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#### Drones are a minor symptom of US militarism- the aff’s myopic focus solves nothing but obscures the bigger picture and enables militarism

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[Daniel, "Drones are a symptom, not a cause," 5-23-12, slouchingcolumbia.wordpress.com/2012/05/23/drones-are-a-symptom-not-a-cause/, accessed 9-2-13, mss]

Drones have yet to be used in a situation where a pilot of a manned strike platform would have been at serious risk from something besides a plane crash. In practice, in these kinds of campaigns the most vulnerable people are those operating on the ground to support drone operations, and more of them, not fewer of them, are brought in to support so-called drone wars. But does the lack of accident threat increase bellicosity? Not really, since again, in virtually all theaters of drone use, drone strikes occur where manned strikes or manned ISR support is also occurring. These aircraft are also at accident risk, yet they are often used alongside drones or to fulfill missions that drones also carry out. While again, on paper, drones remove these risk, in practice the kind of missions policymakers employ drones with does not suggest drones have significantly changed their calculus towards waging standoff strike campaigns. Policymakers are relying on drones The United States is only “relying” on drones in Pakistan, and even then, in Pakistan it’s also operating Counterterrorism Pursuit Teams on the ground and other proxy militia forces, and very likely receiving the kind of manned ISR support that drones very frequently do in Afghanistan (along with strike support in that theater, of course). The “unique capabilities” of drones do not change the calculus to actually initiate military action, they just change the relative logistical load of the operation. That’s not a revolution and that’s hardly enough evidence to suggest it significantly effects U.S. bellicosity or the accountability of warmaking by giving policymakers a cost free option for prosecuting strikes. In Yemen and Somalia, policymakers almost certainly are not relying on drones. The first drone strikes in Somalia did not occur until years after the U.S. had begun using JSOC ground forces, helicopters, gunships, and naval aircraft and ship fires to target the ICU and later al Shabaab. Even then, drones have yet to actually take over the duties of strike missions, as the F-15E squadron in Djibouti suggests. In Yemen, the strikes have generally been a mix of platforms that has ranged from drones, to seaborne fire missions, to manned aircraft. So it’s certainly not an undisputed fact that policymakers are relying on drones, even if this factor is publicly played up by the media and government alike. If anything, drones are over-emphasized to hide the very many people operating on the ground and in manned supporting strike and ISR platforms that are involved in these wars. It’s absolutely false to suggest that it’s casualty aversion or drone expendability which enables these conflicts, or otherwise policymakers would not be using manned missions in Yemen and Somalia (and they would probably be more willing to conduct high-value strikes when Pakistan clamps down on strikes). Farley suggests that policymakers are not casualty tolerant of air wars. This is false. In fact, the utter air superiority of U.S. forces has been invoked for the ease of conducting U.S. airpower interventions in the Balkans and Iraq after 1991. There’s significant evidence to suggest that policymakers consider aerial and naval assets writ large, along with deniable and covert SOF assets, more expendable than regular ground troops from the Army and the USMC. The record of U.S. military interventions suggests this. Casualty aversion from ground troops did not prevent the growth of an airpower mystique among policymakers which allowed for interventions in Bosnia, Kosovo, Iraq between 1991-2003, and later, Libya. The punitive use of aerial and standoff fires is extended to virtually all aerial assets, and in many cases policymakers are more eager to send manned aircraft against enemy air defenses than they are to send unmanned strike aircraft into contested areas. If Farley was arguing, as many other commentators have, that there is a general airpower mystique, that would be a much more plausible argument. But the conduct of U.S. military interventions since 1991 suggests that policymakers are not very worried about pilot casualties (even after the shoot-down of an F-16 in Bosnia and an F-117 in the Kosovo War), and drone strikes rarely occur when there’s a real threat of pilot casualties beyond the accidents that can afflict the manned strike and ISR assets used alongside them. Drones make policymakers more prone to use force This is highly unlikely. As I have noted, in Yemen, Somalia, and Pakistan, drone use has been dependent on both militarily and diplomatically permissive environments, and they are generally used alongside [non-drone]~~manned~~ assets, proxy forces, special operations, and security force assistance to other states. In other words, there are a variety of militarized options which are employed concomitantly which all suggest drone strikes were not the limiting factor in the U.S. choosing to find a variety of direct and indirect methods for covertly and overtly killing foes determined to be hostile to the country. Secondly, the fact that the U.S. also uses the Pursuit Teams and other covert actors in Pakistan suggests that the U.S. would still be trying to kill its enemies across the borders if drones were not available. In Yemen there isn’t convincing evidence that drones are the reason the U.S. chose to militarize its policy there, as the increase in strikes starting in 2009 came with an increase in [non-drone]~~manned~~ and naval strikes. In Somalia, drones are definitively not the reason the U.S. chose to militarize its counterterrorism policy there, as U.S. strikes in support of the American-backed Ethiopian invasion in 2006 were all of a manned variety. Thirdly, there’s little suggestion that drones are blinding policymakers to the virtues of riskier means of force, an example of which that Farley cites is SOF. But SOCOM has expanded enormously alongside the growth of the drone program, and SOCOM and JSOC are operating on the ground in far far more countries than we use drones! Not only that, but JSOC, CIA SAD operators, and proxy forces such as contractors, militia groups and foreign military forces are all in play in Yemen, Somalia, and Pakistan. Standoff strikes are always and everywhere just one prong of the U.S. counterterrorism strategy – even the kinetic aspects. If anything, the biggest advantage to policymakers of drones, in terms of initiating and continuing use of force, is that they allow policymakers to obscure and misinform the public and the international community – and each other – as to the extent of the military and covert campaign. But that’s not drones eluding accountability and enabling bellicosity, it’s secrecy and the management of public perceptions. The CIA had methods of doing this thing before today’s remotely-operated weapons were invented. Back in the day, when you wanted to avoid the bad publicity of USAF or USN platforms getting formally involved in “shadow wars” (and they often were anyway, as they very obviously are now), you started a secret air force. Former USAF or USN airframes, crewed and often even supported by foreign nationals or deniable covert operators. This was what happened in Cuba and the Congo. **Drones make very little difference in the ability of policymakers to militarize** U.S. **foreign policy** approaches. They are insufficient for action in military impermissive airspace, and they are almost always used alongside manned assets, and they are always used alongside covert ground or proxy forces. This is why I greatly admire the work of national security journalists (the first coming to mind being Jeremy Scahill and Marc Ambinder and D.B. Grady) who sketch out not simply the new hotness that is killer robots, but the full spectrum of direct and indirect methods that are by necessity and by preference used along side drone attacks, such as SOF, manned platforms, naval assets, spies, mercenaries, unsavory foreign security services, militias, warlords, and even terrorists previously targeted by the U.S. to attack America’s real and imagined enemies in places like Yemen and Somalia. **Criticism that exalts the mythical capabilities of drones** to conduct cost-free, casualty-free campaigns in fact **enables** to prosecution of **unaccountable wars**. Why? Because it’s not having the option of drones which make the policymakers responsible for determining the mission and demanding warheads put to foreheads decide to do so. If it was, then we’d see being drones used in the expendable, cost-free ways that our comprehensive strike campaigns and covert wars suggest is not occurring. Instead, the exaltation of these game-changing features of drones, which will be eagerly swallowed by the broader public, if not by critics of the war on terror, is often parroted by the fears of drone critics, which give policymakers the ability to obscure the extent of the “drone wars” and what is really going on**. It’s not drones that** decrease accountability or **increase bellicosity. It’s secrecy and bureaucratic politics**. Drones don’t truly offer any advantages in terms of secrecy or bureaucratic politics that did not already exist or are not being cultivated alongside drones by other branches of the military and intelligence community. Even the much-vaunted ability that drones give the CIA to conduct military-grade “secret wars” was pioneered aerially by the “instant air forces” of the Cold War that it set up, as well as other proxy assets with which the CIA can emply and is now employing in its modern shadow conflicts. The very same compartmentalization and secrecy that protect the drone campaign also protects the activities of [non-drone]~~manned~~ strike missions, SOCOM, CIA assets, and U.S.-backed proxy forces. Drones only marginally alter the kind of impunity that U.S. air superiority gave American policymakers to launch its airpower interventions of the 1990s and 2000s (themselves, as Carl Schmitt foresaw in the 1950s, an outgrowth of naval technology). What’s at least slightly novel about these campaigns is the way in which bureaucracies and secrecy have been utilized to obscure policymakers use of all manner of overt and covert strike, ground, intelligence and proxy assets from proxy criticism, even though even this was essentially cultivated during the Cold War. Perhaps some day in the future drone capabilities will improve enough that they will actually encourage the lack of accountability and bellicosity that critics blame for them. But the record of drone usage so far suggests that the evasions of accountability and enablings of bellicosity in question are equally available to [non-drone]~~manned~~ assets, standoff naval assets, and deniable covert assets. Drones have yet to be responsible for a single militarization of a U.S. CT campaign that would not have been militarized by the concomitant use of other assets. **They’re a symptom** of the post-Iraq decision to conduct comprehensive shadow conflicts against AQAM ( arguably pioneered in the Horn of Africa long before strike drones showed up), **not** from what we can observe in the conduct of drones so far, **a cause** of its direction. They are a useful instrument in the toolbox. But **it’s the toolbox, not any one tool** in it, **that’s shaping policy**. Giving the **drones** the kind of **hype** they receive **from critics** and proponents alike shifts debate **obscures what’s really** **allowing policymakers to conduct** today’s **wars.**

#### Sanitization of US policy leads to endless violence and imperialism – turns case

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[A. J., retired career officer in the United States Army, former director of Boston University's Center for International Relations (from 1998 to 2005), The New American Militarism: How Americans Are Seduced by War, 2005 accessed 9-4-13, mss]

Today as never before in their history Americans are enthralled with military power. The global military supremacy that the United States presently enjoys--and is bent on perpetuating-has become central to our national identity. More than America's matchless material abundance or even the effusions of its pop culture, the nation's arsenal of high-tech weaponry and the soldiers who employ that arsenal have come to signify who we are and what we stand for. When it comes to war, Americans have persuaded themselves that the United States possesses a peculiar genius. Writing in the spring of 2003, the journalist Gregg Easterbrook observed that "the extent of American military superiority has become almost impossible to overstate." During Operation Iraqi Freedom, U.S. forces had shown beyond the shadow of a doubt that they were "the strongest the world has ever known, . . . stronger than the Wehrmacht in r94o, stronger than the legions at the height of Roman power." Other nations trailed "so far behind they have no chance of catching up. ""˜ The commentator Max Boot scoffed at comparisons with the German army of World War II, hitherto "the gold standard of operational excellence." In Iraq, American military performance had been such as to make "fabled generals such as Erwin Rommel and Heinz Guderian seem positively incompetent by comparison." Easterbrook and Booz concurred on the central point: on the modern battlefield Americans had located an arena of human endeavor in which their flair for organizing and deploying technology offered an apparently decisive edge. As a consequence, the United States had (as many Americans have come to believe) become masters of all things military. Further, American political leaders have demonstrated their intention of tapping that mastery to reshape the world in accordance with American interests and American values. That the two are so closely intertwined as to be indistinguishable is, of course, a proposition to which the vast majority of Americans subscribe. Uniquely among the great powers in all of world history, ours (we insist) is an inherently values-based approach to policy. Furthermore, we have it on good authority that the ideals we espouse represent universal truths, valid for all times. American statesmen past and present have regularly affirmed that judgment. In doing so, they validate it and render it all but impervious to doubt. Whatever momentary setbacks the United States might encounter, whether a generation ago in Vietnam or more recently in Iraq, this certainty that American values are destined to prevail imbues U.S. policy with a distinctive grandeur. The preferred language of American statecraft is bold, ambitious, and confident. Reflecting such convictions, policymakers in Washington nurse (and the majority of citizens tacitly endorse) ever more grandiose expectations for how armed might can facilitate the inevitable triumph of those values. In that regard, George W. Bush's vow that the United States will "rid the world of evil" both echoes and amplifies the large claims of his predecessors going at least as far back as Woodrow Wilson. Coming from Bush the war- rior-president, the promise to make an end to evil is a promise to destroy, to demolish, and to obliterate it. One result of this belief that the fulfillment of America's historic mission begins with America's destruction of the old order has been to revive a phenomenon that C. Wright Mills in the early days of the Cold War described as a "military metaphysics"-a tendency to see international problems as military problems and to discount the likelihood of finding a solution except through military means. To state the matter bluntly, Americans in our own time have fallen prey to militarism, manifesting itself in a romanticized view of soldiers, a tendency to see military power as the truest measure of national greatness, and outsized expectations regarding the efficacy of force. To a degree without precedent in U.S. history, Americans have come to define the nation's strength and well-being in terms of military preparedness, military action, and the fostering of (or nostalgia for) military ideals? Already in the 19905 America's marriage of a militaristic cast of mind with utopian ends had established itself as the distinguishing element of contemporary U.S. policy. The Bush administrations response to the hor- rors of 9/11 served to reaffirm that marriage, as it committed the United States to waging an open-ended war on a global scale. Events since, notably the alarms, excursions, and full-fledged campaigns comprising the Global War on Terror, have fortified and perhaps even sanctified this marriage. Regrettably, those events, in particular the successive invasions of Afghanistan and Iraq, advertised as important milestones along the road to ultimate victory have further dulled the average Americans ability to grasp the significance of this union, which does not serve our interests and may yet prove our undoing. The New American Militarism examines the origins and implications of this union and proposes its annulment. Although by no means the first book to undertake such an examination, The New American Militarism does so from a distinctive perspective. The bellicose character of U.S. policy after 9/11, culminating with the American-led invasion of Iraq in March 2003, has, in fact, evoked charges of militarism from across the political spectrum. Prominent among the accounts advancing that charge are books such as The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic, by Chalmers Johnson; Hegemony or Survival: Americas Quest for Global Dominance, by Noam Chomsky; Masters of War; Militarism and Blowback in the Era of American Empire, edited by Carl Boggs; Rogue Nation: American Unilateralism and the Failure of Good Intentions, by Clyde Prestowitz; and Incoherent Empire, by Michael Mann, with its concluding chapter called "The New Militarism." Each of these books appeared in 2003 or 2004. Each was not only writ- ten in the aftermath of 9/11 but responded specifically to the policies of the Bush administration, above all to its determined efforts to promote and justify a war to overthrow Saddam Hussein. As the titles alone suggest and the contents amply demonstrate, they are for the most part angry books. They indict more than explain, and what- ever explanations they offer tend to be ad hominem. The authors of these books unite in heaping abuse on the head of George W Bush, said to combine in a single individual intractable provincialism, religious zealotry, and the reckless temperament of a gunslinger. Or if not Bush himself, they fin- ger his lieutenants, the cabal of warmongers, led by Vice President Dick Cheney and senior Defense Department officials, who whispered persua- sively in the president's ear and used him to do their bidding. Thus, accord- ing to Chalmers Johnson, ever since the Persian Gulf War of 1990-1991, Cheney and other key figures from that war had "Wanted to go back and finish what they started." Having lobbied unsuccessfully throughout the Clinton era "for aggression against Iraq and the remaking of the Middle East," they had returned to power on Bush's coattails. After they had "bided their time for nine months," they had seized upon the crisis of 9/1 1 "to put their theories and plans into action," pressing Bush to make Saddam Hussein number one on his hit list." By implication, militarism becomes something of a conspiracy foisted on a malleable president and an unsuspecting people by a handful of wild-eyed ideologues. By further implication, the remedy for American militarism is self-evi- dent: "Throw the new militarists out of office," as Michael Mann urges, and a more balanced attitude toward military power will presumably reassert itself? As a contribution to the ongoing debate about U.S. policy, The New American Militarism rejects such notions as simplistic. It refuses to lay the responsibility for American militarism at the feet of a particular president or a particular set of advisers and argues that no particular presidential election holds the promise of radically changing it. Charging George W. Bush with responsibility for the militaristic tendencies of present-day U.S. for- eign policy makes as much sense as holding Herbert Hoover culpable for the Great Depression: Whatever its psychic satisfactions, it is an exercise in scapegoating that lets too many others off the hook and allows society at large to abdicate responsibility for what has come to pass. The point is not to deprive George W. Bush or his advisers of whatever credit or blame they may deserve for conjuring up the several large-scale campaigns and myriad lesser military actions comprising their war on ter- ror. They have certainly taken up the mantle of this militarism with a verve not seen in years. Rather it is to suggest that well before September 11, 2001 , and before the younger Bush's ascent to the presidency a militaristic predisposition was already in place both in official circles and among Americans more generally. In this regard, 9/11 deserves to be seen as an event that gave added impetus to already existing tendencies rather than as a turning point. For his part, President Bush himself ought to be seen as a player reciting his lines rather than as a playwright drafting an entirely new script. In short, the argument offered here asserts that present-day American militarism has deep roots in the American past. It represents a bipartisan project. As a result, it is unlikely to disappear anytime soon, a point obscured by the myopia and personal animus tainting most accounts of how we have arrived at this point. The New American Militarism was conceived not only as a corrective to what has become the conventional critique of U.S. policies since 9/11 but as a challenge to the orthodox historical context employed to justify those policies. In this regard, although by no means comparable in scope and in richness of detail, it continues the story begun in Michael Sherry's masterful 1995 hook, In the Shadow of War an interpretive history of the United States in our times. In a narrative that begins with the Great Depression and spans six decades, Sherry reveals a pervasive American sense of anxiety and vulnerability. In an age during which War, actual as well as metaphorical, was a constant, either as ongoing reality or frightening prospect, national security became the axis around which the American enterprise turned. As a consequence, a relentless process of militarization "reshaped every realm of American life-politics and foreign policy, economics and technology, culture and social relations-making America a profoundly different nation." Yet Sherry concludes his account on a hopeful note. Surveying conditions midway through the post-Cold War era's first decade, he suggests in a chapter entitled "A Farewell to Militarization?" that America's preoccupation with War and military matters might at long last be waning. In the mid- 1995, a return to something resembling pre-1930s military normalcy, involving at least a partial liquidation of the national security state, appeared to be at hand. Events since In the Shadow of War appear to have swept away these expectations. The New American Militarism tries to explain why and by extension offers a different interpretation of America's immediate past. The upshot of that interpretation is that far from bidding farewell to militariza- tion, the United States has nestled more deeply into its embrace. f ~ Briefly told, the story that follows goes like this. The new American militarism made its appearance in reaction to the I96os and especially to Vietnam. It evolved over a period of decades, rather than being sponta- neously induced by a particular event such as the terrorist attack of Septem- ber 11, 2001. Nor, as mentioned above, is present-day American militarism the product of a conspiracy hatched by a small group of fanatics when the American people were distracted or otherwise engaged. Rather, it devel- oped in full view and with considerable popular approval. The new American militarism is the handiwork of several disparate groups that shared little in common apart from being intent on undoing the purportedly nefarious effects of the I96OS. Military officers intent on reha- bilitating their profession; intellectuals fearing that the loss of confidence at home was paving the way for the triumph of totalitarianism abroad; reli- gious leaders dismayed by the collapse of traditional moral standards; strategists wrestling with the implications of a humiliating defeat that had undermined their credibility; politicians on the make; purveyors of pop cul- turc looking to make a buck: as early as 1980, each saw military power as the apparent answer to any number of problems. The process giving rise to the new American militarism was not a neat one. Where collaboration made sense, the forces of reaction found the means to cooperate. But on many occasions-for example, on questions relating to women or to grand strategy-nominally "pro-military" groups worked at cross purposes. Confronting the thicket of unexpected developments that marked the decades after Vietnam, each tended to chart its own course. In many respects, the forces of reaction failed to achieve the specific objectives that first roused them to act. To the extent that the 19603 upended long-standing conventions relating to race, gender, and sexuality, efforts to mount a cultural counterrevolution failed miserably. Where the forces of reaction did achieve a modicum of success, moreover, their achievements often proved empty or gave rise to unintended and unwelcome conse- quences. Thus, as we shall see, military professionals did regain something approximating the standing that they had enjoyed in American society prior to Vietnam. But their efforts to reassert the autonomy of that profession backfired and left the military in the present century bereft of meaningful influence on basic questions relating to the uses of U.S. military power. Yet the reaction against the 1960s did give rise to one important by-prod: uct, namely, the militaristic tendencies that have of late come into full flower. In short, the story that follows consists of several narrative threads. No single thread can account for our current outsized ambitions and infatua- tion with military power. Together, however, they created conditions per- mitting a peculiarly American variant of militarism to emerge. As an antidote, the story concludes by offering specific remedies aimed at restor- ing a sense of realism and a sense of proportion to U.S. policy. It proposes thereby to bring American purposes and American methods-especially with regard to the role of military power-into closer harmony with the nation's founding ideals. The marriage of military metaphysics with eschatological ambition is a misbegotten one, contrary to the long-term interests of either the American people or the world beyond our borders. It invites endless war and the ever-deepening militarization of U.S. policy. As it subordinates concern for the common good to the paramount value of military effectiveness, it promises not to perfect but to distort American ideals. As it concentrates ever more authority in the hands of a few more concerned with order abroad rather than with justice at home, it will accelerate the hollowing out of American democracy. As it alienates peoples and nations around the world, it will leave the United States increasingly isolated. If history is any guide, it will end in bankruptcy, moral as well as economic, and in abject failure. "Of all the enemies of public liberty," wrote James Madison in 1795, "war is perhaps the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies. From these proceed debts and taxes. And armies, debts and taxes are the known instruments for bringing the many under the domination of the few .... No nation could preserve its freedom in the midst of continual Warfare." The purpose of this book is to invite Americans to consider the continued relevance of Madison's warning to our own time and circumstances.

#### The Alternative is to imagine Whatever Being--Any point of rejection of the sovereign state creates a non-state world made up of whatever life – that involves imagining a political body that is outside the sphere of sovereignty in that it defies traditional attempts to maintain a social identity

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(Anne, “Bio-Sovereignty and the Emergence of Humanity,” Theory & Event, Volume 7, Issue 2, Project Muse)

Can we imagine another form of humanity, and another form of power? The bio-sovereignty described by Agamben is so fluid as to appear irresistible. Yet Agamben never suggests this order is necessary. Bio-sovereignty results from a particular and contingent history, and it requires certain conditions. Sovereign power, as Agamben describes it, finds its grounds in specific coordinates of life, which it then places in a relation of indeterminacy. What defies sovereign power is a life that cannot be reduced to those determinations: a life "that can never be separated from its form, a life in which it is never possible to isolate something such as naked life. " (2.3). In his earlier Coming Community, Agamben describes this alternative life as "whatever being." More recently he has used the term "forms-of-life." These concepts come from the figure Benjamin proposed as a counter to homo sacer: the "total condition that is 'man'." For Benjamin and Agamben, mere life is the life which unites law and life. That tie permits law, in its endless cycle of violence, to reduce life an instrument of its own power. The total condition that is man refers to an alternative life incapable of serving as the ground of law. Such a life would exist outside sovereignty. Agamben's own concept of whatever being is extraordinarily dense. It is made up of varied concepts, including language and potentiality; it is also shaped by several particular dense thinkers, including Benjamin and Heidegger. What follows is only a brief consideration of whatever being, in its relation to sovereign power. / "Whatever being," as described by Agamben, lacks the features permitting the sovereign capture and regulation of life in our tradition. Sovereignty's capture of life has been conditional upon the separation of natural and political life. That separation has permitted the emergence of a sovereign power grounded in this distinction, and empowered to decide on the value, and non-value of life (1998: 142). Since then, every further politicization of life, in turn, calls for "a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only 'sacred life,' and can as such be eliminated without punishment" (p. 139). / This expansion of the range of life meriting protection does not limit sovereignty, but provides sites for its expansion. In recent decades, factors that once might have been indifferent to sovereignty become a field for its exercise. Attributes such as national status, economic status, color, race, sex, religion, geo-political position have become the subjects of rights declarations. From a liberal or cosmopolitan perspective, such enumerations expand the range of life protected from and serving as a limit upon sovereignty. Agamben's analysis suggests the contrary. If indeed sovereignty is bio-political before it is juridical, then juridical rights come into being only where life is incorporated within the field of bio-sovereignty. The language of rights, in other words, calls up and depends upon the life caught within sovereignty: homo sacer. / Agamben's alternative is therefore radical. He does not contest particular aspects of the tradition. He does not suggest we expand the range of rights available to life. He does not call us to deconstruct a tradition whose power lies in its indeterminate status.21 Instead, he suggests we take leave of the tradition and all its terms. Whatever being is a life that defies the classifications of the tradition, and its reduction of all forms of life to homo sacer. Whatever being therefore has no common ground, no presuppositions, and no particular attributes. It cannot be broken into discrete parts; it has no essence to be separated from its attributes; and it has no common substrate of existence defining its relation to others. Whatever being cannot then be broken down into some common element of life to which additive series of rights would then be attached. Whatever being retains all its properties, without any of them constituting a different valuation of life (1993: 18.9). As a result, whatever being is "reclaimed from its having this or that property, which identifies it as belonging to this or that set, to this or that class (the reds, the French, the Muslims) -- and it is reclaimed not for another class nor for the simple generic absence of any belonging, but for its being-such, for belonging itself." (0.1-1.2). / Indifferent to any distinction between a ground and added determinations of its essence, whatever being cannot be grasped by a power built upon the separation of a common natural life, and its political specification. Whatever being dissolves the material ground of the sovereign exception and cancels its terms. This form of life is less post-metaphysical or anti-sovereign, than a-metaphysical and a-sovereign. Whatever is indifferent not because its status does not matter, but because it has no particular attribute which gives it more value than another whatever being. As Agamben suggests, whatever being is akin to Heidegger's Dasein. Dasein, as Heidegger describes it, is that life which always has its own being as its concern -- regardless of the way any other power might determine its status. Whatever being, in the manner of Dasein, takes the form of an "indissoluble cohesion in which it is impossible to isolate something like a bare life. In the state of exception become the rule, the life of homo sacer, which was the correlate of sovereign power, turns into existence over which power no longer seems to have any hold" (Agamben 1998: 153). / We should pay attention to this comparison. For what Agamben suggests is that whatever being is not any abstract, inaccessible life, perhaps promised to us in the future. Whatever being, should we care to see it, is all around us, wherever we reject the criteria sovereign power would use to classify and value life. "In the final instance the State can recognize any claim for identity -- even that of a State identity within the State . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without a representable condition of belonging" (Agamben 1993:85.6). At every point where we refuse the distinctions sovereignty and the state would demand of us, the possibility of a non-state world, made up of whatever life, appears.

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#### Congress will raise the debt ceiling now – but it’ll be a tough fight

The Detriot News 9/19/13 (Dale McFeatters, "Another Debt Ceiling Debate?")

The tea party-influenced wing of the House GOP favors passing the CRs but cutting any funds in those bills that would go toward paying for Obamacare. About two dozen House Republicans are in favor of this scheme.¶ But since neither President Barack Obama nor Senate Democrats would go along with this, House Republicans risk shutting down all or parts of the government. The House Republicans’ leadership, which bears no love for Obamacare, thinks this is a terrible idea.¶ National polls and the GOP’s internal polling show that the public would generally blame Republicans for the shutdown and likely take it out on the party in the next election.¶ The beleaguered Republicans who lead the House — Speaker John Boehner, Majority Leader Eric Cantor and whip Kevin McCarthy — prefer to wait until month’s end, when Congress must vote to raise the debt ceiling.¶ Failure to raise the debt limit means the government will begin defaulting on its debts, with dire and unpredictable consequences. Boehner has pledged not to let the government default. But he wants to tie the increase in the debt ceiling to tax reform, which would likely entail cuts in entitlements — anathema to most Democrats.¶ Obama and Senate Democratic leaders say they will not negotiate over the debt limit and have begun making the argument that failing to raise it is unconstitutional and that Congress’ permission might not even be necessary.¶ At a sensitive time in the nation’s economic recovery, the administration could face economic chaos. Younger House Republicans believe Obama would back down. However, faced with growing charges that his leadership is weak and uncertain, the president almost dare not.

#### Political capital is key to get the job done

Blake 9/18/13 (Aaron, Covers National Politics for the Washington Post, The Washington Post, Post Politics, Carney Assures That Obama 'Has Twisted Arms')

White House press secretary Jay Carney on Wednesday fought back against criticism that President Obama has been disengaged from legislative battles on Capitol Hill.¶ "He has twisted arms," Carney said. "He has used the powers that are available to him to try to convince, persuade, cajole Republicans into doing the sensible thing...."¶ Pressed on Obama's role in the current budget debate and his refusal to negotiate over the debt ceiling, Carney rebuffed the idea that the president isn't involved.¶ “You’re assuming he’s above the fray," Carney said. "He’s not. He’s in the fray. And he was in the fray today, and he'll be in the fray until Congress does the right thing.”

#### The GOP Will spin the plan as soft on terror – that’ll cause congressional backlash

Voorhees 5/23/13 (Josh, Editor of Slatest Magazine, Former Greenwire and Politico Reporter, "Slatest PM: GOP Senator Says Obama's Speech Will "Be Viewed by the Terrorists As a Victory")

No Love From the Right: [Washington Post](http://www.washingtonpost.com/politics/obama-outlines-new-rules-for-drones/2013/05/23/1b5918e6-c3cb-11e2-914f-a7aba60512a7_story.html?hpid=z1): "Obama’s speech drew a quick response from Republicans, who have accused the president of downplaying the threat of terrorism. 'The president’s speech today will be viewed by terrorists as a victory,' said Sen. Saxby Chambliss (Ga.), the ranking Republican on the Senate Intelligence Committee. 'Rather than continuing successful counterterrorism activities, we are changing course with no clear operational benefit.' Chambliss was also critical of Obama’s plans to try to close Guantanamo, signaling the obstacles that the president will face in Congress."

#### Failure to raise the debt ceiling has economic ripple effects – investor uncertainty

Masters 13 (Jonathan, Deputy Editor at the Council on Foreign Relations, Backgrounder, jan 2 2013"US Debt Ceiling. Costs and Consequences")

Most economists, including those in the White House and from former administrations, agree that the impact of an outright government default would be severe. Federal Reserve Chairman Ben Bernanke has said a U.S. default could be a ["recovery-ending event"](http://blogs.wsj.com/economics/2011/03/01/bernanke-warns-on-debt-limit-chaos/) that would likely spark another financial crisis. Short of default, officials warn that legislative delays in raising the debt ceiling could also inflict significant harm on the economy.¶ Many analysts say congressional gridlock over the debt limit will likely sow significant uncertainty in the bond markets and place upward pressure on interest rates. Rate increases would not only hike future borrowing costs of the federal government, but would also raise capital costs for struggling U.S. businesses and cash-strapped homebuyers. In addition, rising rates could divert future taxpayer money away from much-needed federal investments in such areas as infrastructure, education, and health care.¶ The protracted and politically acrimonious debt limit showdown in the summer 2011 prompted Standard and Poor's to take the unprecedented step of downgrading the U.S. credit rating from its triple-A status, and analysts fear such brinksmanship in early 2013 could bring about similar moves from other rating agencies.¶ A 2012 study by the non-partisan Government Accountability Office estimated that [delays in raising the debt ceiling](http://www.gao.gov/products/GAO-12-701) in 2011 cost taxpayers approximately $1.3 billion for FY 2011. BPC estimated the ten-year costs of the prolonged fight at roughly $19 billion.¶ The stock market also was thrown into frenzy in the lead-up to and aftermath of the 2011 debt limit debate, with the [Dow Jones Industrial Average](http://www.bizjournals.com/nashville/news/2011/08/08/slideshow-dows-10-worst-days-ever.html) plunging roughly 2,000 points from the final days of July through the first days of August. Indeed, the Dow recorded one of its worst single-day drops in history on August 8, the day after the S&P downgrade, tumbling 635 points.¶ Speaking to the [Economic Club of New York](http://www.reuters.com/article/2012/11/20/idUSW1E8KA00A20121120) in November 2012, Fed Chairman Ben Bernanke warned that congressional inaction with regard to the fiscal cliff, the raising of the debt ceiling, and the longer-term budget situation was creating uncertainty that "appears already to be affecting private spending and investment decisions and may be contributing to an increased sense of caution in financial markets, with adverse effects on the economy."

#### Extinction

Austin ‘09 (Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman, Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, <http://www.aei.org/article/100187>)

What do these trends mean in the short and medium term? The Great Depression showed how social and global chaos followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would dramatically raise tensions inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in all regions of the globe and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce into a big bang

## 1NC CP

Text: **The President of the United States should issue an executive order transferring lead executive authority for non-battlefield targeted killing from the Central Intelligence Agency to the Joint Special Operations Command.**

#### Transferring authority boosts transparency and intel without restricting strikes – solves the aff

**Zenko 13**¸ Micah, Douglas Dillon fellow with the Center for Preventive Action at the Council on Foreign Relations, “Clip the Agency's Wings: Why Obama needs to take the drones away from the CIA,” April 16th, http://www.foreignpolicy.com/articles/2013/04/16/clip\_the\_agencys\_wings\_cia\_drones?utm\_source=feedly

Last month, Daniel Klaidman reported that three senior officials had told him that President Obama would gradually transfer targeted killings to the Pentagon during his second term. Other journalists report that this is not a certainty or that "it would most likely leave drone operations in Pakistan under the CIA," making any transition meaningless since over 80 percent of all U.S. targeted killings have occurred in Pakistan. But if Obama is serious about reforming targeted killing policies, as he has stated, then he needs to sign an executive order transferring lead executive authority for non-battlefield targeted killings from the CIA to the Defense Department. Doing this has three significant benefits for U.S. foreign policy. First, it would increase the transparency of targeted killings, including what methods are used to prevent civilian harm. Strikes by the CIA are classified as Title 50 "covert action," which under law are "activities of the United States Government...where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include traditional...military activities." CIA operations purportedly allow for deniability about the U.S. role, though this rationale no longer applies to the highly-publicized drone campaign in Pakistan, which Obama personally acknowledged in January 2012. Beyond adjectives in public speeches ("methodical," "deliberate," "not willy-nilly"), the government does not, and cannot, describe the procedures and rules for CIA targeted killings. JSOC operations in Somalia and Yemen, on the other hand, fall under the Title 10 "armed forces" section of U.S. law, which the White House reports as "direct action" to Congress. The United States has also acknowledged clandestine military operations to the United Nations "against al-Qaida terrorist targets in Somalia in response to on-going threats to the United States." Moreover, JSOC operations are guided by military doctrine, available to the public in Joint Publication 3-60 (JP 3-60): Joint Targeting. (While the complete 2007 edition can be found online, only the executive summary of the most-recent version, released on January 31, is available. If the Joint Staff's J-7 Directorate for Joint Force Development posted this updated edition in its entirety -- or fulfilled my FOIA request [case number 13-F-0514] -- that would be appreciated.) JP 3-60 matters because it details each step in the targeting cycle, including the fundamentals, processes, responsibilities, legal considerations, and methods to reduce civilian casualties. This degree of transparency is impossible for CIA covert actions. Second, it would focus the finite resources and bandwidth of the CIA on its primary responsibilities of intelligence collection, analysis, and early warning. Last year, the President's Intelligence Advisory Board -- a semi-independent executive branch body, the findings of which rarely leak -- reportedly told Obama that "U.S. spy agencies were paying inadequate attention to China, the Middle East and other national security flash points because they had become too focused on military operations and drone strikes." This is not a new charge, since every few years an independent group or congressional report determines that "the CIA has been ignoring its core mission activities." But, as Mark Mazzetti shows in his indispensable CIA history, the agency has evolved from an organization once deeply divided at senior levels about using armed drones, to one that is a fully functioning paramilitary army. As former senior CIA official Ross Newland warns, the agency's armed drones program "ends up hurting the CIA. This just is not an intelligence mission." There is no longer any justification for the CIA to have its own redundant fleet of 30 to 35 armed drones. During White House debates of CIA requests in 2009, Gen. James Cartwright, the vice chairman of the Joint Chiefs of Staff, repeatedly asked: "Can you tell me why we are building a second Air Force?" Obama eventually granted every single request made by then-Director of Central Intelligence Leon Panetta, adding: "The CIA gets what it wants." With this year's proposed National Intelligence Program budget scheduled to fall by 8 percent, an open checkbook for Langley is not sustainable or strategically wise.

## 1NC DA

#### Judicial drone oversight crushes Obama’s counter-terror strategy

Oliphant, 13 -- National Journal deputy magazine editor; citing Gregory McNeal, a counterterrorism expert at Pepperdine University

[James, “Vetting the Kill List,” 5-30-13, http://www.nationaljournal.com/magazine/vetting-the-kill-list-20130404, accessed 8-16-13, mss]

But even among supporters, no consensus exists on what questions a drone court would actually review or even whether its scrutiny would come before or after a strike. The most problematic scenario involves any sort of preoperational clearance. Possible windows for action open and shut in a matter of hours. The kill lists are constantly being revised and updated. Even many of those who argue for some sort of oversight mechanism, such as University of Texas law professor Robert Chesney, don’t believe a judge should be involved when it comes to “pulling the trigger.” Still, Chesney says such a court could still vet the names on the list in advance to ensure the administration is following its own guidelines for a strike: the target is connected to al-Qaida; he poses some threat of “imminent” harm; and the government is operating within its legal authority. “Whether and when to fire is a totally separate question,” Chesney says. (He notes that there’s a range of disagreement over how the administration classifies an “imminent” threat and whether a judge would be qualified to make that determination.) But even that small degree of oversight, warns Gregory McNeal, a counterterrorism expert at Pepperdine University, risks **throwing sand in the gears** by extending the timeline of an op. And to McNeal, this point leads directly to the larger issue of accountability—or, to use the Washington synonym, blame. Judges, he says, simply aren’t ever going to be equipped to identify and navigate the variables involved in a drone strike. Jeh Johnson, formerly the Obama administration’s top lawyer at the Pentagon, expressed his discomfort with court-based oversight in a speech last month at Fordham University. Questions of feasibility and imminence, he said, “are up-to-the-minute, real-time assessments.” More important, Johnson emphasized, “we want military and national security officials to continually assess and reassess these two questions up until the last minute of the operation.”

#### That would uniquely decimate Obama and the military’s ability to calm alliances and deter enemies ---- makes terrorism and global nuclear war more likely

WAXMAN 2013 - law professor at Columbia Law School, co-chairs the Roger Hertog Program on Law and National Security (Matthew Waxman, “The Constitutional Power to Threaten War,” August 27, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2316777)

As a prescriptive matter, Part II also shows that examination of threatened force and the credibility requirements for its effectiveness calls into question many orthodoxies of the policy advantages and risks attendant to various allocations of legal war powers, including the existing one and proposed reforms.23 Most functional arguments about war powers focus on fighting wars or hostile engagements, but that is not all – or even predominantly – what the United States does with its military power. Much of the time it seeks to avert such clashes while achieving its foreign policy objectives: to bargain, coerce, deter.24 The President’s flexibility to use force in turn affects decision-making about threatening it, with major implications for securing peace or dragging the United States into conflicts. Moreover, constitutional war power allocations affect potential conflicts not only because they may constrain U.S. actions but because they may send signals and shape other states’ (including adversaries’) expectations of U.S. actions.25 That is, most analysis of war-powers law is inward-looking, focused on audiences internal to the U.S. government and polity, but thinking about threatened force prompts us to look outward, at how war-powers law affects external perceptions among adversaries and allies. Here, extant political science and strategic studies offer few clear conclusions, but they point the way toward more sophisticated and realistic policy assessment of legal doctrine and proposed reform. More generally, as explained in Part III, analysis of threatened force and war powers exposes an under-appreciated relationship between constitutional doctrine and grand strategy. Instead of proposing a functionally optimal allocation of legal powers, as legal scholars are often tempted to do, this Article in the end denies the tenability of any such claim. Having identified new spaces of war and peace powers that legal scholars need to take account of in understanding how those powers are really exercised, this Article also highlights the extent to which any normative account of the proper distribution of authority over this area depends on many matters that cannot be predicted in advance or expected to remain constant.26 Instead of proposing a policy-optimal solution, this Article concludes that the allocation of constitutional war powers is – and should be –geopolitically and strategically contingent; the actual and effective balance between presidential and congressional powers over war and peace in practice necessarily depends on fundamental assumptions and shifting policy choices about how best to secure U.S. interests against potential threats.27 I. Constitutional War Powers and Threats of Force Decisions to go to war or to send military forces into hostilities are immensely consequential, so it is no surprise that debates about constitutional war powers occupy so much space. But one of the most common and important ways that the United States uses its military power is by threatening war or force – and the constitutional dimensions of that activity receive almost no scrutiny or even theoretical investigation. A. War Powers Doctrine and Debates The Constitution grants Congress the powers to create military forces and to “declare war,”28 which the Supreme Court early on made clear includes the power to authorize limited uses of force short of full-blown war.29 The Constitution then vests the President with executive power and designates him commander in chief of the armed forces,30 and it has been well-accepted since the Founding that these powers include unilateral authority to repel invasions if the United States is attacked.31 Although there is nearly universal acceptance of these basic starting points, there is little legal agreement about how the Constitution allocates responsibility for the vast bulk of cases in which the United States has actually resorted to force. The United States has declared war or been invaded only a handful of times in its history, but it has used force – sometimes large-scale force – hundreds of other times.32 Views split over questions like when, if ever, the President may use force to deal with aggression against third parties and how much unilateral discretion the President has to use limited force short of full-blown war. For many lawyers and legal scholars, at least one important methodological tool for resolving such questions is to look at historical practice, and especially the extent to which the political branches acquiesced in common practices.33 Interpretation of that historical practice for constitutional purposes again divides legal scholars, but most would agree at least descriptively on some basic parts of that history. In particular, most scholars assess that from the Founding era through World War II, Presidents and Congresses alike recognized through their behavior and statements that except in certain narrow types of contingencies, congressional authorization was required for large-scale military operations against other states and international actors, even as many Presidents pushed and sometimes crossed those boundaries.34 Whatever constitutional constraints on presidential use of force existed prior to World War II, however, most scholars also note that the President asserted much more extensive unilateral powers to use force during and after the Cold War, and many trace the turning point to the 1950 Korean War.35 Congress did not declare war in that instance, nor did it expressly authorize U.S. participation.36 From that point forward, presidents have asserted broad unilateral authority to use force to address threats to U.S. interests, including threats to U.S. allies, and that neither Congress nor courts pushed back much against this expanding power.37 Concerns about expansive presidential war-making authority spiked during the Vietnam War. In the wind-down of that conflict, Congress passed – over President Nixon’s veto – the War Powers Resolution,38 which stated its purpose as to ensure the constitutional Founders’ original vision that the “collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.”39 Since then, presidentialists have argued that the President still retains expansive authority to use force abroad to protect American interests,40 and congressionalists argue that this authority is tightly circumscribed.41 These constitutional debates have continued through the first decade of the 21st century. Constitutional scholars split, for example, over President Obama’s power to participate in coalition operations against Libya without congressional authorization in 2011, especially after the War Powers Resolution’s 60-day clock expired.42 Some argue that President Obama’s use of military force without specific congressional authorization in that case reflects the broad constitutional discretion presidents now have to protect American interests, at least short of full-blown “war”, while others argue that it is the latest in a long record of presidential violations of the Constitution and the War Powers Resolution.43 B. Threats of Force and Constitutional Powers These days it is usually taken for granted that – whether or not he can make war unilaterally – the President is constitutionally empowered to threaten the use of force, implicitly or explicitly, through diplomatic means or shows of force. It is never seriously contested whether the President may declare that United States is contemplating military options in response to a crisis, or whether the President may move substantial U.S. military forces to a crisis region or engage in military exercises there. To take the Libya example just mentioned, is there any constitutional limitation on the President’s authority to move U.S. military forces to the Mediterranean region and prepare them very visibly to strike?44 Or his authority to issue an ultimatum to Libyan leaders that they cease their brutal conduct or else face military action? Would it matter whether such threats were explicit versus implicit, whether they were open and public versus secret, or whether they were just a bluff? If not a constitutional obstacle, could it be argued that the War Powers Resolution’s reporting requirements and limits on operations were triggered by a President’s mere ultimatum or threatening military demonstration, insofar as those moves might constitute a “situation where imminent involvement in hostilities is clearly indicated by the circumstances”? These questions simply are not asked (at least not anymore).45 If anything, most lawyers would probably conclude that the President’s constitutional powers to threaten war are not just expansive but largely beyond Congress’s authority to regulate directly. From a constitutional standpoint, to the extent it is considered at all, the President’s power to threaten force is probably regarded to be at least as broad as his power to use it. One way to look at it is that the power to threaten force is a lesser included element of presidential war powers; the power to threaten to use force is simply a secondary question, the answer to which is bounded by the primary issue of the scope of presidential power to actually use it. If one interprets the President’s defensive war powers very broadly, to include dealing with aggression not only directed against U.S. territories but also against third parties,46 then it might seem easy to conclude that the President can also therefore take steps that stop short of actual armed intervention to deter or prevent such aggression. If, however, one interprets the President’s powers narrowly, for example, to include only limited unilateral authority to repel attacks against U.S. territory,47 then one might expect objections to arguably excessive presidential power to include his unilateral threats of armed intervention. Another way of looking at it is that in many cases, threats of war or force might fall within even quite narrow interpretations of the President’s inherent foreign relations powers to conduct diplomacy or his express commander in chief power to control U.S. military forces – or some combination of the two – depending on how a particular threat is communicated. A President’s verbal warning, ultimatum, or declared intention to use military force, for instance, could be seen as merely exercising his role as the “sole organ” of U.S. foreign diplomacy, conveying externally information about U.S. capabilities and intentions.48 A president’s movement of U.S. troops or warships to a crisis region or elevation of their alert level could be seen as merely exercising his dayto- day tactical control over forces under his command.49 Generally it is not seriously contested whether the exercise of these powers alone could so affect the likelihood of hostilities or war as to intrude on Congress’s powers over war and peace.50 We know from historical examples that such unilateral military moves, even those that are ostensibly pure defensive ones, can provoke wars – take, for example, President Polk’s movement of U.S. forces to the contested border with Mexico in 1846, and the resulting skirmishes that led Congress to declare war.51 Coming at the issue from Congress’s Article I powers rather than the President’s Article II powers, the very phrasing of the power “To declare War” puts most naturally all the emphasis on the present tense of U.S. military action, rather than its potentiality. Even as congressionalists advance interpretations of the clause to include not merely declarative authority but primary decision-making authority as to whether or not to wage war or use force abroad, their modern-day interpretations do not include a power to threaten war (except perhaps through the specific act of declaring it). None seriously argues – at least not any more – that the Declare War Clause precludes presidential threats of war. This was not always the case. During the early period of the Republic, there was a powerful view that beyond outright initiation of armed hostilities or declaration of war, more broadly the President also could not unilaterally take actions (putting aside actual military attacks) that would likely or directly risk war,52 provoke a war with another state,53 or change the condition of affairs or relations with another state along the continuum from peace to war.54 To do so, it was often argued, would usurp Congress’s prerogative to control the nation’s state of peace or war.55 During the Quasi-War with France at the end of the 18th century, for example, some members of Congress questioned whether the President, absent congressional authorization, could take actions that visibly signaled an intention to retaliate against French maritime harassment,56 and even some members of President Adams’ cabinet shared doubts.57 Some questions over the President’s power to threaten force arose (eventually) in relation to the Monroe Doctrine, announced in an 1823 presidential address to Congress and which in effect declared to European powers that the United States would oppose any efforts to colonize or reassert control in the Western Hemisphere.58 “Virtually no one questioned [Monroe’s proclamation] at the time. Yet it posed a constitutional difficulty of the first importance.”59 Of course, Monroe did not actually initiate any military hostilities, but his implied threat – without congressional action – risked provoking rather than deterring European aggression and by putting U.S. prestige and credibility on the line it limited Congress’s practical freedom of action if European powers chose to intervene.60 The United States would have had at the time to rely on British naval power to make good on that tacit threat, though a more assertive role for the President in wielding the potential for war or intervention during this period went hand in hand with a more sustained projection of U.S. power beyond its borders, especially in dealing with dangers emanating from Spanish-held Florida territory.61 Monroe’s successor, John Quincy Adams, faced complaints from opposition members of Congress that Monroe’s proclamation had exceeded his constitutional authority and had usurped Congress’s by committing the United States – even in a non-binding way – to resisting European meddling in the hemisphere.62 The question whether the President could unilaterally send militarily-threatening signals was in some respects a mirror image of the issues raised soon after the Constitution was ratified during the 1793 Neutrality Controversy: could President Washington unilaterally declare the United States to be neutral as to the war among European powers. Washington’s politically controversial proclamation declaring the nation “friendly and impartial” in the conflict between France and Great Britain (along with other European states) famously prompted a back-and-forth contest of public letters by Alexander Hamilton and James Madison, writing pseudonymously as “Pacificus” and “Helvidius”, about whether the President had such unilateral power or whether it belonged to Congress.63 Legal historian David Currie points out the irony that the neutrality proclamation was met with stronger and more immediate constitutional scrutiny and criticism than was Monroe’s threat. After all, Washington’s action accorded with the principle that only Congress, representing popular will, should be able to take the country from the baseline state of peace to war, whereas Monroe’s action seemed (at least superficially) to commit it to a war that Congress had not approved.64 Curiously (though for reasons offered below, perhaps not surprisingly) this issue – whether there are constitutional limits on the President’s power to threaten war – has almost vanished completely from legal discussion, and that evaporation occurred even before the dramatic post-war expansion in asserted presidential power to make war. Just prior to World War II, political scientist and presidential powers theorist Edward Corwin remarked that “[o]f course, it may be argued, and has in fact been argued many times, that the President is under constitutional obligation not to incur the risk of war in the prosecution of a diplomatic policy without first consulting Congress and getting its consent.”65 “Nevertheless,” he continued,66 “the supposed principle is clearly a maxim of policy rather than a generalization from consistent practice.” In his 1945 study World Policing and the Constitution, James Grafton Rogers noted: [E]xamples of demonstrations on land and sea made for a variety of purposes and under Presidents of varied temper and in different political climates will suffice to make the point. The Commander-in-Chief under the Constitution can display our military resources and threaten their use whenever he thinks best. The weakness in the diplomatic weapon is the possibility of dissidence at home which may cast doubt on our serious intent. The danger of the weapon is war.67 At least since then, however, the importance to U.S. foreign policy of threatened force has increased dramatically, while legal questions about it have receded further from discussion. In recent decades a few prominent legal scholars have addressed the President’s power to threaten force, though in only brief terms. Taylor Reveley noted in his volume on war powers the importance of allocating constitutional responsibility not only for the actual use of force but also “[v]erbal or written threats or assurances about the circumstances in which the United States will take military action …, whether delivered by declarations of American policy, through formal agreements with foreign entities, by the demeanor or words of American officials, or by some other sign of national intent.”68 Beyond recognizing the critical importance of threats and other non-military actions in affecting war and peace, however, Reveley made little effort to address the issue in any detail. Among the few legal scholars attempting to define the limiting doctrinal contours of presidentially threatened force, Louis Henkin wrote in his monumental Foreign Affairs and the Constitution that: Unfortunately, the line between war and lesser uses of force is often elusive, sometimes illusory, and the use of force for foreign policy purposes can almost imperceptibly become a national commitment to war. Even when he does not use military force, the President can incite other nations or otherwise plunge or stumble this country into war, or force the hand of Congress to declare or to acquiesce and cooperate in war. As a matter of constitutional doctrine, however, one can declare with confidence that a President begins to exceed his authority if he willfully or recklessly moves the nation towards war…69 The implication seems to be that the President may not unilaterally threaten force in ways that are dramatically escalatory and could likely lead to war, or perhaps that the President may not unilaterally threaten the use of force that he does not have the authority to initiate unilaterally.70 Jefferson Powell, who generally takes a more expansive view than Henkin of the President’s war powers, argues by contrast that “[t]he ability to warn of, or threaten, the use of military force is an ordinary and essential element in the toolbox of that branch of government empowered to formulate and implement foreign policy.”71 For Powell, the President is constantly taking actions as part of everyday international relations that carry a risk of military escalation, and these are well-accepted as part of the President’s broader authority to manage, if not set, foreign policy. Such brief mentions are in recent times among the rare exceptions to otherwise barren constitutional discussion of presidential powers to threaten force. That the President’s authority to threaten force is so well-accepted these days as to seem self-evident is not just an academic phenomenon. It is also reflected in the legal debates among and inside all three branches of government. In 1989, Michael Reisman observed: Military maneuvers designed to convey commitment to allies or contingent threats to adversaries … are matters of presidential competence. Congress does not appear to view as within its bailiwick many low-profile contemporaneous expressions of gunboat diplomacy, i.e., the physical interposition of some U.S. war-making capacity as communication to an adversary of United States’ intentions and capacities to oppose it.72 This was and remains a correct description but understates the pattern of practice, insofar as even major and high-profile expressions of coercive diplomacy are regarded among all three branches of government as within presidential competence. In Dellums v. Bush – perhaps the most assertive judicial scrutiny of presidential power to use large-scale force abroad since the end of the Cold War – the district court dismissed on ripeness grounds congressmembers’ suit challenging President George H. W. Bush’s intended military operations against Iraq in 1991 and seeking to prevent him from initiating an offensive attack against Iraq without first securing explicit congressional authorization for such action.73 That at the time of the suit the President had openly threatened war – through ultimatums and deployment of several hundred thousand U.S. troops – but had not yet “committed to a definitive course of action” to carry out the threat meant there was no justiciable legal issue, held the court.74 The President’s threat of war did not seem to give the district court legal pause at all; quite the contrary, the mere threat of war was treated by the court as a non-issue entirely.75 There are several reasons why constitutional questions about threatened force have dropped out of legal discussions. First, the more politically salient debate about the President’s unilateral power to use force has probably swallowed up this seemingly secondary issue. As explained below, it is a mistake to view threats as secondary in importance to uses of force, but they do not command the same political attention and their impacts are harder to measure.76 Second, the expansion of American power after World War II, combined with the growth of peacetime military forces and a set of defense alliance commitments (developments that are elaborated below) make at least some threat of force much more common – in the case of defensive alliances and some deterrent policies, virtually constant – and difficult to distinguish from other forms of everyday diplomacy and security policy.77 Besides, for political and diplomatic reasons, presidents rarely threaten war or intervention without at least a little deliberate ambiguity. As historian Marc Trachtenberg puts it: “It often makes sense … to muddy the waters a bit and avoid direct threats.”78 Any legal lines one might try to draw (recall early attempts to restrict the President’s unilateral authority to alter the state of affairs along the peacetime-wartime continuum) have become blurrier and blurrier. In sum, if the constitutional power to threaten war ever posed a serious legal controversy, it does so no more. As the following section explains, however, threats of war and armed force have during most of our history become a greater and greater part of American grand strategy, defined here as long-term policies for using the country’s military and non-military power to achieve national goals. The prominent role of threatened force in U.S. strategy has become the focus of political scientists and other students of security strategy, crises, and responses – but constitutional study has not adjusted accordingly.79 C. Threats of Force and U.S. Grand Strategy While the Korean and Vietnam Wars were generating intense study among lawyers and legal scholars about constitutional authority to wage military actions abroad, during that same period many political scientists and strategists – economists, historians, statesmen, and others who studied international conflict – turned their focus to the role of threatened force as an instrument of foreign policy. The United States was building and sustaining a massive war-fighting apparatus, but its security policy was not oriented primarily around waging or winning wars but around deterring them and using the threat of war – including demonstrative military actions – to advance U.S. security interests. It was the potential of U.S. military might, not its direct application or engagement with the enemy, that would do much of the heavy lifting. U.S. military power would be used to deter the Soviet Union and other hostile states from taking aggressive action. It would be unsheathed to prompt them to back down over disputes. It would reassure allies that they could depend on U.S. help in defending themselves. All this required that U.S. willingness to go to war be credible in the eyes of adversaries and allies alike. Much of the early Cold War study of threatened force concerned nuclear strategy, and especially deterrence or escalation of nuclear war. Works by Albert Wohlstetter, Herman Kahn, and others not only studied but shaped the strategy of nuclear threats, as well as how to use limited applications of force or threats of force to pursue strategic interests in remote parts of the globe without sparking massive conflagrations.80 As the strategic analyst Bernard Brodie wrote in 1946, “Thus far the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to avert them.”81 Toward that end, U.S. government security and defense planners during this time focused heavily on preserving and improving the credibility of U.S. military threats – while the Soviet Union was doing likewise.82 The Truman administration developed a militarized version of containment strategy against the Soviet empire, emphasizing that stronger military capabilities were necessary to prevent the Soviets from seizing the initiative and to resist its aggressive probes: “it is clear,” according to NSC-68, the government document which encapsulated that strategy, “that a substantial and rapid building up of strength in the free world is necessary to support a firm policy intended to check and to roll back the Kremlin's drive for world domination.”83 The Eisenhower administration’s “New Look” policy and doctrine of “massive retaliation” emphasized making Western collective security both more effective and less costly by placing greater reliance on deterrent threats – including threatened escalation to general or nuclear war. As his Secretary of State John Foster Dulles explained, “[t]here is no local defense which alone will contain the mighty landpower of the Communist world. Local defenses must be reinforced by the further deterrent of massive retaliatory power.”84 As described in Evan Thomas’s recent book, Ike’s Bluff, Eisenhower managed to convince Soviet leaders that he was ready to use nuclear weapons to check their advance in Europe and elsewhere. In part due to concerns that threats of massive retaliation might be insufficiently credible in Soviet eyes (especially with respect to U.S. interests perceived as peripheral), the Kennedy administration in 1961 shifted toward a strategy of “flexible response,” which relied on the development of a wider spectrum of military options that could quickly and efficiently deliver varying degrees of force in response to foreign aggression.85 Throughout these periods, the President often resorted to discrete, limited uses of force to demonstrate U.S. willingness to escalate. For example, in 1961 the Kennedy administration (mostly successfully in the short-run) deployed intervention-ready military force immediately off the coast of the Dominican Republic to compel its government's ouster,86 and that same year it used military exercises and shows of force in ending the Berlin crisis;87 in 1964, the Johnson administration unsuccessfully used air strikes on North Vietnamese targets following the Tonkin Gulf incidents, failing to deter what it viewed as further North Vietnamese aggression.88 The point here is not the shifting details of U.S. strategy after World War II – during this era of dramatic expansion in asserted presidential war powers – but the central role of credible threats of war in it, as well as the interrelationship of plans for using force and credible threats to do so. Also during this period, the United States abandoned its long-standing aversion to “entangling alliances,”89 and committed to a network of mutual defense treaties with dependent allies. Besides the global collective security arrangement enshrined in the UN Charter, the United States committed soon after World War II to mutual defense pacts with, for example, groups of states in Western Europe (the North Atlantic Treaty Organization)90 and Asia (the Southeast Asia Treaty Organization,91 as well as a bilateral defense agreement with the Republic of Korea,92 Japan,93 and the Republic of China,94 among others). These alliance commitments were part of a U.S. effort to “extend” deterrence of Communist bloc aggression far beyond its own borders.95 “Extended deterrence” was also critical to reassuring these U.S. allies that their security needs would be met, in some instances to head off their own dangerous rearmament.96 Among the leading academic works on strategy of the 1960s and 70s were those of Thomas Schelling, who developed the theoretical structure of coercion theory, arguing that rational states routinely use the threat of military force – the manipulation of an adversary’s perceptions of future risks and costs with military threats – as a significant component of their diplomacy.97 Schelling distinguished between deterrence (the use of threats to dissuade an adversary from taking undesired action) and compellence (the use of threats to persuade an adversary to behave a certain way), and he distinguished both forms of coercion from brute force: “[B]rute force succeeds when it is used, whereas the power to hurt is most successful when held in reserve. It is the threat of damage to come that can make someone yield of comply. It is latent violence that can influence someone’s choice.”98 Alexander George, David Hall, and William Simons then led the way in taking a more empirical approach, reviewing case studies to draw insights about the success and failure of U.S. coercive threats, analyzing contextual variables and their effects on parties’ reactions to threats during crises. Among their goals was to generate lessons informed by history for successful strategies that combine diplomatic efforts with threats or demonstrations of force, recognizing that the United States was relying heavily on threatened force in addressing security crises. Coercive diplomacy – if successful – offered ways to do so with minimal actual application of military force.99 One of the most influential studies that followed was Force Without War: U.S. Armed Forces as a Political Instrument, a Brookings Institution study led by Barry Blechman and Stephen Kaplan and published in 1977.100 They studied “political uses of force”, defined as actions by U.S. military forces “as part of a deliberate attempt by the national authorities to influence, or to be prepared to influence, specific behavior of individuals in another nation without engaging in a continued contest of violence.”101 Blechman and Kaplan’s work, including their large data set and collected case studies, was important for showing the many ways that threatened force could support U.S. security policy. Besides deterrence and compellence, threats of force were used to assure allies (thereby, for example, avoiding their own drive toward militarization of policies or crises) and to induce third parties to behave certain ways (such as contributing to diplomatic resolution of crises). The record of success in relying on threatened force has been quite mixed, they showed. Blechman and Kaplan’s work, and that of others who built upon it through the end of the Cold War and the period that has followed,102 helped understand the factors that correlated with successful threats or demonstrations of force without resort or escalation to war, especially the importance of credible signals.103 After the Cold War, the United States continued to rely on coercive force – threatened force to deter or compel behavior by other actors – as a central pillar of its grand strategy. During the 1990s, the United States wielded coercive power with varied results against rogue actors in many cases that, without the overlay of superpower enmities, were considered secondary or peripheral, not vital, interests: Iraq, Somalia, Haiti, Bosnia, and elsewhere. For analysts of U.S. national security policy, a major puzzle was reconciling the fact that the United States possessed overwhelming military superiority in raw terms over any rivals with its difficult time during this era in compelling changes in their behavior.104 As Daniel Byman and I wrote about that decade in our study of threats of force and American foreign policy: U.S. conventional and nuclear forces dwarf those of any adversaries, and the U.S. economy remains the largest and most robust in the world. Because of these overwhelming advantages, the United States can threaten any conceivable adversary with little danger of a major defeat or even significant retaliation. Yet coercion remains difficult. Despite the United States’ lopsided edge in raw strength, regional foes persist in defying the threats and ultimatums brought by the United States and its allies. In confrontations with Somali militants, Serb nationalists, and an Iraqi dictator, the U.S. and allied record or coercion has been mixed over recent years…. Despite its mixed record of success, however, coercion will remain a critical element of U.S. foreign policy.105 One important factor that seemed to undermine the effectiveness of U.S. coercive threats during this period was that many adversaries perceived the United States as still afflicted with “Vietnam Syndrome,” unwilling to make good on its military threats and see military operations through.106 Since the turn of the 21st Century, major U.S. security challenges have included non-state terrorist threats, the proliferation of nuclear and other weapons of mass destruction (WMD), and rapidly changing power balances in East Asia, and the United States has accordingly been reorienting but retaining its strategic reliance on threatened force. The Bush Administration’s “preemption doctrine” was premised on the idea that some dangerous actors – including terrorist organizations and some states seeking WMD arsenals – are undeterrable, so the United States might have to strike them first rather than waiting to be struck.107 On one hand, this was a move away from reliance on threatened force: “[t]he inability to deter a potential attacker, the immediacy of today’s threats, and the magnitude of potential harm that could be caused by our adversaries’ choice of weapons, do not permit” a reactive posture.108 Yet the very enunciation of such a policy – that “[t]o forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively”109 – was intended to persuade those adversaries to alter their policies that the United States regarded as destabilizing and threatening. Although the Obama administration pulled back from this rhetoric and placed greater emphasis on international institutions, it has continued to rely on threatened force as a key pillar of its strategy with regard to deterring threats (such as aggressive Iranian moves), intervening in humanitarian crises (as in Libya), and reassuring allies.110 With regard to East Asia, for example, the credible threat of U.S. military force is a significant element of U.S. strategy for deterring Chinese and North Korean aggression as well as reassuring other Asian powers of U.S. protection, to avert a destabilizing arms race.111 D. The Disconnect Between Constitutional Discourse and Strategy There is a major disconnect between the decades of work by strategists and many political scientists on American security policy and practice since the Second World War and legal analysis and scholarship of constitutional war powers during that period. Lawyers and strategists have been relying on not only distinct languages but distinct logics of military force – in short, when it comes to using U.S. military power, lawyers think in terms of “going to war” while strategists focus on potential war and processes leading to it. These framings manifest in differing theoretical starting points for considering how exercises of U.S. military might affect war and peace, and they skew the empirical insights and normative prescriptions about Presidential power often drawn from their analyses. 1. Lawyers’ Misframing Lawyers’ focus on actual uses of force – especially engagements with enemy military forces – as constitutionally salient, rather than including threats of force in their understanding of modern presidential powers tilts analysis toward a one-dimensional strategic logic, rather than a more complex and multi-dimensional and dynamic logic in which the credible will to use force is as important as the capacity to do so. As discussed above, early American constitutional thinkers and practitioners generally wanted to slow down with institutional checks decisions to go to war, because they thought that would make war less likely. “To invoke a more contemporary image,” wrote John Hart Ely of their vision, “it takes more than one key to launch a missile: It should take quite a number to start a war.”112 They also viewed the exercise of military power as generally a ratchet of hostilities, whereby as the intensity of authorized or deployed force increased, so generally did the state of hostilities between the United States and other parties move along a continuum from peace to war.113 Echoes of this logic still reverberate in modern congressionalist legal scholarship: the more flexibly the President can use military force, the more likely it is that the United States will find itself in wars; better, therefore, to clog decisions to make war with legislative checks.114 Modern presidentialist legal scholars usually respond that rapid action is a virtue, not a vice, in exercising military force.115 Especially as a superpower with global interests and facing global threats, presidential discretion to take rapid military action – endowed with what Alexander Hamilton called “[d]ecision, activity, secrecy, and dispatch”116 – best protects American interests. In either case the emphasis tends overwhelmingly to be placed on actual military engagements with adversaries. Strategists and many political scientists, by contrast, view some of the most significant use of military power as starting well before armed forces clash – and including important cases in which they never actually do. Coercive diplomacy and strategies of threatened force, they recognize, often involve a set of moves and countermoves by opposing sides and third parties before or even without the violent engagement of opposing forces. It is often the parties’ perceptions of anticipated actions and costs, not the actual carrying through of violence, that have the greatest impact on the course of events and resolution or escalation of crises. Instead of a ratchet of escalating hostilities, the flexing of military muscle can increase as well as decrease actual hostilities, inflame as well as stabilize relations with rivals or enemies. Moreover, those effects are determined not just by U.S. moves but by the responses of other parties to them – or even to anticipated U.S. moves and countermoves.117 Indeed, as Schelling observed, strategies of brinkmanship sometimes operate by “the deliberate creation of a recognizable risk of war, a risk that one does not completely control.”118 This insight – that effective strategies of threatened force involve not only great uncertainty about the adversary’s responses but also sometimes involve intentionally creating risk of inadvertent escalation119 – poses a difficult challenge for any effort to cabin legally the President’s power to threaten force in terms of likelihood of war or some due standard of care.120 2. Lawyers’ Selection Problems Methodologically, a lawyerly focus on actual uses of force – a list of which would then commonly be used to consider which ones were or were not authorized by Congress – vastly undercounts the instances in which presidents wield U.S. military might. It is already recognized by some legal scholars that studying actual uses of force risks ignoring instances in which President contemplated force but refrained from using it, whether because of political, congressional, or other constraints.121 The point here is a different one: that some of the most significant (and, in many instances, successful) presidential decisions to threaten force do not show up in legal studies of presidential war powers that consider actual deployment or engagement of U.S. military forces as the relevant data set. Moreover, some actual uses of force, whether authorized by Congress or not, were preceded by threats of force; in some cases these threats may have failed on their own to resolve the crisis, and in other cases they may have precipitated escalation. To the extent that lawyers are interested in understanding from historical practice what war powers the political branches thought they had and how well that understanding worked, they are excluding important cases. Consider, as an illustration of this difference in methodological starting point, that for the period of 1946-1975 (during which the exercise of unilateral Presidential war powers had its most rapid expansion), the Congressional Research Service compilation of instances in which the United States has utilized military forces abroad in situations of military conflict or potential conflict to protect U.S. citizens or promote U.S. interests – which is often relied upon by legal scholars studying war powers – lists only about two dozen incidents.122 For the same time period, the Blechman and Kaplan study of political uses of force (usually threats) – which is often relied upon by political scientists studying U.S. security strategy – includes dozens more data-point incidents, because they divide up many military crises into several discrete policy decisions, because many crises were resolved with threat-backed diplomacy, and because many uses of force were preceded by overt or implicit threats of force.123 Among the most significant incidents studied by Blechman and Kaplan but not included in the Congressional Research Service compilation at all are the 1958-59 and 1961 crises over Berlin and the 1973 Middle East War, during which U.S. Presidents signaled threats of superpower war, and in the latter case signaled particularly a willingness to resort to nuclear weapons.124 Because the presidents did not in the end carry out these threats, these cases lack the sort of authoritative legal justifications or reactions that accompany actual uses of force. It is therefore difficult to assess how the executive branch and congress understood the scope of the President’s war powers in these cases, but historical inquiry would probably show the executive branch’s interpretation to be very broad, even to include full-scale war and even where the main U.S. interest at stake was the very credibility of U.S. defense commitments undergirding its grand strategy, not simply the interests specific to divided Germany and the Middle East region. Of course, one might argue that because the threatened military actions were never carried out in these cases, it is impossible to know if the President would have sought congressional authorization or how Congress would have reacted to the use of force; nonetheless, it is easy to see that in crises like these a threat by the President to use force, having put U.S. credibility on the line in addition to whatever other foreign policy stakes were at issues, would have put Congress in a bind. 3. Lawyers’ Mis-Assessment Empirically, analysis of and insights gleaned from any particular incident – which might then be used to evaluate the functional merits of presidential powers – looks very different if one focuses predominantly on the actual use of force instead of considering also the role of threatened force. Take for example, the Cuban Missile Crisis – perhaps the Cold War’s most dangerous event. To the rare extent that they consider domestic legal issues of this crisis at all, lawyers interested in the constitutionality of President Kennedy’s actions generally ask only whether he was empowered to initiate the naval quarantine of Cuba, because that is the concrete military action Kennedy took that was readily observable and that resulted in actual engagement with Soviet forces or vessels – as it happens, very minimal engagement.125 To strategists who study the crisis, however, the naval quarantine is not in itself the key presidential action; after all, as Kennedy and his advisers realized, a quarantine alone could not remove the missiles that were already in Cuba. The most consequential presidential actions were threats of military or even nuclear escalation, signaled through various means including putting U.S. strategic bombers on highest alert.126 The quarantine itself was significant not for its direct military effects but because of its communicative impact in showing U.S. resolve. If one is focused, as lawyers often are, on presidential military action that actually engaged the enemy in combat or nearly did, it is easy to dismiss this case as not very constitutionally significant. If one focuses on it, as strategists and political scientists often do, on nuclear brinkmanship, it is arguably the most significant historical exercise of unilateral presidential powers to affect war and peace.127 Considering again the 1991 Gulf War, most legal scholars would dismiss this instance as constitutionally a pretty uninteresting military conflict: the President claimed unilateral authority to use force, but he eventually sought and obtained congressional authorization for what was ultimately – at least in the short-run – a quite successful war. For the most part this case is therefore neither celebrated nor decried much by either side of legal war powers debates,128 though some congressionalist scholars highlight the correlation of congressional authorization for this war and a successful outcome.129 Political scientists look at the case differently, though. They often study this event not as a successful war but as failed coercive diplomacy, in that the United States first threatened war through a set of dramatically escalating steps that ultimately failed to persuade Saddam Hussein to withdraw from Kuwait.130 Some political scientists even see U.S. legal debate about military actions as an important part of this story, assessing that adversaries pay attention to congressional arguments and moves in evaluating U.S. resolve (an issue taken up in greater detail below) and that congressional opposition to Bush’s initial unilateralism in this case undermined the credibility of U.S. threats.131 Whether one sees the Gulf War as a case of (successful) war, as lawyers usually do, or (unsuccessful) threatened war, as political scientists usually do, colors how one evaluates the outcome and the credit one might attach to some factors such as vocal congressional opposition to initially-unilateral presidential moves. Notice also that legal analysis of Presidential authority to use force is sometimes thought to turn partly on the U.S. security interests at stake, as though those interests are purely contextual and exogenous to U.S. decision-making and grand strategy. In justifying President Obama’s 2011 use of force against the Libyan government, for example, the Justice Department’s Office of Legal Counsel concluded that the President had such legal authority “because he could reasonably determine that such use of force was in the national interest,” and it then went on to detail the U.S. security and foreign policy interests.132 The interests at stake in crises like these, however, are altered dramatically if the President threatens force: doing so puts the credibility of U.S. threats at stake, which is important not only with respect to resolving the crisis at hand but with respect to other potential adversaries watching U.S. actions.133 The President’s power to threaten force means that he may unilaterally alter the costs and benefits of actually using force through his prior actions.134 The U.S. security interests in carrying through on threats are partly endogenous to the strategy embarked upon to address crises (consider, for example, that once President George H.W. Bush placed hundred of thousands of U.S. troops in the Persian Gulf region and issued an ultimatum to Saddam Hussein in 1990, the credibility of U.S. threats and assurances to regional allies were put on the line).135 Moreover, interests at stake in any one crisis cannot simply be disaggregated from broader U.S. grand strategy: if the United States generally relies heavily on threats of force to shape the behavior of other actors, then its demonstrated willingness or unwillingness to carry out a threat and the outcomes of that action affect its credibility in the eyes of other adversaries and allies, too.136 It is remarkable, though in the end not surprising, that the executive branch does not generally cite these credibility interests in justifying its unilateral uses of force. It does cite when relevant the U.S. interest in sustaining the credibility of its formal alliance commitments or U.N. Security Council resolutions, as reasons supporting the President’s constitutional authority to use force.137 The executive branch generally refrains from citing the similar interests in sustaining the credibility of the President’s own threats of force, however, probably in part because doing so would so nakedly expose the degree to which the President’s prior unilateral strategic decisions would tie Congress’s hands on the matter. \* \* \* In sum, lawyers’ focus on actual uses of force – usually in terms of armed clashes with an enemy or the placement of troops into hostile environments – does not account for much vaster ways that President’s wield U.S. military power and it skews the claims legal scholars make about the allocation of war powers between the political branches. A more complete account of constitutional war powers should recognize the significant role of threatened force in American foreign policy. II. Democratic Checks on Threatened Force The previous Parts of this Article showed that, especially since the end of World War II, the United States has relied heavily on strategies of threatened force in wielding its military might – for which credible signals are a necessary element – and that the President is not very constrained legally in any formal sense in threatening war. Drawing on recent political science scholarship, this Part takes some of the major questions often asked by students of constitutional war powers with respect to the actual use of force and reframes them in terms of threatened force. First, as a descriptive matter, in the absence of formal legal checks on the President’s power to threaten war, is the President nevertheless informally but significantly constrained by democratic institutions and processes, and what role does Congress play in that constraint? Second, as a normative matter, what are the strategic merits and drawbacks of this arrangement of democratic institutions and constraints with regard to strategies of threatened force? Third, as a prescriptive matter, although it is not really plausible that Congress or courts would ever erect direct legal barriers to the President’s power to threaten war, how might legal reform proposals to more strongly and formally constrain the President’s power to use force indirectly impact his power to threaten it effectively? For reasons discussed below, I do not consider whether Congress could legislatively restrict directly the President’s power to threaten force or war; in short, I set that issue aside because assuming that were constitutionally permissible, even ardent congressionalists have exhibited no interest in doing so, and instead have focused on legally controlling the actual use of force. Political science insights that bear on these questions emerge from several directions. One is from studies of Congress’ influence on use of force decisions, which usually assume that Congress’s formal legislative powers play only a limited role in this area, and the effects of this influence on presidential decision-making about threatened force. Another is international relations literature on international bargaining138 as well as literature on the theory of democratic peace, the notion that democracies rarely, if ever, go to war with one another.139 In attempting to explain the near-absence of military conflicts between democracies, political scientists have examined how particular features of democratic governments – electoral accountability, the institutionalized mobilization of political opponents, and the diffusion of decision-making authority regarding the use of force among executive and legislative branches – affect decision-making about war.140 These and other studies, in turn, have led some political scientists (especially those with a rational choice theory orientation) to focus on how those features affect the credibility of signals about force that governments send to adversaries in crises.141 My purpose in addressing these questions is to begin painting a more complete and detailed picture of the way war powers operate, or could operate, than one sees when looking only at actual wars and use of force. This is not intended to be a comprehensive account but an effort to synthesize some strands of scholarship from other fields regarding threatened force to inform legal discourse about how war powers function in practice and the strategic implications of reform. The answers to these questions also bear on raging debates among legal scholars on the nature of American executive power and its constraint by law. Initially they seem to support the views of those legal scholars who have long believed that in practice law no longer seriously binds the President with respect to war-making.142 That view has been taken even further recently by Eric Posner and Adrian Vermeule, who argue that “[l]aw does little constraint the modern executive” at all, but also observe that “politics and public opinion” operate effectively to cabin executive powers.143 The arguments offered here, however, do more to support the position of those legal scholars who describe a more complex relationship between law and politics, including that law is constitutive of the processes of political struggle.144 That law helps constitute the processes of political struggles is true of any area of public policy, though, and what is special here is the added importance of foreign audiences – including adversaries and allies, alike – observing and reacting to those politics, too. Democratic Constraints on the Power to the Threaten Force Whereas most lawyers usually begin their analysis of the President’s and Congress’s war powers by focusing on their formal legal authorities, political scientists usually take for granted these days that the President is – in practice – the dominant branch with respect to military crises and that Congress wields its formal legislative powers in this area rarely or in only very limited ways. A major school of thought, however, is that congressional members nevertheless wield significant influence over decisions about force, and that this influence extends to threatened force, so that Presidents generally refrain from threats that would provoke strong congressional opposition. Even without any serious prospect for legislatively blocking the President’s threatened actions, Congress under certain conditions can loom large enough to force Presidents to adjust their policies; even when it cannot, congressional members can oblige the President expend lots of political capital. As Jon Pevehouse and William Howell explain: When members of Congress vocally oppose a use of force, they undermine the president’s ability to convince foreign states that he will see a fight through to the end. Sensing hesitation on the part of the United States, allies may be reluctant to contribute to a military campaign, and adversaries are likely to fight harder and longer when conflict erupts— thereby raising the costs of the military campaign, decreasing the president’s ability to negotiate a satisfactory resolution, and increasing the probability that American lives are lost along the way. Facing a limited band of allies willing to participate in a military venture and an enemy emboldened by domestic critics, presidents may choose to curtail, and even abandon, those military operations that do not involve vital strategic interests. 145 This statement also highlights the important point, alluded to earlier, that force and threatened force are not neatly separable categories. Often limited uses of force are intended as signals of resolve to escalate, and most conflicts involve bargaining in which the threat of future violence – rather than what Schelling calls “brute force”146 – is used to try to extract concessions. The formal participation of political opponents in legislative bodies provides them with a forum for registering dissent to presidential policies of force through such mechanisms floor statements, committee oversight hearings, resolution votes, and funding decisions.147 These official actions prevent the President “from monopolizing the nation’s political discourse” on decisions regarding military actions can thereby make it difficult for the President to depart too far from congressional preferences.148 Members of the political opposition in Congress also have access to resources for gathering policy relevant information from the government that informs their policy preferences. Their active participation in specialized legislative committees similarly gives opponent party members access to fact-finding resources and forums for registering informed dissent from decisions within the committee’s purview.149 As a result, legislative institutions within democracies can enable political opponents to have a more immediate and informed impact on executive’s decisions regarding force than can opponents among the general public. Moreover, studies suggest that Congress can actively shape media coverage and public support for a president’s foreign policy engagements.150 In short, these findings among political scientists suggest that, even without having to pass legislation or formally approve of actions, Congress often operates as an important check on threatened force by providing the president’s political opponents with a forum for registering dissent from the executive’s decisions regarding force in ways that attach domestic political costs to contemplated military actions or even the threats to use force. Under this logic, Presidents, anticipating dissent, will be more selective in issuing¶ threats in the first place, making only those commitments that would not incite¶ widespread political opposition should the threat be carried through.151 Political¶ opponents within a legislature also have few electoral incentives to collude in an¶ executive’s bluff, and they are capable of expressing opposition to a threatened use of¶ force in ways that could expose the bluff to a threatened adversary.152 This again narrows¶ the President’s range of viable policy options for brandishing military force. Counter-intuitively, given the President’s seemingly unlimited and unchallenged¶ constitutional power to threaten war, it may in some cases be easier for members of¶ Congress to influence presidential decisions to threaten military action than presidential¶ war decisions once U.S. forces are already engaged in hostilities. It is widely believed¶ that once U.S. armed forces are fighting, congress members’ hands are often tied: policy¶ opposition at that stage risks being portrayed as undermining our troops in the field.153¶ Perhaps, it could be argued, the President takes this phenomenon into account and¶ therefore discounts political opposition to threatened force; he can assume that such¶ opposition will dissipate if he carries it through. Even if that is true, before that point¶ occurs, however, members of Congress may have communicated messages domestically¶ and communicated signals abroad that the President will find difficult to counter.154 The bottom line is that a body of recent political science, while confirming the¶ President’s dominant position in setting policy in this area, also reveals that policymaking¶ with respect to threats of force is significantly shaped by domestic politics and¶ that Congress is institutionally positioned to play a powerful role in influencing those¶ politics, even without exercising its formal legislative powers. Given the centrality of¶ threatened force to U.S. foreign policy strategy and security crises, this suggests that the¶ practical war powers situation is not so imbalanced toward the President as many assume. B. Democratic Institutions and the Credibility of Threats A central question among constitutional war powers scholars is whether robust¶ checks – especially congressional ones – on presidential use of force lead to “sound”¶ policy decision-making. Congressionalists typically argue that legislative control over¶ war decisions promotes more thorough deliberation, including more accurate weighing of¶ consequences and gauging of political support of military action.155 Presidentialists¶ usually counter that the executive branch has better information and therefore better¶ ability to discern the dangers of action or inaction, and that quick and decisive military¶ moves are often required to deal with security crises.156 If we are interested in these sorts of functional arguments, then reframing the¶ inquiry to include threatened force prompts critical questions whether such checks also¶ contribute to or detract from effective deterrence and coercive diplomacy and therefore¶ positively or negatively affect the likelihood of achieving aims without resort to war.¶ Here, recent political science provides some reason for optimism, though the scholarship¶ in this area is neither yet well developed nor conclusive. To be sure, “soundness” of policy with respect to force is heavily laden with¶ normative assumptions about war and the appropriate role for the United States in the¶ broader international security system, so it is difficult to assess the merits and¶ disadvantages of constitutional allocations in the abstract. That said, whatever their¶ specific assumptions about appropriate uses of force in mind, constitutional war powers¶ scholars usually evaluate the policy advantages and dangers of decision-making¶ allocations narrowly in terms of the costs and outcomes of actual military engagements¶ with adversaries. The importance of credibility to strategies of threatened force adds important new¶ dimensions to this debate. On the one hand, one might intuitively expect that robust democratic checks would generally be ill-suited for coercive threats and negotiations –¶ that institutional centralization and secrecy of decision-making might better equip nondemocracies¶ to wield threats of force. As Quincy Wright speculated in 1944, autocracies¶ “can use war efficiently and threats of war even more efficiently” than democracies,157¶ especially the American democracy in which vocal public and congressional opposition¶ may undermine threats.158 Moreover, proponents of democratic checks on war powers¶ usually assume that careful deliberation is a virtue in preventing unnecessary wars, but¶ strategists of deterrence and coercion observe that perceived irrationality is sometimes¶ important in conveying threats: “don’t test me, because I might just be crazy enough to¶ do it!”159 On the other hand, some political scientists have recently called into question this¶ view and concluded that the institutionalization of political contestation and some¶ diffusion of decision-making power in democracies of the kind described in the previous¶ section make threats to use force rare but especially credible and effective in resolving¶ international crises without actual resort to armed conflict. In other words, recent¶ arguments in effect turn some old claims about the strategic disabilities of democracies¶ on their heads: whereas it used to be generally thought that democracies were ineffective¶ in wielding threats because they are poor at keeping secrets and their decision-making is¶ constrained by internal political pressures, a current wave of political science accepts this¶ basic description but argues that these democratic features are really strategic virtues.160 Rationalist models of crisis bargaining between states assume that because war is¶ risky and costly, states will be better off if they can resolve their disputes through¶ bargaining rather than by enduring the costs and uncertainties of armed conflict.161¶ Effective bargaining during such disputes – that which resolves the crisis without a resort¶ to force – depends largely on states’ perceptions of their adversary’s capacity to wage an¶ effective military campaign and its willingness to resort to force to obtain a favorable¶ outcome. A state targeted with a threat of force, for example, will be less willing to resist¶ the adversary’s demands if it believes that the adversary intends to wage and is capable of¶ waging an effective military campaign to achieve its ends. In other words, if a state¶ perceives that the threat from the adversary is credible, that state has less incentive to¶ resist such demands if doing so will escalate into armed conflict. The accuracy of such perceptions, however, is often compromised by¶ informational asymmetries that arise from private information about an adversary’s¶ relative military capabilities and resolve that prevents other states from correctly¶ assessing another states’ intentions, as well as by the incentives states have to¶ misrepresent their willingness to fight – that is, to bluff.162 Informational asymmetries¶ increase the potential for misperception and thereby make war more likely; war,¶ consequentially, can be thought of in these cases as a “bargaining failure.”163 Some political scientists have argued in recent decades – contrary to previously common wisdom – that features and constraints of democracies make them better suited than non-democracies to credibly signal their resolve when they threaten force. To bolster their bargaining position, states will seek to generate credible signals of their resolve by taking actions that can enhance the credibility of such threats, such as mobilizing military forces or making “hand-tying” commitments from which leaders cannot back down without suffering considerable political costs domestically.164 These domestic audience costs, according to some political scientists, are especially high for leaders in democratic states, where they may bear these costs at the polls.165 Given the potentially high domestic political and electoral repercussions democratic leaders face from backing down from a public threat, they have considerable incentives to refrain from bluffing. An adversary that understands these political vulnerabilities is thereby more likely to perceive the threats a democratic leader does issue as highly credible, in turn making it more likely that the adversary will yield.166 Other scholars have recently pointed to the special role of legislative bodies in signaling with regard to threatened force. This is especially interesting from the perspective of constitutional powers debates, because it posits a distinct role for Congress – and, again, one that does not necessarily rely on Congress’s ability to pass binding legislation that formally confines the President. Kenneth Schultz, for instance, argues that the open nature of competition within democratic societies ensures that the interplay of opposing parties in legislative bodies over the use of force is observable not just to their domestic publics but to foreign actors; this inherent transparency within democracies – magnified by legislative processes – provides more information to adversaries regarding the unity of domestic opponents around a government’s military and foreign policy decisions.167 Political opposition parties can undermine the credibility of some threats by the President to use force if they publicly voice their opposition in committee hearings, public statements, or through other institutional mechanisms. Furthermore, legislative processes – such as debates and hearings – make it difficult to conceal or misrepresent preferences about war and peace. Faced with such institutional constraints, Presidents will incline to be more selective about making such threats and avoid being undermined in that way.168 This restraining effect on the ability of governments to issue threats simultaneously makes those threats that the government issues more credible, if an observer assumes that the President would not be issuing it if he anticipated strong political opposition. Especially when members of the opposition party publicly support an executive’s threat to use force during a crisis, their visible support lends additional credibility to the government’s threat by demonstrating that political conditions domestically favor the use of force should it be necessary.169 In some cases, Congress may communicate greater willingness than the president to use force, for instance through non-binding resolutions.170 Such powerful signals of resolve should in theory make adversaries more likely to back down. The credibility-enhancing effects of legislative constraints on threats are subject to dispute. Some studies question the assumptions underpinning theories of audience costs – specifically the idea that democratic leaders suffer domestic political costs to failing to make good on their threats, and therefore that their threats are especially credible171 – and others question whether the empirical data supports claims that democracies have credibility advantages in making threats.172 Other scholars dispute the likelihood that leaders will really be punished politically for backing down, especially if the threat was not explicit and unambiguous or if they have good policy reasons for doing so.173 Additionally, even if transparency in democratic institutions allows domestic dissent from threats of force to be visible to foreign audiences, it is not clear that adversaries would interpret these mechanisms as political scientists expect in their models of strategic interaction, in light of various common problems of misperception in international relations.174 These disputes are not just between competing theoretical models but also over the links between any of the models and real-world political behavior by states. At this point there remains a dearth of good historical evidence as to how foreign leaders interpret political maneuvers within Congress regarding threatened force. Nevertheless, at the very least, strands of recent political science scholarship cast significant doubt on the intuition that democratic checks are inherently disadvantageous to strategies of threatened force. Quite the contrary, they suggest that legislative checks – or, indeed, even the signaling functions that Congress is institutionally situated to play with respect to foreign audiences interpreting U.S. government moves – can be harnessed in some circumstances to support such strategies. C. Legal Reform and Strategies of Threatened Force Among legal scholars of war powers, the ultimate prescriptive question is whether the President should be constrained more formally and strongly than he currently is by legislative checks, especially a more robust and effective mandatory requirement of congressional authorization to use force. Calls for reform usually take the form of narrowing and better enforcement (by all three branches of government) of purported constitutional requirements for congressional authorization of presidential uses of force or revising and enforcing the War Powers Resolutions or other framework legislation requiring express congressional authorization for such actions.175 As applied to strategies of threatened force, generally under these proposals the President would lack authority to make good on them unilaterally (except in whatever narrow circumstances for which he retains his own unilateral authority, such as deterring imminent attacks on the United States). Whereas legal scholars are consumed with the internal effects of war powers law, such as whether and when it constrains U.S. government decision-making, the analysis contained in the previous section shifts attention externally to whether and when U.S. law might influence decision-making by adversaries, allies, and other international actors. In prescriptive terms, if the President’s power to use force is linked to his ability to threaten it effectively, then any consideration of war powers reform on policy outcomes and longterm interests should include the important secondary effects on deterrent and coercive strategies – and how U.S. legal doctrine is perceived and understood abroad.176 Would stronger requirements for congressional authorization to use force reduce a president’s opportunities for bluffing, and if so would this improve U.S. coercive diplomacy by making ensuing threats more credible? Or would it undermine diplomacy by taking some threats off the table as viable policy options? Would stronger formal legislative powers with respect to force have significant marginal effects on the signaling effects of dissent within Congress, beyond those effects already resulting from open political discourse? These are difficult questions, but the analysis and evidence above helps generate some initial hypotheses and avenues for further research and analysis. One might ask at this point why, though, having exposed as a hole in war powers legal discourse the tendency to overlook threatened force, this Article does not take up whether Congress should assert some direct legislative control of threats – perhaps statutorily limiting the President’s authority to make them or establishing procedural conditions like presidential reporting requirements to Congress. This Article puts such a notion aside for several reasons. First, for reasons alluded to briefly above, such limits would be very constitutionally suspect and difficult to enforce.177 Second, even the most ardent war-power congressionalists do not contemplate such direct limits on the President’s power to threaten; they are not a realistic option for reform. Instead, this Article focuses on the more plausible – and much more discussed – possibility of strengthening Congress’s power over the ultimate decision whether to use force, but augments the usual debate over that question with appreciation for the importance of credible threats. A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it establishes easily-visible impediments to the President’s authority to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that any serious restrictions on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”178 He continued: In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the *most* important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation which might escalate.179 In his veto statement on the War Powers Resolution, President Nixon echoed these concerns, arguing that the law would undermine the credibility of U.S. deterrent and coercive threats in the eyes of both adversaries and allies – they would know that presidential authority to use force would expire after 60 days, so absent strong congressional support they could assume U.S. withdrawal at that point.180 In short, those who oppose tying the president’s hands with mandatory congressional authorization requirements to use force sometimes argue that doing so incidentally and dangerously ties his hands in threatening it. A critical assumption here is that presidential flexibility, preserved in legal doctrine, enhances the credibility of presidential threats to escalate.

## 1NC Case

### Solvency

#### Obama can circumvent the plan- covert loopholes are inevitable

**Lohmann 1-28**-13 [Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>]

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

#### Plan can’t solve future president rollback

**Fournier 5-28**-13 [Ron Fournier is the Editorial Director of National Journal. Prior to joining National Journal, he worked at the Associated Press for 20 years, most recently as Washington Bureau Chief. Starting with a Little Rock posting, covering Bill Clinton's second term as governor, Fournier moved to Washington to report on the Clinton White House. He has won numerous awards for his work, including the Society of Professional Journalists' Sigma Delta Chi Award for coverage of the 2000 elections and a four-time winner of the prestigious White House Correspondents' Association Merriman Smith Memorial Award. His 2012 piece on the decline of U.S. institutions, "In Nothing We Trust," was awarded an honorable mention in David Brook’s essay contest, the Sidney Awards, “What If the Next President Is Even Worse?” <http://www.nationaljournal.com/politics/what-if-the-next-president-is-even-worse-20130528>]

George W. Bush in 2001 declared war on a tactic (terrorism), and empowered Big Brother to tap phones, launch drones, and indefinitely imprison people without due process.¶ Barack Obama in 2008 declared those Bush policies an overreach, and pledged to curb drone strikes, protect media freedoms, and close the prison at Guantanamo Bay. Instead, he escalated drone strikes and spied on the media. Gitmo is still open for its grim business.¶ These are facts. And yet, they are distorted by extreme and narrow-minded partisans, supporters of both Bush and Obama.¶ Conservatives contend that Bush single-handedly prevented a major terrorist strike after Sept. 11, 2001. They demagogue efforts to shift the pendulum back toward civil liberties. Last week, when Obama finally proposed a modest reassessment of the Bush doctrine, Sen. Saxby Chambliss, R-Ga., claimed the efforts "will be viewed by terrorists as a victory."¶ Liberals hypocritically gave Obama a pass for furthering the same policies they condemned in 2008. Criticism from the left was half-hearted and muted, compared with their Bush-era indignation. On Gitmo, left-wingers rightly blamed the GOP for blocking closure but didn't shame Obama into using his executive authority to shutter the pit.¶ Some progressives even tried to justify the Obama administration's efforts to criminalize the work of a Fox News reporter. Would they be so blase about a White House targeting MSNBC?¶ As Leonard Downie Jr. wrote in Sunday's Washington Post, "Hardly anything seems immune from constitutionally dangerous politicking in a polarized Washington."¶ But that's no excuse for missing the big picture, which is this: Bush and Obama shouldn't worry you nearly as much as the next president.¶ Or the one after that.¶ Think about it, liberals. What if there is a president in your lifetime who is more conservative than Bush? What if that commander in chief is empowered, as were Bush and Obama, by a national tragedy and a compliant Congress?¶ Your guy Obama has armed a president-turned-zealot with dangerous powers and precedents.¶ Think about it, conservatives. It may be maddening to listen to Obama tie himself into knots over the balance between liberty and freedom, but what if the next Democratic president sees no limit on a commander in chief's powers? What if he or she doesn't give a whit about offending the mainstream media? The IRS targeting conservatives is a scandal, but there is no evidence that it was directed by the White House. What if the next Democratic president publicly declared his or her political opponents a direct threat to national security, and openly deployed federal agents against them?¶ Before your eyes roll out of your heads, it is not unthinkable that a future president could make Bush and Obama look downright libertarian. We live in an age of rapid connectivity and hyper-celebrity, forces that create, destroy, and often resurrect public figures within the lifespan of a cicada. Does the name Justin Bieber ring a bell?¶ How about Sarah Palin? Our culture of celebrity coupled with the public's disaffection with Washington, could lead to the election of a true demagogue or reactionary. Put it this way: What if Huey Long had had access to the Internet? Or even Pat Buchanan? Don't be blinded by partisanship.

#### Current backlash will roll back drone use

Benjamin and Mir ’13 (Medea Benjamin and Noor Mir, Medea Benjamin is author of Drone Warfare: Killing by Remote Control. Noor Mir is the Drone Campaign Coordinator at CODEPINK, “Finally, the Backlash Against Drones Takes Flight”, http://original.antiwar.com/mbenjamin/2013/03/25/finally-the-backlash-against-drones-takes-flight/, March 26, 2013)

Rand Paul’s marathon 13-hour filibuster was not the end of the conversation on drones. Suddenly, drones are everywhere, and so is the backlash. Efforts to counter drones at home and abroad are growing in the courts, at places of worship, outside air force bases, inside the UN, at state legislatures, inside Congress–and having an effect on policy. April marks the national month of uprising against drone warfare. Activists in upstate New York are converging on the Hancock Air National Guard Base where Predator drones are operated. In San Diego, they will take on Predator-maker General Atomics at both its headquarters and the home of the CEO. In D.C., a coalition of national and local organizations are coming together to say no to drones at the White House. And all across the nation—including New York City, New Paltz, Chicago, Tucson and Dayton—activists are planning picket lines, workshops and sit-ins to protest the covert wars. The word has even spread to Islamabad, Pakistan, where activists are planning a vigil to honor victims. There has been an unprecedented surge of activity in cities, counties and state legislatures across the country aimed at regulating domestic surveillance drones. After a raucous city council hearing in Seattle in February, the Mayor agreed to terminate its drones program and return the city’s two drones to the manufacturer. Also in February, the city of Charlottesville, VA passed a 2-year moratorium and other restrictions on drone use, and other local bills are pending in cities from Buffalo to Ft. Wayne. Simultaneously, bills have been proliferating on the state level. In Florida, a pending bill will require the police to get a warrant to use drones in an investigation; a Virginia statewide moratorium on drones passed both houses and awaits the governor’s signature, and similar legislation in pending in at least 13 other state legislatures. Responding to the international outcry against drone warfare, the United Nations’ special rapporteur on counterterrorism and human rights, Ben Emmerson, is conducting an in-depth investigation of 25 drone attacks and will release his report in the Spring. Meanwhile, on March 15, having returned from a visit to Pakistan to meet drone victims and government officials, Emmerson condemned the U.S. drone program in Pakistan, as “it involves the use of force on the territory of another State without its consent and is therefore a violation of Pakistan’s sovereignty.” Leaders in the faith-based community broke their silence and began mobilizing against the nomination of John Brennan, with over 100 leaders urging the Senate to reject Brennan. And in an astounding development, The National Black Church Initiative (NBCI), a faith-based coalition of 34,000 churches comprised of 15 denominations and 15.7 million African Americans, issued a scathing statement about Obama’s drone policy, calling it “evil”, “monstrous” and “immoral.” The group’s president, Rev. Anthony Evans, exhorted other black leaders to speak out, saying “If the church does not speak against this immoral policy we will lose our moral voice, our soul, and our right to represent and preach the gospel of Jesus Christ.” In the past four years the Congressional committees that are supposed to exercise oversight over the drones have been mum. Finally, in February and March, the House Judiciary Committee and the Senate Judiciary Committee held their first public hearings, and the Constitution Subcommittee will hold a hearing on April 16 on the “constitutional and statutory authority for targeted killings, the scope of the battlefield and who can be targeted as a combatant.” Too little, too late, but at least Congress is feeling some pressure to exercise its authority. The specter of tens of thousands of drones here at home when the FAA opens up US airspace to drones by 2015 has spurred new left/rightalliances. Liberal Democratic Senator Ron Wyden joined Tea Party’s Rand Paul during his filibuster. The first bipartisan national legislation was introduced by Rep. Ted Poe, R-Texas, and Rep. Zoe Lofgren, D-Calif., saying drones used by law enforcement must be focused exclusively on criminal wrongdoing and subject to judicial approval, and prohibiting the arming of drones. Similar left-right coalitions have formed at the local level. And speaking of strange bedfellows, NRA president David Keene joined The Nation’s legal affairs correspondent David Cole in an op-ed lambasting the administration for the cloak of secrecy that undermines the system of checks and balances. While trying to get redress in the courts for the killing of American citizens by drones in Yemen, the ACLU has been stymied by the Orwellian US government refusal to even acknowledge that the drone program exists. But on March 15, in an important victory for transparency, theD.C. Court of Appeals rejected the CIA’s absurd claims that it “cannot confirm or deny” possessing information about the government’s use of drones for targeted killing, and sent the case back to a federal judge. Most Democrats have been all too willing to let President Obama carry on with his lethal drones, but on March 11, Congresswoman Barbara Lee and seven colleagues issued a letter to President Obama calling on him to publicly disclose the legal basis for drone killings, echoing a call that emerged in the Senate during the John Brennan hearing. The letter also requested a report to Congress with details about limiting civilian casualties by signature drone strikes, compensating innocent victims, and restructuring the drone program “within the framework of international law.” There have even been signs of discontent within the military. Former Defense Secretary Leon Panetta had approved a ludicrous high-level military medal that honored military personnel far from the battlefield, like drone pilots, due to their “extraordinary direct impacts on combat operations.” Moreover, it ranked above the Bronze Star, a medal awarded to troops for heroic acts performed in combat. Following intense backlash from the military and veteran community, as well as a push from a group of bipartisan senators, new Defense Secretary Senator Chuck Hagel decided to review the criteria for this new “Distinguished Warfare” medal. Remote-control warfare is bad enough, but what is being developed is warfare by “killer robots” that don’t even have a human in the loop. Acampaign against fully autonomous warfare will be launched this April at the UK’s House of Commons by human rights organizations, Nobel laureates and academics, many of whom were involved in the successful campaign to ban landmines. The goal of the campaign is to ban killer robots before they are used in battle. Throughout the US–and the world–people are beginning to wake up to the danger of spy and killer drones. Their actions are already having an impact in forcing the Administration to share memos with Congress, reduce the number of strikes and begin a process of taking drones out of the hands of the CIA.

### Deterrence

#### Prolif is inevitable- no one models US restraint

**Etzioni ‘13** [Amitai, professor of international relations at George Washington University, “The Great Drone Debate,” March-April, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>]

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage. Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

#### Drone prolif doesn’t escalate or cause terrorism

**Singh ’12** [Joseph Singh is a researcher at the Center for a New American Security, an independent and non-partisan organization that focuses on researching and analyzing national security and defense policies, also a research assistant at the Institute for Near East and Gulf Military Analysis (INEGMA) North America, is a War and Peace Fellow at the Dickey Center, a global research organization, “Betting Against a Drone Arms Race,” 8-13-12, <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.

#### No scenario for losing deterrence

Kristensen, 12 -- FAS nuclear weapons expert

[Hans, "DOD: Strategic Stability Not Threatened Even by Greater Russian Nuclear Forces," FAS, 10-10-12, www.fas.org/blog/ssp/2012/10/strategicstability.php, accessed 1-27-13, mss]

DOD: Strategic Stability Not Threatened Even by Greater Russian Nuclear Forces

A Department of Defense (DOD) report on Russian nuclear forces, conducted in coordination with the Director of National Intelligence and sent to Congress in May 2012, concludes that even the most worst-case scenario of a Russian surprise disarming first strike against the United States would have “little to no effect” on the U.S. ability to retaliate with a devastating strike against Russia. I know, even thinking about scenarios such as this sounds like an echo from the Cold War, but the Obama administration has actually come under attack from some for considering further reductions of U.S. nuclear forces when Russia and others are modernizing their forces. The point would be, presumably, that reducing while others are modernizing would somehow give them an advantage over the United States. But the DOD report concludes that Russia “would not be able to achieve a militarily significant advantage by any plausible expansion of its strategic nuclear forces, even in a cheating or breakout scenario under the New START Treaty” (emphasis added). The conclusions are important because the report come after Vladimir Putin earlier this year announced plans to produce “over 400” new nuclear missiles during the next decade. Putin’s plan follows the Obama administration’s plan to spend more than $200 billion over the next decade to modernize U.S. strategic forces and weapons factories. The conclusions may also hint at some of the findings of the Obama administration’s ongoing (but delayed and secret) review of U.S. nuclear targeting policy. No Effects on Strategic Stability The DOD report – Report on the Strategic Nuclear Forces of the Russian Federation Pursuant to Section 1240 of the National Defense Authorization Act for Fiscal Year 2012 – was obtained under the Freedom of Information Act. It describes the U.S. intelligence community’s projection for the likely development of Russian nuclear forces through 2017 and 2022, the timelines of the New START Treaty, and possible implications for U.S. national security and strategic stability. Much of the report’s content was deleted before release – including general and widely reported factual information about Russian nuclear weapons systems that is not classified. But the important concluding section that describes the effects of possible shifts in the number and composition of Russian nuclear forces on strategic stability was released in its entirety. The section “Effects on Strategic Stability” begins by defining that stability in the strategic nuclear relationship between the United States and the Russian Federation depends upon the assured capability of each side to deliver a sufficient number of nuclear warheads to inflict unacceptable damage on the other side, even with an opponent attempting a disarming first strike. Consequently, the report concludes, “the only Russian shift in its nuclear forces that could undermine the basic framework of mutual deterrence that exists between the United States and the Russian Federation is a scenario that enables Russia to deny the United States the assured ability to respond against a substantial number of highly valued Russian targets following a Russian attempt at a disarming first strike” (emphasis added). The DOD concludes that such a first strike scenario “will most likely not occur.” But even if it did and Russia deployed additional strategic warheads to conduct a disarming first strike, even significantly above the New START Treaty limits, DOD concludes that it “would have little to no effects on the U.S. assured second-strike capabilities that underwrite our strategic deterrence posture” (emphasis added). In fact, the DOD report states, the “Russian Federation…would not be able to achieve a militarily significant advantage by any plausible expansion of its strategic nuclear forces, even in a cheating or breakout scenario under the New START Treaty, primarily because of the inherent survivability of the planned U.S. Strategic force structure, particularly the OHIO-class ballistic missile submarines, a number of which are at sea at any given time.” Implications These are BIG conclusions with BIG implications. They reaffirm conclusions made by DOD in 2010 [http://www.foreign.senate.gov/publications/download/executive-report-111-06-treaty-with-russia-on-measures-for-further-reduction-and-limitation-of-strategic-offensive-arms-the-new-start-treaty], but the new report is important because it comes after Russia earlier this year announced plans to produce “over 400” nuclear missiles over the next decade. In the real world, however, Russian nuclear forces are not increasing. Even with Putin’s missile production plan, simultaneous retirement of older missile will continue the downward trend and result in a net reduction of Russian strategic nuclear forces over the next decade and a half. This fact has not stopped some from arguing against additional U.S. nuclear reductions. Their argument is that reductions are unwise at a time when Russia and others are modernizing their nuclear forces. Others have even argued that Russia could break out of the New START Treaty by cheating and presumably achieve some strategic advantage. Even the U.S. Senate’s advice and consent resolution that in 2010 approved the New START Treaty required that “the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national security interests of the United States” (emphasis added). A similar obsession with numbers was echoed in the 2012 report by the State Department’s International Strategic Advisory Board on future U.S.-Russian “Mutual Assured Stability,” which concluded that it requires some “rough parity” of nuclear forces. (A similar number obsession has evolved with NATO about non-strategic nuclear weapons, but that’s another story). But the DOD report appears to conclude that such warnings and parity requirement are missing the point. Strategic stability and deterrence today are provided by a secure retaliatory capability, primarily ballistic missile submarines. In fact, although ICBMs and bombers also play a role in the U.S. nuclear posture, they seem oddly absent from the report’s description of what is required to maintain strategic stability based on a sufficient secure retaliatory capability. Retaining that capability, it seems, does not even require the ballistic missile submarines to be on alert (although the report doesn’t explicitly say so). It only requires that a sufficient number of submarines “are at sea” and secure at any given time – or perhaps even only in a crisis. Likewise, the conclusion that a Russian disarming first strike “will most likely not occur” may be obvious to most but, if formal, seems to remove the need for having ICBMs on alert, as long as a sufficient number of submarines are at sea to provide the basic deterrence that underpins strategic stability.

### International Law

#### **No international law impacts**

Goldsmith and Posner 5 – \*Harvard Law School professor and former US Assistant Attorney General and \*\*Professor of Law at UChicago Law School (Jack L. and Eric A., “The Limits of International Law,” April, <http://www.angelfire.com/jazz/sugimoto/law.pdf>)

The Limits of International Law intends to fill that gap. The book begins with the premise that **all states,** nearly all the time, **make foreign policy decisions, including** the decisions **whether to enter treaties and comply with international law, based on an assessment of their national interest**. Using a simple game-theoretical framework, Goldsmith and Posner argue that **international law is intrinsically weak and unstable, because states will comply with international law only when they fear that noncompliance will result in retaliation or other reputational injuries.** This framework helps us understand the errors of the international law advocates and their critics. On the one hand, **large multilateral treaties** that treat all states as equal **are unattractive to powerful states, which** either refuse to enter the treaties, **enter them subject to numerous reservations that undermine the treaties’ obligations, or refuse to comply with them.** The problem with these treaties is that they treat states as equals when in fact they are not, and they implicitly rely on collective sanctions when **states prefer to free ride.** Thus**, many human rights treaties are generally not enforced, and so they have little effect on states’ behavior.** And the international trade system is mainly a framework in which bilateral enforcement occurs, so powerful states may cooperate with other powerful states but not with weaker states, whose remedies for trade violations are valueless. On the other hand, international law is not empty or meaningless, as many critics have argued. States are able to cooperate with each other, especially on a bilateral basis, and their patterns of cooperation eventually congeal into the customary international norms. Cooperation also occurs within bilateral treaties and within the general frameworks set up in multilateral treaties. In the absence of a world government, the cooperation remains relatively thin, and often erratic; its character changes as the interests and relative power of nations change. But none of this is to claim that international law is phony or illusory or a great public relations game. What it does suggest, however, is that **international law has no life of its own, has no special normative authority; it is just the working out of relations among** states, as they deal with relatively discrete problems of international cooperation. **There is no reason to expect states to enter treaties just for the sake of expanding the domain of international law;** and **there is no reason to expect states to comply with treaties when their interests and powers change. The aggressive international legalization** expected and yearned for by international lawyers just **cannot happen as long as there are nearly 200 states with independent interests, agendas, and ideologies**. Even democratic states have no reason to commit them- selves to international law when doing so does not serve the interests of the voters.

#### U.S. human rights promotion fails

Neier 6 (Aryeh, President – Open Society Institute, “How Not To Promote Democracy and Human Rights”, 9-25,

http://www.humanrights.uconn.edu/rese\_papers/DemocracyHumanRightsANeier.pdf)

From the standpoint of the Arab intellectuals, they feel they have to separate themselves from **U**nited **S**tates policy in order to have credibility in their region. So, when the **U**nited **S**tates speaks in the name of democracy and human rights in justifying its policy in the Middle East, Arab intellectuals who are themselves committed to democracy and human rights run away as fast as they can. It tarnishes their effort. That is, I believe, one of the consequences of American military policy that is proving very destructive. The very terms democracy and human rights are increasingly associated in many parts of the world with American willingness to impose our government’s will by its superior force, and to act in a way that seems to disregard all international agreements and international conventions in the process of imposing its will. A second way that the Bush Administration’s policies have helped to give human rights a bad name has to do with our own practices since September 11, 2001. The **U**nited **S**tates always had something of a checkered record in promoting human rights internationally. There were parts of the world where we were very vigorous in promoting human rights, and there were parts of the world where we were allies of those who were abusing human rights. On balance, however, the United States was a force worldwide for the human rights cause, and part of that had to do with our own reputation as a government that was respectful of human rights. The United States’ own practices were widely admired worldwide, and those who criticized United States policy complained that we were willing to ally ourselves with governments that were not similarly respectful of human rights. The chapters in this volume by Carol Greenhouse and Neil Hicks expand on this point. What has happened since September 11, 2001, is that the image of the **U**nited **S**tates worldwide is now the image of a human rights violator, rather than the image of a respecter of human rights. Everywhere in the world people know about Guantanamo Bay, and Guatanamo has become a symbol of American policy. The idea that the United States would arbitrarily hold a large number of people in a legal black hole for a period of years with no access to attorneys, no access to families, and no charges, was beyond anything that anyone could have expected. Several other democratic countries have had terrorist problems. Britain has had the IRA, Spain has had the ETA, India has had terrorism related to Kashmir, Israel has had suicide bombing and other forms of terrorism. None of the democratic countries elsewhere in the world that have experienced terrorism did anything that is comparable to Guantanamo in the manner that they dealt with terrorism. There were delays in bringing detainees before judges in various places, and periods of time when they did not have access to lawyers and families, but Guantanamo exceeded what any other democratic government has done in dealing with those persons it accused of terrorism. Though the U.S. Supreme Court’s 2004 decisions in Padilla and Hamdi have now limited, to some degree, the extent of the arbitrariness with which the United States may hold prisoners at Guantanamo, most of the detainees there have not yet seen a lawyer, nor have they yet had contact with members of their families. The prolongation of detention without charges is likely to be a factor for a good while to come. In addition, of course, the Abu Ghraib scandal and the images that went around the world of American soldiers engaged in the intentional humiliation and torture of detainees is another part of America’s new image. The consequence is that when the **U**nited **S**tates now attempts to lecture other governments about human rights, the images that come to mind worldwide are the images from Abu Ghraib and the images from Guantanamo. The **U**nited States is seen as hypocritical in its advocacy of human rights. That perception of hypocrisy is another factor that tends to give the human rights cause, as espoused by the United States, a bad name.

#### No water wars- best database proves

**Tertrais ’11** (Senior Research Fellow at the Fondation pour la Recherche Stratégique, Paris) 11 (Bruno, The Climate Wars Myth, The Washington Quarterly, [Volume 34](http://www.tandfonline.com/loi/rwaq20?open=34#vol_34), [Issue 3](http://www.tandfonline.com/toc/rwaq20/34/3), pages 17-29)

And water crises **do not mean water wars**. The issue of access to water resources is undoubtedly a major dimension of numerous regional crises, in particular in the Greater Middle East, as testified by decades-old disputes between Turkey and Syria, or Egypt and Sudan. The value of strategic locations such as the Golan Heights or Kashmir is not a small part of tensions between Syria and Israel, or India and Pakistan. And water sharing can be the cause of local disputes sometimes degenerating into small-scale collective violence in Africa or Asia. However, **experts from the University of Oregon, who maintain the most complete database on this topic, state that there has never been a “war over water”** (that is, large-scale collective violence for the sake of a water resource) **in the past 4,500 years.**[35](http://www.tandfonline.com/doi/full/10.1080/0163660X.2011.587951#NOTE0035) The last war over water opposed two Sumerian cities in the middle of the third millennium B.C.E., about sharing the waters of the Tigris and Euphrates. There are good reasons for such a scant record. Any country seeking to control the upstream of a river would need to ensure complete and permanent domination over it, which would be an ambitious goal. **In the modern era, resorting to arms over water** (like resorting to arms over oil) **is just not worth the cost**. Especially for those whose geographical location and budget can afford to build desalination plants—which is the case for some of the most water-stressed countries, those located on the Arabian Peninsula. One should therefore not be surprised that access to water has always generated more cooperation than conflict. Since antiquity, **thousands of agreements and treaties have been signed** for water-sharing. And **cooperation between adversaries has stood the test of wartime**, as was seen during the 20th century in the Middle East, South Asia, or Southeast Asia.

# 2NC

## 2NC K

### 2NC/1NR Overview

#### First, structural violence – the aff sanitizes imperial violence by legitimizing the façade of “rule of law.” It creates the conditions for intervention because those countries are “devoid of rule of law” – that allows “ever deepening militarization” according to Bacevich. There’s also a value to life impact – that’s an a priori issue – this logic allows the government to view certain bodies as disposable - creates priming that psychologically structures escalation

Scheper-Hughes and Bourgois ‘4(Prof of Anthropology @ Cal-Berkely; Prof of Anthropology @ UPenn) (Nancy and Philippe, Introduction: Making Sense of Violence, in Violence in War and Peace, pg. 19-22)

This large and at first sight “messy” Part VII is central to this anthology’s thesis. It encompasses everything from the routinized, bureaucratized, and utterly banal violence of children dying of hunger and maternal despair in Northeast Brazil (Scheper-Hughes, Chapter 33) to elderly African Americans dying of heat stroke in Mayor Daly’s version of US apartheid in Chicago’s South Side (Klinenberg, Chapter 38) to the racialized class hatred expressed by British Victorians in their olfactory disgust of the “smelly” working classes (Orwell, Chapter 36). In these readings violence is located in the symbolic and social structures that overdetermine and allow the criminalized drug addictions, interpersonal bloodshed, and racially patterned incarcerations that characterize the US “inner city” to be normalized (Bourgois, Chapter 37 and Wacquant, Chapter 39). Violence also takes the form of class, racial, political self-hatred and adolescent self-destruction (Quesada, Chapter 35), as well as of useless (i.e. preventable), rawly embodied physical suffering, and death (Farmer, Chapter 34). Absolutely central to our approach is a blurring of categories and distinctions between wartime and peacetime violence. Close attention to the “little” violences produced in the structures, habituses, and mentalites of everyday life shifts our attention to pathologies of class, race, and gender inequalities. More important, it interrupts the voyeuristic tendencies of “violence studies” that risk publicly humiliating the powerless who are often forced into complicity with social and individual pathologies of power because suffering is often a solvent of human integrity and dignity. Thus, in this anthology we are positing a violence continuum comprised of a multitude of “small wars and invisible genocides” (see also Scheper- Hughes 1996; 1997; 2000b) conducted in the normative social spaces of public schools, clinics, emergency rooms, hospital wards, nursing homes, courtrooms, public registry offices, prisons, detention centers, and public morgues. The violence continuum also refers to the ease with which humans are capable of reducing the socially vulnerable into expendable nonpersons and assuming the license - even the duty - to kill, maim, or soul-murder. We realize that in referring to a violence and a genocide continuum we are flying in the face of a tradition of genocide studies that argues for the absolute uniqueness of the Jewish Holocaust and for vigilance with respect to restricted purist use of the term genocide itself (see Kuper 1985; Chaulk 1999; Fein 1990; Chorbajian 1999). But we hold an opposing and alternative view that, to the contrary, it is absolutely necessary to make just such existential leaps in purposefully linking violent acts in normal times to those of abnormal times. Hence the title of our volume: Violence in War and in Peace. If (as we concede) there is a moral risk in overextending the concept of “genocide” into spaces and corners of everyday life where we might not ordinarily think to find it (and there is), an even greater risk lies in failing to sensitize ourselves, in misrecognizing protogenocidal practices and sentiments daily enacted as normative behavior by “ordinary” good-enough citizens. Peacetime crimes, such as prison construction sold as economic development to impoverished communities in the mountains and deserts of California, or the evolution of the criminal industrial complex into the latest peculiar institution for managing race relations in the United States (Waquant, Chapter 39), constitute the “small wars and invisible genocides” to which we refer. This applies to African American and Latino youth mortality statistics in Oakland, California, Baltimore, Washington DC, and New York City. These are “invisible” genocides not because they are secreted away or hidden from view, but quite the opposite. As Wittgenstein observed, the things that are hardest to perceive are those which are right before our eyes and therefore taken for granted. In this regard, Bourdieu’s partial and unfinished theory of violence (see Chapters 32 and 42) as well as his concept of misrecognition is crucial to our task. By including the normative everyday forms of violence hidden in the minutiae of “normal” social practices - in the architecture of homes, in gender relations, in communal work, in the exchange of gifts, and so forth - Bourdieu forces us to reconsider the broader meanings and status of violence, especially the links between the violence of everyday life and explicit political terror and state repression, Similarly, Basaglia’s notion of “peacetime crimes” - crimini di pace - imagines a direct relationship between wartime and peacetime violence. Peacetime crimes suggests the possibility that war crimes are merely ordinary, everyday crimes of public consent applied systematic- ally and dramatically in the extreme context of war. Consider the parallel uses of rape during peacetime and wartime, or the family resemblances between the legalized violence of US immigration and naturalization border raids on “illegal aliens” versus the US government- engineered genocide in 1938, known as the Cherokee “Trail of Tears.” Peacetime crimes suggests that everyday forms of state violence make a certain kind of domestic peace possible. Internal “stability” is purchased with the currency of peacetime crimes, many of which take the form of professionally applied “strangle-holds.” Everyday forms of state violence during peacetime make a certain kind of domestic “peace” possible. It is an easy-to-identify peacetime crime that is usually maintained as a public secret by the government and by a scared or apathetic populace. Most subtly, but no less politically or structurally, the phenomenal growth in the United States of a new military, postindustrial prison industrial complex has taken place in the absence of broad-based opposition, let alone collective acts of civil disobedience. The public consensus is based primarily on a new mobilization of an old fear of the mob, the mugger, the rapist, the Black man, the undeserving poor. How many public executions of mentally deficient prisoners in the United States are needed to make life feel more secure for the affluent? What can it possibly mean when incarceration becomes the “normative” socializing experience for ethnic minority youth in a society, i.e., over 33 percent of young African American men (Prison Watch 2002). In the end it is essential that we recognize the existence of a genocidal capacity among otherwise good-enough humans and that we need to exercise a defensive hypervigilance to the less dramatic, permitted, and even rewarded everyday acts of violence that render participation in genocidal acts and policies possible (under adverse political or economic conditions), perhaps more easily than we would like to recognize. Under the violence continuum we include, therefore, all expressions of radical social exclusion, dehumanization, depersonal- ization, pseudospeciation, and reification which normalize atrocious behavior and violence toward others. A constant self-mobilization for alarm, a state of constant hyperarousal is, perhaps, a reasonable response to Benjamin’s view of late modern history as a chronic “state of emergency” (Taussig, Chapter 31). We are trying to recover here the classic anagogic thinking that enabled Erving Goffman, Jules Henry, C. Wright Mills, and Franco Basaglia among other mid-twentieth-century radically critical thinkers, to perceive the symbolic and structural relations, i.e., between inmates and patients, between concentration camps, prisons, mental hospitals, nursing homes, and other “total institutions.” Making that decisive move to recognize the continuum of violence allows us to see the capacity and the willingness - if not enthusiasm - of ordinary people, the practical technicians of the social consensus, to enforce genocidal-like crimes against categories of rubbish people. There is no primary impulse out of which mass violence and genocide are born, it is ingrained in the common sense of everyday social life. The mad, the differently abled, the mentally vulnerable have often fallen into this category of the unworthy living, as have the very old and infirm, the sick-poor, and, of course, the despised racial, religious, sexual, and ethnic groups of the moment. Erik Erikson referred to “pseudo- speciation” as the human tendency to classify some individuals or social groups as less than fully human - a prerequisite to genocide and one that is carefully honed during the unremark- able peacetimes that precede the sudden, “seemingly unintelligible” outbreaks of mass violence. Collective denial and misrecognition are prerequisites for mass violence and genocide. But so are formal bureaucratic structures and professional roles. The practical technicians of everyday violence in the backlands of Northeast Brazil (Scheper-Hughes, Chapter 33), for example, include the clinic doctors who prescribe powerful tranquilizers to fretful and frightfully hungry babies, the Catholic priests who celebrate the death of “angel-babies,” and the municipal bureaucrats who dispense free baby coffins but no food to hungry families. Everyday violence encompasses the implicit, legitimate, and routinized forms of violence inherent in particular social, economic, and political formations. It is close to what Bourdieu (1977, 1996) means by “symbolic violence,” the violence that is often “nus-recognized” for something else, usually something good. Everyday violence is similar to what Taussig (1989) calls “terror as usual.” All these terms are meant to reveal a public secret - the hidden links between violence in war and violence in peace, and between war crimes and “peace-time crimes.” Bourdieu (1977) finds domination and violence in the least likely places - in courtship and marriage, in the exchange of gifts, in systems of classification, in style, art, and culinary taste- the various uses of culture. Violence, Bourdieu insists, is everywhere in social practice. It is misrecognized because its very everydayness and its familiarity render it invisible. Lacan identifies “rneconnaissance” as the prerequisite of the social. The exploitation of bachelor sons, robbing them of autonomy, independence, and progeny, within the structures of family farming in the European countryside that Bourdieu escaped is a case in point (Bourdieu, Chapter 42; see also Scheper-Hughes, 2000b; Favret-Saada, 1989). Following Gramsci, Foucault, Sartre, Arendt, and other modern theorists of power-vio- lence, Bourdieu treats direct aggression and physical violence as a crude, uneconomical mode of domination; it is less efficient and, according to Arendt (1969), it is certainly less legitimate. While power and symbolic domination are not to be equated with violence - and Arendt argues persuasively that violence is to be understood as a failure of power - violence, as we are presenting it here, is more than simply the expression of illegitimate physical force against a person or group of persons. Rather, we need to understand violence as encompassing all forms of “controlling processes” (Nader 1997b) that assault basic human freedoms and individual or collective survival. Our task is to recognize these gray zones of violence which are, by definition, not obvious. Once again, the point of bringing into the discourses on genocide everyday, normative experiences of reification, depersonalization, institutional confinement, and acceptable death is to help answer the question: What makes mass violence and genocide possible? In this volume we are suggesting that mass violence is part of a continuum, and that it is socially incremental and often experienced by perpetrators, collaborators, bystanders - and even by victims themselves - as expected, routine, even justified. The preparations for mass killing can be found in social sentiments and institutions from the family, to schools, churches, hospitals, and the military. They harbor the early “warning signs” (Charney 1991), the “priming” (as Hinton, ed., 2002 calls it), or the “genocidal continuum” (as we call it) that push social consensus toward devaluing certain forms of human life and lifeways from the refusal of social support and humane care to vulnerable “social parasites” (the nursing home elderly, “welfare queens,” undocumented immigrants, drug addicts) to the militarization of everyday life (super-maximum-security prisons, capital punishment; the technologies of heightened personal security, including the house gun and gated communities; and reversed feelings of victimization).

#### Third, the executive will redefine the law to violate and ignore the plan

Pollack, 13 -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13, mss]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to **remake the laws** of war by consciously violating them and then **creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at** this game of **stretching the law to suit the convenience of**, shall we say, the **national interest**? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama **redefined the meaning** of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

####  [OPTIONAL] Fifth, only we can access offense – antiepistemologies created by the state plague their scholarship

Pugliese, 13 -- Macquarie University Cultural Studies professor

[Joseph, Macquarie University MMCCS (Media, Music, Communication and Cultural Studies) research director, *State Violence and the Execution of Law: Biopolitcal Caesurae of Torture, Black Sites, Drones,* 3-15-13, ebook accessed via EBL on 8-30-13, mss]

A constitutively incomplete scholarship: redactions, foreclosures, fragments

The work that unfolds in the chapters that follow is inscribed by a constitutively **incomplete** **scholarship**. This incompleteness is not due to the standard limitations imposed by time, word length and the other practical exigencies that impact on the process of scholarly research. Rather, this incompleteness is constitutive in quite another way. It is an incompleteness determined by the power of the state to impose fundamental omissions of information through the redaction of key documents, through the legal silencing of its agents and through the literal obliteration of evidence. **These** are all **techniques** of foreclosure that **establish the** **impossibility of disclosure**. In rhetorical terms, the redactions that score the legal texts that I examine operate as aposiopetic ﬁgures; ﬁgures that, in keeping with Greek etymology of the term, demand the keeping of silence. In their liquidation of linguistic meaning, they establish voids of signiﬁcation. Through the process of institutionalized censorship, they order into silence the voices of those subjects who might proceed to name the violence they perpetrated, while also nullifying the voices of the tortured. As rectilinear bars of blackness, the redactions that score the state’s declassiﬁed texts occlude the victims of state violence even as they neatly geometrize the disorder of torn flesh and violated bodies. The slabs of redaction encrypt the disappeared victims of torture in their textual black coffins. As such, they graphically exemplify the obliterative violence of law. These aposiopetic tracts are the textual and symbolic equivalent of the physical violence that is exercised by the state in order to silence its captives. Perhaps the most graphic incarnation of this transpired at Guantanamo, where a detainee, after an interrogation session, ‘began to yell (in Arabic): “Resist, Resist with all your might.”’102 The Interrogation Control Element Chief for Joint Task Force 170# GTMO ordered the detainee to be silenced with duct tape. In their Summarized Witness Statement, an unnamed agent recounts what they witnessed: "˜When I arrived at the interrogation room. I observed six or seven soldiers (or persons I believed were soldiers) laughing and pointing at something inside the room. When I looked inside I noticed a detainee with his entire head covered in duct tape . . . When I asked how he planned to take the tape off without hurting the detainee (the detainee had a beard and longer hair) [redacted] just laughed" The reduction of the detainee to a figure of bondage - short-shackled to the floor and manacled - is not adequate in confirming his status as captive. His face and voice, evidence of his human status, must be physically redacted. The taping of his entire head transmutes him into a faceless papier-machê mannequin. Even the most minimal sign of resistance, such as the exercise of the voice, IIILISI be subju- gated. The corporal economies of torture oscillate between the exercise of violence in order to extort confessions from broken bodies finally rendered docile and the exercise of violence to silence those insurgent bodies that refuse the order to be silent. The duct taping of the head of the detainee emblematizes the deployment of two violent modalities of torture: instrumental and gratuitous. Instrumental violence is produced by the direct application of tools and technologies - such as cables, pliers. electrodes and so on ~ onto the body of the victim in order to inflict pain. In this case the duct taping of the detainee's entire head directly produces a terrifying sense of asphyxiation. Gratuitous violence is a type of supplementary violence that results indirectly, after the fact of the application of instrumental violence. In this instance, the instrumentalized application of duct tape was principally driven by the desire to silence and subjugate the detainee. The ripping off of the duct tape and the tearing of his hair and beard will generate a violence that is wanton, augmenting the pain of having one's facial apertures sealed up. The end result is to confirm the detainee's status as subjugated object of violence. The US government’s power to withhold or destroy information runs the full gamut of censorial practices -- from the ludicrous to the indefensible. The CIA, for example, has exercised an impressive commitment to linguistic probity by insisting on the redaction of such disturbing terms as ‘rot,’ ‘shithole’ and ‘urinal’ from the testimony of one its former interrogators.104 It has also overseen the wholesale destruction of 92 videos that document the torture practices inflicted on their victims; torture practices that allegedly ‘went even beyond those approved by the expansive Yoo and Bybee Torture Memos.’105 **These censorial practices have fundamentally determined the very material conditions of possibility of** my **research**. They have produced a complex textual field inscribed by gaps, silences and the contingent fragments of knowledge that have managed to enter the public domain despite the censorial power of the state. And I refer here to the extraordinary work of individuals - such as Bradley Manning, who is himself now a victim of the state`s punitive regime of cruel and degrading punishment - or organizations, such as WikiLeaks, that have defied the censorial power of the state in order to make public texts that document the full extent of the state's violent practices and that compel its witnesses to call it to account. The work of these whistle- blowers and activists evidences the fact that the state is not an impervious monolith of repressive power but that, on the contrary, much as it strives to be unilateral in its actions and monologic in its enunciations, the state cannot completely master its heterogeneous agents or silence its heteroglossic voices. In the chapters that follow, I draw heavily on the texts that document the operations of the state in executing and exceeding its laws. I also, however, take the time to reflect critically on the materiality of the absences that mark my field of study by focusing specifically on the redactions that score a number of the key state documents to which I refer. These redactions, as I argue in Chapter 5, visibly signify both the sovereign power of the state and its insecurity. I read these redactions as techniques designed to manage, control and, where necessary, to obliterate knowledge altogether. In effect, these **redactions** function to **constitute the opposite of epistemology: they generate official systems of unknowing, anti-epistemologies that consign the reading subject to** **ignorance and unknowledge**. Faced with these lacunae, I attempt to unsettle the anti-epistemological practices of redaction by reading the very processes of redaction as symbolic instantiations of state violence: they reproduce, textually, their own figural black sites that effectively occlude the names of the agents responsible for the torture practices, even as they also become the black holes to which are dispatched the victims of such practices. Against the grain, then, I read these black sites of redaction as the textual and symbolic equivalent to the material black site prisons run by the state. The anti-epistemological violence of these sites of redaction works in tandem with the ontological violence that the state visits upon its embodied subjects.

### Drones – A2 Perm do both

#### 3.) Masking disad to the perm – zones of in distinction between “citizen” and “noncitizen” targets justifies violence and homo sacer

Van Veeren 13, Elspeth Van Veeren, from the Panel of Visualizing Security: Images and the Meditation of Threats, Center for International and Security Studies, and postdoctoral research fellow in International Relations at the University of Sussex, Materiality, and Bodies, “On the Limits of the Visual to ‘Speak Security’ or There is More Than One Way to Imagine a Drone,” April 5, 2013, ISA Annual Conventions, Ebsco

\*\*\*gendered language not endorsed

These figures and statistics work in the same way as Bridle’s drone vision’ to produce a sense that everything is knowable from the perspective of the analyst, Researcher, member of the public at large. But statistics and graphs (and related infographics) are also visual practices that seek to deliver a sense of certitude and objectivity through technology. They are biopolitical, a technic of power, As much as drones are, they are also a technological imaginary. Like drone vision, statistics and graphs seem to offer an anesthetic experience of violence, one which is calculating, rational, and irrefutable. Categories are clear and definable: civilians and combatants. children and adult. Like official representations of drone use. drone statistics turn around a visual representation of accuracy Within the frame used by the Bureau of Investigative Journalism (and their colleagues at Pitch Interactive who recently worked to develop an animated and interactive infographic on death counts and drone strikes21), for example. these statistics and graphs as imaginaries of drone warfare become a central means to present drones as ‘dirty’ weapons. as weapons that kill civilians as well as combatants. Whereas official constructions of the ‘shadow war’ (and before that the Global War on Terror) relies on a projection of security as ‘clean’, these statistics look to trouble that message of accuracy with their own. In a similar way, capturing this ‘dronestream’ is a twitter feed set up and operated by Josh Begley.22 Begley tells the story of the ‘drone war’ and renders drones visible by tweeting every drone strike in Yemen, Somalia and Pakistan in the last ten years, linking it to the report of casualties. Presenting the rhythm of these strikes, with a different kind of visuality or imaginary than that of ‘drone vision’, Begley’ s tweets make visible the mounting death toll of drones, and renders visible in particular the ‘double tap’ strategy used by US forces (an illegal practice under international law whereby a first strike follows the second to target any assistance arriving at the scene). The use of statistics, graphs and the ‘dronestream’ to imagine drones captures the scale of the shadow war. Collated and visually refrained, a steady trickle of information on drone strikes becomes a torrent that seeks to disrupt the clean imagery of war.13These statistics, but more importantly the different forms of visualizing these statistics as communicative forms, have been used so extensively because the effectiveness and precision of drones is at the heart of the debate over their growing use (along with transparency/accountability and proliferation):4 Drones are being sold as clean warfare (see for example Plaw and Fricker (2012) and how they make the case for drones as precise) and these statistics seek to disrupt that by suggesting that the result is not clean. The suggestion is that drones are risk-transfer weapons. Nevertheless, this strategy does produce categories and make distinctions: between combatant and civilians, between men and ‘women and children’. with an accompanying politics and ethics. This occurs in terms of drawing boundaries between acceptable violence and unacceptable violence (and therefore legitimization certain forms of warfare. As Maja Zehfuss (2012) and Helen Kinsella (2012) argue. to maintain the distinction between legitimate violence and illegitimate violence(clean and dirty war). the ‘principle of distinction’ is to continue to justify war and paradoxically lead to more unethical practices. including civilian deaths. In the case of drones. the US has simply redeemed all males over the age of 13 as combatants.25 Second. modern warfare. weaponry and technological practices also make counting both easier and harder. It may be increasingly easy to conduct battle damage assessments’ even from 5.000 feet and determine body counts (while forensic science means that the remains of war are more easily identified). modern mechanised warfare is also more likely to make bodies harder to count by obliterating them (Hawley. 2005). Uncertainty is a quality of modern warfare. both through its increased visibilities and invisibilities.

#### Particularized approaches to resistance fails – the universal contestation of the alternative is key.

Brophy, 9 – Professor at York University

(Susan Dianne, “Lawless Sovereignty: Challenging the State of Exception,” Sage Publishing, Social Legal Studies, Vol 18., No. 2)

What ensues is a form of the ‘boomerang effect’: the constituting power of justice, which was once ﬁctitiously held by the state, lies not in the state’s juridical order but in the universalized externality represented in the act of dissent itself. This stands to undo, at least partially, the paradox of sovereignty by placing the limiting and limited version of state sovereignty alongside and in opposition to a form of sovereignty that lies extra-juridically, and therefore, outside state. In that case, state sovereignty cannot claim that there is nothing outside the law because, as this article has come to demonstrate, justice itself is outside the law and it thereby presides as the constituting force that substantiates the sovereign power of the (lawless) universalized standpoint. The references to colonialism have helped to demonstrate (a) the degree to which the state of exception gets normalized at the expense of life and justice, and (b) the importance of challenging the state of exception from outside the juridical order so as to expose the ﬁctional quality of the relations between law and life from a universalized standpoint. In the capitalist colonial sense, acts of dissent against the state of exception can be similarly conceptualized as having to emerge from the universal externality that upholds lawlessness. There are numerous distinctive experiences of the state of exception as the limit-ﬁgure on life, which is a mode of governance that is highlyconducive to reckless capitalist growth (hence the term ‘capitalistcolonialism’), and has deep afﬁnities with the ever-expanding ‘war on terror’. Whether these universalizable distinctions are experienced at the level of class, gender, race and/or ethnicity, they nonetheless stand to represent a shared externality that can never truly be ‘included’ in the juridical order of any given sovereign power. The compromised form of consent that characterizes these externalities in relation to the state of exception makes it such that the excluded, despite short-term attempts at inclusion, will always ﬁnd their footing in the constituting power of universal justice. If the sovereign power of state lies in indistinction, meaning in the power of inclusive exclusion, then challenges to the state of exception must appeal to universalized distinctions, to that which is always external and must always be external to state insofar as universality itself can never be ‘included’ in the juridico-political operations of any given state. The state will always choose the state; it exists for itself, and the state of exception is an extreme example of the truth of this fate.

### Drones – 2NC

#### The judiciary is simply an object of the sovereign – they cannot be trusted to resolve issues of indistinction without reconstructing “the camp”

Edkins 2k, Jenny Edkins, faculty member of the school of International Politics at Aberystwyth University, “Sovereign Power, Zones of Indisitinction, and the Camp,” Alternatives: Global, Local, Political, Vol. 25, Is. 3

\*\*\*Gendered language not endorsed

More than this inclusion by exclusion, sovereign power in the West is constituted by its ability to suspend itself in a state of exception, or ban: “The originary relation of Law to life is not application but abandonment.”’5 The paradox of sovereignty is that the sovereign is at the same time inside and outside the sovereignorder: the sovereign can suspend the law. What defines the rule of law is the state of exception when law is suspended. The very space in which juridical order can have validity is created and defined through the sovereign exception. However, the exception that defines the structure of sovereignty is more complex than the inclusion of what is outside by means of an interdiction.16 It is not just a question of creating a distinction between inside and outside: it is the tracing of a threshold between the twos a location where inside and outside enter into a zone of indistinction. It is this state of exception, or the zone of indistinction between inside and outside, that makes the modern juridical order of the West possible. The camp is exemplary as a location of a zone of indistinction. Although in general the camp is set up precisely as part of a state of emergency or martial law, under Nazi rule this becomes not so much a state of exception in the sense of an external and provisional state of danger as a means of establishing the Nazi state it self. The camp is “the space opened up when the state of exception begins to become the rule.”17 In the camp, the distinction between the rule of law and chaos disappears: decisions about life and death are entirely arbitrary, and everything is possible. A zone of indistinction appears between outside and inside, exception and rule, licit and illicit. What happened in the twentieth century in the West, and paradigmatically since the advent of the camp, was that the space of the state of exception transgressed its bound aries and started to coincide with the normal order, The zone of indistinction expanded from a space of exclusion within the normal order to take over that order entirely.In the concentration camp, inhabitants are stripped of every political status, and the arbitrary power of the camp attendants confronts nothing but what Agamben calls bare life, or homo sacer a creature who can be killed but not sacrificed.18 This figure, an essential figure in modern politics, is constituted by and constitutive of sovereign power. Homo sacer is produced by the sovereign ban and is subject to two exceptions: he is excluded from human law (killing him does not count as homicide) and he is excluded from divine law (killing him is not a ritual killing and does not count as sacrilege). He is Set outside human jurisdiction without being brought into the realm of divine law. This double exclusion of course also counts as a double inclusion: “homo sacer belongs to God in the form of unsacrificability and is included in the community in the form of being able to be killed.”19 This exposes homo sacer to a flow kind of human violence such as is found in the camp and constitutes the political as the double exception: the exclusion of both the sacred and the profane.

### Alt

#### It is the process of stripping identies to engage in guerilla warfare against – it spills over Transformational change is possible- bottom-up anti-warpower movements challenge US militarism

Zeeze, 13 -- JD, Occupy Washington DC organizer

[Kevin, and Margaret Flowers, It’s Our Economy co-director, "Building Mass Resistance against New World Order Economic Austerity," 5-24-13, www.globalresearch.ca/building-mass-resistance-against-new-world-order-economic-austerity/5336278, accessed 9-1-13, mss]

“We are in the midst of the pre-history of historic transformational change that will end the rule of money.” This was a week that exemplified the historic moment in which we live. We will look back at these times and see the seeds of a national revolt against concentrated wealth that puts profits ahead of people and the planet. Not only were there a wide array of resistance actions, but activists against the Guantanamo prison and drone strikes scored partial victories on which we much continue to build challenges to US empire and militarism. Mike Lux, who authored a history of the movements of the 1960s, wrote this week that when he researched his book he “was struck by the fact that so many big things happened so close together.” Comparing that moment to today he writes, “We are living in such a moment in history right now, that organizers and activists are sparking off each other and inspiring each other, that there is something building out there that will bring bigger change down the road.” That is how we felt as we watched and participated in this week’s unfolding. We began the week prepared to focus our attention on the amazing teacher, student and community actions that were occurring in defense of schools. In Philadelphia, there was a giant walk-out of schools last Friday as students demanded their schools remain open and be adequately funded. The photos of young people fighting for the basic necessity of education were an inspiration. That was followed by three days of protests in Chicago that were equally inspiring, students organized and communities came together to fight for education. Though corporate-mayor Rahm Emanuel’s carefully selected board voted to close 50 elementary schools and one high school (while the city funds the building of a new basketball stadium), the Chicago activists say they are not done. They are just getting started. It is that kind of persistence that wins transformation. These school battles are part of a national plan to replace community schools with corporatized charter schools. The battles of Chicago, Philadelphia and other cities are all of our battles. Then there were the college students, who inspired us with their bravery especially because they were not fighting for themselves but for the students who come after them. At Cooper Union, students are in their second week of occupying the school president’s office. As the sit-in grew to more than 100, they garnered increasing community support. The school is about to begin to charge tuition, ending the nearly two century mission of its founder for free higher education. The students protesting will get free tuition; they are protesting for the students who follow. While they are sitting in, they are painting the president’s offices black and will continue to do so until he resigns his $750,000 a year job. Thousands have signed a “no confidence” petition against the president and board chairman. We believe that a country that really believed in its youth and was building for its future would provide free post-high school education, college or vocational school, to young adults rather than leaving them crippled by massive debt. As the week went on, more Americans stood up and showed their power. On Monday, people who have lost their homes to foreclosure or are threatened with foreclosure, along with their allies, began an occupation of the Department of Justice. Some of them joined us first as guests on our radio show on We Act Radio. Afterwards, we went to Freedom Plaza where they rallied. The coalition was a great mix of people of different ages, races and regions who were angry, organized and prepared. They marched down Pennsylvania Ave. to the Department of Justice to demand that Attorney General Eric Holder prosecute the bankers who collapsed the economy and stole their homes. They blocked the doors at the Department of Justice and put up tents emblazoned with “Foreclose on Banks Not on People,” put up a home with “Bank Foreclosed” over it and blocked the streets with orange mesh saying “Foreclosure and Eviction Free Zone.” As evening came, they moved their tents onto DOJ property, brought in a big couch and prepared to stay the night – and some did. By the third day of protests, they moved to Covington and Burling, the corporate law firm that spawned Eric Holder and where the DOJ official in charge of prosecuting the banks, Lenny Breuer, who did not prosecute a single big bank now gets a $4 million annual salary. In Congress the DOJ could not justify their claim that prosecuting the big banks would hurt the economy. The Home Defenders League/Occupy Our Homes actions broke through in the media as you can see at the end of this photo essay. We particularly enjoyed the coverage in Forbes – someone claiming to be Jamie Dimon was arrested in DC – reporting on protesters who gave the name of banksters when they were arrested. The police responded aggressively, which often attracts media coverage, including the tasering non-violent protesters. And, we were pleased to see local groups, like Occupy Colorado, highlighting the efforts of their colleagues who came to DC. But, action in the nation’s capital did not end there. There was also a massive walkout of food service workers across the city. The strike began at the building named for the famed union-destroying president, the Ronald Reagan Building, and then moved on, with a particular focus on Obama – the largest employer of low-wage workers. Obama could end poverty federal wages with a stroke of the pen. Will he? DC is the sixth city to see low-wage workers striking, New York, Chicago, Detroit, St. Louis, and Milwaukee, came before the Capital. Communities have stood with the workers when employers threatened their jobs and people now need to do the same for the DC workers who are being threatened with job loss, please take action to support them. And, coming up is the Wal-Mart workers’ “Ride for Respect” to the annual shareholders meeting on June 7 which emulates the Freedom Riders. Actions are happening throughout the country. In Illinois, so far two people have been arrested at a sit-in in the capitol building to support a ban hydro-fracking. And, the reaction to the call for a fearless summer by front-line environmental groups has been very strong. They are working together to plan major actions throughout the summer escalating resistance against extreme energy extraction. Pressure is building in the environmental movement which now recognizes Obama is part of the problem, not part of the solution. Groups like 350.org that avoided protesting Obama, are now protesting his “grass roots” group, Organizing for America. And, more is coming. At the end of the week people who have been marching to Washington, DC from Philadelphia as part of “Operation Green Jobs” will arrive to protest at the corporate bully of the capital – the US Chamber of Commerce – uniting the masses in opposition to the corporate lobbyists. Their long walk to DC echoes a walk last week by people from Baltimore seeking jobs and justice. This Saturday will be the worldwide March Against Monsanto in 41 countries and nearly 300 cities. We published an article in Truthout that explains why we should all protest Monsanto on May 25. This is a great example of non-hierarchical organizing as this protest was called by young grass roots activists and supported by Occupy Monsanto. One of the things that let us know the popular revolt is more powerful than we realize is the reaction of the power structure. The Center for Media and Democracy issued a report this week that examined thousands of pages of documents which showed how the national security apparatus against terrorism combined with corporate America to attack the occupy movement. And, in Chicago one of the undercover police involved in the NATO 5 case, is still spying, now on students and teachers protesting school closures. If they did not fear the people, would the power structure be behaving this way? But, when you read reports about police acting in this undemocratic way, don’t forget that many of them do not like doing what they are ordered to do and that pulling them to join the popular revolt is part of our job. A mass movement needs people from the power structure to join it in order to achieve success. We highlight one this week, Officer Pedro Serrano of New York who took the great personal risk of taping his superiors as part of an effort to end the racist ‘stop and frisk’ program of the NYPD. And, it is great to see people planning ahead. We got notice this week from activists in Maine planning for an October Drone Walk. The anti-drone movement and Guantanamo protests have had very positive effects. This week, President Obama had to admit that he killed four Americans with drones, mostly by accident – even though the DoD claims drones are accurate. Also this week, activists filed a war crimes complaint against Obama, Brennan and other officials seeking their prosecution. And Thursday, Obama was forced to make a public speech at the National Defense University about both the drone program and Guantanamo Bay Prison. Medea Benjamin of CODEPINK, interrupted the speech several times such that the President had to acknowledge her and she asked powerful questions as she was escorted out by security. [See video and transcript.] As she was escorted from the room Obama acknowledged: “The voice of that women is worth paying attention to.” Guantanamo activists responded to the president saying “no more excuses” and vowed to keep the pressure on! So, just as author Mike Lux saw in the 60s, there is a lot going on, lots of issues coming to a head at the same time and people taking action to confront them. How do we get to the next phase of popular resistance? Long time writer on movements and transformational change, Sam Smith, the editor of Progressive Review wrote “The Great American Repair Manual in 1997,” we reprinted a portion of it this week: A Movement Manual. The essence: movements are “propelled by large numbers of highly autonomous small groups linked not by a bureaucracy or a master organization but by the mutuality of their thought, their faith and their determination.” He recommends: organize from the bottom up, create a subculture, create symbols, develop an agenda and make the movement’s values clear. He also recommends becoming what you want to be – become an existentialist – writing “existence precedes essence. We are what we do.” As far as building community power, we recommend this video from “The Democracy School” on how to use local governance to challenge corporate power.” Do not despair when the media says there is no popular resistance. We have been covering the actions of the movement with weekly reports since 2011 and even before the occupy movement began, we saw Americans beginning to stand up. We knew it was the right time for occupy and we now see it is the right time for a mass popular resistance. We will be announcing a new project in mid-June to help bring the movement to a new level. Sign up here to hear about it and how you can help. To create the transformative change we want to see, we need people to get involved. We agree with Mike Lux who writes: “just as it took several years for the seeds planted in those 18 months in the early ’60s to take root and begin to bring about the changes of the years to come in terms of civil rights, women’s rights, and the environment, it will take several years for the seeds being planted now to fully take root. But I believe more and more that it will happen.” The government responds with police force and ignores the demands of the people. Super majorities of Americans agree with the views of the popular resistance, even if they are not yet acting. This is a recipe for a mass eruption of movement activity. We are in the midst of the pre-history of historic transformational change: a transformation, which will end the power of money to ensure that the people and planet come before profits.

#### United front against imperialism solves- BUT reformist politics collapse revolutionary movements

Brown, 12 -- RAIM co-editor

[Nikolai, Revolutionary Anti-Imperialist Movement, "U.S. ramps up militarism amid Obama re-election, people’s war and united front will prevail," 12-11-12, anti-imperialism.com/2012/12/11/u-s-ramps-up-militarism-amid-obama-re-election-peoples-war-and-united-front-will-previal/, accessed 9-3-13, mss]

U.S. ramps up militarism amid Obama re-election, people’s war and united front will prevail Amid re-election victory, Barack Obama is leading the U.S. “forward” to increase aggression against the world’s people. More a sign of weakness than strength, U.S. militarism can be defeated by people’s wars and a united front against imperialism. A struggle must be waged in the ideological realm as well. First Worldism, social-chauvinism, and opportunism must be combated. U.S. imperialism marches world-wide Obama informed Congress in mid-September of plans to send combat-ready troops to Libya and Yemen “to protect U.S. lives and property.” The move is not unprecedented. In 1801 Thomas Jefferson used similar pretenses to launch the U.S.’s first foreign intervention, carried out against the ‘Barbary’ state centered in Tripoli. In the wake of the 2011 overthrow of Qaddafi, the U.S. recently promised eight million dollars in “counter-terrorism” aid to Libya. Yet, because Jihadists formed a crucial part of the U.S. backed coalition to overthrow the Libyan state and have since secured for themselves prominent positions of authority, U.S. officials are not sure who to give the cash to. Meanwhile, on the Arabian Peninsula, an ensuing U.S. military presence in Yemen is part of a larger strategy which includes drone warfare. (1) (2) Rebuking statements made throughout 2012 up to the election, the Obama administration announced plans for a sustained troop presence in Afghanistan. An “enduring” U.S. military force of around 10,000 troops will remain in the country ostensibly to combat approximately 100 suspected Al Qaeda members. (3) Obama has been silent over the Ugandan and Rwandan-sponsored conflict in the Democratic Republic of Congo. The approximately 3,000-5,500 fighters of the M23 militia have been organized together since April of 2012 and by November captured strategic portions in the eastern region of the central African country. Shamus Cooke, in an article reposted at Libya360, summarized an important factor in the situation: “The Democratic Republic of the Congo is home to 80 percent of the world’s cobalt, an extremely precious mineral needed to construct many modern technologies, including weaponry, cell phones, and computers. The DRC is possibly the most mineral/resource rich country in the world — overflowing with everything from diamonds to oil — though its people are among the world’s poorest, due to generations of corporate plunder of its wealth.” (4) M23 fighters are backed by US-supported governments in neighboring states, and the conflict has the markings of a U.S. covert operation aimed at looting the Congo’s remaining resources. The DRC is not the only place the U.S. is running covert operations. Obama recently publicly warned Syrian President Assad against using chemical weapons against Western-backed rebel forces. Obama’s warning is part of an emerging narrative, one which may be used as a pretext for direct foreign intervention, in which the Syrian government is plotting imminent attacks with supposed stockpiles of chemical weapons. Meanwhile in Turkey, NATO is deploying missiles near the Syrian border in preparation for a future conflict. (5) Behind the scenes, the U.S. is launching a new spy service. The Defense Intelligence Agency, the military’s version of the CIA, is being overhauled and rebranded as the Defense Clandestine Service. The revamped agency will be under the nominal direction of the Department of Defense and involved in assessing “emerging threats.” (6) The CIA is also in the news again. Former UK diplomat Craig Murray and Ecuadorian President Rafael Correa recently alleged that CIA drug money is being used in efforts to topple the social-democratic Ecuadorian government. The allegations coincide with reports from 2007 of a CIA airplane loaded with four tons of cocaine crashing in the Yucatan. (7) (8) World-wide resistance needed Despite these and other acts of imperialist militarism, the United States is far from invincible. Its increasing reliance on armed blackmail is a sign of long-term weakness, not strength. Thrown into financial crisis by the mechanisms of its parasitic economy, the U.S. is seeking a resolution by imposing even harsher neo-colonial conditions onto Third World peoples and ratcheting up inter-imperialist rivalry against Russian and Chinese capital. Commenting on the struggle of the Chinese masses against Japan’s 1937 invasion and occupation, Mao Zedong noted how the strengths and weaknesses of the opposing forces were not absolute values. Instead they were subject to change over the course of class struggle. Japanese imperialism, which appeared strong during its invasion and occupation of China, was defeated by a Communist-led united front. (9) Though U.S. imperialism appears strong today, it too is surmountable. Lin Biao, a field marshal in the Chinese People’s Liberation Army and prominent Maoist during the Cultural Revolution, noted that U.S.-led imperialism has set itself against the people of the world, specifically those in the Third World. This has made it possible to construct a broad, global, proletarian-led united front against imperialism. (10) Imperialism has other weaknesses as well. By maintaining national oppression within its own borders, U.S. imperialism has created inside itself potential allies of Third World-centered proletarian revolution. Likewise, imperialism, especially late imperialism like that of the U.S., is capitalism in its most decadent phase. It is characterized by increasing irrationality, militarism, and reaction. Under these conditions, proletarian revolution becomes not simply possible but necessary for the liberation of humanity at large. Imperialism is also marked by the increasingly parasitic relationship of First World economies to Third World ones. Imperialism has created within the First World a class of property-less petty-bourgeoisie. This class has both an ideological function and an economic one. On one hand, imperialism compensates ‘its’ workers above the value of their labor to create a mass base of support, and to sow social-chauvinism, opportunism, and confusion in proletarian movements. On the other hand, by paying ‘its’ workers in part with surplus, the imperialist bourgeoisie ‘invests’ value into its workers that can later be realized elsewhere in the First World. Economically speaking, the property-less petty-bourgeoisie is a functional expression of the concentration and accumulation of capital in the First World at the expense of the Third World. (11) This is why Lin’s summary of contemporary class struggle is significant. The proletarian-led united front against imperialism is strategically designed to change the balance of power in global class relations. First Worldism and opportunism against revolution Along with the need to build, consolidate and extent the united front against imperialism, First Worldism and opportunism must be combated within proletarian movements as well. First Worldism is the ‘left-wing’ ideological expression of the First World property-less petty-bourgeoisie. It expresses politics through the eyes of the First World property-less petty-bourgeoisie while simultaneous denying the existence of this class. By universalizing the property-less petty-bourgeoisie as a central progressive agent, First Worldism thereby misconstrues the notions of the proletariat, class struggle, and socialism. It is one of the most damaging and prevalent forms of social-chauvinism today. (12) Opportunism pursues short-term, narrow goals at the expense of the broader revolutionary interests of the proletariat as a whole.. Opportunism poses in ‘left-wing’ garb while supporting the basic aspects of imperialism. Not surprising, First Worldism and opportunism often go hand and hand. One must look no further than the ‘Communist’ Party-USA to see a clear example of First Worldism and opportunism coming together to support imperialism. In both 2008 and 2012, the ‘C’PUSA campaigned for Obama and other “progressive” Democrats. Their rationale is simple: Republican politicians represent a “far-right onslaught” against the interests of working people in the U.S. Regardless of whether this sentiment has any basis in truth, it demonstrates how First Worldist opportunism serve imperialism, in this case providing ‘Communist’ cover and support for the imperialist militarism carried out by Democrats. The ‘C’PUSA is merely one example of First Worldist opportunism. (13) Amy Goodman, host of Democracy Now!, made a salient point when she credited Obama’s re-election to “social movements.” Ostensibly referring to Occupy Wall Sreet and other First Worldist reform movements, Goodman noted how they joined together and secured Obama’s victory over Republican contender Mitt Romney. (14) This raises an important point about the First World property-less petty-bourgeoisie. While Goodman makes the short-sighted assessment that Obama’s electoral victory was carried through by the support of “grassroots activists,” it is more significant to note that imperialist militarism derives much-needed legitimacy and support from the willingness of the ‘left-wing’ in the U.S. to trade any semblance of internationalism for minor social and economic reforms for their own further benefit. Without the direct endorsements and implicit ideological support U.S. imperialism receives from ‘its’ ‘left-wing’ (which is bought and paid for through super-wages supplied via the exploitation of the Third World), it would not be at such ease to carry out global aggression under the banner of ‘democracy,’ ‘progress,’ and ‘human rights.’ First Worldism promotes opportunism and sets back proletarian revolution in other ways. If, as assumed by First Worldists, the First World property-less-petty bourgeoisie is the model of the modern proletariat, and if Amerikan workers receive high wages because of high productivity and historic class struggle (and not due to its historic unity with ‘their’ imperialists and corresponding relationship within developing class structures), then the logical route of class struggle around the world is for similar reforms. If First Worldists are correct and First World workers are an exploited proletariat, Third World people would be wisely advised to struggle for reforms to their own countries so that they may be exploited under terms similar to First World workers. For this reason, spreading First Worldist confusion regarding modern global class dynamics is tantamount to promoting opportunism and reformism. Groups waging people’s war who uphold First Worldism shoot themselves in the foot by doing so. There is still work to be done in the First World. Third Worldists in the First World should organize and agitate around challenging oppression and advancing higher interests than immediate class ones. Moreover, Third Worldists must spread awareness and support for people’s war and a united front against imperialism and prepare for later struggles ‘in the belly of the beast.’ U.S.-led imperialism is hardly invincible. Instead, it is weaker than ever. People’s wars and a broad united front against imperialism can alter the terrain of class struggle, thus bringing to the fore the struggle for socialism and communism. First Worldism and opportunism must not be treated lightly as part of this struggle. Whereas imperialism and reaction presents itself openly, First Worldism and opportunism operates within and around proletarian movements for similar ends. Obama, with the support and cover of the Amerikan and First World property-less petty-bourgeoisie, is leading a renewed imperialist offensive against the people of the Third World. People around the world must resist. People’s wars and revolutions against neo-colonial regimes must be initiated and carried out, and imperialism must be singled out and destroyed by a united front of exploited Third World peoples and their allies. Struggles must be waged in the ideological and practical sphere against First Worldism and opportunism. Allies must be built even in the First World, and unity must be achieved around revolutionary anti-imperialism.

## 2NC DA

### 2NC/1NR Overview

Disad outweighs the case –

#### Magnitude – lack of presidential authority to stabilization coalitions and international institutions increases the chances of escalation due to misinterpretation and miscalculation of attacks, including terrorism. That GREATLY lowers the threshold for nuclear weapons use – means we control escalation and miscalc ladder

Caves ’10, John P. Caves, Senior Research Fellow in the Center for the Study of Weapons of Mass Destruction at the National Defense University, “Avoiding a Crisis of Confidence in the U.S. Nuclear Deterrent”, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ada514285>

Perceptions of a compromised U.S. nuclear deterrent as described above would have profound policy implications, particularly if they emerge at a time when a nucleararmed great power is pursuing a more aggressive strategy toward U.S. allies and partners in its region in a bid to enhance its regional and global clout. ■ A dangerous period of vulnerability would open for the United States and those nations that depend on U.S. protection while the United States attempted to rectify the problems with its nuclear forces. As it would take more than a decade for the United States to produce new nuclear weapons, ensuing events could preclude a return to anything like the status quo ante. ■ The assertive, nuclear-armed great power, and other major adversaries, could be willing to challenge U.S. interests more directly in the expectation that the United States would be less prepared to threaten or deliver a military response that could lead to direct conflict. They will want to keep the United States from reclaiming its earlier power position. ■ Allies and partners who have relied upon explicit or implicit assurances of U.S. nuclear protection as a foundation of their security could lose faith in those assurances. They could compensate by accommodating U.S. rivals, especially in the short term, or acquiring their own nuclear deterrents, which in most cases could be accomplished only over the mid- to long term. A more nuclear world would likely ensue over a period of years. ■ Important U.S. interests could be compromised or abandoned, or a major war could occur as adversaries and/or the United States miscalculate new boundaries of deterrence and provocation. At worst, war could lead to state-on-state employment of weapons of mass destruction (WMD) on a scale far more catastrophic than what nuclear-armed terrorists alone could inflict. Continuing Salience of Nuclear Weapons Nuclear weapons, like all instruments of national security, are a means to an end— national security—rather than an end in themselves. Because of the catastrophic destruction they can inflict, resort to nuclear weapons should be contemplated only when necessary to defend the Nation’s vital interests, to include the security of our allies, and/or in response to comparable destruction inflicted upon the Nation or our allies, almost certainly by WMD. The retention, reduction, or elimination of nuclear weapons must be evaluated in terms of their contribution to national security, and in particular the extent to which they contribute to the avoidance of circumstances that would lead to their employment. Avoiding the circumstances that could lead to the employment of nuclear weapons involves many efforts across a broad front, many outside the military arena. Among such efforts are reducing the number of nuclear weapons to the level needed for national security; maintaining a nuclear weapons posture that minimizes the likelihood of inadvertent, unauthorized, or illconsidered use; improving the security of existing nuclear weapons and related capabilities; reducing incentives and closing off avenues for the proliferation of nuclear and other WMD to state and nonstate actors, including with regard to fissile material production and nuclear testing; enhancing the means to detect and interdict the transfer of nuclear and other WMD and related materials and capabilities; and strength ening our capacity to defend against nuclear and other WMD use. For as long as the United States will depend upon nuclear weapons for its national security, those forces will need to be reliable, adequate, and credible. Today, the United States fields the most capable strategic nuclear forces in the world and possesses globally recognized superiority in any conventional military battlespace. No state, even a nuclear-armed near peer, rationally would directly challenge vital U.S. interests today for fear of inviting decisive defeat of its conventional forces and risking nuclear escalation from which it could not hope to claim anything resembling victory. But power relationships are never static, and current realities and trends make the scenario described above conceivable unless corrective steps are taken by the current administration and Congress. Consider the challenge posed by China. It is transforming its conventional military forces to be able to project power and compete militarily with the United States in East Asia, 1 and is the only recognized nuclear weapons state today that is both modernizing and expanding its nuclear forces. 2 It weathered the 2008 financial crisis relatively well, avoiding a recession and already resuming robust economic growth. 3 Most economists expect that factors such as openness to foreign investment, high savings rates, infrastructure investments, rising productivity, and the ability to leverage access to a large and growing market in commercial diplomacy are likely to sustain robust economic growth for many years to come, affording China increasing resources to devote to a continued, broadbased modernization and expansion of its military capabilities. In contrast, the 2008 financial crisis was the most severe for the United States since the Great Depression, 4 and it led in 2009 to the largest Federal budget deficit—by far—since the Second World War 5 (much of which is financed by borrowing from China). Continuing U.S. military operations in Iraq and Afghanistan are expensive, as will be the necessary refurbishment of U.S. forces when those con flicts end. Those military expenses, however, are expected to be eclipsed by the burgeoning entitlement costs of the aging U.S. “baby boomer” generation. 6 As The Economist recently observed: China’s military build-up in the past decade has been as spectacular as its economic growth. . . . There are growing worries in Washington, DC, that China’s military power could challenge America’s wider military dominance in the region. China insists there is nothing to worry about. But even if its leadership has no plans to displace American power in Asia . . . America is right to fret this could change. 7 As an emerging nuclear-armed near peer like China narrows the wide military power gap that currently separates it from the United States, Washington could find itself more, rather than less, reliant upon its nuclear forces to deter and contain potential challenges from great power competitors. The resulting security dynamics may resemble the Cold War more than the U.S. “unipolar moment” of the 1990s and early 2000s. Concerns about Longterm Reliability With continuing U.S. dependence upon nuclear forces to deter conflict and contain challenges from (re-)emerging great power(s), perceptions of the reliability, adequacy, and credibility of those forces will determine how well they serve those purposes. Perception is all important when it comes to nuclear weapons, which have not been operationally employed since 1945 and not tested (by the United States) since 1992, and, hopefully, will never have to be employed or tested again. If U.S. nuclear forces are to deter other nuclear-armed great powers, the individual weapons must be perceived to work as intended (reliability), the overall forces must be perceived as adequate to deny the adversary the achievement of his goals regardless of his actions (adequacy), and U.S. leadership must be perceived as prepared to employ the forces under conditions that it has communicated via its declaratory policy (credibility) These perceptions must be, of course, those of the leadership of adversaries that we seek to deter (as well as of the allies that we seek to assure), but they also need to be those of the U.S. leadership lest our leaders fail to convey the confidence and resolve necessary to shape adversaries’ perceptions to achieve deterrence. Weapons reliability is the essential foundation for deterrence since there can be no adequacy or credibility without it.

#### Timeframe and Probability – decrease readiness and primacy triggers the perception of vulnerability and hampers war fighting capabilities

Zeisberg, ‘4 [Mariah Zeisberg, PhD in Politics from Princeton, Postdoc Research Associate at the Political Theory Project of Brown University; “INTERBRANCH CONFLICT AND CONSTITUTIONAL MAINTENANCE: THE CASE OF WAR POWERS”; June 2004; found in Word document, can be downloaded from [www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc](http://www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc)]

The first significant argument of pro-Presidency insularists is that flexibility is a prime value in the conduct of foreign affairs, and especially war. Implicit in this argument is the recognition that the executive is functionally superior to Congress in achieving flexibility and swiftness in war operations, a recognition I share. The Constitution cannot be meant to curtail the very flexibility that may be necessary to preserve the nation; and yet, according to the insularists, any general norm which would include Congress in decision-making about going to war could only undermine that flexibility. Writing on the War Powers Act, Eugene Rostow predicts that it would, “put the Presidency in a straightjacket of a rigid code, and prevent new categories of action from emerging, in response to the necessities of a tense and unstable world.” In fact, Rostow believes, “[t]he centralization of authority in the president is particularly crucial in matters of national defense, war, and foreign policy, where a unitary executive can evaluate threats, consider policy choices, and mobilize national resources with a speed and energy that is far superior to any other branch.” Pro-presidency insularists are fond of quoting Hamilton, who argued that “[o]f all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.” This need for flexibility, some insularists argue, is especially acute given modern conditions, where devastating wars can develop quickly. Today, “many foreign states have the power to attack U.S. forces - and some even the U.S. mainland - almost instantly,” and in such a world it is impracticable to require the President to seek advance authorization for hostilities. Such a requirement would simply be too risky to U.S. security. We furthermore face a nuclear age, and the system of deterrence that operates to contain that threat requires that a single person be capable of responding to nuclear attack with nuclear weapons immediately. Rostow writes, “the requirement for advance authorization would collapse the system of deterrence, making preemptive strikes by our enemies more likely.” Hence, “modern conditions” require the President to “act quickly, and often alone.” While this does not mean that Congress has no role to play in moments of crisis, it does mean that Congress should understand its role largely in terms of cooperating with the President to support his negotiations and decisions regarding relationships with foreign powers. Rostow writes, “Congress should be able to act effectively both before and after moments of crisis or potential crisis. It may join the President in seeking to deter crisis by publicly defining national policy in advance, through the sanctioning of treaties or other legislative declarations. Equally, Congress may participate formally in policymaking after the event through legislative authorization of sustained combat, either by means of a declaration of war, or through legislative action having more limited legal and political consequences. Either of these devices, or both in combination, should be available in situations where cooperation between the two branches is indicated at many points along an arc ranging from pure diplomacy at one end to a declaration of war at the other.” In other words, for Congress to understand itself as having any justifiable role in challenging executive security determinations, especially at moments of crisis, would be to undermine the strength that the executive requires in order to protect the nation. Conflict in this domain represents political degradation.

And it Turns Case –

#### It turns every impact

DUNN 2007 – PhD, former Assistant Director of the U.S. Arms Control and Disarmament Agency and Ambassador to the 1985 Nuclear Non- Proliferation Treaty Review Conference (Lewis Dunn, Proliferation Papers, “Deterrence Today: Roles, Challenges, and Responses.”)

On the one hand, among many U.S. defense experts and officials it has become almost a cliché to state that an alleged *asymmetry of stakes* between the United States (and/or other outsiders) and a regional nuclear power would make it much more difficult to provide credible nuclear security assurances along the lines suggested above. That purported asymmetry of stakes also is widely seen by those same experts and officials as putting the United States (or other outsiders) at a fundamental disadvantage in any crisis with a regional power and shifting the deterrence balance in its favor. Emphasis on the impact of a perceived asymmetry of stakes partly reflects a view that the intensity of the stakes in any given crisis or confrontation is dependent most on what has been called “the proximity effect”: stakes’ intensity is a function of geography. Concern about an asymmetry of stakes also gains support from the fact that a desire to deter the United States or other outsiders probably is one incentive motivating some new or aspiring nuclear . This line of argument should not be accepted at face value. To the contrary, in two different ways, the stakes for the United States (and other outsiders) in a crisis or confrontation with a regional nuclear adversary would be extremely high. To start, what is at stake is the likelihood of cascades of proliferation in Asia and the Middle East. Such proliferation cascades almost certainly would bring greater regional instability, global political and economic disruption, a heightened risk of nuclear conflict, and a jump in the risk of terrorist access to nuclear weapons. Equally important, nuclear blackmail let alone nuclear use against U.S. and other outsiders’ forces, those of U.S. regional allies and friends, or any of their homelands would greatly heighten the stakes for the United States and other outsiders. **Perceptions of** American **resolve** and credibility **around the globe**, the likelihood that an initial nuclear use would be followed by a virtual collapse of a six-decades’ plus nuclear taboo, and the danger of runaway proliferation all would be at issue. So viewed, how the United States and others respond is likely to have a far-reaching impact on their own security as well as longer term global security and stability.

#### Tie-breaker – strong alliances solve the use of WMD

ROSS 1999 - Douglas Ross, Professor of Political Science – Simon Fraser University, Winter 1998/1999, International Journal, Vol. 54, No. 1, “Canada’s Functional Isolationism And The Future Of Weapons Of Mass Destruction”, Lexis

Thus, an easily accessible tax base has long been available for spending much more on international security than recent governments have been willing to contemplate. Negotiating the landmines ban, discouraging trade in small arms, promoting the United Nations arms register are all worthwhile, popular activities that polish the national self-image. But they should all be supplements to, not substitutes for, a proportionately equitable commitment of resources to the management and prevention of international conflict – and thus the containment of the WMD threat. Future American governments will not ‘police the world’ alone. For almost fifty years the Soviet threat compelled disproportionate military expenditures and sacrifice by the United States. That world is gone. Only by enmeshing the capabilities of the United States and other leading powers in a co-operative security management regime where the burdens are widely shared does the world community have any plausible hope of avoiding warfare involving nuclear or other WMD.

### Link – Drone Court 2NC

#### 2. Precedent- drone court snowballs

Boot, 13 – CFR senior fellow

[Max, Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, "A Drone Court is a Terrible Idea," Commentary, 2-11-13, www.commentarymagazine.com/2013/02/11/a-drone-court-is-a-terrible-idea-fisa-terroris/, accessed 8-15-13, mss]

Nevertheless creating such a court would be a very bad idea because it would constitute a dangerous infringement on the president’s authority as commander-in-chief. To be sure, there are few cases of drone strikes involving American citizens such as Anwar al-Awlaki and it would probably not be any great burden in the war on terror to have those instances reviewed by a court. The danger is that this would be the establishment of a dangerous precedent, with judges soon being called upon to approve all drone strikes, whether the targets are American citizens or not. There is already a fair amount of bureaucracy to vet such strikes and minimize collateral damage, which sometimes results in the suspects making an escape before approval to fire a Hellfire missile can be obtained. Introducing judges into the mix would make such operations intolerably slow and unwieldy. If judges were given power to review military or CIA strikes taking place outside the country, where would this trend end? With troops having to read detainees on a foreign battlefield their Miranda rights? With judges having to approve in advance all military plans—including armored offensives and artillery barrages—to make sure they don’t infringe on someone’s civil rights? Such scenarios are not as[outlandish] ~~crazy~~ as they sound. Civil liberties lawyers have already been trying to get the U.S. courts to assume oversight of detainees held in Afghanistan—one federal judge even ruled that these detainees had a right to a hearing before being overruled by the Court of Appeals for the District of Columbia.

[Matt note: paraphrased for ableist language]

#### 3. Targeting revision- drone court deters it

Johnson, 13 -- Former Pentagon General Counsel

[Jeh, American civil, criminal trial lawyer, and General Counsel of the Department of Defense from 2009 to 2012 during the first Obama Administration, "A “Drone Court”: Some Pros and Cons," Lawfare, 3-18-13, www.lawfareblog.com/2013/03/jeh-johnson-speech-on-a-drone-court-some-pros-and-cons/, accessed 8-15-13, mss]

Next, if the court’s jurisdiction is limited to U.S. citizens, there is the question of exactly what the court is to decide. If one accepts the criteria for targeting a U.S. citizen set forth in the Attorney General’s speech a year ago, it has several parts: (1) the target is a senior operational leader of al Qaeda or associated forces who is actively engaged in planning to kill Americans, (2) the individual poses an imminent threat to the United States, (3) capture is not feasible; and (4) the operation would be conducted in a manner consistent with applicable law of war principles.[10] Starting with the last of these criteria: this one is implicit in every military operation, This includes consideration of, for example, the type of weapon used, and the elimination or minimization of collateral damage. Often, these matters are, and should be, left to the discretion of the military commander in direct control of the operation, along with the time, place and manner of the operation. Even if the overall approval of the operation comes from the President or Secretary of Defense, this particular aspect of it is not something that we should normally seek to micromanage from Washington; likewise, there is also not much to be gained by having a federal judge try to review these details in advance. Next, there are the questions of feasibility of capture and imminence. These really are up-to-the-minute, real time assessments of the type I believe Judge Bates was referring to when he said that courts are “institutionally ill-equipped ‘to assess the nature of battlefield decisions.’”[11] Indeed, I have seen feasibility of capture of a particular objective change several times in one night. Nor are these questions ones of a legal nature, by the way. Judges are accustomed to making legal determinations based on a defined, settled set of facts – a picture that has already been painted; not a moving target, which is what we are literally talking about here. These are not one-time-only judgments and we want military and national security officials to continually assess and reassess these two questions up until the last minute before an operation. **If these** types of **continual reassessments must be submitted to** a member of **the Article III branch** of government for evaluation, I believe **we compromise our** government’s **ability to conduct** these **operations effectively**. The costs will outweigh the benefits. In that event, I believe **we will** also **discourage** the type of **continual reevaluation** I’m referring to.

#### 4. Blame-dodging- plan creates political incentives that deter strikes in the first place

Oliphant, 13 -- National Journal deputy magazine editor

[James, “Vetting the Kill List,” 5-30-13, http://www.nationaljournal.com/magazine/vetting-the-kill-list-20130404, accessed 8-16-13, mss]

Given that reality, **shifting** the **responsibility** of a sign-off to a set of federal judges, who are unelected and serve for life, would allow the White House to escape the consequences of its actions, or more crucially, perhaps its failure to act if a target slips out of harm’s way and then masterminds an attack. Military decisions are, at heart, political ones, McNeal says, and they are rightly made by the branch of government whose top official, the president, faces voters. (A case in point: Republicans suffered at the ballot box in 2006 and 2008 as a result of the public’s displeasure with the Iraq war.) “If you’re a politician,” McNeal says of a drone court, “this is great. Because you aren’t on the hook for anything.” By and large, federal judges don’t want to be in this position. They worry about damaging the integrity of the bench. Retired Judge James Robertson, who served on the U.S. Appeals Court in Washington, argued in The Washington Post that the Constitution forbids the judiciary from issuing advisory opinions. “Federal courts rule on specific disputes between adversary parties,” he wrote. “They do not make or approve policy; that job is reserved to Congress and the executive.” The FISA court is a different animal, because approving surveillance is related to Fourth Amendment protections on search warrants. Still, Americans don’t have to grant the White House complete latitude to operate its targeted-killing program. Another idea that has marshaled some support is an inspector general empowered to review operations after the fact. If administration officials know that someone else ultimately will be auditing their decisions, Chesney says, that may be enough of a check on their conduct. Or as Ronald Reagan once put it: “Trust, but verify.”

#### 5. Flexibility and speed- judicial veto is a risk because of competence issues

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

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

### BAD POLICY

#### Weak Obama causes multiple scenarios for nuclear war in Asia and South Asia

COES 2011 (Ben, former speechwriter for George H.W. Bush, September 30, “The Disease of a Weak President,” <http://dailycaller.com/2011/09/30/the-disease-of-a-weak-president/>

The disease of a weak president usually begins with the Achilles’ heel all politicians are born with — the desire to be popular. It leads to pandering to different audiences, people and countries and creates a sloppy, incoherent set of policies. Ironically, it ultimately results in that very politician losing the trust and respect of friends and foes alike.

In the case of Israel, those of us who are strong supporters can at least take comfort in the knowledge that Tel Aviv will do whatever is necessary to protect itself from potential threats from its unfriendly neighbors. While it would be preferable for the Israelis to be able to count on the United States, in both word and deed, the fact is right now they stand alone. Obama and his foreign policy team have undercut the Israelis in a multitude of ways. Despite this, I wouldn’t bet against the soldiers of Shin Bet, Shayetet 13 and the Israeli Defense Forces.

But Obama’s weakness could — in other places — have implications far, far worse than anything that might ultimately occur in Israel. The triangular plot of land that connects Pakistan, India and China is held together with much more fragility and is built upon a truly foreboding foundation of religious hatreds, radicalism, resource envy and nuclear weapons. If you can only worry about preventing one foreign policy disaster, worry about this one.

Here are a few unsettling facts to think about: First, Pakistan and India have fought three wars since the British de-colonized and left the region in 1947. All three wars occurred before the two countries had nuclear weapons. Both countries now possess hundreds of nuclear weapons, enough to wipe each other off the map many times over.

Second, Pakistan is 97% Muslim. It is a question of when — not if — Pakistan elects a radical Islamist in the mold of Ayatollah Khomeini as its president. Make no mistake, it will happen, and when it does the world will have a far greater concern than Ali Khamenei or Mahmoud Ahmadinejad and a single nuclear device.

Third, China sits at the northern border of both India and Pakistan. China is strategically aligned with Pakistan. Most concerning, China covets India’s natural resources. Over the years, it has slowly inched its way into the northern tier of India-controlled Kashmir Territory, appropriating land and resources and drawing little notice from the outside world.

In my book, Coup D’Etat, I consider this tinderbox of colliding forces in Pakistan, India and China as a thriller writer. But thriller writers have the luxury of solving problems by imagining solutions on the page. In my book, when Pakistan elects a radical Islamist who then starts a war with India and introduces nuclear weapons to the theater, America steps in and removes the Pakistani leader through a coup d’état. I wish it was that simple.

The more complicated and difficult truth is that we, as Americans, must take sides. We must be willing to be unpopular in certain places. Most important, we must be ready and willing to threaten our military might on behalf of our allies. And our allies are Israel and India.

There are many threats out there — Islamic radicalism, Chinese technology espionage, global debt and half a dozen other things that smarter people than me are no doubt worrying about. But the single greatest threat to America is none of these. The single greatest threat facing America and our allies is a weak U.S. president. It doesn’t have to be this way. President Obama could — if he chose — develop a backbone and lead. Alternatively, America could elect a new president. It has to be one or the other. The status quo is simply not an option.

#### Spratley Island conflict causes global war

Waldron ’97 (Arthur, Prof Strategy and Policy – Naval War College, Commentary, 3-[1, http://www.aei.org/publications/pubID.7442,f](http://www.aei.org/publications/pubID.7442)ilter.all/pub\_detail.asp)

Then there is Southeast Asia, which, having weathered the Vietnam war and a variety of domestic insurgencies, and having moved onto the track of prosperity, shows no desire to complicate matters with political headaches. Fault lines nevertheless remain, and not least between the numerous and disproportionately successful ethnic Chinese and other inhabitants. And here again China is a looming worry. Beijing's claim of "unquestionable sovereignty" over the Spratly Islands in the South China Sea and its recent seizure of one of them, Mischief Reef, also claimed by the Philippines, have alarmed Vietnam, the Philippines, Malaysia, and Brunei, and rattled Indonesia, which asserts its right to gas fields nearby. India and South Asia, long preoccupied with their own internal rivalries and content with their rates of growth, now look with envy and some concern as East Asia opens an ever-increasing lead in economics, military power, and general global clout. Indian and Chinese forces still face each other in the high mountains of their disputed border, as they have done since their war in 1962. Pakistan to the west is a key Chinese ally, and beyond, in the Middle East, China is reportedly supplying arms to Syria, Iraq, and Iran. To the north, Tibet (whose government-in-exile has been based in India since 1959) is currently the object of a vicious Chinese crackdown. And a new issue between India and China is Beijing's alliance

with Rangoon and its reported military or intelligence-gathering presence on offshore Burmese territories near the Indian naval base in the Andaman Islands. Finally there is Russia, which has key interests in Asia. Sidelined by domestic problems, but only temporarily, Moscow has repeatedly faced China in this century, both in the northeast and along the Mongolian border. The break-up of the Soviet Union has added a potentially volatile factor in the newly independent states of Central Asia and Chinese-controlled Xinjiang (Sinkiang), where Beijing is currently fighting a low-level counter-insurgency. Making these flash-points all the more volatile has been a dramatic increase in the quantity and quality of China's weapons acquisitions. An Asian arms race of sorts was already gathering steam in the post-cold-war era, driven by national rivalries and the understandable desire of newly rich

nation-states to upgrade their capacities; but the Chinese build-up has intensified it. In part a payoff to the military for its role at Tiananmen Square in 1989, China's current build-up is part

and parcel of the regime's major shift since that time away from domestic liberalization and international openness toward repression and irredentism. Today China buys weapons from European states and Israel, but most importantly from Russia. The latest multibillion-dollar deal includes two Sovremenny-class destroyers equipped with the much-feared SS-N-22 cruise missile, capable of defeating the Aegis anti-missile defenses of the U.S. Navy and thus sinking American aircraft carriers. This is in addition to the Su-27 fighter aircraft, quiet Kilo-class submarines, and other force-projection and deterrent technologies. In turn, the Asian states are buying or developing their own advanced aircraft, missiles, and submarines--and considering nuclear options. The sort of unintended escalation which started two world wars could arise from any of the conflicts around China's periphery. It nearly did so in March 1996, when China, in a blatant act of intimidation, fired ballistic missiles in the Taiwan Straits. It could arise from a Chinese-Vietnamese confrontation, particularly if the Vietnamese should score some unexpected military successes against the Chinese, as they did in 1979, and if the Association of Southeast Asian Nations (ASEAN), of which they are now a

member, should tip in the direction of Hanoi. It could flare up from the smoldering insurgencies among Tibetans, Muslims, or Mongolians living inside China. Chains of allianceor interest, perhaps not clearly understood until the moment of crisis itself, could easily draw in neighboring states--Russia, or India, or Japan--or the United States.

#### Best new studies prove this would cause extinction

Starr ’11 (Consequences of a Single Failure of Nuclear Deterrence by Steven Starr February 07, 2011 \* Associate member of the Nuclear Age Peace Foundation \* Senior Scientist for PSR

Only a single failure of nuclear deterrence is required to start a nuclear war, and the consequences of such a failure would be profound. Peer-reviewed studies predict that less than 1% of the nuclear weapons now deployed in the arsenals of the Nuclear Weapon States, if detonated in urban areas, would immediately kill tens of millions of people, and cause long-term, catastrophic disruptions of the global climate and massive destruction of Earth’s protective ozone layer. The result would be a global nuclear famine that could kill up to one billion people. A full-scale war, fought with the strategic nuclear arsenals of the United States and Russia, would so utterly devastate Earth’s environment that most humans and other complex forms of life would not survive. Yet no Nuclear Weapon State has ever evaluated the environmental, ecological or agricultural consequences of the detonation of its nuclear arsenals in conflict. Military and political leaders in these nations thus remain dangerously unaware of the existential danger which their weapons present to the entire human race. Consequently, nuclear weapons remain as the cornerstone of the military arsenals in the Nuclear Weapon States, where nuclear deterrence guides political and military strategy. Those who actively support nuclear deterrence are trained to believe that deterrence cannot fail, so long as their doctrines are observed, and their weapons systems are maintained and continuously modernized. They insist that their nuclear forces will remain forever under their complete control, immune from cyberwarfare, sabotage, terrorism, human or technical error. They deny that the short 12-to-30 minute flight times of nuclear missiles would not leave a President enough time to make rational decisions following a tactical, electronic warning of nuclear attack. The U.S. and Russia continue to keep a total of 2000 strategic nuclear weapons at launch-ready status – ready to launch with only a few minutes warning. Yet both nations are remarkably unable to acknowledge that this high-alert status in any way increases the probability that these weapons will someday be used in conflict. How can strategic nuclear arsenals truly be “safe” from accidental or unauthorized use, when they can be launched literally at a moment’s notice? A cocked and loaded weapon is infinitely easier to fire than one which is unloaded and stored in a locked safe. The mere existence of immense nuclear arsenals, in whatever status they are maintained, makes possible their eventual use in a nuclear war. Our best scientists now tell us that such a war would mean the end of human history. We need to ask our leaders: Exactly what political or national goals could possibly justify risking a nuclear war that would likely cause the extinction of the human race? However, in order to pose this question, we must first make the fact known that existing nuclear arsenals – through their capacity to utterly devastate the Earth’s environment and ecosystems – threaten continued human existence. Otherwise, military and political leaders will continue to cling to their nuclear arsenals and will remain both unwilling and unable to discuss the real consequences of failure of deterrence. We can and must end the silence, and awaken the peoples of all nations to the realization that “nuclear war” means “global nuclear suicide”. A Single Failure of Nuclear Deterrence could lead to: \* A nuclear war between India and Pakistan; \* 50 Hiroshima-size (15 kiloton) weapons detonated in the mega-cities of both India and Pakistan (there are now 130-190 operational nuclear weapons which exist in the combined arsenals of these nations); \* The deaths of 20 to 50 million people as a result of the prompt effects of these nuclear detonations (blast, fire and radioactive fallout); \* Massive firestorms covering many hundreds of square miles/kilometers (created by nuclear detonations that produce temperatures hotter than those believed to exist at the center of the sun), that would engulf these cities and produce 6 to 7 million tons of thick, black smoke; \* About 5 million tons of smoke that would quickly rise above cloud level into the stratosphere, where strong winds would carry it around the Earth in 10 days; \* A stratospheric smoke layer surrounding the Earth, which would remain in place for 10 years; \* The dense smoke would heat the upper atmosphere, destroy Earth’s protective ozone layer, and block 7-10% of warming sunlight from reaching Earth’s surface; \* 25% to 40% of the protective ozone layer would be destroyed at the mid-latitudes, and 50-70% would be destroyed at northern and southern high latitudes; \* Ozone destruction would cause the average UV Index to increase to 16-22 in the U.S, Europe, Eurasia and China, with even higher readings towards the poles (readings of 11 or higher are classified as “extreme” by the U.S. EPA). It would take 7-8 minutes for a fair skinned person to receive a painful sunburn at mid-day; \* Loss of warming sunlight would quickly produce average surface temperatures in the Northern Hemisphere colder than any experienced in the last 1000 years; \* Hemispheric drops in temperature would be about twice as large and last ten times longer then those which followed the largest volcanic eruption in the last 500 years, Mt. Tambora in 1816. The following year, 1817, was called “The Year Without Summer”, which saw famine in Europe from massive crop failures; \* Growing seasons in the Northern Hemisphere would be significantly shortened. It would be too cold to grow wheat in most of Canada for at least several years; \* World grain stocks, which already are at historically low levels, would be completely depleted; grain exporting nations would likely cease exports in order to meet their own food needs; \* The one billion already hungry people, who currently depend upon grain imports, would likely starve to death in the years following this nuclear war; \* The total explosive power in these 100 Hiroshima-size weapons is less than 1% of the total explosive power contained in the currently operational and deployed U.S. and Russian nuclear forces.

# 1NR

### 2NC- Circumvention

#### Obama ignores restrictions- tons of loopholes

**Kumar 3-19**-13 [Anita, White House correspondent for McClatchy Newspapers, former writer for The Washington Post, covering Virginia politics and government, and spent a decade at the St. Petersburg Times, writing about local, state and federal government both in Florida and Washington, “Obama turning to executive power to get what he wants,” <http://www.mcclatchydc.com/2013/03/19/186309/obama-turning-to-executive-power.html#.Ue18CdK1FSE>]

President Barack Obama came into office four years ago skeptical of pushing the power of the White House to the limit, especially if it appeared to be circumventing Congress.¶ Now, as he launches his second term, Obama has grown more comfortable wielding power to try to move his own agenda forward, particularly when a deeply fractured, often-hostile Congress gets in his way.¶ He’s done it with a package of tools, some of which date to George Washington and some invented in the modern era of an increasingly powerful presidency. And he’s done it with a frequency that belies his original campaign criticisms of predecessor George W. Bush, invites criticisms that he’s bypassing the checks and balances of Congress and the courts, and whets the appetite of liberal activists who want him to do even more to advance their goals.¶ While his decision to send drones to kill U.S. citizens suspected of terrorism has garnered a torrent of criticism, his use of executive orders and other powers at home is deeper and wider.¶ He delayed the deportation of young illegal immigrants when Congress wouldn’t agree. He ordered the Centers for Disease Control and Prevention to research gun violence, which Congress halted nearly 15 years ago. He told the Justice Department to stop defending the Defense of Marriage Act, deciding that the 1996 law defining marriage as between a man and a woman was unconstitutional. He’s vowed to act on his own if Congress didn’t pass policies to prepare for climate change.¶ Arguably more than any other president in modern history, he’s using executive actions, primarily orders, to bypass or pressure a Congress where the opposition Republicans can block any proposal.¶ “It’s gridlocked and dysfunctional. The place is a mess,” said Rena Steinzor, a law professor at the University of Maryland. “I think (executive action) is an inevitable tool given what’s happened.”¶ Now that Obama has showed a willingness to use those tactics, advocacy groups, supporters and even members of Congress are lobbying him to do so more and more.¶ The Center for Progressive Reform, a liberal advocacy group composed of law professors, including Steinzor, has pressed Obama to sign seven executive orders on health, safety and the environment during his second term.¶ Seventy environmental groups wrote a letter urging the president to restrict emissions at existing power plants.¶ Sen. Barbara Mikulski, D-Md., the chairwoman of the Appropriations Committee, sent a letter to the White House asking Obama to ban federal contractors from retaliating against employees who share salary information.¶ Gay rights organizations recently demonstrated in front of the White House to encourage the president to sign an executive order to bar discrimination based on sexual orientation or gender identity by companies that have federal contracts, eager for Obama to act after nearly two decades of failed attempts to get Congress to pass a similar bill.¶ “It’s ridiculous that we’re having to push this hard for the president to simply pick up a pen,” said Heather Cronk, the managing director of the gay rights group GetEQUAL. “It’s reprehensible that, after signing orders on gun control, cybersecurity and all manner of other topics, the president is still laboring over this decision.”¶ The White House didn’t respond to repeated requests for comment.¶ In January, Obama said he continued to believe that legislation was “sturdier and more stable” than executive actions, but that sometimes they were necessary, such as his January directive for the federal government to research gun violence.¶ “There are certain issues where a judicious use of executive power can move the argument forward or solve problems that are of immediate-enough import that we can’t afford not to do it,” the former constitutional professor told The New Republic magazine.¶ Presidents since George Washington have signed executive orders, an oft-overlooked power not explicitly defined in the Constitution. More than half of all executive orders in the nation’s history – nearly 14,000 – have been issued since 1933.

### Inev

#### Social science proves no modeling- US signals are dismissed

Zenko ‘13 [Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise, accessed 6-12-13, mss]

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

### 2NC- I-Law doesn’t solve war

#### CIL norms are an illusion – cooperation is a result of convergence of self-interest and coercion

Goldsmith and Posner 98 (Jack and Eric, law profs at U of Chicago, “A Theory of Customary International Law” John M. Olin Law & Economics Working Paper No. 63, http://www.law.uchicago.edu/Lawecon/WkngPprs\_51-75/63.Goldsmith-Posner.pdf)

One of the central claims of the standard account of CIL is that CIL norms govern all or almost all states, or at least all “civilized” states. This universality claim is rarely explained further. The idea is probably that certain public goods can be created only if all or most states participate by engaging in certain actions that they would not engage in if they acted independently. World peace, the preservation of the ozone layer, the maintenance of international fisheries, and coordination on standards for international communication and transportation are examples of such public goods. International scholars appear to believe that CIL norms evolve in order to enable states to create these n-state public goods. Our theory rejects this view. It holds that most instances of spontaneous international cooperation arise as the result of pairwise interactions. Apparently **cooperative** universal **behavioral regularities are illusory, the result of identical pairwise interactions, coincidence of interest, or coercion.** When n-state public goods are created, it is because states enter treaties and other agreements that solve n-state coordination games, **not because of** the evolution of universal and exogenous **CIL norms**. To understand the illusory quality of universal CIL norms, imagine that we observe that no state seizes civilian fishing vessels from enemies in times of war. The theory contemplates many possible explanations for this observation. First, states do not seize fishing boats because of coincidence of interest. The nations do not seize boats because their navies are more effectively used by attacking enemy warships or large merchant vessels. Second, many nations receive no benefit from seizing fishing boats, and those that otherwise would receive a benefit are deterred from doing so by powerful nations that have an interest in preventing seizures of their own boats. Third, two nations decline to seize fishing boats in a bilateral repeat prisoner’s dilemma, and all the other nations decline to do so because of coincidence of interest (or coercion), or -- it is possible -- all or most nations face each other in exclusive bilateral repeat prisoner’s dilemmas and refrain from seizing fishing vessels because of fear of retaliation from their (single) opponent. For example, all bodies of water containing fish under the conditions described above are bordered by exactly two states. Fourth, some or all nations face each other in bilateral coordination games which they solve, while any other nations engage in the same action because of coincidence of interest, coercion, or their participation in a bilateral prisoner’s dilemma. There are numerous other possible combinations of coincidence of interest, coercion, bilateral prisoner’s dilemmas, and bilateral coordination. In all these cases, some or many states refrain from seizing fishing vessels because they have better uses for their navy, or because they fear retaliation from the state whose fishing vessels they covet. In none of these cases is an n-state public good created through multilateral cooperation. Our essential claim is that all examples of robust CIL norms are explained in these ways. Although states often engage in virtually identical behavior -- protecting foreign ambassadors, for example57 -- they do so because they have no interest in deviating or because they fear retaliation from the state they victimize. The norm is universal in a **trivial sense only**, like the norm that states do not drill holes in the bottoms of their own ships**; it does not reflect true multilateral cooperation.**

#### **Citing international law doesn’t set a precedent**

New York Times 8 (“US Court is Now Guiding Fewer Nations,” 9-18, <http://www.nytimes.com/2008/09/18/us/18legal.html?_r=2&hp=&adxnnlx=1221753717-8pdanTsDalyAfCQgzjrVvQ&pagewanted=print>)

**Judicial citation** or discussion **of a foreign ruling does not**, moreover, **convert it into binding precedent.** Chief Justice John Marshall, sitting as a circuit court judge, discussed the question in 1811. “It has been said that the decisions of British courts, made since the Revolution, are not authority in this country,” he said. “I admit it — but they are entitled to that respect which is due to the opinions of wise men who have maturely studied the subject they decide.” Indeed, **American judges cite all sorts of things in their decisions — law review articles, song lyrics, television programs.** State supreme courts cite decisions from other states, though a decision from Wisconsin is no more binding in Oregon than is one from Italy. “**Foreign opinions are not authoritative; they set no binding precedent for the U.S. judge**,” Justice Ruth Bader Ginsburg said in a 2006 address to the Constitutional Court of South Africa. “But they can add to the story of knowledge relevant to the solution of trying questions.” But Professor Fried said the area was a minefield. “**Courts have been citing foreign law forever,** but sparingly, for very good reason,” he said. “It is an invitation to bolster conclusions reached on other grounds. It leads to more impressionistic, undisciplined adjudication.”

### Water wars

#### No water wars- best database proves

**Tertrais ’11** (Senior Research Fellow at the Fondation pour la Recherche Stratégique, Paris) 11 (Bruno, The Climate Wars Myth, The Washington Quarterly, [Volume 34](http://www.tandfonline.com/loi/rwaq20?open=34#vol_34), [Issue 3](http://www.tandfonline.com/toc/rwaq20/34/3), pages 17-29)

And water crises **do not mean water wars**. The issue of access to water resources is undoubtedly a major dimension of numerous regional crises, in particular in the Greater Middle East, as testified by decades-old disputes between Turkey and Syria, or Egypt and Sudan. The value of strategic locations such as the Golan Heights or Kashmir is not a small part of tensions between Syria and Israel, or India and Pakistan. And water sharing can be the cause of local disputes sometimes degenerating into small-scale collective violence in Africa or Asia. However, **experts from the University of Oregon, who maintain the most complete database on this topic, state that there has never been a “war over water”** (that is, large-scale collective violence for the sake of a water resource) **in the past 4,500 years.**[35](http://www.tandfonline.com/doi/full/10.1080/0163660X.2011.587951#NOTE0035) The last war over water opposed two Sumerian cities in the middle of the third millennium B.C.E., about sharing the waters of the Tigris and Euphrates. There are good reasons for such a scant record. Any country seeking to control the upstream of a river would need to ensure complete and permanent domination over it, which would be an ambitious goal. **In the modern era, resorting to arms over water** (like resorting to arms over oil) **is just not worth the cost**. Especially for those whose geographical location and budget can afford to build desalination plants—which is the case for some of the most water-stressed countries, those located on the Arabian Peninsula. One should therefore not be surprised that access to water has always generated more cooperation than conflict. Since antiquity, **thousands of agreements and treaties have been signed** for water-sharing. And **cooperation between adversaries has stood the test of wartime**, as was seen during the 20th century in the Middle East, South Asia, or Southeast Asia.