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#### Pariah weapons regulation backfires- normalizes militarism and leads to worse forms of violence

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[Neil, PhD from University of Kent at Canterbury, University of Bradford Associate Dean for Research for the School of Social and International Studies, "Humanitarian Arms Control and Processes of Securitization: Moving Weapons along the Security Continuum," Contemporary Security Policy, Vol 32, Issue 1, 2011, tandfonline, accessed 9-5-13, mss]

In this account of contemporary HAC, powerful actors who aim to uphold the status quo principally have a role as agents of resistance to control agendas, not as actors in the production of control regimes. This certainly reﬂects important aspects of contemporary campaigns to regulate pariah weapons but, as I suggest below, it offers a rather incomplete account. Moreover, if such accounts did indeed provide a complete understanding of the dynamics underpinning these control agendas it would certainly represent a novel development, not least because the long history of pariah weapons regulation illustrates the way that weapons taboos frequently reﬂect the interests of the powerful. For example, one factor in the virtual eradication of the gun in 17th and 18th century Japan was that it represented a threat to the warrior class when in the hands of the lower classes.48 The same was true of the rather less successful attempt of the Second Lateran Council to ban the crossbow – a ban partly motivated by the fact that crossbows could pierce the armour of the knight – and a ban that was notably not extended to use against non-Christians.49Similarly, whilst the restrictions on the slave, arms, and liquor trade to Africa embodied in the 1890 Brussels Act were certainly grounded in an ethical discourse, the restrictions imposed on the trade in ﬁrearms were primarily rooted in concerns about the impact of the trade on colonial order. As one British colonial ofﬁcial noted at the time, the restrictions on the small arms trade to Africa reﬂected imperial concern to ‘avoid the development and paciﬁcation of this great continent ... [being] carried out in the face of an enormous population, the majority of whom will probably be armed with ﬁrst-class breechloading riﬂes’.50 The history of pariah weapons regulation would therefore appear to demonstrate a persistent link between the material and political interests of states and / or powerful elites and the emergence of pariah weapons regulation. To be sure, the material and political interests of the same, or other, powerful actors also provide countervailing pressures – the immediate interests of nobles in winnings wars with crossbows mostly won out over their broader class interests,51 whilst colonial competition to secure arms proﬁts and local allies mitigated the impact of the various restrictions on the ﬁrearms trade in the late 19th century.52 But the point is that whilst the genesis of earlier attempts at pariah regulation may, in part, be explained by reference to particular securitizing moments of intervention, the impact of such interventions can only be understood by locating them in particular political economies of power. What is surprising therefore about accounts of post-Cold War humanitarian arms control is that this long history has largely failed to prompt consideration of the way in which contemporary regulation might also reﬂect the interests of powerful states and other actors, albeit in ways that are subject to similar countervailing pressures – an issue that will be taken up below. Pariah Weapons, Heroic Weapons, and Legitimized Military Technology A further recurring theme in the history of pariah regulation is the way in which restrictions on pariah weapons are often related in some way to the construction of a broad arena of legitimized military technology. A particularly extreme example of this is the way in which pariah weapons are sometimes constructed as the antithesis of the ‘heroic weapon’ – a weapon deemed to embody positive values such as honour and / or which is deemed central to national defence. Thus, the series of relatively successful Acts implemented in England between 1508 and 1542 banning crossbows were largely rooted in a concern to preserve the use of the heroic longbow, deemed central to a long line of English military successes.53 The Japanese ban on the gun was similarly connected to the romanticization of the heroic samurai sword as the visible form of one’s honour, as associated with grace of movement in battle and even its status as a work of art.54 In effect both the crossbow in 16th century England and the gun in 17th and 18th century Japan became the ‘other’ which deﬁned legitimized military technologies and militarism. Redford makes much the same point about English attitudes to the submarine, which was constructed as an ‘other’ partly because of the British romanticization of the battleship (‘the upper class or aristocracy of warships’)55 as central to British security and linked to British notions of valour and honour in the conduct of war. This highlights the ways in which the security meaning associated with particular sets of weapons technology are not just a function of the framings speciﬁc to that technology but are also relational, with the representation of one weapon playing an important role in constituting the meaning of another (albeit in sometimes unexpected ways), and vice versa. Not surprisingly perhaps, similar themes also help explain the contemporary taboos constructed around particular sets of military technology such as cluster munitions. Cluster Munitions What is particularly striking about the campaign against cluster munitions is not its success in banning an inhumane weapon but the fact that this success was achieved at a moment in history when, in absolute terms at least, cluster munitions use had fallen from the peak years of use during the Vietnam era (see Table 2). In the latter period cluster bombs such as the CBU-24 represented a ‘major increase in battleﬁeld lethality’ yet its development and deployment was ‘accomplished with no public debate and relatively little subsequent protest’.56 Indeed, for the American military, ‘CBUs were categorised as a standard weapon, to be taken off the shelf – “conventional ironmongery”.57 This is not to suggest that American use of cluster munitions in this period went unremarked. There were certainly some critics at the time who argued that such weapons were inhumane.58 There were also attempts, sponsored by the International Committee of the Red Cross (ICRC) and Sweden in particular, to promote restrictions on cluster munitions in negotiations in the 1970s on the Additional Protocols to the 1949 Geneva Conventions.59 The point is however, that these efforts never achieved traction either with diplomats or with a wider public in the way that the issue would 30 years later. The labels attached to cluster munitions and also landmines only changed dramatically as the move into the post-Cold War era occurred when they moved from being treated as unproblematic elements in global military arsenals to a form of ‘technology non grata’ – weaponry deemed immoral, inhumane, and indiscriminate. Crucially, such a successful process of stigmatization was only made feasible in the context of a post-Cold War widening of the security label to incorporate the notion of human security as a referent object; by the turn to casting security interventions in humanitarian terms; and the representation of modern weaponry as humane because of its perceived capacity to better discriminate between civilians and combatants. The widening and deepening of the security label created the permissive environment necessary for activists to reframe cluster munitions (and APMs) as threats to the human. At the same time, the discussion of intervention in humanitarian terms60 and of precision weapons as instruments of humane warfare61 created a legitimized discursive space into which campaigners could insert a re-representation of landmines and cluster munitions technology as inhumane. Indeed, such a re-representation only exerted a powerful appeal because it was consonant with both the predominant framing of security threats in a postCold War world and a new divide between good and odious military technology. This is not to suggest that such developments reﬂected some teleology in which security and arms control practice progressively evolved to be more humane. As Krause and Latham have noted, for example, whilst the post-Cold War era concern with the impact of ‘inhumane weapons’ represents a notable shift compared with the Cold War arms control agenda, it does have similarities with the late 19th century when a Western discourse of civilized warfare was also prominent. One corollary of this – then as now – was a concern to specify what constituted an ‘inhumane weapon’62 manifest, for example, in the negotiations in the Hague conferences over problem technologies such as the dum dum bullet. As Michael Howard has suggested though, whilst initiatives such as the Hague conferences achieved notable successes, they also reﬂected the fact that liberal internationalists had ‘abandoned their original objects of preventing war and building peace in favour of making war more humane for those actually ﬁghting it’.63 The prohibitions on cluster munitions and also APMs can be understood as similarly ambiguous developments. On the one hand, the legitimizing discourse of Western militaries and arms ﬁrms was turned against them in order to generate powerful taboos against particular categories of weapons – even in the face of opposition from these militaries. The language of state security was coopted to promote human security, to preserve life, and prevent threats to its existence. On the other hand, the same prohibitions can ultimately be understood less as progressive initiatives imposed on foot-dragging states by the bottom-up power of global civil society and more as performative acts that simultaneously function to codify aspects of a new set of criteria for judging international respectability in a post-Cold War era, to reinforce the security framings of the era and to legitimize those categories of weapons successfully constructed as precise, discriminate, and thus humane. Indeed, to the extent that states such as the United States have been able to circumscribe their commitments on landmines etc. they have been able to beneﬁt from the broader legitimizing effects of speciﬁc weapons taboos without being unduly constrained by the speciﬁc regulatory requirements they have given rise to. Moreover, as already noted, the presence of pariah weapons regulation is not necessarily a sign of a more general shift to the tighter regulation of the arms trade – quite the reverse in some cases. Thus, any evaluation of the overall impact of such regulation on global and local security also has to take into account the broader system of arms regulation in which it is located, and the relationship that exists between pariah regulation and this broader system. The next two sections will offer some observations on these issues. Models of Economy and Models of Arms Trade Regulation The approach adopted to the regulation of the arms trade in general does not only reﬂect the security labels attached to particular kinds of technology or the direct interests powerful actors may have in constraining such technology. Regulatory approaches to the arms trade are also a function of the particular paradigms of political economy that dominate in speciﬁc era. In part this is because they link into particular understandings of what constitutes economic security. But the link between regulation and the paradigms of political economy go beyond this, reﬂecting a much more fundamental common sense about economy and trade. For example, the rise of mercantilism from about the 1600s meant the previous dominance of private arms traders was replaced by that of government arsenals64 and the emphasis on autarky encouraged a more restrictive approach to the regulation of arms transfers.65 In England for example, Queen Elizabeth I issued an order in 1574 restricting the number of guns to be cast in England to those ‘for the only use of the Realm’66 and further Ordnances restricting the export of arms were passed in 1610 and 1614.67 In contrast, the shift in economic ideology from mercantilism to capitalism led to the more laissez-faire approach to the regulation of arms transfers in the late 19th century already described above. Britain moved to a more laissez-faire basis from 1862 onwards, France passed legislation in 1885 reinstituting the private manufacture of arms and also repealed the law prohibiting exports.68 Indeed, this was an era in which the Prussian government did not even feel able to compel Krupp to abjure exports to Austria on the eve of war with that country in 1866.69 Economic philosophy also shaped both discourse and practice on the regulation of the arms trade in the aftermath of World War I. Against the background of what Buzan and Waever have described as a broader attempt to ‘construct war as a threat to civilisation’ after World War I70 private arms manufacturers were particularly castigated for the role they had supposedly played in fomenting war fever to promote sales, a role facilitated by their alleged control over the press in many countries.71 This partly explained the attempts in 1919 and 1925 to develop international agreements on the regulation of the arms trade, although in reality a broader set of international order and security concerns were also at work (see below). However, the 1919 and 1925 agreements never received the necessary ratiﬁcations to come into force (although they did have important legacy effects) and the laissez faire approach to the arms trade still predominated throughout the 1920s. It was only in the 1930s that concern about the activities of the arms manufacturers gained particular salience in both the media and policy circles. In part this may have been a function of the deteriorating international situation, but as Harkavy has argued, it was also a function of the fact that the Great Depression had prompted widespread doubts about the general viability of the capitalist system.72Consequently, nationalization and greater government oversight of the arms industry was presented by campaigners and, indeed, some governments, as a vehicle to ensure arms proﬁts were not pursued at the expense of either state interests or world peace. Although nationalization was, with the exception of France73 mostly avoided, by the mid-1930s most of the major arms producing states had begun to develop formal defence export licensing systems.74 In other words, this was the moment when the institutions and processes were established that would produce the many thousands of ordinary extraordinary export licensing decisions that now occur on a weekly basis, the point of genesis for a particular habitus of a particular set of security professionals. This shift was not solely a function of debates about the role of arms merchants in World War I, nor was it purely a consequence of the doubts about unmanaged capitalism sowed by the Great Depression. Issues of power and security as well as the moments of intervention represented by successive attempts to agree international arms regulation all played their role in this shift (see below). Nevertheless, attitudes to economy were an important part of the mix. In the Cold War, the regulation of arms transfers was structured so that it was simultaneously permissive vis-a`-vis transfers to allies and highly restrictive vis-a`-vis allies of the Soviet Union. In the West at least, these security rationales overlapped with the dominance of Keynesian approaches to the economy in which the preservation of defence production emerged not only as a strategic imperative but as a form of welfare militarism – aimed at maintaining jobs, stimulating economies in times of recession, and preserving key technology sectors. This implied the further extension of government oversight of arms sales (albeit principally on a national basis rather than through international negotiation) and government’s role in the promotion of arms sales. It also meant that arms sales were pursued primarily (if not exclusively) for political rather than economic reasons. This contrasted sharply with the late 19th century and even inter-war years when private industry and the search for arms proﬁts were the principle factors driving supply. However, the end of the Cold War coincided with (and reinforced) underlying shifts in conceptions of economy and security that inﬂuenced the debate on arms transfer control. In terms of economy, the neoliberal agenda had already been thoroughly mainstreamed in the policy discourse of governments. Greed was good, proﬁt was better and market principles were the order of the day. In terms of domestic defence procurement policies this was reﬂected in a shift to the much wider application of competition policy, particularly in the United States and the United Kingdom.75 In terms of the approach to major arms transfers it underpinned the shift to a more commercial attitude that had been gradually evolving from the 1960s onwards. Already by 1988 one analyst could note that ‘the political factors that dominated the arms trade in the recent past are yielding to market forces... the arms trade is returning to its patterns prior to World War II, when the trade in military equipment was not dramatically different from the trade in many other industrial products’.76The comparison with the pre-World War II era is perhaps exaggerated – not least because the frameworks of national oversight and national export promotion are far more extensive, as are the frameworks of international regulation. Nevertheless, whilst one feature of the post-Cold War era has been the proliferation of international or regional initiatives to ostensibly restrain arms proliferation, an equally notable feature has been the relaxation of restrictions on arms supplies, particularly to allies. Both the Clinton and George W. Bush administrations in the United States have attempted to ease restrictions on exports to key allies, most notably in the form of defence trade cooperation treaties with Australia and the United Kingdom announced in 2007, although these have yet to be ratiﬁed by the Senate.77 The effect of these agreements will be to permit the licence-free transfer of defence goods between the United States and each of the signatories.78 The Obama administration has, in addition, committed itself to a radical overhaul of the American export control system to make it easier to export weapons to American allies and to emerging markets such as China. For example, the administration has claimed that in the case of items related to tanks and military vehicles, the new rules would remove 74 per cent of the items currently on the US Munitions List.79 In other words, the export of brake pads for tanks may no longer be subject to a regime of extraordinary measures. Similar processes have been at work in other countries. For example, in 2002 the United Kingdom announced changes to its methodology for assessing licence applications for components to be incorporated into military equipment for onward export, a reform generally interpreted as opening ‘a signiﬁcant export licensing loophole’,80 whilst in 2007 the French government announced it would ease restrictions on products moving within the European Union.81 At the same time as this occurred NGOs became more focussed on the security outcomes stemming from the trade in small arms and landmines. To the extent that NGOs and academics have engaged with the issue of major conventional arms transfers, they have tended to follow the lead set by government and industry by engaging with the economic rationale for defence exports – albeit in an attempt to debunk them.82The combined effect of this has been to give a more central place to a technocratic discourse on major weapons transfers focussed on their economic costs and beneﬁts to suppliers. This is not to suggest that strategic rationales for arms transfers have disappeared completely – they still remain important factors in speciﬁc cases, particularly post-9/11. Nevertheless, as Hartung has noted, with the end of the Cold War, the economic rationales for arms sales ‘moved to the forefront’.83One corollary of this greater emphasis on the economics of arms sales has been the post-Cold War deproblematization of major arms transfers84 at least in terms of debates about their security outcomes. Today, such sales are primarily discussed (by exporters at least, if not by recipients and their neighbours) in the language of the technocrat and the banker - the language of jobs, ﬁnancing terms, market share, and performance evaluation. Indeed, both government and NGO security concerns about the negative effects of the arms trade have bifurcated – with concern focussed either on the problem of weapons of mass destruction (WMD) (problematized primarily in terms of their potential acquisition by rogues) or, at the other end of the scale, on issues such as small arms (primarily problematized in terms of the illicit rather than the legal trade in such weapons). Arms Trade Regulation and the Security Problematique If neoliberalism has facilitated a more permissive approach to arms transfer regulation then this raises the question of why any limits have been introduced at all? As already noted above, one part of the answer is rooted in the relationship between legitimized and heroic weapons and those military technologies that lie outside the boundaries of the heroic and the legitimized. Being the ‘other’ of legitimized military technology facilitates successful problematization and indeed ‘extra-securitisation’. Additionally however, the architecture of global arms trade regulation has been transformed in the post-Cold War era along with the transformation in the objects of security that accompanied the end of the Cold War. During the Cold War, the global architecture of conventional arms trade regulation, like arms control more generally, was principally focussed on managing East –West tensions. One consequence was a substantial extension of the range of dual-use goods invested with security labels in relation to trade with Eastern Europe, most manifest in debates in the early 1950s between the United States and European states over the operation of CoCoM (Coordinating Committee for Multilateral Export Controls).85 In contrast, the developing world was merely an object of security competition between the superpowers and therefore a site for the supply of arms to allies. With the dissolution of the Soviet threat the focus has turned more to the management of North–South relations as the developing world has been reconstructed as the source of diverse security threats86 and as humanitarian intervention has resurrected similar concerns with the maintenance of order in the developing world that animated the arms restrictions in the Brussels Act. One manifestation of this has been in the reframing of small arms as instruments of disorder rather than the means to shore up Cold War allies. A further example is the replacement of the CoCom regime with the Wasennaar Arrangement, focussed particularly on restricting transfers to pariah regimes in the global South. This shift in focus is also manifest in the signiﬁcant rise in the use of arms embargoes in the post-Cold War era. For example, between 1945 and 1990 only two mandatory embargoes were imposed globally, on Rhodesia and Africa, respectively. Since the 1990s there have been two voluntary and 27 mandatory cases of sanctions, the vast majority of which have been aimed at actors in Africa.87 Sanctions, just like the efforts to control arms to Africa in the late 19th century have not been hugely successful in reducing the supply of weapons to combatants. Nevertheless, they can be understood as animated by much the same desire to maintain order in the peripheries of the world, particularly in a context where Western powers have once again taken on a greater responsibility for policing and managing instability in the developing world. Thus, the post-Cold War regulation of the conventional arms trade is simultaneously characterized by a relatively more permissive approach to arms transfers in general but also a redirection of controls away from the governance of East – West relations and towards the governance of North –South relations and particularly the disciplining of those actors framed as rogue or pariah in the security narratives of dominant actors. The campaign to promote an arms trade treaty may yet produce a more meaningful architecture of arms transfer control – the jury is out. However the framing of the Arms Trade Treaty to the defence industry is perhaps instructive. For example, the UK’s Ambassador for Multilateral Arms Control has noted, the ATT ‘... is about ... export controls that will stop weapons ending up in the hands of terrorists, insurgents, violent criminal gangs, or in the hands of dictators’.88 It should also be noted that current efforts to develop a global agreement on the arms trade echo late 19thth and early 20thth century initiatives to govern the international arms trade, most notably: the Brussels Act, the 1919 St Germain Convention for the Control of the Trade in Arms and Ammunition, and the 1925 Arms Trafﬁc Convention. Although the latter two never received the necessary ratiﬁcations to come into force both were animated by the same imperial concern to prevent disorder in the colonies that had underpinned the Brussels Act. As Stone has noted with regards to the St Germain convention for example, ‘there was little doubt among representatives in Paris [where the Convention was signed] that keeping arms out of African and Asian hands was St Germain’s chief task’.89Accordingly, the convention imposed far stricter restrictions on sales to these areas as well as a ban on arms shipments to ‘any country which refuses to accept the tutelage under which it has been placed’.90 Indeed, although the convention never came into being, European powers nevertheless agreed informally to carry out its provisions in Africa and the Middle East.91 The 1925 convention similarly imposed more severe restrictions on exports to special zones that covered most of Africa and parts of what had been the Ottoman Empire.92 Thus, viewed against this broader history of arms regulation, negotiations on a putative Arms Trade Treaty (rather like action on APMs or cluster munitions) do not represent a novel post-Cold War development that symbolizes progress on an emancipatory human security agenda consonant with the promotion of local and global peace. Instead, it reﬂects the emergence of particular sets of relationships between power, interest, economy, security, and legitimized military technologies that in turn create the conditions of emergence for historically contingent architectures of global regulation. Conclusion The preceding analysis has a number of implications for campaigners, but also speaks to the debates about the utility of the securitization framework outlined at the start of this article. First, it provides support for Abrahamson’s notion of the security spectrum. Viewed in a more historical perspective, what is notable about the post-Cold War emergence of a humanitarian arms control agenda is the way in which action on landmines, cluster munitions, and even small arms have been made possible by a quite dramatic transformation in the way such technology is represented. They have, in Abrahamson’s formulation, been moved along the ‘spectrum of security’ from normal, run-of-the mill, unproblematic technologies of killing, to ones of extra special concern. Conversely, one of the features of the post-Cold War era is the way in which the security labels attached to major weapons transfers have, in general, actually moved in the other direction. Whilst such transfers still remain clearly within the domain of security it is, nevertheless, possible to conceive the post-Cold War trade in major weapons as having been relatively desecuritized. Second, the analysis highlights the relational elements that can be involved in processes of securitization and desecuritization. In the case of the landmines ban this manifested itself in the way campaigners engaged in simultaneous processes of securitization of APMs (with respect to the human as referent object) and (relative) desecuritization (with respect to the state as referent object) that worked to mutually reinforce the case for a ban. In the case of pariah weapons generally, whilst there are a number of factors that explain their stigmatization, one factor can be the way their particular qualities are depicted as the antithesis of those possessed by legitimized and particularly heroic weapons. Conversely, the stigmatization of pariah weapons works to delineate other weapons as normal and legitimate. There is therefore a process of mutual constitution that is at work in the way different sets of weapons technology are framed and understood. Third, the preceding analysis illustrates the relevance of Floyd’s argument that processes of securitization or desecuritization can be positive and negative, particularly when considered in terms of their emancipatory effects. As noted above, in the case of landmines a process of relative desecuritization vis-a`-vis the state combined with a process of extra-securitization vis-a`-vis the human to bring about the production of a ban widely considered to have produced positive security outcomes for individuals, communities, and the human as a collective. In contrast, the relative desecuritization of major weapons transfers represents a much more ambiguous development. It could, of course, be argued that such a change in the security labels attached to the weapons holdings of neighbouring states would not only reﬂect but reinforce a move to more peaceable relations. In addition, the relative deproblematization of defence transfers might be conceived as a positive development, particularly for states that possess minimal domestic defence industrial capacity, and are threatened by hostile neighbours. At the same time however, such a shift along the spectrum of security arguably represents a quite regressive development when applied to the issue of arms transfers. This is particularly the case given that, irrespective of the powerful ways in which the security labels attached to major weapons are shaped by discourse and other forms of representation, they still possess a residual materiality, however thin, that is characterized by their capacity to facilitate the organized prosecution of violence. More generally, the transfer of such technologies can also be viewed as symptomatic of a world characterized by deeply problematic higher order paradigms of security and economy. At the very least then, the relative (if not complete) desecuritization of major arms transfers would appear to raise further questions about the Copenhagen School’s normative commitment to desecuritization. Although more accurately, it highlights the effects that come from ratcheting down the security labels attached to ‘normal’ arms transfers and subjecting them to the kind of standard bureaucratic routines highlighted by Bigo, albeit the routines of the export licencing process in this case. One consequence, is that the many thousands of export licences granted for the transfer of weapons other than landmines, cluster munitions, and small arms are far less likely to become the object of public scrutiny or become subject to intense public and political contestation about the security effects of such exports. In this sense at least, the switch from a Cold War arms transfer system where security motivations for exports often predominated to one where economic motivations are more to the fore, has also been accompanied by a corresponding depoliticization of contemporary transfers, a phenomenon that highlights the problematic nature of the neat division between politicized and securitized issues outlined in the CS conception of securitization and one that highlights the downside of even partial moves towards the desecuritization end of the security spectrum. Fourth, the success of campaigns on landmines and cluster munitions demonstrates how ‘moments of intervention’ undertaken on behalf of the voiceless by supposedly weak securitizing actors such as NGOs can, nevertheless, produce quite effective securitizations – in this case, the hyper-securitization of particular weapons technologies. Both campaigns also highlighted the ways in which actors can utilize media images and, through survivor activism that extended to the conference room, provide a context for the body to speak security. Moreover, the success of these campaigns highlights the ways in which the language of threat, survival, and security can be deployed to achieve positive security outcomes. At the same time however, the success of the humanitarian arms control agenda around landmines and cluster munitions in particular was only achieved because NGOs adopted exactly the same discourse around humanitarianism, human security and weapons precision that has been deployed to legitimize post-Cold War liberal peace interventionism and in the marketing of new weapons developments. On one reading, this might point to the potential for actors to deploy dominant forms of security speech in order to achieve progressive ends. On a more pessimistic reading however, it also highlights the profound limits involved in such approaches. To the extent that the extra-securitization of pariah technologies such as landmines has facilitated the relative desecuritization of major conventional weapons transfers it has also made the current framework of control look like an example of ethical advance at the same time as creating space for the deproblematization of arms transfers in general. Ultimately then, the moments of intervention represented by the campaigns on landmines and cluster munitions were successful because they did not threaten, and in many ways were quite consistent with, the dominant security paradigm and security narratives of the post-Cold War era. Equally, whilst the regularized routines and working practices of the security professionals of the export licensing process are certainly important in understanding the treatment of defence transfers, this body of professionals were themselves, brought into being as a result of historical changes in the fundamental assumptions about security and economy. Moreover, their very working practices and modes of behaviour are currently being altered as a result of similar fundamental shifts in the paradigms of security and economy which, in turn, are a function of particular combinations of power and interest. Although these shifts certainly predated the post-Cold War era, they have become particularly concretized in this era. One consequence of all this is that a loud ethical discourse around the restriction of landmines, cluster munitions, and small arms has gone hand in hand with recent rises in both global military expenditure and arms transfers. For example, overall, world defence expenditure in 2008 was estimated to be $1,464 billion (of which NATO countries accounted for 60 per cent and OECD countries 72 per cent) representing a 45 per cent increase in real terms since 1999,93whilst global arms sales were 22 per cent higher in real terms for the period 2005– 2009 than for the preceding period 2000– 2004.94 Moreover, largely because of the dominance of American and European defence spending, the defence trade is increasingly concentrated in the hands of the United States and to a lesser extent, European companies. For example, in 2006 American and European companies accounted for an estimated 92.7 per cent of the arms sales of the world’s 100 largest defence companies.95 Most arms trade NGOs have largely neglected issues such as the rises in defence expenditure in major weapons states such as the United States, intra-northern trade in arms, and the dominant role played by Western companies in the arms trade, in favour of an agenda that conceives the South – and in particular pariah actors in sub-Saharan Africa – as the primary object of conventional arms trade regulation.96With regard to transfers of small arms and major conventional weapons it might be argued that this, at least, also requires impressive self-abnegation from arms trade proﬁts on the part of powerful states in the international system. In practice however, international initiatives such as the EU Code or the Wassennaar Arrangement, national export regulations of the major weapons states and the local initiatives of client states mostly combine to produce a cartography of prohibition that corresponds more closely with the disciplinary geographies advocated by the powerful rather than any global map of militarism and injustice. One illustration of this is the way in which a recent review of British defence export legislation downgraded long-range missiles and the ‘heroic’ Unmanned Aerial Vehicle (UAV – the Maxim gun of modern imperial wars) from a category A classiﬁcation (goods such as cluster munitions whose supply is prohibited) to the less restrictive category B,97 whilst in 2010, the Afghan government proscribed the import, use, and sale of Ammonium Nitrate Fertilizer because it is one of the elements used in the making of IEDs.98 More generally, as one recent econometric analysis of major weapons transfers from the Britain, France, Germany, and the United States concluded, despite much rhetoric about the need for a more ethical approach to arms sales from governments in all these countries: Neither human rights abuses nor autocratic polity would appear to reduce the likelihood of countries receiving Western arms, or reduce the relative share of a particular exporter’s weapons they receive. In fact, human rights abusing countries are actually more likely to receive weapons from the US, while autocratic regimes emerge as more likely recipients of weaponry from France and the UK.99 Of course, arms trade NGOs have often been the ﬁrst to highlight such hypocrisies and the work of most organizations include, to a greater or lesser extent, elements of critique or advocacy that might be considered transformational. However, one of the principle features of arms trade activism in the post-Cold War era is the extent to which many NGOs have downgraded radical critique in exchange for insider inﬂuence and government funding.100 Instead, activism has largely been aimed at promoting tactical reform within an overarching economic and security paradigm that justiﬁes intervention, regulation, and transformation of the South whilst (with the exception of token action on landmines, etc.) leaving the vast accumulation of Western armaments largely unproblematized. The logic of this analysis then, is that there needs to be a far greater problematization of military expenditure by the major powers, of the so-called ‘legitimate’ trade in defence goods, including intraNorthern trade, and a problematization of the predominance of Western defence companies in global arms markets. In short, campaigners needs to return to a strategic contestation of global militarism rather than searching for tactical campaign victories dependent on accommodation with the language and economic and security paradigms of contemporary military humanism.

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

Bacevich, 5 -- Boston University international relations professor

[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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#### Drones are key to effective war fighting

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)

Because the importance for the United States of threatened force – to coerce or deter adversaries, and to reassure allies – in affecting war and peace grew so substantially after World War II, the constitutional decision-making about using force has been relegated in large degree to a mechanism for implementing grand strategy rather than setting it.192 As a superpower that plays a major role in sustaining global security, threatening war is in some respects a much more policy-significant constitutional power than the power to actually make war.

Moreover, assessing the functional benefits or dangers attendant to unilateral presidential discretion to use force or to formulas for ensuring congressional involvement cannot be separated from the means by which the United States pursues its desired geopolitical ends. Of course those merits are inextricably linked to substantive policy ends associated with its military capacity, such as whether the United States is pursuing an aggressively expansionist agenda, a territorially-defensive one, or something else. But it also depends on how it seeks to wield its military power – as much its potential for armed force as its engagement of the enemy with it – toward those ends.

B. Reframing “War Powers” Scholarship

One might object to the main point of this Article – that constitutional allocations of power to use force cannot meaningfully be assessed either descriptively or normatively in other than very formalistic ways without accounting for the way U.S. military power is used – that it falls victim to its own critique: if the American condition of war and peace is determined by more than just decisions to commence hostilities or resist actual force with force, why stop at threats of war and force? Why not extend the analysis even further, to include the many other presidential powers – like diplomatic communication and recognition, intelligence activities, negotiation, and so on – that could lead also to or affect the course of events in crises? 193

This Article has focused on the way presidents wield U.S. military might not because analysis of those powers can be neatly separated from other ones but to show how even widening the lens a little bit reveals a much more complex interaction of law and strategy then often assumed and opens up new avenues for analysis and possible reform. Military force is also an important place to start because it has always carried special political and diplomatic salience.194 Moreover, many types of non-military moves a President might take to communicate threats, such as imposing economic sanctions or freezing financial assets,195 rest on express statutory delegations from Congress.196

Military threats, by contrast, often rest primarily on the President’s independent constitutional powers, perhaps buttressed by implicit congressional assent, and therefore pose the most fundamental questions of constitutional structure and power allocation in relation to strategy.

A next step, though, would incorporate into this analysis other instruments of statecraft, such as covert intervention or economic and financial actions, recognizing that their legal regulation could similarly affect perceptions about U.S. power abroad as well as the political and institutional incentives a President has to rely on one tool versus another. Moreover, sometimes coercive strategies involve both carrots and sticks – threats as well as positive inducements197 – and Congress’s powers may be dominant with regard to the latter elements of that formula, perhaps in the form of spending on offered benefits or lifting of economic sanctions.198 Further study might focus on such strategies and the way they necessarily require inter-branch coordination, not only in carrying out those elements but in signaling credibly an intention to do so.

At this point, many legal scholars reading this (yet another) Article on constitutional war powers are bound to be disappointed that it proposes neither a specific doctrinal reformulation nor offers an account of optimal legal-power allocation to achieve desired results. One reason for that is that evidence surveyed in Part II is inconclusive with respect to some key questions. Another, however, is that the very quest for optimal allocation of these powers is generally mis-framed, because “optimal” only makes sense in reference to some assumptions about strategy, which are not themselves fixed. By tying notions of optimal legal allocations to strategy I do not simply mean the basic point that we need prior agreement on desired ends (in the same sense that economists talk about optimality by assuming goals of maximizing social welfare), but the linking of means to ends. As the Article tries to show throughout, even if one agrees that the desired ends are peace and security, there are many strategies to achieve it – isolation, preventive war, deterrence, and others – and variations among them, depending on prevailing geopolitical conditions.

A more productive mode of study, then, recognizes the interdependence of the allocation of war-related powers and the setting of grand strategy. Legal powers and institutions enable or constrain strategies, and they also provide the various actors in our constitutional system with levers for shaping those strategies. At the same time, some strategies either reinforce or destabilize legal designs.

C. Threats, Grand Strategy, and Future Executive-Congressional Balances

Having homed in here on threatened war or force, one might take from this analysis yet another observation about the expanding or constitutionally “imperial” power of the U.S. President. That is, beyond the President’s wide latitude to use military force abroad, he can take threatening steps that could provoke or prevent war and even alter unilateral the national interests at stake in a crisis by placing U.S. credibility on the line – the President’s powers of war and peace are therefore even more expansive than generally supposed

It is also important to see this analysis, however, as showing more complex dependency of presidential powers on Congress with respect to setting and sustaining American grand strategy. In that respect, Philip Bobbitt was quite correct when he decried lawyers’ undue emphasis on the Declare War clause and the commencement of armed hostilities as the critical legal events in thinking about constitutional allocations and U.S. security policy:

Wars rarely start as unexpected ambushes; they are usually the culmination of a long period of policy decisions. … If we think of the declaration of war as a commencing act – which it almost never is and which the Framers did not expect it to be – we will not scrutinize those steps that bring us to war, steps that are in the main statutory in nature. Moreover, we will be inclined to pretend … that Congress really has played no role in formulating and funding very specific foreign and security policies.199

Those foreign and security policies to which Bobbitt refers include coercive and deterrent strategies.

Indeed, it is important to remember that the heavy reliance on threatened force especially after World War II has itself been a strategic choice by the United States – not a predestined one – and one that could only be made and continued with sustained congressional support. Since the beginning of the Cold War period, the reliance on deterrence and coercive diplomacy became so deeply engrained in U.S. foreign policy that it is easy to forget that the United States had other strategic options open to it. One option was war: some senior policy-makers during the early phases of the Cold War believed that conflict with the Soviet Union was inevitable, so better to seize the initiative and strike while the United States held some advantages in the balance of strength.200

Another option was isolation: the United States could have retracted it security commitments to its own borders or hemisphere, as it did after World War I, ceding influence to the Soviet bloc or other political forces.201 These may have been very bad alternatives, but they were real ones and they were rejected in favor of a combination of standing threats of force and discrete threats of force – sometimes followed up with demonstrative uses of force – that was only possible with congressional buy-in. That buy-in came in the form of military funding for the standing forces and foreign deployments needed to maintain the credibility of U.S. threats, as well as in Senate support for defense pacts with allies.202 While a strategy of deterrent and coercive force has involved significant unilateral discretion as to how and when specifically to threaten military action in specific crises and incidents, the overall strategy rested on a foundation of executive-congressional collaboration and dialogue that played out over decades.

Looking to the future, the importance of threatened force relative to other foreign policy instruments will shift – and so, therefore, will the balance of powers between the President and Congress. United States grand strategy for the coming decades will be shaped by conditions of fiscal austerity, for example, which may mean cutting back on some security commitments or reorienting doctrine for defending them toward greater reliance on less-expensive means (perhaps such as a shift from large-scale military forces to smaller ones, or greater reliance on high-technology, or even revised doctrines of nuclear deterrence).203

One possible geostrategic outlook is that the United States will retain its singular military dominance, and that it will continue to play a global policing role. Another outlook, though, is that U.S. military dominance will be eclipsed by other rising powers and diminished U.S. resources and influence.204 The latter scenario might mean that international relations will be less influenced by credible threats of U.S. intervention, and perhaps more so by the actions of regional powers and political bodies, or by institutions of global governance like the UN Security Council.205 These possibilities could entail a practical rebalancing of powers wielded by each branch, including the power to threaten force and other foreign policy tools.

Were the United States to retreat from underwriting its allies’ security and some elements of global order with strong coercive and deterrent threats, one should expect different patterns of executive-congressional behavior with respect to threatening and using force, because wars and threats of wars will come about in different ways: less often as a breakdown of U.S. hegemonic commitments, for example. Reduced requirements of maintaining credible U.S. threats, and therefore reduced linkage between U.S. actions in one crisis and others, would also likely reduce pressure on the President to protect prerogatives to threaten force and to make good on those threats. A foreign policy strategy of more selective and reserved military engagement would likely be one more accommodating to case-by-case, joint executive-legislative deliberation as to the threat or use of U.S. military might, insofar as U.S. strategy would self-consciously avoid cultivating foreign reliance on U.S. power.

Besides shifting geostrategic visions, ranging from a global policing role to receding commitments, the set of tools available to Presidents for projecting power will evolve, too, as will the nature of security threats, and this will produce readjustments among the relative importance of constitutional powers and inter-branch relations. Transnational terrorist threats, for example, are sometimes thought to be impervious to deterrent threats, whether because they may hold nihilistic agendas or lack tangible assets that can be held at risk.206 Technologies like unmanned drones may make possible the application of military violence with fewer risks and less public visibility than in the past.207 While discussion of these developments as revolutionary is in vogue, they are more evolutionary and incremental; their purported effects are matters of degree. Such developments will, however, retune strategies for brandishing and exercising military capabilities and the politics of using them.

#### 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 CP

#### The Counsel to the President of the United States should request to the Office of Legal Counsel for legal counsel and coordination on the President’s war powers authority. The Office of Legal Counsel should advise the President that he should acquire the approval of the Pakistani government for drone strikes within Pakistan.

#### CP is competitive and solves the case ---- Coordination with OLC can ensure executive action

BORRELLI et al 2000 - Professor of Government Chair of the Government and International Relations Department, Connecticut College (Maryanne Borrelli, Karen Hult, Nancy Kassop, “The White House Counsel’s Office”, http://whitehousetransitionproject.org/files/counsel/Counsel-OD.PDF)

The White House Counsel’s Office is at the hub of all presidential activity. Its mandate is to be watchful for and attentive to legal issues that may arise in policy and political contexts in which the president plays a role. To fulfill this responsibility, it monitors and coordinates the presidency’s interactions with other players in and out of government. Often called “the president’s lawyer,” the Counsel’s Office serves, more accurately, as the “presidency’s lawyer,” with tasks that extend well beyond exclusively legal ones. These have developed over time, depending on the needs of different presidents, on the relationship between a president and a Counsel, and on contemporary political conditions. The Office carries out many routine tasks, such as vetting all presidential appointments and advising on the application of ethics regulations to White House staff and executive branch officials, but it also operates as a “command center” when crises or scandals erupt. Thus, the more sharply polarized political atmosphere in recent years has led to greater responsibility and demands, as well as heightened political pressure and visibility, on the traditionally low-profile Counsel’s Office. The high-stakes quality of its work has led to a common sentiment among Counsels and their staff that there is “zero tolerance” for error in this office.

In sum, the Counsel’s Office might be characterized as a monitor, a coordinator, a negotiator, a recommender, and a translator: it monitors ethics matters, it coordinates the president’s message and agenda with other executive branch units, it negotiates with a whole host of actors on the president’s behalf (not the least of which is Congress), it recommends myriad actions to the president, and it translates or interprets the law (whether it is the Constitution, federal rules and regulations, treaties or legislation) for all executive branch officials. Past Counsels have lamented that there is no job description for this office, while the opening quote from Peter Wallison makes clear that even if there was, it would be all-consuming and all-inclusive of everything that goes in and out of the president’s office.

In simple terms, the Counsel’s Office performs five basic categories of functions: (1) advising on the exercise of presidential powers and defending the president’s constitutional prerogatives; (2) overseeing presidential nominations and appointments to the executive and judicial branches; (3) advising on presidential actions relating to the legislative process; (4) educating White House staffers about ethics rules and records management and monitoring adherence; and (5) handling department, agency and White House staff contacts with the Department of Justice (see Functions section). In undertaking these responsibilities, the Counsel’s Office interacts regularly with, among others, the president, the Chief of Staff, the White House Office of Personnel, the Press Secretary, the White House Office of Legislative Affairs, the Attorney General, the Office of Management and Budget (on the legislative process), the General Counsels of the departments and agencies, and most especially, the Office of Legal Counsel in the Department of Justice (see Relationships section). In addition to the Counsel, the Office usually consists of one or two Deputy Counsels, a varying number of Associate and Assistant Counsels, a Special Counsel when scandals arise, a Senior Counsel in some administrations, and support staff. Tasks are apportioned to these positions in various ways, depending on the Counsel’s choices, though most Counsels expect all Office members to share the ongoing vetting for presidential appointments (see Organization and Operations section).

Certain responsibilities within the Office are central at the very start of an administration (e.g., vetting for initial nominations and shepherding the appointment process through the Senate), while others have a cyclical nature to them (e.g., the annual budget, the State of the Union message), and still others follow an electoral cycle (e.g., determining whether presidential travel and other activities are partisan/electoral/campaign or governmental ones) (see Organization and Operations). There is, of course, the always unpredictable (but almost inevitable) flurry of scandals and crises, in which all eyes turn to the Counsel’s Office for guidance and answers. Watergate, Iran-contra, Whitewater, the Clinton impeachment, and the FBI files and White House Travel Office matters were all managed from the Counsel’s Office, in settings that usually separated scandal management from the routine work of the Office, so as to permit ongoing operations to continue with minimal distraction. Among the more regular tasks that occur throughout an administration are such jobs as directing the judicial nomination process, reviewing legislative proposals (the president’s, those from departments and agencies, and bills Congress has passed that need the Counsel’s recommendation for presidential signature or veto), editing and clearing presidential statements and speeches, writing executive orders, and determining the application of executive privilege (see both Relationships and Organization and Operations sections).

Perhaps, the most challenging task for the Counsel is being the one who has the duty to tell the president “no,” especially when it comes to defending the constitutional powers and prerogatives of the presidency. Lloyd Cutler, Counsel for both Presidents Carter and Clinton, noted that, in return for being “on the cutting edge of problems,” the Counsel needs to be someone who has his own established reputation…someone who is willing to stand up t o the President, to say, “No, Mr. President, you shouldn’t do that for these reasons.” There is a great tendency among all presidential staffs to be very sycophantic, very sycophantic. It’s almost impossible to avoid, “This man is the President of the United States and you want to stay in his good graces,” even when he is about to do something dumb; you don’t tell him that. You find some way to put it in a very diplomatic manner. (Cutler interview, pp. 3-4)

LAW, POLITICS AND POLICY

A helpful way to understand the Counsel’s Office is to see it as sitting at the intersection of law, politics and policy. Consequently, it confronts the difficult and delicate task of trying to reconcile all three of these without sacrificing too much of any one. It is the distinctive challenge of the Counsel’s Office to advise the president to take actions that are both legally sound and politically astute. A 1994 article in Legal Times warned of the pitfalls: Because a sound legal decision can be a political disaster, the presidential counsel constantly sacrifices legal ground for political advantage. (Bendavid, 1994, p. 13) For example, A.B. Culvahouse recalled his experience upon arriving at the White House as counsel and having to implement President Reagan’s earlier decision to turn over his personal diaries to investigators during the Iran-contra scandal.

Ronald Reagan’s decision to turn over his diary - that sits at the core of the presidency. …You’re setting up precedents and ceding a little power. But politically, President Reagan wanted to get it behind him. (Bendavid, 1994, p. 13)

Nonetheless, Culvahouse added, the Counsel is “the last and in some cases the only protector of the President’s constitutional privileges. Almost everyone else is willing to give those away in part inch by inch and bit by bit in order to win the issue of the day, to achieve compromise on today’s thorny issue. So a lot of what I did was stand in the way of that process...” (Culvahouse interview, p. 28)

Because of this blend of legal, political and policy elements, the most essential function a Counsel can perform for a president is to act as an “early warning system” for potential legal trouble spots before **(**and, ultimately, after) they erupt. For this role, a Counsel must keep his or her “antennae” constantly attuned. Being at the right meetings at the right time and knowing which people have information and/or the necessary technical knowledge and expertise in specific policy or legal areas are the keys to insuring the best service in this part of the position. C. Boyden Gray, Counsel for President Bush, commented: “As Culvahouse said -- I used to say that the meetings I was invited to, I shouldn’t go to. …It’s the meetings I wasn’t invited to that I’d go to.” (Gray interview, p. 26) Lloyd Cutler noted that

….the White House Counsel will learn by going to the staff meetings, et cetera, that something is about to be done that has buried within it a legal issue which the people who are advocating it either haven’t recognized or push under the rug. He says, “Wait a minute. We’ve got to check this out,” and goes to the Office of Legal Counsel and alerts them and gets their opinion. But for the existence of the White House Counsel, the Office of Legal Counsel would never have learned about the problem until it was too late. (Cutler interview, p. 4)

One other crucial part of the job where the legal overlaps with the policy and the political -- and which can spell disaster for Counsels who disregard this -- is knowing when to go to the Office of Legal Counsel for guidance on prevailing legal interpretations and opinions on the scope of presidential authority. It is then up to the White House Counsel to sift through these legal opinions, and to bring into play the operative policy and political considerations in order to offer the president his or her best recommendation on a course of presidential action. Lloyd Cutler described how this process works:

They [OLC staffers] are where the President has to go or the President’s counsel has to go to get an opinion on whether something may properly be done or not. For example, if you wish to invoke an executive privilege not to produce documents or something, the routine now is you go to the Office of Legal Counsel and you get their opinion that there is a valid basis for asserting executive privilege in this case. ...You’re able to say [to the judge who is going to examine these documents] the Office of Legal Counsel says we have a valid basis historically for asserting executive privilege here. (Cutler interview, p. 4)

C. Boyden Gray underscored the critical importance of OLC’s relationship to the Counsel’s Office: They [OLC] were the memory…We paid attention to what they did. [Vincent] Foster never conferred with them. When they [the Clinton Counsel’s Office] filed briefs on executive privilege, they had the criminal division, the civil division and some other division signing on the brief; OLC wasn’t on the brief… In some ways they [OLC] told us not to do things but that was helpful. They said no to us… I can give you a million examples. They would have said to Vince Foster, “Don’t go in and argue without thinking about it.” They would have prevented the whole healthcare debacle [referring to the Clinton Counsel’s Office’s position that Hillary Rodham Clinton was a government official for FACA purposes] …[T]he ripple effect of that one decision is hard to exaggerate: it’s hard to calculate. (Gray interview, pp. 18-19)

# 1NC DA

**Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will blink**

**Dovere, 10/1/13** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

**Having to defend authority derails the current agenda**

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

**That takes Obama off-message – it undermines his constant pressure on the GOP**

**Milbank, 9/27/13** – Washington Post Opinion Writer (Dana, “Obama should pivot to Dubya’s playbook” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9_story.html>)

If President Obama can stick to his guns, he will win his October standoff with Republicans. That’s an awfully big “if.” This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning: Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd. But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered. Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone. Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions. But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare. To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after. Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be President One Note. In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it consistently. The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.” This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers. Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator. Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. If he retreats, he will embolden his opponents and demoralize his supporters.

**Collapses the economy**

Adam Davidson 9/10/13, economy columnist for The New York Times, co-founder of Planet Money, NPR’s team of economics reporters, “Our Debt to Society,” NYT, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&\_r=0

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.¶ While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.¶ The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

**Decline goes nuclear**

Green and Schrage ‘9 (Michael J Green is Senior Advisor and Japan Chair at the Center for Strategic and International Studies (CSIS) and Associate Professor at Georgetown University. Steven P Schrage is the CSIS Scholl Chair in International Business and a former senior official with the US Trade Representative's Office, State Department and Ways & Means Committee, Asia Times, 2009 <http://www.atimes.com/atimes/Asian_Economy/KC26Dk01.html>)

Facing the worst economic crisis since the Great Depression, analysts at the World Bank and the US Central Intelligence Agency are just beginning to contemplate the ramifications for international stability if there is not a recovery in the next year. For the most part, the focus has been on fragile states such as some in Eastern Europe. However, the Great Depression taught us that a downward global economic spiral can even have jarring impacts on great powers. It is no mere coincidence that the last great global economic downturn was followed by the most destructive war in human history. In the 1930s, economic desperation helped fuel autocratic regimes and protectionism in a downward economic-security death spiral that engulfed the world in conflict. This spiral was aided by the preoccupation of the United States and other leading nations with economic troubles at home and insufficient attention to working with other powers to maintain stability abroad. Today's challenges are different, yet 1933's London Economic Conference, which failed to stop the drift toward deeper depression and world war, should be a cautionary tale for leaders heading to next month's London Group of 20 (G-20) meeting. There is no question the US must urgently act to address banking issues and to restart its economy. But the lessons of the past suggest that we will also have to keep an eye on those fragile threads in the international system that could begin to unravel if the financial crisis is not reversed early in the Barack Obama administration and realize that economics and security are intertwined in most of the critical challenges we face. A disillusioned rising power? Four areas in Asia merit particular attention, although so far the current financial crisis has not changed Asia's fundamental strategic picture. China is not replacing the US as regional hegemon, since the leadership in Beijing is too nervous about the political implications of the financial crisis at home to actually play a leading role in solving it internationally. Predictions that the US will be brought to its knees because China is the leading holder of US debt often miss key points. China's currency controls and full employment/export-oriented growth strategy give Beijing few choices other than buying US Treasury bills or harming its own economy. Rather than creating new rules or institutions in international finance, or reorienting the Chinese economy to generate greater long-term consumer demand at home, Chinese leaders are desperately clinging to the status quo (though Beijing deserves credit for short-term efforts to stimulate economic growth). The greater danger with China is not an eclipsing of US leadership, but instead the kind of shift in strategic orientation that happened to Japan after the Great Depression. Japan was arguably not a revisionist power before 1932 and sought instead to converge with the global economy through open trade and adoption of the gold standard. The worldwide depression and protectionism of the 1930s devastated the newly exposed Japanese economy and contributed directly to militaristic and autarkic policies in Asia as the Japanese people reacted against what counted for globalization at the time. China today is similarly converging with the global economy, and many experts believe China needs at least 8% annual growth to sustain social stability. Realistic growth predictions for 2009 are closer to 5%. Veteran China hands were watching closely when millions of migrant workers returned to work after the Lunar New Year holiday last month to find factories closed and jobs gone. There were pockets of protests, but nationwide unrest seems unlikely this year, and Chinese leaders are working around the clock to ensure that it does not happen next year either. However, the economic slowdown has only just begun and nobody is certain how it will impact the social contract in China between the ruling communist party and the 1.3 billion Chinese who have come to see President Hu Jintao's call for "harmonious society" as inextricably linked to his promise of "peaceful development". If the Japanese example is any precedent, a sustained economic slowdown has the potential to open a dangerous path from economic nationalism to strategic revisionism in China too. Dangerous states It is noteworthy that North Korea, Myanmar and Iran have all intensified their defiance in the wake of the financial crisis, which has distracted the world's leading nations, limited their moral authority and sown potential discord. With Beijing worried about the potential impact of North Korean belligerence or instability on Chinese internal stability, and leaders in Japan and South Korea under siege in parliament because of the collapse of their stock markets, leaders in the North Korean capital of Pyongyang have grown increasingly boisterous about their country's claims to great power status as a nuclear weapons state. The junta in Myanmar has chosen this moment to arrest hundreds of political dissidents and thumb its nose at fellow members of the 10-country Association of Southeast Asian Nations. Iran continues its nuclear program while exploiting differences between the US, UK and France (or the P-3 group) and China and Russia - differences that could become more pronounced if economic friction with Beijing or Russia crowds out cooperation or if Western European governments grow nervous about sanctions as a tool of policy. It is possible that the economic downturn will make these dangerous states more pliable because of falling fuel prices (Iran) and greater need for foreign aid (North Korea and Myanmar), but that may depend on the extent that authoritarian leaders care about the well-being of their people or face internal political pressures linked to the economy. So far, there is little evidence to suggest either and much evidence to suggest these dangerous states see an opportunity to advance their asymmetrical advantages against the international system. Challenges to the democratic model The trend in East Asia has been for developing economies to steadily embrace democracy and the rule of law in order to sustain their national success. But to thrive, new democracies also have to deliver basic economic growth. The economic crisis has hit democracies hard, with Japanese Prime Minister Aso Taro's approval collapsing to single digits in the polls and South Korea's Lee Myung-bak and Taiwan's Ma Ying Jeou doing only a little better (and the collapse in Taiwan's exports - particularly to China - is sure to undermine Ma's argument that a more accommodating stance toward Beijing will bring economic benefits to Taiwan). Thailand's new coalition government has an uncertain future after two years of post-coup drift and now economic crisis. The string of old and new democracies in East Asia has helped to anchor US relations with China and to maintain what former secretary of state Condoleezza Rice once called a "balance of power that favors freedom". A reversal of the democratic expansion of the past two decades would not only impact the global balance of power but also increase the potential number of failed states, with all the attendant risk they bring from harboring terrorists to incubating pandemic diseases and trafficking in persons. It would also undermine the demonstration effect of liberal norms we are urging China to embrace at home. Protectionism The collapse of financial markets in 1929 was compounded by protectionist measures such as the Smoot-Hawley tariff act in 1932. Suddenly, the economic collapse became a zero-sum race for autarkic trading blocs that became a key cause of war. Today, the globalization of finance, services and manufacturing networks and the World Trade Organization (WTO) make such a rapid move to trading blocs unlikely. However, protectionism could still unravel the international system through other guises. Already, new spending packages around the world are providing support for certain industries that might be perceived by foreign competitors as unfair trade measures, potentially creating a "Smoot-Hawley 2.0" stimulus effect as governments race to prop up industries. "Buy American" conditionality in the US economic stimulus package earlier this year was watered down somewhat by the Obama administration, but it set a tempting precedent for other countries to put up barriers to close markets.

# 1NC Solvency

#### Pakistan says no – multiple warrants and official statements

Butt 9/21, Tariq Butt, correspondent for The Gulf Today, “Pakistan raises drone issue at United Nations,” September 21, 2013, [http://gulftoday.ae/portal/2bea51b3-ad17-4620-9ddd-2d406931f08d.aspx?](http://gulftoday.ae/portal/2bea51b3-ad17-4620-9ddd-2d406931f08d.aspx)

Pakistan has raised the issue of American drone strikes in its tribal regions at the UN Security Council (UNSC), calling for their cessation and seeking “urgent” talks to resolve the problem. “Drone strikes infringe our sovereignty, violate international law, including international human rights and humanitarian law, cause civilian casualties and are detrimental to the combined efforts to fight terrorism,” Pakistan’s permanent ambassador to the world body Masood Khan told the 15-nation council during a discussion on the situation in Afghanistan, according to a message received in Islamabad from New York. Meanwhile, Prime Minister Nawaz Sharif is also all set to raise the issue of drone attacks during his forthcoming address in the UN General Assembly on Sept.27. Khan said that Pakistan is facilitating the Afghan reconciliation process, but progress is attainable only if all stakeholders share the goals of the peace process. “We need to pursue this goal together, with unity of purpose. We call for cessation of drone strikes. Urgent and intense dialogue can help resolve this issue.” In relation to the issue of drone strikes, Ambassador Zamir Akram, Permanent Representative of Pakistan to the UN in Geneva, had stated that Pakistan, a primary target of drone attacks, had suffered a heavy loss of innocent lives apart from widespread social and economic costs. While addressing the opening session of the 24th Human Rights Council, he had said that in recent years, there had been severe human rights violations across the globe, as a result of indiscriminate use of force in the context of counter-terrorism efforts. Akram had said these included illegal detentions, renditions, and extrajudicial killings including through use of drone attacks.

#### Backlash is growing- that checks strikes

**Zapfe and Mahadevan ’13** [Martin Zapfe, PhD in Political Science from the Center of Excellence at the University of Constance, Germany, is head of the Global Security Team at the Center for Security Studies (CSS), Prem Mahadevan is a senior researcher with the Global Security Team at the Center for Security Studies (CSS) and holds a doctoral degree in Intelligence Studies, “DESCENDING DRONES?” July, <http://www.css.ethz.ch/publications/pdfs/CSS-Analysis-137-EN.pdf>]

The first reason why the number of drone ¶ strikes is likely to decline in the future is ¶ that the US government’s leeway within ¶ the domestic US political system is diminishing. Since the 11 September 2001 ¶ attacks, the White House has enjoyed an ¶ unprecedented degree of latitude in counterterrorism, unfettered by parliamentary ¶ and societal control. After 12 years of relative quiet on the “home front”, this scope is ¶ gradually shrinking. For a US president, and especially for ¶ Barack Obama, the domestic legitimacy of ¶ the drone missions is decisive. In this respect, however, US public opinion is divided. According to a Gallup survey in March ¶ 2013, 65 per cent of US respondents support the targeted assassination of foreign ¶ terrorism suspects overseas. However, only ¶ 41 per cent support the killing of US citizens overseas. Outside of security policy circles, therefore, domestic criticism of US policy is not primarily voiced against missions ¶ against foreign terrorism suspects, but ¶ against the relatively special case of the ¶ targeted assassination of US citizen Anwar al-Awlaki in September 2011 in Yemen. ¶ However, this question touches upon matters of state policy regarding democratic ¶ oversight, and is thus increasingly affecting ¶ the acceptance of drones in general.

# 1NC Stability

### 1NC Take Out

#### Terrorism is a prior question and alt cause to engagement

John et al 13, Wilson John, Observer Research Foundation Vice President and Aryaman Bhatnagar, Observer Research Foundation associate fellow, “Nawaz Sharif and India,” July 2013, <http://www.observerindia.com/cms/export/orfonline/modules/issuebrief/attachments/Issuebrief55_1374051510115.pdf>

Terrorism has by far been the most difficult problem to deal with. There is no uncertainty about the presence and activities of several terrorist groups inimical to India and its interests in Pakistan. Many of them enjoy overt and covert support of the Pakistan Army Terrorist attacks in the recent past have been traced to these groups and their patrons in Rawalpindi. It is also indisputable that Pakistan has been more than lax in preventing these groups from carrying out terrorist attacks and in prosecuting them despite credible evidence. The possibility of these groups targeting India in future cannot be discounted either. For India, the terrorist threat from groups based in Pakistan is serious and cannot be overlooked. It is also more or less clear that the Pakistan Army is unlikely to give up patronising these groups given their utility in different theatres, including India. The fact that Lashkar-c-Tayvcba (Lei) teams have been deployed in Mohamand Agency bordering Afghanistan’s Kunar province to oust Tehrik-c Taliban Pakistan (TTP) in the last week of June this year underlines the army’s reliance on these groups to supplement military campaigns. The civilian support for such groups is fairly deep and widespread. The Punjab government, led by Prime Minister Sharif’s Pakistan Muslim League-N (PMLN), has been doling out grants worth several million to educations institutions run by LeT’s charity front, Jamat-ud Dawa UUD). The PMLN government in Islamabad may not openly come out in support of these groups but will remain shy of taking hard decisions. Taking on anti-India terrorist groups is therefore not high on the priority list of the Sharif government. Impressing Pakistan to sever ties with terrorist groups, not only for a stronger relationship with India but for also a greater good of the people of Pakistan, can be frustrating but is a noble goal to pursue. For the time being, there is a need for India to review its current approach to the subject. New Delhi should subsume the focus on LeT in the broader discussion on terrorism. Pakistan is acutely aware of the pitfalls of supporting extremist and terrorist elements. More people have died of terrorist and extremist attacks in Pakistan than India since 2007. India also needs to persuade Sharif and his advisors to ensure an effective investigation and a fair trial of the Mumbai terror accused. India must resist from setting a deadline or stipulating conditions that are seen as interfering with the judicial process in Pakistan. Instead, it must extend all possible help to Pakistan’s investigating agencies and judiciary to complete the legal process. India also needs to take Sharif at his word and allow him breathing space. Furthermore, the growing belief across Pakistan about the gravity of the terrorist threat, and the fact that Prime Minister Sharif’s next big challenge to prevent further economic meltdown is to stem the rapidly deteriorating security situation, gives India a rare opening to work with the political leadership in Pakistan. There is an opportunity to convince the new government in Islamabad about the grave consequences of supporting terrorist and extremist groups. The benefits of reigning in these instruments of violence arc mutual. India must be firm in informing Islamabad that future terrorist attacks will be met with strong retribution and that India will take all measures to pre-empt and prevent such attacks. These parleys must be held behind closed doors and not aired in public. To begin with, both India and Pakistan can renew the Anti-Terrorism Mechanism provided for in the Composite Dialogue. This can be supplemented with greater interaction between civilian police and Intelligence agencies. Terrorist funding, travel and increasing use of social media by terrorist groups should form part of the discussion. The possibility of al Qaida’s revival and renewed focus on the region must be on the agenda. A more active exchange and interaction programme between scholars and journalists of both the countries could encourage improved realization of the threat posed by terrorist groups. Backdoor diplomacy channels should focus on drawing red lines and earmarking areas of cooperation on this front.

#### None of the 1AC evidence is reverse causal on the question of US drone strikes and engagement between Pakistan and Indian. That means the status quo is sufficient to solve their impact as economic engagement is increasing now - New York dialogue proves

Pennington 9/28, Matthew Pennington, member of the associated press, “New York meeting offers India, Pakistan leaders a fresh shot at distant goal: peace,” September 28, 2013, <http://www.startribune.com/politics/national/225609992.html>

UNITED NATIONS — A meeting of the Pakistani and Indian prime ministers in New York this weekend is a fresh chance for one leader to push for peace on the subcontinent — and likely the last chance for the other.Three-time Pakistani premier Nawaz Sharif and India's Manmohan Singh are due to meet Sunday on the sidelines of the U.N. General Assembly. It is their first face-to-face since Sharif's election victory in May. Singh will step down next year.Sharif calls the meeting a chance for a "new beginning," and Singh on Saturday told the General Assembly that "I reciprocate his sentiments."But Singh has tamped down expectations for the talks, which take place amid an upsurge in militant attacks in disputed Kashmir. Speaking Friday after a White House meeting with President Barack Obama, Singh said, "the epicenter of terror still remains focused in Pakistan."In Saturday's speech, Singh said India is committed to resolving all issues with Pakistan, but he again expressed his concerns about terror attacks and repeated his government's view that Kashmir "is an integral part of India."The need for peace between the South Asian nuclear rivals has rarely been greater. They have been at odds since Britain granted independence and carved up the subcontinent in 1947, but the impending U.S. military withdrawal from Afghanistan, where India and Pakistan have competing interests, adds new uncertainty to a region increasingly threatened by Islamic militancy."It's timely for them to meet," said Karl Inderfurth, a former top U.S. diplomat for South Asia and now at the Center for Strategic and International Studies think tank in Washington."It's Nawaz Sharif's first chance as the new prime minister to reach across to his Indian counterpart and it's maybe Manmohan Singh's last chance to do what he has repeatedly said he wants to do, which is open up a new relationship with Pakistan."Both men are familiar with the pitfalls of seeking to improve ties between India and Pakistan — a relationship scarred by three wars and deep mutual suspicion.Sharif was in power when Pakistan first tested a nuclear bomb in 1998. But he also presided over one of the more upbeat episodes in recent relations with India.He hosted then-Prime Minister Atal Vajpayee for a summit in Lahore in February 1999, where they signed a landmark declaration on avoiding nuclear conflict and opened a cross-border bus service.Three months later, the impetus for peace was crushed when a Pakistani military quietly infiltrated into an area of Indian-held Kashmir called Kargil, sparking fighting that left hundreds dead on both sides and could have sparked nuclear war. Sharif, who said the army acted without his knowledge, was ousted in a coup five months later.Back in office again, Sharif is particularly keen to increase cross-border trade to jump-start Pakistan's stricken economy."Pakistan and India can prosper together, and the entire region would benefit from our cooperation," Sharif told the General Assembly on Friday.

#### Pakistan economy is strong and resilient and US cooperation high- newest evidence

Desk ’13 (Web Desk, The Express Tribune, “Economic stability of Pakistan an encouraging sign: Olson”, <http://tribune.com.pk/story/491648/economic-stability-of-pakistan-an-encouraging-sign-olson>, January 9, 2013)

ISLAMABAD: US Ambassador to Pakistan Richard Olson in a meeting with finance minister Dr Abdul Hafeez Sheikh on Wednesday said that economic stability of Pakistan is an encouraging sign, Radio Pakistan reported. Dr Sheikh said that despite energy scarcity and security issue in the country‚ economic indicators are showing positive trends which reflect resilience of the economy. The Finance Minister added that due to economic policies of the government‚ Pakistan is currently witnessing the lowest inflation rate in the region and the Karachi Stock Exchange has emerged as the best performing Stock Exchange in the world. Both the sides reaffirmed their commitment to enhancing economic relations. Olson said that the United States is assisting Pakistan in many public welfare projects and will continue to do so in future to further cement the relations between the two people. The Ambassador said that the US values its relations with Pakistan and would continue to move forward in a number of mutually beneficial areas.

#### No chance that Pakistan will collapse

**Bandow ‘9**- Senior Fellow @ Cato, former special assistant to Reagan (11/31/09, Doug, “Recognizing the Limits of American Power in Afghanistan,” Huffington Post, http://www.cato.org/pub\_display.php?pub\_id=10924)

From Pakistan's perspective, limiting the war on almost any terms would be better than prosecuting it for years, even to "victory," whatever that would mean. In fact, **the least likely outcome** is a takeover by widely unpopular Pakistani militants. The Pakistan military is the **nation's strongest institution**; while the army might not be able to rule alone, it can prevent any other force from ruling. Indeed, Bennett Ramberg made the important point: "Pakistan, Iran and the former Soviet republics to the north **have demonstrated a brutal capacity to suppress political violence to ensure survival. This suggests that even were Afghanistan to become a terrorist haven, the neighborhood can adapt and resist**." The results might not be pretty, but the region would not descend into chaos. In contrast, warned Bacevich: "To risk the stability of that nuclear-armed state in the vain hope of salvaging Afghanistan would be a terrible mistake."

#### Indian economy is resilient

**Business Line 8** (“Opinion Not Convincing Enough”, 6-26, Lexis)

The RBI has drawn some comfort from the fact that **the Indian economy presents** some **positive features such as a financial market that is** **largely insulated** **from the turmoil affecting** global institutions, adequate foreign exchange reserves, **agricultural production** that is poised to sustain the momentum achieved last year, and so on. Indeed, the only silver lining, if at all, in a scenario where the inflation rate has breached a 13-year record, is that **the Indian economy presents a** **far more resilient** **look than it did in** 19**95** when inflation was of the same order. Equally, the economy is not without its share of disturbing features. The inflation is all-pervasive and not confined to petroleum products alone. It is hobbled by supply- side constraints in many key sectors that is aggravating the firm trend in prices caused by global factors. **Above all, there is no evidence as yet that** the administrative **dynamism** so **essential to unshackling the economy is in place**.

#### Best study proves no conflict from econ decline

**Brandt and Ulfelder ‘11** (\*Patrick T. Brandt, Ph.D. in Political Science from Indiana University, is an Assistant Professor of Political Science in the School of Social Science at the University of Texas at Dallas. \*\*Jay Ulfelder, Ph.D. in political science from Stanford University, is an American political scientist whose research interests include democratization, civil unrest, and violent conflict, April, 2011, “Economic Growth and Political Instability,” Social Science Research Network)

These statements anticipating political fallout from the global economic crisis of 2008–2010 reflect a widely held view that economic growth has rapid and profound effects on countries’ political stability. When economies grow at a healthy clip, citizens are presumed to be too busy and too content to engage in protest or rebellion, and governments are thought to be flush with revenues they can use to enhance their own stability by producing public goods or rewarding cronies, depending on the type of regime they inhabit. When growth slows, however, citizens and cronies alike are presumed to grow frustrated with their governments, and the leaders at the receiving end of that frustration are thought to lack the financial resources to respond effectively. The expected result is an increase in the risks of social unrest, civil war, coup attempts, and regime breakdown. Although it is pervasive, the assumption that countries’ economic growth rates strongly affect their political stability **has not been subjected to** a great deal of careful **empirical analysis, and evidence from social science research** to date **does not** unambiguously **support it.** Theoretical models of civil wars, coups d’etat, and transitions to and from democracy often specify slow economic growth as an important cause or catalyst of those events, but empirical studies on the effects of economic growth on these phenomena have produced mixed results. Meanwhile, the effects of economic growth on the occurrence or incidence of social unrest seem to have **hardly** been **studied in recent years**, as empirical analysis of contentious collective action has concentrated on political opportunity structures and dynamics of protest and repression. This paper helps fill that gap by rigorously re-examining the effects of short-term variations in economic growth on the occurrence of several forms of political instability in countries worldwide over the past few decades. In this paper, we do not seek to develop and test new theories of political instability. Instead, we aim to subject a hypothesis common to many prior theories of political instability to more careful empirical scrutiny. The goal is to provide a detailed empirical characterization of the relationship between economic growth and political instability in a broad sense. In effect, we describe the conventional wisdom as seen in the data. We do so with statistical models that use smoothing splines and multiple lags to allow for nonlinear and dynamic effects from economic growth on political stability. We also do so with an instrumented measure of growth that explicitly accounts for endogeneity in the relationship between political instability and economic growth. To our knowledge, **ours is the first statistical study** of this relationship to simultaneously address the possibility of **nonlinearity and** problems of **endogeneity**. As such, we believe this paper offers what is probably the most rigorous general **evaluation** of this argument **to date**. As the results show, some of our findings are surprising. Consistent with conventional assumptions, we find that social unrest and civil violence are more likely to occur and democratic regimes are more susceptible to coup attempts around periods of slow economic growth. At the same time, our analysis shows no significant relationship between variation in growth and the risk of civil-war onset, and results from our analysis of regime changes contradict the widely accepted claim that economic crises cause transitions from autocracy to democracy. While we would hardly pretend to have the last word on any of these relationships, our findings do suggest that the relationship between economic growth and political stability is **neither as uniform nor as strong as** the **conventional wisdom**(s) **presume**(s). We think **these findings** also help **explain why the** global **recession** of 2008–2010 **has failed** thus far to **produce** the wave of coups and regime failures that some observers had anticipated, in spite of the expected and apparent uptick in social **unrest** associated with the crisis.

#### Impact is non-unique – military appointments

Menon 10/8, Meena Menon, correspondent for The Hindu, “Nawaz Sharif to make military appointments simultaneously,” October 8, 2013, <http://www.thehindu.com/news/international/south-asia/nawaz-sharif-to-make-military-appointments-simultaneously/article5210731.ece>

The controversy over the new appointments in Pakistan’s military refused to die down with Prime Minister Nawaz Sharif on Monday saying that he would announce the names for two key posts at the same time. He did not specify when he would do so.General Khalid Shameem Wynne, the outgoing Chairman Joint Chiefs of Staff Committee (CJCSC) was to retire on Monday after 42 years of service but there is no one named to replace him yet. On Sunday, army chief General Ashfaq Parvez Kayani created a sensation by scotching rumours about his future, announcing that he would retire on November 29 as scheduled. Speculation was rife that General Kayani would be the new head of the CJCSC which would be given more powers or that he would be given some other plum posting.According to the Prime Minister’s spokesperson at a meeting on the appointment of the new (CJCSC) on Monday, Mr. Sharif said that his government is fully cognizant of its constitutional obligations and he will take a decision keeping the interest of the country supreme.While there were expectations regarding the announcement of a successor to the outgoing CJCSC before October 8, and the retirement of the army Chief on November 29, both are reasonably important issues which need comprehensive considerations. The Prime Minister has therefore decided to announce the names for both the appointments at the same time, the spokesperson said.Meanwhile, most people have welcomed General Kayani’s decision to retire after two terms but Monday’s development has added a new dimension to the issue. “The government has been foxed by the sudden announcement by General Kayani who loves surprising others,” remarked Major-General (retired) Athar Abbas, former military spokesperson and ex- director general Inter Services Public Relations. He said the situation was quite unprecedented as these appointments are made well in advance. Now by deciding to announce both names together the government wants to gain time.

#### No warrant as to why a win on drones decreases military power. Toosi evidence doesn’t even present a claim for their argument and actually concludes that military control is inevitable – they’re too strong and Sharif’s rhetoric is perceived as empty – here is the conclusion of their article

Toosi, their author, 13, Nahal Toosi, AP reporter, “Pakistan Summons US Envoy Over Drones Strike,” June 8, 2013, [http://www.huffingtonpost.com/2013/06/08/pakistan-us-envoy-summoned\_n\_3407803.html?](http://www.huffingtonpost.com/2013/06/08/pakistan-us-envoy-summoned_n_3407803.html)

In its first drone strike in Pakistan after the country's recent election, the U.S. in late May killed Waliur Rehman, deputy leader of the Pakistani Taliban. The Pakistani Taliban, who have killed thousands of people in bombings and other attacks across the country, confirmed Rehman's death and promptly said they would not talk peace with Sharif. Sharif – while not naming Rehman or the Taliban – spoke out against that drone strike, and his party in a statement noted that it was "highly regrettable" that it came after Obama's speech. The drone strike Friday night struck a compound in Mangrothi village in the Shawal area, along the border dividing the North and South Waziristan tribal regions, two Pakistani intelligence officials said, speaking on condition of anonymity because they were not authorized to release the information on the record. The tribal regions are nearly impossible to access for foreign and many Pakistani journalists, so the report could not be independently confirmed. But North and South Waziristan are known to be havens for multiple militant groups, including the Pakistani Taliban. The U.S. has launched hundreds of drone strikes in Pakistan since 2008, though the frequency has fallen significantly in recent years. For all his rhetoric, it remains unclear if Sharif can actually stop the U.S. from using the drones to launch missiles at militants Washington believes are a threat. For one thing, despite his numbers in parliament, Sharif still has to contend with Pakistan's army for influence over security and foreign policies. And If he's unable to end the strikes in Pakistan as the months wear on, that could give more room to opposition politician Imran Khan, the former cricket star, to drain support from Sharif and his party. Khan has been especially strident in campaigning against the drone strikes.

Rafiq evidence is just as bad as the Toosi card. The entire card is a *claim* about what Sharif *could* do and how he needs to reform the military to resolve any stability warrants—the card is no where near conclusive.

#### Instability inevitable without military reform – here’s the beginning of their card

Rafiq, their author, 13, Arif Rafiq, editor of The Diplomat and adjunct scholar at the Middle East Institute, “Nawaz Sharif—How Will He Govern?” September 11, 2013, <http://thediplomat.com/2013/06/17/nawaz-sharif-3-0-how-will-he-govern/3/?all=true>

To succeed, Sharif must prioritize among his goals and implement them in the right sequence. Institutionalizing civilian control over national security policymaking should take precedence over exposing or punishing the military for its unlawful activities in the past. The two could be mutually exclusive if Sharif takes the military head on and fails. The [Charter of Democracy](http://thediplomat.com/2013/01/26/pakistan-democracy/), which Sharif signed in 2006, calls for the creation of a Truth and Reconciliation Commission to investigate the military's illegal actions post-1996. Creating such a body while Sharif needs the army to fight a war against the Pakistani Taliban would be unwise. Sharif should keep the big picture in mind. Five years from now, if Sharif’s government completes its tenure, succeeds in bringing the country out of its current economic and security morass, conducts free and fair elections, and is either re-elected or passes on power to another democratically-elected government, the door to military dictatorship could be firmly shut. Avoiding confrontation with the military doesn't mean that Sharif should let it run the show when it comes to Pakistan's foreign policy. In fact, Sharif must push forward with bolstering civilian-led national security policymaking bodies. Rather than having private meetings with the army chief as has been common, Sharif should hold weekly meetings for the Defense Committee of the Cabinet (DCC), Pakistan's equivalent of a national security council. The DCC needs someone akin to a national security advisor on top – a retired civil servant able to work with the military, but not necessarily an ex-officer. And it needs a permanent staff, selected from among the best and the brightest of the country's bureaucracy, who can think outside the box and integrate inputs from various ministries, including defense, finance, and water and power. With the prime minister at its helm, the DCC must be the chief forum in which Pakistan's civilian and military leaders get together to discuss domestic and regional security challenges. Hardline elements in the military will likely resist Sharif’s efforts toward [normalizing relations with India](http://thediplomat.com/2013/05/29/a-new-opportunity-for-indo-pakistan-relations/) and rolling back Pakistan’s heavy-handed Afghanistan policy. But he will have potential allies among a broad segment of Pakistan’s political class, which is keen on peace with all of the country’s neighbors. Sharif’s government should use all-parties conferences and parliamentary committees, such as the Senate Foreign Relations Committee, to get the opposition to buy into his peace initiatives and reduce the maneuvering space of conservative forces in the military.

Anis and Yasin evidence is terrible. Just because it has a quote from Sharif about drones being bad and then later quotes him saying some things about peace talks in Balochistan doesn’t mean you have an internal link. Only a risk of defense and there is literally ZERO warrant for why drones policy spills over into negotiations. Hold them to the quality of their evidence.

Mir is in context of balkanization causing WWIII, no warrant for escalation of conflict

# 1NC Politics

#### Pakistan instability is inevitable- drones aren’t decisive

**Akins 8-20**-13 [Harrison Akins (London School of Economics, MSc ’10) is the Ibn Khaldun Chair Research Fellow at American University’s School of International Service in Washington, DC. He served as the senior researcher for Professor Akbar Ahmed’s study ‘The Thistle and the Drone: How America’s War on Terror Became a Global War on Tribal Islam,’ “Drones or No Drones, The Violence Will Continue in Pakistan,” <http://blogs.lse.ac.uk/ideas/2013/08/drones-or-no-drones-the-violence-will-continue-in-pakistan/>]

Speaking from Islamabad, U.S. Secretary of State John Kerry recently hinted at the possibility of ending the use of the drone in Pakistan. Reflecting an earlier speech by President Obama at the National Defense University in Washington, DC, Secretary Kerry stated, “I think the programme will end as we have eliminated most of the threat and continue to eliminate it.” He continued, “I think the President has a very real timeline and we hope it’s going to be very, very soon.”¶ The drone campaign in the Tribal Areas of Pakistan, primarily in Waziristan, has become a flashpoint for the increasingly poor relations between Pakistan and the United States in recent years and a focus of Pakistani politics, with many major candidates in the recent elections campaigning against their use including the new Prime Minister Nawaz Sharif.[1] While the cessation of drone strikes will be a positive step towards improving relations between these two countries, something which will be vital to the Americans as they withdraw from Afghanistan, the use of the drone is but one small part of a much larger problem—the conflict between the central government and tribal periphery. It is this conflict which drives much of the violence being witnessed throughout the country.¶ While the drone strikes exacerbate the violence in this northwestern periphery, ceasing the strikes will do little to resolve it. Only by addressing the structural breakdown between the centre and periphery and the deteriorating law and order situation can Pakistan have any respite from the violence which has plagued the country for almost a decade. This should be the first priority for Nawaz Sharif and the new government in the Tribal Areas.¶ The Tribal Areas of Pakistan are a region of extremes: high mountains, baking deserts, harsh winters, and the fiercest of the Pashtun tribes which populate Afghanistan and northwest Pakistan. Known as the land of riwaj, or tribal custom, the Tribal Areas have been outside of the control of the central government since the era of the Mughal rulers and the British Raj. During the time of British rule, government authority effectively extended only hundred yards on either side of the road.[A1] Tribesmen conducted their lives according to their tribal code of honor and revenge, Pashtunwali, rather than a legal or civil code. The tribes were able to maintain stability and order through the interaction of the three pillars of authority: the council of elders, or jirga, religious leaders acting as mediators, and the central government representative, the Political Agent. It was the often fluid relationship between these three positions which was able to check the violent elements of society before lengthy blood feuds and tribal wars began.[2¶ Over the past decade, it was a combination of factors that led to the instability: drone strikes, Pakistani military actions, and the dreaded suicide bombers. The Pakistani military invasion of 2004 in the Tribal Areas, the largest since the military garrisons were withdrawn by M.A. Jinnah in 1947, under the auspices of catching fleeing militants from Afghanistan sparked the first violent responses from the Tribal Areas. The military invasion was followed shortly by the first drone strikes targeting the leaders of the local Taliban organizations in Waziristan.¶ And the pace of the violence across Pakistan quickened after the 2007 Red Mosque incident in which Pakistani commandos stormed the mosque complex. Students had barricaded themselves inside after detaining individuals for being “un-Islamic” and setting up sharia courts. A large number of them were killed including a number of female students. A string of suicide bombings and other revenge attacks quickly followed with the Pakistani military continuing its operations in the Tribal Areas.[3]¶ The Tehrik-e-Taliban Pakistan (TTP), the fiercest of the Taliban groups, was formed in Waziristan in the wake of the Red Mosque attack. Its first targets were the remnants of the traditional pillars of authority who could challenge their authority, with elders, religious leaders, and political officers being killed by suicide bombers or fleeing the Tribal Areas. It was now the TTP who filled the vacuum left by the destruction of the three pillars, the very structure which traditionally checked such men of violence. The conflict in Waziristan has been characterized by a cycle of strike and counterstrike between the TTP and the Pakistani military.[4]¶ Drone strikes were occurring with increased frequency in this chaotic environment, reaching their peak in 2010. The drone only made the conflict between centre and periphery worse, with increasing reports of innocent people being killed. The TTP views the Pakistan government as complicit in the strikes; a view confirmed recently in an interview with former President Pervez Musharraf. Many of the suicide bombings in Pakistan are in revenge for the drone strikes, according to statements made by the TTP.[5] And all the while it is the innocent tribesmen, many of whom have fled the region as destitute refugees, who suffer the most.¶ Neither the use of the drone or the cessation of the drone strikes is a solution to the violence in the Tribal Areas. The near daily attacks by militant groups in recent months, despite nearly a decade of drone strikes, is proof that the use of the drone is doing little to abate the violence and further proof that the US continues to misunderstand the turmoil in the Tribal Areas. The resentment and anger aroused by the drone and the many innocent deaths that it causes ripples throughout a population already under siege by the actions of its own government and groups of violence from its own tribal population.¶ Yet peace will never come to the Tribal Areas until the underlying cause of the turmoil is addressed –the structural breakdown between center and periphery. In order to check the violence, the local administrative structure working with traditional tribal leaders, through which law and order is maintained, needs to be reconstructed and supported, an argument made in Akbar Ahmed’s latest book The Thistle and the Drone which is based on 40 case studies of tribal societies across the Muslim world. And only when such a structure is in place can Pakistan begin to address the other ills of tribal society, such as the lack of development, womens rights, and education (female literacy rates in the Tribal Areas are essentially zero[6]). To attempt to address these substantive issues without an administrative structure in place first is letting the cart get in front of the horse.¶ As the US increases its use of the drone in Yemen and in other tribal societies, it should learn the lessons from the failed drone campaign in Pakistan. Such use of force only increases the tempo of the violence and does nothing to address the underlying causes, creating more enemies than it can eliminate. Only by working towards long-term, holistic, and political solutions will peace come to these troubled peripheries in the Muslim world.

**No terrorism- groups are too weak and attack strategy has shifted to local focus**

**Sofer ’11** (The Evolution of Terrorism Since 9/11 From Hierarchical Organizations to Small Groups and Individuals SOURCE: AP/TV2 Norway By Ken Sofer | September 9, 2011 Ken Sofer is the Special Assistant for National Security at American Progress.

When Osama bin Laden’s body was buried at sea, many observers believed an era in transnational terrorism was buried with him. In truth, the era of transnational terrorism reached its pinnacle in the atrocities of September 11 a full decade ago. **Over the last 10 years, the structure of terrorist groups has evolved**, in part because of American and allied policies, and in part because new technologies have opened up a new model of terrorism. Gone are the days of a centralized, hierarchical international terrorist movement with Al Qaeda clearly in the lead. That system has been replaced by a much more diffuse network of regional terrorist groups and individual actors connected to terrorist leaders only by the Internet. The breakdown of the hierarchical system of terror When bin Laden organized Al Qaeda in the late 1980s, he envisioned the group as an army of the faithful, which he could train and mobilize to fight kuffar, or nonbelievers, throughout Muslim lands. He financed training camps in tribal Pakistan, developed a system of recruitment for would-be suicide bombers, and planned complex operations, which required adherence to a strict chain of command. The attacks on the Twin Towers in New York represented the pinnacle of organized, hierarchical terrorism and would have been impossible to execute without Al Qaeda’s deep pockets and operational expertise. Since that day **the United States has eliminated Al Qaeda’s operational safe haven** in Afghanistan **and decimated its core leadership**. A combination of **raids, police stings, and the** increased use of **drone strikes under** President Barack Obama have **led to the capture or killing of** many of Al Qaeda’s **mid- to senior-level leaders**, most notably bin Laden, and most recently Atuyah Abd al Rahman, a key figure in the organization’s operations. The death of Al Qaeda’s core leadership and its loss of a safe haven in Afghanistan puts the organization close to strategic defeat, according to White House counterterrorism chief John Brennan. While Brennan’s comments on Al Qaeda’s imminent demise are likely overly optimistic, the organization is clearly weaker than it was a decade ago and has become increasingly reliant on a variety of ideologically sympathetic affiliates in Yemen, Algeria, and Iraq who have adopted the Al Qaeda name brand. While these affiliates, most notably the Yemen-based Al Qaeda in the Arabian Peninsula, or AQAP, maintain close ties to bin Laden’s Pakistan-based core and adhere to its central message, these organizations operate independently of Al Qaeda Central and do not generally coordinate with one another. Further, the new leadership of Ayman al Zawahiri, an extremely divisive figure in the jihadist community, likely means Al Qaeda Central will have a more difficult time controlling operatives and affiliates around the world. The increasingly confederate nature of Al Qaeda has broken down the hierarchical system bin Laden built in the late 1970s and 1980s. Lower barriers of access to terrorism Al Qaeda has adapted to the increasing difficulty of maintaining a physical organization in an identifiable safe haven such as Afghanistan by relying on the Internet and public media to spread its ideology and give individuals the tools to become terrorists. Just as Twitter and blogs made everyone a potential journalist, Al Qaeda and its affiliates launched a variety of media outlets and websites with the hope of making everyone a potential terrorist. Publications such as AQAP’s English-language magazine Inspire feature interviews with prominent leaders and how-to articles such as “Make a Bomb in the Kitchen of Your Mom.” Meanwhile, Al Qaeda’s media production house As Sahab produces “documentary-quality films, iPod files and cellphone video” for distribution across terrorist-sympathetic message boards and blogs. The effect of this propaganda boom and the proliferation of easily attainable bomb-making instructions has been a further decentralization of international terrorism. While members of terrorist cells still actively recruit radicals to carry out attacks, such as the failed Times Square bomb plot last year, terrorism has become increasingly reliant on volunteers who are inspired by Al Qaeda’s ideology. One example is Fort Hood shooter Nidal Malik Hasan, who killed 13 people in 2009 and was inspired by AQAP’s Anwar al Awlaki. Hasan regularly emailed Awlaki for spiritual guidance and justification in the lead-up to the attack. To an extent, the increasing decentralization of terrorism represents a loss in Al Qaeda’s operational capabilities. This means that they are less likely to pull off another expensive and complex attack like 9/11. But the decentralization of terrorism also poses a variety of new threats. For one, it makes it significantly harder for the intelligence community to track would-be terrorists and thwart their efforts, which is why the only successful attacks in the United States since 9/11 have been gunmen acting alone inspired by the Al Qaeda ideology. Al Qaeda’s ability to communicate and spread its ideology to a constituency of radicals is likely its most powerful remaining tool since 9/11, and now that a potential terrorist can Google an inspirational sermon and bomb-making instructions instead of needing to fly to a training camp in Kandahar, this tool has become even more potent. The near enemy vs. the far enemy One of the truly unique and dangerous elements of Al Qaeda’s brand of terrorism is its transnational nature. Bin Laden and many of his followers derided the governments of most Muslim-majority nations, in particular Saudi Arabia and Egypt, as apostates. Yet instead of targeting these governments, often referred to as the “near enemy,” Al Qaeda believed that destroying their U.S. and Western allies, the “far enemy,” would more effectively lead to the downfall of apostate Arab regimes. The group’s transnational aims and focus on the United States made it unique among terrorist organizations and brought jihadist terrorism to American soil. **Over the last decade, the United States has demonstrated the enormous costs associated with making it a target.** **When coupled with the death of bin Laden, the most effective advocate for this strategy,** **the near enemy/far enemy balance has shifted decidedly in favor of the near enemy.** Al Qaeda affiliates, with the possible exception of AQAP, seem much more concerned about **attacking domestic targets** **as opposed to spending their resources on a much more difficult attack on the other side of the planet.** Additionally, Al Qaeda’s membership now frequently loses recruits to organizations such as the Afghan Taliban, Hamas, Hezbollah, or Lashkar-e-Taiba who have purely national and not transnational aspirations. These organizations may be similar to Al Qaeda in that they use violence to kill civilians and seek to establish a conservative Islamist caliphate, but their goals only apply to the country they operate in. Of **the 48 groups designated** by the Department of State **as** Foreign **Terrorist** Organizations, Al Qaeda is the only group left with truly global operations and aspirations. The remaining groups, such as the Kurdish PKK, the Colombian FARC, the Sri Lankan Tamil Tigers, and the Japanese Aum Shinrikyo **have a distinctly national** or semiregional **focus**. Many of these groups frequently target American citizens, soldiers, and interests in their countries, but **they** either **do not possess the capabilities or desire to launch an attack on U.S. or European soil.** What do these changes mean for terrorism in America today? Since 9/11 we have braced for the possibility of another catastrophic attack on U.S. soil and pursued policies that have thankfully prevented such an attack from happening again. **But largely because of our success in decapitating and dismantling terrorist networks and organizations, the landscape of terrorism looks very different** than it did 10 years ago. Today we are less likely to face a large, complex attack from an enemy organization abroad such as Al Qaeda. But we remain vulnerable to a smaller, less traceable attack from an individual or small group of individuals here in the United States. Incidents such as the Oklahoma City bombing in 1995, the Fort Hood shooting in 2009, or the Oslo attacks earlier this year are likely to become the dominant strain of terrorism entering the next decade after 9/11. While many would-be terrorists are inspired by the ideology of Al Qaeda and Anwar al Awlaki, as we have seen, lone-wolf terrorists can draw their inspiration from antigovernment or xenophobic ideologies as well.

**No risk of nuclear terror—means and motive**

**Chapman 12** [Stephen, columnist and editorial writer for the Chicago Tribune “The Implausibility of Nuclear Terrorism” May 17 http://reason.com/archives/2012/05/17/the-implausibility-of-nuclear-terrorism]

Given their inability to do something simple — say, shoot up a shopping mall or set off a truck bomb — it’s reasonable to ask whether they have a chance at something much more ambitious. Far from being plausible, argued Ohio State University professor John Mueller in a presentation at the University of Chicago, “the likelihood that a terrorist group will come up with an atomic bomb **seems to be vanishingly small**.” The events required to make that happen comprise a **multitude of Herculean tasks**. First, a terrorist group has to get a bomb or fissile material, perhaps from Russia’s inventory of decommissioned warheads. If that were easy, **one would have already gone missing**. Besides, those devices are probably no longer a danger, since weapons that are not maintained quickly become what one expert calls “**radioactive scrap metal**.” If terrorists were able to steal a Pakistani bomb, they would still have to defeat the arming codes and other safeguards designed to prevent unauthorized use. As for Iran, no nuclear state has ever given a bomb to an ally — for reasons even the Iranians can grasp. Stealing some 100 pounds of bomb fuel would require help from rogue individuals inside some government who are prepared to jeopardize their own lives. Then comes the task of building a bomb. It’s not something you can gin up with spare parts and power tools in your garage. It requires millions of dollars, a safe haven and advanced equipment — plus people with specialized skills, lots of time and a willingness to die for the cause. Assuming the jihadists vault over those Himalayas, they would have to deliver the weapon onto American soil. Sure, drug smugglers bring in contraband all the time — but seeking their help would confront the plotters with possible **exposure or extortion**. This, like every other step in the entire process, means expanding the circle of people who know what’s going on, **multiplying the chance someone will blab, back out or screw up**. That has heartening implications. If al-Qaida embarks on the project, **it has only a minuscule chance** of seeing it bear fruit. **Given the** formidable **odds, it** probably **won’t bother.**

# 2NC K

## 2NC/1NR Overview

Kritik outweighs and turs the case –

#### 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.

#### 5.) These sanitizing myths are absolutely crucial to the maintenance of imperialism

Bacevich, 5 -- Boston University international relations professor

[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]

The new American militarism draws much of its sustaining force from myth-stories created to paper over incongruities and contradictions that pervade the American way of life. The exercise of global power by the United States aggravates these incongruities. Americans want to feel secure, in their homes and where they work. Rather than safety, however, the possession of military might without precedent has in practice yielded a heightened sense of vulnerability. Americans see themselves as an idealistic people. But the dispatch of U.S. forces to oppose tyranny and create the conditions for peace does not evoke accolades from abroad. Instead, it fuels anti-Americanism and generates suspicion of our motives and intentions. Americans believe in democracy. But their democracy works such that the divide between rich and poor grows ever wider. In America, the win- ners control an ever-increasing percentage of the nation's wealth. To be a member of the upper class is to have privileges, among them ensuring that it's someone else's kid who is getting shot at in Iraq or Afghanistan. These are hard, uncomfortable truths, for which the existing political system does not provide an easily available remedy. So Americans concoct stories to make such truths more palatable. During the past quarter century, American politicians with their eyes firmly fixed on the main chance, assisted by purveyors of popular culture with a well-honed instinct for what sells, have promulgated a host of such stories. One result has been to contrive a sentimentalized version of the American military experience and an idealized image of the American soldier. These myths make an essential contribution to the new American militarism. They create an apparently seamless historical narrative of American soldiers as liberators, with Operation Iraqi Freedom in March zoo; becoming a sequel to Operation Overlord in June 1944. They divert attention from the reality of U.S. military policy, now having less to do with national defense than with imperial policing. They help to sustain the willingness of American soldiers to shoulder their frequently thankless and seemingly endless burdens in places like the Balkans, Central Asia, and the Persian Gulf. Above all, they function as a salve for what remains of the American conscience. Myths offer reassurance that America remains, as Ronald Rea- gan put it, "still a land of heroes with all the courage and love of freedom that ever was before." They enable us to sustain the belief that the soldiers whom we hire to do the nation's dirty work but whom we do not know are, in fact, bringing peace and light to troubled corners of the earth rather than pushing ever outward the perimeter of an American empire.

### Drones – Masking/A2 Link Turn

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

Trombly, 12 – Caerus Analytics, LLC National Security/International Affairs analyst

[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.**

[Matt note: gender-modified]

#### Only the alt solves- drones are a minor facet of the militaristic war on terror

Douglas-Bowers, 13 -- Hampton Institute Politics and Government Department Chair

[Devon, "Beyond Drones: Combating the System of Militarism and Imperialism," Foreign Policy Journal, 8-7-13, www.foreignpolicyjournal.com/2013/08/07/beyond-drones-combating-the-system-of-militarism-and-imperialism/, accessed 8-30-13, mss]

On September 11th, I will be attending an anti-drone demonstration in Union Square, NYC. This will be my first protest and I am quite excited. Obviously, the main goal of this demonstration is to protest against the use of drones around the world which kill innocents under the guise of attacking terrorists. While I welcome this protest, we must realize that this demonstration is not enough; that focusing on drones is not enough. We must battle the ‘War On Terror’ overall, as drones are only a small part of that. The global drone attacks started under Bush and have continued and massively expanded under Obama, with Obama going so far as to assassinate four US citizens (officially speaking). Yet, while this is extremely problematic, it is a symptom of America’s global militarism. Contrary to popular thinking, this global militarism didn’t start in the Bush era, but rather in the time of FDR, with World War II, and has continued and intensified since then. The US has, overtly, either already been involved in or started new wars/conflicts every single decade since the 1940s. This has created destruction all over the world, not just physically in terms of destroyed infrastructure, but mentally[1], historically[2], economically[3], and socially[4]. However, the problems go beyond just the military sphere. It has leaked into American society, and specifically into the social realm and how the American people relate to our government. Socially, this militarism has gone and allowed Islamophobia and anti-Arab racism to flourish in American society. It can be seen in everything, from attacks on mosques[5] to anti-Muslim ads[6]. This hatred and racism has heavily infected every part of our society to the point where it is seen as “OK” for TV pundits to spew anti-Muslim hatred. Americans’ relationship with their government has greatly changed ever since the ‘War on Terror’ was launched. While the government had previously spied on American citizens[7] (and even assassinated some[8]), it was mainly on those whom the government deemed a threat to the status quo. Now, the situation has become much more drastic, with the government spying on all US citizens[9], and has given itself the legal authority to not only indefinitely detain them without trial[10], but also to assassinate them (Assassination on US soil is still possible, given the fact that there are problems with Attorney General Holder’s letter to Rand Paul.[11]). At every level, the very people who are supposed to represent Americans have been complicit in allowing Americans to be spied upon and their civil liberties to be destroyed.[12] There has been such a breakdown in the rule of law that there are even secret interpretations of law[13] that the American people can be subjected to, but not know of. This growing authoritarianism must be confronted as well. Economically, corporations have profited quite handsomely[14] from the continuous wars of aggression around the world, as well as from the business of spying on Americans[15]. They are only able to do this because there is an economic incentive to create weapons of war and espionage, and to use those to great effect. In order to fight against militarism more broadly, such companies should be targeted for boycotts, and information campaigns should reveal to the public exactly who these companies are and how they are profiting off exploiting their customers’ information. There is a psychological battle to be held as well. The American people have become accustomed to their country being in a perpetual state of war. In many ways, some have become complacent at best, and, at worst, will actually support the ‘humanitarian interventions’ launched by the Obama administration. Just like with the drone debate, we should also work to have people realize that, while the names and terminology may have changed, the death and destruction have remained the same. This is especially important for those on the left, as there are many liberals whose hypocrisy has been revealed by condemning Bush’s wars of aggression, but support interfering in the affairs of sovereign nations now that Obama is at the helm. We must combat these hypocritical and uninvolved minds, lest we allow these problems to perpetuate. We must combat what Martin Luther King Jr. called “the giant triplets of racism, militarism, and economic exploitation” if we are to mount a truly successful attack on the drone war. The drone wars are a byproduct of the ‘War on Terror’ and its associated effects at home and abroad. **If we do not look at this interconnected system, we will**, in a way, **be wasting our time as we will only be cutting off a branch of a tree rather than getting to the roots**. We must go beyond drones.

## 2NC Alt

#### 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 Case

## Solvency

### 2NC/1NR Say No

Pakistan doesn’t hate drones solely because we use them without asking – that just glosses over the other issues. Sharif views them as an asymmetry in the relationship with the United States and has continually articulated them as a violation of sovereignty in Pakistan. UN councils prove contestation which means no risk of the legitimacy internal links – that’s Butt.

#### More ev – international law and sovereignty claims

IIT 13, Islamic Invitation Turkey, “US drone strike kills 5 in Northwestern Pakistan,” July 28, 2013, <http://www.islamicinvitationturkey.com/2013/07/28/us-drone-strike-kills-5-in-northwestern-pakistan/>

At least five people have been killed in an attack by a US assassination drone in northwestern Pakistan.The casualties come after two missiles hit a convoy of people in the Shawal area of North Waziristan Sunday evening.Local security officials say several people were also severely injured in the fatal attack, which sent shock waves across the troubled region.The latest attack come as Pakistani Prime Minister Nawaz Sharif has recently blasted US assassination drone strikes in his country, describing them as a violation of international law and the UN charter.Islamabad has repeatedly condemned the attacks, saying they violate Pakistan’s sovereignty.Washington claims that the airstrikes target militants, but reports on the ground show that civilians have been the main victims of the attacks.US President Barack Obama recently defended the use of the controversial drones as “self-defense.”The aerial attacks, initiated by former US president George W. Bush, have been escalated under President Obama government.The United Nations and several human rights organizations have already identified the US as the world’s number one user of “targeted killings” largely due to its drone attacks in Pakistan and Afghanistan.The United Nations says the US-operated drone strikes in Pakistan pose a growing challenge to the international rule of law.Philip Alston, UN special envoy on extrajudicial killings, said in a report in late October 2010 that the attacks were undermining the rules designed to protect the right of life.Alston went on to say that he fears the drone killings by the US Central Intelligence Agency could develop a “play station” mentality.

#### They vehemently oppose drone strikes because of that

IIT 9/23, Islamic Invitation Turkey, “Pakistan censures US killer drone attack,” September 23, 2013, <http://www.islamicinvitationturkey.com/2013/09/23/pakistan-censures-us-killer-drone-attack-2/>

Pakistan has “strongly” condemned an airstrike carried out by a US assassination drone, which killed at least seven people in the country’s northwestern tribal area.“These unilateral strikes are a violation of Pakistan’s sovereignty and territorial integrity,” Pakistan’s Foreign Ministry said in a statement on Sunday.The deadly attack occurred earlier on Sunday, when a US drone fired four missiles at two houses in Shawal area, about 55 kilometers (35 miles) west of Miranshah Town.The statement further said that Islamabad has repeatedly emphasized “the importance of bringing an immediate end to drone strikes.”Reports say the latest drone strike is the 19th of its kind in Pakistan in 2013. More than 100 people have lost their lives in such strikes in the country so far this year.The Pakistani government has repeatedly protested against the US drone strikes, saying they violate the Asian country’s sovereignty.Pakistani Prime Minister Nawaz Sharif recently blasted the deadly assaults in his country, describing them as a violation of the international law and the United Nations Charter.Washington claims its drone strikes target militants, although casualty figures show that Pakistani civilians often fall victim to the attacks.The United States often uses its assassination drones to hit targets in Pakistan and some other countries including Yemen and Afghanistan.US President Barack Obama has defended the use of the controversial drones as “self-defense.”The airstrikes, initiated under former US President George W. Bush, have been escalated under the Obama administration.The United Nations says the US-operated drone strikes in Pakistan pose a growing challenge to the international rule of law.

### 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.

## Stability

#### No impact to Pakistan instability- their ev is hype

**Hundley ’12** (Before joining the Pulitzer Center, Tom Hundley was a newspaper journalist for 36 years, including nearly two decades as a foreign correspondent for the Chicago Tribune. During that time he served as the Tribune’s bureau chief in Jerusalem, Warsaw, Rome and London, reporting from more than 60 countries. He has covered three wars in the Persian Gulf, the Arab-Israeli conflict and the rise of Iran’s post-revolutionary theocracy. His work has won numerous journalism awards. He has taught at the American University in Dubai and at Dominican University in River Forest, Illinois. He has also been a Middle East correspondent for GlobalPost and a contributing writer for the Chicago News Cooperative. Tom graduated from Georgetown University and holds a master’s degree in international relations from the University of Pennsylvania. He was also National Endowment for the Humanities journalism fellow at the University of Michigan. Published September 5, 2012

With both sides armed to the teeth, **it is easy to exaggerate the fears** and much harder to pinpoint where the real dangers lie. For the United States, the nightmare scenario is that some of Pakistan's warheads or its fissile material falls into the hands of the Taliban or al Qaeda -- or, worse, that the whole country falls into the hands of the Taliban. For example, Rolf Mowatt-Larssen, a former CIA officer now at Harvard University's Belfer Center for Science and International Affairs, has warned of the "lethal proximity between terrorists, extremists, and nuclear weapons insiders" in Pakistan. This is a reality, but on the whole, Pakistan's nuclear arsenal appears to be reasonably secure against internal threats, according to those who know the country best. To **outsiders**, Pakistan **appears** to be permanently teetering on the **brink** of collapse. The fact that large swaths of the country are literally beyond the control of the central government is not reassuring. But a weak state **does not mean** a **weak society**, and **powerful internal dynamics based** largely on kinship and tribe **make it highly unlikely** that Pakistan would **ever fall** under the control of an outfit like the Taliban. During the country's intermittent bouts of democracy, its civilian leaders have been consistently incompetent and corrupt, but **even in the worst of times,** the military has maintained a high standard of professionalism. And there is **nothing** that **matters more** to the Pakistani military than keeping the nuclear arsenal -- **its crown jewels** -- out of the hands of India, the United States, and homegrown extremists. "Pakistan struggled to acquire these weapons against the wishes of the world. Our nuclear capability comes as a result of great sacrifice. It is our most precious and powerful weapon -- for our defense, our security, and our political prestige," Talat Masood, a retired Pakistani lieutenant general, told me. "We keep them safe." Pakistan's nuclear security is in the responsibility of the Strategic Plans Division**,** which appears to function pretty much as **a separate branch** of the military. It has its **own training facility and an elaborate set of controls** and screening proceduresto keep track of **all warheads and fissile material** and to monitor **any blips** in the behavior patterns of its personnel. The 15 or so sites where weapons are stored **are the mostly heavily guarded** in the country. **Even if** some group managed to steal or commandeer a weapon, **it is highly unlikely the group would be able to use it**. The greater danger is the theft of fissile material, which could be used to make a crude bomb. "With 70 to 80 kilos of highly enriched uranium, it would be fairly easy to make one in the basement of a building in the city of your choice," said Pervez Hoodbhoy, a distinguished nuclear physicist at Islamabad's Quaid-i-Azam University. At the moment, Pakistan has a stockpile of about 2.75 tons -- or some 30 bombs' worth -- of highly enriched uranium. It does not tell Americans where it is stored. "All nuclear countries are conscious of the risks, nuclear weapons states especially so," said Gen. Ehsan ul-Haq, who speaks with the been-there-done-that authority of a man who has served as both chairman of Pakistan's Joint Chiefs of Staff Committee and head of the ISI, its controversial spy agency. "Of course there are concerns. Some are genuine, butmuch of what you read in the U.S. media is **irrational and reflective of paranoia**. Rising radicalism in Pakistan? Yes, this is true, and the military is very conscious of this." Perhaps **the most credible endorsement** of Pakistan's nuclear security regime comes from its **most steadfast enemy.** The **consensus among India's top generals and defense experts** is that Pakistan's nukes are pretty secure. "No one can be 100 percent secure, but I think they are **more than 99 percent secure**," said Shashindra Tyagi, a former chief of staff of the Indian Air Force. "They keep a very close watch on personnel. All of the steps that could be taken have been taken. This business of the Taliban taking over -- it can't be ruled out, but I think **it's unlikely**. **The** Pakistani **military understands the threats** they face better than anyone, **and** they **are smart enough to take care it."** Yogesh Joshi, an analyst at the Institute for Defense Studies and Analyses in New Delhi, agrees: "Different states have different perceptions of risk. The U.S. has contingency plans [to secure Pakistan's nukes] because its nightmare scenario is that Pakistan's weapons fall into terrorist hands. The view from India over the years is that **Pakistan,** probably **more than any other nuclear** weapons **state, has taken measures to secure its weapons.** At the political level here, there's a lot of confidence that Pakistan's nuclear weapons are secure."

## Politics

### 2NC Pick Up

#### Best study proves no conflict from econ decline

**Brandt and Ulfelder ‘11** (\*Patrick T. Brandt, Ph.D. in Political Science from Indiana University, is an Assistant Professor of Political Science in the School of Social Science at the University of Texas at Dallas. \*\*Jay Ulfelder, Ph.D. in political science from Stanford University, is an American political scientist whose research interests include democratization, civil unrest, and violent conflict, April, 2011, “Economic Growth and Political Instability,” Social Science Research Network)

These statements anticipating political fallout from the global economic crisis of 2008–2010 reflect a widely held view that economic growth has rapid and profound effects on countries’ political stability. When economies grow at a healthy clip, citizens are presumed to be too busy and too content to engage in protest or rebellion, and governments are thought to be flush with revenues they can use to enhance their own stability by producing public goods or rewarding cronies, depending on the type of regime they inhabit. When growth slows, however, citizens and cronies alike are presumed to grow frustrated with their governments, and the leaders at the receiving end of that frustration are thought to lack the financial resources to respond effectively. The expected result is an increase in the risks of social unrest, civil war, coup attempts, and regime breakdown. Although it is pervasive, the assumption that countries’ economic growth rates strongly affect their political stability **has not been subjected to** a great deal of careful **empirical analysis, and evidence from social science research** to date **does not** unambiguously **support it.** Theoretical models of civil wars, coups d’etat, and transitions to and from democracy often specify slow economic growth as an important cause or catalyst of those events, but empirical studies on the effects of economic growth on these phenomena have produced mixed results. Meanwhile, the effects of economic growth on the occurrence or incidence of social unrest seem to have **hardly** been **studied in recent years**, as empirical analysis of contentious collective action has concentrated on political opportunity structures and dynamics of protest and repression. This paper helps fill that gap by rigorously re-examining the effects of short-term variations in economic growth on the occurrence of several forms of political instability in countries worldwide over the past few decades. In this paper, we do not seek to develop and test new theories of political instability. Instead, we aim to subject a hypothesis common to many prior theories of political instability to more careful empirical scrutiny. The goal is to provide a detailed empirical characterization of the relationship between economic growth and political instability in a broad sense. In effect, we describe the conventional wisdom as seen in the data. We do so with statistical models that use smoothing splines and multiple lags to allow for nonlinear and dynamic effects from economic growth on political stability. We also do so with an instrumented measure of growth that explicitly accounts for endogeneity in the relationship between political instability and economic growth. To our knowledge, **ours is the first statistical study** of this relationship to simultaneously address the possibility of **nonlinearity and** problems of **endogeneity**. As such, we believe this paper offers what is probably the most rigorous general **evaluation** of this argument **to date**. As the results show, some of our findings are surprising. Consistent with conventional assumptions, we find that social unrest and civil violence are more likely to occur and democratic regimes are more susceptible to coup attempts around periods of slow economic growth. At the same time, our analysis shows no significant relationship between variation in growth and the risk of civil-war onset, and results from our analysis of regime changes contradict the widely accepted claim that economic crises cause transitions from autocracy to democracy. While we would hardly pretend to have the last word on any of these relationships, our findings do suggest that the relationship between economic growth and political stability is **neither as uniform nor as strong as** the **conventional wisdom**(s) **presume**(s). We think **these findings** also help **explain why the** global **recession** of 2008–2010 **has failed** thus far to **produce** the wave of coups and regime failures that some observers had anticipated, in spite of the expected and apparent uptick in social **unrest** associated with the crisis.

# 1NR DA

### Overview

**Loss of warfighting effectiveness ensures nuclear war in every hotspot**

**Kagan and O’Hanlon 07,**  resident scholar at AEI and senior fellow in foreign policy at Brookings

(Frederick and Michael, The Case for Larger Ground Forces, April, http://www.aei.org/files/2007/04/24/20070424\_Kagan20070424.pdf)

We live at a time when **wars not only rage in nearly every region but threaten to erupt in many places where the current relative calm is** tenuous. To view this as **a strategic military challenge for the U**nited **S**tates **is not to espouse a specific theory of America’s role in the world** or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that **overseas threats must be countered before they can directly threaten this country’s shores**, that the **basic stability of the international system is essential to American peace** and prosperity, **and that no country besides the U**nited **S**tates **is in a position to lead the way in countering major challenges to the global order**. Let us highlight the **threats and their consequences** with a few concrete examples, emphasizing those **that involve key strategic regions of the world such as the Persian Gulf and East Asia, or** key potential **threats to American security, such as the spread of nuclear weapons and** the strengthening of the global **Al Qaeda**/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? North **Korea**, of course, has already done so, and the ripple effects are beginning to spread. Japan’s recent election to supreme power of a leader who has promised to rewrite that country’s constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, Sino Taiwanese tensions continue to flare, as do tensions between India and Pakistan, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world’s nonintervention in Darfur troubles consciences from Europe to America’s Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in Iraq today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing. Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop armed forces capable of protecting America’s vital interests throughout this dangerous time**.** Doing so requires a military capable of a wide range of missions—including not only deterrence of great power conflict in dealing with potential hotspots in Korea, the Taiwan Strait, and the Persian Gulf but also associated with a variety of Special Forces activities and stabilization operations. For today’s US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing Army and Marine Corps to handle personnel intensive missions such as the ones now under way in Iraq and Afghanistan.

#### Credibility key to solve --- other countries have to perceive

GRACIA 2013 - political scientist and a former senior adviser to the Human Services and International Affairs committees at the Hawaii State Legislature, Danny de Gracia, “DE GRACIA: How Obama’s scandals weaken U.S. diplomacy and security”, June 12, 2013, http://communities.washingtontimes.com/neighborhood/making-waves-hawaii-perspective-washington-politic/2013/jun/12/de-gracia-how-obamas-scandals-weaken-us-diplomacy-/

Once a bright light among nations for freedom, innovation and prosperity, the United States of America is now in its death throes as a collapsing empire. Even as large stars that burn out in space often transform into black holes, America’s burdensome government is turning the entire nation into a swirling gyre of political darkness, scandal and public discontent. Nations that are prosperous are seldom paranoid. The emphasis on razor-wire defined borders guarded by assault rifle toting paramilitaries and internal security maintained by armies of secret police is a mark of third world scarcity rather than first world prosperity. When a nation is prosperous, its emphasis is on advancing commerce, science, exploration, philosophy and the arts. When a nation is weak, the apparatus of the state is directed towards counterinsurgency, anti-terrorism, border security and internal suppression. Since all states are at their core a compulsory jurisdictional monopoly for determining the “price” of justice and security, the worse an economy gets, the more a state’s security apparatus is deployed as a pretext for revenue collection. As Thucydides famously wrote in History of the Peloponnesian War, “the revenues of the state increasing, tyrannies were by their means established almost everywhere.” The problem that President Barack Obama faces in this state of decline is that America’s allies and enemies alike are carefully observing the health of the United States. What political scientists call high politics ― the realm of decision-making that involves matters of national survival ― is very much a game of perception. Foreign leaders constantly ponder whether it is in their nation’s best interest to continue to side with the United States or whether they should develop their own regional alliances and security agreements. As an example, the question of whether to side with the United States on matters involving Syria or to side with Russia and China increasingly hinges on whether the U.S. is perceived as a reliable power. The message that Obama’s wave of scandals projects to the world is that the United States is becoming increasingly unstable and her leadership’s diplomatic assurances may not be at all sincere or enforceable. This ultimately restricts our future diplomatic credibility and national security.

### UQ

#### There are currently no judicial or statutory restrictions on drone use – maintaining that freedom is key to the president’s ability to wage war

**Druck 12** – JD Candidate @ Cornell

(Judah, Cornell Law Review, 98 Cornell L. Rev. 209, NOTE: DRONING ON: THE WAR POWERS RESOLUTION AND THE NUMBING EFFECT OF TECHNOLOGY-DRIVEN WARFARE)

On March 19, 2011, American forces began attacking various targets controlled by Muammar el-Qaddafi as part of NATO's support for the Libyan antigovernment resistance. n1 Promising that no ground [\*210] troops would be used during these operations, n2 President Barack Obama ordered strikes on Qaddafi forces using Tomahawk missiles and bombings from warplanes. n3 This order would later include the use of unmanned Predator drones, signaling a shift toward a supporting role for NATO. n4 Fighting lasted for months, ultimately culminating in the ousting of Qaddafi by rebel forces. n5¶ Despite the limited nature of the U.S. intervention, questions concerning the legality of the President's actions quickly arose. n6 Under the 1973 War Powers Resolution (WPR), n7 which was enacted in the wake of protests during the Vietnam War, the President is required to cease any use of military forces in "hostilities" within sixty days of the conflict's beginning unless he receives congressional authorization to the contrary. n8 Having acted without any support from Congress in the first sixty days, the President had seemingly presented a clear example of a WPR violation. Yet President Obama and State Department legal adviser Harold Koh rejected this view by arguing that the use of force in Libya had not involved the type of "hostilities" covered by the WPR. n9 Emphasizing the absence of U.S. casualties and lack of exposure to "exchanges of fire with hostile forces," the President stood firmly behind his decision to intervene in Libya without consulting Congress. n10¶ [\*211] Legislators, pundits, and academics alike broadly criticized this legal analysis. n11 Yet aside from these particularized complaints, the President ultimately faced no discernible repercussions (judicial, legislative, or social challenges) for his actions. n12 From a historical perspective, the absence of substantial backlash is unsurprising: since its inception, the WPR has generally failed to prevent presidents from using military action in an arguably illegal manner. n13 In those situations, courts, n14 legislators, n15 and social movements n16 have failed to challenge this sort of presidential action, setting the stage for President Obama's similar neglect of the WPR.¶ But perhaps we can examine the apathetic treatment of President Obama's actions in Libya in a different light, one that focuses on the changing nature and conception of warfare itself. Contrary to larger-scale conflicts like the Vietnam War, where public (and political) outrage set the stage for Congress's assertion of war-making power through the WPR, n17 the recent U.S. intervention did not involve a draft, nor a change in domestic industry (requiring, for example, civilians [\*212] to ration food), and, perhaps most importantly, did not result in any American casualties. n18 Consequently, most analyses of the Libyan campaign focused on its monetary costs and other economic harms to American taxpayers. n19 This type of input seems too nebulous to cause any major controversy, especially when contrasted with the concurrent costs associated with the wars in Iraq and Afghanistan. n20 In a sense, less is at stake when drones, not human lives, are on the front lines, limiting the potential motivation of a legislator, judge, or antiwar activist to check presidential action. n21 As a result, the level of nonexecutive involvement in foreign military affairs has decreased.¶ The implications are unsettling: by ameliorating many of the concerns often associated with large-scale wars, technology-driven warfare has effectively removed the public's social and political limitations that previously discouraged a President from using potentially illegal military force. As President Obama's conduct illustrates, removing these barriers has opened the door to an unfettered use of unilateral executive action in the face of domestic law. n22 Consequently, as war becomes more and more attenuated from the American psyche, a President's power to use unilateral force without repercussions will likely continue to grow.

#### Drones are winning the war for us now – Kerry’s statements

Levine and Karimi 8/2, Adam Levine and Faith Karimi, “Kerry says Pakistan drone strikes to end ‘very soon’,” August 2, 2013, <http://www.cnn.com/2013/08/01/politics/pakistan-drones>

Following talks with the Pakistani government, Secretary of State John Kerry said the United States is making progress in the war on terror, and hopes to end the use of drone strikes "very soon."¶ The secretary of state told a Pakistani television station that President Barack Obama has a "very real timeline" for ending the strikes.¶ He did not provide specifics on the timeline.¶ "We hope it's going to be very, very soon," Kerry said Thursday, according to a transcript provided by the State Department.¶ "I believe that we're on a good track. I think the program will end as we have eliminated most of the threat and continue to eliminate it," Kerry said.¶ He added that the cessation depends on "a number of factors" and that Washington is working on it with the Pakistani government.¶ A State Department statement later addressed Kerry's remarks.¶ "Today, the secretary referenced the changes that we expect to take place in that program over the course of time, but there is no exact timeline to provide," the statement said.¶ However, it said, the goal is to get to a place where threats are eliminated and drones are not needed.¶ "Now, we're all realistic about the fact that there is a threat that remains and that we have to keep up ... the fight in this and other places around the world," Marie Harf, a State Department spokeswoman, said. "So this was in no way indicating a change in policy. It's really been reinforcing things I think we've said for months on this."¶ The United States ramped up strikes in the tribal region in the first few years of Obama's presidency. But the number of strikes in Pakistan has since dropped partly because of al Qaeda's decline in the country and more U.S. focus on threats from al Qaeda groups in other countries, such as Yemen.¶ In May, Obama defended the use of drone strikes as a necessary evil, but one that must be used with more temperance as the United States' security situation evolves.¶ America prefers to capture, interrogate and prosecute terrorists, but there are times when this isn't possible, Obama said in a speech at the National Defense University in Washington.¶ Terrorists intentionally hide in remote locations and putting boots on the ground is often out of the question, he said.¶ However, he urged caution and discipline.¶ "To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance," Obama said at the time. "For the same progress that gives us the technology to strike half a world away also demands the discipline to constrain that power -- or risk abusing it."¶ Increased oversight is important, but not easy, Obama said.¶ Drone strikes in the tribal regions bordering Afghanistan have drawn heated opposition in Pakistan because of civilian casualties.¶ The drone strikes have further roiled relations between the two nations, which flared following a 2011 raid by U.S. commandos on a compound in Abbottabad, Pakistan, that killed al Qaeda leader Osama bin Laden.¶

### Link

**Effective use of drones key to prevent militant rise in Pakistan – no blowback**

**Nadim 12** visiting scholar at the Woodrow Wilson Center

(Hussain, How Drones Changed the Game in Pakistan, nationalinterest.org/how-drones-changed-the-game-pakistan-7290)

Regardless of what the news agencies in Pakistan claim about the negative effects of drone strikes, the weapon is proving to be a game changer for the U.S. war on terrorism. And surprisingly, the Pakistani Army quietly admits to this fact. Just the way Stinger missiles shifted the balance of power in favor of the United States in the 1980s, drones are producing the same results. The critics of unmanned strikes, who claim that drones are contributing to growing radicalization in Pakistan, haven’t looked around enough—or they would realize that much of the radicalization already was established by the Taliban in the 1990s. The real tragedy is that it is acceptable for the Taliban to radicalize and kill, but it is considered a breach of sovereignty for the United States, in pursuit of those radicalizing Pakistan’s people, to do the same. There is so much protest over the drones because the media reports about them are biased. Although people on ground in war zones contend that the drone strikes have very few civilian casualties and, with time, have become extremely precise, the media presents quite a different story to boost its ratings. Many in Pakistan, especially in the army, understand the positive impact of this weapon. Drones are coming in handy for two reasons: their precision and psychological effect. Many analysts of this subject have been concerned only with the military aspect, such as whether or not drones are precise enough and the casualties they incur. But part of what works in favor of the United States is the psychological impact—the fear that drones have instilled in the militants. The fact that the United States might strike day or night, inside the militant compound or outside while traveling in the convoys, works to deter militants and restrict their operations. This tilts the balance of power in favor of the United States. Most of the people in the Pakistani Army whom I interviewed on the subject were positive about the drone strikes and their direct correlation with a decrease in terrorist attacks in Pakistan. The majority focused on the psychological impact of the drones and how they have put militants on the run, forcing them to sleep under trees at night, though it must be said that army officials showed some concern about cases in which the same psychological impact is experienced by civilians. Locals I talked to are frustrated over the fear that they might get hit by a drone if the militants are hiding in their neighborhood. But this frustration may have a positive impact as it motivates civilians to flush out and close doors to militants who seek refuge in their areas. Surprisingly, there isn’t as much anti-Americanism as one would suspect in areas where the United States is conducting drone strikes, largely because the locals are fed up with the influx of militants in their areas and have suffered because of terrorism. However, urban centers, which have suffered the least from terrorism, are far more radicalized and anti-American. Hence, we see large anti-drone rallies in the cities of Punjab, where people have little first-hand experience with drones. The anti-American lot in these places will start a rally for any reason at all as long as they get to burn a few American flags.

**We’ll isolate several links to statutory restriction:**

**1) Flexibility – legislation ties the President’s had and ensures military ineffectiveness**

**Scowcroft 93**

(Brent, Arnold, National Security Adviser Under Bush I and Ford, Undersecretary of State for Political Affairs in Bush I, The Washington Post, “Foreign Policy Straightjacket”, 10/20/1993, p. lexis)

Maneuvering in the complex environment of a Somalia -- or of a Haiti, Bosnia or the other crises that loom on and just over the horizon -- requires the agility of a ballet dancer, not the Mack truck of legislation. In a world that increasingly places a premium on a rapidly adaptable foreign policy, codifying highly detailed requirements in a public law is a recipe for ineffectiveness. It undermines the president's ability to threaten, cajole and pressure our adversaries by publicizing the costs we will and won't pay and by broadcasting the conditions and constraints under which our forces will operate. At the same time, it leaves our friends and allies, whose cooperation we seek, to wonder whether Congress will permit the president to follow through on his promises and commitments. Finally, it stays on the books, continuing to tie the president's hands as circumstances change and Congress's attention shifts to other priorities. Now more than ever, trying to legislate foreign policy is simply a bad idea.

**2) Delay – Increased congressional involvement bogs down warfighting**

**Boylan & Phelps 1 – asst prof of poli sci @ Winthrop U & prof of poli sci @ Northern Arizona University**

(Timothy & Glenn, Parameters Spring 2001, The War Powers Resolution: A Rationale for Congressional Inaction)

The House and Senate debates of 10-12 January 1991 concerned the question of congressional authorization versus continued sanctions. One side argued that extending the deadline meant that Saddam Hussein and the Iraqis could improve their defenses and become better entrenched in Kuwait. If military action took place at a later date, this delay would translate into increased American casualties.[18] The opposing side did not rule out the use of force, but believed that continued sanctions would weaken Iraq's hand. A longer wait, it was thought, would better prepare coalition forces for warfare in the desert. Underlying this debate was a disquiet about the legitimacy and applicability of sending US military troops into battle by order of the United Nations.[19] But few members challenged the legitimacy of Congress in delaying this great debate until the last hour. One exception was Representative Bill Green, who concluded:¶ By inserting ourselves into the process at this late date, our ability to participate in a meaningful way is severely limited and could severely cripple the recently begun process of providing for collective security through the United Nations . . . .¶ The 101st Congress, in its waning days, did not lack opportunities to affect this process. By the time we had adjourned on October 28, 1990, we had approved a defense authorization and appropriations bill that provided funds for the stationing of troops in the Persian Gulf. Since that deployment had been in accordance with article 51 of the UN Charter and UN Resolution 655 concerning the naval and maritime blockade, our vote plainly endorsed that deployment.¶ I supported those efforts, joining over 400 of my colleagues in approving an additional $978 million for Persian Gulf related operations.¶ . . . [B]y waiting until this later hour, we have rendered ourselves extraneous to any positive policy role, unless we are prepared to try to force a change in the position taken by the United Nations.[20]¶ This admission highlights Congress's odd treatment of the War Powers Resolution. The weeks of late summer and early autumn of 1990 showed Congress wrangling over reporting and timing procedure, and delaying debate on the tough substantive issues surrounding the invasion of Kuwait. Rather than promoting consultation, the War Powers Resolution helped to delay and inhibit debate and decision. Perhaps Congress might have found a way to push a final decision to January without recourse to the War Powers Resolution. But the ability to find some other strategy of delay does not excuse the current one. This episode illustrates the larger theme--the history of the War Powers Resolution has not been just one of surprises or consequences unintended by its framers. Congress has purposely used the resolution to offer the show of debate and deliberation, while avoiding engagement with substantive policy. This is not simply a question of political adaptation. It is a clear demonstration of constitutional abdication.

3) Confusion – congressional involvement creates murky lines of authority – undermines warfighting

**Wall 12 – senior official @ Alston & Bird**

**(Andru,** Demystifying the Title 10-Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action, Harvard National Security Journal)

Congress’s failure to provide necessary interagency authorities and budget authorizations threatens our ability to prevent and wage warfare. Congress’s stubborn insistence that military and intelligence activities inhabit separate worlds casts a pall of illegitimacy over interagency support, as well as unconventional and cyber warfare. The U.S. military and intelligence agencies work together more closely than perhaps at any time in American history, yet Congressional oversight and statutory authorities sadly remain mired in an obsolete paradigm. After ten years of war, Congress still has not adopted critical recommendations made by the 9/11 Commission regarding congressional oversight of intelligence activities. Congress’s stovepiped oversight sows confusion over statutory authorities and causes Executive Branch attorneys to waste countless hours distinguishing distinct lines of authority and funding. Our military and intelligence operatives work tirelessly to coordinate, synchronize, and integrate their efforts; they deserve interagency authorities and Congressional oversight that encourages and supports such integration.

**4) Perception– Congressional interference sends the signal to our enemies that we don’t have the political will for warfighting**

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(Michael, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45, Inadvertent Implications of the War Powers Resolution)

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as the Achilles heel of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to “seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression.”62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the “risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact.”63 In his letter to Congress “consistent with the War Powers Resolution,” the president reported that the strikes “were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities” and “were intended to prevent and deter additional attacks by a clearly identified terrorist threat.”64 The following day, in a radio address to the nation, the president explained his decision to take military action, stating, “Our goals were to disrupt bin Laden’s terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden’s network is associated, which was producing an ingredient essential for nerve gas.”65 Citing “compelling evidence that the bin Laden network was poised to strike at us again” and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes.66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.67 Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.68 Seeking to bolster legislative support and to better explain the strategic objectives, he explained that: It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability. They are an important deterrent, a symbol of the international backing behind the legitimate Government of Lebanon, and an important weight in the scales. To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure. An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand.69 Following the spectacularly successful terrorist attack on the Marine barracks in Beirut, President Reagan withdrew the Marines. Osama bin Laden later cited this as an example of American weakness that could not withstand the jihadist fury he sought.70 The legal battles over the scope and effect of the War Powers Resolution have highlighted the focus on national political will as the fulcrum of successful military operations by requiring assurances that military operations are limited in nature, duration, and scope, and therefore well within the president’s constitutional authority as Commander-in-Chief and chief executive. President Obama’s report to Congress in the context of the Libya operations in 2011 cited precedent from air strikes in Bosnia that took just over two weeks and involved more than 2,300 US sorties and the deployment of US forces in Somalia in 1992 and Haiti in 1993.71 The White House released a memorandum from the OLC, similar to previous interventions, explaining how the authorization to use such force was constitutional on the basis that “‘war’ within the meaning of the [Constitution’s] Declaration of War Clause” does not encompass all military engagements, but only those that are “prolonged and substantial . . . typically involving exposure of U.S. military personnel to significant risk over a substantial period.”72 President Obama consistently maintained that the US role in Libya was limited, unlikely to expose any US persons to attack (especially given the role of missiles and drones and the utter inability of Qaddafi’s forces to strike back with conventional means), and likely to end expeditiously.73 By that logic, it did not require authorization from Congress. The administration ultimately adopted a legal analysis that the US military’s activities fell short of “hostilities,” and thus, the president needed no permission from Congress to continue the mission after the expiration of the sixty-day reporting window specified in the War Powers Resolution.74 The president’s reasoning rested on previous OLC opinions that what counts as war depends on “a fact- specific assessment of the ‘anticipated nature, scope, and duration’ of the planned military operations.”75 Present justifications for bypassing the War Powers Resolution hinge on interpretations that it requires “prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period.”76 The OLC engaged in similar reasoning in the Bosnia intervention in 1995, explaining that in deciding whether the proposed deployment into Bosnia amounted to a “‘war’ in the constitutional sense, considerable weight was given to the consensual nature and protective purposes of the operation.”77 That deployment was similarly intended to be a limited mission but that mission, in contrast to the present one, was in support of an agreement that the warring parties had reached and it was at the invitation of the parties that led to the belief that little or no resistance to the deployment would occur. Though some scholars argued that the Libya OLC Memorandum defended its reasoning for why the operation did not amount to “war,” it did not address whether the administration believed that it will have to stop operations upon expiration of the sixty-ninety-day clock under the War Powers Resolution.78 The deadline passed with little fanfare. The memorandum also relied upon quite distinguishable precedent to serve as a guiding point in this intervention. Professor Goldsmith argued the opinion broke “new ground . . . in its extension of the ‘no war’ precedents beyond the Bosnia and Haiti situations—which involved consensual peacekeeping-like introductions of ground troops but no significant uses of force—to cover two weeks of non-consensual aerial bombardments.”79 Thus, even as it incentivizes short term, limited deployments, the War Powers Resolution embeds an inevitable constitutional collision between the coordinate branches. Our enemies can rely upon constitutional carping from Congress, and in fact can adapt tactics and statements that seek to undermine political will in the US Congress and among the American people from the first days of an operation. The Resolution helps to ensure that such debates over the national political will take center stage sooner rather than later, and an asymmetric enemy can in theory erode our political will even before it solidifies.

**5) Politicization** – **kills morale and destroys war-fighting ability**

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Finally, the War Powers Resolution has the pernicious effect of incentivizing commanders to adopt a form of reverse engineering in the planning and conduct of operations. The effort to limit casualties and designed to create minimal risk relies on previous OLC reasoning that such operations would comply with the statutory mandate.80 As noted above, commanders-in-chief must ensure that there is a tight nexus between the strategic reason for ordering deployments of US forces and the optimal conduct of hostilities to secure those objectives quickly and with the least possible expenditure in terms of blood and treasure. As Private Eddie DiFranco stood guard in front of the Marine Barracks that October morning in Beirut in 1983, he was under strict Rules of Engagement that prohibited him from chambering a live round in his weapon.81 The Sergeant of the Guard, Stephen Russell, remembers the yellow Mercedes truck that sped by on its way to kill 241 Americans.82 He recalls that the driver smiled at him as he drove past the guard who was too slow to react.83 Even as crews cleared the rubble from the bombing, marines posted a chilling cartoon on a bulletin board. The cartoon undoubtedly captures the view some soldiers have of ROE in the era of the War Powers Resolution—it showed a Marine rifleman in a prone firing position behind a barricade in Lebanon.84 The president of the United States is shown whispering in his ear, “Before you fire, I want you to consider the nuances of the War Powers Act.”85 To be sure, the War Powers Resolution coincided with a set of revolutionary changes in the nature of warfare, the abolition of the national draft, and the transition to an all-volunteer force, and epochal changes in the nature of conflict as new non-state actors became the norm. It is also historically clear that the micro- management of conflict did predate the War Powers Resolution in some circumstances. One need only remember President Johnson helping to select targets in Vietnam for instance.86 It is difficult to pinpoint a causal linkage between the Resolution and the dramatically more restrictive conduct of modern operations. However, the passage of the War Powers Resolution most definitely injected an entirely unhealthy degree of politicization into the war-making function. Though it was intended to reinforce the parallel authorities of the co- equal branches of the federal government, it actually embedded great incentives for commanders to issue restrictive rules of engagement in an overall effort to limit casualties, as well as the scope of the conflict. This domestic political restriction created controversy for example during the Kosovo air campaign between the United States and its NATO allies. Of more fundamental concern to the war-fighters and the lawyers that advise them, artificial rules that go well beyond the normal bounds of the laws and customs of warfare logically lead to increased American casualties as they erode the morale of the force. To the extent that the War Powers Resolution helped to inject political sensitivity into the conduct of operations, it has led to constrained rules that may not be the optimal pathway for achieving US strategic objectives. Constrained rules in turn actually make missions longer and more costly. This is not at all of course to imply that there are inherent limits on the commander-in-chief’s war-making authority, but to the extent that the Resolution embeds artificial barriers to the accomplishment of US military objectives, it artificially impedes US success in ways that its drafters would certainly not have foreseen or sought.

### More Link

#### Congressional micromanagement creates confusion – hinders presidential action

**Washington Post 11** [Editorial, “Congressional meddling on terror cases, to little effect,” December 13th, http://www.washingtonpost.com/opinions/congressional-meddling-on-terror-cases-to-little-effect/2011/12/13/gIQAyBShsO\_story.html]

Flexibility is preferable to flat and often unworkable directives, but in this case it also raises questions about why lawmakers insist on codifying these provisions when they have made it relatively easy for the executive to disregard them. In trying to respond to administration concerns, lawmakers have watered down language and introduced confusion in the form of directives that threaten to bollix up law enforcement and military personnel when they most need to be decisive. Congress also would inexcusably prevent the Defense Department from bringing detainees currently at the U.S. naval base at Guantanamo Bay, Cuba, into the country and from adapting U.S. facilities to hold these detainees.