trade show was held in Pakistan. There were over ten thousand participants including India’s and Pakistan’s commerce ministers. Yardley explains that these new ties to Pakistan are part of a larger trend, with India increasingly relying on the private sector to “serve as an intermediary abroad”.¶ Both the Confederation of Indian Industry (CII) and the Federation of Indian Chambers of Commerce and Industry have increased their international presence, opening offices around the world and hosting diplomatic events. Policymakers are cautiously optimistic that cooperation on economic issues may spillover into defense issues. The CII has previously facilitated better relations between India and the US, cohosting an event with the US Aspen Institute to bring top American and Indian thinkers together in Udaipur. Now, the US and India are military partners, participating in joint exercises.¶ Not everyone, however, has responded positively to India’s increased economic ties. Some have pointed to the private sector, which was averse to political change, to explain India’s tentative response to the Arab Spring. Pakistan itself may be less receptive, as many Pakistani interests groups are fundamentally opposed to cooperation on issues like Kashmir and terrorism. Yet relations are improving. India’s middle class has vested interests in economic growth, and may have an interest to open a dialogue and cooperate. Ashok Malik explains that the “the growth phenomenon has made the Indian middle class less tolerant of adventurism, lawlessness, and war”. After February’s trade show, Pakistan agreed to increase the number of goods imported from India, and just last week Pakistani President Asif Ali Zardari visited India, the first visit by a Pakistani President in seven years. This may suggest that India and Pakistan are ready to move past the 2008 Mumbai terror attacks and reopen a cooperative dialogue.

#### No risk of drone wars- Wont escalate

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

China won’t use drones offensively

Erickson, associate professor – Naval War College, associate in research – Fairbank Centre @ Harvard, 5/23/’13

(Andrew, China Has Drones. Now What?", www.foreignaffairs.com/articles/136600/andrew-erickson-and-austin-strange/china-has-drones-now-what)

Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry. What about using drones outside of Chinese-claimed areas? That China did not, in fact, launch a drone strike on the Myanmar drug criminal underscores its caution. According to Liu Yuejin, the director of the anti-drug bureau in China's Ministry of Public Security, Beijing considered using a drone carrying a 20-kilogram TNT payload to bomb Kham's mountain redoubt in northeast Myanmar. Kham had already evaded capture three times, so a drone strike may have seemed to be the best option. The authorities apparently had at least two plans for capturing Kham. The method they ultimately chose was to send Chinese police forces to lead a transnational investigation that ended in April 2012 with Kham's capture near the Myanmar-Laos border. The ultimate decision to refrain from the strike may reflect both a fear of political reproach and a lack of confidence in untested drones, systems, and operators. The restrictive position that Beijing takes on sovereignty in international forums will further constrain its use of drones. China is not likely to publicly deploy drones for precision strikes or in other military assignments without first having been granted a credible mandate to do so. The gold standard of such an authorisation is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and anti-piracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorisation, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But even with the endorsement of the international community or specific states, China would have to weigh any benefits of a drone strike abroad against the potential for mishaps and perceptions that it was infringing on other countries' sovereignty - something Beijing regularly decries when others do it. The limitations on China's drone use are reflected in the country's academic literature on the topic. The bulk of Chinese drone research is dedicated to scientific and technological topics related to design and performance. The articles that do discuss potential applications primarily point to major combat scenarios -such as a conflagration with Taiwan or the need to attack a US aircraft carrier - which would presumably involve far more than just drones. Chinese researchers have thought a great deal about the utility of drones for domestic surveillance and law enforcement, as well as for non-combat-related tasks near China's contentious borders. Few scholars, however, have publicly considered the use of drone strikes overseas. Yet there is a reason why the United States has employed drones extensively despite domestic and international criticism: it is much easier and cheaper to kill terrorists from above than to try to root them out through long and expensive counterinsurgency campaigns. Some similar challenges loom on China's horizon. Within China, Beijing often considers protests and violence in the restive border regions, such as Xinjiang and Tibet, to constitute terrorism. It would presumably consider ordering precision strikes to suppress any future violence there. Even if such strikes are operationally prudent, China's leaders understand that they would damage the country's image abroad, but they prioritise internal stability above all else. Domestic surveillance by drones is a different issue; there should be few barriers to its application in what is already one of the world's most heavily policed societies. China might also be willing to use stealth drones in foreign airspace without authorisation if the risk of detection were low enough; it already deploys intelligence-gathering ships in the exclusive economic zones of Japan and the United States, as well as in the Indian Ocean. Still, although China enjoys a rapidly expanding and cutting-edge drone fleet, it is bound by the same rules of the game as the rest of the military's tools. Beyond surveillance, the other non-lethal military actions that China can take with its drones are to facilitate communications within the Chinese military, support electronic warfare by intercepting electronic communications and jamming enemy systems, and help identify targets for Chinese precision strike weapons, such as missiles. Beijing's overarching approach remains one of caution - something Washington must bear in mind with its own drone programme.

#### They overinflate the China threat

Zhao 13 [Zhao Xiaozhuo, senior colonel and deputy director of the Center for China-America Defense Relations, the Academy of Military Science, 5/13/13, China Daily, “US and the art of exaggeration,” <http://usa.chinadaily.com.cn/epaper/2013-05/13/content_16494719.htm>, accessed 9/15/13, JTF]

The annual report of the US Department of Defense on Chinese military and security development, released on May 6, is full of groundless speculations on the strength and aim of China's armed forces. In fact, it is out of tune with the development trend of Sino-US relations.¶ Briefing reporters at the Pentagon, David F. Helvey, US deputy assistant secretary of defense for East Asia, claimed the report was not speculative. The report has six chapters and four additional special topics on China's combat capability and its main body is 68 pages long compared with the 19 pages of the 2012 report. It covers an entire gamut of cases and data, which have been selectively included to show that China poses a military threat to other countries.¶ For instance, in the chapter titled "Understanding China's Strategy", the report says China employed "punitive trade policies" in response to the arrest of the captain of a Chinese fishing vessel after it collided with Japan coast guard boats in the disputed waters off the Diaoyu Islands in 2010. It also says the Philippines and Vietnam have had to bear the brunt of China's pressure in the South China Sea and misinterprets China's assertiveness in defending its sovereignty and territorial integrity as a deviation from the path of peaceful development.¶ The report mentions China's internal debate on its long-held principle of maintaining a low profile and alleges that Beijing may seek to play an aggressive role in regional and global issues. Even China's proposal of building a new type of power relationship has been misinterpreted as its aspiration to be regarded as a great power. And the commissioning of first and only aircraft carrier, Liaoning, the report says, is a sign of China flexing its military muscles to win regional maritime conflicts.¶ The report is littered with what the US claims is "evidence", to exaggerate China's military strength. For instance, it says that up to five Jin-class nuclear-powered, ballistic missile-carrying submarines may enter the services of the Chinese navy to give it the first credible sea-based nuclear deterrent, which is nothing but a baseless guess.

Even if, SCS wouldn’t escalate

Kania 13 [Elsa Kania, Harvard Political Review, 1/11/13, “The South China Sea: Flashpoints and the U.S. Pivot,” <http://www.iop.harvard.edu/south-china-sea-flashpoints-and-us-pivot>, accessed 9/14/13,]

One paradox at the heart of the South China Sea is the uneasy equilibrium that has largely been maintained. Despite the occasional confrontation and frequent diplomatic squabbling, **the situation has never escalated into full-blown physical conflict.** The main stabilizing factor has been that the countries involved have too much to lose form turmoil, and so much to gain from tranquility. Andrew Ring—former Weatherhead Center for International Affairs Fellow—emphasized that “With respect to the South China Sea, we all have the same goals” in terms of regional stability and development. With regional trade flows and interdependence critical to the region’s growing economies, conflict could be devastating. Even for China—the actor with by far the most to gain from such a dispute—taking unilateral action would irreparably tarnish its image in the eyes of the international community. With the predominant narrative of a “rising” and “assertive China”—referred to as a potential adversary by President Obama in the third presidential debate—China’s behavior in the South China Sea may be sometimes exaggerated or sensationalized. Dr. Auer, former Naval officer and currently Director of the Center for U.S.-Japan Studies and Cooperation at the Vanderbilt Institute for Public Policy Studies, told the HPR that “China has not indicated any willingness to negotiate multilaterally” and remains “very uncooperative.” Across its maritime territorial disputes—particularly through recent tensions with Japan in the East China Sea—Auer sees China as having taken a very aggressive stance, and he claims that “Chinese behavior is not understandable or clear.”