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**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.”

#### Plan guarantees political backlash- Republicans hate being soft on terror

Banerjee 5/26/13 (Neela, LA Times DC Energy and Environment Correspondent, McClatchy Newspapers, The State Newspaper, "Republicans Criticize Obama's shift on Drone Use")

WASHINGTON, DC — Republicans criticized President Barack Obama on Sunday for what they described as a retreat in the war against terrorism when they said the world’s crises demand a more aggressive, vigilant United States.¶ In a speech Thursday at the National Defense University in Washington, Obama said he would narrow the use of drone attacks against suspected terrorists and seek to close the prison at Guantanamo Bay, Cuba.¶ Sen. Lindsey Graham, R-SC, who serves on the Senate Armed Services Committee, said on “Fox News Sunday” that he had “never been more worried about national security” and called the president “tone deaf” on the issue.¶ “I see a big difference between the president saying the war’s at an end and whether or not you’ve won the war,” said Sen. Tom Coburn, R-Okla. “We have still tremendous threats out there, that are building – not declining, building – and to not recognize that, I think, is dangerous in the long run and dangerous for the world.”¶ Democrats such as Sen. Charles Schumer of New York defended the President’s anti-terrorism policy, contending that the revised approach would address concerns about the lack of transparency in the deployment of drones without sacrificing security.

**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.

### 2

#### Interperatation - Restrictions are prohibitions on action --- the aff is not

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### Increase means from a baseline

Rogers 5 Judge, STATE OF NEW YORK, ET AL., PETITIONERS v. U.S. ENVIRONMENTAL PROTECTION AGENCY, RESPONDENT, NSR MANUFACTURERS ROUNDTABLE, ET AL., INTERVENORS, 2005 U.S. App. LEXIS 12378, \*\*; 60 ERC (BNA) 1791, 6/24, lexis

 [\*\*48]  Statutory Interpretation. [HN16](http://www.lexis.com/research/retrieve?_m=1fe428155fdfc9074f3623f0dae9d78a&docnum=14&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=0ebd338d6a7793de8561db53b915effd&focBudTerms=term%20increase&focBudSel=all#clscc16)While the CAA defines a "modification" as any physical or operational change that "increases" emissions, it is silent on how to calculate such "increases" in emissions. [42 U.S.C. § 7411(a)(4)](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=103&_butInline=1&_butinfo=42%20U.S.C.%207411&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=1f89a0e47b1996a5400e8d865d8da08a). According to government petitioners, the lack of a statutory definition does not render the term "increases" ambiguous, but merely compels the court to give the term its "ordinary meaning." See [Engine Mfrs.Ass'nv.S.Coast AirQualityMgmt.Dist., 541 U.S. 246, 124 S. Ct. 1756, 1761, 158 L. Ed. 2d 529(2004)](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=104&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b541%20U.S.%20246%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=48f016ea3eabfdb898b67b348b11662c); [Bluewater Network, 370 F.3d at 13](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=105&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b370%20F.3d%201%2cat%2013%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=78fdfe9d48c7b91d7659b90c0198707e); [Am. Fed'n of Gov't Employees v. Glickman, 342 U.S. App. D.C. 7, 215 F.3d 7, 10 [\*23]  (D.C. Cir. 2000)](http://www.lexis.com/research/buttonTFLink?_m=8541fbf7a7f5554ca588059b132acd17&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b367%20U.S.%20App.%20D.C.%203%5d%5d%3e%3c%2fcite%3e&_butType=3&_butStat=2&_butNum=106&_butInline=1&_butinfo=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b342%20U.S.%20App.%20D.C.%207%5d%5d%3e%3c%2fcite%3e&_fmtstr=FULL&docnum=14&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=fb18ff0b92931ac00621d88dae997e67). Relying on two "real world" analogies, government petitioners contend that the ordinary meaning of "increases" requires the baseline to be calculated from a period immediately preceding the change. They maintain, for example, that in determining whether a high-pressure weather system "increases" the local temperature, the relevant baseline is the temperature immediately preceding the arrival of the weather system, not the temperature five or ten years ago. Similarly,  [\*\*49]  in determining whether a new engine "increases" the value of a car, the relevant baseline is the value of the car immediately preceding the replacement of the engine, not the value of the car five or ten years ago when the engine was in perfect condition.

#### Vote neg-

#### 1- limits- none preexisting restrictions open the floodgates to infinite mechanisms to restrict the executive that don’t currently exist

#### 2- ground- DA links are predicted off current mechanisms for restriction- they will always be a step ahead on the specificity

### 3

#### The President of the United States should request his Counsel and the Office of Legal Counsel for coordination over his war powers authority. The President should restrict targeted killing as a first resort in zones outside of active hostilities.

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

Trevor Morrison 11, Professor of Law at Columbia Law School, “LIBYA, ‘HOSTILITIES,’ THE OFFICE OF LEGAL COUNSEL, AND THE PROCESS OF EXECUTIVE BRANCH LEGAL INTERPRETATION,” Harvard Law Review Forum Vol.124:42, http://www.harvardlawreview.org/media/pdf/vol124\_forum\_morrison.pdf

Deeply rooted traditions treat the Justice Department’s Office of Legal Counsel (OLC) as the most important source of legal advice wit h- in the executive branch. A number of important norms guide the provision and handling of that advice. OLC bases its answers on its best view of the law, not merely its sense of what is plausible or arguable. 6 To ensure that it takes adequate account of competing perspectives within the executive branch, it typically requests and fully considers the views of other affected agencies before answering the questions put to it. Critically, once OLC arrives at an answer, it is treated as binding within the executive branch unless overruled by the Attorney General or the President. That power to overrule, moreover, is wielded extremely rarely — virtually never. As a result of these and related norms, and in spite of episodes like the notorious “torture memos,” OLC has earned a well-deserved reputation for providing credible, authoritative, thorough and objective legal analysis. The White House is one of the main beneficiaries of that reputation. When OLC concludes that a government action is lawful, its conclusion carries a legitimacy that other executive offices cannot so readily provide. That legitimacy is a function of OLC’s deep traditions and unique place within the executive branch. Other executive offices — be they agency general counsels or the White House Counsel’s Office — do not have decades-long traditions of providing legal advice based on their best view of the law after fully considering the competing positions; they have not generated bodies of authoritative precedents to inform and constrain their work; and they do not issue legal opinions that, whether or not they favor the President , are treated as presumptively binding within the executive branch. (Nor should those other offices mimic OLC; that is not their job.) Because the value of a favorable legal opinion from OLC is tied inextricably to these aspects of its work, each successive presidential administration has a strong incentive to respect and preserve them.

### 4

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

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

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

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

### 5

#### AUMF strong now- Congress supports a broad interpretation

Brooks, 13 -- Georgetown University law professor

[Rosa, New America Foundation Schwartz senior fellow, served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department, "Mission Creep in the War on Terror," Foreign Policy, 3-14-13, www.foreignpolicy.com/articles/2013/03/14/mission\_creep\_in\_the\_war\_on\_terror, accessed 8-24-13, mss]

"When you're not near the girl you love, love the girl you're near," sang Frank Sinatra. The U.S. government seems to have its own variant: When you're not near the terrorist you're supposed to target, target the terrorist you're near. To accommodate this desire, both the Bush and Obama administrations have had to gradually stretch the AUMF's language to accommodate an ever-widening range of potential targets, ever more attenuated from the 9/11 perpetrators. The shift has been subtle, and for the most part **Congress** has **aided and abetted it**. In the 2006 and 2009 Military Commissions Acts, for instance, Congress gave military commissions jurisdiction over individuals who are "part of forces associated with al Qaeda or the Taliban," along with "those who purposefully and materially support such forces in hostilities against U.S. Coalition partners." This allowed the Bush and then the Obama administration to argue that in the original 2001 AUMF, Congress must have implicitly authorized the use of force against al Qaeda and Taliban "associated forces." That is, if Congress considers it appropriate for U.S. military commissions to have jurisdiction over al Qaeda and Taliban associates, Congress must believe the executive branch has the authority to detain such associates, and the authority to detain must stem from the authority to use force. This suggests that Congress must believe the AUMF should be read in the context of traditional law-of-war authorities, which include the implied authority to use force against (or detain) both the declared enemy and the enemy's "co-belligerents" or "associated forces." By 2009, the Obama administration was arguing in court that, at least when it comes to detention, the AUMF implicitly authorizes the president "to detain persons who were part of, or substantially supported, Taliban or al Qaeda forces or associated forces that are engaged in hostilities against the United States or its coalition partners" (my emphasis). Note how far this has shifted from the original language of the AUMF: The focus is no longer merely on those who were directly complicit in the 9/11 attacks, but on a far broader category of individuals. This broadened understanding of executive detention authority was later given the congressional nod in the 2012 National Defense Authorization Act, which used virtually identical language.

#### Executive drone strike authority is authorized by AUMF

Crowley, 12 -- TIME Washington bureau chief and senior correspondent

[Michael, previously covered foreign policy for The New Republic, "Revisiting a Key Legal Basis for Obama’s Anti-Terrorism Drone Strikes," 6-12-12, swampland.time.com/2012/06/12/revisiting-a-key-legal-basis-for-obamas-anti-terror-drone-strikes/, accessed 9-23-13, mss]

Revisiting a Key Legal Basis for Obama’s Anti-Terrorism Drone Strikes

After I wrote a short piece for last week’s magazine that, among other things, chastised the Obama Administration for not doing more to discuss the pros and cons of its heavy reliance on drone strikes against suspected terrorists, an Administration official groused that I hadn’t credited public comments on the subject by various Obama officials. He specifically cited an April 30 speech by the White House’s counterterrorism point man, John Brennan, outlining the laws, rules and ethics that guide the drone campaign. It’s a pretty good speech and definitely worth reading if you care about these issues. But Brennan doesn’t really address the point of my article, which is the danger that drone strikes could have a counterproductive effect. The civilian casualties and general resentment they breed in places like Pakistan and Yemen clearly threaten to undermine long-term American interests in those countries, even if we are nailing some top al-Qaeda figures in the short term. But reading Brennan’s remarks drove home a point that virtually no one discusses, but that is a little startling when you step back and contemplate it. It is the Obama Administration’s heavy reliance on a law enacted by Congress three days after the Sept. 11 attacks that justified an extremely broad range of military action in the name of fighting terrorism. Here’s Brennan: First, these targeted strikes are legal. Attorney General Holder, Harold Koh and Jeh Johnson have all addressed this question at length. To briefly recap, as a matter of domestic law, the Constitution empowers the President to protect the nation from any imminent threat of attack. The Authorization for Use of Military Force — the AUMF — passed by Congress after the Sept. 11 attacks authorizes the President “to use all necessary and appropriate force” against those nations, organizations and individuals responsible for 9/11. There is nothing in the AUMF that restricts the use of military force against al-Qaeda to Afghanistan.

#### Decreasing AUMF authorizations snowballs- causes judicial rollback of the AUMF

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 8-21-13, mss]

**The scope of** the **AUMF is** also **important for** any **future judicial opinion** that might rely in part on Justice Jackson’s Steel Seizure concurrence.23 Support from Congress places the President’s actions in Jackson’s first zone, where executive power is at its zenith, because it “includes all that [the president]~~he~~ possesses in [their]~~his~~ own right plus all that Congress can delegate.”24 Express or **implied congressional disapproval, discernible by identifying the outer limits of** the **AUMF’s authorization, would place the President’s “power . . . at its lowest ebb**.”25 In this third zone, executive claims “must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.”26 Indeed, Jackson specifically rejected an overly powerful executive, observing that the Framers did not intend to fashion the President into an American monarch.27 Jackson’s concurrence has become the **most significant guidepost** in debates over the constitutionality of executive action in the realm of national security and foreign relations.28 Indeed, some have argued that it was given “the status of law”29 by then-Associate Justice William Rehnquist in Dames & Moore v. Regan.30 Speaking for the Court, Rehnquist applied Jackson’s tripartite framework to an executive order settling pending U.S. claims against Iran, noting that “[t]he parties and the lower courts . . . have all agreed that much relevant analysis is contained in [Youngstown].”31 More recently, Chief Justice John Roberts declared that “Justice Jackson’s familiar tripartite scheme provides the accepted framework for evaluating executive action in [the area of foreign relations law].”32 Should a future court adjudicate the nature or extent of the President’s authority to engage in military actions against terrorists, an applicable statute would confer upon such executive action “the strongest of presumptions and the widest latitude of judicial interpretation.”33 The AUMF therefore exercises a profound legal influence on the future of the United States’ struggle against terrorism, and its precise scope, authorization, and continuing vitality matter a great deal.

#### That shifts US doctrine to international self-defense- expanded *jus ad bellum* collapses global firebreak on use-of-force

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 9-19-13, mss]

In a world without a valid AUMF, the United States could base its continued worldwide counterterrorism operations on various alternative domestic legal authorities. All of these alternative bases, however, carry with them significant costs—detrimental to U.S. security and democracy. The foreign and national security policy of the United States should rest on “a comprehensive legal regime to support its actions, one that [has] the blessings of Congress and to which a court would defer as the collective judgment of the American political system about a novel set of problems.”141 Only then can the President’s efforts be sustained and legitimate. 2. Effect on the International Law of Self-Defense A failure to reauthorize military force would lead to significant negative consequences on the international level as well. Denying the Executive Branch the authority to carry out military operations in the armed conflict against Al Qaeda would force the President to find authorization elsewhere, most likely in the international law of selfdefense— the jus ad bellum.142 Finding sufficient legal authority for the United States’s ongoing counterterrorism operations in the international law of self-defense, however, is problematic for several reasons. As a preliminary matter, relying on this rationale usurps Congress’s role in regulating the contours of U.S. foreign and national security policy. If the Executive Branch can assert “self-defense against a continuing threat” to target and detain terrorists worldwide, it will almost always be able to find such a threat.143 Indeed, the Obama Administration’s broad understanding of the concept of “imminence” illustrates the danger of allowing the executive to rely on a self-defense authorization alone.144 This approach also would inevitably lead to dangerous “slippery slopes.” Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of “imminence,”145 there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy. Although the **Obama** Administration has **disclaimed** this manner of **broad authority because the AUMF “does not authorize** military **force** **against anyone** the Executive labels a ‘terrorist,’”146 **relying solely on** the **international** law of **self** **defense would** likely **lead to precisely such a result**. The slippery slope problem, however, is not just limited to the United States’s military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration’s “expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . .”147 Indeed, “[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, **the result would be chaos**.”148

#### Causes global hotspots to go nuclear

Obayemi, 6 -- East Bay Law School professor

[Olumide, admitted to the Bars of Federal Republic of Nigeria and the State of California, Golden Gate University School of Law, "Article: Legal Standards Governing Pre-Emptive Strikes and Forcible Measures of Anticipatory Self-Defense Under the U.N. Charter and General International Law," 12 Ann. Surv. Int'l & Comp. L. 19, l/n, accessed 9-19-13, mss]

The United States must abide by the rigorous standards set out above that are meant to govern the use of preemptive strikes, because today's international system is characterized by a relative infrequency of interstate war. It has been noted that developing doctrines that lower the threshold for preemptive action could put that accomplishment at risk, and exacerbate regional crises already on the brink of open conflict. n100 This is important as O'Hanlon, Rice, and Steinberg have rightly noted: ...countries already on the brink of war, and leaning strongly towards war, might use the doctrine to justify an action they already wished to take, and the effect of the U.S. posture may make it harder for the international community in general, and the U.S. in particular, to counsel delay and diplomacy. Potential examples abound, ranging from Ethiopia and Eritrea, to China and Taiwan, to the Middle East. But perhaps the clearest case is the India-Pakistan crisis. n101 The world must be a safe place to live in. We cannot be ruled by bandits and rogue states. There must be law and order not only in the books but in enforcement as well. No nation is better suited to enforce international law than the United States. The Bush Doctrine will stand the test [\*42] of time and survive. Again, we submit that nothing more would protect the world and its citizens from nuclear weapons, terrorists and rogue states than an able and willing nation like the United States, acting as a policeman of the world within all legal boundaries. This is the essence of the preamble to the United Nations Charter.

### Terror

#### Aff doesn’t solve- last line from Curtis says “The extent to which the United States will continue to rely on drone strikes ultimately depends on Islamabad’s willingness to develop more decisive and comprehensive counterterrorism policies that include targeting groups like the Haqqani Network.”- no ev says Pakistan is increasing CT efforts

#### 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 procedures to 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, but much 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."

#### No first strike- nukes won’t be involved

Economic Times ‘11 (“No chance of Indo-Pak nuclear war despite 'sabre rattling': Pak nuclear scientist A Q Khan,” http://articles.economictimes.indiatimes.com/2011-05-17/news/29552014\_1\_nuclear-blackmail-nuclear-secrets-india-and-pakistan, May 17, 2011)

NEW YORK: Pakistan's disgraced nuclear scientist A Q Khan has said that despite "sabre rattling" between Islamabad and New Delhi, there is no chance of a nuclear war between the two neighbours. Khan, who has been accused of selling nuclear secrets to Iran, Libya and Syria, wrote in Newsweek magazine that nuclear weapons in both countries had prevented war for the last 40 years. "India doesn't need more than five weapons to hurt us badly, and we wouldn't need more than 10 to return the favour," he said. "That is why there has been no war between us for the past 40 years." "India and Pakistan understand the old principle that ensured peace in the Cold War: mutually assured destruction," he said. "The two (India and Pakistan) can't afford a nuclear war, and despite our sabre rattling, there is no chance of a nuclear war that would send us both back to the Stone Age," he said. He claimed that Pakistan had to invest in a nuclear programme "to ward off nuclear blackmail from India". "I would like to make it clear that it was an Indian nuclear explosion in May 1974 that prompted our nuclear program, motivating me to return to Pakistan to help create a credible nuclear deterrent and save my country from Indian nuclear blackmail," he said. "We are forced to maintain this deterrence until our differences with India are resolved. That would lead to a new era of peace for both countries," Khan wrote. "I hope I live to see Pakistan and India living harmoniously in the same way as the once bitter enemies Germany and France live today," he said. Khan blasted various governments in Pakistan as well as "successive incompetent and ignorant rulers" for not engaging in basic development of the country, and raising the people's standard of living. "We are far worse off now than we were 20, or even 40, years ago when we were subjected to embargoes," he said.

#### Instability and terror don’t result in Indian strike

Tepperman ‘9 (John, Journalist based in New York Cuty, Why obama should learn to love the bomb, Newsweek, p.lexis, October 7, 2009)

The record since then shows the same pattern repeating: nuclear-armed enemies slide toward war, then pull back, always for the same reasons. The best recent example is India and Pakistan, which fought three bloody wars after independence before acquiring their own nukes in 1998. Getting their hands on weapons of mass destruction didn't do anything to lessen their animosity. But it did dramatically mellow their behavior. Since acquiring atomic weapons, the two sides have never fought another war, despite severe provocations (like Pakistani-based terrorist attacks on India in 2001 and 2008). They have skirmished once. But during that flare-up, in Kashmir in 1999, both countries were careful to keep the fighting limited and to avoid threatening the other's vital interests. Sumit Ganguly, an Indiana University professor and co-author of the forthcoming India, Pakistan, and the Bomb, has found that on both sides, officials' thinking was strikingly similar to that of the Russians and Americans in 1962. The prospect of war brought Delhi and Islamabad face to face with a nuclear holocaust, and leaders on each side did what they had to do to avoid it.

#### No Indo-Pak War

Wright ‘13 (Thomas Wright is a fellow at the Brookings Institution in the Managing Global Order project. Previously, he was executive director of studies at the Chicago Council on Global Affairs, a lecturer at the Harris School of Public Policy at the University of Chicago, and senior researcher for the Princeton Project on National Security, "Don’t Expect Worsening of India, Pakistan Ties," <http://blogs.wsj.com/indiarealtime/2013/01/16/dont-expect-worsening-of-india-pakistan-ties/>, January 16, 2013)

There’s no end for now to the hostile rhetoric between India and Pakistan. But that doesn’t necessarily presage anything more drastic. Pakistan claims another of its soldiers died Tuesday night in firing across the Line of Control in Kashmir, the divided Himalayan region claimed by both nations. Indian army chief, Gen. Bikram Singh, on Wednesday, said Pakistan had opened fire and India retaliated. “If any of their people have died, it would have been in retaliation to their firing,” Gen. Singh said. ”When they fire, we also fire.” It was the latest in tit-for-tat recriminations over deaths in Kashmir that began last week. Pakistan claimed one of its soldiers died on Jan. 6. Two days later, India said Pakistani forces killed two of its soldiers and mutilated the bodies. Tuesday night, Indian Prime Minister Manmohan Singh said the mutilations meant it could not be “business as usual” between the countries. That has worried some that peace talks, which have been in train for two years, could be about to break down. Mr. Singh’s comments built on a drumbeat of anger from India. Gen. Singh, Monday called the mutilations “unpardonable” and said India withheld the right to retaliate to Pakistan aggression when and where it chooses. Pakistan Foreign Minister Hina Rabbani Khar, who is in the U.S., Tuesday termed the Indian army chief’s comments as “very hostile.” There are some other worrying signs. India said Tuesday it was delaying the start of a visa-on-arrival program meant to make it easier for some Indians and Pakistanis to visit each other’s countries. The visa program, like talks on opening up bilateral trade, is supposed to pave the way toward broader peace talks that would encompass thornier issues, like how to solve the Kashmir problem. Also Tuesday, nine Pakistani hockey players who had come to participate in a tournament in India were sent home due to fears of protests and violence against them. Still, there’s little benefit for either side to escalate what is now still sporadic firing over the Line of Control, the de facto border in Kashmir. Pakistan is embroiled in its own political meltdown sparked by the Supreme Court’s decision Tuesday to order the arrest of Prime Minister Raja Pervez Ashraf on allegations of corruption. Tens of thousands of protesters Tuesday took to the streets in Islamabad, and remain there today, demanding immediate elections and a greater role for the army and Supreme Court in politics. Pakistan’s military continues to play an important political role, dominating defense and foreign policy. But it has so far shown little sign of mounting a full-blown coup despite persistent rumors of military intervention. Pakistan’s government must hold national elections by May, meaning the next few months are likely to be choppy ones in Pakistan politics. In such an environment, the military is unlikely to want to dial up tensions with India. On the Indian side, despite Mr. Singh’s unusually strident tone Tuesday, there also will be pause before taking matters to the next level. Mr. Singh has put immense personal political capital into trying to improve ties with Pakistan since he came to power in 2004. Last year, he hosted Pakistan President Asif Ali Zardari in New Delhi and promised a return visit. Such a trip is clearly off the table for now. But India still has put too much into peace talks to throw away the progress made so far on visas, trade and other issues. Even Gen. Singh, India’s army chief, Monday said he did not believe the latest flare-up would lead to a broader escalation in violence and an official end to a 2003 ceasefire agreement in Kashmir. The clashes so far, he noted, have been limited to specific areas of the Line of Control.

#### Geographic restrictions doom counter-terror- safe havens

Blank, 10 – Emory University School of Law International Humanitarian Law Clinic director

[Laurie, "Defining the Battlefield in Contemporary Conflict and Counterterrorism: Understanding the Parameters of the Zone of Combat," Georgia Journal of International and Comparative Law, Vol. 39, No. 1, 9-16-10, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1677965, accessed 8-19-13, mss]

The ramifications of including areas within the zone of combat, such as the accompanying authority to use lethal force as a first resort, raise a variety of policy considerations. The two primary considerations weigh directly against each other and perhaps, as a result, lend credence to the need for a middle ground in defining the zone of combat. First, some argue that creating geographic limits to the battlefield has the problematic effect of granting terrorists a safe haven. For example, a member of al Qaeda can be a legitimate target as a result of continuous participation in hostilities, thus losing any immunity from attack he might have had by dint of being a civilian.105 If the zone of combat is limited geographically to certain areas, then this member of al Qaeda can avoid being targeted—and thus regain civilian immunity, in essence—simply by crossing an international border even while remaining active in a terrorist organization engaged in a conflict with the U.S.106 Geographic limits designed to curtail the use of governmental military force thus effectively grant terrorists a safe haven and extend the conflict by enabling them to regroup and continue their attacks.

#### Safe havens key to global operations

CRT, 6 [Country Reports on Terrorism, annual report published by the U.S. Department of State, "Chapter 3 -- Terrorist Safe Havens," 4-28-6, www.state.gov/j/ct/rls/crt/2005/, accessed 8-19-13, mss]

Physical safe havens provide security for many senior terrorist leaders, allowing them to plan and to inspire acts of terrorism around the world. The presence of terrorist safe havens in a nation or region is not necessarily related to state sponsorship of terrorism. In most instances cited in this chapter, areas or communities serve as terrorist safe havens despite the government’s best efforts to prevent this. Denying terrorists safe haven plays a major role in undermining terrorists’ capacity to operate effectively, and thus forms a key element of U.S. counterterrorism strategy as well as the cornerstone of UN Security Council Resolution 1373 that was adopted in September 2001. UNSCR 1373 specifically targets terrorists’ ability to move across international borders and find safe haven, to solicit and move funds, and to acquire weapons; it also calls on states that do not have laws criminalizing terrorist activity and support to enact such laws.

### Norms

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

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

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

#### Drone prolif inevitable- self-interests

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

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

#### Drone prolif is slow and the impact is small

**Zenko ’13** [Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Reforming U.S. Drone Strike Policies,” January, Council Special Report No. 65, online]

Based on current trends, it is unlikely that most states will have, within ten years, the complete system architecture required to carry out¶ distant drone strikes that would be harmful to U.S. national interests.¶ However, those candidates able to obtain this technology will most¶ likely be states with the financial resources to purchase or the industrial¶ base to manufacture tactical short-range armed drones with limited¶ firepower that lack the precision of U.S. laser-guided munitions; the¶ intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and crossborder¶ adversaries who currently face attacks or the threat of attacks¶ by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia¶ into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into¶ Yemen. When compared to distant U.S. drone strikes, these contingencies¶ do not require system-wide infrastructure and host-state support.¶ Given the costs to conduct manned-aircraft strikes with minimal threat¶ to pilots, it is questionable whether states will undertake the significant¶ investment required for armed drones in the near term.

#### China won’t use drones aggressively- rationality checks

**Erickson and Strange 5-29**-13 [Andrew Erickson is an associate professor at the Naval War College and an Associate in Research at Harvard University's Fairbank Centre, Austin Strange is a researcher at the Naval War College's China Maritime Studies Institute, “China has drones. Now how will it use them?” <http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html>]

Drones, able to dispatch death remotely, without human eyes on their targets or a pilot's life at stake, make people uncomfortable - even when they belong to democratic governments that presumably have some limits on using them for ill. (On May 23, in a major speech, US President Barack Obama laid out what some of those limits are.) An even more alarming prospect is that unmanned aircraft will be acquired and deployed by authoritarian regimes, with fewer checks on their use of lethal force.¶ Those worried about exactly that tend to point their fingers at China. In March, after details emerged that China had considered taking out a drug trafficker in Myanmar with a drone strike, a CNN blog post warned, "Today, it's Myanmar. Tomorrow, it could very well be some other place in Asia or beyond." Around the same time, a National Journal article entitled "When the Whole World Has Drones" teased out some of the consequences of Beijing's drone programme, asking, "What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea?"¶ Indeed, the time to fret about when China and other authoritarian countries will acquire drones is over: they have them. The question now is when and how they will use them. But as with its other, less exotic military capabilities, Beijing has cleared only a technological hurdle - and its behaviour will continue to be constrained by politics.¶ China has been developing a drone capacity for over half a century, starting with its reverse engineering of Soviet Lavochkin La-17C target drones that it had received from Moscow in the late 1950s. Today, Beijing's opacity makes it difficult to gauge the exact scale of the programme, but according to Ian Easton, an analyst at the Project 2049 Institute, an American think-tank devoted to Asia-Pacific security matters, by 2011 China's air force alone had over 280 combat drones. In other words, its fleet of unmanned aerial vehicles is already bigger and more sophisticated than all but the United States'; in this relatively new field Beijing is less of a newcomer and more of a fast follower. And the force will only become more effective: the Lijian ("sharp sword" in Chinese), a combat drone in the final stages of development, will make China one of the very few states that have or are building a stealth drone capacity.¶ This impressive arsenal may tempt China to pull the trigger. The fact that a Chinese official acknowledged that Beijing had considered using drones to eliminate the Myanmar drug trafficker, Naw Kham, makes clear that it would not be out of the question for China to launch a drone strike in a security operation against a non-state actor. Meanwhile, as China's territorial disputes with its neighbours have escalated, there is a chance that Beijing would introduce unmanned aircraft, especially since India, the Philippines and Vietnam distantly trail China in drone funding and capacity, and would find it difficult to compete. Beijing is already using drones to photograph the Senkaku/Diaoyu islands it disputes with Japan, as the retired Chinese major-general Peng Guangqian revealed earlier this year, and to keep an eye on movements near the North Korean border.¶ Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.¶ What about using drones outside of Chinese-claimed areas? That China did not, in fact, launch a drone strike on the Myanmar drug criminal underscores its caution. According to Liu Yuejin, the director of the anti-drug bureau in China's Ministry of Public Security, Beijing considered using a drone carrying a 20-kilogram TNT payload to bomb Kham's mountain redoubt in northeast Myanmar. Kham had already evaded capture three times, so a drone strike may have seemed to be the best option. The authorities apparently had at least two plans for capturing Kham. The method they ultimately chose was to send Chinese police forces to lead a transnational investigation that ended in April 2012 with Kham's capture near the Myanmar-Laos border. The ultimate decision to refrain from the strike may reflect both a fear of political reproach and a lack of confidence in untested drones, systems, and operators.¶ The restrictive position that Beijing takes on sovereignty in international forums will further constrain its use of drones. China is not likely to publicly deploy drones for precision strikes or in other military assignments without first having been granted a credible mandate to do so. The gold standard of such an authorisation is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and anti-piracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorisation, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But even with the endorsement of the international community or specific states, China would have to weigh any benefits of a drone strike abroad against the potential for mishaps and perceptions that it was infringing on other countries' sovereignty - something Beijing regularly decries when others do it. The limitations on China's drone use are reflected in the country's academic literature on the topic. The bulk of Chinese drone research is dedicated to scientific and technological topics related to design and performance. The articles that do discuss potential applications primarily point to major combat scenarios -such as a conflagration with Taiwan or the need to attack a US aircraft carrier - which would presumably involve far more than just drones. Chinese researchers have thought a great deal about the utility of drones for domestic surveillance and law enforcement, as well as for non-combat-related tasks near China's contentious borders. Few scholars, however, have publicly considered the use of drone strikes overseas.¶ Yet there is a reason why the United States has employed drones extensively despite domestic and international criticism: it is much easier and cheaper to kill terrorists from above than to try to root them out through long and expensive counterinsurgency campaigns. Some similar challenges loom on China's horizon. Within China, Beijing often considers protests and violence in the restive border regions, such as Xinjiang and Tibet, to constitute terrorism. It would presumably consider ordering precision strikes to suppress any future violence there. Even if such strikes are operationally prudent, China's leaders understand that they would damage the country's image abroad, but they prioritise internal stability above all else. Domestic surveillance by drones is a different issue; there should be few barriers to its application in what is already one of the world's most heavily policed societies. China might also be willing to use stealth drones in foreign airspace without authorisation if the risk of detection were low enough; it already deploys intelligence-gathering ships in the exclusive economic zones of Japan and the United States, as well as in the Indian Ocean.¶ Still, although China enjoys a rapidly expanding and cutting-edge drone fleet, it is bound by the same rules of the game as the rest of the military's tools. Beyond surveillance, the other non-lethal military actions that China can take with its drones are to facilitate communications within the Chinese military, support electronic warfare by intercepting electronic communications and jamming enemy systems, and help identify targets for Chinese precision strike weapons, such as missiles. Beijing's overarching approach remains one of caution - something Washington must bear in mind with its own drone programme.

**No South China Sea conflict or escalation – their evidence is media exagerration** – empirical squabbling, costs too high, interdependence, loss of international credibility, U.S. military de-escalates incidents through cooperation and communication

**Kania 13** – The Harvard Political Review is a journal of politics and public policy published by the Institute of Politics, cites Andrew Ring, a former Weatherhead Center for International Affairs Fellow, and Peter Dutton, Director of the China Maritime Studies Institute at the U.S. Naval War College (Elsa, 01/11, “The South China Sea: Flashpoints and the U.S. Pivot,” http://harvardpolitics.com/world/the-south-china-sea-flashpoints-and-the-u-s-pivot/)

Equilibrium and Interdependence? One paradox at the heart of the South China Sea is the uneasy equilibrium that has largely been maintained. **Despite** the occasional confrontation and **frequent** diplomatic **squabbling, the situation has never escalated into full-blown physical conflict**. The main stabilizing factor has been that the countries involved have too much to lose from turmoil, and so much to gain from tranquility. Andrew Ring—former Weatherhead Center for International Affairs Fellow—emphasized that “With respect to the South China Sea, we all have the same goals” in terms of regional stability and development. With regional **trade flows and interdependence** critical to the region’s growing economies, conflict could be devastating. Even for China—the actor with by far the most to gain from such a dispute—taking unilateral action would **irreparably tarnish its image** in the eyes of the international community. With the predominant narrative of a “rising” and “assertive China”—referred to as a potential adversary by President Obama in the third presidential debate—China’s behavior in the South China Sea may be sometimes **exaggerated or sensationalized**. Dr. Auer, former Naval officer and currently Director of the Center for U.S.-Japan Studies and Cooperation at the Vanderbilt Institute for Public Policy Studies, told the HPR that “China has not indicated any willingness to negotiate multilaterally” and remains “very uncooperative.” Across its maritime territorial disputes—particularly through recent tensions with Japan in the East China Sea—Auer sees China as having taken a very aggressive stance, and he claims that “Chinese behavior is not understandable or clear.” Nonetheless, in recent incidents, such as a standoff between China and the Philippines over the Scarborough Shoal this past April, as Bonnie Glaser, Senior Adviser for Asia at the Center for Strategic and International Studies, emphasized, “this is not an either or.” Multiple parties are responsible for the tensions, yet the cycle of action and reaction is **often obscured**. Nonetheless, Glaser believes that “The Chinese have in every one of these cases overreacted—they have sought to take advantage of the missteps of other countries,” responding with disproportionate coercion. In addition, China has begun to use methods of “economic coercion” to assert its interests against trade partners. A Tipping Point? Has the dynamic in the South China Sea shifted recently? Perhaps not in a fundamental sense. But with the regional military buildup, governments have developed a greater capacity to pursue longstanding objectives. According to Peter Dutton, Director of the China Maritime Studies Institute at the U.S. Naval War College, “China’s recent behavior in the East China Sea and assertive policy in the South China Sea” is “a serious concern.” He believes that China’s willingness to resort to force in defense of its territorial claims has been increasing over time, partially as a consequence of its rising power. As such, Dutton sees the situation as reaching a “tipping point in which China is…no longer satisfied with shelving the dispute.” Is confrontation or resolution imminent? Worryingly, Dutton observes, “the international dynamic in the region is motivated largely by fear and anger.” However, **the use of unilateral military force would be a lose-lose for China**,” particularly in terms of its credibility, both among its neighbors and in the international community. The Pivot in the South China Sea From a U.S. perspective, a sustained American presence in the region has long been the underpinning of peace and stability. However, excessive U.S. intervention could disrupt the delicate balance that has been established. Although the U.S. has always sought to maintain a position of neutrality in territorial disputes, remarks by Secretary of State Hillary Clinton that referred to the South China Sea as the “West Philippine Sea” led China to challenge U.S. impartiality. If the U.S. engages with its regional allies without seeking enhanced engagement with China, then U.S. actions in the region may be perceived by China as efforts at containment. Moreover, as the U.S. strengthens ties to partners in the region, there is risk of entanglement if conflict were to break out. There has long been an undercurrent of tension between the Philippines and China—most recently displayed in the standoff over the Scarborough Shoal in May 2012. Shortly thereafter, in a visit to Washington D.C., President Aquino sought U.S. commitment to military support of the Philippines in the event of conflict with China on the basis of the 1952 Mutual Defense Treaty. However, despite providing further military and naval support, the U.S. has refrained from making concrete commitments. Although the U.S. would not necessarily be dragged into a dispute, if a confrontation did break out, it might feel compelled to respond militarily to maintain the credibility of commitments to allies and partners in the region. Strong ties to the U.S. and enhanced military capacity could also provoke more confrontational behavior from U.S. partners. Yet, Ring emphasizes that the U.S. navy and military are also unique in the “ability to facilitate military cooperation and communication among all of the claimants” and particularly to “be that bridge…uniquely situated to build some flows of communication” **that could facilitate a peaceful resolution to future incidents.**

#### War won’t escalate – outside powers check

[Gulustan](http://gulustan.info/author/gulustan/) 13 (Day.Az interviews a senior associate of the Center for Strategic and International Studies, an American political scientist and expert on the Caucasus, Ph.D. of political sciences Gordon Hahn., “Will the Karabakh war break out?”, <http://gulustan.info/2013/02/war-break-out/>)

- The petition on the Khojaly genocide posted on the White House website has collected the required number of votes. How much important is the petition to bring the truth about the Karabakh conflict to the world community? - Indeed, this is an important issue, the importance of which must be confirmed at the international level. Supporting of the Azerbaijani position on the genocide in Khojaly by the U.S. will further strengthen this stance in the international community. I believe this will also show a preference of the Obama administration in terms of establishing close contacts with Muslim countries. - How would you evaluate the work of the mediators — the U.S., France, and Russia? To what extent, to your mind, is Washington interested in making true efforts to resolve the conflict? - No doubt the Obama administration, as well as his counterparts in Paris and Moscow, is less focused on the resolution of the Karabakh conflict, thus, increasing the tension on the front line. And the less the chances of peace agreements, the less incentive both sides have in order to act with restraint. - What are the chances that the conflict will escalate into a military one in 2013? - I do not see any prerequisites to ensure that the parties are interested in declaring the war. Besides, their partners will do everything to keep them away of the conflict. Moscow will deter Armenians, fearing that the new war may further destabilize the already troubled region, that borders with the North Caucasus, the south of Iran, Iraq, and Syria. On the other hand, given the oil interests in Azerbaijan and the growing instability to the south of the border of your country, the U.S. is also interested in deterring Baku from war.

#### No risk of war in the Caucasus

Friedfeld 12(Alex Friedfeld, “USEUCOM: Rising Tensions in the Caucasus Will Not Lead to War,” [GLOBAL SECURITY MONITOR](http://c4ads.org/latest/) , the blog of the Center for Advanced Defense Studies, September 14, 2012, <http://c4ads.org/latest/?p=840>)

Despite rising tension between Azerbaijan and Armenia, it is unlikely that the conflict will escalate beyond small skirmishes at the Nargorno-Karabakh border. Though Azerbaijan has superior military capabilities, it would find it difficult to overcome Armenia’s control of the high-ground in the Nagorno-Karabakh territory and it lacks the resources necessary to sustain an extended conflict. Yusef Agayev, an Azerbaijani military expert and a veteran of the last war between the two nations, noted that the army could only fight for a month or two as anything beyond that would have to involve the Azerbaijani society. As Agayev [said](http://www.reuters.com/article/2012/09/11/us-azerbaijan-armenia-conflict-idUSBRE88A0DQ20120911): “I don’t think the society of my country is ready for war.” Without outside assistance, an all-out war would most likely end in a deadly stalemate. Azerbaijan will not start a war it is unlikely to win. The international community is concerned that if fighting does break out, outside forces would get involved and provide assistance. Armenia is currently partaking in a collective security agreement with Russia, and Azerbaijan is participating in a collective security agreement with Turkey, which is a NATO member. However, Russia and NATO have shown little interest in the matter and have not gone beyond issuing public condemnations of Azerbaijan. While Russia currently has a strong relationship with Armenia, it is working on improving its relations with Azerbaijan as well. On September 12, the two nations[inaugurated the Bridge of Azerbaijani-Russian Friendship](http://www.news.az/articles/politics/68054), the latest in a series of attempts by Russia to increase its influence in Baku. For NATO countries like Turkey, Azerbaijan is an important source of energy, and it will not want to do anything that could jeopardize this flow. Several Western oil companies – such as British Petroleum and ExxonMobil – operate in the Azerbaijani oil fields and would be strongly opposed to any act that would damage their holdings. Any conflict between Azerbaijan and Armenia could also disrupt the Baku-Tbilisi-Erzurum natural gas pipeline and the Baku-Tbilisi-Ceyhan crude oil pipeline, each of which is essential to European attempts to reduce dependence on Russian energy. Though the language employed by officials has become increasingly aggressive since the Safarov pardon, it is important to consider the actual actions – or in this case the lack thereof – of the two states. It has been two weeks since the pardon and neither side has taken any steps that would provoke a war. Perhaps most importantly, there has been no military mobilization by either country. Azerbaijan has publicly insisted for months that it is strong enough to take back the contested territory through force, and yet it has given no physical indication that it intends to do so at this time. Despite its rhetoric and unhappiness with the process, Azerbaijan still considers negotiation a viable alternative to armed conflict

# 2NC

### 2NC – Adv

#### 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.

#### Obama will circumvent Congress and the courts

**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>]

“The expectation is that they all do this,” said Ken Mayer, a political science professor at the University of Wisconsin-Madison who wrote “With the Stroke of a Pen: Executive Orders and Presidential Power.” “That is the typical way of doing things.”¶ But, experts say, Obama’s actions are more noticeable because as a candidate he was critical of Bush’s use of power. In particular, he singled out his predecessor’s use of signing statements, documents issued when a president signs a bill that clarifies his understanding of the law.¶ “These last few years we’ve seen an unacceptable abuse of power at home,” Obama said in an October 2007 speech.. “We’ve paid a heavy price for having a president whose priority is expanding his own power.”¶ Yet Obama’s use of power echoes that of his predecessors. For example, he signed 145 executive orders in his first term, putting him on track to issue as many as the 291 that Bush did in two terms.¶ John Yoo, who wrote the legal opinions that supported an expansion of presidential power after the 2001 terrorist attacks, including harsh interrogation methods that some called torture, said he thought that executive orders were sometimes appropriate – when conducting internal management and implementing power given to the president by Congress or the Constitution – but he thinks that Obama has gone too far.¶ “I think President Obama has been as equally aggressive as President Bush, and in fact he has sometimes used the very same language to suggest that he would not obey congressional laws that intrude on his commander-in-chief power,” said Yoo, who’s now a law professor at the University of California at Berkeley. “This is utterly hypocritical, both when compared to his campaign stances and the position of his supporters in Congress, who have suddenly discovered the virtues of silence.”¶ Most of Obama’s actions are written statements aimed at federal agencies that are published everywhere from the White House website to the Federal Register. Some are classified and hidden from public view.¶ “It seems to be more calculated to prod Congress,” said Phillip J. Cooper, the author of “By Order of the President: The Use and Abuse of Executive Direct Action.” “I can’t remember a president being that consistent, direct and public.”¶ Bush was criticized for many of his actions on surveillance and interrogation techniques, but attention has focused on Obama’s use of actions mostly about domestic issues.¶ In his first two years in the White House, when fellow Democrats controlled Capitol Hill, Obama largely worked through the regular legislative process to try to achieve his domestic agenda. His biggest achievements – including a federal health care overhaul and a stimulus package designed to boost the economy –came about with little or no Republican support.¶ But Republicans took control of the House of Representatives in 2010, making the task of passing legislation all the more difficult for a man with a detached personality who doesn’t relish schmoozing with lawmakers. By the next year, Obama wasn’t shy about his reasons for flexing his presidential power.¶ In fall 2011, he launched the “We Can’t Wait” campaign, unveiling dozens of policies through executive orders – creating jobs for veterans, adopting fuel efficiency standards and stopping drug shortages – that came straight from his jobs bills that faltered in Congress.¶ “We’re not waiting for Congress,” Obama said in Denver that year when he announced a plan to reduce college costs. “I intend to do everything in my power right now to act on behalf of the American people, with or without Congress. We can’t wait for Congress to do its job. So where they won’t act, I will.”¶ When Congress killed legislation aimed at curbing the emissions that cause global warming, Obama directed the Environmental Protection Agency to write regulations on its own incorporating some parts of the bill.¶ When Congress defeated pro-union legislation, he had the National Labor Relations Board and the Labor Department issue rules incorporating some parts of the bill.¶ “The president looks more and more like a king that the Constitution was designed to replace,” Sen. Charles Grassley, R-Iowa, said on the Senate floor last year.¶ While Republicans complain that Obama’s actions cross a line, experts say some of them are less aggressive than they appear.¶ After the mass shooting in Newtown, Conn., in December, the White House boasted of implementing 23 executive actions to curb gun control. In reality, Obama issued a trio of modest directives that instructed federal agencies to trace guns and send information for background checks to a database.¶ In his State of the Union address last month, Obama instructed businesses to improve the security of computers to help prevent hacking. But he doesn’t have the legal authority to force private companies to act.¶ “The executive order can be a useful tool but there are only certain things he can do,” said Melanie Teplinsky, an American University law professor who’s spoken extensively on cyber-law.¶ Executive actions often are fleeting. They generally don’t settle a political debate, and the next president, Congress or a court may overturn them.¶ Consider the so-called Mexico City policy. With it, Reagan banned federal money from going to international family-planning groups that provide abortions. Clinton rescinded the policy. George W. Bush reinstated it, and Obama reversed course again.¶ But congressional and legal action are rare. In 1952, the Supreme Court threw out Harry Truman’s order authorizing the seizure of steel mills during a series of strikes. In 1996, the District of Columbia Court of Appeals dismissed an order by Clinton that banned the government from contracting with companies that hire workers despite an ongoing strike.¶ Obama has seen some pushback.¶ Congress prohibited him from spending money to move inmates from the Guantanamo Bay U.S. naval base in Cuba after he signed an order that said it would close. A Chinese company sued Obama for killing its wind farm projects by executive order after he said they were too close to a military training site. A federal appeals court recently ruled that he’d exceeded his constitutional powers when he named several people to the National Labor Relations Board while the Senate was in recess.¶ But Obama appears to be undaunted.¶ “If Congress won’t act soon to protect future generations,” he told Congress last month, “I will.”

#### Convergence trends will moot drone restrictions

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

Recently, the CIA and military more frequently undertake targeted killing missions together, and the distinction between CIA- and military-led operations is blurring.¶ This convergence trend may make it difficult to determine whether a given targeted killing is subject to the constraints of the Covert Action Statute or is instead subject only to internal Executive Branch restrictions. Nicholas Schmidle asserts that the targeted killing of Osama bin Laden, which was conducted jointly by the CIA and military, is particularly illustrative of the oversight problems caused by the convergence trend.¶ Likewise, the convergence trend may be harmful because it means the Executive will choose to use the military, rather than the CIA, to conduct targeted killings, such that oversight of its targeting program will take place almost solely within the Executive Branch. This, critics argue, decreases inter-branch accountability and increases the risk of ad hoc decisionmaking. Consequently, Chesney explains, many demand a retooling of the pertinent legal architecture in light of such trends and concerns so as to increase accountability and adherence to the rule of law.

#### Awlaki and Gitmo prove- Obama ignores legal checks

**Kushner 1-24**-13 [Maya, senior staff member for the Legislation & Policy Brief Blog, a legislative-based legal publication of the Washington College of Law, “Will the Predator Drone On? Obama’s Efforts to Unify the Drone Policy,” <http://www.legislationandpolicy.com/541/will-the-predator-drone-on-obamas-efforts-to-unify-the-drone-policy/>]

Finally, there are legal questions. First, these military actions are carried out without any declaration of war and likely violate the sovereignty of the nations where the drone strikes occur. The Obama Administration maintains that the strikes are legal given Congressional authorization for military actions passed in the wake of September 11 attacks, as well as general principles of self-defense, but this rhetoric does not find much support outside of the United States. Second, there is speculation that drone strikes are sometimes used to kill targets to avoid detention and the judicial process even though these options are feasible. This speculation is especially high surrounding the Obama administration, as President Obama promised to close the prison in Guantanamo Bay, failed to do so, and has been very reluctant to add any detainees to the prison. The third pressing legal question is: what happens when the target is a U.S. citizen? This was the case with Al-Awlaki, a U.S. citizen placed on the “kill list” and killed by a drone. It is clear that Al-Awlaki was vehemently anti-American and was working with Al-Qaeda, so the U.S. had a valid security interest in eliminating him. But prior to being killed by the drone, Al-Awlaki was neither stripped of his U.S. citizenship nor afforded the due process rights granted to him by the U.S. Constitution. In killing him with a drone strike, the Obama administration effectively circumvented U.S. law.¶ To his credit, President Obama is trying to address some of the concerns surrounding drone strikes by unifying the drone policy, and has called upon Congress to assist in this process. Yet the proposal remains vague since much of the drone program is classified. In fact, the first time the government has officially acknowledged the use of armed drones was a few months ago – on April 30, 2012 in a speech by the Homeland Security Advisor, John Brennan. It is rumored that the current rule book on drone strikes is so highly classified that it is hand-carried from office to office instead of being sent by email.

### Terror

#### Drones key to counter-terror- they disrupt operations and communication, decapitate leaders and key specialists, eliminate save havens and training grounds- that’s Blank .

#### That outweighs- A. Denying safe havens makes international terrorism impossible – safe havens are the only logical place this could occur – operational flexibility, development tech and communication

#### Geographic restrictions means that terror groups can circumvent the us drone opps by border hoping – gaining immunity means that loclas support them and the us cant drone them. This has a few implications

#### Makes terror effecitive – where they are operating does not matter, search for safe havens means that a place to coordinate is all they need. Turns the case and makes terror inev – there are already terrorists who want to kill us, going back would just make their job easier

### Pub kick out

#### Public supports our drone stirikes

Pew Research Center 13 ("Continued Support for US Drone Strikes")

While U.S. drone strikes have faced new scrutiny in recent weeks, a majority of the public continues to support the program. Overall, 56% approve of the U.S. conducting missile strikes from pilotless aircraft to target extremists in countries such as Pakistan, Yemen and Somalia; just 26% say they disapprove.¶ Opinion is largely unchanged from last July, when 55% approved of the program. Support for drone attacks crosses party lines: 68% of Republicans and 58% of Democrats say they approve of U.S. drone strikes.¶ There also are stark gender differences in opinions about the use of drones: Men approve of drone strikes by more than three-to-one (68% to 21%). Among women, 44% approve, while 31% disapprove.¶ The latest national survey by the Pew Research Center, conducted Feb. 7-10 among 1,004 adults, finds that while drone strikes draw continued support, there is widespread concern that the attacks endanger innocent civilians.¶ Overall, 53% say they are very concerned about whether drone strikes put the lives of civilians in danger. Even among those who approve of the program, 42% say they are very concerned the attacks risk lives of innocent civilians.¶ Other possible consequences from drone attacks spur less public concern: 32% are very concerned they could lead to retaliation from extremist groups, 31% are very concerned the attacks are being conducted legally and 26% worry they could damage America’s reputation around the world.

#### No impact- mini-mobile drone bases solve access globally now

Reed, 13 -- Foreign Policy military technology reporter

[John, "The Air Force's Drone Base in a Box," Foreign Policy, 9-17-13, killerapps.foreignpolicy.com/posts/2013/09/17/the\_air\_forces\_drone\_base\_in\_a\_box, accessed 9-19-13, mss]

The Air Force's Drone Base in a Box

Drone bases, they can pop up **anywhere** nowadays. The U.S. Air Force's special operations command now has mini bases for drones that can be packed in a cargo plane and transported anywhere in the world, launching unmanned missions within four-hours of arrival at their destination. A typical base includes two partially dismantled MQ-1 Predator drones, plus the Hellfire missiles and fuel the planes need to fly and shoot. The base also has two tents: one to shelter the drones and another to house the bank of computers that serves as the drones' cockpit. (That second tent also comes with a bit of extremely Spartan living space for the crews and aircraft mechanics.) All told, 18 cargo pallets and 32 people constitute the base in a box that Brig. Gen. Albert "Buck" Elton, Air Force Special Operations Command's (AFSOC) chief of requirements, described as a "rapid reaction fleet." "After we unload this capability wherever we're at, four hours later we have a flying, armed [drone]," said Elton during a speech at the Air Force Association's annual conference just outside of Washington. And that gives special operators the "speed so that we can respond to certain crises." Drones have, of course, become a central component to U.S. military operations worldwide. But they're especially important on missions to hunt and kill militants in remote corners of the world. That's when the drones' ability to conduct 24/7 surveillance and to strike from a distance come in especially handy. Hence the base-in-a-box. The command has deployed the tiny bases twice since 2012, according to Elton, who showed a picture one of the aircraft taxiing along a plywood ramp at an undisclosed "international airport" in a dusty corner of the world. "I won't get into specifics on where we went, but we had something happen and we needed ISR so we launched on very short notice and we set up in another country to support an operation there," said Elton, describing a six week-long deployment for the drones. AFSOC provides the MQ-1 Predator and MQ-9 Reaper drones used by the U.S. special operations community. While the command only has the ability today to deploy its MQ-1 Predators in a hurry, it is trying to develop a way to pack up its fleet of larger MQ-9 Reapers in "the next couple of years," Elton said. This comes as AFSOC is working to station its fleet of several dozen small, civilian-looking propeller planes at remote airstrips in every corner of the globe. "We've got aircraft that, for the most part, stay forward and we rotate through our crews and maintainers," said Elton. These planes, often painted in civilian-looking livery, are used to move U.S. military and intelligence operatives to small airports around the developing world without attracting the attention that would come with the arrival of a large U.S. Air Force cargo plane. AFSOC uses twin-engine, Dornier 328 propeller planes to get operatives to little regional airfields across a place like Africa, for example. It then uses even smaller M-28 Skytrucks to bring operators to places in the countryside that don't have real airports, often landing on small dirt strips or clearings in the brush. Think of it as a hub and spoke system for spies and special operators. "Some of the little ones, like the M-28 go about 120 knots, so it takes a couple of weeks to get them forward where the need to go," said Elton after his speech. "We swap them out for heavy maintenance when we need, but for the most part they go forward and stay there for 80 to 90 to 270 days and we'll swap ‘em out and bring them back." "Being forward based has certain advantages," said Elrod who pointed out that the little planes are located in "nodes in **every** **geographic** combatant **command**," a referral to the term the U.S. military uses to describe how it divvies up regions of the globe among its battlefield commanders.

### Impact

**Indo Pak war unlikely- empirics, mutual agreements/ policy elites/ American deescalation**

FIRSTPOST INDIA 1/13 [ Indian News syndicate. Article written by a New Delhi-based journalist-author and a strategic analyst who can be reached at bhootnath004@yahoo.com. “Why India can’t go to war with Pakistan.” <http://www.firstpost.com/india/why-india-cant-go-to-war-with-pakistan-590038.html>] H. Kenner

Indian political leadership’s upping of ante on Tuesday vis a vis Pakistan is not unlike the famous single-liner of Hamlet, the Prince of Denmark: “Words, words, words.”¶ Prime Minister Manmohan Singh and External Affairs Minister Salman Khurshid used strong words against Pakistan and both said that it can’t be “business as usual” with Pakistan after the neighbour’s brutal act in the Medhar sector of the Line of Control (LoC) last week. But they both stopped at that and declined to spell out what concrete steps they would be taking against the recalcitrant neighbour. Words, words, words!¶ BJP leader and former External Affairs Minister went a step ahead and demanded “controlled military response” against Pakistan. Well, being in the opposition, Sinha can say that, though neither he nor any BJP leader can explain what concrete deliverables resulted from Operation Parakram when the then NDA government had mobilized troops along the Pakistan border in the wake of December 2001 terror attack on Indian Parliament. Sinha also could not explain his idea of “controlled military response” further. Words, words, words!¶ Let’s chuck the political grandstanding in the ongoing India-Pakistan theater of the absurd and focus on how India-Pakistan relations may play out in the coming weeks in the current geopolitical matrix. There are three issues.¶ The most important question is whether Pakistan army personnel’s barbaric act of mutilating the bodies of two Indian jawans they killed on 6 January (which is nothing short of a war crime) needs to be given a military response – controlled or full blast?¶ War’s that way: What can India do to retaliate? PTI¶ The UPA government is clearly not thinking on these lines. The war drums are not beating; not yet. One may ask: if not now, then when? But then matters of statecraft are not that simple. More so, when the habitual offender neighbour happens to be a nuclear weapon power! But then does it mean that big power like India should allow itself to be bullied by a fast failing state just because it is a nuclear weapon state?¶ Far from it! The beheading of the Indian soldier by the Pakistani regulars was a covert operation and covert operations need not trigger an overt response. India has the option of beating Pakistan in its own game without even giving a semblance of mobilizing its war machinery. India can also put itself on a denial mode just as Pakistan has been for its sins of omission and commission in violating the ceasefire repeatedly over the past ten days.¶ In all probability this is what the chiefs of Indian Army and the Indian Air Force had in mind when they separately fired warning shots at Pakistan a few days ago. The LoC would unlikely remain a Line of Control in the coming weeks. It will be a live wire. The Indian Army will do well to deploy its best commandos in the vulnerable sectors of the LoC with a single-point brief: an eye for an eye, a tooth for a tooth.¶ This is what Pakistan did on 6 January that has brought the Indo-Pak relations on the brink. The medieval age barbarism was perpetrated by Pakistan army’s Special Service Group (SSG) commandos.¶ After the Pakistani provocation, the Indian army should have its tail up and give a “measured” and “proportionate” response, to borrow words from the Indian political leadership’s recent lexicon. The likely scenario, therefore, would be that the Indian response to subsequent Pakistani provocations would be sector-specific and event-specific without enlarging the sweepstakes.¶ This is possibly what the chiefs of Indian Army and Indian Air Force indicated and this is probably what BJP leaders like Yashwant Sinha and Sushma Swaraj meant when they made those hawkish statements. Pakistan Army would be mis-adventurous if they were to mistake India’s continued recourse to the laid down diplomatic means as cowardice and carry on with their business as usual.¶ Two, this is not the right time for an overt response from India given the chaotic situation in Pakistan

. Nobody knows who the boss in Pakistan is today. The government of President Asif Ali Zardari has become a rootless wonder. The Supreme Court has ordered the arrest of Prime Minister Raja Pervez Ashraf on corruption charges. Army Chief Ashfaq Parvez Kayani remains as indecisive and a passive onlooker as he has been for years. Gen Kayani’s perceived best bets, Imran Khan and Tahir-ul Qadri, are busily pursuing their own independent personal agendas, the former all to set to carry out a “tsunami march” while the latter a “million man march”.¶ Pakistan’s slide to anarchy is being hastened with each passing day. The Indian government would only be displaying knee-jerk reactions by beating the war drums. Why declare war with a state which is at war with itself? India won’t be wrong is playing the waiting game with a neighbour which has its fingers on the self-destruct button. Declaring war on Pakistan at this stage would be no less than a favour to Islamabad.¶ Third, and perhaps the most important factor, is the United States. The Obama administration’s major foreign policy imperative at this moment is to get out of Afghanistan. At the same time, the Americans cannot afford to exit Afghanistan today only to re-enter tomorrow. The Americans’ exit policy vis-a-vis Afghanistan has to be executed in such a manner that they do not have to stage a hasty come-back.¶ Washington’s Afghanistan strategic imperatives won’t allow any escalation in India-Pakistan conflict. The Americans don’t want to get bogged down to South Asia as their priority has shifted to the South China Sea region. The Americans won’t like to see even controlled aggression by India against Pakistan which may have the potential of getting out of hand.¶ However, the Americans are also deeply aware that New Delhi has its own political compulsions. The question is not whether Pakistan would have the gall to repeat the 6 January barbarity against India. The question is what will be the US policy if India were to have a “controlled military response” (to borrow Yashwant Sinha’s words) to play to its domestic constituency to salvage its pride?

### Norms

### i/l d

#### Perceived benefits are all that matter

**Barry ’12** [Tom Barry is the Director of the TransBorder Project at the Center for International Policy, “Drone Proliferation: Other Chapters and Other Challenges,” 1-17-12, <http://www.cato-unbound.org/2012/01/17/tom-barry/drone-proliferation-other-chapters-other-challenges>]

Thus far, in Congress and in the executive branch, we see mostly uncritical advocacy for increased drone deployment—on vivid display at the annual drone fairs sponsored jointly by the House Unmanned Systems Caucus and the Association for Unmanned Vehicle Systems International.[5]¶ It is widely accepted—in Congress, in the media, and by the public—that drone warfare has been an unqualified success. This perceived success—unsullied by the type of concerns raised by Cortright such as drone blowback—is key in driving drone proliferation around the world and at home. Representative Candice Miller, the Michigan Republican who chairs the Subcommittee on Border and Maritime Security of the House Homeland Security Committee, is a self-declared “huge supporter” of UAVs and advocates deploying the “fantastic technology” that the U.S. military uses “in theater” at home.¶ “The UAVs are coming,” declared Miller in a recent oversight hearing, “and now you see our military sitting in a cubicle sometimes in Nevada, drinking a Starbucks, running these things in theater and being incredibly, incredibly successful.”

#### US tech sales make prolif inevitable

**Abdurazak and Advani 6-18**-13 [Faeza Abdurazak holds a MSc in International Relations from Nanyang Technological University and is a research assistant at the Middle East Institute, and Rohan Advani, Middle East Institute, “Drones Further Worsen Image of the U.S. in the Middle East, Say Panellists,” <http://www.mei.nus.edu.sg/blog/drones-further-worsen-image-of-the-u-s-in-the-middle-east-say-panellists>]

Unintended consequences of drone warfare include retaliation from, and the radicalization of, the local populace, as well as operational and strategic confusion – all of which reinforces the self-fulfilling prophecy of the “War on Terror.” Support for the policy and the proliferation of drones is also rapidly increasing, as the industry – expected to be valued at $82 billion by 2025 – continues to provide jobs in an economically fragile environment. As the drone lobby gains power, we may see economic factors being prioritized over strategic goals; in essence, a further expansion of the military-industrial complex.

#### It’s impossible to control drone use

**Byman ’13** [Daniel L. Byman, Research Director, Saban Center for Middle East Policy, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy, “Why Drones Work: The Case for Washington's Weapon of Choice,” <http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman>]

Controlling the spread of drone technology will prove impossible; that horse left the barn years ago. Drones are highly capable weapons that are easy to produce, and so there is no chance that Washington can stop other militaries from acquiring and using them. Nearly 90 other countries already have surveillance drones in their arsenals, and China is producing several inexpensive models for export. Armed drones are more difficult to produce and deploy, but they, too, will likely spread rapidly. Beijing even recently announced (although later denied) that it had considered sending a drone to Myanmar (also called Burma) to kill a wanted drug trafficker hiding there.

### Russia Defense

#### No risk of war in the Caucasus

Friedfeld 12(Alex Friedfeld, “USEUCOM: Rising Tensions in the Caucasus Will Not Lead to War,” [GLOBAL SECURITY MONITOR](http://c4ads.org/latest/) , the blog of the Center for Advanced Defense Studies, September 14, 2012, <http://c4ads.org/latest/?p=840>)

Despite rising tension between Azerbaijan and Armenia, it is unlikely that the conflict will escalate beyond small skirmishes at the Nargorno-Karabakh border. Though Azerbaijan has superior military capabilities, it would find it difficult to overcome Armenia’s control of the high-ground in the Nagorno-Karabakh territory and it lacks the resources necessary to sustain an extended conflict. Yusef Agayev, an Azerbaijani military expert and a veteran of the last war between the two nations, noted that the army could only fight for a month or two as anything beyond that would have to involve the Azerbaijani society. As Agayev [said](http://www.reuters.com/article/2012/09/11/us-azerbaijan-armenia-conflict-idUSBRE88A0DQ20120911): “I don’t think the society of my country is ready for war.” Without outside assistance, an all-out war would most likely end in a deadly stalemate. Azerbaijan will not start a war it is unlikely to win. The international community is concerned that if fighting does break out, outside forces would get involved and provide assistance. Armenia is currently partaking in a collective security agreement with Russia, and Azerbaijan is participating in a collective security agreement with Turkey, which is a NATO member. However, Russia and NATO have shown little interest in the matter and have not gone beyond issuing public condemnations of Azerbaijan. While Russia currently has a strong relationship with Armenia, it is working on improving its relations with Azerbaijan as well. On September 12, the two nations[inaugurated the Bridge of Azerbaijani-Russian Friendship](http://www.news.az/articles/politics/68054), the latest in a series of attempts by Russia to increase its influence in Baku. For NATO countries like Turkey, Azerbaijan is an important source of energy, and it will not want to do anything that could jeopardize this flow. Several Western oil companies – such as British Petroleum and ExxonMobil – operate in the Azerbaijani oil fields and would be strongly opposed to any act that would damage their holdings. Any conflict between Azerbaijan and Armenia could also disrupt the Baku-Tbilisi-Erzurum natural gas pipeline and the Baku-Tbilisi-Ceyhan crude oil pipeline, each of which is essential to European attempts to reduce dependence on Russian energy. Though the language employed by officials has become increasingly aggressive since the Safarov pardon, it is important to consider the actual actions – or in this case the lack thereof – of the two states. It has been two weeks since the pardon and neither side has taken any steps that would provoke a war. Perhaps most importantly, there has been no military mobilization by either country. Azerbaijan has publicly insisted for months that it is strong enough to take back the contested territory through force, and yet it has given no physical indication that it intends to do so at this time. Despite its rhetoric and unhappiness with the process, Azerbaijan still considers negotiation a viable alternative to armed conflict

**Ties check**

Hoffman ’12 (David E. Hoffman, contributing editor to Foreign Policy and the author of The Dead Hand: The Untold Story of the Cold War Arms Race and Its Dangerous Legacy, which won the 2010 Pulitzer Prize for general non-fiction, "Hey, Big Spender," Foreign Policy, www.foreignpolicy.com/articles/2012/10/22/hey\_big\_spender?page=full, October 22, 2012)

Despite tensions that flare up, the United States and Russia are no longer enemies; the chance of nuclear war or surprise attack is nearly zero. We trade in each other's equity markets. Russia has the largest audience of Facebook users in Europe, and is open to the world in a way the Soviet Union never was.

#### US First Strike Wins

Lieber and Press ‘6 (Keir A. Lieber and Daryl G. Press, Assistant Professor of Political Science, University of Notre Dame, and Associate Professor of Political Science, University of Pennsylvania, “The End of MAD? The Nuclear Dimension of U.S. Primacy,” INTERNATIONAL SECURITY, v 30 n 4, Spring 2006, p. 7-8. <http://belfercenter.ksg.harvard.edu/files/is3004_pp007-044_lieberpress.pdf>]

The age of MAD, however, is waning. Today the United States stands on the verge of attaining nuclear primacy vis-à-vis its plausible great power adversaries. For the first time in decades, it could conceivably disarm the long-range nuclear arsenals of Russia or China with a nuclear first strike. A preemptive strike on an alerted Russian arsenal would still likely fail, but a surprise attack at peacetime alert levels would have a reasonable chance of [succeed] success. Furthermore, the Chinese nuclear force is so vulnerable that it could be destroyed even if it were alerted during a crisis. To the extent that great power peace stems from the pacifying effects of nuclear weapons, it currently rests on a shaky foundation. This article makes three empirical claims. First, the strategic nuclear balance has shifted dramatically since the end of the Cold War, and the United States now stands on the cusp of nuclear primacy.2 Second, the shift in the balance of power has two primary sources: the decline of the Russian nuclear arsenal and the steady growth in U.S. nuclear capabilities. Third, the trajectory of nuclear developments suggests that the nuclear balance will shift further in favor of the United States in the coming years. Russia and China will face tremendous incentives to reestablish mutual assured destruction, but doing so will require substantial sums of money and years of sustained effort. If these states want to reestablish a robust strategic deterrent, they will have to overcome current U.S. capabilities, planned improvements to the U.S. arsenal, and future developments being considered by the United States. U.S. nuclear primacy may last a decade or more. To illustrate the shift in the strategic nuclear balance, we model a U.S. nuclear first strike against Russia. Russia was not chosen because it is the United States’ most likely great power adversary; to the contrary, most analysts expect China to ªll that role. But Russia presents the hardest case for our contention that the United States is on the brink of nuclear primacy. It has about 3,500 nuclear warheads capable of reaching the continental United States; by comparison, China has only 18 single-warhead missiles that can reach the U.S. homeland.3 If the United States can destroy all of Russia’s long-range nuclear systems in a ªrst strike—as we argue it could possibly do today—it suggests that the Chinese strategic nuclear arsenal is far more vulnerable.

#### Russia is peaceful

**Ottens ‘11** (Nick Ottens, editor of the transatlantic news and commentary site the Atlantic Sentinel and contributing analyst for the geostrategic consultancy Wikistrat, “The Myth of Russia’s Resurgence,” August 20 2011, http://atlanticsentinel.com/2011/08/the-myth-of-russias-resurgence/)

Wikistrat‘s Thomas Barnett reminds readers of Russian fears of encirclement in his latest World Politics Review column. After shrugging off its empire in 1991, Russia was denied a “sense of belonging,” Barnett notes, when Europe and the United States refused to consider Russia’s entry to NATO. Instead, America moved in militarily from the south as part of its global War on Terror while China progressively encroached, in an economic sense, on Russia’s “near abroad” in Central Asia and the Far East. Russia has been remarkably reluctant to counter these infringements. Although nearly all former Warsaw Pact members belong to the European Union now, it has made only halfhearted attempts to regain a semblance of hegemony on its western border. Old Eastern Bloc nations may still worry about Russian antagonism, especially if Germany, which is so dependent on Russian gas imports, won’t truly protect them in the EU (which is why they expect security from the United States in NATO)—the likelihood of Moscow deploying force against Poland, Lithuania or even the Ukraine is close to zero. In other parts of its former empire

, too, Russia is far from belligerent. Although vying for influence there with nearby greater powers, Russia has refrained from policing Central Asia in Soviet style despite the alluring natural resources that the region possesses. When Kyrgyzstan asked for a Russian troop presence last year to quell political unrest, the Kremlin balked at the request. It had no desire to become entangled in the internal power struggles of its former client state. Russian cultural and political influence pervades especially in the northernmost of former socialist republics in Central Asia but Chinese, Iranian and Turkish attempts at fostering stable relations in the area could set the stage for a greater power confrontation, one from which Moscow stands nothing to gain. Russian governors in the Far East occasionally raise the specter of the “yellow menace” and talk of the danger posed to their underpopulated provinces by unregulated Chinese labor migrants but as Dmitry Gorenburg pointed out here last year, “this kind of talk rarely emanates from Moscow and certainly does not affect troop positioning.” Indeed, “it is stunning how little trouble Moscow has fomented” since the demise of the Soviet Union, writes Barnett, “all while engineering arguably the greatest military demobilization in human history, going from more than two hundred army divisions to less than one hundred brigades.”

### China

#### China creates stability

Carlson ’13 (Allen Carlson is an Associate Professor in Cornell University’s Government Department. He was granted his PhD from Yale University’s Political Science Department. His undergraduate degree is from Colby College. In 2005 his Unifying China, Integrating with the World: Securing Chinese Sovereignty in the Reform Era was published by Stanford University Press. He has also written articles that appeared in the Journal of Contemporary China, Pacific Affairs, Asia Policy, and Nations and Nationalism. In addition, he has published monographs for the National Committee on U.S.-China Relations and the East-West Center Washington. Carlson was a Fulbright-Hays scholar at Peking University during the 2004-2005 academic year. In 2005 he was chosen to participate in the National Committee’s Public Intellectuals Program, and he currently serves as an adviser to Cornell’s China Asia Pacific Studies program and its East Asia Program. Carlson is currently working on a project exploring the issue of nontraditional security in China’s emerging relationship with the rest of the international system. His most recent publications are the co-edited Contemporary Chinese Politics: New Sources, Methods and Field Strategies (Cambridge University Press, 2010) and New Frontiers in China’s Foreign Relations (Lexington, 2011). China Keeps the Peace at Sea China Keeps the Peace at Sea Why the Dragon Doesn't Want War Allen Carlson February 21, 2013)

At times in the past few months, China and Japan have appeared almost ready to do battle over the Senkaku (Diaoyu) Islands --which are administered by Tokyo but claimed by both countries -- and to ignite a war that could be bigger than any since World War II. Although Tokyo and Beijing have been shadowboxing over the territory for years, the standoff reached a new low in the fall, when the Japanese government nationalized some of the islands by purchasing them from a private owner. The decision set off a wave of violent anti-Japanese demonstrations across China. In the wake of these events, the conflict quickly reached what political scientists call a state of equivalent retaliation -- a situation in which both countries believe that it is imperative to respond in kind to any and all perceived slights. As a result, it may have seemed that armed engagement was imminent. Yet, months later, nothing has happened. And despite their aggressive posturing in the disputed territory, both sides now show glimmers of willingness to dial down hostilities and to reestablish stability. Some analysts have cited North Korea's recent nuclear test as a factor in the countries' reluctance to engage in military conflict. They argue that the detonation, and Kim Jong Un's belligerence, brought China and Japan together, unsettling them and placing their differences in a scarier context. Rory Medcalf, a senior fellow at the Brookings Institution, explained that "the nuclear test gives the leadership in both Beijing and Tokyo a chance to focus on a foreign and security policy challenge where their interests are not diametrically at odds." The nuclear test, though, is a red herring in terms of the conflict over the disputed islands. In truth, the roots of the conflict -- and the reasons it has not yet exploded -- are much deeper. Put simply, China cannot afford military conflict with any of its Asian neighbors. It is not that China believes it would lose such a spat; the country increasingly enjoys strategic superiority over the entire region, and it is difficult to imagine that its forces would be beaten in a direct engagement over the islands, in the South China Sea or in the disputed regions along the Sino-Indian border. However, Chinese officials see that even the most pronounced victory would be outweighed by the collateral damage that such a use of force would cause to Beijing's two most fundamental national interests -- economic growth and preventing the escalation of radical nationalist sentiment at home. These constraints, rather than any external deterrent, will keep Xi Jinping, China's new leader, from authorizing the use of deadly force in the Diaoyu Islands theater. For over three decades, Beijing has promoted peace and stability in Asia to facilitate conditions amenable to China's economic development. The origins of the policy can be traced back to the late 1970s, when Deng Xiaoping repeatedly contended that to move beyond the economically debilitating Maoist period, China would have to seek a common ground with its neighbors. Promoting cooperation in the region would allow China to spend less on military preparedness, focus on making the country a more welcoming destination for foreign investment, and foster better trade relations. All of this would strengthen the Chinese economy. Deng was right. Today, China's economy is second only to that of the United States. The fundamentals of Deng's grand economic strategy are still revered in Beijing. But any war in the region would erode the hard-won, and precariously held, political capital that China has gained in the last several decades. It would also disrupt trade relations, complicate efforts to promote the yuan as an international currency, and send shock waves through the country's economic system at a time when it can ill afford them. There is thus little reason to think that China is readying for war with Japan. At the same time, the specter of rising Chinese nationalism, although often seen as a promoter of conflict, further limits the prospects for armed engagement. This is because Beijing will try to discourage nationalism if it fears it may lose control or be forced by popular sentiment to take an action it deems unwise. Ever since the Tiananmen Square massacre put questions about the Chinese Communist Party's right to govern before the population, successive generations of Chinese leaders have carefully negotiated a balance between promoting nationalist sentiment and preventing it from boiling over. In the process, they cemented the legitimacy of their rule. A war with Japan could easily upset that balance by inflaming nationalism that could blow back against China's leaders. Consider a hypothetical scenario in which a uniformed Chinese military member is killed during a firefight with Japanese soldiers. Regardless of the specific circumstances, the casualty would create a new martyr in China and, almost as quickly, catalyze popular protests against Japan. Demonstrators would call for blood, and if the government (fearing economic instability) did not extract enough, citizens would agitate against Beijing itself. Those in Zhongnanhai, the Chinese leadership compound in Beijing, would find themselves between a rock and a hard place. It is possible that Xi lost track of these basic facts during the fanfare of his rise to power and in the face of renewed Japanese assertiveness. It is also possible that the Chinese state is more rotten at the core than is understood. That is, party elites believe that a diversionary war is the only way to hold on to power -- damn the economic and social consequences. But Xi does not seem blind to the principles that have served Beijing so well over the last few decades. Indeed, although he recently warned unnamed others about infringing upon China's "national core interests" during a foreign policy speech to members of the Politburo, he also underscored China's commitment to "never pursue development at the cost of sacrificing other country's interests" and to never "benefit ourselves at others' expense or do harm to any neighbor." Of course, wars do happen -- and still could in the East China Sea. Should either side draw first blood through accident or an unexpected move, Sino-Japanese relations would be pushed into terrain that has not been charted since the middle of the last century. However, understanding that war would be a no-win situation, China has avoided rushing over the brink. This relative restraint seems to have surprised everyone. But it shouldn't. Beijing will continue to disagree with Tokyo over the sovereign status of the islands, and will not budge in its negotiating position over disputed territory. However, it cannot take the risk of going to war over a few rocks in the sea. On the contrary, in the coming months it will quietly seek a way to shelve the dispute in return for securing regional stability, facilitating economic development, and keeping a lid on the Pandora's box of rising nationalist sentiment. The ensuing peace, while unlikely to be deep, or especially conducive to improving Sino-Japanese relations, will be enduring.

## AZB D

**No risk of war in the Caucasus**

**Friedfeld 12** (Alex Friedfeld, “USEUCOM: Rising Tensions in the Caucasus Will Not Lead to War,” [GLOBAL SECURITY MONITOR](http://c4ads.org/latest/) , the blog of the Center for Advanced Defense Studies, September 14, 2012, <http://c4ads.org/latest/?p=840>) GANGEEZY

Despite rising tension between Azerbaijan and Armenia, it is unlikely that the conflict will escalate beyond small skirmishes at the Nargorno-Karabakh border. Though Azerbaijan has superior military capabilities, it would find it difficult to overcome Armenia’s control of the high-ground in the Nagorno-Karabakh territory and it lacks the resources necessary to sustain an extended conflict. Yusef Agayev, an Azerbaijani military expert and a veteran of the last war between the two nations, noted that the army could only fight for a month or two as anything beyond that would have to involve the Azerbaijani society. As Agayev [said](http://www.reuters.com/article/2012/09/11/us-azerbaijan-armenia-conflict-idUSBRE88A0DQ20120911): “I don’t think the society of my country is ready for war.” Without outside assistance, an all-out war would most likely end in a deadly stalemate. Azerbaijan will not start a war it is unlikely to win. The international community is concerned that if fighting does break out, outside forces would get involved and provide assistance. Armenia is currently partaking in a collective security agreement with Russia, and Azerbaijan is participating in a collective security agreement with Turkey, which is a NATO member. However, Russia and NATO have shown little interest in the matter and have not gone beyond issuing public condemnations of Azerbaijan. While Russia currently has a strong relationship with Armenia, it is working on improving its relations with Azerbaijan as well. On September 12, the two nations[inaugurated the Bridge of Azerbaijani-Russian Friendship](http://www.news.az/articles/politics/68054), the latest in a series of attempts by Russia to increase its influence in Baku. For NATO countries like Turkey, Azerbaijan is an important source of energy, and it will not want to do anything that could jeopardize this flow. Several Western oil companies – such as British Petroleum and ExxonMobil – operate in the Azerbaijani oil fields and would be strongly opposed to any act that would damage their holdings. Any conflict between Azerbaijan and Armenia could also disrupt the Baku-Tbilisi-Erzurum natural gas pipeline and the Baku-Tbilisi-Ceyhan crude oil pipeline, each of which is essential to European attempts to reduce dependence on Russian energy. Though the language employed by officials has become increasingly aggressive since the Safarov pardon, it is important to consider the actual actions – or in this case the lack thereof – of the two states. It has been two weeks since the pardon and neither side has taken any steps that would provoke a war. Perhaps most importantly, there has been no military mobilization by either country. Azerbaijan has publicly insisted for months that it is strong enough to take back the contested territory through force, and yet it has given no physical indication that it intends to do so at this time. Despite its rhetoric and unhappiness with the process, Azerbaijan still considers negotiation a viable alternative to armed conflict

# 1NR

## Overview

### Core

#### 3. We control terminal impact uniqueness- war taboo strong and effective now. Norms matter- prevents miscalc and escalation

Beehner, 12 – Council on Foreign Relations senior writer; Truman National Security Project fellow

[Lionel, "Is There An Emerging ‘Taboo’ Against Retaliation?" The Smoke Filled Room, 7-13-12, thesmokefilledroomblog.com/2012/07/13/is-there-an-emerging-taboo-against-retaliation/, accessed 9-22-13, mss]

The biggest international news in the quiet months before 9/11 was the collision of a U.S. Navy spy aircraft and a PLA fighter jet in China, during which 24 American crew members were detained. Even though the incident was lampooned on SNL, there was real concern that the incident would blow up, damaging already-tense relations between the two countries. But it quickly faded and both sides reached an agreement. Quiet diplomacy prevailed. Flash-forward a decade later and we have a similar border incident of a spy plane being shot down between Turkey and Syria. Cue the familiar drumbeats for war on both sides. To save face, each side has ratcheted up its hostile rhetoric (even though Syria’s president did offer something of an admission of guilt). But, as in the spring of 2001, I wouldn’t get too worried. One of the least noted global norms to emerge in recent decades has been the persistence of state restraint in international relations. Retaliation has almost become an unstated taboo. Of course, interstate war is obviously not a relic of previous centuries, but nor is it as commonplace anymore, despite persistent flare-ups that have the potential to escalate to full-blown war. Consider the distinct cases of India and South Korea. Both have sustained serious attacks with mass casualties in recent years: South Korea saw 46 of its sailors killed after the Cheonan, a naval vessel, was sunk by North Korea; India saw 200 citizens killed by the Mumbai attacks, orchestrated by Islamist groups with links to Pakistani intelligence. Yet neither retaliated with military force. Why? The short answer might be: Because a response may have triggered a nuclear war (both Pakistan and North Korea are nuclear-armed states). So nukes in this case may have acted as a deterrent and prevented an escalation of hostilities. But I would argue that it was not the presence of nuclear weapons that led to restraint but rather normative considerations. South Korea and India are also both rising democratic powers with fast-growing economies, enemies along their peripheries, and the military and financial backing of the United States. Their leaders, subject to the whims of an electorate, may have faced domestic pressures to respond with force or suffer reputational costs. And yet no escalation occurred and war was averted. Again, I argue that this is because there is an emerging and under-reported norm of restraint in international politics. Even Russia’s invasion of Georgia in August 2008, which may at first appear to disprove this theory, actually upholds it: The Russians barely entered into Georgia proper and could easily have marched onto the capital. But they didn’t. The war was over in 5 days and Russian troops retreated to disputed provinces. Similarly, Turkey will not declare war on Syria, no matter how angry it is that Damascus shot down one of its spy planes. Quiet diplomacy will prevail. In 1999, Nina Tannenwald made waves by proclaiming the emergence of what she called a “nuclear taboo” – that is, the non-use of dangerous nukes had emerged as an important global norm. Are we witnessing the emergence of a similar norm for interstate war? Even as violence rages on in the form of civil war and internal political violence all across the global map, interstate conflict is increasingly rare. My point is not to echo Steven Pinker, whose latest book, The Better Angles of Our Nature, painstakingly details a “civilizing process” and “humanitarian revolution” that has brought war casualties and murder rates down over the centuries. I’m not fully convinced by his argument, but certainly agree with the observation that at the state level, a norm of non-retaliation has emerged. The question is why. Partly, war no longer makes as much sense as in the past because capturing territory is no longer as advantageous as it once was. We no longer live in a world where marauding throngs of Dothraki-like bandits – or what Mancur Olson politely called “non-stationary bandits” – seek to expand their writ over large unconquered areas. This goes on, of course, at the intrastate level, but the rationale for interstate war for conquest is no longer as strong. Interstate wars of recent memory — the Eritrea-Ethiopia conflicts of 1999 and 2005, the Russia-Georgia War of 2008 — upon closer inspection, actually look more like intrastate wars. The latter was fought over two secessionist provinces; the former between two former rebel leaders-turned-presidents who had a falling out. But if we have reached a norm of non-retaliation to threats or attacks, does that mean that deterrence is no longer valid? After all, if states know there will be no response, why not step up the level of attacks? I would argue that the mere threat of retaliation is enough, as evidenced by Turkish leaders’ harsh words toward Syria (there is now a de facto no-fly zone near their shared border). Still, doesn’t restraint send a signal of weakness and lack of resolve? After all, didn’t Seoul’s non-response to the Cheonan sinking only invite Pyongyang to escalate hostilities? Robert Jervis dismisses the notion that a tough response signals resolve as being overly simplified. The observers’ interpretation of the actor and the risks involved also matter. When Schelling writes about the importance of “saving face,” he describes it as the “interdependence of a country’s commitments; it is a country’s reputation for action, the expectations other countries have about its behavior.” Others note that the presence of nuclear weapons forces states, when attacked, to respond with restraint to avoid the risk of nuclear escalation. Hence, we get “limited wars” rather than full-blown conflicts, or what some deterrent theorists describe as the “stability-instability paradox.” This is not a new concept, of course: Thucydides quoted King Archimadus of Sparta: “And perhaps then they see that our actual strength is keeping pace with the language that we use, they will be more inclined to give way, since their land will still be untouched and, in making up their minds, they will be thinking of advantages which they still possess and which have not yet been destroyed.” There will be future wars between states, of course. But **the days when an isolated incident, such as a spy plane being shot down or a cross-border incursion, can unleash a chain of events that lead to interstate wars** I believe are largely over **because of the emergence of restraint as a powerful norm**ative force in international politics, not unlike Tannenwald’s “nuclear taboo.” Turkey and Syria will only exchange a war of words, not actual hostilities. To do otherwise would be a violation of this existing norm.

### Turns Case (Cred/Leadership)

#### 5. turns cred- Shift from AUMF to *jus ad bellum* turns case- collapses cred and US leadership

Barnes, 12 -- J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 9-19-13, mss]

Encouraging the proliferation of an expansive law of international self-defense would not only be harmful to U.S. national security and global stability, but it would also directly contravene the Obama Administration’s national security policy, sapping U.S. credibility. The Administration’s National Security Strategy emphasizes U.S. “moral leadership,” basing its approach to U.S. security in large part on “pursu[ing] a rules-based international system that can advance our own interests by serving mutual interests.”149 Defense Department General Counsel Jeh Johnson has argued that “[a]gainst an unconventional enemy that observes no borders and does not play by the rules, we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge.”150 Cognizant of the risk of establishing unwise international legal norms, Johnson argued that the United States “must not make [legal authority] up to suit the moment.”151 The Obama Administration’s global counterterrorism strategy is to “adher[e] to a stricter interpretation of the rule of law as an essential part of the wider strategy” of “turning the page on the past [and rooting] counterterrorism efforts within a more durable, legal foundation.”152 Widely accepted legal arguments also facilitate cooperation from U.S. allies, especially from the United States’ European allies, who have been wary of expansive U.S. legal interpretations.153 Moreover, U.S. strategy vis-à-vis China focuses on binding that nation to international norms as it gains power in East Asia.154 The United States is an international “standard-bearer” that “sets norms that are mimicked by others,”155 and the Obama Administration acknowledges that its drone strikes act in a quasi-precedential fashion.156 Risking the **obsolescence of the AUMF would force** **the U**nited **S**tates **into an “aggressive interpretation” of international legal authority**,157 **not just discrediting its** **own rationale, but facilitating that rationale’s destabilizing adoption by nations around the world**. 158 United States efforts to entrench stabilizing global norms and oppose destabilizing international legal interpretations—a core tenet of U.S. foreign and national security policy159—would undoubtedly be hampered by continued reliance on self defense under the jus ad bellum to authorize military operations against international terrorists. Given the presumption that the United States’s armed conflict with these terrorists will continue in its current form for at least the near term, ongoing authorization at the congressional level is a far better choice than continued reliance on the jus ad bellum. Congress should reauthorize the use of force in a manner tailored to the global conflict the United States is fighting today. Otherwise, the United States will be forced to continue to rely on a statute anchored only to the continued presence of those responsible for 9/11, a group that was small in 2001 and, due to the continued successful targeting of Al Qaeda members, is rapidly approaching zero.

### Turns Drone Prolif

#### 6. Turns drone prolif- broader legal principle of war triggers the impact

Odle, 13 -- Emory International Law Review managing editor

(John, J.D. Candidate, Emory University School of Law (2013); M.A., George Washington University (2007); B.A., Johns Hopkins University (2003), “Targeted Killings in Yemen and Somalia,” http://www.law.emory.edu/fileadmin/journals/eilr/27/27.1/Odle.pdf)

The legal theory the United States uses to justify using drones to target individuals in foreign countries is important for the future of counterterrorism and the law of nations. UAVs are cheaper alternatives to expensive fighter jets; other countries such as China, Russia, and Israel are starting to build their own drones.400 The United States’ justification for using drones against terrorists in countries such as Somalia and Yemen are not made in vacuum and other countries might also use similar justifications to use drones abroad.401

## Link

### 2NC Breakdown [1/2] – Drones

#### AND- We control uniqueness- there’s court deference in counter-terror now- because of congressional signals

Schuck, 13 -- Yale Law School Simeon E. Baldwin law professor

[Peter, "The Courts and National Security: A False Hope," Huffington Post, 7-3-13, www.huffingtonpost.com/peter-h-schuck/national-security\_b\_3543312.html, accessed 9-21-13, mss]

Our federal courts have played a central role in safeguarding our precious constitutional values from encroachments by government and other power centers. But history teaches that where Congress and the president have invoked plausible national security interests, **the courts have almost always deferred** to them, for better and for worse. In the infamous Dred Scott case, the Supreme Court upheld a system of slavery that the Buchanan administration argued was necessary to hold the nation together. During and after World War I, the Court upheld government efforts to suppress criticism; recall that the great defenses of free speech in those cases were written by the losing side. In World War II, the Court upheld the execrable Japanese internment programs. This pattern of deference to national security claims continues to today -- **especially where the president's actions appear grounded in congressional action**, as with FISA and military court prosecution of suspected terrorists. Deference continues even in detention cases, which are closer to traditional judicial functions than the NSA and targeting decisions. The fact that courts have little or no role to play in these latter efforts is no cause for dismay. Placing them at the center of such decisions would tend to tarnish them, as is now occurring with the FISA court. If they could significantly improve that process, the risk might be worth taking, but they cannot.

#### War on terror jurisprudence is congress-centric- the Court looks to congressional signals to determine war on terror authorizations

D.C. Circuit Review, 12 ["Judge Kavanaugh on War-on-Terror Jurisprudence," 6-20-13, dccircuitreview.com/2012/06/20/judge-kavanaugh-on-war-on-terror-jurisprudence/, accessed 9-21-13, mss]

Judge Kavanaugh articulated a **Congress-centric war powers jurisprudence**: What’s the big picture of where we are right now in terms of federal courts, separation of powers, war powers? I would start with, in the wake of September 11th, Congress authorizing two wars: it authorized the war against Al-Qaeda and the Taliban, and authorized the war in Iraq. . . . A President, who in the future tries to engage in an unauthorized ground war of any significance, will be faced with those precedents used against them. President Bush obtained authorization for those two wars. Second– . . . Congress has regulated the Executive’s conduct of war in many respects, both before and after September 11th. We tend to forget that and sometimes think, well this is all just the Executive Branch operating in kind of a free zone, free from congressional restraint. And in fact, whether it’s interrogation or detention, surveillance, a number of particulars of how the Executive goes about the war effort, Congress has been deeply involved, including in the wake of September 11th. . . . I start with background notions of judicial restraint in times of war . . . [I]f Congress hasn’t put a restriction in and if the Executive action is not something that’s concrete or our history talks about, or is contrary to something that the Executive has done before may a court reach out and say, we’re going to restrain the Executive nonetheless, because we think it’s contrary to international law? Although he stood by his concurrence in the denial of rehearing en banc in Al-Bihani v. Obama, Judge Kavanaugh opined that the political branches should heed international law even when it is not binding from the perspective of domestic law. [T]he Executive Branch and Congress should, as I said upfront in my concurrence, should pay attention to international law obligations when thinking about what to put in the statutes. And when the Executive Branch is exercising its discretion pursuant to an authorization for the use of military force, or the President’s Article II authority. . . . Congress, on many occasions, has taken international law principles and put them into federal statutes, sometimes directly, by borrowing from the principle that’s at hand, sometimes by just having a reference, as in Hamdan, to international law or the laws of war more generally or the law of nations more generally. . . . I think it’s a good thing when the Executive pays attention to international law principles for purposes of our international relations and otherwise. During Q&A, Trevor Morrison suggested that the approach in Al-Bihani most consistent with judicial restraint would have been to take no position on whether the Executive’s power under the AUMF is constrained by international law and to simply accept the Government’s concession that it is so constrained for the limited purpose of the case at hand. In response, Judge Kavanaugh defended his statement that “Courts must be careful before enshrining [the Executive's] concessions [on legal questions affecting government power] into binding judicial precedent protected by stare decisis that a future Executive could not readily undo.” I thought it was an important point . . . to reemphasize . . . the central role of Congress in war powers issues, which is not necessarily something that was evident in the immediate wake of September 11th . . . . When Congress imposes limits on the Executive Branch’s conduct of war, courts will enforce those limits . . . . But when Congress has not put something into the statute . . . how should the courts then act? . . . . The Chief had just said this, in Free Enterprise v. PCAOB, . . . –the Executive may want to tie its own hands, but it can’t tie the hands of future presidents. . . . In terms of deferring to the Executive, . . . [i]f they think they’re detaining someone in violation of international law, they can release the person, but to the extent they come to court, it’s usually up to the courts to decide . . . the tools of statutory construction and the like.

[Matt note: Kavanaugh = Brett Kavanaugh, federal judge on the United States Court of Appeals for the D.C. Circuit]

#### Court is deferential now because of congressional signals- the plan unravels that

Lederman, 12 -- Department of Justice’s Office of Legal Counsel Deputy Assistant Attorney General

[Martin, "War, Terror and the Federal Courts, Ten Years After 9/11," American University Law Review, Vol 61, 2012, aulawreview.org/pdfs/61/61-5/Conference.website.pdf, accessed 9-21-13, mss]

Marty Lederman: Correct. So this is something to be on the watch for, both what the Executive Branch says and what the courts say in these two areas. You brought up that comment by Justice Kennedy at the end of Boumediene. It reminded me of Justice O’Connor’s similar comment in her plurality opinion in Hamdi. I think the theme of those cases—O’Connor’s and Kennedy’s lesson, as it were, was something like the following. “To the extent you, the Executive Branch and Congress, are acting more or less in accord with the way things have been done in the past and in pursuance of international law norms and practices that the United States has historically engaged in, we will sit to review it but we’re going to be pretty deferential. But to the extent you start deviating and doing things that are unprecedented or seem to be out of step with the international law, in Justice O’Connor’s words, ‘this conclusion may unravel.’” She doesn’t explain whether she means “unravel” as a matter of statutory interpretation, which is nominally what she was doing in Hamdi, or some sort of constitutional limit on the political branches.