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## Off

#### Politics is schmittian---trying to fight the executive on their own battlefield is naïve---the aff is just a liberal knee-jerk reaction that swells executive power

**Kinniburgh, 5/27 –** (Colin, Dissent, 5-27, <http://www.dissentmagazine.org/blog/partial-readings-the-rule-of-law>)

The shamelessness of the endeavor is impressive—a far cry, in many ways, from the CIA’s secretive Cold War–era assassination plots. Obama has succeeded in anchoring a legal infrastructure for state-sponsored assassinations on foreign soil while trumpeting it, in broad daylight, as a framework for accountability. Peppered with allusions to the Constitution and to “the law” more generally, the call for transparency instead appears to provide an Orwellian foil for a remarkable expansion of executive powers. Existing laws, domestic or international, are proving a hopelessly inadequate framework with which to hold the Obama administration accountable for arbitrary assassinations abroad. No doubt it is tempting to turn to the Constitution, the Universal Declaration of Human Rights, and other relevant legal documents as a litmus test for the validity of government actions. Many progressive media outlets have a tendency to seize on international law, especially, as a straightforward barometer of injustice: this is particularly true in the case of the Israel-Palestine conflict, as an editorial in the current issue of Jacobin points out. Both domestic and international legal systems often do afford a certain clarity in diagnosing excesses of state power, as well as a certain amount of leverage with which to pressure the states committing the injustices. To hope, however, that legal systems alone can redress gross injustices is naive. Many leftists—and not just “bloodless liberals”—feel obliged to retain faith in laws and courts as a lifeline against oppression, rather than as mere instruments of that same oppression. Even Marx, when he was subjected, along with fellow Communist League exiles, to a mass show trial in Prussian courts in the 1850s, was convinced that providing sufficient evidence of his innocence would turn the case against his accuser, Wilhelm Stieber, a Prussian secret agent who reportedly forged his evidence against the communists. In his writings, Marx expressed his disillusionment with all bourgeois institutions, including the courts; in practice, he hoped that the law would serve him justice. Richard Evans highlights this tension in his insightful review of Jonathan Sperber’s Karl Marx: A Nineteenth-Century Life, published in the most recent London Review of Books. “Naively forgetting,” writes Evans, “what they had said in the Manifesto – that the law was just an instrument of class interests – Marx and Engels expected [their evidence against Stieber] to lead to an acquittal, but the jury found several of the defendants guilty, and Stieber went unpunished.” Marx’s disappointment is all too familiar. It is familiar from situations of international conflict, illustrated by Obama’s drone strikes justifications; it is evident, too, when a police officer shoots dead an unarmed Bronx teenager in his own bathroom, and the charge of manslaugher—not murder—brought against the officer is dropped for procedural reasons by the presiding judge. This is hardly the first such callous ruling by a New York court in police violence cases; the last time charges were brought against an NYPD officer relating to a fatal shooting on duty, in 2007, they were also dropped. Dozens of New Yorkers have died at the hands of the police since then, and Ramarley Graham’s case was the first that even came close to a criminal conviction—only to be dropped for ludicrous reasons. Yet New York’s stop-and-frisk opponents are still fighting their battle out in the courts. In recent months, many activists have invested their hopes for fairer policing in a civil class action suit, Floyd, et. al. vs. City of New York, which may just convict the NYPD of discrimination despite the odds. District court judge Shira Scheindlin, profiled in this week’s New Yorker, has gained a reputation for ruling against the NYPD in stop-and-frisk cases, even when it has meant letting apparently dangerous criminals off the hook. In coming weeks, she is likely to do the same for the landmark Floyd case, in what may be a rare affirmation of constitutional law as a bulwark against state violence and for civil liberties. Even if the city wins the case, the spotlight that stop-and-frisk opponents have shined on the NYPD has already led to a 51 percent drop in police stops in the first quarter of this year. Still, when the powerful choose the battlefield and write the laws of war, meeting them on their terms is a dangerous game.

**Legality is what feeds a new form of muscular liberalism where these illusions cannot see how much they sustain it which legitimizes wars for democracies and doctrines of pre-emption**

Motha 8 \*Stewart, Senior Lecturer, Kent Law School, University of Kent, Canterbury, Kent, Journal of Law, Culture, and Humanities Forthcoming 2008, Liberal Cults, Suicide Bombers, and other Theological Dilemmas

A universalist liberal ideology has been re-asserted. It is not only neo-con hawks or Blairite opportunists that now legitimise wars for democracy. Alarmingly, it is a generation of political thinkers who opposed the Nixonian logic of war (wars to show that a country can ‘credibly’ fight a war to protect its interests1), and those humbled by the anticolonial struggles of liberation from previous incarnations of European superiority that are renewing spurious civilizational discourses. This ‘muscular liberalism’ has found its voice at the moment of a global political debate about the legality and effectiveness of ‘just wars’ – so called ‘wars for democracy’ or ‘humanitarian war’. The new political alignment of the liberal left emerged in the context of discussions about the ‘use of force’ irrespective of UN Security Council endorsement or the sovereign state’s territorial integrity, such as in Kosovo – but gained rapid momentum in response to attacks in New York City and Washington on September 11, 2001. Parts of the liberal left have now aligned themselves with neoconservative foreign policies, and have joined what they believe is a new anti-totalitarian global struggle – the ‘war on terror’ or the battle against Islamist fundamentalism. One task of this essay, then, is to identify this new formation of the liberal left. Much horror and suffering has been unleashed on the world in the name of the liberal society which must endure. However, when suicide bombing and state-terror are compared, the retort is that there is no moral equivalence between the two. Talal Asad in his evocative book, On Suicide Bombing, has probed the horror that is felt about suicide bombing in contrast to state violence and terror.2 What affective associations are formed in the reaction to suicide bombing? What does horror about suicide bombing tell us about the constitution of inter-subjective relations? In this essay I begin to probe these questions about the relation between death, subjectivity, and politics. I want to excavate below the surface oppositions of good deaths and bad, justifiable killing and barbarism, which have been so central to left liberal arguments. As so much is riding on the difference between ‘our good war’ and ‘their cult of death’, it seems apt to examine and undo the opposition. The muscular liberal left projects itself as embodying the values of the ‘West’, a geo-political convergence that is regularly opposed to the ‘East’, ‘Muslims’, or the ‘Islamic World’. I undo this opposition, arguing that thanatopolitics, a convergence of death, sacrifice, martyrdom and politics, is common to left liberal and Islamist political formations. How does death become political for left liberals and Islamist suicide bombers? In the case of the latter, what is most immediately apparent is how little is known about the politics and politicization of suicide bombers. Suicide bombers are represented as a near perfect contrast to the free, autonomous, self-legislating liberal subject – a person overdetermined by her backward culture, oppressive setting, and yet also empty of content, and whose death can have no temporal political purchase. The ‘suicide bomber’ tends to be treated by the liberal left as a trans-historical ‘figure’, usually represented as the ‘Islamo-fascist’ or the ‘irrational’ Muslim.3 The causes of suicide bombing are often implicitly placed on Islam itself – a religion that is represented as devoid of ‘scepticism, doubt, or rebellion’ and thus seen as a favourable setting for totalitarianism.4 The account of the suicide bomber as neo-fascist assassin supplements a lack – that is, that the association of suicide bombing with Islam explains very little. The suicide bomber is thus made completely familiar as totalitarian fascist, or wholly other as “[a] completely new kind of enemy, one for whom death is not death”.5 So much that is written about the suicide bomber glosses over the unknown with political subjectivities, figures, and paradigms (such as fascism) which are familiar enough to be vociferously opposed. By drawing the suicide bomber into a familiar moral register of ‘evil’, political and historical relations between victim and perpetrator are erased.6 In the place of ethnographically informed research the ‘theorist’ or ‘public intellectual’ erases the contingency of the suicide bomber and reduces her death to pure annihilation, or nothingness. The discussion concludes by undoing the notion of the ‘West’, the very ground that the liberal left assert they stand for. The ‘West’ is no longer a viable representation of a geo-political convergence, if it ever was. Liberal discourse has regarded itself as the projection of the ‘West’ and its enlightenment. But this ignores important continuities between Islam, Christianity, and contemporary secular formations. The current ‘clash of monotheisms’, I argue after J-L Nancy, reveals a crisis of sense, authority, and meaning which is inherent to the monotheistic form. An increasingly globalised world is made up of political communities and juridical orders that have been ‘emptied’ of authority and certainty. This crisis of sense conditions the horror felt by the supposedly rational liberal in the face of Islamist terrorism. Horror at terrorism is then the affective bond that sustains a grouping that otherwise suffers the loss of a political project with a definite end. The general objective of this essay is to challenge the unexamined assumptions about politics and death that circulate in liberal left denunciations of Islamic fascism. The horror and fascination with the figure of the suicide bomber reveals an unacknowledged affective bond that constitutes the muscular liberal left as a political formation. This relies on disavowing the sacrificial and theological underpinnings of political liberalism itself – and ignores the continuities between what is called the ‘West’ and the theologico-political enterprise of monotheism. Monotheism is not the preserve of something called the ‘West’, but rather an enterprise that is common to all three Religions of the Book. The article concludes by describing how the writings of Jean-Luc Nancy on monotheism offer liberal left thinkers insights for rethinking the crisis of value that resulted from the collapse of grand emancipatory enterprises as well as the fragmentation of politics resulting from a focus on political identification through difference. I opened with a reference to the ‘liberal left’. Of course the ‘liberal left’ signifies a vast and varied range of political thinking and activism – so I must clarify how I am deploying this term. In this essay the terms ‘liberal left’ or ‘muscular liberal’ are used interchangeably. Paul Berman and Nick Cohen, whose writing I will shortly refer to, are exemplars of the new political alignment who self-identify as ‘democrats and progressives’, but whose writings feature bellicose assertions about the superiority of western models of democracy, and universal human rights.7 Among this liberal left, democracy and freedom become hemispheric and come to stand for the West. More generally, now, the ‘liberal left’ can be distinguished from political movements and thinkers who draw inspiration from a Marxist tradition of thought with a socialist horizon. The liberal left I am referring to would view the Marxist tradition as undervaluing democratic freedoms and human rights. Left liberals also tend to dismiss the so called post-Marxist turn in European continental philosophy as ‘postmodern relativism’.8 PostMarxists confronted the problem of the ‘collective’ – addressing the problem of masses and classes as the universal category or agent of historical transformation. This was a necessary correction to all the disasters visited on the masses in the name of a universal working class. The liberal state exploited these divisions on the left. It is true that a left fragmented through identity politics or the politics of difference were reduced to group based claims on the state. However, liberal multiculturalism was critiqued by anti-racist and feminist thinkers as early as the 1970s for ignoring the structural problems of class or as yet another nation-building device. The new formation of the muscular liberal left have only just discovered the defects of multiculturalism. The dismissal of liberal multiculturalism is now code for ‘too much tolerance’ of ‘all that difference’. The liberal left, or muscular liberal, as I use these terms, should not be conflated with the way ‘liberal’ is generally used in North America to denote ‘progressive’, ‘pro-choice’, open to a multiplicity of forms of sexual expression, generally ‘tolerant’, or ‘left wing’ (meaning socialist). It might be objected that it is not the liberal left, but ‘right wing crazies’ driven by Christian evangelical zeal combined with neo-liberal economic strategies that have usurped a post-9/11 crime and security agenda to mount a global hegemonic enterprise in the name of a ‘war on terror’. It might also be said that this is nothing new – global expansionist enterprises such as 18th and 19th century colonialism mobilised religion, science, and theories of economic development to secure resources and justify extreme violence where necessary. Global domination, it might be argued, has always been a thanatopolitical enterprise. So what’s different now? What is crucial, now, is that the entire spectrum of liberalism, including the ‘rational centre’, is engaged in the kind of mindset whereby a destructive and deadly war is justified in the name of protecting or establishing democracy, the rule of law, and human rights. It might then be retorted that this ‘rational centre’ of liberalism have ‘always’ been oriented in this way. That is partly true, but it is worth recalling that the liberal left I have in mind is the generation that came of age with opposition to the war in Vietnam, other Indo-Chinese conflagrations, and the undoing of empire. This is a left that observed the Cold War conducted through various ‘hot wars’ in Africa, Central and Latin America, and South East Asia and thus at least hoped to build a ‘new world order’ of international law and multilateralism. This is a left that was resolved, by the 1970s, not to repeat the error of blindly following a scientific discourse that promised to produce a utopia – whether this was ‘actually existing socialism’ or the purity of ‘blood and soil’. But now, a deadly politics, a thanatopolitics, is drawn out of a liberal horror and struggle against a monolithically drawn enemy called Islamic fundamentalism. What is new is that Islam has replaced communism/fascism as the new ‘peril’ against which the full spectrum of liberalism is mobilized. Islamist terrorism and suicide bombers, a clash between an apparently Islamic ‘cult of death’ versus modern secular rationality has come to be a central preoccupation of the liberal left. In the process, as Talal Asad has eloquently pointed out, horror about terrorism has come to be revealed as one way in which liberal subjectivity and its relation to political community can be interrogated and understood.9 Moreover, the potential for liberal principles to be deployed in the service of legitimating a doctrine of pre-emption as the ‘new internationalism’ is significant. The first and second Gulf Wars, according to the liberal left, are then not wars to secure control over the supply of oil, or regional and global hegemony, as others on the left might argue, but anti-fascist, anti-totalitarian wars of liberation fought in the name of ‘democracy’. Backing ‘progressive wars’ for ‘freedom and democracy’, those who self-identify as a left which is reasserting liberal democratic principles start by asking questions such as: “Are western freedoms only for westerners?”.10 In the process, freedom becomes ‘western’, and its enemy an amorphous legion behind an unidentifiable line between ‘west’ and the rest (the ‘Muslim world’). The ‘war for democracy’ waged against ‘Islamist terrorism’ and Muslim fundamentalism is the crucible on which the new alignment of the liberal left is forged.

**The alternative is to reject the 1ac in favor of reconceptualizing where authority emanates from---we need to take a step outside the legal realm and build a culture of resilience against executive power**

**Connolly, 13 –** (William E, Pf – John Hopkins U, The Contemporary Condition, 5-20)

Nonetheless, the logic of the media-electoral-corporate system does spawn a restrictive grid of power and electoral intelligibility that makes it difficult to think, experiment, and organize outside its parameters. Think of how corporations and financial institutions initiate actions in the private sector and then use intensive lobbying to veto efforts to reverse those initiatives in Congress or the courts, just as financial elites invented derivatives and then lobbied intensively to stop their regulation; think of how media talking heads concentrate on candidates rather than fundamental issues; recall the central role of scandal in the media and electoral politics; consider the decisive electoral position of inattentive “undecided voters”; note how states under Republican rule work relentlessly to reduce the minority and poor vote; recall those billionaire super pacs; and so on. The electoral grid cannot be ignored or ceded to the right, but it also sucks experimental pursuits and bold ventures out of politics. Can we renegotiate the dilemma of electoral politics? That is the problematic within which I am working. I do not have a perfect response to it. Perfect answers are suspect. Perhaps it is wise to forge multimodal strategies that start outside the electoral grid and then return to it as one venue among others. Strategic role experimentations at multiple sites joined to the activation of new social movements provide possibilities. Indeed, these two modes are related. Consider merely a few examples of role experimentation tied to climate change and consumption available to many people in the shrinking middle class. We may support the farm-to-table movement in the restaurants we visit; we may participate in the slow food movement; we may frequent stores that offer food based on sustainable processes; we may buy hybrid cars, or, if feasible, join an urban zip-car collective, explaining to friends, family, and neighbors the effects such choices could have on late modern ecology if a majority of the populace did so; we may press our workplace to install solar panels and consider them ourselves if we can afford to do so; we may use writing and media skills to write graffiti, or produce provocative artistic installations, or write for a blog; we may shift a large portion of our retirement accounts into investments that support sustainable energy, withdrawing from aggressive investments that presuppose unsustainable growth or threaten economic collapse; we may bring new issues and visitors to our churches, temples, or mosques to support rethinking interdenominational issues and the contemporary fragility of things; we may found, join, or frequent repair clubs, at which volunteers collect and repair old appliances, furniture, and bikes to cut back on urban waste, to make them available to low income people and to increase the longevity of the items; we may probe and publicize the multimodal tactics by which twenty-four-hour news stations work on the visceral register of viewers, as we explain on blogs how to counter those techniques; we may travel to places where unconscious American assumptions about world entitlement are challenged on a regular basis; we may augment the pattern of films and artistic exhibits we visit to stretch our habitual powers of perception and to challenge some affect-imbued prejudgments embedded in them. A series of intercalated role experiments, often pursued by clusters of participants together. But don’t such activities merely make the participants “feel better”? Well, many who pursue such experiments do feel good about them, particularly those who accept a tragic image of possibility in which there is no inevitability that either large scale politics, God, or nature will come to our rescue. Also, could such role experiments ever make a sufficient difference on their own? No. These, however, may be the wrong questions to pose. What such experiments can do as they expand is to crack the ice in and around us. First, we may now find ourselves a bit less implicated in the practices and policies that are sources of the problems. Second, the shaky perceptions, feelings, and beliefs that authorized them may thus now become more entrenched as we act upon them. Third, we now find ourselves in more favorable positions to forge connections with larger constituencies pursuing similar experiments. Fourth, we may thus become more inspired to seed and join macropolitical movements that speak to these issues. Fifth, as we now participate in protests, slowdowns, work “according to rule” and more confrontational meetings with corporate managers, church leaders, union officials, university officers, and neighborhood leaders, we may become even more alert to the creeds, institutional pressures and options that propel these constituencies too. They, too, are both enmeshed in a web of roles and more than mere role bearers. Many will maintain an intransigence of viewpoint and insistence of interpretation that we may now be in a better position to counter by words and deeds with those outside or at the edge of the intransigent community. One advantage of forging links between role experimentations and social movements is that both speak to a time in which the drive to significant change must be pursued by a large, pluralist assemblage rather than by any single class or other core constituency. Such an assemblage must today be primed and loaded by several constituencies in diverse ways at numerous sites. It is necessary here to condense linkages that may unfold. But perhaps movement back and forth between role experiments, social movements, occasional shifts in the priorities of some strategic institutions, and a discernible shift in the contours of electoral politics will promote the emergence of a new, more activist pluralist assemblage. Now, say, a new, surprising event occurs. Some such event or crisis is surely bound to erupt: an urban uprising, a destructive storm, a wild executive overreach, a wide spread interruption in electrical service, a bank melt down, a crisis in oil supply, etc. Perhaps the conjunction of this new event with the preparatory actions that preceded it will prime a large constellation to resist the protofascist responses the intransigent Right will pursue at that very moment. Perhaps the event will now become an occasion to mobilize large scale, intensive support for progressive change on some of the fronts noted at the start of this piece. It is important to remember that the advent of a crisis does not alone determine the response to it. So waiting for the next one to occur is not enough. The Great Depression was followed by the intensification of fascist movements in several countries. Those with strong labor movements and progressive elected leaders proved best at resisting them. The most recent economic melt-down was met in many places by the self-defeating response of austerity, and worse. That is why the quality and depth of the political ethos preceding such events is important. The use of the “perhaps” in the above formulations suggests that there are no guarantees at any of these junctures. Uncertainties abound. These points, however, also apply to any radical perspective that counsels waiting for the revolution, as it surrounds its critiques of militant reform with an aura of certainty. Today the need is to curtail the aura of certainty of all perspectives on the Left. The examples posed here, of course, are focused on primarily one constituency. But others could be invoked. The larger idea is to draw energy from multiple sources and constituencies. The formula is to move back and forth between the proliferation of role experiments, forging social movements on several fronts, helping to shift the constituency weight of the heavy electoral machinery now in place, and participating in cross-country citizen movements that put pressure on states, corporations, churches, universities and unions from inside and outside simultaneously.

## Off

#### Interpretation --- targeted killings are the use of force against specific individuals in an armed conflict who are identified in advance of the operation.

Philip Alston, 2011. John Norton Pomeroy Professor of Law, New York University School of Law. The author was UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010. “The CIA and Targeted Killings Beyond Borders,” Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, Lexis.

There are thus three central requirements for a workable definition. The first is that it be able to embrace the different bodies of international law that apply and is not derived solely from either IHRL or IHL. The second is that it should not prejudge the question of the legality or illegality  [\*298]  of the practice in question. And the third is that it must be sufficiently flexible to be able to encompass a broad range of situations in relation to which it has regularly been applied.

The common element in each of the very different contexts noted earlier is that lethal force is intentionally and deliberately used, with a degree of pre-meditation, against an individual or individuals specifically identified in advance by the perpetrator. [n43](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.956772.9904507712&target=results_DocumentContent&returnToKey=20_T18204790399&parent=docview&rand=1379849016557&reloadEntirePage=true#n43) In a targeted killing, the specific goal of the operation is to use lethal force. This distinguishes targeted killings from unintentional, accidental, or reckless killings, or killings made without conscious choice. It also distinguishes them from law enforcement operations, e.g., against a suspected suicide bomber. Under such circumstances, it may be legal for law enforcement personnel to shoot to kill based on the imminence of the threat, but the goal of the operation, from its inception, should not be to kill.

Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal. This is in contrast to other terms with which "targeted killing" has sometimes been interchangeably used, such as "extrajudicial execution," "summary execution," and "assassination," all of which are, by definition, illegal. [n44](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.956772.9904507712&target=results_DocumentContent&returnToKey=20_T18204790399&parent=docview&rand=1379849016557&reloadEntirePage=true#n44) Consistent with the detailed analysis developed by Nils Melzer, [n45](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.956772.9904507712&target=results_DocumentContent&returnToKey=20_T18204790399&parent=docview&rand=1379849016557&reloadEntirePage=true#n45) this Article adopts the following definition: a targeted killing is the intentional, premeditated, and deliberate use of lethal force, by States or their agents acting under color of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator. [n46](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?tokenKey=rsh-20.956772.9904507712&target=results_DocumentContent&returnToKey=20_T18204790399&parent=docview&rand=1379849016557&reloadEntirePage=true#n46)

#### B. Violation --- signature strikes are distinct from targeted killing because they don’t use individuated intelligence.

From the US standpoint, it is partly that it does not depend as much as it did on Pakistan’s intelligence. But it is also partly, as a couple of well-publicized incidents a few months ago made clear, that sharing targeting decisions with Pakistan’s military and ISI runs a very considerable possibility of having the targets tipped off (as even The Onion has observed). The article notes in this regard, the U.S. worries that “if they tell the Pakistanis that a drone strike is coming someone within Pakistani intelligence could tip off the intended target.” However, the Journal’s reporting goes from there to emphasize an aspect of targeted killing and drone warfare that is not sufficiently appreciated in public discussions trying to assess such issues as civilian collateral damage, strategic value and uses, and the uses of drones in counterterrorism and counterinsurgency as distinct activities. The article explains:

The CIA carries out two different types of drone strikes in the tribal areas of Pakistan—those against so-called high-value targets, including Mr. Rahman, and “signature” strikes targeting Taliban foot-soldiers who criss-cross the border with Afghanistan to fight U.S. forces there.

High-value targets are added to a classified list that the CIA maintains and updates. The agency often doesn’t know the names of the signature targets, but it tracks their movements and activities for hours or days before striking them, U.S. officials say.

Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency. (I discuss this in the opening sections of this draft chapter on SSRN.)

This analytic point affects how one sees the levels of drone attacks going up or down over the years. Neither the total numbers of fighters killed nor the total number of drone strikes – going up or down over months – tells the whole story. Total numbers do not distinguish between the high value targets, being targeted as part of the top down dismantling of Al Qaeda as a transnational terrorist organization, on the one hand, and ordinary Taliban being killed in much larger numbers as part of counterinsurgency activities essentially part of the ground war in Afghanistan, on the other. Yet the distinction is crucial insofar as the two activities are, at the level of truly grand strategy, in support of each other – the war in Afghanistan and the global counterterrorism war both in support of the AUMF and US national security broadly – but at the level of ordinary strategic concerns, quite distinct in their requirements and conduct. If targeted killing against AQ leadership goes well in Pakistan, those might diminish at some point in the future; what happens in the war against the Afghan Taliban is distinct and has its own rhythm, and in that effort, drones are simply another form of air weapon, an alternative to manned aircraft in an overt, conventional war. Rising or falling numbers of drone strikes in the aggregate will not tell one very much without knowing what mission is at issue.

#### C. Vote negative

#### 1. Limits --- precise definition of TK key to prevent a topic explosion into areas like assassinations or killings of dissidents.

#### 2. Ground --- the aff doesn’t get to restrict drones, they get to restrict TK --- signature strikes and targeted killings are different strategies with different literature bases --- they bypass core negative ground and eliminate only the worst aspects of drone strikes.

## Off

#### Insiders think TPA will pass but strong Obama push is key

Economist 2/7

“Harry Reid Threatens To Impoverish The World By At Least $600 Billion A Year” FEB. 7, 2014

http://www.businessinsider.com/harry-reid-threatens-to-impoverish-the-world-by-at-least-600-billion-a-year-2014-2

Mr Obama has never been an ardent free-trader, yet his second term got off to a promising start. The Trans-Pacific Partnership, a deal with large Pacific-rim economies, is close to completion; America and Japan are hammering out the rules for farm goods. European and American trade wonks continue to meet regularly, hoping to wrap up a "next-generation" trade agreement as early as next year.¶ To make all this happen Mr Obama needs "trade promotion authority" (usually known as "fast-track"), which would let him negotiate deals and then present them to Congress for a simple yes-or-no vote, with no chance for lawmakers to rewrite the details. Without such authority, America's trading partners cannot take the White House seriously as a negotiator. Fast-track was last granted to George W. Bush in 2002 and expired in 2007. Since Republicans are generally pro-trade and Democrats are generally loyal to Mr Obama, most people in Washington at first assumed that Congress would give it to him without a fuss.¶ But with elections looming and lawmakers in a populist mood, that is far from certain. Late last year roughly half the members of the House wrote to Mr Obama declaring their opposition to fast-track; most were from his own party. In early January a bipartisan group of senators introduced a fast-track bill. Mr Obama spoke up for it in his state-of-the-union address, but only in passing and in mercantilist terms. The aim is "to protect our workers, protect our environment and open new markets to new goods stamped 'Made in the USA'," he said; without mentioning that cheap imports raise living standards.¶ Barely had he left the podium when Mr Reid mugged him. Answering questions from reporters, he reiterated his opposition to fast-track and advised its backers "not [to] push this right now". Insiders doubt that Mr Reid would kill the bill outright. Haggling in the Senate may yield a new version with enough about labour standards and the environment to satisfy the protectionists. If so, Mr Reid will probably allow a vote, and the bill should pass. The White House remains publicly optimistic.¶ Yet damage is already being done. Michael Froman, Mr Obama's trade representative, says negotiations have not been affected by the politicking in Washington. However, even if Mr Reid's rebellion was partly for show (his seat is at risk in 2016), it still worries America's trade partners. Shinzo Abe, Japan's prime minister, may be reluctant to offend voters at home for the sake of a trade deal that America's legislators might promptly torpedo. Similarly, the French, who have been a constant pain in talks between America and Europe, could argue that since America's leaders seem determined to attach conditions to a fast-track bill, France's demands for carve-outs deserve consideration, too.¶ At home meanwhile, Democratic opposition could harden. Some lawmakers may see an opportunity to put daylight between themselves and their Republican foes ahead of November's elections. With corporate profits looking healthy and wages still stagnant almost five years into the recovery, some may be tempted to portray Republican backing for free trade as support for fat-cat corporations.¶ Mr Reid's surprise rebuke suggests that Mr Obama needs to communicate better with his allies. And if he wishes to prevent two of the most promising trade deals in a decade from unravelling, he will need to make a far more full-throated case for the benefits of free exchange.

#### Plan saps pc – causes huge fights

O’Neil 7. [David, Adjunct Associate Professor of Law, Fordham Law School, “The Political Safeguards of Executive Privilege” 60 Vand. L. Rev. 1079 -- lexis]

a. Conscious Pursuit of Institutional Prerogatives¶ ¶ The first such assumption is belied both by first-hand accounts of information battles and by the conclusions of experts who study them. Participants in such battles report that short-term political calculations consistently trump the constitutional interests at stake. One veteran of the first Bush White House, for example, has explained that rational-choice theory predicts what he in fact experienced:¶ ¶ The rewards for a consistent and forceful defense of the legal interests of the office of the presidency would be largely abstract, since they would consist primarily of fidelity to a certain theory of the Constitution... . The costs of pursuing a serious defense of the presidency, however, would tend to be immediate and tangible. These costs would include the expenditure of political capital that might have been used for more pressing purposes, [and] the unpleasantness of increased friction with congressional barons and their allies. n182¶ ¶ Louis Fisher, one of the leading defenders of the political branches' competence and authority to interpret the Constitution independently of the courts, n183 acknowledges that politics and "practical considerations" typically override the legal and constitutional principles implicated in information disputes. n184 In his view, although debate about congressional access and executive privilege "usually proceeds in terms of constitutional doctrine, it is the messy political realities of the moment that usually decide the issue." n185 Indeed, Professor Peter Shane, who has extensively studied such conflicts, concludes that their successful resolution in fact depends upon the parties focusing only on short-term political [\*1123] considerations. n186 When the participants "get institutional," Shane observes, non-judicial resolution "becomes vastly more difficult." n187

#### PC key to momentum

Parnes 1/21

Amie Parnes The Hill “Obama: Give me fast track trade” 01/21 http://thehill.com/homenews/administration/195858-white-house-works-to-convince-dems-to-give-obama-fast-track-on-trade

The White House is making a major push to convince Congress to give the president trade promotion authority, which would make it easier for President Obama to negotiate pacts with other countries. ¶ A flurry of meetings has taken place in recent days since legislation was introduced to give the president the authority, with U.S. Trade Representative Mike Froman meeting with approximately 70 lawmakers on both sides of the aisle in the House and Senate.¶ White House Chief of Staff Denis McDonough has also been placing calls and meeting with key Democratic lawmakers in recent days to discuss trade and other issues.¶ Republicans have noticed a change in the administration’s interest in the issue, which is expected to be a part of Obama’s State of the Union address in one week.¶ While there was “a lack of engagement,” as one senior Republican aide put it, there is now a new energy from the White House since the bill dropped. ¶ The effort to get Congress to grant Obama trade promotion authority comes as the White House seeks to complete trade deals with the European Union and a group of Asian and Latin American countries as part of the Trans-Pacific Partnership or TPP.¶ The authority would put time limits on congressional consideration of those deals, and prevent the deals from being amended by Congress. That would give the administration more leverage with trading partners in its negotiations.¶ The trade push dovetails with the administration’s efforts to raise the issue of income inequality ahead of the 2014 midterm elections. The White House is pressing Republicans to raise the minimum wage and to extend federal unemployment benefits.¶ The difference is that on the minimum wage hike and unemployment issue, Obama has willing partners in congressional Democrats and unions, who are more skeptical of free trade. Republicans are more the willing partner on backing trade promotion authority.¶ Legislation introduced last week to give Obama trade promotion authority was sponsored by Ways and Means Committee Chairman Dave Camp (R-Mich.) and Senate Finance Committee Chairman Max Baucus (D-Mont.), as well as Sen. Orrin Hatch (R-Utah), the ranking member on Finance.¶ No House Democrats are co-sponsoring the bill, however, and Rep. Sander Levin (D-Mich.), the Ways and Means ranking member, and Rep. Charles Rangel (D-N.Y.), the panel’s former chairman, have both criticized it. They said the legislation doesn’t give enough leverage and power to Congress during trade negotiations.¶ Getting TPA passed would be a major victory for the administration and one that would please business groups, but the White House will first have to convince Democrats to go along with it.¶ One senior administration official said the White House has been in dialogue with lawmakers on both sides of the aisle “with a real focus on Democrats” to explain TPA and take into account their concerns. ¶ “Any trade matter presents challenges,” the senior administration official said, adding that the White House officials are “devoted” to working with members on the issue.

#### TPA is critical to US economic growth and restoring America’s free trade credibility

Riley and Kim 4/16

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www.heritage.org/research/reports/2013/04/advancing-trade-freedom-key-objective-of-trade-promotion-authority-renewal

Trade Promotion Authority (TPA) has been a critical tool for advancing free trade and spreading its benefits to a greater number of Americans. TPA, also known as “fast track” authority, is the legislative power Congress grants to the President to negotiate reciprocal trade agreements. Provided the President observes certain statutory obligations under TPA, Congress agrees to consider implementing those trade pacts without amending them.¶ More than a decade has passed since TPA was last renewed in 2002, and its authority expired in 2007. Reinstituting TPA may well be the most important legislative action on trade for both Congress and the President in 2013 given the urgency of restoring America’s credibility in advancing open markets and securing greater benefits of two-way trade for Americans. As the case for timely reinstallation of an effective and practical TPA is stronger than ever, the quest for renewing TPA should be guided by principles that enhance trade freedom, a vital component of America’s economic freedom.¶ Emerging TPA Renewal Debates¶ Both House Ways and Means Committee chairman David Camp (R–MI) and Senate Finance Committee chairman Max Baucus (D–MT) have announced plans to pursue TPA legislation. However, many lawmakers have correctly pointed out that a proactive push from President Obama is critical, given that trade bills have been a thorny issue for many Democrats in recent years.¶ Historically, it has been common practice, although not formally required, to have the President request that Congress provide renewed TPA. In fact, except for President Obama, every President since Franklin Roosevelt has either requested or received trade negotiating authority.[1]¶ After four years of informing Congress it would seek TPA at “the appropriate time,” early this year the Obama Administration finally indicated its interest in working with Congress to get TPA done. The President’s 2013 trade agenda offered the Administration’s most forward-leaning language yet, specifying that “to facilitate the conclusion, approval, and implementation of market-opening negotiating efforts, we will also work with Congress on Trade Promotion Authority.”[2]¶ In the 2002 Bipartisan Trade Promotion Authority Act, Congress—whose role in formulating U.S. trade policy includes defining trade negotiation objectives—made it clear that¶ [t]he expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity.… Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.[3]

#### Global nuclear war

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

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

## Off

**The Executive branch of the United States should create “executive v. executive” divisions to promote internal separation of powers via separate and overlapping cabinet offices, mandatory review of government action by different agencies, civil-service protections for agency workers, reporting requirements to Congress, and an impartial decision-maker to resolve inter-agency conflicts. The executive branch of the United States federal government should issue and enforce an executive order [plan text].**

#### Cp solves case and sets precedent

**Vermule and Posner, 7 –** (Eric, The University of Chicago Law School Professor, Adrian, Harvard Law School Professor of Law, 200, The Credible Executive, 74 U. Chi. L. Rev. 865)

The Madisonian system of oversight has not totally failed. Sometimes legislators overcome the temptation to free ride; sometimes they invest in protecting the separation of powers or legislative prerogatives. Sometimes judges review exercises of executive discretion, even during emergencies. But often enough, legislators and judges have no real alternative to letting executive officials exercise discretion unchecked. The Madisonian system is a partial failure; compensating mechanisms must be adopted to fill the area of slack, the institutional gap between executive discretion and the oversight capacities of other institutions. Again, the magnitude of this gap is unclear, but plausibly it is quite large; we will assume that it is.¶ It is often assumed that this partial failure of the Madisonian system unshackles and therefore benefits ill-motivated executives. This is grievously incomplete. The failure of the Madisonian system harms the well-motivated executive as much as it benefits the ill-motivated one. Where Madisonian oversight fails, the well-motivated executive is a victim of his own power. Voters, legislators, and judges will be wary of granting further discretion to an executive whose motivations are uncertain and possibly nefarious. The partial failure of Madisonian oversight thus threatens a form of inefficiency, a kind of contracting failure that makes potentially everyone, including the voters, worse off.¶ Our central question, then, is what the well-motivated executive can do to solve or at least ameliorate the problem. The solution is for the executive to complement his (well-motivated) first-order policy goals with second-order mechanisms for demonstrating credibility to other actors. We thus do not address the different question of what voters, legislators, judges, and other actors should do about an executive who is ill motivated and known to be so. That project involves shoring up or replacing the Madisonian system to block executive dictatorship. Our project is the converse of this, and involves finding new mechanisms to help the well-motivated executive credibly distinguish himself as such.¶ IV. Executive Signaling: Law and Mechanisms¶ We suggest that the executive's credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involves executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations.¶ This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by "government" or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by "the people" to bind "themselves" against their own future decisionmaking pathologies, or relatedly, that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations. n72 Whether or not this picture is coherent, n73 it is not the question we examine here, although some of the relevant considerations are similar. n74 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government. [\*895] ¶ Furthermore, our question is subconstitutional: it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling mechanisms to generate public trust. Accordingly, we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations. In general, the solution is to engage in actions that are less costly for good types than for bad types.¶ We begin with some relevant law, then examine a set of possible mechanisms -emphasizing both the conditions under which they might succeed and the conditions under which they might not -and conclude by examining the costs of credibility.¶ A. A Preliminary Note on Law and Self-Binding¶ Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding. n75 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is yes, at least to the same extent that a legislature can. Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo. n76 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies.¶ More schematically, we may speak of formal and informal means of self-binding:¶ 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so.¶ 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding. n77 However, there may be large political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so, too, the executive's issuance of a self-binding order can trigger reputational costs. In such cases, repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it.

# 1nc case

## Solvency

#### Executive willpush back

Lobel 8—Professor of Law @ University of Pittsburgh [Jules Lobel, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” Ohio State Law Journal, Vol. 69, 2008, pg. 391]

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53 The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority. Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law. Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary. If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute. Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

#### That means the executive can get away with murder

Shane 12 \*Peter M. Jacob E. Davis and Jacob E. Davis II Chair in Law, The Ohio State University Moritz School of Law. From 1978 to 1981, served in the Office of Legal Counsel, U.S. Department of Justice. Journal of National Security Law & Policy, 5 J. Nat'l Security L. & Pol'y 507

Yet, the ideological prism of presidentialism can bend the light of the law so that nothing is seen other than the claimed prerogatives of the sitting chief executive. Champions of executive power - even skilled lawyers who should know better - wind up asserting that, to an extraordinary extent, the President as a matter of constitutional entitlement is simply not subject to legal regulation by either of the other two branches of government. [\*511] Government attorneys must understand their unique roles as both advisers and advocates. In adversarial proceedings before courts of law, it may be fine for each of two contesting sides, including the government, to have a zealous, and not wholly impartial, presentation, with the judge acting as a neutral decisionmaker. But in their advisory function, government lawyers must play a more objective, even quasi-adjudicative, role. They must give the law their most conscientious interpretation. If they fail in that task, frequently there will be no one else effectively situated to do the job of assuring diligence in legal compliance. Government lawyers imbued with the ideology of presidentialism too easily abandon their professional obligations as advisers and too readily become ethically blinkered advocates for unchecked executive power. Jack Goldsmith headed the Office of Legal Counsel (OLC) for a little less than ten months in 2003-2004. Of the work done by some government attorneys and top officials after 9/11, he said they dealt with FISA limitations on warrantless surveillance by the National Security Agency (NSA) "the way they dealt with other laws they didn't like: they blew through them in secret based on flimsy legal opinions that they guarded closely so no one could question the legal basis for the operations." 7 He describes a 2003 meeting with David Addington, who was Counsel and later Chief of Staff to Vice President Dick Cheney, in which Addington denied the NSA Inspector General's request to see a copy of OLC's legal analysis in support of the NSA surveillance program. Before Goldsmith arrived at OLC, "not even NSA lawyers were allowed to see the Justice Department's legal analysis of what NSA was doing." 8

#### That means no norms

Alston 11 (Philip, John Norton Pomeroy Professor of Law, New York University School of Law, Harvard National Security Journal, “The CIA and Targeted Killings Beyond Borders”, 2 Harv. Nat'l Sec. J. 283, Lexis Law)

The combination of high levels of secrecy, combined with poor accountability, mean that it is impossible to verify the extent to which applicable international standards are respected in practice. Because these covert forces often operate as self-described killing machines, n4 their existence and continuing rapid expansion have grave consequences for the twin regimes of international human rights law ("IHRL") and international humanitarian law ("IHL") which aim to uphold the value of human life and minimize the brutalities of warfare.

#### CIA drone strikes have currently been put on hold

Woods 1/10 Chris, bureau of investigative journalism, “Analysis: New rules in play as CIA drones return to Pakistan skies” http://www.thebureauinvestigates.com/2012/01/10/analysis-us-drones-to-hit-pakistan-again/

The current pause in CIA drone strikes in Pakistan is now the longest of Barack Obama’s presidency. It is 55 days (and counting) since a deadly attack on November 17 2011 killed at least seven people. According to the Bureau’s extensive database on drone strikes, the last gap of similar length was in 2008. If things continue in this vein, that record will be broken next Monday (January 16). There was a pause of 59 days between March 16 and May 14 2008 under George W Bush; and a 57-day halt between December 3 2007 and January 29 2008. Before then US drone strikes were highly intermittent, often occurring months apart. Strategy shift The current break in drone strikes is enforced. After NATO accidentally killed 24 Pakistani soldiers in November, Islamabad effectively shut down the drone campaign. Weeks later the Long War Journal confirmed that all CIA attacks were officially on hold: ‘There is concern that another hit will push US-Pakistan relations past the point of no return. We don’t know how far we can push them, how much more they are willing to tolerate.’ an official told LWJ. The break coincided with a major policy reappraisal by Washington – and it has given Islamabad room to refocus on its own strategic needs. In the coming weeks CIA drone attacks are expected to resume in Pakistan’s tribal areas. But according to leaks and hints, there are likely to be far less strikes, and far fewer casualties. The Bureau’s records show that CIA drones struck 75 times in 2011. Some 470 to 655 people were killed in the attacks, the majority of them anonymous alleged militants. Among the dead were between 53 and 126 civilians, according to credible reports. Despite these reports, the CIA continues to claim that it has killed no civilians since May 2010. In Pakistan drone strikes are now a major political issue, causing wide-ranging fury. The nation’s prime minister, president and army chief all publicly condemned the attacks in 2011 (whatever the reality of any private agreements between Islamabad and Washington). Yet the CIA seemed impervious to such criticism. US officials were claiming in November that al Qaeda and its allies were on the run in Pakistan. The Washington Post quoted a source who insisted that al Qaeda was operationally ineffective and ‘down to two leaders’ – and that strikes had to continue to deliver the knockout blow. ‘Now is not the time to let up the pressure,’ an anonymous official told the paper. ‘We’ve got an opportunity to keep them down, and letting up now could allow them to regenerate.’ But four days later NATO’s disastrous strike brought the drone strikes to a halt. A change of policy The CIA’s confidence did not extend to all parts of the Obama administration. Diplomatic and military sources began to semi-openly criticise the agency for placing short-term objectives ahead of the US’s long term strategic needs. US policy began to shift, helped by a change of leadership at the CIA. As the Bureau was the first to point out on October 27, a significant shift was taking place away from targeting low-level fighters in Pakistan. A week later the Wall Street Journal concurred, reporting that a White House review had resulted in a strategy change. From now on, the targeting of large groups of alleged low-ranking militants was off the table. An anonymous senior official said: ‘The bar has been raised. Inside CIA, there is a recognition you need to be damn sure it’s worth it.‘ Pakistan also took advantage of the halt to insist that the US return to the negotiating table. An early leak indicated the Pakistanis had high ambitions: in return for resuming drone strikes ‘Pakistan wants complete knowledge of the Central Intelligence Agency (CIA) imprint in Pakistan,’ it was suggested. In recent days a more achievable plan has been mooted. According to the Express Tribune, US and Pakistani negotiators are close to a deal. Pakistani negotiators had convinced their American counterparts on at least a couple of conditions: First, the drone strikes should not be as frequent as they were in 2010 and 2011. And second, the CIA should narrow the [area] the aircraft were targeting. A deal is close Leaks from Washington sources published in the mainstream American media also appear to suggest that an agreement is imminent. United States officials have told the New York Times that according to the terms of a new deal, ‘the US will be forced to restrict drone strikes; limit the number of its spies and soldiers on the ground; and spend more to transport supplies through Pakistan to allied troops in Afghanistan.’ US intelligence agencies are now pushing for a swift resumption of the strikes. The New York Times also reported at the weekend that al Qaeda was regrouping in the tribal areas. This is presumably the same ‘operationally ineffective two men’ that the same paper reported al Qaeda had been reduced to only weeks beforehand. It seems likely that CIA attacks will resume imminently in Pakistan’s tribal areas. Yet the combined impact of domestic pressure from within the Obama administration – and Islamabad’s insistence on new ground rules – should mean that 2012 will see a very different approach to the drone war from the agency.

#### Plan's restrictions causes a shift to the CIA.

Alston 11 President and Fellows of Harvard College. All Rights Reserved. Harvard National Security Journal 2011 Harvard National Security Journal 2 Harv. Nat'l Sec. J. 283 The CIA and Targeted Killings Beyond Borders Philip Alston John Norton Pomeroy Professor of Law, New York University School of Law. The author was UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010. lexis

But the most significant problem by far with double-hatting is its impact in terms of accountability. Already in 2003, Colonel Kathryn Stone had noted that "[w]hen the CIA and SOF operate together on the battlefield, the legal distinctions regarding operating authorities and procedures, and accountability, can become blurred." n247 In Singer's view one of the motivations for the practice was to avoid accountability. He argues that the CIA was given operational responsibilities because "no one wanted to have a public debate about the use of force in a third country" and this could be avoided by secretly using the CIA instead. The result, he says, is to flout "the intent, if not the letter, of the most important legal codes that originally divided out roles in realms of policy and war." n248 A recent Congressional study also concludes that one of the actual objectives of the "unprecedented use of U.S. SOF in clandestine and covert roles as well as being assigned to the CIA" is precisely to blur the boundaries of responsibility and accountability. n249 This deliberate undermining of the distinction between intelligence gathering and operational activities has grave implications in terms of both domestic and international accountability. Domestically, DOD and especially JSOC foreign killing operations are subject to virtually no meaningful accountability, and the same applies to the CIA.

#### Turns both advantages

Weber 13 Peter, The Week, February 6, http://theweek.com/article/index/239716/will-congress-curb-obamas-drone-strikes

"The U.S. is, in effect, waging two different drone wars," one run by the Pentagon, mainly in places like Yemen and Somalia, and the other carried out by the CIA in Afghanistan and, more often, Pakistan, says Bloomberg View in an editorial. The military's drone program is "operated by military professionals, trained in and bound by international and U.S. military law," and thus "much more appropriate." There are lots of things Congress and the Obama team can and should change — making the goal to capture, not kill, terrorists, say, and codifying the rules for drone warfare internationally — but getting the CIA out of the drone game is a key first step. Limiting the CIA's role to intelligence sharing and putting the program under Title 10 of the U.S. Code, which lays out the role of the military, would increase congressional oversight and transparency while still allowing necessary secrecy. And it would get the U.S. out of the ridiculous situation in which the only way for the administration to be honest with the public is to leak information about supposedly covert operations. [Bloomberg]

## Norms

#### Drone arms race inevitable

USA Today 13 (1/9, http://www.usatoday.com/story/news/world/2013/01/08/experts-drones-basis-for-new-global-arms-race/1819091/, “Experts: Drones basis for new global arms race”, AB)

The success of U.S. drones in Iraq and Afghanistan has triggered a global arms race, raising concerns the remotely piloted aircraft could fall into unfriendly hands, military experts say. The number of countries that have acquired or developed drones expanded to more than 75, up from about 40 in 2005, according to the Government Accountability Office, the investigative arm of Congress. Iran and China are among the countries that have fielded their own systems. "People have seen the successes we've had," said Lt. Gen. Larry James, the Air Force's deputy chief of staff for intelligence, surveillance and reconnaissance. The U.S. military has used drones extensively in Afghanistan, primarily to watch over enemy targets. Armed drones have been used to target terrorist leaders with missiles that are fired from miles away.

#### No impact to drone arms race – multiple checks

* Narrow application
* Diplomatic and political costs
* State defenses
* Deterrence checks

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

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones. As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings. Indeed, critics seem overly-focused on the domestic implications of drone use. In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.” Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey. Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory. States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement. This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active. What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy. In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region. Non-state actors, on the other hand, have even more reasons to steer clear of drones: – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue. – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose. – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face. – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts. 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.

#### U.S. drone use doesn’t cause prolif – no international precedent.

Etzioni 13, Professor of International Relations @ George Washington University (Aimtai Etzioni, adviser to the Carter administration, “The Great Drone Debate”, Military Review, 4/2013, http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview\_20130430\_art004.pdf)

Other critics contend that by the United States ¶ using drones, it leads other countries into making and ¶ using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK ¶ and author of a book about drones argues that, “The ¶ proliferation of drones should evoke reﬂection on the ¶ precedent that the United States is setting by killing ¶ anyone it wants, anywhere it wants, on the basis of ¶ secret information. Other nations and non-state entities are watching—and are bound to start acting in ¶ a similar fashion.”60 Indeed scores of countries are ¶ now manufacturing or purchasing drones. There can ¶ be little doubt that the fact that drones have served ¶ the United States well has helped to popularize them. ¶ However, it does not follow that United States ¶ should not have employed drones in the hope that such a show of restraint would deter others. First ¶ of all, this would have meant that either the United ¶ States would have had to allow terrorists in hard-to-reach places, say North Waziristan, to either ¶ roam and rest freely—or it would have had to use ¶ bombs that would have caused much greater collateral damage. ¶ Further, the record shows that even when the ¶ United States did not develop a particular weapon, ¶ others did. Thus, China has taken the lead in the ¶ development of anti-ship missiles and seemingly ¶ cyber weapons as well. One must keep in mind ¶ that the international environment is a hostile ¶ one. Countries—and especially non-state actors—¶ most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ ¶ whatever weapons they can obtain that will further ¶ their interests. The United States correctly does ¶ not assume that it can rely on some non-existent ¶ implicit gentleman’s agreements that call for the ¶ avoidance of new military technology by nation X ¶ or terrorist group Y—if the United States refrains ¶ from employing that technology. I am not arguing that there are no natural norms ¶ that restrain behavior. There are certainly some ¶ that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of ¶ diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of ¶ mass destruction). However drones are but one ¶ step—following bombers and missiles—in the ¶ development of distant battleﬁeld technologies. ¶ (Robotic soldiers—or future ﬁghting machines—¶ are next in line). In such circumstances, the role ¶ of norms is much more limited.

## Drones Bad

#### Sig strikes good-speed and fear.

**Mudd, SouthernSun Asset Management global risk director, 2013**

(Philip, “Fear Factor”, 5-24, <http://www.foreignpolicy.com/articles/2013/05/24/fear_factor_signature_strikes>, ldg)

So-called signature strikes -- in which target selection is based not on identification of an individual but instead on patterns of behavior or unique characteristics that identify a group -- accelerated this decline for simple reasons. Targeting leadership degrades a small percentage of a diffuse terror group, but developing the tactical intelligence required to locate an individual precisely enough to stage a pinpoint strike, in a no-man's land half a world away, is time-consuming and difficult. And it's not a perfect science; the leaders of groups learn over time how to operate more securely. Furthermore, these leaders represent only a fraction of the threat: Osama bin Laden might have been the public face of al Qaeda, but he was supported by a web of document-forgers, bombmakers, couriers, trainers, ideologues, and others. They made up the bulk of al Qaeda and propelled the apparatus that planned the murder of innocents. Bin Laden was the revolutionary leader, but it was the troops who executed his vision. Signature strikes have pulled out these lower-level threads of al Qaeda's apparatus -- and that of its global affiliates -- rapidly enough that the deaths of top leaders are now more than matched by the destruction of the complex support structure below them. Western conceptions of how organizations work, with hierarchal structures driven by top-level managers, do not apply to al Qaeda and its affiliates. These groups are instead conglomerations of militants, operating independently, with rough lines of communication and fuzzy networks that cross continents and groups. They are hard to map cleanly, in other words. Signature strikes take out whole swaths of these network sub-tiers rapidly -- so rapidly that the groups cannot replicate lost players and their hard-won experience. The tempo of the strikes, in other words, adds sand to the gears of terror organizations, destroying their operational capability faster than the groups can recover. There are other rationales for these attacks, though. Part of the reason signature strikes have become so prominent in this global counterterror war is, simply put, geography. Local terrorist groups only become international threats if they have leadership that can execute a broad, globalist vision, and if that leadership has the time and space to plot without daily distractions from armies and security services -- as in safe havens like Yemen, Somalia, the Sahel, and the tribal areas of Pakistan. These are exactly the places where the United States cannot apply conventional force and where local governments lack the capability or will to counter the threat. Exactly the places where drones offer an option to eviscerate a growing terror threat that has a dispersed, diffuse hierarchy. The places where signature strikes have proven effective. With more capable security partners, the brutal destruction from drones above might come from more conventional operations on the ground. But, by definition, safe havens aren't penetrable by capable security services. There is an intangible factor that reinforces the effectiveness of signature strikes: the fear factor, coupled with the suspicions and paranoia that result from organizations searching desperately among their ranks to find out who is providing the Americans information so detailed that we can wreak such havoc over such a long period of time. Time and again, intelligence has clearly told us that the adversary dreads these operations -- lethal strikes that come anytime, anywhere, and that eliminate entire swaths of organizations. And these same organizations then turn around and further degrade their operational capability by engaging in savage hunts for leaks.

#### Alternatives to signature strikes are worse for all their advantages

**Trombly, National Security/International Affairs Analyst, 2013**

(Dan, “I Might Need You To Kill: Signatures, Patterns, and Alternatives”, 5-29, <http://www.cnas.org/blogs/abumuqawama/2013/05/i-might-need-you-kill-signatures-patterns-and-alternatives.html>, ldg)

Of course, it is important to note these violent dynamics are hardly unique to signature strikes or aerial assassinations. Though improper targeting and munitions selection can rapidly magnify the danger of collateral damage in those operations, it is important to remember the enormous potential costs of seeking to kill or capture militants with any instruments that are unable to ensure security for civilians. Night raids, such as the infamous botched Gardez raid, can easily falter on poor intelligence and the mistaken use of force against civilians. While the U.S. has learned much since Black Hawk Down, compare the amount of force the U.S. has had to bring down to ensure adequate force protection in operations on or across the border with Pakistan. In 2008, the Angor Ada raid, involving dozens of US ground troops and multiple aircraft, killed at least several civilians, and meant that the next raid provoked a major standoff that threatened to cause large-scale firefights and civilian displacement. Or take the example of 2011, NATO and Afghan forces reported fire from Pakistani positions. The result was that NATO unleashed more airpower to protect its troops in contact than MQ-1s or MQ-9s ever could. Two Apache attack helicopters, two F-15Es, and an AC-130 gunship pummeled targets on the Pakistani border, killing as many as two dozen Pakistani soldiers. Even then, a regime of raiding into territories where we are not willing to actually create a sustained military presence does nothing to mitigate the dangerous dynamics for civilian cooperation and intelligence collection. Raids that leave territorial control an open question for host governments and militants do not give civilians much incentive to provide the intelligence necessary for more precise targeting, leaving them to try their luck at the dangerous game of avoiding militant counterintelligence efforts. The solution to such a quandary, especially when providing security to positively incentivize informers, is to remove potential informers from enemy retaliation through detention or concentration, and the use of high-tempo raiding operations to generate as much actionable intelligence as possible through the raiding process itself. The face of a robust capture program is not the FBI effort which retrieved the 1993 CIA shooter, which in the relatively sanguine climate of 1997, the Pakistani government was unwilling to publicly admit its role in handing over a citizen to the US. American law enforcement wisely worked with the ISI to lure the suspect into Punjab. In today’s climate, against targets part of active militant networks, an operation that relies on relatively unsavvy suspects and highly compliant host government security and intelligence seems less than forthcoming. The face of a capture program in Pakistan’s border regions with Afghanistan, Yemen, Somalia, and similar environments, is not going to be law enforcements, but the types of programs that, past and present, we praise with intimidation or decry with disgust as “industrial-scale killing machines” or “executive assassination rings.” Wartime friction ensures that any well-intentioned capture program in denied or contested areas will live on as an assassination program. Just ask those involved in the Phoenix Program, who had even their own President thinking they were running a massive assassination machine. Of course, programs like the CIA-Vietnamese Provincial Reconnaissance Units, for all the reputation they gained as an unstoppable assassination machine, pale in comparison to the sanguinary behavior of other paramilitary efforts to dismantle insurgent infrastructure and disrupt irregular opponents. While the Anbar Awakening receives massive praise, enlisting irregular forces with relatively little opportunity to control their behavior, and far less “skin in the game” with regard to the political situation on the ground, frequently results in incredibly excessive killing and the incorporation of civilian populations into horrific, racket-like forms of extortive governance. Even relatively antiseptic terms such as extending the reach of governance and strengthening the state, in the context of civil wars or internal conflict against irregular opponents, frequently involves the tacit or explicit cooperation between host government and paramilitary forces to purge not just insurgent infrastructure, but political sympathizers and threats to elite interests. Extending the reach of the state under such conditions is frequently a nasty thing, and while it is in vogue to speak of the death or decline of counterinsurgency, the clean language of empowering local partners and expanding state capacity is still counterinsurgency, just of a much different sort than the kind wealthy liberal 3rd-party interventions might try to steer their clients towards.

#### Domestic political fights over secession trigger yemen instability

**Carvajal, Exeter Islamic and Arab studies PhD candidate, 2013**

(Fernando, “Military Restructuring in Yemen Opens a Second Power Vacuum: Part 2”, 4-26, <http://www.fairobserver.com/article/military-restructuring-yemen-opens-second-power-vacuum-part-2>, ldg)

Infighting within the armed forces goes beyond negotiations leading to presidential decrees. Conflicts extend to clashes among military units occupying the same military base or streets. Turf wars directly affect ordinary soldiers who fear losing their job or place in the hierarchy as a result of changes in command. Army units under commanders with links to Ali Abdullah Saleh increase their animosity toward troops from the Ministry of Interior, perceived as being under the influence of al-Islah. Conflicts are erupting between army units or military and law enforcement units in areas like Rada and Taiz. In the south, where jihadists seem to benefit from ongoing calls for secession, as recently commented by The Economist, the situation is increasingly ripe for a protracted armed conflict that may engulf Yemen and spread to neighboring countries. While secessionist leaders deal with increasing pressure from the population to escalate beyond protest and sit-ins, people in Abyan are growing dissatisfied by the government’s inability to fill the vacuum created after Ansar al-Shaira militants were defeated in June 2012. Even though Ansar al-Sharia lacks a strategy to recall its fighters and engage the tribal Popular Committees now guarding most of southern Abyan province, journalist Abd al-Razeq al-Jamal says residents of cities like Jaar and Zinjibar reminisce over perceptions of stability and order under the authority of Ansar al-Sharia from March 2011 to June 2012. This is of concern as militants are now present outside al-Anad in Lahj province, outside Rada in al-Baydha and spreading throughout Hadhramawt in the east. Such widespread presence by Sunni Islamist militants in southern territories will present a second front for secessionists who already experienced the conflict once — as Arab-Afghans were recruited to fight southerners during the 1994 Civil War. In northern areas, government forces remain unable to exercise authority in the Houthi-controlled Sadah province, militias clash in Hajja and tribes have moved toward the Saudi border to put further pressure on Sana’a and its relations with Saudi Arabia. In December 2012, Yemen’s army moved into Surwah, the Mareb province, against Sheikh al-Mu’alli and known al-Qaeda operatives living in the area. The operation led to violent clashes, with houses being destroyed and a number of foreign fighters captured. As it is common with such operations against tribal elements in Mareb, allies of al-Mu’alli joined the fight and continue to disrupt security in the province. In the same month, the army also moved against elements of Ansar al-Sharia in southern al-Baydha province. The initial motive behind this operation was a rescue attempt of foreigners kidnapped in Sana’a who were believed to be held in the area. Militants have gained strength in al-Baydha once again as a result of an alliance with the al-Dhahab family, involved in the attempt to establish an Islamic Emirate in Rada in early 2012. Growing instability now plagues areas previously without a history of such armed militancy or banditry. The resurgence of tribal forces in the southern province of Taiz is now blamed for increasing insecurity. The provincial governor, Shawqi Ahmed Anam, has been unable to deal with resistance from political forces, which grew from the 2011 crisis. Universities continue to be closed, the economy continues on a downward spiral and people fear vigilantism and revenge conflicts. Sources also indicate that the neighboring province of Ibb, a green and otherwise highly productive region of central Yemen, is now a point of gravity for Islamist militants. Unconfirmed reports by observers indicate military units now include recruits from among such elements in various areas of Ibb. The authority vacuum in such areas grows from internal fighting in the armed forces and a broken chain of command. In Taiz, insiders admit orders from the governor are often ignored and officers refuse to answers phone calls. Tribal elements, believed to have ‘guarded the revolution’ in 2011, are now demanding rewards for their role and obstruct the work of civil authorities.

#### Great power cooperation is high and checks instability

**Chang, Chinese Academy of Social Sciences, 2013**

(Su, “Great powers help keep Central Asia stable”, 8-6, <http://www.globaltimes.cn/content/801950.shtml#.Uiffr8bENSI>, ldg)

As Central Asian leaders constantly call for the support of big powers given numerous threats and challenges the region faces, these countries need to find the partners that can benefit themselves most in terms of politics, economy and security. Economic cooperation between China and Central Asia has been deepening, which has become a powerful engine for the region's economic development. Meanwhile, Russia has been playing a key role in the region's development and stability. For example, a customs union between Russia, Kazakhstan and Belarus has been introduced to promote regional economic integration. Russia also helps to maintain the security situation through the framework of the Collective Security Treaty Organization, especially in maintaining Kyrgyzstan's stability. For the US, Central Asia is the most important channel to withdraw troops from Afghanistan, making it powerfully invested in regional stability European countries have been dedicated to helping the region's economic growth, scholarship and cultural heritage, as well as coordinating disputes of water resources among member states. Due to the complexity of the international situation, a win-win mode has been accepted by all. And only with this mode can challenges be met.

**AQAP weak now, likely to crumble and focused internally – no threat of WMD attacks – and Iran and lone actors are an alt cause**

**LAT 2/1**/12 (Brian Bennett, Los Angeles Times, “Al Qaeda weakened, Iran a threat, U.S. intelligence officials say,” <http://articles.latimes.com/2012/feb/01/world/la-fg-intel-threats-20120201-1>)

Al Qaeda's ability to conduct terrorist operations against the United States has diminished in the last year, but U.S. intelligence agencies said Tuesday that they now believe Iranian leaders are willing to launch attacks against American targets.

The top U.S. intelligence official, James R. Clapper, told a Senate hearing that a purported Iranian plot to assassinate a Saudi diplomat in Washington in the fall convinced U.S. officials that leaders in Tehran are increasingly likely to support bombings on U.S. soil, especially if they feel that their hold on power is threatened.

"Some Iranian officials, probably including supreme leader Ali Khamenei, have changed their calculus and are now willing to conduct an attack in the United States," said Clapper, director of national intelligence.

Tension with Tehran has risen sharply in recent weeks as the European Union and the Obama administration have imposed punishing economic sanctions in an effort to persuade Iran's leaders to abandon what they suspect is a nuclear weapons program.

Recent reports of bombings in Iran, the crash of a secret CIA surveillance drone there and the assassination of several Iranian nuclear scientists suggest a covert campaign by the West or its proxies is aimed at sabotaging the effort.

America's most senior intelligence officials, including Clapper, CIA Director David H. Petraeus and FBI Director Robert S. Mueller III, testified at the Senate Intelligence Committee hearing on worldwide threats against the United States. Iran was a major topic.

The officials provided no further evidence during the hearing to support their perception of a change in Iranian attitudes.

Iran is "keeping open the option to develop nuclear weapons" and is "technically capable" of producing enough highly enriched uranium to fuel a nuclear weapon, Clapper said.

"We do not know, however, if Iran will eventually decide to build nuclear weapons," he said. Inspectors from the United Nations nuclear watchdog agency are in Iran this week to gather further data on the country's nuclear program. Iran says the effort is aimed at generating electricity, not building weapons.

The CIA believes that Iran is feeling the "increased bite of new sanctions," Petraeus said, referring to the U.S. blacklisting of Iran's central bank. The institution receives revenue for about 70% of the oil sold by the National Iranian Oil Co.

"I think 2012 will be a critical year for convincing or preventing Iran from developing a nuclear weapon," said Sen. Dianne Feinstein (D-Calif.), who chairs the committee. "While the overall terrorist threat may be down, the threat from the proliferation of weapons of mass destruction from Iran and North Korea is growing."

In October, FBI and other federal agents claimed they had disrupted a plot to kill the Saudi Arabian ambassador to the United States by placing a bomb in a Washington restaurant. The alleged plot, which U.S. officials said involved Iran's Revolutionary Guard and a Mexican drug cartel, never moved beyond the planning stages.

Clapper also furnished a 30-page report to the committee on danger spots around the world.

It noted concern about Washington's uneasy partnership with nuclear-armed Pakistan, the rising death toll of drug-related violence in Mexico and Central America, North Korea's push to build nuclear weapons, and the political turmoil in North Africa and the Middle East a year after a series of popular uprisings erupted.

The intelligence officials said that cyber attacks against government agencies and private businesses are growing.

"Down the road, [cyber attacks] will be the No. 1 threat to the country," said Mueller, the FBI director. He said he is working to reorganize the FBI to investigate cyber attacks just as the agency was retooled to respond to terrorist threats over the last decade.

Regarding current threats, Clapper said "lone actors" inspired by terrorist leaders still could conduct limited attacks.

Clapper said U.S. intelligence judged an attack using a dirty bomb, chemical weapons or deadly germs as "unlikely" in the next year.

U.S. airstrikes and drone missile attacks against Al Qaeda in Pakistan and elsewhere have left the organization without central leadership, and a "largely symbolic" role among Islamic extremists, Clapper said.

No charismatic leader has replaced Osama bin Laden, who was killed by Navy SEALs in May, and Clapper said there was a "better than even chance" that the movement will fragment.

Al Qaeda's affiliate in Yemen, known as Al Qaeda in the Arabian Peninsula, remains the most likely group to plan and launch an attack on U.S. soil, Clapper said, but most groups are focused on regional battles.

#### Collapse induces use-or-lose pressure and panic mindset where countries become protectionism and fight over resources --- they will do anything to secure their existence --- unstable regions like Iran, Noko, Pakistan and Terrorism would all occur and nuclear escalation is guaranteed

#### Turns case --- growth trade and cooperation a pre-requisite to solving any transnational threat that exists

#### Economic collapse controls the direction of every impact --- interdependence and growth means that no country goes to war and instills MAD --- controls the direction of the impact debate

Griswold, 7 (Daniel, director of the Center for Trade Policy Studies, 4/20/2007, Trade, Democracy and Peace, HYPERLINK "<http://www.freetrade.org/node/681>" <http://www.freetrade.org/node/681>)
A little-noticed headline on an Associated Press story a while back reported, "War declining worldwide, studies say." In 2006, a survey by the Stockholm International Peace Research Institute found that the number of armed conflicts around the world has been in decline for the past half-century. Since the early 1990s, ongoing conflicts have dropped from 33 to 17, with all of them now civil conflicts within countries. The Institute's latest report found that 2005 marked the second year in a row that no two nations were at war with one another. What a remarkable and wonderful fact. The death toll from war has also been falling. According to the Associated Press report, "The number killed in battle has fallen to its lowest point in the post-World War II period, dipping below 20,000 a year by one measure. Peacemaking missions, meanwhile, are growing in number." Current estimates of people killed by war are down sharply from annual tolls ranging from 40,000 to 100,000 in the 1990s, and from a peak of 700,000 in 1951 during the Korean War. Many causes lie behind the good news--the end of the Cold War and the spread of democracy, among them--but expanding trade and globalization appear to be playing a major role in promoting world peace. Far from stoking a "World on Fire," as one misguided American author argued in a forgettable book, growing commercial ties between nations have had a dampening effect on armed conflict and war. I would argue that free trade and globalization have promoted peace in three main ways. First, as I argued a moment ago, trade and globalization have reinforced the trend toward democracy, and democracies tend not to pick fights with each other. Thanks in part to globalization, almost two thirds of the world's countries today are democracies--a record high. Some studies have cast doubt on the idea that democracies are less likely to fight wars. While it's true that democracies rarely if ever war with each other, it is not such a rare occurrence for democracies to engage in wars with non-democracies. We can still hope that as more countries turn to democracy, there will be fewer provocations for war by non-democracies. A second and even more potent way that trade has promoted peace is by promoting more economic integration. As national economies become more intertwined with each other, those nations have more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also ruptured trade and investment ties that impose lasting damage on the economy. In short, globalization has dramatically raised the economic cost of war.

#### Makes all of their scenarios more likely

#### No norm development when trade collapses

Blatt, Book Reviewer for Futurecast, ‘2 (Dan, Book Review of Joseph S. Nye’s “The Paradox of American Power”, http://www.futurecasts.com/book%20review%204-02.htm )

Coalitions against particular U.S. international interests have occurred and are made more likely by unilateralist, arrogant, and parochial U.S. conduct. Protectionism is undoubtedly the most dangerous and divisive form of such conduct. "The United States must resist protectionism at home and support international economic institutions" that facilitate international commerce. Trade disputes must not be permitted to explode into disastrous trade wars (such as the trade war during the 1920s and 1930s that played a major role in the Great Depression). U.S. economic and cultural supremacy may indeed erode as Asian and European markets prosper and grow. They may ultimately "loom larger than the American market." In several particular areas - such as international trade, antitrust regulation, the establishment of technical standards, and protection of intellectual property - Europe already shares predominance with the U.S. Defining our national interest broadly to include global interests will be crucial to the longevity of our power and whether others see hegemony as benign or not. The various aspects of soft power must be a part of any effective foreign policy - and multilateralism is essential for the development and maintenance of the attributes of soft power.

#### Economic decline causes war with China

Ockham Research, 8(“Economic Distress and Geopolitical Risks”, November,

http://seekingalpha.com/article/106562-economic-distress-and-geopolitical-risks)

China too is threatened by the global economic downturn. There is no doubt that China has emerged during the past decade as a major economic power. Parts of the country have been transformed by its meteoric growth. However, in truth, only about a quarter of the nation’s billion plus inhabitants—those living in the thriving cities on the coast and in Beijing—have truly felt the impact of the economic boom. Many of these people have now seen a brutal bear market and are adjusting to economic loss and diminished future prospects. However, the vast majority of China’s population did not benefit from the economic boom and could become increasingly restive in an economic slowdown. Enough economic hardship could conceivably threaten the stability of the regime and would more than likely make China more bellicose and unpredictable in its behavior, with dangerous consequences for the U.S. and the world.

#### Economic decline causes conflict in Central Asia

Klare, 9-

Michael T. Alternet: Foreign Policy in Focus: Economy “Will our economic collapse cause the death of millions abroad?” March 20, < http://www.alternet.org/economy/132523/will\_our\_economic\_collapse\_cause\_the\_death\_of\_millions\_abroad/>

As these effects ripple through the developing world and millions upon millions of people face increasingly harsh conditions, social and political unrest of all forms will increase. Such unrest, involving angry protests over plants closings, mass layoffs, and government austerity measures, has already erupted in Europe, Russia, and China, and now threatens to spread to other areas of the world. Until now, such disorder has been limited to urban riots and rock-throwing incidents, but it is easy to imagine far more violent forms of turmoil -- including the outbreak of armed rebellion or civil strife. This danger was raised in a third report worthy of attention, an [annual threat assessment](http://intelligence.senate.gov/090212/blair.pdf) delivered by the Director of National Intelligence, Admiral Dennis C. Blair, to the Senate Select Committee on Intelligence on February 12. Although much of Blair's report focuses on familiar issues like Iran's nuclear aspirations and the war in Afghanistan, it devotes considerable attention to the prospect of social and political turmoil arising from the current economic meltdown. "The primary near-term security concern of the United States is the global economic crisis and its geopolitical implications," the report noted. In tracking this concern, "time is probably our greatest threat…Statistical modeling shows that economic crises increase the risk of regime-threatening instability if they persist over a one to two year period." Of course, the crisis has already lasted more than one year in the United States and appears destined to persist much longer in both the developed and developing areas -- and so the danger of "regime-threatening instability" has to be taken very seriously indeed. In his public testimony, Admiral Blair didn't provide a country-by-country assessment of where he expected to see instability. But he did point to several areas that are at particular risk, including Africa, Latin America, and Central Asia. Speaking of the latter, for example, he noted that Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, "with their highly-personalized politics, weak institutions, and growing inequalities are ill-equipped to deal with the challenges posed by Islamic violent extremism, poor economic development, and problems associated with energy, water, and food distribution." All of these countries, moreover, are particularly vulnerable to the global economic crisis, particularly as remittances fall. "Tajikistan and Kyrgyzstan have heavily depended on migrant worker remittances from both Russia and Kazakhstan for a significant portion of their gross domestic product -- up to 45% in the case of Tajikistan -- and will be severely affected by the financial crisis."

#### Causes Pakistan instability

Ferguson, Prof. History @ Harvard, April, ‘9

(Niall, <http://www.foreignpolicy.com/story/cms.php?story_id=4681&page=0>)

The democratic governments in Kabul and Islamabad are two of the weakest anywhere. Among the biggest risks the world faces this year is that one or both will break down amid escalating violence. Once again, the economic crisis is playing a crucial role. Pakistan’s small but politically powerful middle class has been slammed by the collapse of the country’s stock market. Meanwhile, a rising proportion of the country’s huge population of young men are staring unemployment in the face. It is not a recipe for political stability.

#### Decline causes terrorism—removes economic outlets that enable self-empowerment—that’s Harris and Burrows—our evidence is reverse-causal

Harris and Burrows ‘9 (Mathew, PhD European History at Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>, AM)

In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groupsinheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacksand newly emergent collections of the angry and disenfranchised that become self-radicalized, **particularly in the absence of economic outlets** that would become narrower in an economic downturn.

#### Oil- more likely to manipulate when they know econ issues. And terr attacks increase oil prices

### Uq

#### Obama will exert continued push to get dems on board

Parnes 1/21

Amie Parnes The Hill “Obama: Give me fast track trade” 01/21 http://thehill.com/homenews/administration/195858-white-house-works-to-convince-dems-to-give-obama-fast-track-on-trade

Senior congressional aides expect trade to be a part of Obama’s upcoming State of the Union address since the White House has made clear that the trade bill is a priority and that the TPP trade pact is a key part of the administration’s overall jobs agenda, in terms of increasing exports and opening markets.¶ “This is a priority of the president's,” White House press secretary Jay Carney told reporters last week. “It's part of a broad approach to expanding exports and, you know, creating more opportunities for our businesses to grow. And we're going to continue to push for it.”¶ In the same vein, House Republicans will continue to increase pressure on the administration to get Democrats on board.¶ “The White House carries the weight on this,” one senior House aide said.

#### Obama has pc post SOTU

Avard 1/29

Kurt Avard, Policy Analyst and Contributor at Global Risk Insights The Motley Fool, “'Granular not Grandiose': Obama's SOTU Economic Wish List”

 Jan 29th 2014 http://www.dailyfinance.com/2014/01/29/granular-not-grandiose-obamas-sotu-economic-wish-l/

Taking away from the speech¶ The rhetoric used last night was not the strong message that earlier Obama addresses have utilized. Instead it was the language used by a president who seems resigned to small achievements in place of the grand dreams initially promised.¶ Given the stated goal of reinforcing the American middle class, Obama may enjoy some small positive bumps to his ailing ratings. And while he has a fair amount of political capital yet to be used domestically, the American president has offered nothing radically new in last evening's State of the Union address. He has one goal right now, and with the achievement of even one of the above, he has a chance to redefine modern American economics.

#### USTR optimistic

Politi, 2-2-’14 (James, “US trade deals remain on track, says Froman” Financial Times, http://www.ft.com/intl/cms/s/0/efcd8564-8c23-11e3-9b1d-00144feab7de.html#axzz2sbxoQhto)

Michael Froman, US trade representative, told the Financial Times that the administration was convinced it could secure congressional backing for the deals even after Harry Reid, the Democratic senate majority leader, last week said he would oppose fast-track legislation for any agreements. His opposition was widely seen as a major blow to President Barack Obama’s plans to strike accords with the EU and 11 Pacific Rim countries. Mr Reid can wield control over the progress of legislation in Congress’s upper chamber. European and other officials have said that unless the Obama administration secures support for legislation known as “Trade Promotion Authority” they would be wary of making the the concessions that are likely to be needed for either deal. The legislation would prevent Congress from amending any pact and ensure that it would have to consider any accords in a timely fashion. But Mr Froman said he was sure that the support of Congress could be achieved. He also said both negotiations remained “very much on track” for the time being. “Moving a trade bill or a trade agreement through Congress is a marathon, not a sprint”, Mr Froman said. “It’s important that we reach [deals] of high standards, ambition and comprehensiveness. When we do, then we will be able to demonstrate to the Congress the benefits of the agreements for job creation, for promoting growth, for strengthening the middle class in the US. That will form the foundation for support,” he added. Doubts about TPA risk undermining talks that are close to being finalised. They would create a Trans-Pacific Partnership among 12 nations, including Japan, that account for 40 per cent of global trade. Mr Reid’s comments also sounded alarm bells with regard to negotiations with the EU on the Transatlantic Trade and Investment Partnership (TTIP), even if it is moving ahead on a slower timetable. “Obama [and] Froman have their work cut out,” one European official told the FT. “Without [TPA] it is very hard to see [Mr Froman’s] partners committing to a deal,” said Arturo Sarukhan, a former Mexico ambassador to the US. “There will be geopolitical implications, both with Europe and with Asia Pacific and America Pacific nations, if TPA cannot be secured.” The TPP, which would include Japan, and the European TTIP are seen by some geopolitical strategists as a way for the US to respond economically to the rise of China. Mr Froman insisted that “all of our trading partners understand our commitment to moving the negotiations forward” in parallel with building domestic support. Mr Froman travels to Chile and Peru, two TPP countries, this week, then returns to Washington where he will meet with Nick Haekkerup, Danish trade minister, and Peter Beyer, a member of the German Bundestag. The EU deal will be at the top of their agenda. “Everything is very much on track,” says Mr Froman. ”In fact, we are engaged on an ongoing basis – day in and day out . . . both with regard to TPP and with regard to TTIP, to work through outstanding issues and narrow our differences,” he said. On Saturday, John Kerry, secretary of state, also sought to minimise the significance of Mr Reid’s comments. “I’ve heard plenty of statements in the Senate on one day that are categorical, and we’ve wound up finding accommodation. . .  So this should not be a deterrent, and I hope nobody will let it stand in the way,” Mr Kerry said in Munich.

#### PC will override Reid’s opposition through bargaining

WSJ, 1-28-’14 (“Obama’s Trade Test” http://online.wsj.com/news/articles/SB10001424052702304347904579312942307977408))

President Obama says free-trade deals with Asia and Europe are a top priority in his second term. Sounds good, but the test of his sincerity will be whether he'll spend the political capital to persuade a skeptical Congress. Ways and Means Chairman Dave Camp and Senate Finance powers Max Baucus and Orrin Hatch recently introduced Trade Promotion Authority legislation, also known as fast-track, which would let Congress approve trade agreements by up-or-down vote without amendment. The President needs this to negotiate accords with 11 Pacific Rim countries and the European Union, which won't consent to deals that 535 Members of Congress can later rewrite. The accords would provide a major economic stimulus at no cost to taxpayers and especially to U.S. manufacturers that have become more competitive amid the surge in domestic natural gas and oil production. The proposed fast-track legislation isn't perfect but it ought to be good enough for sincere free traders. One useful provision directs the Obama Administration to negotiate labor and environmental provisions similar to those that were included in recent accords with Panama, Colombia, Peru and South Korea. That ought to allay GOP concerns that Mr. Obama could use the trade deals to override U.S. domestic law. More problematic is a directive that U.S. trade partners avoid manipulating exchange rates. This is a sop to unions and auto makers that blame currency shifts for their competitive woes, but the good news is that the legislative language is general and shouldn't poison negotiations with Japan and South Korea. The bill also targets state-owned enterprises, which unions complain unfairly benefit from government aid. Presumably they don't mean GM and the U.S. renewables industry. Silicon Valley is cheering the legislation's new trade goals to protect intellectual property and digital trade (e.g., e-books, mp3s). U.S. farmers would also benefit from a directive aimed at eliminating regulatory barriers to American products like the EU's bans on certain genetically-modified products and hormone-treated beef. One potential trouble spot is the proposal's larger opening for Congressional involvement in trade talks. Members have always been able to view the negotiating texts of trade agreements upon request, but this language would enshrine their access in statute. The danger is if Members become de facto co-negotiators with executive-branch officials, who would never be able to close a deal with 535 kibitzers in the hallway. Even with these concessions, House Democrats remain unsatisfied. "Congress will not be a rubber stamp for another flawed trade deal that will hang the middle class out to dry," Democratic Reps. Rosa DeLauro, Louise Slaughter and George Miller said in a statement. Ways and Means Ranking Member Sander Levin plans to introduce a rival bill to establish a special Congressional committee to determine whether a particular agreement would be eligible for fast-track. Mr. Levin is also demanding legislation that bars currency manipulation (as if the U.S. can push around foreign central banks) and "provides direct relief to U.S. industries materially injured by imports." These are all protectionist poison pills from the AFL-CIO, and free-traders are right to reject them. GOP leaders are supportive and will produce a majority of Republicans, but they want Mr. Obama to deliver some Democratic votes too. If Republicans are going to help Mr. Obama, he ought to be able to provide some political cover against union protectionists. George W. Bush personally made the fast-track case to Members in 2002, but Mr. Obama has so far outsourced the job to U.S. Trade Representative Michael Froman. The President could also make it harder to pass fast-track by insisting that Republicans extend Trade Adjustment Assistance (i.e., another form of jobless insurance), which expires at the end of the year. The last line of a White House December press release on trade commits to working with Congress to "protect and strengthen Trade Adjustment Assistance for America's workers." The White House and Harry Reid might also demand an extension of unemployment benefits as part of the deal, but they shouldn't treat fast-track as a vehicle for the rest of their liberal agenda. Expanded trade is its own reward. Mr. Obama can get a bipartisan victory that would help the economy and his legacy, but he's going to have to work for it.

### Lx

#### Drones restrictions unpopular in Congress- Republicans will fight

Digital Journal 2/4 “Drone limits put American 'lives at risk,' U.S. congressman says” http://www.digitaljournal.com/news/world/drone-limits-put-american-lives-at-risk-us-congressman-says/article/368892#ixzz2sVaqdGYf

Mike Rogers (R – Mich.), chairman of the House Intelligence Committee, stated Tuesday that drone limits put American “lives at risk.” At a hearing that met to discuss global threats to U.S. security, Rogers said, “The President’s May 2013 policy changes for U.S. targeted strikes are an utter and complete failure and they leave Americans’ lives at risk.” He also stated that individuals who would have been removed by U.S. counterterrorism operations for planning attacks against U.S. interests are now free because of limits the Obama administration has mandated. Rogers testified, "While we are busy pondering more ‘transparency, our intelligence professionals are left paralyzed because of totally incoherent policy guidance." Last November, Rogers defended a drone strike that killed a Pakistani Taliban leader, Hakimullah Mehsud, saying it would keep Americans safe. Rogers stated Mehsud was a “bad guy” who had killed Pakistani soldiers and forced the closure of many schools that educated girls.

#### Plan is a huge fight – Obama will reject restrictions.

Weber 13. [Peter, senior editor, "Will Congress curb Obama's drone strikes?" The Week -- February 6 -- theweek.com/article/index/239716/will-congress-curb-obamas-drone-strikes,]

One problem for lawmakers, says The New York Times in an editorial, is that when it comes to drone strikes, the Obama team "utterly rejects the idea that Congress or the courts have any right to review such a decision in advance, or even after the fact." Along with citing the law authorizing broad use of force against al Qaeda, the white paper also "argues that judges and Congress don't have the right to rule on or interfere with decisions made in the heat of combat." And most troublingly, Obama won't give Congress the classified document detailing the legal justification used to kill American al Qaeda operative Anwar al-Awlaki.

#### Obama fights the plan and sparks controversial battles in Congress – targeted killing is heavily criticized

Radsan and Murphy 12 (Afsheen John – Professor, William Mitchell College of Law; Assistant General Counsel at the Central Intelligence Agency from 2002 to 2004, and Richard – AT&T Professor of Law, Texas Tech University School of Law, “The Evolution of Law and Policy for CIA Targeted Killing”, 2012, 5 J. Nat'l Security L. & Pol'y 439, lexis)

This scenario emphasizes a simple point: President Obama, a Harvard Law School graduate, a former teacher of constitutional law at the University of Chicago and a Nobel Peace Laureate, must believe that he has the authority to order the CIA to fire missiles from drones to kill suspected terrorists. Not everyone agrees with him, though. For almost a decade now, the United States has been firing missiles from unmanned drones to kill people identified as leaders of al Qaeda and the Taliban. This "targeted killing" has engendered controversy in policymaking and legal circles, spilling into law review articles, op-ed pieces, congressional hearings, and television programs. n2 On one level, this [\*441] controversy is curious. A state has considerable authority in war to kill enemy combatants - whether by gun, bomb, or cruise missile - so long as those attacks obey basic, often vague, rules (e.g., avoidance of "disproportionate" collateral damage). So what is so different about targeted killing by drone? Some of the concerns about a CIA drone campaign relate to the personalized nature of targeted killing. All attacks in an armed conflict must, as a matter of basic law and common sense, be targeted. To attack something, whether by shooting a gun at a person or dropping a bomb on a building, is to target it. "Targeted killing," however, refers to a premeditated attack on a specific person. President Franklin D. Roosevelt, for instance, ordered Admiral Yamamoto killed not because he was any Japanese sailor, but because he was the author of "tora, tora, tora" on Pearl Harbor. President Obama, more recently, ordered Osama bin Laden killed not because the Saudi was any member of al Qaeda, but because he was the author of 9/11 who continued to command the terrorist organization. Targeted killing is psychologically disturbing because it is individualized. It is easier for a U.S. operator to kill a faceless soldier in a uniform than someone whom the operator has been tracking with photographs, videos, voice samples, and biographical information in an intelligence file. There is also concern that drones will attack improperly identified targets or cause excessive collateral damage. Targets who hide among peaceful civilians heighten these dangers. Of course, drone strikes should be far more precise than bombs dropped from a piloted aircraft. The lower [\*442] "costs" of drone strikes, however, encourage governments to resort to deadly force more quickly - a trend that may accelerate as drone technology rapidly improves and perhaps becomes fully automated through advances in artificial intelligence. Paradoxically, improved precision could lead to an increase in deadly mistakes. Another concern relates to granting an intelligence agency trigger authority. Entrusting drones to the CIA, an intelligence agency with a checkered history as to the use of force whose activities are largely conducted in secret, heightens concerns in some quarters that strikes may sometimes kill the wrong people for the wrong reasons. If applied sloppily or maliciously, targeted killing by drones could amount to nothing more than advanced death squads. For these and related reasons, the use of killer drones merits serious thought and criticism. Along these lines, many opponents of the reported CIA program have decried it as illegal. Without questioning their sincerity, one can acknowledge the soundness of their tactics. "Law talk" offers them a strong weapon. How could anyone, without shame or worse, support an illegal killing campaign? Illegality is for gangsters, drug dealers, and other outlaws - not the Oval Office.

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

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

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

**Still risk of economic decline**

SMH 8/22/12 (Sydney Morning Harold, “Risk of US double-dip recession rises: S&P” <http://www.smh.com.au/business/world-business/risk-of-us-doubledip-recession-rises-sp-20120822-24l7o.html>)

The odds the United States will slip back into recession next year have risen, ratings agency Standard & Poor's said, citing risks from the European debt crisis and budget tightening at year-end. The US ratings firm raised the chance of the US falling into recession to 25 per cent, up from a 20 per cent chance estimated in February, as the world's largest economy struggles to recover from a severe 2008-2009 slump. It also pointed to the looming possibility of the government being forced by existing law to severely cut spending and increase taxes on January 1, the so-called fiscal cliff that would crunch the economy. "Economic activity has downshifted sharply from earlier this year," S&P said in a report on North American credit conditions amid global uncertainty, dated August 20. Advertisement "At the same time, possible contagion from the European debt crisis, the potential so-called 'fiscal cliff', and the risk of a hard landing for China's economy have added greater uncertainty to US economic prospects," it said. In the second quarter, the world's largest economy grew at a 1.5 per cent annual rate, a sharp slowdown from late last year as unemployment remained stuck above 8.0 per cent. S&P underscored concern about the impact of a recession in the 17-nation eurozone, whose economy contracted 0.2 per cent in the second quarter. S&P forecast a 0.6 per cent contraction this year. "A double-dip recession in Europe that transmits financial turmoil to the US could push it into recession," the agency said. However, S&P said its baseline scenario for the US economy -- remained "modest growth," projecting a gross domestic product expansion of about 2.1 per cent for this year. S&P also said it expected that politicians would agree before year-end to change the current severe budget cut and tax hike mandates to avoid the fiscal cliff fate. However, it said, "We do not believe the US and European economies will improve substantially in the next year."

#### TPA is key to TPP and TTIP – key concessions from trade partners necessitate fast track guarantee

Chicago Tribune 2/1

“Obama's trade push: Harry Reid resists Obama's bid to expand trade” February 1, 2014 http://www.chicagotribune.com/news/opinion/editorials/ct-harry-reid-trade-edit-0201-20140201,0,6977605.story

"When 98 percent of our exporters are small businesses, new trade partnerships with Europe and the Asia-Pacific will help them create more jobs," Obama said in his State of the Union address Tuesday night. "We need to work together on tools like bipartisan trade promotion authority to protect our workers, protect our environment, and open new markets to new goods stamped 'Made in America.'"¶ It took Reid less than 24 hours to stomp all over that idea.¶ "I'm against fast track," Reid said on Wednesday. "I think everyone would be well-advised just not to push this right now."¶ Reid was referring to legislation that would give Obama the authority to negotiate trade agreements without meddling from Congress. The White House could cut a deal — put it on a fast track. Congress could vote the deal up or down, but couldn't try to rewrite the terms.¶ That power is critical to the prospects for ambitious free-trade agreements being negotiated with the European Union and Pacific Rim. These are big deals. They would be a boon for job creation and economic prosperity.¶ As a practical matter, there will be no trade deals without fast-track authority. Negotiators for America's EU and Asian trade partners won't make politically sensitive concessions with the White House unless they can be certain that Congress won't try to pick them apart.

#### Global trade is on the brink of collapse-rising US protectionism risks global escalation.

Lincicome 12 (Scott, trade attorney, “Is Missing American Trade Leadership Beginning to Bear Protectionist Fruit? (Hint: Kinda Looks Like It),” June 12, http://lincicome.blogspot.com/2012/06/is-missing-american-trade-leadership.html)

Over the past few years, I and several other US trade-watchers have lamented the United States' dwindling leadership on global trade and economic issues and warned of that trend's troubling potential ramifications. It appears that at least one of our breathless predictions may finally be coming true. Starting in mid-2009 - when it became depressingly clear that the Obama administration viewed trade in mostly political terms and thus would not be advancing a robust, proactive free trade agenda - we free traders expressed grave concern that US recalcitrance could harm not only US companies and workers, but also the entire global free trade system. As I explained in a 2009 oped urging the President to adopt a robust pro-trade agenda (as outlined in this contemporary Cato Institute paper): Since the 1940s, the US has led the charge to remove international barriers to goods, services and investment. The result: a global trade explosion that has enriched American families, spurred innovation, enhanced our security and helped millions escape poverty. Every US president since Herbert Hoover has championed free trade because of its proven benefits.... Because of today's rules-based multilateral trading system and the interdependence of global markets, US fecklessness on trade shouldn't lead to devastating protectionism akin to the Smoot-Hawley-induced tariff wars of the 1930s. But it's still a problem. In 2008, global trade contracted for the first time since 1982, and protectionist pressures abound. The WTO's Doha Round is comatose, even though an ambitious deal could inject US$2 trillion into the reeling global economy. Considering the US has steered every major trade initiative in modern history, any chance for significant progress on trade will disappear without strong American leadership - in word and deed. Since that time, the President has clearly not taken free traders' advice. The WTO's Doha Round is dead, despite a pretty good opportunity to force the issue back in late 2010. The Obama administration took three years to implement already-dusty FTAs with Korea, Panama and Colombia and actually insisted on watering the deals down with new protectionist provisions in order to finally agree to move them. And while countries around the world are signing new trade agreements left and right, we've signed exactly zero and have eschewed important new participants and demanded absurd domestic protectionism in the one agreement that we are negotiating (the TPP). Meanwhile, on the home front the President has publicly championed mercantilism, as his minions quietly pursued myriad efforts to restrict import competition and consumer freedom, embraced competitive devaluation and maintained WTO-illegal policies (while publicly denouncing protectionism, of course). Pretty stark when you lay it all out like that, huh? Despite this depressing state of affairs, it did not appear that the United States' diversion from its long free trade legacy had resulted in a tangible increase in global protectionism (although the death of Doha certainly isn't a good thing). Unfortunately, a new blog post from the FT's Alan Beattie indicates that those chickens may finally be coming home to roost: One of the very few bright spots in governments’ generally grim recent performance of managing the world economy has been that trade protectionism, rampant during the Great Depression, has been relatively absent. That may no longer be the case. The WTO, fairly sanguine about the use of trade barriers over the past few years, warns today that things are getting worrying. The EU made a similar point yesterday. And this monitoring service has been pointing out for a long time that a lot of the new forms of protectionism aren’t counted under the traditional categories, thanks to gaping holes in international trade law. After glancing at the bi-partisan protectionism on display in the 2012 US presidential campaign, Beattie concludes that, on the global trade stage, "things are looking scarier than they have for a while." I'm certainly inclined to agree, and one need only look South to Brazil's frighteningly rapid transition from once-burgeoning free trade star to economically-stagnant, unabashed protectionist to see a scary example of why. And while I agree with Beattie that the world still isn't likely to descend into a 1930s-style trade war - we can thank the WTO and the proliferation of free market economics for that - the rising specter of global protectionism is undoubtedly distressing. And, of course, it has risen just as America's free trade leadership has faded away. Now, as we all know, correlation does not necessarily mean causation, and it's frankly impossible to know just how much the dearth of US trade leadership has actually affected global trade policies. But I think it's pretty safe to say that it certainly hasn't helped matters. Just ask yourself this: how can the US admonish Brazil or any other country about its distressing mercantilism when the President is himself routinely preaching - and his administration is busy implementing - similar policies? How can we decry the global "currency wars" when we're discretely advocating a similar strategy? How can we push back against nations' increasing use of market-distorting subsidies or regulatory protectionism when we're.... I think you get the idea. As I've frequently noted here, it was a Democrat - Secretary of State Cordell Hull - who over 70 years ago began a global free trade movement that until very recently had been led - in word and deed - by Republican and Democratic administrations alike. And while the distressing recent spike in global protectionism may not have been caused by a lack of American trade leadership, it is very, very likely not going to recede until the United States regains its long-held place at the front of the trade liberalization pack.

#### Passing TPA is critical to the future viability of the WTO – which will collapse now.

Jeffrey Schott 6/14/13 Senior Fellow, Peterson Institute for International Economics Payoff from the World Trade Agenda

Peterson Institute for International Economics, Washington, DC

June 14, 2013 http://www.piie.com/publications/papers/transcript-20130614.pdf

Now, what are the prospects for Bali? Well, they’re not so good. Trade ministers are prone to accentuate the positive. But when APEC trade leaders met in Surabaya, Indonesia in April of this year, they admitted, and I need to quote this. This is what they said: “The negotiation as it stands now is not on course to lead to a successful outcome at the Ministerial Conference 9 in Bali.” And then even more ominously they said: “The continued viability of the WTO’s negotiating function is at serious risk.” So that’s what our trade leaders, our optimistic trade leaders are saying about the prospects for moving forward later this year in Bali. And it underscores the task that Terry and others have. And it has to be more than the business community, but as Fred said it has to be certainly pushed hard by the business community to just get the officials and the negotiators to recognize that there’s a lot at stake and a big window of opportunity to make progress, but a big cost if they don’t. Now, what are the reasons for the impasse? And this is something that goes beyond what we put in our study. It’s more of a postscript to our study to look at the task going forward. And there are a number of problems that beset the preparations for the Bali Ministerial. You can call them Bali aches if you like. Oh, yeah, I was wondering whether to say that, and obviously I shouldn’t have. The first is issue with linkages. These are tactical gambits that risk blocking agreement like similar moves blocked agreement on the overall DOHA agenda over the past 10 years. And the key problem going forward for Bali is linking what is called food security subsidies with the trade facilitation agreement. There are important issues with regard to food security. There are important issues with regard to agricultural subsidies. But they should not be used in a way that blocks the ability to get the big deliverable out of Bali. And negotiators are still tied up in knots on how to do that. The second problem regards imbalances. Each country has a different idea of what is a balanced accord. Now, the terminology is important. In the past, we talked in trade negotiations about reciprocity. Reciprocity is an ambiguous term, but it’s a lot clearer than talking about balanced because each country hastheir own idea of what balanced is and there’s no consistent standard to set it on. So the first imbalance derives from differences in how countries value the benefit of policy change, basically taking what’s going on now and changing what countries do in order to open up more opportunities from trade and investment and how they value the increase in policy predictability that comes when new obligations constrain the ability of governments to reverse liberalization and to add new protectionism. So those are important. How do you value those things? In fact, the appreciation of the value of those two aspects is sometimes not well understood. The second imbalance comes between the level of progress that is needed on market access across agriculture and manufacturing and services, and the progress on commitments to new rule-making obligations, which often also encompass reforms that result in improved market access. This is part of the problem with the duty-free, quota-free issue and the resistance to going to a 100 percent coverage of tariff lines in a number of countries. There needs to be progress both on the coverage of the tariff preferences for the least developed countries. But there also needs to be progress on the eligibility rules for qualifying for the preferential rates. I mean, there are some countries that provide a 100 percent duty-free, quota-free treatment for least developed countries, but those countries don’t get access to that market because the eligibility rules, the content requirements and the like, basically block them from access to those markets. So those two things have to be done. There has to be a greater liberalization of the eligibility requirements to make those LDC preferences meaningful. And third, there are leadership lapses. And this has been throughout the DOHA Round, so this is nothing new. The big players, developed and developing, need to put their chips on the table. For the U.S. and the EU, this means real constraints on farm supports and real new access for the exports of the least developed countries. These countries should be more responsive with regards to cuts of agricultural export subsidies—that’s one of our initiatives in our study. And indeed, there has been suggestions for 16 Bali that developing countries want the U.S. and Europe to commit to a 50 percent down payment on reductions of agricultural export subsidies, but that’s actually doable given the current climate of high commodity prices and should be acceptable if the deal included a snapback clause. But it seems to be resisted so far. And this is one area where the negotiators are being a bit too risk-averse. For China, it means dropping the charade that they are recently a ceded member to the WTO, and therefore, don’t have to do anymore. They need to do more. They need to commit to broader liberalization than other developing countries. And they have the ability to do that. For all the BRICs, it means advancing services negotiations as a means to unblock the negotiating impasse on agriculture and on NAMA. Now, this audience probably is focusing on, well, how the heck is the United States going to do in any of this. And it leads to the question of what about trade promotion authority. For the U.S., passage of new trade promotion authority would send a very positive signal that we were willing and able to make these commitments and follow through on them, and it should be done soon.

#### TPA is necessary to secure US economy and competitiveness

Oberhelman 12/29 “Congress must update and pass Trade Promotion Authority legislation”

Doug Oberhelman is chairman and CEO of Caterpillar in Illinois and chairman of Business Roundtable’s International Engagement Committee. http://seattletimes.com/html/opinion/2022546185\_dougoberhelmanprotradeoped30xml.html

LIKE most Americans, I’m frustrated with the slow rate of economic growth in the United States over the last several years.¶ Most proposals to fix the problem focus on domestic issues — government spending, taxes and infrastructure projects, to name a few.¶ As the chairman and chief executive officer of Caterpillar, I particularly like to talk about the need to invest in our nation’s infrastructure, which helps to make America more competitive in the world economy.¶ But while all of these issues are critically important to the U.S. economy, the opportunity to increase U.S. investment, growth and jobs requires us to go beyond America’s border.¶ Ninety-six percent of the world’s consumers live outside of the United States. In fact, in the last five years, Caterpillar has exported more than $82 billion in products manufactured at our factories in the United States, supporting tens of thousands of jobs. Creating opportunities for American companies to reach these consumers through new and expanded free-trade agreements can help to get our economy back on track and keep our nation globally competitive.¶ Today, trade supports more than one in five American jobs. U.S. exports have grown more than twice as fast as GDP since 2002, accounting for 14 percent of GDP in 2012. And workers in U.S. companies that export goods earn on average up to 18 percent more than those in similar jobs in non-exporting companies.¶ The United States is currently pursuing one of the most ambitious trade agendas in a generation, trade agreements that would open markets in the Asia-Pacific region and in Europe.¶ Also being negotiated is an agreement aimed at knocking down barriers to boost the global competitiveness of U.S. services companies. But to realize the economic benefits of these pending trade deals, Congress must update and pass Trade Promotion Authority legislation.¶ A partnership between Congress and the Administration, TPA legislation helps shape a strategic vision for U.S. trade policy and the goals the United States wants to accomplish in trade negotiations.¶ It provides a framework for Congress and the president to work together to craft that vision, and it helps define the critical constitutional relationship between Congress and the president with respect to foreign commerce.¶ From the 1930s until 2007, Congress has authorized every president to pursue trade agreements that open markets for U.S. goods and services. Such authority was last passed by Congress in 2002 and expired in 2007.¶ Updated TPA legislation would provide clear guidance on Congress’ requirements for trade agreements. It would also provide our trade negotiating partners with a degree of comfort that the United States is committed to the international trade negotiating process and the trade agreements we negotiate.¶ In the coming weeks it is expected that Congress will introduce updated TPA legislation. Congress should seize the opportunity to shore up the benefits of current and future trade agreements — increased U.S. investment, growth and jobs — by passing updated TPA legislation.¶ Working with the president to do so would ensure that the United States continues to pursue trade agreements that not only would allow companies like Caterpillar to remain globally competitive, but also would benefit America.

# \*\*\*2nc

# 2NC Overview

**---all of our solvency arguments are *net offense*---legalism creates the façade that the executive is being constrained but allowing the government to do as it pleases under the guise of constraint---this swells executive power and turns the case**

Osborn 8 Timothy Kaufman is the Baker Ferguson Professor of Politics and Leadership at Whitman College; from 2002-06 as president of the American Civil Liberties of Washington; and he recently completed a term on the Executive Council of the American Political Science Association. Theory & Event > Volume 11, Issue 2

The examples cited in this section suggest not the formation of an utterly lawless regime, but, rather, within an order that continues to understand itself in terms of the categories provided by liberal contractarianism, the more insidious creation, multiplication, and institutionalization of what David Dyzenhaus calls "grey holes." Such holes are "spaces in which there are some legal constraints on executive action...but the constraints are so insubstantial that they pretty well permit government to do as it pleases."40 As such, they are more harmful to the rule of law than are outright dictatorial usurpations, first, because the provision of limited procedural protections masks the absence of any real constraint on executive power; and, second, because location of the authority to create such spaces within the Constitution implies that, in the last analysis, they bear ex ante authorization by the people. When created, in other words, they may receive but they do not require ratification, whether by Congress or by those whom its members are said to represent. What this means in effect is that the second Bush administration has dispensed with Jefferson's stipulation that extra-constitutional executive acts (or, rather, acts that Jefferson deemed to be outside those constitutionally permitted) require ex post facto ratification; and, in addition, that it has dispensed with Locke's contention that, however unlikely, at least in principle, specific exercises of extra-legal prerogative power (or, rather, acts that Locke deemed to be outside those legally permitted) are properly subject to revolutionary rejection. What one finds in the second Bush administration, then, is a denial of both models of accountability, combined with an aggressive commitment to the constitution of a security state that is liberal only in name. As it extends its reach, perfection of that state renders the prospect of popular repudiation of prerogative power ever more chimerical, and, indeed, renders recognition of the problematic character of its exercise ever less likely.

# 2NC AT: Permutation

 **(4) lost in the details disad---they zero in on certain aspects of executive power which stop broader systemic criticisms which is necessary to check executive power**

**Saas, 12** \*\*William O. Pf Department of Communication Arts and Sciences at the Pennsylvania State University. symploke > Volume 20, Numbers 1-2

How might one critique this massive network of violence that has become so enmeshed in our contemporary geo-socio-political reality? Is there any hope for reversing the expansion of executive violence in the current political climate, in which the President enjoys minimal resistance to his most egregious uses of violence? How does exceptional violence become routine? Answers to these broad and difficult questions, derived as they are from the disorientingly vast and hyper-accelerated retrenchment of our current political situation, are best won through the broad strokes of what Slavoj Žižek calls "systemic" critique. For Žižek, looking squarely at interpersonal or subjective violences (e.g., torture, drone strikes), drawn as we may be by their gruesome and immediate appeal, distorts the critic's broader field of vision. For a fuller picture, one must pull one's critical focus back several steps to reveal the deep, objective structures that undergird the spectacular manifestations of everyday, subjective violence (Žižek 2008, 1-2). Immediately, however, one confronts the limit question of Žižek's mandate: how does one productively draw the boundaries of a system without too severely dampening the force of objective critique? For practical purposes, this essay leaves off discussion of neoliberal economic domination, vital as it may be to a full accounting for the U.S.' latest and most desperate expressions of state solvency.

 **(6) complacency DA--- relying on the law create psychological cooption and satisfaction with what he we have done**

**Lobel, 7 –** Assistant Professor of Law, University of San Diego, (Orly, Harvard Law Review, 120 Harv. L. Rev. 937)

Psychological cooptation is produced by the law precisely because law promises more than it can and will deliver. At the same time, law is unlike other sets of rules or systems in which we feel as though we have more choice about whether to participate. As described earlier, law presents itself simultaneously as the exclusive source of authority in a society and as the only engine for social change. It further presents itself as objective, situated outside and above politics. Thus, social actors who enter into formal channels of the state **risk transformation into a particular hegemonic consciousness.** Relying upon the language of law and legal rights to bring change legitimates an ideological system that masks inequality. [95](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n95) When social demands are fused into legal action and the outcomes are only moderate adjustments of existing social arrangements, the process in effect **naturalizes systemic injustice.** The legal process reinforces, rather than resists, the dominant ideologies, institutions, and social hierarchies of the time. For example, when a court decision declares the end of racial segregation but de facto segregation persists, individuals become blind to the root causes of injustice and begin to view continued inequalities as inevitable and irresolvable. Similarly, **rights-based discourse has a legitimation effect, since rights mythically present themselves as outside and above politics.** [96](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n96) Meanwhile, the legal framework allows the courts to implement a color blindness ideology and grant only symbolic victories rather than promote meaningful progress. [97](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n97) As such, the role of law is one that in fact ensures the [\*958] "continued subordination of racial and other minority interests," while **pacifying the disadvantaged who rely on it.** [98](http://www.lexis.com/research/retrieve?_m=b7d531dcca7209b987833602ed6fbb4e&docnum=23&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAt&_md5=3f8bfd4662cb01d0d1bf9f28a63e1155&focBudTerms=lobel%20and%20harvard&focBudSel=all#n98) Social movements **seduced by the "myth of rights" assume** a false sequence, namely "that litigation can evoke a declaration of rights from courts; that it can, further, be used to assure the realization of these rights; and, finally, that realization is tantamount to meaningful change."

## 2nc at: pub support

#### The poorly informed public continues to prop up Obama’s drone policy. Current government justifications enable it to discount alternate media narratives and cast a fog over public debate about drones.

Naiman 13 Robert Naiman is Policy Director at Just Foreign Policy. Mr. Naiman edits the Just Foreign Policy daily news summary and writes on U.S. foreign policy at Huffington Post. Naiman has worked as a policy analyst and researcher at the Center for Economic and Policy Research and Public Citizen's Global Trade Watch. He has masters degrees in economics and mathematics from the University of Illinois and has studied and worked in the Middle East. “WikiLeaks and the Drone Strike Transparency Bill” http://www.huffingtonpost.com/robert-naiman/wikileaks-and-the-drone-s\_b\_4282595.html

The Senate Intelligence Committee recently took an important step by passing an intelligence authorization which would require for the first time -- if it became law -- that the administration publicly report on civilian casualties from U.S. drone strikes. Sarah Knuckey, Director of the Project on Extrajudicial Executions at New York University School of Law and a Special Advisor to the UN Special Rapporteur on extrajudicial executions, calls this provision "an important step toward improving transparency," and notes that "Various U.N. officials, foreign governments, a broad range of civil society, and many others, including former U.S. Department of State Legal Advisor Harold Koh ... have called for the publication of such basic information." This provision could be offered as an amendment in the Senate to the National Defense Authorization Act. It could be offered in the House as an amendment on the intelligence authorization, or as a freestanding bill. But it's not likely to become law unless there's some public agitation for it (you can participate in the public agitation here.) Forcing the administration to publish information is crucial, because in the court of poorly informed public opinion, the administration has gotten away with two key claims that the record of independent reporting strongly indicates are not true: 1) U.S. drone strikes are "narrowly targeted" on "top-level terrorist leaders," and 2) civilian casualties have been "extremely rare." Poll data shows that majority public support of the drone strike policy is significantly based on belief in these two false claims; if the public knew that either of these claims were not true, public support for the policy would fall below 50%. By keeping key information secret, the administration has been able to avoid having its two key claims in defense of the policy refuted in media that reach the broad public. You might think that if a key reason that it's been difficult to do anything politically in the U.S. about the drone strike policy has been the apparent public support for the policy among people who do not know that the strikes have not been "narrowly targeted" on "top-level terrorist leaders" and who do not know that civilian casualties have not been extremely rare, then if there were a proposed transparency reform that could force the administration to disclose information that would likely contribute greatly to knowledge among the general public that these two key claims are not true, it should be a no-brainer that critics of the policy should vigorously support this reform. Sadly, it is not, apparently, a no-brainer, because there are people who claim that transparency reforms are meaningless. And while it is tempting to try to ignore such people, they have a disproportionate impact to their numbers because most people don't have the life experience that would enable them to easily judge between the competing claims "transparency reforms are important" and "transparency reforms are meaningless." Our starting point is that many Americans, compared to Europeans, are politically disengaged, alienated from political engagement most of the time. So when you put out a call for people to engage Congress, you have a group of people who get it right away and take action, and a another group of people who think, "Engage Congress? Not that again," and treat it as a huge personal sacrifice to engage Congress, like you asked them to volunteer for a root canal. These people are looking for any excuse to not take action. So if someone pops up and says, "transparency reforms are meaningless," these people have an excuse not to take action. "Oh, this proposed reform is controversial, not everyone agrees, so I don't have to do anything." To people who want to claim that transparency reforms are meaningless, I want to say this: tell it to WikiLeaks. What was the fundamental strategic idea of WikiLeaks? What was the fundamental insight that Julian Assange deeply grasped that caused him to initiate this project, at great personal risk to himself and his close collaborators? It was that governments are hiding key information that the public has the right to know, that allowing governments to continue to hide this information fundamentally undermines democratic accountability, and that forcing this information into public debate fundamentally enables democratic accountability. Case in point: Just Foreign Policy issued a crowd-sourced reward for WikiLeaks to publish the secret negotiating text of the Trans Pacific Partnership agreement, which, among many other concerns, critics like the AARP have charged threatens the ability of the U.S. government to make medicines safe and affordable under the Affordable Care Act. This week, WikiLeaks delivered, publishing the negotiating text of the "intellectual property" chapter of the TPP, the most controversial part of the agreement, including the negotiating positions of different countries. (If you made a pledge to the reward, you can fulfill your pledge here. ) Publishing this information generated a lot of press. (Google "WikiLeaks and TPP.") It also allowed critics of the agreement, like Public Citizen, Doctors Without Borders, and the Electronic Frontier Foundation to respond directly to the TPP text in making their criticisms. Predictably, some journalists wrote what they often write about such disclosures: that there was nothing really shocking for insiders who were closely following the issue. And, in a narrow sense, that's not untrue. But it missed the point. In general, disclosing "secret" government policies mostly isn't about educating journalists and other insiders who are closely following the issues. It's about educating the broad public, which never saw this information clearly presented in major media.

## 2nc at: law works

**Politics is Schmittian – congress and courts cannot effectively constrain the executive**

**Vermeule and Posner, 11** – Adrian Vermeule, prof of Law at Harvard University Law School, Eric A Posner., prof of Law at the University of Chicago Law School, Executive Unbound: After the Madisonian Republic, Oxford University Press 2011

Our thesis is that these modifications to liberal legalism fail. Either they do not go far enough to square with the facts, or they go so far as to effec­tively abandon the position they seek to defend. We live in a regime of executive-centered government, in an age after the separation of powers, and the legally constrained executive is now a historical curiosity. As against liberal constitutional theorists like Janies Madison, Bruce Acker­man,1 and Richard Epstein,2 and liberal theorists of the rule of law like ..Albert Venn Dicey3 and David Dyzenhaus,4 we argue that in the modern administrative state the executive governs, subject to legal constraints that are shaky in normal times and weak or nonexistent in times of crisis. Whereas Madison is an exemplar of liberal legalism, particularly in the domain of constitutional theory, we draw upon the thought of the Weimar legal theorist Carl Schmitt. We do not agree with all of Schmitt’s views, by any means. To the. extent Schmitt thought that democratic poli­tics do not constrain the executive, or thought that in the administrative state the executive is not only largely unconstrained by law but also uncon­strained tout court, we disagree. Indeed, to the extent that Schmitt thought this, he fell into a characteristic error of liberal legalism, which equates lack of legal constraint with unbounded power. But Schmitt’s critical arguments against liberal legalism seem to us basically correct, at least when demysti­fied and rendered into suitably pragmatic and institutional terms. A central theme in Schmitt s work, growing outof Weimar’s running economic and security crises in the 1920s and early 1930s, involves the relationship between the classical rule-of-law state, featuring legislative enactment of general rules enforced by courts, and the administrative state, featuring discretionary authority and ad hoc programs, administered by the executive, affecting particular individuals and firms. The nub of Schmitt s view is the idea that liberal lawmaking institutions frame, general norms that are essentially “oriented to the past,” whereas “the dictates of modern interventionist politics cry out for a legal system conducive to a present- and future-oriented ‘steering’ of complex, ever-changing eco­nomic scenarios.”3 Legislatures and courts, then, are continually behind the pace of events in the administrative state; they play an essentially reac­tive and marginal role, modifying and. occasionally blocking executive policy initiatives, but rarely taking the lead. And in crises, the executive governs nearly alone, at least so far as law is concerned. In our view, the major constraints on the executive, especially in crises, do not arise from law or from the separation-of-powers framework defended by liberal legalists, but from politics and public opinion. Law and politics are hard to separate and lie on a continuum—elections, for example, are a complicated mix: of legal rules and political norms—but the poles are clear enough for our purposes, and the main constraints on the executive arise from the political end of the continuum. A central fallacy of liberal legalism, we argue, is the equation of a constrained executive with an executive constrained by law. The pressures of the administrative state loosen legal constraints, causing liberal legalists to develop tyrannophobia, or unjustified fear of dictatorship. They overlook the de facto political con­straints that have grown up and, to some degree, substituted for legal constraints on the executive.6 As the bonds of law have loosened, the bonds of politics have tightened their grip. The executive, “unbound” from the standpoint of liberal legalism, is in some ways more constrained than ever before. We do not claim that these political constraints necessarily cause the executive to pursue the public interest, however defined, or that they pro­duce optimal executive decision-making. We do claim that politics and public opinion at least block the most lurid forms of executive abuse, that courts and Congress can do no better, that liberal legalism goes wrong by assuming that a legally unconstrained executive is unconstrained overall, and that in any event there is no pragmatically feasible alternative to exec­utive government under current conditions. The last point has normative implications, because of the maxim “Ought implies can.” Executive gov­ernment is best in the thin sense that there is no feasible way

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# 2NC Circumvention

#### The Obama administration is already a master at pretending to adhere to the law

Weber 13 | Peter, The Week, February 6, http://theweek.com/article/index/239716/will-congress-curb-obamas-drone-strikes

Congress allowed that by authorizing "war" not just with Afghanistan but with al Qaeda and its affiliates in 2001, and if we are at war with the terrorists, they can be killed on sight. "And it doesn't matter if you're an al Qaeda member who happens to be a U.S. citizen, just as it didn't matter if you were a German soldier who happened to be an American citizen during World War II." Obama and Bush administration lawyers have stretched the Constitution and traditional rules of international law to accommodate the threat posed by terrorism. Some people will say they violated the law. But given the political consensus supporting these moves within the U.S., it is more accurate to say that the law has evolved. It gives the president the discretion he needs, or at least wants, to address an amorphous threat. Let's hope he uses that discretion wisely.

#### the executive just manipulates statutory restrictions and affirmations of authority increasing executive authority and power---turns case

**Brecher, 12** – (JD 2013, University of Michigan Law School (December, Aaron P., Michigan Law Review, “NOTE: Cyberattacks and the Covert Action Statute: Toward a Domestic Legal Framework for Offensive Cyberoperations”, 111 Mich. L. Rev. 423, Lexis)

But that objection ignores a long history of executive responses to statutes that seek to define presidential power. The executive branch has a long-standing tradition of construing statutory definitions and limitations on presidential power as affirmations of authority. n136 Perverse though that logic may seem, it maps well onto the widely acknowledged constitutional significance that executive practice has when analyzing separation of powers questions. n137 One salient example is the War Powers Resolution, whose limitations have already been read so as not to apply to a wide range of activities. n138 The executive branch has interpreted the resolution, passed in the flurry of efforts to control executive power after Watergate and Vietnam, as a confirmation of the president's power to use the military in hostilities without specific statutory authorization. n139 Reading the limits imposed by the covert action statute as an affirmation, if not a grant of power, provided that the proper procedures are followed, would not be a dissimilar exercise. Moreover, because the broad language used to define covert action seems to [\*446] invite such a construction, it is not nearly as objectionable as a strained interpretation of the War Powers Resolution that twists the term "hostilities" almost beyond recognition.

#### The administration will ignore Congressional requests

Roberts 13 (Kristin, When the Whole World Has Drones, National Journal, 21 March 2013, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321, da 8-1-13)

America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts. To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat.

#### Also causes rollback/circumvention

Laura Young, Ph.D., Purdue University Associate Fellow, June 2013, Unilateral Presidential Policy Making and the Impact of Crises, Presidential Studies Quarterly, Volume 43, Issue 2

A president looks for chances to increase his power (Moe and Howell 1999). Windows of opportunity provide those occasions. These openings create an environment where the president faces little backlash from Congress, the judicial branch, or even the public. Though institutional and behavioral conditions matter, domestic and international crises play a pivotal role in aiding a president who wishes to increase his power (Howell and Kriner 2008, 475). These events overcome the obstacles faced by the institutional make-up of government. They also allow a president lacking in skill and will or popular support the opportunity to shape the policy formation process. In short, focusing events increase presidential unilateral power.

#### And if the executive does decide to listen to Congress – they will lie – just like they did in Vietnam

Branfman 13 Fred, Alternet, My Experiences up Close with the People Who Bombed a 700-Year-Old Civilization into Dust, 7-18

I learned then that one key to executive power is its secrecy and deception. As described in an earlier piece, executive officials did not inform Congress it was bombing Laos, as Senator J. William Fulbright stated in the fall of 1969. Even after the refugees from U.S. bombing had been brought to the capital city of Vientiane in September 1969 (each said their villages had been partially or completely destroyed, and I had photographed dozens who had been blinded, burned by napalm, and lost arms and legs), U.S. Executive Branch officials still lied to legislators by denying they had bombed civilian targets. Back in D.C. on April 22, 1971, I saw an executive branch representative, former U.S. Ambassador William Sullivan, look directly into the eyes of a legislator, Senator Edward Kennedy, and lie to his face, saying, "It was the policy not to bomb civilian targets in Laos." I knew Kennedy knew he was being lied to. He had issued a report six months earlier saying that, “the United States has undertaken a large-scale air war over Laos to destroy the physical and social infrastructure in Pathet Lao-held areas. The bombing has taken and is taking a heavy toll among civilians." In the fictional democracy many pundits think we still live in, Kennedy would have sworn Sullivan in and indicted him for perjury for lying to Congress. But even 40 years ago, one of the Senate's most powerful legislators did not dare seriously challenge what he knew was unaccountable executive mass murder. The killing of civilians in Laos, Cambodia and Vietnam continued for two more years until it was finally halted. This craven congressional fear of the Executive is another key to its power. I first observed this in 1967, when I accompanied my congressman, Lester Woolf, along with Congressman Rex McCarthy, on a visit to Sam Thong. It was portrayed in the press as a center for refugees fleeing communism, but actually was a camp for dependents of Hmong soldiers fighting in the CIA's secret army.

#### Or they just don’t release info because of the SSP

Ross 13 Alice K, The Bureau of Investigative Journalism, 8-1, http://www.thebureauinvestigates.com/2013/08/01/is-congressional-oversight-tough-enough-on-drones/

By law, the President is required to ensure that the committee is kept “fully and currently informed” of intelligence activities.’ Senate intelligence committee But committee members have complained about being denied information – and a source with knowledge of the committees’ functioning told the Bureau: ‘It’s a serious question as to how much any elected official could possibly understand about what’s going on inside’ the intelligence agencies. In 2012 the Los Angeles Times published what it said was a detailed account of these meetings – based on anonymous briefings – outlining how committee members and aides from the House and Senate committees go to the CIA headquarters each month to watch video footage of recent drone strikes. But new findings from the Bureau’s field research differ sharply from the account of what was reportedly shown to the committees on one occasion. The LA Times reported that anonymous aides described seeing footage of a strike that took place on June 4 2012. The attack represented a major success for the agency, killing Yahya al-Libi, al Qaeda’s second-in-command. Aides reported seeing footage showing al-Libi alone being killed by a missile. But Bureau field research and multiple credible reports tell a different story, in which the day’s events appear to be significantly more complex. The BBC, CNN and other international news outlets were among those reporting that the missile that killed al-Libi was the final part of a sequence of attacks that killed between 14 and 18 people. Sources including the Washington Post reported that after an initial strike, drones returned to attack those carrying out rescue work. Related story - Bureau investigation finds fresh evidence of CIA drone strikes on rescuers If the report of what was shown to the oversight committees is accurate – and if the Bureau and other news agencies are correct – then it appears that committee members were only shown video covering the final part of the incident, giving a misleading impression that concealed over a dozen deaths. The SSCI’s website states: ‘By law, the President is required to ensure that the committee is kept “fully and currently informed” of intelligence activities.’ CIA spokesman Edward Price told the Bureau: ‘The CIA takes its commitment to Congressional oversight with the utmost seriousness. The Agency provides accurate and timely information consistent with our obligation to the oversight Committees. Any accusation alleging otherwise is baseless.’ Neither the House nor the Senate committee would comment, despite repeated requests from the Bureau. But Feinstein’s office did point the Bureau towards a five-month-old statement by the senator on oversight of the drone campaign, made shortly after the public nomination hearings for CIA director John Brennan, of which drones were a major focus. The statement briefly outlined the review process for drone strikes. But it added the Obama administration had refused to provide the committee with memos outlining the legal justifications for drone strikes, despite repeated requests from senior committee members. I’ve been on this Committee for more than 10 years, and with the exception of Mr. Panetta, I feel I’ve been jerked around by every CIA Director’ Senator Barbara Mikulski ‘I have sent three letters [between 2010 and 2013]… requesting these opinions,’ Feinstein said. ‘Last week, senators on the committee were finally allowed to review two OLC [Office of Legal Counsel] opinions on the legal authority to strike US citizens. We have reiterated our request for all nine OLC opinions – and any other relevant documents – in order to fully evaluate the executive branch’s legal reasoning, and to broaden access to the opinions to appropriate members of the committee staff.’ The challenges of oversight The Bureau has previously questioned the effectiveness of the intelligence committees’ oversight of drone strikes. In February 2013. Feinstein used opening remarks at John Brennan’s nomination hearings to claim her committee had done its ‘utmost to confirm’ low civilian casualties in CIA drone strikes. The Bureau contacted four fellow independent organisations which had carried out field investigations looking at civilian casualties in Pakistan. Each had published evidence of civilian casualties – yet none had ever been contacted by committee members or their staff in response to their findings, raising concerns the committee is too dependent on the intelligence community’s assessments. Related story – No evidence Congress does ‘utmost’ to follow up drone civilian death claims Current committee members have complained about being blocked from robust scrutiny. At Brennan’s nomination hearings, Senator Barbara Mikulski said: ‘I’ve been on this Committee for more than 10 years, and with the exception of Mr. Panetta, I feel I’ve been jerked around by every CIA Director. I’ve either been misled, misrepresented, had to pull information out – often at the most minimal kind of way… And quite frankly, during those questions, they were evaded; they were distorted, et cetera.’

**The executive will give the Congress the finger – secrecy, media and lying**

Branfman 13 Fred, Director of Project Air War, interviewed the first Lao refugees brought down to Vientiane from the Plain of Jars in northern Laos, visited U.S. airbases in Thailand and South Vietnam, talking with U.S. Embassy officials, Alternet, 6-9

Whatever his personal beliefs prior to becoming President Mr. Obama, as the Executive's titular leader, has necessarily signed up to support the secrecy, lying, and disinformation it employs to enjoy maximum flexibility from democratic oversight in order to pursue its policies of overt and covert violence. Two important new books - Jeremy Scahill's Dirty Wars and Mark Mazzetti's The Way of the Knife - describe how, in near-total secrecy, the U.S. Executive is a world of its own. Over the last 12 years, Executive officials have unilaterally and secretly launched, escalated or deescalated wars; installed and supported massively corrupt governments, savage warlords, or local paramilitary forces, and overthrown leaders that have displeased it; created the first unit of global American assassins and fleets of machines waging automated war; engaged in vicious turf wars for more money and budget; spied on Americans including the media and activists on a scale unmatched in U.S. history; compiled 3 different sets of global "kill lists" independently operated by the White House, CIA and Pentagon/JSOC; used police-state tactics while claiming to support democracy, e.g. when it fed retina scans, facial recognition features and fingerprints of over 3 million Iraqi and Afghani males into a giant data base; incarcerated and tortured, either directly or indirectly, tens of thousands of people without evidence or trial; and much more. All of these major activities are conducted entirely by the Executive Branch, without meaningful Congressional oversight or the knowledge of the American people. The foundational principle of the U.S. Constitution is that governments can only rule with the "informed consent" of the people. But the U.S. Executive Branch has not only robbed its people of this fundamental right. It has prosecuted those courageous whistleblowers who have tried to inform them. The U.S. mass media, dependent upon the Executive for their information and careers, and run by corporate interests benefiting from Executive largesse, predominately convey Executive Branch perspectives on an hourly basis to the American people. Even on the relatively few occasions when they publish information the Executive wishes to keep secret, it has little impact on Executive policies while maintaining the illusion that the U.S. has a "free press". The U.S. Executive is essentially free to conduct its activities as it wishes. In future articles in this space we will explore three key features of the U.S. Executive Branch: (1) Evil - If evil consists of murdering, maiming, and making homeless the innocent, and/or waging the “aggressive war” judged the “supreme international crime” at Nuremberg, the U.S. Executive Branch is today clearly the world’s most evil institution. It has killed, wounded or made refugees of an officially-estimated 21 million people in Iraq and Indochina alone, far more than any other institution since the time of Stalin and Mao. President Obama is the first U.S. President to acknowledge, in his recent "counterterrorism" speech, that this number has included killing "hundreds of thousands" of civilians in Vietnam whom it officially claimed it was trying to protect. Former Secretary of Defense Robert McNamara put the total number of Vietnamese killed at 3.4 million. [38] (2) Lawlessness - If illegality consists of refusing to obey the law, the Executive is clearly the most lawless institution in the world. It routinely violates even timid legislative attempts to control its unilateral war-making. And no nation on earth has signed fewer international laws, and so failed to observe even those it has signed. These include measures like those intended to clean up the tens of millions of landmines and cluster bombs [39] with which it has littered the world, refused to clean up, and which continue to murder and maim tens of thousands of innocent people until today. (3) Authoritarianism - And if "authoritarianism" consists of a governing body acting unilaterally, regularly deceiving its own citizenry, neutering its legislature ,and prosecuting those who expose its lies, the U.S. Executive is clearly the most undemocratic institution in America. Indeed its deceiving its own people - keeping its activities secret and then lying about and covering them up when caught - throws its very legitimacy into question.

#### Emergencies!

Vermeule 9 \*Adrian, John H. Watson, Jr. Professor of Law, Harvard Law School. Harvard Law Review, 122 Harv. L. Rev. 1095, February

In the modest version, once the layers of interpretive dross and continental conceptualisms are cleaned off of Schmitt's thinking, what remains are several important mid-sized and largely institutional or [\*1101] empirical insights. Emergencies cannot realistically be governed by ex ante, highly specified rules, but at most by vague ex post standards; it is beyond the institutional capacity of lawmakers to specify and allocate emergency powers in all future contingencies; practically speaking, legislators in particular will feel enormous pressure to create vague standards and escape hatches - for emergencies and otherwise - in the code of legal procedure that governs the mine run of ordinary cases in the administrative state, because legislators know they cannot subject the massively diverse body of administrative entities to tightly specified rules, and because they fear the consequences of lashing the executive too tightly to the mast in future emergencies. As we will see, all of these institutional features are central to our administrative law, and they create the preconditions for the emergence of the legal black holes and legal grey holes that are integral to its structure.

## 2nc turns case

#### Backlash means no precedent will be set

Baum & Devins 10—Professor of Political Science @ Ohio State University & Professor of Law and Professor of Government @ College of William and Mary [LAWRENCE BAUM & NEAL DEVINS, “ARTICLE: Why the Supreme Court Cares About Elites, Not the American People,” Georgetown Law Journal, 98 Geo. L.J. 1515, August 2010]

C. ELECTED GOVERNMENT BACKLASH

The Supreme Court sometimes takes into account the risk of elected government backlash, by which we mean any negative action directed at the Court or its decisions. n48 In particular, lacking the powers of purse and sword, the Court cannot assume that other parts of government will implement its decisions. For this reason, the Court sometimes takes implementation concerns into account when deciding a case. The Court, moreover, sometimes beats a retreat from an earlier decision in response to elected government opprobrium.

Justices are well aware of the potential backlash risks of a sweeping constitutional ruling. For example, the Justices thought that President Richard Nixon might disobey a divided Court ruling in the Watergate tapes case--so, in order to speak unanimously, they compromised with each other and issued a narrow, indeterminate ruling. n49 Likewise, Chief Justice Earl Warren, recognizing potential  [\*1526]  Southern resistance to Brown v. Board of Education, felt strongly that the Court should issue a unanimous holding--even if it meant that the decision would be watered down in order to accommodate the competing preferences of different Justices. n50 The Justices can also take potential backlash risks into account either by issuing narrow, minimalist constitutional rulings or by ruling on statutory, rather than constitutional, grounds. For example, by ducking a constitutional challenge to the 2006 Voting Rights Act reauthorization, n51 the Roberts Court--as Barry Friedman put it--may well have recognized that "[o]ver-ruling a key provision of the recently-renewed congressional law might have brought the Court in for some serious and uncomfortable criticism." n52

The most vivid examples of the Justices taking backlash into account are decisions in which the Court distances itself from earlier, unpopular decisions. n53 In some cases, the Court's composition has changed--so it may be that appointments and confirmation politics explains the change of position. n54 In other  [\*1527]  cases, the Court is clearly responding to elected government attacks on its earlier rulings. n55 Following a spate of 1956-1957 Term rulings rejecting (on statutory grounds) governmental efforts to clamp down on subversives, the Court reversed course in the wake of legislative efforts to strip the Supreme Court of jurisdiction in five domestic security areas. n56 Moreover, after turning the Court into an election issue in 1972 by abolishing the death penalty as it was then administered, n57 the Burger Court subsequently approved reinstatement of the death penalty. n58

Talk is cheap. The international community won’t just believe the plan. The plan isn’t enough to solve absent proof

Alston 11 (Philip, John Norton Pomeroy Professor of Law, New York University School of Law, Harvard National Security Journal, “The CIA and Targeted Killings Beyond Borders”, 2 Harv. Nat'l Sec. J. 283, Lexis Law)

Before moving to consider the Obama administration's approach to these issues, it is important to underscore the fact that we are talking about two different levels of accountability. The first is that national procedures must meet certain standards of transparency and accountability in order to meet existing international obligations. The second is that the national procedures must themselves be sufficiently transparent to international bodies as to permit the latter to make their own assessment of the extent to which the state concerned is in compliance with its obligations. In other words, even in situations in which states argue that they put in place highly impartial and reliable accountability mechanisms, the international community cannot be expected to take such assurances on the basis of faith rather than of convincing information. Assurances offered by other states accused of transgressing international standards would not be accepted by the United States in the absence of sufficient information upon the basis of which some form of verification is feasible. Since the 1980s, the phrase "trust but verify" n104 has been something of a mantra in the arms control field, but it is equally applicable in relation to IHL and IHRL. The United States has consistently demanded of other states that they demonstrate to the international community the extent of their compliance with international standards. A great many examples could be cited, not only from the annual State Department reports on the human rights practices of other states, but also from a range of statements by the President and the Secretary of State in relation to countries like Egypt, Libya, and Syria in the context of the Arab Spring of 2011. [\*318] Since I began this section of the Article by citing the emphasis on accountability adopted by the UN report on Sri Lanka, it is appropriate to conclude by reference to the position taken by the United States in that regard. Sri Lanka argued that it had undertaken its own national inquiry into alleged violations of international law committed in the final phases of its civil war and that such an inquiry satisfied whatever accountability obligations the government had. In August 2011, however, the United States called upon Sri Lanka to submit the report of that national inquiry directly to the UN Human Rights Council so that it could be scrutinized by the international community and demonstrate that it "meets international standards." n105 In other words, the two levels of accountability are ultimately separate, and national insistence on the adequacy of domestic procedures can never be considered a substitute for the degree of transparency required to enable the international community to discharge its separate monitoring obligations. We turn now to take note of the position taken in terms of the applicable international law by the Obama administration. C. The Obama Administration and International Law The United States has consistently affirmed its commitment to the general principles of transparency and accountability and its broader commitment to comply with all of its international obligations. The Army Field Manual, for example, highlights the need for the United States to respect the rule of law in its military activities: Law and policy govern the actions of the U.S. forces in all military operations, including counterinsurgency. For U.S. forces to conduct operations, a legal basis must exist. This legal basis profoundly influences many aspects of the operation.

## Drone prolif

### 2nc prolif inevitable

Drone prolif is inevitable – more than 75 countries already have it – they cant reverse the tech means that they use – also, it doesn’t make sense for them to stop developing tech if the reason they built them was for security reasons – the plan doesn’t solve their security reasons

#### Too late – the precedent is out, it’s too cheap and more than 50 nations are building a 1000 different types of drones

Roberts 13 (Kristin, When the Whole World Has Drones, National Journal, 21 March 2013, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321, da 8-1-13)

The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last display at a trade show in Beijing, China showed off 25 different unmanned aerial vehicles. Not toys or models, but real flying machines. It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own.

### 2nc not reverse causal

#### Other countries will just cheat – and they already do – China/Russia don’t acknowledge targeting dissidents.

#### Drone prolif now AND US restrictions don’t solve

Anderson 10 (Kenneth Anderson is a law professor at Washington College of Law, American University, a research fellow of the Hoover Institution at Stanford University and a Non-Resident Visiting Fellow at the Brookings Institution, April 10th 2010, “Acquiring UAV Technology”, http://www.volokh.com/2010/04/09/acquiring-uav-technology/, AB)

I’ve noticed a number of posts and comments around the blogosphere on the spread of UAV technology. Which indeed is happening; many states are developing and deploying UAVs of various kinds. The WCL National Security Law Brief blog, for example, notes that India is now acquiring weaponized UAVs: India is reportedly preparing to have “killer” unmanned aerial vehicles (UAVs) in response to possible threats from Pakistan and China. Until now India has denied the use of armed UAVs, but they did use UAVs that can detect incoming missile attacks or border incursions. The importance of obtaining armed UAVs grew enormously after the recent attack on paramilitary forces in Chhattisgarh that killed 75 security personnel. Sources reveal that the Indian Air Force (IAF) has been in contact with Israeli arms suppliers in New Delhi recently. The IAF is looking to operate Israeli Harop armed UAVs from 2011 onwards, and other units of the armed forces will follow. I’ve also read comments various places suggesting that increased use of drone technologies by the United States causes other countries to follow suit, or to develop or acquire similar technologies. In some cases, the dangling implication is that if the US would not get involved in such technologies, others would not follow suit. In some relatively rare cases of weapons technologies, the US refraining from undertaking the R&D, or stopping short of a deployable weapon, might induce others not to build the same weapon. Perhaps the best example is the US stopping its development of blinding laser antipersonnel weapons in the 1990s; if others, particularly the Chinese, have developed them to a deployable weapon, I’m not aware of it. The US stopped partly in relation to a developing international campaign, modeled on the landmines ban campaign, but mostly because of a strong sense of revulsion and pushback by US line officers. Moreover, there was a strong sense that such a weapon (somewhat like chemical weapons) would be not deeply useful on a battlefield – but would be tremendously threatening as a pure terrorism weapon against civilians. In any case, the technologies involved would be advanced for R&D, construction, maintenance, and deployment, at least for a while. The situation is altogether different in the case of UAVs. The biggest reason is that the flying-around part of UAVs – the avionics and control of a drone aircraft in flight – is not particularly high technology at all. It is in range of pretty much any functioning state military that flies anything at all. The same for the weaponry, if all you’re looking to do is fire a missile, such as an anti-tank missile like the Hellfire. It’s not high technology, it is well within the reach of pretty much any state military. Iran? Without thinking twice. Burma? Sure. Zimbabwe? If it really wanted to, probably. So it doesn’t make any substantial difference whether or not the US deploys UAVs, not in relation to a decision by other states to deploy their own. The US decision to use and deploy UAVs does not drive others’ decisions one way or the other. They make that decision in nearly all cases – Iran perhaps being an exception in wanting to be able to show that they can use them in or over the Iraqi border – in relation to their particular security perceptions. Many states have reasons to want to have UAVs, for surveillance as well as use of force. It is not as a counter or defense to the US use of UAVs. The real issue is not flying the plane or putting a missile on it. The question is the sensor technology (and related communication links) – for two reasons. One is the ability to identify the target; the other is to determine the level, acceptable or not, of collateral damage in relation to the target. That’s the technologically difficult part. And yet it is not something important to very many of the militaries that might want to use UAVs, because not that many are going to be worried about the use of UAVs for discrete, targeted killing. Not so discrete and not so targeted will be just fine – and that does not require super-advanced technology. China might decide that it wants an advanced assassination platform that would depend on such sensors, and in any case be interested in investing in such technology for many reasons – but that is not going to describe Iran or very many other places that are capable of deploying and using weaponized UAVs. Iran, for example, won’t have super advanced sensor technology (unless China sells it to them), but they will have UAVs. (The attached weaponry follows the same pattern. Most countries will find a Hellfire type missile just fine. The US will continue to develop smaller weapons finally capable of a single person hit. Few others will develop it, partly because they don’t care and partly because its effectiveness depends on advanced sensors that they are not likely to have.) Robots are broadly defined by three characteristics – computation, sensor inputs, and gross movement. Movement in the case of a weaponized robot includes both movement and the use of its weapon – meaning, flying the UAV and firing a weapon. The first of those, flying the UAV, is available widely; primitive weapons are available widely as well, and so is the fundamental computational power. Sensors are much, much more difficult – but only to the extent that a party cares about discretion in targeting. But it is not the case that they are making these decisions on account of US decisions about UAVs; UAVs are useful for many other reasons for many other parties, all on their own.

# 1NR

#### Economic collapse controls the direction of every impact --- interdependence and growth means that no country goes to war and instills MAD --- controls the direction of the impact debate

Griswold, 7 (Daniel, director of the Center for Trade Policy Studies, 4/20/2007, Trade, Democracy and Peace, HYPERLINK "<http://www.freetrade.org/node/681>" <http://www.freetrade.org/node/681>)
A little-noticed headline on an Associated Press story a while back reported, "War declining worldwide, studies say." In 2006, a survey by the Stockholm International Peace Research Institute found that the number of armed conflicts around the world has been in decline for the past half-century. Since the early 1990s, ongoing conflicts have dropped from 33 to 17, with all of them now civil conflicts within countries. The Institute's latest report found that 2005 marked the second year in a row that no two nations were at war with one another. What a remarkable and wonderful fact. The death toll from war has also been falling. According to the Associated Press report, "The number killed in battle has fallen to its lowest point in the post-World War II period, dipping below 20,000 a year by one measure. Peacemaking missions, meanwhile, are growing in number." Current estimates of people killed by war are down sharply from annual tolls ranging from 40,000 to 100,000 in the 1990s, and from a peak of 700,000 in 1951 during the Korean War. Many causes lie behind the good news--the end of the Cold War and the spread of democracy, among them--but expanding trade and globalization appear to be playing a major role in promoting world peace. Far from stoking a "World on Fire," as one misguided American author argued in a forgettable book, growing commercial ties between nations have had a dampening effect on armed conflict and war. I would argue that free trade and globalization have promoted peace in three main ways. First, as I argued a moment ago, trade and globalization have reinforced the trend toward democracy, and democracies tend not to pick fights with each other. Thanks in part to globalization, almost two thirds of the world's countries today are democracies--a record high. Some studies have cast doubt on the idea that democracies are less likely to fight wars. While it's true that democracies rarely if ever war with each other, it is not such a rare occurrence for democracies to engage in wars with non-democracies. We can still hope that as more countries turn to democracy, there will be fewer provocations for war by non-democracies. A second and even more potent way that trade has promoted peace is by promoting more economic integration. As national economies become more intertwined with each other, those nations have more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also ruptured trade and investment ties that impose lasting damage on the economy. In short, globalization has dramatically raised the economic cost of war.

#### No norm development when trade collapses

Blatt, Book Reviewer for Futurecast, ‘2 (Dan, Book Review of Joseph S. Nye’s “The Paradox of American Power”, http://www.futurecasts.com/book%20review%204-02.htm )

Coalitions against particular U.S. international interests have occurred and are made more likely by unilateralist, arrogant, and parochial U.S. conduct. Protectionism is undoubtedly the most dangerous and divisive form of such conduct. "The United States must resist protectionism at home and support international economic institutions" that facilitate international commerce. Trade disputes must not be permitted to explode into disastrous trade wars (such as the trade war during the 1920s and 1930s that played a major role in the Great Depression). U.S. economic and cultural supremacy may indeed erode as Asian and European markets prosper and grow. They may ultimately "loom larger than the American market." In several particular areas - such as international trade, antitrust regulation, the establishment of technical standards, and protection of intellectual property - Europe already shares predominance with the U.S. Defining our national interest broadly to include global interests will be crucial to the longevity of our power and whether others see hegemony as benign or not. The various aspects of soft power must be a part of any effective foreign policy - and multilateralism is essential for the development and maintenance of the attributes of soft power.

#### Economic decline causes war with China

Ockham Research, 8(“Economic Distress and Geopolitical Risks”, November,

http://seekingalpha.com/article/106562-economic-distress-and-geopolitical-risks)

China too is threatened by the global economic downturn. There is no doubt that China has emerged during the past decade as a major economic power. Parts of the country have been transformed by its meteoric growth. However, in truth, only about a quarter of the nation’s billion plus inhabitants—those living in the thriving cities on the coast and in Beijing—have truly felt the impact of the economic boom. Many of these people have now seen a brutal bear market and are adjusting to economic loss and diminished future prospects. However, the vast majority of China’s population did not benefit from the economic boom and could become increasingly restive in an economic slowdown. Enough economic hardship could conceivably threaten the stability of the regime and would more than likely make China more bellicose and unpredictable in its behavior, with dangerous consequences for the U.S. and the world.

#### Economic decline causes conflict in Central Asia

Klare, 9-

Michael T. Alternet: Foreign Policy in Focus: Economy “Will our economic collapse cause the death of millions abroad?” March 20, < http://www.alternet.org/economy/132523/will\_our\_economic\_collapse\_cause\_the\_death\_of\_millions\_abroad/>

As these effects ripple through the developing world and millions upon millions of people face increasingly harsh conditions, social and political unrest of all forms will increase. Such unrest, involving angry protests over plants closings, mass layoffs, and government austerity measures, has already erupted in Europe, Russia, and China, and now threatens to spread to other areas of the world. Until now, such disorder has been limited to urban riots and rock-throwing incidents, but it is easy to imagine far more violent forms of turmoil -- including the outbreak of armed rebellion or civil strife. This danger was raised in a third report worthy of attention, an [annual threat assessment](http://intelligence.senate.gov/090212/blair.pdf) delivered by the Director of National Intelligence, Admiral Dennis C. Blair, to the Senate Select Committee on Intelligence on February 12. Although much of Blair's report focuses on familiar issues like Iran's nuclear aspirations and the war in Afghanistan, it devotes considerable attention to the prospect of social and political turmoil arising from the current economic meltdown. "The primary near-term security concern of the United States is the global economic crisis and its geopolitical implications," the report noted. In tracking this concern, "time is probably our greatest threat…Statistical modeling shows that economic crises increase the risk of regime-threatening instability if they persist over a one to two year period." Of course, the crisis has already lasted more than one year in the United States and appears destined to persist much longer in both the developed and developing areas -- and so the danger of "regime-threatening instability" has to be taken very seriously indeed. In his public testimony, Admiral Blair didn't provide a country-by-country assessment of where he expected to see instability. But he did point to several areas that are at particular risk, including Africa, Latin America, and Central Asia. Speaking of the latter, for example, he noted that Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, "with their highly-personalized politics, weak institutions, and growing inequalities are ill-equipped to deal with the challenges posed by Islamic violent extremism, poor economic development, and problems associated with energy, water, and food distribution." All of these countries, moreover, are particularly vulnerable to the global economic crisis, particularly as remittances fall. "Tajikistan and Kyrgyzstan have heavily depended on migrant worker remittances from both Russia and Kazakhstan for a significant portion of their gross domestic product -- up to 45% in the case of Tajikistan -- and will be severely affected by the financial crisis."

#### Causes Pakistan instability

Ferguson, Prof. History @ Harvard, April, ‘9

(Niall, <http://www.foreignpolicy.com/story/cms.php?story_id=4681&page=0>)

The democratic governments in Kabul and Islamabad are two of the weakest anywhere. Among the biggest risks the world faces this year is that one or both will break down amid escalating violence. Once again, the economic crisis is playing a crucial role. Pakistan’s small but politically powerful middle class has been slammed by the collapse of the country’s stock market. Meanwhile, a rising proportion of the country’s huge population of young men are staring unemployment in the face. It is not a recipe for political stability.

#### Decline causes terrorism—removes economic outlets that enable self-empowerment—that’s Harris and Burrows—our evidence is reverse-causal

Harris and Burrows ‘9 (Mathew, PhD European History at Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>, AM)

In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groupsinheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacksand newly emergent collections of the angry and disenfranchised that become self-radicalized, **particularly in the absence of economic outlets** that would become narrower in an economic downturn.

### Uq

#### Obama will exert continued push to get dems on board

Parnes 1/21

Amie Parnes The Hill “Obama: Give me fast track trade” 01/21 http://thehill.com/homenews/administration/195858-white-house-works-to-convince-dems-to-give-obama-fast-track-on-trade

Senior congressional aides expect trade to be a part of Obama’s upcoming State of the Union address since the White House has made clear that the trade bill is a priority and that the TPP trade pact is a key part of the administration’s overall jobs agenda, in terms of increasing exports and opening markets.¶ “This is a priority of the president's,” White House press secretary Jay Carney told reporters last week. “It's part of a broad approach to expanding exports and, you know, creating more opportunities for our businesses to grow. And we're going to continue to push for it.”¶ In the same vein, House Republicans will continue to increase pressure on the administration to get Democrats on board.¶ “The White House carries the weight on this,” one senior House aide said.

#### Obama has pc post SOTU

Avard 1/29

Kurt Avard, Policy Analyst and Contributor at Global Risk Insights The Motley Fool, “'Granular not Grandiose': Obama's SOTU Economic Wish List”

 Jan 29th 2014 http://www.dailyfinance.com/2014/01/29/granular-not-grandiose-obamas-sotu-economic-wish-l/

Taking away from the speech¶ The rhetoric used last night was not the strong message that earlier Obama addresses have utilized. Instead it was the language used by a president who seems resigned to small achievements in place of the grand dreams initially promised.¶ Given the stated goal of reinforcing the American middle class, Obama may enjoy some small positive bumps to his ailing ratings. And while he has a fair amount of political capital yet to be used domestically, the American president has offered nothing radically new in last evening's State of the Union address. He has one goal right now, and with the achievement of even one of the above, he has a chance to redefine modern American economics.

#### USTR optimistic

Politi, 2-2-’14 (James, “US trade deals remain on track, says Froman” Financial Times, http://www.ft.com/intl/cms/s/0/efcd8564-8c23-11e3-9b1d-00144feab7de.html#axzz2sbxoQhto)

Michael Froman, US trade representative, told the Financial Times that the administration was convinced it could secure congressional backing for the deals even after Harry Reid, the Democratic senate majority leader, last week said he would oppose fast-track legislation for any agreements. His opposition was widely seen as a major blow to President Barack Obama’s plans to strike accords with the EU and 11 Pacific Rim countries. Mr Reid can wield control over the progress of legislation in Congress’s upper chamber. European and other officials have said that unless the Obama administration secures support for legislation known as “Trade Promotion Authority” they would be wary of making the the concessions that are likely to be needed for either deal. The legislation would prevent Congress from amending any pact and ensure that it would have to consider any accords in a timely fashion. But Mr Froman said he was sure that the support of Congress could be achieved. He also said both negotiations remained “very much on track” for the time being. “Moving a trade bill or a trade agreement through Congress is a marathon, not a sprint”, Mr Froman said. “It’s important that we reach [deals] of high standards, ambition and comprehensiveness. When we do, then we will be able to demonstrate to the Congress the benefits of the agreements for job creation, for promoting growth, for strengthening the middle class in the US. That will form the foundation for support,” he added. Doubts about TPA risk undermining talks that are close to being finalised. They would create a Trans-Pacific Partnership among 12 nations, including Japan, that account for 40 per cent of global trade. Mr Reid’s comments also sounded alarm bells with regard to negotiations with the EU on the Transatlantic Trade and Investment Partnership (TTIP), even if it is moving ahead on a slower timetable. “Obama [and] Froman have their work cut out,” one European official told the FT. “Without [TPA] it is very hard to see [Mr Froman’s] partners committing to a deal,” said Arturo Sarukhan, a former Mexico ambassador to the US. “There will be geopolitical implications, both with Europe and with Asia Pacific and America Pacific nations, if TPA cannot be secured.” The TPP, which would include Japan, and the European TTIP are seen by some geopolitical strategists as a way for the US to respond economically to the rise of China. Mr Froman insisted that “all of our trading partners understand our commitment to moving the negotiations forward” in parallel with building domestic support. Mr Froman travels to Chile and Peru, two TPP countries, this week, then returns to Washington where he will meet with Nick Haekkerup, Danish trade minister, and Peter Beyer, a member of the German Bundestag. The EU deal will be at the top of their agenda. “Everything is very much on track,” says Mr Froman. ”In fact, we are engaged on an ongoing basis – day in and day out . . . both with regard to TPP and with regard to TTIP, to work through outstanding issues and narrow our differences,” he said. On Saturday, John Kerry, secretary of state, also sought to minimise the significance of Mr Reid’s comments. “I’ve heard plenty of statements in the Senate on one day that are categorical, and we’ve wound up finding accommodation. . .  So this should not be a deterrent, and I hope nobody will let it stand in the way,” Mr Kerry said in Munich.

#### PC will override Reid’s opposition through bargaining

WSJ, 1-28-’14 (“Obama’s Trade Test” http://online.wsj.com/news/articles/SB10001424052702304347904579312942307977408))

President Obama says free-trade deals with Asia and Europe are a top priority in his second term. Sounds good, but the test of his sincerity will be whether he'll spend the political capital to persuade a skeptical Congress. Ways and Means Chairman Dave Camp and Senate Finance powers Max Baucus and Orrin Hatch recently introduced Trade Promotion Authority legislation, also known as fast-track, which would let Congress approve trade agreements by up-or-down vote without amendment. The President needs this to negotiate accords with 11 Pacific Rim countries and the European Union, which won't consent to deals that 535 Members of Congress can later rewrite. The accords would provide a major economic stimulus at no cost to taxpayers and especially to U.S. manufacturers that have become more competitive amid the surge in domestic natural gas and oil production. The proposed fast-track legislation isn't perfect but it ought to be good enough for sincere free traders. One useful provision directs the Obama Administration to negotiate labor and environmental provisions similar to those that were included in recent accords with Panama, Colombia, Peru and South Korea. That ought to allay GOP concerns that Mr. Obama could use the trade deals to override U.S. domestic law. More problematic is a directive that U.S. trade partners avoid manipulating exchange rates. This is a sop to unions and auto makers that blame currency shifts for their competitive woes, but the good news is that the legislative language is general and shouldn't poison negotiations with Japan and South Korea. The bill also targets state-owned enterprises, which unions complain unfairly benefit from government aid. Presumably they don't mean GM and the U.S. renewables industry. Silicon Valley is cheering the legislation's new trade goals to protect intellectual property and digital trade (e.g., e-books, mp3s). U.S. farmers would also benefit from a directive aimed at eliminating regulatory barriers to American products like the EU's bans on certain genetically-modified products and hormone-treated beef. One potential trouble spot is the proposal's larger opening for Congressional involvement in trade talks. Members have always been able to view the negotiating texts of trade agreements upon request, but this language would enshrine their access in statute. The danger is if Members become de facto co-negotiators with executive-branch officials, who would never be able to close a deal with 535 kibitzers in the hallway. Even with these concessions, House Democrats remain unsatisfied. "Congress will not be a rubber stamp for another flawed trade deal that will hang the middle class out to dry," Democratic Reps. Rosa DeLauro, Louise Slaughter and George Miller said in a statement. Ways and Means Ranking Member Sander Levin plans to introduce a rival bill to establish a special Congressional committee to determine whether a particular agreement would be eligible for fast-track. Mr. Levin is also demanding legislation that bars currency manipulation (as if the U.S. can push around foreign central banks) and "provides direct relief to U.S. industries materially injured by imports." These are all protectionist poison pills from the AFL-CIO, and free-traders are right to reject them. GOP leaders are supportive and will produce a majority of Republicans, but they want Mr. Obama to deliver some Democratic votes too. If Republicans are going to help Mr. Obama, he ought to be able to provide some political cover against union protectionists. George W. Bush personally made the fast-track case to Members in 2002, but Mr. Obama has so far outsourced the job to U.S. Trade Representative Michael Froman. The President could also make it harder to pass fast-track by insisting that Republicans extend Trade Adjustment Assistance (i.e., another form of jobless insurance), which expires at the end of the year. The last line of a White House December press release on trade commits to working with Congress to "protect and strengthen Trade Adjustment Assistance for America's workers." The White House and Harry Reid might also demand an extension of unemployment benefits as part of the deal, but they shouldn't treat fast-track as a vehicle for the rest of their liberal agenda. Expanded trade is its own reward. Mr. Obama can get a bipartisan victory that would help the economy and his legacy, but he's going to have to work for it.

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#### Drones restrictions unpopular in Congress- Republicans will fight

Digital Journal 2/4 “Drone limits put American 'lives at risk,' U.S. congressman says” http://www.digitaljournal.com/news/world/drone-limits-put-american-lives-at-risk-us-congressman-says/article/368892#ixzz2sVaqdGYf

Mike Rogers (R – Mich.), chairman of the House Intelligence Committee, stated Tuesday that drone limits put American “lives at risk.” At a hearing that met to discuss global threats to U.S. security, Rogers said, “The President’s May 2013 policy changes for U.S. targeted strikes are an utter and complete failure and they leave Americans’ lives at risk.” He also stated that individuals who would have been removed by U.S. counterterrorism operations for planning attacks against U.S. interests are now free because of limits the Obama administration has mandated. Rogers testified, "While we are busy pondering more ‘transparency, our intelligence professionals are left paralyzed because of totally incoherent policy guidance." Last November, Rogers defended a drone strike that killed a Pakistani Taliban leader, Hakimullah Mehsud, saying it would keep Americans safe. Rogers stated Mehsud was a “bad guy” who had killed Pakistani soldiers and forced the closure of many schools that educated girls.

#### Plan is a huge fight – Obama will reject restrictions.

Weber 13. [Peter, senior editor, "Will Congress curb Obama's drone strikes?" The Week -- February 6 -- theweek.com/article/index/239716/will-congress-curb-obamas-drone-strikes,]

One problem for lawmakers, says The New York Times in an editorial, is that when it comes to drone strikes, the Obama team "utterly rejects the idea that Congress or the courts have any right to review such a decision in advance, or even after the fact." Along with citing the law authorizing broad use of force against al Qaeda, the white paper also "argues that judges and Congress don't have the right to rule on or interfere with decisions made in the heat of combat." And most troublingly, Obama won't give Congress the classified document detailing the legal justification used to kill American al Qaeda operative Anwar al-Awlaki.

#### Obama fights the plan and sparks controversial battles in Congress – targeted killing is heavily criticized

Radsan and Murphy 12 (Afsheen John – Professor, William Mitchell College of Law; Assistant General Counsel at the Central Intelligence Agency from 2002 to 2004, and Richard – AT&T Professor of Law, Texas Tech University School of Law, “The Evolution of Law and Policy for CIA Targeted Killing”, 2012, 5 J. Nat'l Security L. & Pol'y 439, lexis)

This scenario emphasizes a simple point: President Obama, a Harvard Law School graduate, a former teacher of constitutional law at the University of Chicago and a Nobel Peace Laureate, must believe that he has the authority to order the CIA to fire missiles from drones to kill suspected terrorists. Not everyone agrees with him, though. For almost a decade now, the United States has been firing missiles from unmanned drones to kill people identified as leaders of al Qaeda and the Taliban. This "targeted killing" has engendered controversy in policymaking and legal circles, spilling into law review articles, op-ed pieces, congressional hearings, and television programs. n2 On one level, this [\*441] controversy is curious. A state has considerable authority in war to kill enemy combatants - whether by gun, bomb, or cruise missile - so long as those attacks obey basic, often vague, rules (e.g., avoidance of "disproportionate" collateral damage). So what is so different about targeted killing by drone? Some of the concerns about a CIA drone campaign relate to the personalized nature of targeted killing. All attacks in an armed conflict must, as a matter of basic law and common sense, be targeted. To attack something, whether by shooting a gun at a person or dropping a bomb on a building, is to target it. "Targeted killing," however, refers to a premeditated attack on a specific person. President Franklin D. Roosevelt, for instance, ordered Admiral Yamamoto killed not because he was any Japanese sailor, but because he was the author of "tora, tora, tora" on Pearl Harbor. President Obama, more recently, ordered Osama bin Laden killed not because the Saudi was any member of al Qaeda, but because he was the author of 9/11 who continued to command the terrorist organization. Targeted killing is psychologically disturbing because it is individualized. It is easier for a U.S. operator to kill a faceless soldier in a uniform than someone whom the operator has been tracking with photographs, videos, voice samples, and biographical information in an intelligence file. There is also concern that drones will attack improperly identified targets or cause excessive collateral damage. Targets who hide among peaceful civilians heighten these dangers. Of course, drone strikes should be far more precise than bombs dropped from a piloted aircraft. The lower [\*442] "costs" of drone strikes, however, encourage governments to resort to deadly force more quickly - a trend that may accelerate as drone technology rapidly improves and perhaps becomes fully automated through advances in artificial intelligence. Paradoxically, improved precision could lead to an increase in deadly mistakes. Another concern relates to granting an intelligence agency trigger authority. Entrusting drones to the CIA, an intelligence agency with a checkered history as to the use of force whose activities are largely conducted in secret, heightens concerns in some quarters that strikes may sometimes kill the wrong people for the wrong reasons. If applied sloppily or maliciously, targeted killing by drones could amount to nothing more than advanced death squads. For these and related reasons, the use of killer drones merits serious thought and criticism. Along these lines, many opponents of the reported CIA program have decried it as illegal. Without questioning their sincerity, one can acknowledge the soundness of their tactics. "Law talk" offers them a strong weapon. How could anyone, without shame or worse, support an illegal killing campaign? Illegality is for gangsters, drug dealers, and other outlaws - not the Oval Office.

**Still risk of economic decline**

SMH 8/22/12 (Sydney Morning Harold, “Risk of US double-dip recession rises: S&P” <http://www.smh.com.au/business/world-business/risk-of-us-doubledip-recession-rises-sp-20120822-24l7o.html>)

The odds the United States will slip back into recession next year have risen, ratings agency Standard & Poor's said, citing risks from the European debt crisis and budget tightening at year-end. The US ratings firm raised the chance of the US falling into recession to 25 per cent, up from a 20 per cent chance estimated in February, as the world's largest economy struggles to recover from a severe 2008-2009 slump. It also pointed to the looming possibility of the government being forced by existing law to severely cut spending and increase taxes on January 1, the so-called fiscal cliff that would crunch the economy. "Economic activity has downshifted sharply from earlier this year," S&P said in a report on North American credit conditions amid global uncertainty, dated August 20. Advertisement "At the same time, possible contagion from the European debt crisis, the potential so-called 'fiscal cliff', and the risk of a hard landing for China's economy have added greater uncertainty to US economic prospects," it said. In the second quarter, the world's largest economy grew at a 1.5 per cent annual rate, a sharp slowdown from late last year as unemployment remained stuck above 8.0 per cent. S&P underscored concern about the impact of a recession in the 17-nation eurozone, whose economy contracted 0.2 per cent in the second quarter. S&P forecast a 0.6 per cent contraction this year. "A double-dip recession in Europe that transmits financial turmoil to the US could push it into recession," the agency said. However, S&P said its baseline scenario for the US economy -- remained "modest growth," projecting a gross domestic product expansion of about 2.1 per cent for this year. S&P also said it expected that politicians would agree before year-end to change the current severe budget cut and tax hike mandates to avoid the fiscal cliff fate. However, it said, "We do not believe the US and European economies will improve substantially in the next year."

#### Global trade is on the brink of collapse-rising US protectionism risks global escalation.

Lincicome 12 (Scott, trade attorney, “Is Missing American Trade Leadership Beginning to Bear Protectionist Fruit? (Hint: Kinda Looks Like It),” June 12, http://lincicome.blogspot.com/2012/06/is-missing-american-trade-leadership.html)

Over the past few years, I and several other US trade-watchers have lamented the United States' dwindling leadership on global trade and economic issues and warned of that trend's troubling potential ramifications. It appears that at least one of our breathless predictions may finally be coming true. Starting in mid-2009 - when it became depressingly clear that the Obama administration viewed trade in mostly political terms and thus would not be advancing a robust, proactive free trade agenda - we free traders expressed grave concern that US recalcitrance could harm not only US companies and workers, but also the entire global free trade system. As I explained in a 2009 oped urging the President to adopt a robust pro-trade agenda (as outlined in this contemporary Cato Institute paper): Since the 1940s, the US has led the charge to remove international barriers to goods, services and investment. The result: a global trade explosion that has enriched American families, spurred innovation, enhanced our security and helped millions escape poverty. Every US president since Herbert Hoover has championed free trade because of its proven benefits.... Because of today's rules-based multilateral trading system and the interdependence of global markets, US fecklessness on trade shouldn't lead to devastating protectionism akin to the Smoot-Hawley-induced tariff wars of the 1930s. But it's still a problem. In 2008, global trade contracted for the first time since 1982, and protectionist pressures abound. The WTO's Doha Round is comatose, even though an ambitious deal could inject US$2 trillion into the reeling global economy. Considering the US has steered every major trade initiative in modern history, any chance for significant progress on trade will disappear without strong American leadership - in word and deed. Since that time, the President has clearly not taken free traders' advice. The WTO's Doha Round is dead, despite a pretty good opportunity to force the issue back in late 2010. The Obama administration took three years to implement already-dusty FTAs with Korea, Panama and Colombia and actually insisted on watering the deals down with new protectionist provisions in order to finally agree to move them. And while countries around the world are signing new trade agreements left and right, we've signed exactly zero and have eschewed important new participants and demanded absurd domestic protectionism in the one agreement that we are negotiating (the TPP). Meanwhile, on the home front the President has publicly championed mercantilism, as his minions quietly pursued myriad efforts to restrict import competition and consumer freedom, embraced competitive devaluation and maintained WTO-illegal policies (while publicly denouncing protectionism, of course). Pretty stark when you lay it all out like that, huh? Despite this depressing state of affairs, it did not appear that the United States' diversion from its long free trade legacy had resulted in a tangible increase in global protectionism (although the death of Doha certainly isn't a good thing). Unfortunately, a new blog post from the FT's Alan Beattie indicates that those chickens may finally be coming home to roost: One of the very few bright spots in governments’ generally grim recent performance of managing the world economy has been that trade protectionism, rampant during the Great Depression, has been relatively absent. That may no longer be the case. The WTO, fairly sanguine about the use of trade barriers over the past few years, warns today that things are getting worrying. The EU made a similar point yesterday. And this monitoring service has been pointing out for a long time that a lot of the new forms of protectionism aren’t counted under the traditional categories, thanks to gaping holes in international trade law. After glancing at the bi-partisan protectionism on display in the 2012 US presidential campaign, Beattie concludes that, on the global trade stage, "things are looking scarier than they have for a while." I'm certainly inclined to agree, and one need only look South to Brazil's frighteningly rapid transition from once-burgeoning free trade star to economically-stagnant, unabashed protectionist to see a scary example of why. And while I agree with Beattie that the world still isn't likely to descend into a 1930s-style trade war - we can thank the WTO and the proliferation of free market economics for that - the rising specter of global protectionism is undoubtedly distressing. And, of course, it has risen just as America's free trade leadership has faded away. Now, as we all know, correlation does not necessarily mean causation, and it's frankly impossible to know just how much the dearth of US trade leadership has actually affected global trade policies. But I think it's pretty safe to say that it certainly hasn't helped matters. Just ask yourself this: how can the US admonish Brazil or any other country about its distressing mercantilism when the President is himself routinely preaching - and his administration is busy implementing - similar policies? How can we decry the global "currency wars" when we're discretely advocating a similar strategy? How can we push back against nations' increasing use of market-distorting subsidies or regulatory protectionism when we're.... I think you get the idea. As I've frequently noted here, it was a Democrat - Secretary of State Cordell Hull - who over 70 years ago began a global free trade movement that until very recently had been led - in word and deed - by Republican and Democratic administrations alike. And while the distressing recent spike in global protectionism may not have been caused by a lack of American trade leadership, it is very, very likely not going to recede until the United States regains its long-held place at the front of the trade liberalization pack.

#### Passing TPA is critical to the future viability of the WTO – which will collapse now.

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Now, what are the prospects for Bali? Well, they’re not so good. Trade ministers are prone to accentuate the positive. But when APEC trade leaders met in Surabaya, Indonesia in April of this year, they admitted, and I need to quote this. This is what they said: “The negotiation as it stands now is not on course to lead to a successful outcome at the Ministerial Conference 9 in Bali.” And then even more ominously they said: “The continued viability of the WTO’s negotiating function is at serious risk.” So that’s what our trade leaders, our optimistic trade leaders are saying about the prospects for moving forward later this year in Bali. And it underscores the task that Terry and others have. And it has to be more than the business community, but as Fred said it has to be certainly pushed hard by the business community to just get the officials and the negotiators to recognize that there’s a lot at stake and a big window of opportunity to make progress, but a big cost if they don’t. Now, what are the reasons for the impasse? And this is something that goes beyond what we put in our study. It’s more of a postscript to our study to look at the task going forward. And there are a number of problems that beset the preparations for the Bali Ministerial. You can call them Bali aches if you like. Oh, yeah, I was wondering whether to say that, and obviously I shouldn’t have. The first is issue with linkages. These are tactical gambits that risk blocking agreement like similar moves blocked agreement on the overall DOHA agenda over the past 10 years. And the key problem going forward for Bali is linking what is called food security subsidies with the trade facilitation agreement. There are important issues with regard to food security. There are important issues with regard to agricultural subsidies. But they should not be used in a way that blocks the ability to get the big deliverable out of Bali. And negotiators are still tied up in knots on how to do that. The second problem regards imbalances. Each country has a different idea of what is a balanced accord. Now, the terminology is important. In the past, we talked in trade negotiations about reciprocity. Reciprocity is an ambiguous term, but it’s a lot clearer than talking about balanced because each country hastheir own idea of what balanced is and there’s no consistent standard to set it on. So the first imbalance derives from differences in how countries value the benefit of policy change, basically taking what’s going on now and changing what countries do in order to open up more opportunities from trade and investment and how they value the increase in policy predictability that comes when new obligations constrain the ability of governments to reverse liberalization and to add new protectionism. So those are important. How do you value those things? In fact, the appreciation of the value of those two aspects is sometimes not well understood. The second imbalance comes between the level of progress that is needed on market access across agriculture and manufacturing and services, and the progress on commitments to new rule-making obligations, which often also encompass reforms that result in improved market access. This is part of the problem with the duty-free, quota-free issue and the resistance to going to a 100 percent coverage of tariff lines in a number of countries. There needs to be progress both on the coverage of the tariff preferences for the least developed countries. But there also needs to be progress on the eligibility rules for qualifying for the preferential rates. I mean, there are some countries that provide a 100 percent duty-free, quota-free treatment for least developed countries, but those countries don’t get access to that market because the eligibility rules, the content requirements and the like, basically block them from access to those markets. So those two things have to be done. There has to be a greater liberalization of the eligibility requirements to make those LDC preferences meaningful. And third, there are leadership lapses. And this has been throughout the DOHA Round, so this is nothing new. The big players, developed and developing, need to put their chips on the table. For the U.S. and the EU, this means real constraints on farm supports and real new access for the exports of the least developed countries. These countries should be more responsive with regards to cuts of agricultural export subsidies—that’s one of our initiatives in our study. And indeed, there has been suggestions for 16 Bali that developing countries want the U.S. and Europe to commit to a 50 percent down payment on reductions of agricultural export subsidies, but that’s actually doable given the current climate of high commodity prices and should be acceptable if the deal included a snapback clause. But it seems to be resisted so far. And this is one area where the negotiators are being a bit too risk-averse. For China, it means dropping the charade that they are recently a ceded member to the WTO, and therefore, don’t have to do anymore. They need to do more. They need to commit to broader liberalization than other developing countries. And they have the ability to do that. For all the BRICs, it means advancing services negotiations as a means to unblock the negotiating impasse on agriculture and on NAMA. Now, this audience probably is focusing on, well, how the heck is the United States going to do in any of this. And it leads to the question of what about trade promotion authority. For the U.S., passage of new trade promotion authority would send a very positive signal that we were willing and able to make these commitments and follow through on them, and it should be done soon.