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#### CIR will pass now but it will be tough

Nowicki, 10-30 -- Arizona Republic's national political reporter

[Dan, and Erin Kelly, "Fleeting Hopes for Immigration Reform," AZ Central, 10-30-13, www.azcentral.com/news/politics/articles/20131029fleeting-hopes-immigration-reform.html?nclick\_check=1, accessed 10-31-13, mss]

However, reform backers point to encouraging signs in addition to the intense push by the business lobby. Key House Republicans, including Reps. Paul Ryan of Wisconsin, Mario Diaz-Balart of Florida and Darrell Issa of California, reportedly are working on proposals to address the status of the estimated 11 million undocumented immigrants who already have settled in the United States, which is the central issue for Democrats and immigration activists. The Democrat-controlled Senate on June 27 passed a sweeping reform bill that included a 13-year pathway to citizenship for immigrants who pass background checks, pay assessed taxes and fines and take other steps to get right with the law, as well as a massive investment in border security. There are indications that some Republicans are becoming impatient with the House inaction on piecemeal bills that have been talked about since the Senate bill passed. Two House Republicans — Reps. Jeff Denham of California and Ileana Ros-Lehtinen of Florida — have become the first two GOP lawmakers to sign onto a comprehensive immigration bill offered by House Democrats. Rep. Joe Heck, R-Nev., last week said in a written statement that the growing possibility that the House might punt on immigration reform in 2013 reflects “the leadership vacuum in Washington that rightly has so many people frustrated with this dysfunctional Congress.” Sen. Jeff Flake, R-Ariz., a former 12-year House member who helped negotiate the Senate bill, said Monday on Twitter that momentum appears to be building in the House. “That’s good news for Arizona, and the country,” he said in the message. For their part, Boehner and his fellow House Republican leaders have not yet publicly declared immigration reform dead, which even the most pessimistic reform supporters say means there is still a chance the House could act in November or early December. House committees so far have approved five bills, including legislation to strengthen border security and require employers to use a federal database to ensure they are hiring people who are legally eligible to work in the United States. “The speaker said last week, ‘I still think immigration reform is an important subject that needs to be addressed. And I’m hopeful,’ ” Boehner spokesman Michael Steel told The Arizona Republic on Tuesday via e-mail. “He added that he supports a step-by-step immigration process.” Businesses speak out Hoping to make sure immigration reform gets on the House’s 2013 agenda, more than 600 business, law-enforcement, religious and political leaders from Arizona and nearly 40 other states flooded Capitol Hill on Tuesday. The fly-in was organized by the U.S. Chamber of Commerce and other groups, including FWD.us, which was founded by leaders of high-tech companies. The activists, mostly self-described conservatives, met with more than 100 members of Congress to urge them to take action on broad legislation that includes a way for most undocumented immigrants in the U.S. to earn citizenship. “In every corner of the Capitol, the energy these farmers, tech leaders, police chiefs and pastors brought to the Hill was palpable,” said Ali Noorani, executive director of the National Immigration Forum. “They brought a new perspective to the debate, one informed by what they see every day in their local businesses, churches and police stations — a broken system that has a negative impact on local communities nationwide.” Peoria Vice Mayor Tony Rivero is a conservative Republican who urged Arizona’s GOP congressmen to support reform this year. His city needs more farmworkers who are legally authorized to work, and it needs its undocumented residents to come out of the shadows, he said. “My message to our congressional delegation is that, as a constituent and a conservative Republican, I support a solution to this problem,” Rivero said. “We need to secure the border, identify the people who are here illegally and put them on a path to legality and put enforcement measures in place to make sure we aren’t here again in 10 years.” Former Phoenix Police Chief Jack Harris said he told members of Arizona’s congressional delegation that the current immigration system makes police officers’ jobs more complicated. “Every community is trying to solve the problem in a different way,” he said. “In some places, you (an undocumented immigrant) can get a driver’s license. In some places, you can’t. Some places are very liberal and report almost no crimes (committed by undocumented immigrants). Others deport you for just minor infractions. There’s great confusion among the law-enforcement community about what the rules are and what their authority is.” ‘I do care about them’ The conservative lobbying efforts are in conjunction with efforts from more liberal immigration-advocacy groups. Last week, a contingent of 44 undocumented immigrants and their supporters traveled from Phoenix by bus to Washington, D.C., and Ohio in hope of meeting with Boehner to persuade him to schedule a vote on a bill that includes a pathway to citizenship. The group, which included many “dreamers,” or undocumented immigrants brought to the United States as children, never got the opportunity to talk with Boehner. However, the immigration activists from the advocacy group Promise Arizona who camped outside Franks’ house did get the chance to talk with the representative for more than 25 minutes. They initially were buoyed by his response, which they interpreted as support for a pathway to citizenship. However, Franks later clarified to The Republic that he would not support a special pathway to citizenship. Franks said he would support legalizing undocumented immigrants under certain conditions but would not allow them to subsequently seek citizenship. Or the undocumented immigrants could return to their home countries and apply for green cards and citizenship that way, he said. Franks said he didn’t fully articulate his position to the activists because he felt compassion for their pleas. “Sometimes, in any situation, you don’t hit people in the face with the worst of it,” Franks said. “I wanted them to know, while maybe we didn’t agree on everything, there were some things we do agree on. I do care about them.” Proponents are positive Glenn Hamer, president and CEO of the Arizona Chamber of Commerce and Industry, said the group of Arizonans that flew in as part of the U.S. Chamber-led D.C. visit were going to meet with all nine House members from Arizona. After morning meetings with Republican Reps. Paul Gosar, Matt Salmon and David Schweikert, Hamer said the sessions were positive. “There is complete agreement that we have a busted immigration system,” he said. “It’s fair to say that there is an understanding that we need immigration reform. It’s very clear that the House is going to pass its vision for immigration reform. If it’s simply the Senate bill or bust, then nothing will happen.” Flake said he believes the methodical and strategic lobbying by the business community, faith groups and activist organizations will **help** motivate the House. He said he is OK with House Republicans taking a step-by-step strategy rather than passing a comprehensive bill like the one he helped craft in the Senate. “My position is, if you can move it piecemeal or sequentially, that’s fine,” Flake said. “If you have to go comprehensive, that’s fine. Let’s get something to the president’s desk.” Frank Sharry, executive director of the pro-reform organization America’s Voice, said the two House Republicans who signed on to the alternative Democratic bill also are examples of **momentum**. “When that bill was first introduced, it was widely panned as a Democratic ‘message bill’ that was going nowhere and was setting up the blame game in a run toward 2014,” Sharry said. “But because Democrats made the smart move of making sure every policy in the bill was passed with bipartisan support either in the Senate or the House, it has become a serious offering and a **place where Republicans can go.** I think you will see more Republicans getting on board.” Because of Boehner’s leadership style and uneasy relationship with many of his rank-and-file members, Sharry said, it may take “a convergence and emergence of a critical mass of Republicans to convince leadership to go forward.” Hamer said he believes there is still a possibility for compromise between the House and Senate. “I don’t want to be too Pollyannaish,” he said. “Passing immigration reform is not like renaming a post office. It’s going to be tough.”

#### The plan is a huge loss for Obama –Democrats cracking down on war powers makes Obama look weak

Paterno 6/23/2013 (Scott, Writer for Rock the Capital, “Selfish Obama” http://www.rockthecapital.com/06/23/selfish-obama/)

Now we have a Democratic president who wants to make war and does not want to abide by the War Powers Resolution. But rather than truly test the constitutionality of the measure, he is choosing to simply claim that THIS use of US military power is not applicable.¶ This is an extraordinarily selfish act, and one liberals especially should fear. POTUS is setting a precedent that subsequent presidents will be able to use – presidents that the left might not find so “enlightened.” Left as is, President Obama has set a standard where the president can essentially attack anywhere he wants without congressional approval for as long as he wants so long as he does not commit ground forces.¶ That is an extraordinarily selfish act. Why selfish? Because the president is avoiding congress because he fears a rebuke – from his own party, no less. The politically safe way to both claim to be decisive and to not face political defeat at the hands of Democrats – a defeat that would signal White House weakness – is to avoid congress all together. Precedent be damned, there is an election to win after all.

#### Capital is key to spur a compromise -

Munro 10/21/13 (Neil, White House Correspondent for the Daily caller, "US Chamber of Commerce Pleads for Obama's Help to Pass Immigration Boost")

The president needs to get personally involved in the high-stakes immigration battle to overcome growing GOP distrust, Tom Donohue, head of the U.S. Chamber of Commerce, said Monday.¶ “I have serious concerns about trust all around in town right now, which suggests the way to get out is leadership,” Donohue told reporters at a breakfast meeting hosted by the Christian Science Monitor.¶ “We need leadership in the business community, we need leadership in the House, we need leadership in the Senate, and we need leadership in the White House,” he said. However, he indirectly acknowledged the difficulty of getting the unpopular bill through Congress this year, amid bitter partisan fights over higher-priority budgets bills.¶ “We’ve got a whole year plus [left to go] of this Congress,” he said.¶ The backers of the immigration bill had initially hoped to get it done by August 2013.¶ Donohue’s call for Obama to get more involved comes as more GOP legislators say the immigration deal should be sidelined because Obama can’t be trusted to negotiate in good faith, or even to implement provisions that he doesn’t like.

#### Reform key to the economy – decline in immigration spurs new recession.

Smith 12. [Gerry, technology reporter, "Brain Drain: Why We're Driving Immigration Talent Overseas" Huffington Post -- November 5 -- www.huffingtonpost.com/2012/11/09/immigrant-entrepreneur\_n\_2077183.html]

Stories like his are not unique. They’re also troubling for the U.S. economy, advocates say. For the first time, the number of immigrant-founded startups is in decline, as foreign-born entrepreneurs struggle to obtain a limited number of visas and green cards and decide to launch companies in other countries that offer perks to start businesses there. Losing founders like Darash, who launch startups that create jobs, means that America risks losing a source of employment and a competitive edge in the global economy as the country claws its way out of a recession, they say.¶ For years, immigrant entrepreneurs have propelled the growth of Silicon Valley, building some of the most successful tech companies in the world: Sergey Brin, co-founder of Google, was born in Russia; Elon Musk, co-founder of PayPal and Tesla, was born in South Africa; Vinod Khosla, co-founder of Sun Microsystems, was born in India. When they immigrated, it was likely easier for them because there was not a backlog that there is today, according to Vivek Wadhwa, a professor at the Pratt School of Engineering at Duke University who researches high-tech immigration. Immigrants are more than twice as likely to start a business as native-born Americans, according to a report earlier this year by the Partnership for a New American Economy. And their companies have produced sizable economic benefits. This year, engineering and technology companies founded in the United States employed about 560,000 workers and generated $63 billion in sales, according to Wadhwa. About a quarter of those companies had at least one foreign-born founder.¶ An estimated three out of every four startups fail, if not more. But by the conventional wisdom of Silicon Valley, Darash’s chances were even slimmer. For one, he does not have a co-founder. He insists he doesn’t need one. (Paul Graham, creator of the startup incubator Y Combinator, has said having a co-founder is critical because “a startup is too much for one person to bear.”) Darash also never worked for a major tech company before, so he did not have the network of contacts that help other entrepreneurs find engineers and meet investors.¶ But what he has lacked in support and connections he has made up for through a work ethic that borders on obsession.¶ “Asaf is a stubborn guy,” said Adam Gries, a childhood friend and founder of Smart Bites, a smartphone app that teaches people English. “He gets into his head that something is going to happen and he’s tenacious.”¶ Darash awakes every morning at 4:30 a.m., takes the BART train from his home in Berkeley to San Francisco, and arrives at the office by 6 a.m. He works for an hour, then walks across the street to the gym to swim and lift weights (A back injury he suffered while serving in the Israeli army requires him to stay physically strong). He typically does not go home until 9 p.m., after his children have gone to bed. Employees say he is a “total workaholic” who sends emails past midnight and sleeps just a few hours a night.¶ “I have a one-and-a-half year old who sees his Daddy maybe three hours a week,” Darash said. “It’s hard to explain how much sacrifice you make to bring a company from an idea to something real, especially if it’s a company with high-level technology.”¶ He is hands-on about all aspects of the company, from courting new clients to writing code. But lately, Darash has been distracted, spending valuable hours gathering documents and talking to lawyers, instead of running his company. His wife recently flew back to Israel to find housing and a school for their kids in case they have to leave the United States. He describes feeling a range of emotions: anger, fear, frustration. Mostly, though, he is confused. In his homeland of Israel, politicians fight over who can attract more foreign entrepreneurs. The United States, he says, should be rolling out the welcome mat for him, not ushering him out the door.¶ “I could not even comprehend this would become a problem,” he said. “I’m creating a company. I’m creating jobs. There’s nothing bad in what I’m doing and there’s nothing I’m taking away from someone else. The only thing I’m doing is creating more!”¶ “SERIOUS ALARM”¶ Since 2005, the number of immigrant-founded startups in Silicon Valley has declined from 52 percent to 44 percent, according to Wadhwa, who argues this drop is cause for “serious alarm” because America needs to attract immigrant entrepreneurs for its economy to recover.¶ “The United States risks losing a key growth engine right at the moment when it’s economy is stuck in a deep ditch, growing slowly and struggling to create jobs,” Wadhwa wrote in his new book, The Immigrant Exodus.¶ Their recent decline could be linked to entrepreneurs finding better business prospects abroad, especially in countries with growing economies like India and China. But advocates say a major reason why immigrants are launching fewer startups in the United States is because they are struggling to secure visas to remain in the country.

#### Impact is global nuclear war

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

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

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#### 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 place a statutory ban on drone strike operations conducted by the Central Intelligence Agency. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Constraints through executive coordination solves signaling**

**POSNER & VERMEULE 2006** --- \*Prof of Law at U Chicago, AND \*\* Prof of Law at Harvard (9/19/2006, Eric A. Posner & Adrian Vermeule, “The Credible Executive,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=931501)>)

IV. Executive Signaling: Law and Mechanisms

We suggest that the executive’s credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involve executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations.

This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by “government” or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by “the people” to bind “themselves” against their own future decisionmaking pathologies, or relatedly that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations.71 Whether or not this picture is coherent,72 it is not the question we examine here, although some of the relevant considerations are similar.73 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government.

Furthermore, our question is subconstitutional; it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling to generate public trust. Accordingly we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations; in general, the solution is to engage in actions that are less costly for good types than for bad types.

We begin with some relevant law; then examine a set of possible mechanisms, emphasizing both the conditions under which they might succeed and the conditions under which they might not; and then examine the costs of credibility.

A. A Preliminary Note on Law and Self-Binding

Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.74 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is “yes, at least to the same extent that a legislature can.” Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.75 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future**.** A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies.

More schematically, we may speak of formal and informal means of self-binding:

(1) The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so.

(2) The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.76 However, there may be large political costs to repealing the order. This effect does not depend on the courts’ willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it.

In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.

B. Mechanisms

What signaling mechanisms might a well-motivated executive adopt to credibly assure voters, legislators and judges that his policies rest on judgments about the public interest, rather than on power-maximization, partisanship or other nefarious motives? Intrabranch separation of powers. In an interesting treatment of related problems, Neal Katyal suggests that the failure of the Madisonian system counsels “internal separation of powers” within the executive branch.77 Abdication by Congress means that there are few effective checks on executive power; second-best substitutes are necessary. Katyal proposes some mechanisms that would be adopted by Congress, such as oversight hearings by the minority party, but his most creative proposals are for arrangements internal to the executive branch, such as redundancy and competition among agencies, stronger civil-service protections and internal adjudication of executive controversies by insulated “executive” decisionmakers who resemble judges in many ways.78Katyal’s argument is relevant because the mechanisms he discusses might be understood as signaling devices, but his overall approach is conceptually flawed, on two grounds. First, the assumption that second-best constraints on the executive should reproduce the Madisonian separation of powers within the executive branch is never defended. The idea seems to be that this is as close as we can get to the first-best, while holding constant everything else in our constitutional order. But the general theory of second-best states that approaching as closely as possible to the first-best will not necessarily be the preferred strategy;79 the best approach may be to adjust matters on other margins as well, in potentially unpredictable ways. If the Madisonian system has failed in the ways Katyal suggests, the best compensating adjustment might be, for all we know, to switch to a parliamentary system. (We assume that no large-scale changes of this sort are possible, whereas Katyal seemingly assumes that they are, or at least does not make clear his assumptions in this regard). Overall, Katyal’s view has a kind of fractal quality – each branch should reproduce within itself the very same separation of powers structure that also describes the whole system – but it is not explained why the constitutional order should be fractal.

Second, Katyal’s proposals for internal separation of powers are self-defeating: the motivations that Katyal ascribes to the executive are inconsistent with the executive adopting or respecting the prescriptions Katyal recommends.80 Katyal never quite says so explicitly, but he clearly envisions the executive as a power-maximizing actor, in the sense that the president seeks to remove all constraints on his current choices.81 Such an executive would not adopt or enforce the internal separation of powers to check himself. Executive signaling is not, even in principle, a solution to the lack of constraints on a power-maximizing executive in the sense Katyal implicitly intends. Although an illmotivated executive might bind himself to enhance his strategic credibility, as explained above, he would not do so in order to restore the balance of powers. Nor is it possible, given Katyal’s premise of legislative passivity or abdication, that Congress would force the internal separation of powers on the executive. In what follows, we limit ourselves to proposals that are consistent with the motivations, beliefs, and political opportunities that we ascribe to the well-motivated executive, to whom the proposals are addressed. This limitation ensures that the proposals are not self-defeating, whatever their costs.

The contrast here must not be drawn too simply. A well-motivated executive, in our sense, might well attempt to increase his power. The very point of demonstrating credibility is to encourage voters and legislators to increase the discretionary authority of the executive, where all will be made better off by doing so. Scholars such as Katyal who implicitly distrust the executive, however, do not subscribe to this picture of executive motivations. Rather, they see the executive as an unfaithful agent of the voters; the executive attempts to maximize his power even where fully-informed voters would prefer otherwise. An actor of that sort will have no incentive to adopt proposals intended to constrain that sort of actor. Independent commissions. We now turn to some conceptually coherent mechanisms of executive signaling. Somewhat analogously to Katyal’s idea of the internal separation of powers, a well-motivated executive might establish independent commissions to review policy decisions, either before or after the fact. Presidents do this routinely, especially after a policy has had disastrous outcomes, but sometimes beforehand as well. Independent commissions are typically blue-ribbon and bipartisan.82

We add to this familiar process the idea that the President might gain credibility by publicly committing or binding himself to give the commission authority on some dimension. The president might publicly promise to follow the recommendations of such a commission, or to allow the commission to exercise de facto veto power over a policy decision before it is made, or might promise before the policy is chosen that the commission will be given power to review its success after the fact. To be sure, there will always be some wiggle room in the terms of the promise, but that is true of almost all commitments, which raise the costs of wiggling out even if they do not completely prevent it.

Consider whether George W. Bush’s credibility would have been enhanced had he appointed a blue-ribbon commission to examine the evidence for weapons of mass destruction in Iraq before the 2003 invasion, and publicly promised not to invade unless the commission found substantial evidence of their existence. Bush would have retained his preexisting legal authority to order the invasion even if the commission found the evidence inadequate, but the political costs of doing so would have been large. Knowing this, and knowing that Bush shared that knowledge, the public could have inferred that Bush’s professed motive – elimination of weapons of mass destruction – was also his real motive. Public promises that inflict reputational costs on badly motivated behavior help the well-motivated executive to credibly distinguish himself from the ill-motivated one.

The more common version of this tactic is to appoint commissions after the relevant event, as George W. Bush did to investigate the faulty reports by intelligence agencies that Iraq possessed weapons of mass destruction.83 If the president appoints after-the-fact commissions, the commissions can enhance his credibility for the next event—by showing that he will be willing, after that event, to subject his statements to scrutiny by public experts. Here, however, the demonstration of credibility is weaker, because there is no commitment to appoint any after-the-fact commissions in the future – merely a plausible inference that the president’s future behavior will track his past behavior.

Bipartisan appointments. In examples of the sort just mentioned, the signaling arises from public position-taking. The well-motivated executive might produce similar effects through appointments to office.84 A number of statutes require partisan balance on multimember commissions; although these statutes are outside the scope of our discussion, we note that presidents might approve them because they allow the president to commit to a policy that legislators favor, thus encouraging legislators to increase the scope of the delegation in the first place.85 For similar reasons, presidents may consent to restrictions on the removal of agency officials, because the restriction enables the president to commit to giving the agency some autonomy from the president’s preferences.86

Similar mechanisms can work even where no statutes are in the picture. As previously mentioned, during World War II, FDR appointed Republicans to important cabinet positions, making Stimson his Secretary of War. Clinton appointed William Cohen, a moderate Republican, as Secretary of Defense in order to shore up his credibility on security issues. Bipartisanship of this sort might improve the deliberation that precedes decisions, by impeding various forms of herding, cascades and groupthink;87 however, we focus on its credibility-generating effects. By (1) expanding the circle of those who share the president’s privileged access to information, (2) ensuring that policy is partly controlled by officials with preferences that differ from the president’s, and (3) inviting a potential whistleblower into the tent, bipartisanship helps to dispel the suspicion that policy decisions rest on partisan motives or extreme preferences, which in turn encourages broader delegations of discretion from the public and Congress.

A commitment to bipartisanship is only one way in which appointments can generate credibility. Presidents might simply appoint a person with a reputation for integrity, as when President Nixon appointed Archibald Cox as special prosecutor (although plausibly Nixon did so because he was forced to do so by political constraints, rather than as a tactic for generating credibility). A person with well-known preferences on a particular issue, even if not of the other party or widely respected for impartiality, can serve as a credible whistleblower on that issue. Thus presidents routinely award cabinet posts to leaders of subsets of the president’s own party, leaders whose preferences are known to diverge from the president’s on the subject; one point of this is to credibly assure the relevant interest groups that the president will not deviate (too far) from their preferences.

The Independent Counsel Statute institutionalized the special prosecutor and strengthened it. But the statute proved unpopular and was allowed to lapse in 1999.88 This experience raises two interesting questions. First, why have presidents confined themselves to appointing lawyers to investigate allegations of wrongdoing; why have they not appointed, say, independent policy experts to investigate allegations of policy failure? Second, why did the Independent Counsel Statute fail? Briefly, the statute failed because it was too difficult to control the behavior of the prosecutor, who was not given any incentive to keep his investigation within reasonable bounds.89 Not surprisingly, policy investigators would be even less constrained since they would not be confined by the law, and at the same time, without legal powers they would probably be ignored on partisan grounds. A commission composed of members with diverse viewpoints is harder to ignore, if the members agree with each other.

More generally, the decision by presidents to bring into their administrations members of other parties, or persons with a reputation for bipartisanship and integrity, illustrates the formation of domestic coalitions of the willing. Presidents can informally bargain around the formal separation of powers90 by employing subsets of Congress, or of the opposing party, to generate credibility while maintaining a measure of institutional control. FDR was willing to appoint Knox and Stimson, but not to give the Republicans in Congress a veto. Truman was willing to ally with Arthur Vandenbergh but not with all the Republicans; Clinton was willing to appoint William Cohen but not Newt Gingrich. George W. Bush likewise made a gesture towards credibility by briefing members of the Senate Intelligence Committee – including Democrats – on the administration’s secret surveillance program(s), which provided a useful talking point when the existence of the program(s) was revealed to the public.

Counter-partisanship. Related to bipartisanship is what might be called counterpartisanship: presidents have greater credibility when they choose policies that cut against the grain of their party’s platform or their own presumed preferences.91 Only Nixon could go to China, and only Clinton could engineer welfare reform. Voters and publics rationally employ a political heuristic: the relevant policy, which voters are incapable of directly assessing, must be highly beneficial if it is chosen by a president who is predisposed against it by convictions or partisan loyalty.92 Accordingly, those who wish to move U.S. terrorism policy towards greater security and less liberty might do well to support the election of a Democrat.93 By the same logic, George W. Bush is widely suspected of nefarious motives when he rounds up alleged enemy combatants, but not when he creates a massive prescription drug benefit.

Counter-partisanship can powerfully enhance the president’s credibility, but it depends heavily on a lucky alignment of political stars. A peace-loving president has credibility when he declares a military emergency but not when he appeases; a belligerent president has credibility when he offers peace but not when he advocates military solutions. A lucky nation has a well-motivated president with a belligerent reputation when international tensions diminish (Ronald Reagan) and a president with a pacific reputation when they grow (Abraham Lincoln, who opposed the Mexican War). But a nation is not always lucky.

Transparency. The well-motivated executive might commit to transparency, as a way to reduce the costs to outsiders of monitoring his actions.94 The FDR strategy of inviting potential whistleblowers from the opposite party into government is a special case of this; the implicit threat is that the whistleblower will make public any evidence of partisan motivations. The more ambitious case involves actually exposing the executive’s decisionmaking processes to observation. To the extent that an ill-motivated executive cannot publicly acknowledge his motivations or publicly instruct subordinates to take them into account in decisionmaking, transparency will exclude those motivations from the decisionmaking process. The public will know that only a well-motivated executive would promise transparency in the first place, and the public can therefore draw an inference to credibility.

Credibility is especially enhanced when transparency is effected through journalists with reputations for integrity or with political preferences opposite to those of the president. Thus George W. Bush gave Bob Woodward unprecedented access to White House decisionmaking, and perhaps even to classified intelligence,95 with the expectation that the material would be published. This sort of disclosure to journalists is not real-time transparency – no one expects meetings of the National Security Council to appear on CSPAN – but the anticipation of future disclosure can have a disciplining effect in the present. By inviting this disciplining effect, the administration engages in signaling in the present through (the threat of) future transparency.

There are complex tradeoffs here, because transparency can have a range of harmful effects. As far as process is concerned, decisionmakers under public scrutiny may posture for the audience, may freeze their views or positions prematurely, and may hesitate to offer proposals or reasons for which they can later be blamed if things go wrong.96 As for substance, transparency can frustrate the achievement of programmatic or policy goals themselves. Where security policy is at stake, secrecy is sometimes necessary to surprise enemies or to keep them guessing. Finally, one must take account of the incentives of the actors who expose the facts—especially journalists who might reward presidents who give them access by portraying their decisionmaking in a favorable light.97

We will take up the costs of credibility shortly.98 In general, however, the existence of costs does not mean that the credibility-generating mechanisms are useless. Quite the contrary: where the executive uses such mechanisms, voters and legislators can draw an inference that the executive is well-motivated, precisely because the existence of costs would have given an ill-motivated executive an excuse not to use those mechanisms.

#### OLC deflects loss/blame on the President

POSNER 2011 - Kirkland & Ellis Professor, University of Chicago Law School (Eric A. Posner, “Deference To The Executive In The United States After September 11: Congress, The Courts, And The Office Of Legal Counsel”, http://www.harvard-jlpp.com/wp-content/uploads/2012/01/PosnerFinal.pdf)

However, there is an important twist that complicates the analysis. The president may choose to publicize OLC’s opinions. Naturally, the president will be tempted to publicize only favorable opinions. When Congress 22 claims that a policy is illegal, the president can respond that his lawyers advised him that the policy is legal. This response at least partially deflects blame from the president. There are two reasons for this. First, the Senate consented to the appointment of these lawyers; thus, if the lawyers gave bad advice, the Senate is partly to blame, and so the blame must be shared. Second, OLC lawyers likely care about their future prospects in the legal profession, which will turn in part on their ability to avoid scandals and to render plausible legal advice; they may also seek to maintain the office’s reputation. When OLC’s opinions are not merely private advice, but are used to justify actions, then OLC takes on a quasi-judicial function. Presidents are not obliged to publicize OL C’s opinions, but clearly they see an advantage to doing so, and they have in this way given OLC quasi-judicial status.

### 1NC

#### 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.

#### Detention authority comes from the AUMF

**Kelley ’12** [Michael, MA in journalism from Medill, writer for Business Insider, “Why Losing Indefinite Detention Powers Would Be A Disaster For Obama,” Oct. 24, http://www.businessinsider.com/why-losing-indefinite-detention-powers-would-be-a-disaster-for-obama-2012-10]

There's a big story by Greg Miller in the Washington Post on how the Obama administration has expanded its powers in the War on Terror.¶ Miller notes that the legal foundation for U.S. counterterrorism strategy is partially based on "the Congressional authorization to use military force" (AUMF) that was passed after 9/11.¶ Specifically it seems to be based on an interpretation of the AUMF that was "reaffirmed" by the indefinite detention clause of the National Defense Authorization Act (NDAA). ¶ This explains why Obama is fighting so hard to keep the indefinite detention clause in effect.¶ **In court** **the government argued** that the **indefinite detention** clause **is simply a "reaffirmation" of the** Authorization Use Of Military Force (**AUMF**), which gives the president authority "to use all necessary and appropriate force against those ... [who] aided the terrorist attacks that occurred on September 11, 2001 or harbored such organizations or persons." In the NDAA lawsuit, the government argued that the NDAA §1021 is simply an "affirmation" or "reaffirmation" of the AUMF.

#### 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.

### 1NC

#### US-Saudi relations are high now – counter terrorism cooperation is critical to the alliance

Riedel 8/21/13 (Bruce, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy, Brookings Institution, "US and Saudis Share Needs If Not Values")

America's alliance with Saudi Arabia began with F.D.R. in 1945, and for almost 70 years the kingdom has been our most reliable ally in the Muslim world. It has fought the Soviets, Saddam, Khomeini and Bin Laden with us while providing critical backing to the Arab-Israeli peace process.¶ With its vast oil resources and command of Mecca, the House of Saud is a formidable ally. But the alliance has always been based on shared threat assessments, not shared values. The King is the world's last absolute monarchy. There is no pretense of democracy or pluralism in the Kingdom.¶ The Saudis have led the counter revolution to the Arab Awakening, occupying Bahrain, controlling change in Yemen and backing the army coup d'etat in Egypt with money and royal approval. The king personally has embraced General Sisi and the crackdown on the Brotherhood. Even in Syria, where Riyadh backs the rebels, they want a Sunni strong man to replace Assad not a democracy.¶ Washington and Riyadh still need each other. Many of our interests still over lap. Saudi assistance helps our allies like Jordan and Morocco.Saudi intelligence was key to foiling the last two al Qaeda plots to attack the American homeland and is critical to the battle in Yemen against the terrorists. Saudi Arabia is also central to keeping pressure on Iran through sanctions by replacing Iranian oil on the market.¶ America has much to lose and little to gain if the Arab revolutions spread to the kingdom itself. So we face the challenge of being the Saudis' ally while we disagree on core values.

#### The plan would crush US-Saudi relations – a hardline stance against AQAP is critical to Saudi legitimacy

Eakin 12 (Hugh, IRP Gatekeeper Editor, May 21 2012 The New York Review, "Saudi Arabia and the New US War in Yemen"

What seems clear is that Saudi Arabia has become a key backer—and at times coordinator—of the accelerating US drone war and special operations offensive in Yemen, partly for its own security interests. Interior Ministry officials in Riyadh speak enthusiastically about the US drone program, and on May 12, drone strikes allegedly killed some eleven AQAP suspects, [two of them Saudi nationals](http://www.voanews.com/content/drones_in_yemen_kill_11_militants/566327.html). (It is worth noting, following the controversial killing of US citizen Anwar al-Awlaki, that Saudi Arabia does not appear to have many qualms about killing its own citizens in Yemen.)¶ Perhaps most important for the Saudi government, a successful counterterrorism policy carries enormous political value amid the upheavals of the Arab Spring. Even more than democratization or regime change in the region, the Saudi rulers seem to fear instability and unpredictability: though they have reluctantly supported the transition of power in Yemen, they are particularly nervous about the kind of extremism that has emerged in neighboring countries like Iraq, Yemen, and now Syria, when uprisings turn into violent conflict or authority breaks down entirely—places where Saudi jihadists have often found new causes. “Syria will be tempting to al-Qaeda,” Abdulrahman Alhadaq, a Saudi counter terrorism official, said in a briefing in Riyadh. “We need to avoid another Iraq.”¶ But Saudi counterterrorism efforts are also an important element in achieving consensus and legitimacy for the Saudi regimefff itself. Many young Saudis are growing increasingly impatient with their government’s oppressive status quo, and not a little of their ire is directed against the Interior Ministry, which has been blamed for arbitrary arrests of activists and human rights lawyers. Yet many I spoke to also seem to fear the chaos and violence that has engulfed so many of the country’s neighbors. In the early 2000s, when the Saudi government sponsored national dialogues to bring together activists, reformers, conservatives, and Islamists from across the ideological spectrum to suggest avenues of change, the country’s counterterrorism approach was one issue on which there was near universal agreement. (Participants in one of these dialogues explicitly endorsed a strategy of repentence and reconciliation for extremists.)¶ Turning Saudi Arabia into the US’s indispensable ally in Yemen—while making Yemen the central conflict in the US-led war against terrorism—has considerable strategic value for Crown Prince Nayef, who was named the heir apparent to King Abdullah last fall. As US-Saudi collaboration on security and counterterrorism has increased, the regime has largely avoided US pressure on human rights and domestic reforms. And while it keeps the terror threat at bay, at least within its own borders, the Interior Ministry can hold up Yemen as the example of what might happen at home if its broad powers were curbed. Whether that argument will continue to assuage the country’s youth remains an open question.

#### That causes Saudi nuclearization

Rozen ‘11 [Laura, the chief foreign policy reporter for Politico, quoting Patrick Clawson, a Persian Gulf expert at the Washington Institute for Near East Policy and Marc Lynch, a Middle East expert at George Washington University, Arab spring setbacks in the shadow of complicated U.S.-Saudi alliance, 4/18/11, <http://news.yahoo.com/s/yblog_theenvoy/20110418/ts_yblog_theenvoy/optimism-for-arab-spring-fades-in-face-of-complicated-u-s-saudi-alliance>]

**Riyadh, alarmed by** the **Obama** administration's failure to prop up its ally of three decades Egyptian President Hosni Mubarak, **is sending signs of its displeasure and interest in exploring alternative security arrangements**. Last month, former Saudi envoy to Washington now Saudi national security chief Prince **Bandar** **went to Pakistan, ostensibly to discuss the possibility of recruiting Pakistani troops** to help Sunni Gulf allies suppress Bahraini unrest. But some Washington **Middle East analysts interpreted the visit as a signal of possible Saudi interest in exploring being protected by a Pakistani nuclear security umbrella, or acquiring Pakistani nuclear weapons, if Washington doesn't sufficiently assure Riyadh that it will protect it from a nuclear Iran**. "The big problem we face is that at the very least the **Saudis** and [United Arab Emirates] **wonder to what extent we are committed to their most vital interests**," said Patrick Clawson, a Persian Gulf expert at the Washington Institute for Near East Policy. "Prince Bandar's visit to Pakistan is a shot across our bow of what the Saudis may feel is necessary if the U.S. is not providing an effective security guarantee.... The rumors in the region have long been that the Saudis paid a fair chunk of the bill" for Pakistan's nuclear program. "The momentum of the Arab revolutions has stalled, and the old Middle East is reasserting itself," said Marc Lynch, a Middle East expert at George Washington University who frequently consults with the Obama administration. In the current strategic malaise, Lynch said, "the Israelis and Palestinians are saying, 'what about us?' **The 'contain Iran' crowd is saying, 'don't forget about Iran.'" And the Saudis are playing up rising Sunni-Shiite tensions in the region, which "gives them an excuse," he added, to push their contain-Iran agenda, as well as to "equate Iranian subversion for use against their own Shia population**. Any time Saudi Shia make demands for political rights, they are accused of being Iranian agents."

#### Causes nuclear war and turns terrorism

Edelman ‘11 [Fellow at the Center for Strategic and Budgetary Assessments. Former Undersecretary for Defense—AND—Andrew Krepinevich—President of the Center for Strategic and Budgetary Assessments—AND—Evan Montgomery—Research Fellow at the Center for Strategic and Budgetary Assessments (Eric, The dangers of a nuclear Iran, FA 90;1, <http://www.csbaonline.org/wp-content/uploads/2010/12/2010.12.27-The-Dangers-of-a-Nuclear-Iran.pdf>]

There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen CSS-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also offered to sell Saudi Arabia nuclear warheads for the CSS-2S, which are not accurate enough to deliver conventional warheads effectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This "Islamabad option" could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might offer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the NPT since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan's weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India's reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT. N-PLAYER COMPETITION Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.-Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multi-polar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents' forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarine-based nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to "launch on warning" of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly, would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war. Most existing nuclear powers have taken steps to protect their nuclear weapons from unauthorized use: from closely screening key personnel to developing technical safety measures, such as permissive action links, which require special codes before the weapons can be armed. Yet there is no guarantee that emerging nuclear powers would be willing or able to implement these measures, creating a significant risk that their governments might lose control over the weapons or nuclear material and that nonstate actors could gain access to these items. Some states might seek to mitigate threats to their nuclear arsenals; for instance, they might hide their weapons. In that case, however, a single intelligence compromise could leave their weapons vulnerable to attack or theft.

### Solvency

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

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

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

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

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

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

#### Turns the Case- results in more strikes

Ackerman ’13 (Spencer Ackerman, “Little Will Change If the Military Takes Over CIA’s Drone Strikes”, <http://www.wired.com/dangerroom/2013/03/military-drones/>, March 20, 2013)

A British avionics specialist works on an armed MQ-9 Reaper drone at Creech Air Force Base, Nevada, where the 432d Aircraft Maintenance Squadron, comprised of U.S-U.K. airmen, operates. If the Obama administration decides to give the U.S. military control of the CIA’s drone effort, the institutional changes to the controversial global drone strikes will be minor. That’s because the important leverage points over the drones — and the global, targeted-killing program they support — are political, not institutional. Daniel Klaidman at The Daily Beast reports that President Barack Obama is nearing a decision to divest the CIA of its lethal drone fleet. According to Klaidman, the CIA will “remain involved in lethal targeting,” but uniformed personnel will pull the trigger from now on. “It looks like the White House may now be preparing to launch a campaign to counter the growing perception — with elites if not the majority of the public — that Obama is running a secretive and legally dubious killing machine,” Klaidman writes. Except he’ll still be running one. The CIA conducts armed drone strikes in Pakistan and Yemen, among other places. The U.S. military conducts armed drone strikes in Afghanistan, Yemen and Somalia, and has extensive airbases and support networks for drone strikes in east Africa and now in Niger. Military launchpads are often — but not always — launchpads for the CIA’s drones, too. And the CIA sometimes borrows the Air Force’s drone fleet. In short, the military infrastructure for the drone strikes is robust and global. In the near future, those drone launchpads will move out to sea. A newly reconfigured Navy ship, the USS Ponce, is the first of a new kind of floating staging ground for commandos and the armed robots they’ll operate. Later in the decade, the Navy plans to launch an armed, stealthy drone from an aircraft carrier. There’s an argument that giving the military control over the drones will lead to greater transparency around them. Maybe, but not necessarily. The congressional reporting requirements for so-called Title 50 programs (stuff CIA does, to be reductive) are more specific than those for Title 10 (stuff the military does, to be reductive). But the armed services committees tend to have unquestioned and broader oversight functions than the intelligence committees enjoy, not to mention better relationships with the committees: Witness the recent anger in the Senate intelligence committee that the CIA lied to it about its torture programs. The military is more likely than the CIA to openly testify about future drone operations, allow knowledgeable congressional staff into closed-door operational briefings and allow members of Congress to take tours of drone airbases. But that’s not to say that there will necessarily be more transparency of the military’s drone programs. Much depends on congressional prerogative, rather than institutional requirements. A summary offered by a former Special Operations Command lawyer last year (.pdf), piggybacking off one from a former CIA lawyer, was: “If the activity is defined as a military activity (‘Title 10′) there is no requirement to notify Congress, while intelligence community activities (‘Title 50′) require presidential findings and notice to Congress.” (For a good overview of how how the military can compartmentalize and limit access to information on its activities, including to Congress, read this blog post from Robert Caruso.) “Moving lethal drone operations exclusively to DOD might bring benefits. But DOD’s lethal operations are no less secretive than the CIA’s, and congressional oversight of DOD ops is significantly weaker,” former Justice Department lawyer Jack Goldsmith tells Klaidman. Mieke Eoyang, a former House intelligence and armed services committee staffer, tells Danger Room that oversight “depends on the the level of interest of the committee chairman on the Title 10 [military] side. It depends on how detailed he wants to get, down in the weeds.” Nor does the change to military drone control restrict the relevant legal authorizations in place. The Obama administration relies on an expansive interpretation of a 2001 congressional authorization to run its global targeted-killing program. If that authorization constrains the military to the “hot” battlefield of Afghanistan, someone forgot to tell the Joint Special Operations Command to get out of Yemen. What matters more than which bureaucratic entity operates the drones is what the politicians ostensibly in charge of those bureaucracies want to do with them. Sen. Rand Paul (R-Kentucky)’s 13-hour filibuster earlier this month vented congressional dissatisfaction with the secrecy, scope and intensity of the global targeted-killing program. It remains to be seen if Paul and his colleagues wish to trim the edges of that lethal program or constrain it more substantially. Congress has been more bellicose than the Obama administration.

### Soverignty

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

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

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

#### Blowback doesn’t translate into large-scale, anti-US terrorism

**Anderson ’13** [Kenneth, professor of international law at American University and a member of the Task Force on National Security and Law at the Hoover Institution, “The Case for Drones,” Commentary135.6 (Jun 2013): 14-23, Proquest, online]

Direct and immediate concerns about villagers’ perceptions during the counterinsurgencies in Iraq and Afghanistan led, at some points, to extraordinary (from the standpoint of lawful targeting and acceptable collateral damage) measures against using air power and even infantry to fire back at insurgents. But local counterinsurgency is not the long-term concern today; global counterterrorism is. Village-level resentments fueling recruitment might be a concern, but this type of blowback matters far less in terms of war fighting when the United States no longer has infantry in those places (and is no longer making its counterterrorism policy rest upon the chimera of a stable, democratic Afghanistan).

### Hezbollah

#### US winning the war on terror- no WMD attacks- Hezbollah isn’t key

Oswald 5/30, Rachel Oswald, staff editor for the National Journal and the Global Security Newswire, “Despite WMD fears, terrorists are focused on conventional attacks,” May 30, 2013, <http://www.nationaljournal.com/nationalsecurity/despite-wmd-fears-terrorists-are-focused-on-conventional-attacks-20130417?page=1&utm_source=feedly>

WASHINGTON – The United States has spent billions of dollars to prevent terrorists from obtaining a weapon of mass destruction even as this week’s [bombings in Boston](http://www.nti.org/gsn/article/police-scrutinize-remnants-boston-blasts/) further show that a nuclear weapon or lethal bioagent is not necessary for causing significant harm.¶ Organized group plots against the U.S. homeland since Sept. 11, 2001 have all involved conventional means of attack. Beyond that have been a handful of instances in which individuals used the postal system to deliver disease materials -- notably [this week’s ricin letters](http://www.nti.org/gsn/article/lab-confirms-ricin-letter-sent-senator/) to President Obama and at least one senator and the 2001 anthrax mailings.¶ Terrorism experts offer a range of reasons for why al-Qaida or other violent militants have never met their goal of carrying out a biological, chemical, nuclear or radiological attack on the United States or another nation. These include:¶ -- substantive efforts by the United States and partner nations to secure the most lethal WMD materials;¶ -- improved border security and visa checks that deny entry to possible foreign-born terrorists;¶ -- a lack of imagination and drive on the part of would-be terrorists to pursue the kind of novel but technically difficult attacks that could lead to widespread dispersal of unconventional materials;¶ -- a general haplessness on the part of the native-born U.S. extremists who have pursued WMD attacks, specifically involving weaponized pathogens;¶ -- elimination of most of al-Qaida’s original leadership, notably those members with the most experience orchestrating large-scale attacks abroad; and¶ -- the Arab Spring uprisings have likely drawn down the pool of terrorists with the proper training and focus to organize WMD attacks abroad as they have opted instead to join movements to overthrow governments in places such as Syria and Yemen.¶ “We killed a lot of people. That was one thing,” said Randall Larsen, founding director of the Bipartisan WMD Terrorism Research Center, referring to the deaths in recent years of al-Qaida chief Osama bin Laden and any number of his direct or philosophical adherents.¶ Bin Laden is known to have exhorted his followers to seek weapons of mass destruction for use in attacks against the West. Leading al-Qaida propagandist Anwar al-Awlaki of the group’s Yemen affiliate, who was killed in a 2011 U.S. drone strike, used his Inspire magazine to [encourage sympathizers](http://www.nti.org/gsn/article/al-qaeda-magazine-urges-chemical-biological-strikes-us/) to develop and carry out their own chemical and biological attacks.¶ Al-Qaida also had separate efforts in [Afghanistan](http://www.nti.org/gsn/article/al-qaeda-operatives-discussed-wmd-attacks-while-training-prior-to-911-report-says/) and [Malaysia](http://www.nti.org/gsn/article/us-officials-worried-by-release-of-al-qaeda-bioweapons-operative/) that worked on developing anthrax for use in attacks before they were broken up or abandoned following the September 2001 attacks.¶ In the last decade, the technological means to carry out new kinds of improvised WMD attacks such as those involving [laboratory-engineered pathogens](http://www.nti.org/gsn/article/synthetic-pathogens-might-pose-bioterror-threat-scientists-warn/) has become much more available.ffff However, it can take some time for bad actors to recognize how these new technologies can open the doorway to heretofore unseen massively disruptive terrorist attacks, according to Larsen.¶ Passenger airplanes were flying across the United States for decades before any terrorists realized that they would make a highly destructive improvised weapon when flown at high speeds into skyscrapers filled with thousands of people, Larsen noted.¶ A 2012 analysis by terrorism experts at the New America Foundation detailed a number of disrupted unconventional weapon plots against the country that counterintuitively were much more likely to involve home-grown antigovernment groups and lone-wolf actors than Muslim extremists. "In the past decade, there is no evidence that jihadist extremists in the United States have acquired or attempted to acquire material to construct CBRN weapons," according to authors Peter Bergen and Jennifer Rowland.¶ They documented a [number of failed domestic plots](http://homegrown.newamerica.net/), often involving cyanide or ricin. Only former Army microbiologist Bruce Ivins was successful in actually carrying out such an effort, killing five people with anthrax spores in 2001.¶ “Right-wing and left-wing extremist groups and individuals have been far more likely to acquire toxins and to assemble the makings of radiological weapons than al-Qaida sympathizers,” they said.

**No Jordan escalation**

**Fettweis ‘7**, Asst Prof Poli Sci – Tulane, Asst Prof National Security Affairs – US Naval War College, (Christopher, “On the Consequences of Failure in Iraq,” *Survival*, Vol. 49, Iss. 4, December, p. 83 – 98)

Without the US presence, a second argument goes, nothing would prevent Sunni-Shia violence from sweeping into every country where the religious divide exists. A Sunni bloc with centres in Riyadh and Cairo might face a Shia bloc headquartered in Tehran, both of which would face enormous pressure from their own people to fight proxy wars across the region. In addition to intra-Muslim civil war, cross-border warfare could not be ruled out. Jordan might be the first to send troops into Iraq to secure its own border; once the dam breaks, Iran, Turkey, Syria and Saudi Arabia might follow suit. The Middle East has no shortage of rivalries, any of which might descend into direct conflict after a destabilising US withdrawal. In the worst case, Iran might emerge as the regional hegemon, able to bully and blackmail its neighbours with its new nuclear arsenal. Saudi Arabia and Egypt would soon demand suitable deterrents of their own, and a nuclear arms race would envelop the region. Once again, however, **none of these outcomes is particularly likely.** Wider war No matter what the outcome in Iraq, **the region is not likely to devolve into chaos.** Although it might seem counter-intuitive, by most traditional measures the Middle East is very stable. Continuous, uninterrupted governance is the norm, not the exception; most Middle East regimes have been in power for decades. Its monarchies, from Morocco to Jordan to every Gulf state, have generally been in power since these countries gained independence. In Egypt Hosni Mubarak has ruled for almost three decades, and Muammar Gadhafi in Libya for almost four. The region's autocrats have been more likely to die quiet, natural deaths than meet the hangman or post-coup firing squads. Saddam's rather unpredictable regime, which attacked its neighbours twice, was one of the few exceptions to this pattern of stability, and he met an end unusual for the modern Middle East. Its regimes have survived potentially destabilising shocks before, and they would be likely to do so again. The region actually experiences very little cross-border warfare, and even less since the end of the Cold War. Saddam again provided an exception, as did the Israelis, with their adventures in Lebanon. Israel fought four wars with neighbouring states in the first 25 years of its existence, but none in the 34 years since. Vicious civil wars that once engulfed Lebanon and Algeria have gone quiet, and its ethnic conflicts do not make the region particularly unique. The biggest risk of an American withdrawal is intensified civil war in Iraq rather than regional conflagration. Iraq's **neighbours will likely not prove eager to fight each other** to determine who gets to be the next country to spend itself into penury propping up an unpopular puppet regime next door. As much as the Saudis and Iranians may threaten to intervene on behalf of their co-religionists, they have shown no eagerness to replace the counter-insurgency role that American troops play today. If the United States, with its remarkable military and unlimited resources, could not bring about its desired solutions in Iraq, why would any other country think it could do so?17 Common interest, not the presence of the US military, provides the ultimate foundation for stability. All ruling regimes in the Middle East share a common (and understandable) fear of instability. It is the interest of every actor - the Iraqis, their neighbours and the rest of the world - to see a stable, functioning government emerge in Iraq. If the United States were to withdraw, increased regional cooperation to address that common interest is **far more likely than outright warfare.**

#### No WMD terror- recruitment/lethality tradeoff

Shapiro, 13 – Princeton University politics and international affairs professor

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In addition to being a ruthless jihadist, Ayman al-Zawahiri long ago earned a reputation for being a terrible boss. When he took over al Qaeda in 2011, senior U.S. intelligence officials were already pointing out his penchant for micro-management. (In one instance in the 1990s, he reached out to operatives in Yemen to castigate them for buying a new fax machine when their old one was working just fine.) Reports that last week’s terror alert was triggered when Zawahiri reached out to Nasir al-Wuhayshi, his second-in-command and the leader of al Qaeda in the Arabian Peninsula -- a communication that Washington predictably managed to intercept -- only hardened the impression that he lacks the savvy to run a global terror organization. But few of Zawahiri’s many critics have paused to consider what the task of leading a terror organization actually entails. It is true that Zawahiri’s management style has made his organization vulnerable to foreign intelligence agencies and provoked disgruntlement among the terrorist rank and file, not to mention drawing last week’s drone strikes. But it is equally true that Zawahiri had few other options. Given that terrorists are, by definition, engaged in criminal activity, you would think that they would place a premium on secrecy. But historically, many terrorist groups have been meticulous record keepers. Members of the Red Brigades, an Italian terrorist group active in the 1970s and early 1980s, report having spent more time accounting for their activities than actually training or preparing attacks. From 2005 through at least 2010, senior leaders of al Qaeda in Iraq kept spreadsheets detailing salary payments to hundreds of fighters, among many other forms of written records. And when the former military al Qaeda military commander Mohammed Atef had a dispute with Midhat Mursi al-Sayid Umar, an explosives expert for the Egyptian Islamic Jihad, in the 1990s, one of his complaints was that Umar failed to turn in his receipts for a trip he took with his family. Such bureaucracy makes terrorists vulnerable to their enemies. But terrorists do it anyway. In part, that is because large-scale terror plots and extended terror campaigns require so much coordination that they cannot be carried out without detailed communication among the relevant actors and written records to help leaders track what is going on. Gerry Bradley, a former terrorist with the Provisional Irish Republican Army, for example, describes in his memoir how he required his subordinates in Belfast in 1973 to provide daily reports on their proposed operations so that he could ensure that the activities of subunits did not conflict. Several leaders of the Kenyan Mau Mau insurgency report that, as their movement grew in the early 1950s, they needed to start maintaining written accounting records and fighter registries to monitor their finances and personnel. But the deeper part of the answer is that the managers of terrorist organizations face the same basic challenges as the managers of any large organization. What is true for Walmart is true for al Qaeda: Managers need to keep tabs on what their people are doing and devote resources to motivate their underlings to pursue the organization’s aims. In fact, terrorist managers face a much tougher challenge. Whereas most businesses have the blunt goal of maximizing profits, terrorists’ aims are more precisely calibrated: An attack that is too violent can be just as damaging to the cause as an attack that is not violent enough. Al Qaeda in Iraq learned this lesson in Anbar Province in 2006, when the local population turned against them, partly in response to the group’s violence against civilians who disagreed with it. Terrorist leaders also face a stubborn human resources problem: Their talent pool is inherently unstable. Terrorists are obliged to seek out recruits who are predisposed to violence -- that is to say, young men with a chip on their shoulder. Unsurprisingly, these recruits are not usually disposed to following orders or recognizing authority figures. Terrorist managers can craft meticulous long-term strategies, but those are of little use if the people tasked with carrying them out want to make a name for themselves right now. Terrorist managers are also obliged to place a premium on bureaucratic control, because they lack other channels to discipline the ranks. When Walmart managers want to deal with an unruly employee or a supplier who is defaulting on a contract, they can turn to formal legal procedures. Terrorists have no such option. David Ervine, a deceased Irish Unionist politician and onetime bomb maker for the Ulster Volunteer Force (UVF), neatly described this dilemma to me in 2006. “We had some very heinous and counterproductive activities being carried out that the leadership didn’t punish because they had to maintain the hearts and minds within the organization,” he said, referring to a period in the late 1980s when he and the other leaders had made a strategic calculation that the Unionist cause was best served by focusing on nonviolent political competition. In Ervine’s (admittedly self-interested) telling, the UVF’s senior leaders would have ceased violence much earlier than the eventual 1994 cease-fire, but they could not do so because the rank and file would have turned on them. For terrorist managers, the only way to combat those “counterproductive activities” is to keep a tight rein on the organization. Recruiting only the most zealous will not do the trick, because, as the alleged chief of the Palestinian group Black September wrote in his memoir, “diehard extremists are either imbeciles or traitors.” So someone in Zawahiri’s position has his hands full: To pull off a major attack, [they need]~~he needs~~ to coordinate among multiple terrorists, track what his operatives are doing regardless of their intentions, and motivate them to follow orders against their own maverick instincts. Fortunately for the rest of us, the things terrorists do to achieve these tasks **sow the seeds of their undoing**. Placing calls, sending e-mails, keeping spreadsheets, and having members request reimbursements all create opportunities for intelligence agencies to learn what terrorists are up to and then disrupt them. In that way, Zawahiri’s failures are not just a reflection of his personal weaknesses but a case study in the inherent limits that all terror groups face. That is good news, of course, for potential terror targets: As long as our intelligence and law enforcement agencies remain vigilant, **there is no way terrorist** organization**s** **will ever rise above the level of** the **tolerable nuisance**, which is what they have been for the last decade. But for aspiring terror managers, it is a dispiriting reminder that **there is no escape from the red tape that** ultimately **dooms their cause**.

[Matt note: gender-modified]

#### No risk of a bioterror attack, and there won’t be retaliation - your evidence is hype

Matishak ‘10 (Martin, Global Security Newswire, “U.S. Unlikely to Respond to Biological Threat With Nuclear Strike, Experts Say,”, <http://www.globalsecuritynewswire.org/gsn/nw_20100429_7133.php>, April 29, 2010)

WASHINGTON -- The United States is not likely to use nuclear force to respond to a biological weapons threat, even though the Obama administration left open that option in its recent update to the nation's nuclear weapons policy, experts say (See GSN, April 22). "The notion that we are in imminent danger of confronting a scenario in which hundreds of thousands of people are dying in the streets of New York as a consequence of a biological weapons attack is fanciful," said Michael Moodie, a consultant who served as assistant director for multilateral affairs in the U.S. Arms Control and Disarmament Agency during the George H.W. Bush administration. Scenarios in which the United States suffers mass casualties as a result of such an event seem "to be taking the discussion out of the realm of reality and into one that is hypothetical and that has no meaning in the real world where this kind of exchange is just not going to happen," Moodie said this week in a telephone interview. "There are a lot of threat mongers who talk about devastating biological attacks that could kill tens of thousands, if not millions of Americans," according to Jonathan Tucker, a senior fellow with the James Martin Center for Nonproliferation Studies. "But in fact, no country out there today has anything close to what the Soviet Union had in terms of mass-casualty biological warfare capability. Advances in biotechnology are unlikely to change that situation, at least for the foreseeable future." No terrorist group would be capable of pulling off a massive biological attack, nor would it be deterred by the threat of nuclear retaliation, he added. The biological threat provision was addressed in the Defense Department-led Nuclear Posture Review, a restructuring of U.S. nuclear strategy, forces and readiness. The Obama administration pledged in the review that the United States would not conduct nuclear strikes on non-nuclear states that are in compliance with global nonproliferation regimes. However, the 72-page document contains a caveat that would allow Washington to set aside that policy, dubbed "negative security assurance," if it appeared that biological weapons had been made dangerous enough to cause major harm to the United States. "Given the catastrophic potential of biological weapons and the rapid pace of biotechnology development, the United States reserves the right to make any adjustment in the assurance that may be warranted by the evolution and proliferation of the biological weapons threat and U.S. capacities to counter that threat," the posture review report says. The caveat was included in the document because "in theory, biological weapons could kill millions of people," Gary Samore, senior White House coordinator for WMD counterterrorism and arms control, said last week after an event at the Carnegie Endowment for International Peace. Asked if the White House had identified a particular technological threshold that could provoke a nuclear strike, Samore replied: "No, and if we did we obviously would not be willing to put it out because countries would say, 'Oh, we can go right up to this level and it won't change policy.'" "It's deliberately ambiguous," he told Global Security Newswire. The document's key qualifications have become a lightning rod for criticism by Republican lawmakers who argue they eliminate the country's previous policy of "calculated ambiguity," in which U.S. leaders left open the possibility of executing a nuclear strike in response to virtually any hostile action against the United States or its allies (see GSN, April 15). Yet experts say there are a number of reasons why the United States is not likely to use a nuclear weapon to eliminate a non-nuclear threat. It could prove difficult for U.S. leaders to come up with a list of appropriate targets to strike with a nuclear warhead following a biological or chemical event, former Defense Undersecretary for Policy Walter Slocombe said during a recent panel discussion at the Hudson Institute. "I don't think nuclear weapons are necessary to deter these kinds of attacks given U.S. dominance in conventional military force," according to Gregory Koblentz, deputy director of the Biodefense Graduate Program at George Mason University in Northern Virginia. "There's a bigger downside to the nuclear nonproliferation side of the ledger for threatening to use nuclear weapons in those circumstances than there is the benefit of actually deterring a chemical or biological attack," Koblentz said during a recent panel discussion at the James Martin Center. The nonproliferation benefits for restricting the role of strategic weapons to deterring nuclear attacks outweigh the "marginal" reduction in the country's ability to stem the use of biological weapons, he said. In addition, the United States has efforts in place to defend against chemical and biological attacks such as vaccines and other medical countermeasures, he argued. "We have ways to mitigate the consequences of these attacks," Koblentz told the audience. "There's no way to mitigate the effects of a nuclear weapon." Regardless of the declaratory policy, the U.S. nuclear arsenal will always provide a "residual deterrent" against mass-casualty biological or chemical attacks, according to Tucker. "If a biological or chemical attack against the United States was of such a magnitude as to potentially warrant a nuclear response, no attacker could be confident that the U.S. -- in the heat of the moment -- would not retaliate with nuclear weapons, even if its declaratory policy is not to do so," he told GSN this week during a telephone interview. Political Benefits Experts are unsure what, if any, political benefit the country or President Barack Obama's sweeping nuclear nonproliferation agenda will gain from the posture review's biological weapons caveat. The report's reservation "was an unnecessary dilution of the strengthened negative security and a counterproductive elevation of biological weapons to the same strategic domain as nuclear weapons," Koblentz told GSN by e-mail this week. "The United States has nothing to gain by promoting the concept of the biological weapons as 'the poor man's atomic bomb,'" he added.

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#### 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.”

#### 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.

#### Libya and the WPR prove circumvention

**Druck ‘12** [Judah A. Druck, law associate at Sullivan & Cromwell LLP, Cornell Law School graduate, magna cum laude graduate from Brandeis University, “Droning On: The War Powers Resolution and the Numbing Effect of Technology-Driven Warfare,” <http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf>]

On March 19, 2011, American forces began attacking various¶ targets controlled by Muammar el-Qaddafi as part of NATO’s support¶ for the Libyan antigovernment resistance.1¶ Promising that no ground troops would be used during these operations,2¶ President Barack¶ Obama ordered strikes on Qaddafi forces using Tomahawk missiles¶ and bombings from warplanes.3¶ This order would later include the¶ use of unmanned Predator drones, signaling a shift toward a supporting role for NATO.4¶ Fighting lasted for months, ultimately culminating in the ousting of Qaddafi by rebel forces.5¶ Despite the limited nature of the U.S. intervention, questions¶ concerning the legality of the President’s actions quickly arose.6¶ Under the 1973 War Powers Resolution (WPR),7¶ which was enacted in¶ the wake of protests during the Vietnam War, the President is required to cease any use of military forces in “hostilities” within sixty¶ days of the conflict’s beginning unless he receives congressional authorization to the contrary.8¶ Having acted without any support from¶ Congress in the first sixty days, the President had seemingly presented¶ a clear example of a WPR violation. Yet President Obama and State¶ Department legal adviser Harold Koh rejected this view by arguing¶ that the use of force in Libya had not involved the type of “hostilities”¶ covered by the WPR.9¶ Emphasizing the absence of U.S. casualties and¶ lack of exposure to “exchanges of fire with hostile forces,” the President stood firmly behind his decision to intervene in Libya without¶ consulting Congress.10 Legislators, pundits, and academics alike broadly criticized this¶ legal analysis.11 Yet aside from these particularized complaints, the¶ President ultimately faced no discernible repercussions (judicial, legislative, or social challenges) for his actions.12 From a historical perspective, the absence of substantial backlash is unsurprising: since its¶ inception, the WPR has generally failed to prevent presidents from¶ using military action in an arguably illegal manner.13 In those situations, courts,14 legislators,15 and social movements16 have failed to¶ challenge this sort of presidential action, setting the stage for President Obama’s similar neglect of the WPR.

#### Obama circumvents war-powers rules- covert action inevitable

**Hallowell 2-11**-13 [Billy, founder of Pathufind Media, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS,” <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>]

Regulations give teeth and specificity to laws are essential to their functioning even as they create bureaucratic bloat. Congress-skirting executive orders and similar presidential directives are less numerous and generally have less reach than laws. But every president uses them and often tests how far they can go, especially in times of war and other crises.¶ President Harry Truman signed an executive order in 1952 directing the Commerce Department to take over the steel industry to ensure U.S. troops fighting in Korea were kept supplied with weapons and ammunition. The Supreme Court struck it down.¶ Other significant actions have stood. President Franklin D. Roosevelt issued an order in February 1942 to relocate more than 110,000 Japanese-Americans living on the West Coast to internment camps after Japan’s attack on the Pearl Harbor naval base. Decades later, Congress passed legislation apologizing and providing $20,000 to each person who was interned.¶ After the terrorist attacks of Sept. 11, 2001, President George W. Bush approved a series of executive orders that created an office of homeland security, froze the assets in U.S. banks linked to al-Qaida and other terrorist groups, and authorized the military services to call reserve forces to active duty for as long as two years.¶ Bush’s most contentious move came in the form of a military order approving the use of the military tribunals to put accused terrorists on trial faster and in greater secrecy than a regular criminal court.¶ Obama also has wielded considerable power in secret, upsetting the more liberal wing of his own party. He has carried forward Bush’s key anti-terrorism policies and expanded the use of unmanned drone strikes against terrorist targets in Pakistan and Yemen.¶ When a promised immigration overhaul failed in legislation, Obama went part way there simply by ordering that immigrants brought illegally to the United States as children be exempted from deportation and granted work permits if they apply. So, too, the ban on gays serving openly in the military was repealed before the election, followed now by the order lifting the ban on women serving in combat.¶ Those measures did not prove especially contentious. Indeed, the step on immigration is thought to have helped Obama in the election. It may be a different story as the administration moves more forcefully across a range of policy fronts that sat quiet in much of his first term.¶ William Howell, a political science professor at the University of Chicago and the author of “Power Without Persuasion: The Politics of Direct Presidential Action,” isn’t surprised to see commandments coming at a rapid clip.¶ “In an era of polarized parties and a fragmented Congress, the opportunities to legislate are few and far between,” Howell said. “So presidents have powerful incentive to go it alone. And they do.”¶ And the political opposition howls.¶ Sen. Marco Rubio, R-Fla., a possible contender for the Republican presidential nomination in 2016, said that on the gun-control front in particular, Obama is “abusing his power by imposing his policies via executive fiat instead of allowing them to be debated in Congress.”

#### Congress empirically fails to close loopholes- Obama can circumvent

**Druck ‘12** [Judah A. Druck, law associate at Sullivan & Cromwell LLP, Cornell Law School graduate, magna cum laude graduate from Brandeis University, “Droning On: The War Powers Resolution and the Numbing Effect of Technology-Driven Warfare,” <http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf>]

Of course, despite these various suits, Congress has received¶ much of the blame for the WPR’s treatment and failures. For example, Congress has been criticized for doing little to enforce the WPR¶ in using other Article I tools, such as the “power of the purse,”76 or by¶ closing the loopholes frequently used by presidents to avoid the WPR in the first place.77 Furthermore, in those situations where Congress¶ has decided to act, it has done so in such a disjointed manner as to¶ render any possible check on the President useless. For example, during President Reagan’s invasion of Grenada, Congress failed to reach¶ an agreement to declare the WPR’s sixty-day clock operative,78 and¶ later faced similar “deadlock” in deciding how best to respond to President Reagan’s actions in the Persian Gulf, eventually settling for a bill¶ that reflected congressional “ambivalence.”79 Thus, between the lack¶ of a “backbone” to check rogue presidential action and general ineptitude when it actually decides to act, Congress has demonstrated its¶ inability to remedy WPR violations.¶ Worse yet, much of Congress’s interest in the WPR is politically¶ motivated, leading to inconsistent review of presidential military decisions filled with post-hoc rationalizations. Given the political risk associated with wartime decisions,81 Congress lacks any incentive to act¶ unless and until it can gauge public reaction—a process that often¶ occurs after the fact.82 As a result, missions deemed successful by the¶ public will rarely provoke “serious congressional concern” about presidential compliance with the WPR, while failures will draw scrutiny.83¶ For example, in the case of the Mayaguez, “liberals in the Congress¶ generally praised [President Gerald Ford’s] performance” despite the¶ constitutional questions surrounding the conflict, simply because the public deemed it a success.84 Thus, even if Congress was effective at¶ checking potentially unconstitutional presidential action, it would only act when politically safe to do so. This result should be unsurprising: making a wartime decision provides little advantage for politicians, especially if the resulting action succeeds.85 Consequently,¶ Congress itself has taken a role in the continued disregard for WPR¶ enforcement.¶ The current WPR framework is broken: presidents avoid it, courts¶ will not rule on it, and Congress will not enforce it. This cycle has¶ culminated in President Obama’s recent use of force in Libya, which¶ created little, if any, controversy,86 and it provides a clear pass to future presidents, judges, and congresspersons looking to continue the¶ system of passivity and deferment.

#### No Pakistan impact- they’ve gone through worse

Stolar ‘7 (Alex Jr., Peace Fellow in the South Asia Program – Stimson Center, “The Implications of Unrest in Pakistan for Nuclear Security”,

http://www.stimson.org/southasia/?SN=SA200705181263, May 18, 2007)

It has been a very painful week in Pakistan. On May 12th, over forty died when violence broke out in Karachi between political factions supporting and opposing President Musharraf. Three days later, a suicide bomber entered a hotel restaurant in Peshawar and detonated the explosives strapped to his body, killing at least twenty persons. Recent turbulence has renewed fears that Pakistan’s nuclear weapons and materials may be vulnerable to breakdowns in command and control or theft. The good news is that these nightmare scenarios are unlikely to occur during the current political unrest. The bad news is that Pakistan’s domestic unrest will continue and grow worse without the restoration of a representative government, and that extremists have many ways to further destabilize Pakistan. Are Pakistan’s bombs safe? In theory, Pakistan’s nuclear weapons could be vulnerable to theft, illicit transfer, or unintentional use if the army’s discipline and command and control structure faltered. Concerns about the security of Pakistan’s weapons are greatest in the West when Pakistani politics enter a rough patch and during leadership changes. Fortunately, these worst case scenarios are highly unlikely. Pakistan has been through worse passages of political unrest. Intimidation, politically-driven violence, and sectarian strife are all too common in Pakistani politics. If past experience is any guide, the current unrest will not lead to anarchy or chaos in Pakistan. The vast majority of Pakistanis desire a moderate and stable state, and the army has an institutional interest to prevent the breakdown of national authority and cohesion. Pakistan’s weapons were secure during previous periods of political instability, and they are likely to remain the most protected national assets during the current unrest. There are no signs of a breakdown in command and control in the Pakistan Army.

#### No nuclear Pakistan impact

Tepperman ‘9 (Jonathan, Deputy Editor at Newsweek, Former Deputy Managing Editor, Foreign Affairs, LLM, i-law, NYU, MA, jurisprudence, Oxford, “Why Obama Should Learn to Love the Bomb”, http://jonathantepperman.com/Welcome\_files/nukes\_Final.pdf, 2009)

Note – Michael Desch = prof, polsci, Notre Dame

As for Pakistan, it has taken numerous precautions to ensure that its own weapons are insulated from the country’s chaos, installing complicated firing mechanisms to prevent a launch by lone radicals, for example, and instituting special training and screening for its nuclear personnel to ensure they’re not infiltrated by extremists. Even if the Pakistani state did collapse entirely—the nightmare scenario— the chance of a Taliban bomb would still be remote. Desch argues that the idea that terrorists “could use these weapons radically underestimates the difficulty of actually operating a modern nuclear arsenal. These things need constant maintenance and they’re very easy to disable. So the idea that these things could be stuffed into a gunnysack and smuggled across the Rio Grande is preposterous.”

#### Can’t solve Pakistan stability-

**Economics**

**Northam 12**, Jackie, Foreign Affairs correspondent for NPR news, “Faltering Economy Threatens Pakistan's Stability,” October 4th, http://www.npr.org/2012/10/04/162232742/faltering-economy-threatens-pakistans-stability

If you want to gain a good insight into Pakistan's economic situation, just look at a few of the country's newspaper headlines on any given day. The language says it all: prices soar, stocks plunge, budget deficit swells, foreign investment evaporates — and the list goes on. Now, analysts are increasingly worried that the faltering economy could join Pakistan's pervasive insurgency and repeated political upheavals as another serious threat to the country's stability. A recent report issued at the World Economic Forum says Pakistan ranks in the bottom 20 out of the world's economies. Nadeem Ul Haque, deputy chairman of the state Planning Commission, says nobody really wants to talk about economic reform, or draw up new fiscal policies. "The debate is always so charged with religion and geopolitics and war on terror, just talking about economics takes second place — in fact fifth place, in fact seventh place, 10th place," Haque says. "Nobody really wants to talk about economics." And while the government avoids making difficult economic policy decisions, key industries in Pakistan are taking a hit. A Target For Extremist Recruitment At the Sitara textile mill in the eastern city of Faisalabad, huge panels of cotton are imprinted with pictures of Spider-Man and Justin Bieber. They will be turned into duvet covers and sent to the U.S., says the plant's general manager, Ashfaq Ahmad. He says his mill is the only one in Pakistan that has two machines for doing flatbed printing — but only one of them is running. The other is closed, he says, because of a gas shutdown. Ahmad says serious gas and electricity shortages mean that this and other plants in Faisalabad can only operate four days a week. Power outages can last up to six hours a day. Rehan Naseem Bharara, vice president of Faisalabad's Chamber of Commerce, says many textile factories have shut down, and another just recently reduced staff. "They had about 13,000 people in their factory three years back, but now only 3,400 people are working," Bharara says. He says the cutbacks have had a huge impact on the community, especially the jobless, who become an "easy target for ... people who promote terrorism in this country." Western analysts say the decaying economy is as much of a threat to Pakistan's stability as the Taliban because widespread poverty and unemployment could lead to more political instability and an increase in extremism.

Power shortages

Leiby 12, Richard, Washington Post Pakistan Correspondent, “Pakistan’s power crisis may eclipse terrorist threat,” May 27th, http://articles.washingtonpost.com/2012-05-27/world/35457230\_1\_power-crisis-energy-projects-hydropower-projects

In the militant-infested northwestern city of Peshawar, hundreds of businessmen recently marched in a mock funeral procession — but not to protest bombings or kidnappings. The “corpse” they carried was an electric meter. In other areas of the country, shopkeepers have threatened mass suicide to protest 18 to 20 hours of power blackouts every day. Mobs are descending on utility offices to destroy records and meters, and they have attacked political parties’ headquarters during riots that sometimes turn deadly. This month, Pakistan tumbled into sovereign default for the first time in its history because the government failed to reimburse millions to independent power providers — more proof that, after years of mismanagement and neglect, the nation’s energy sector is in extremis. Now some experts suggest that the power crisis is more of a threat to Pakistan’s stability than is terrorism — a bitter outcome given the massive amount of aid the United States has poured into energy projects here over the decades. A long-running Islamist insurgency has carved 2 percent from the nation’s GDP, said Sakib Sherani, a former government economic adviser, whereas rotating daily blackouts — referred to here as “load shedding” — have resulted in a 4 percent loss. The shutdowns paralyze commerce, stoke inflation and unemployment, and further enrage a restive populace. Load shedding averages five to 10 hours a day in some urban areas and more than double that in rural ones.

#### Alt Cause to legitimacy- judicial defference

Knowles 2009 (Robert Knowles, Acting Assistant Professor, New York University School of Law, 41 Ariz. St. L.J. 87 American Hegemony and the Foreign Affairs Constitution)

First, the "hybrid" hegemonic model assumes that the goal of U.S. foreign affairs should be the preservation of American hegemony, which is more stable, more peaceful, and better for America's security and prosperity, than the alternatives. If the United States were to withdraw from its global leadership role, no other nation would be capable of taking its place. 378 The result would be radical instability and a greater risk of major war. 379 In addition, the United States would no longer benefit from the public goods it had formerly produced; as the largest consumer, it would suffer the most. Second, the hegemonic model assumes that American hegemony is unusually stable and durable. 380 As noted above, other nations have many incentives to continue to tolerate the current order. 381 And although other nations or groups of nations - China, the European Union, and India are often mentioned - may eventually overtake the United States in certain areas, such as manufacturing, the U.S. will remain dominant in most measures of capability for decades. According to 2007 estimates, the U.S. economy was projected to be twice the size of China's in 2025. 382 The U.S. accounted for half of the world's military spending in 2007 and holds enormous advantages in defense technology that far outstrip would-be competitors. 383 Predictions of American decline are not new, and they have thus far proved premature. 384 [\*148] Third, the hegemonic model assumes that preservation of American hegemony depends not just on power, but legitimacy. 385 All three IR frameworks for describing predominant states - although unipolarity less than hegemony or empire - suggest that legitimacy is crucial to the stability and durability of the system. Although empires and predominant states in unipolar systems can conceivably maintain their position through the use of force, this is much more likely to exhaust the resources of the predominant state and to lead to counter-balancing or the loss of control. 386 Legitimacy as a method of maintaining predominance is far more efficient. The hegemonic model generally values courts' institutional competences more than the anarchic realist model. The courts' strengths in offering a stable interpretation of the law, relative insulation from political pressure, and power to bestow legitimacy are important for realizing the functional constitutional goal of effective U.S. foreign policy. This means that courts' treatment of deference in foreign affairs will, in most respects, resemble its treatment of domestic affairs. Given the amorphous quality of foreign affairs deference, this "domestication" reduces uncertainty. The increasing boundary problems caused by the proliferation of treaties and the infiltration of domestic law by foreign affairs issues are lessened by reducing the deference gap. And the dilemma caused by the need to weigh different functional considerations - liberty, accountability, and effectiveness - against one another is made less intractable because it becomes part of the same project that the courts constantly grapple with in adjudicating domestic disputes. The domestic deference doctrines - such as Chevron and Skidmore - are hardly models of clarity, but they are applied and discussed by the courts much more often than foreign affairs deference doctrines, and can be usefully applied to foreign affairs cases as well. 387 The domestic deference doctrines are a recognition that legal interpretation often depends on politics, just as it does in the international realm. 388 Most of the same functional rationales - expertise, accountability, flexibility, and uniformity - that are advanced in support of exceptional foreign affairs deference also undergird Chevron. Accordingly, Chevron deference provides considerable latitude for the executive branch to change its interpretation of the law to adjust to foreign policy requirements. Once courts determine that a statute is ambiguous, the reasonableness threshold is [\*149] easy for the agency to meet; that is why Chevron is "strong medicine." 389 At the same time, Chevron's limited application ensures that agency interpretations result from a full and fair process. Without such process, the courts should look skeptically on altered interpretations of the law. Returning to domestic deference standards as a baseline clarifies the ways in which foreign affairs are truly "special." The best response to the special nature of foreign affairs matters does not lie simply in adopting domestic deference on steroids. Instead, accurate analysis must also take into account the ways in which the constitutional separation of powers already accommodates the uniqueness of foreign affairs. Many of the differences between domestic and foreign affairs play out not in legal doctrine, but in the relationship between the President and Congress. Under the hegemonic model, courts would still wind up deferring to executive branch interpretations much more often in foreign affairs matters because Congress is more likely to delegate law-making to the executive branch in those areas. 390 Nonetheless, foreign relations remain special, and courts must treat them differently in one important respect. In the twenty-first century, speed matters, and the executive branch alone possesses the ability to articulate and implement foreign policy quickly. Even non-realists will acknowledge that the international realm is much more susceptible to crisis and emergency than the domestic realm. But speed remains more important even to non-crisis foreign affairs cases. 391 It is true that the stable nature of American hegemony will prevent truly destabilizing events from happening without great changes in the geopolitical situation - the sort that occur over decades. The United States will not, for some time, face the same sorts of existential threats as in the past. 392 Nonetheless, in foreign affairs matters, it is only the executive branch that has the capacity successfully to conduct [\*150] treaty negotiations, for example, which depend on adjusting positions quickly. The need for speed is particularly acute in crises. Threats from transnational terrorist groups and loose nuclear weapons are among the most serious problems facing the United States today. The United States maintains a "quasi-monopoly on the international use of force," 393 but the rapid pace of change and improvements in weapons technology mean that the executive branch must respond to emergencies long before the courts have an opportunity to weigh in. Even if a court was able to respond quickly enough, it is not clear that we would want courts to adjudicate foreign affairs.

Alt cause to legitimacy- detention

Welsh 11 (David, J.D. from the University of Utah, "Procedural Justice Post-9/11: The Effects of Procedurally Unfair Treatment of Detainees on Perceptions of Global Legitimacy", [http://law.unh.edu/assets/images/uploads/publications/unh-law-review-vol-09-no2-welsh.pdf](http://law.unh.edu/assets/images/uploads/publications/unh-law-review-vol-09-no2-welsh.pdf//S))

The Global War on Terror has been ideologically framed as a struggle between the principles of freedom and democracy on the one hand and tyranny and extremism on the other. Although this war has arguably led to a short term disruption of terrorist threats such as Al-Qaeda, it has also damaged America’s image both at home and abroad. Throughout the world, there is a growing consensus that America has a “lack of credibility as a fair and just world leader”. The perceived military legitimacy of the United States in the War on terror is critical because terrorism is not a conventional threat that can surrender or can be defeated in the traditional sense. Instead, this battle can only be won through legitimizing the rule of law and undermining the use of terror as a means of political influence. Although a variety of political, economic, and security policies have negatively impacted the perceived legitimacy of the United States, one of the most damaging has been the detention, treatment, and trial of suspected terrorists. While many scholars have raised constitutional questions about the legality of U.S detention procedures, this article offers a psychological perspective of legitimacy in the context of detention.

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

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

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

#### Attribution means terrorists wont get the weapons

**Lieber and Press 13 –** Keir A. Lieber is Associate Professor in the Edmund A. Walsh School of Foreign Service and the Department¶ of Government at Georgetown University. Daryl G. Press is Associate Professor of Government at¶ Dartmouth College. ( Lieber, Keir A.; Press, Daryl G. International Security. Summer2013, Vol. 38 Issue 1, p80-104. 25p. 1 Chart, 3 Graphs.

The United States and its allies should be able to deter nuclear-armed states¶ from passing their weapons to terrorists, because a terrorist nuclear strike¶ would not remain anonymous for long and would soon be traced back to the¶ originating state. This conclusion is based on two empirical findings. First,¶ among the relevant past cases of conventional terrorist attacks—those targeting¶ the homelands of powerful states and causing significant casualties—almost all¶ were successfully attributed to the perpetrating terrorist organization. Second,¶ linking the attributed terrorist organization to a state sponsor would not be¶ difficult. Few foreign terrorist organizations have state sponsors; those that do¶ typically have only one; and only one suspected state sponsor of terrorism¶ (Pakistan) has nuclear weapons or sufficient stockpiles of nuclear materials.

MARKED AT MATERIALS

#### [if they say retal] No retaliation – other more likely scenarios like us disarming other countries but even if they did it would work and conflict wouldn’t escalate

**Lieber and Press 13 –** Keir A. Lieber is Associate Professor in the Edmund A. Walsh School of Foreign Service and the Department¶ of Government at Georgetown University. Daryl G. Press is Associate Professor of Government at¶ Dartmouth College. ( Lieber, Keir A.; Press, Daryl G. International Security. Summer2013, Vol. 38 Issue 1, p80-104. 25p. 1 Chart, 3 Graphs.

There are two problems with this counterargument. First, while attribution¶ uncertainty might restrain a state from responding to an act of nuclear terror¶ with a major nuclear retaliatory strike, that option is not the only devastating response¶ available to a country such as the United States or one of its allies. Indeed,¶ regardless of the level of attribution certainty, a nuclear strike might not be¶ the preferred response. For example, in the wake of a nuclear terror attack¶ against the United States thought to be sponsored by Pakistan, Iran, or North¶ Korea, U.S. leaders might not feel compelled to determine those countries’ guilt¶ “beyond a reasonable doubt” or to narrow down the suspect list further; Washington¶ might simply decide that the era in which “rogue states” possessed nuclear¶ weapons must end, and threaten to conquer any country that refused to¶ disarm or that was less than forthcoming about the terror attack.52

MARKED AT ATTACK

#### Middle East conflict won’t escalate

Maloney ‘7 (Suzanne, Senior Fellow – Saban Center for Middle East Policy, Steve Cook, Fellow – Council on Foreign Relations, and Ray Takeyh, Fellow – Council for Foreign Relations, “Why the Iraq War Won’t Engulf the Mideast”, International Herald Tribune, http://www.brookings.edu/views/op-ed/maloney20070629.htm , June 28, 2007)

Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, [and] could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight.

#### Empirically denied

Yglesisas ‘7 (Matthew, Associate Editor – Atlantic Monthly, “Containing Iraq”, The Atlantic,

http://matthewyglesias.theatlantic.com/archives/2007/09/containing\_iraq.php, September 12, 2007)

Kevin Drum tries to [throw some water](http://www.washingtonmonthly.com/archives/individual/2007_09/012050.php) on the "Middle East in Flames" theory holding that American withdrawal from Iraq will lead not only to a short-term intensification of fighting in Iraq, but also to some kind of broader regional conflagration. Ivo Daalder and James Lindsay, as usual sensible but several clicks to my right, also make this point briefly in Democracy: "Talk that Iraq’s troubles will trigger a regional war is overblown; none of the half-dozen civil wars the Middle East has witnessed over the past half-century led to a regional conflagration." Also worth mentioning in this context is the basic point that the Iranian and Syrian militaries just aren't able to conduct meaningful offensive military operations. The Saudi, Kuwait, and Jordanian militaries are even worse. The IDF has plenty of Arabs to fight closer to home. What you're looking at, realistically, is that our allies in Kurdistan might provide safe harbor to PKK guerillas, thus prompting our allies in Turkey to mount some cross-border military strikes against the PKK or possibly retaliatory ones against other Kurdish targets. This is a real problem, but it's obviously not a problem that's mitigated by having the US Army try to act as the Baghdad Police Department or sending US Marines to wander around the desert hunting a [possibly mythical](http://www.washingtonmonthly.com/features/2007/0710.tilghman.html) terrorist organization.

**Israel won’t attack – relations with the US**

**Cook ‘9 (Cook**, senior fellow, Mid East studies – CFR, 6/9/**’9**

(Steven A, “Why Israel Won’t Attack Iran,” Foreign Affairs)

Given Israel's perception of an acute Iranian threat and its demonstrated ability to act alone, there must be some other factor holding the Israelis back. Most likely, **that factor is politics, and** more specifically, the **importance that close relations with Washington has on** the **domestic political calculations** of Israeli leaders. Unlike 1981, when the United States had barely a toe-hold in the Middle East, Washington occupies two countries in or adjacent to the region, maintains military facilities throughout the Persian Gulf, and relies on Arab governments for logistical support. In the event of an Israeli attack, Washington would surely be accused of colluding with Jerusalem, severely damaging the United States' position in the region while provoking a ferocious Iranian response in Iraq, Afghanistan, Gaza, and southern Lebanon. **The** resulting **breach between Israel and the** **U**nited **S**tates **would be unprecedented**,

MARKED AT UNPRECEDENTED

#### No extinction - history proves

Easterbrook ‘3 (Gregg, Senior Fellow – New Republic, “We’re All Gonna Die!”, Wired Magazine, July, http://www.wired.com/wired/archive/11.07/doomsday.html?pg=1&topic=&topic\_set=)

3. Germ warfare!Like chemical agents, biological weapons have never lived up to their billing in popular culture. Consider the 1995 medical thriller Outbreak, in which a highly contagious virus takes out entire towns. The reality is quite different. Weaponized smallpox escaped from a Soviet laboratory in Aralsk, Kazakhstan, in 1971; three people died, no epidemic followed. In 1979, weapons-grade anthrax got out of a Soviet facility in Sverdlovsk (now called Ekaterinburg); 68 died, no epidemic. The loss of life was tragic, but no greater than could have been caused by a single conventional bomb. In 1989, workers at a US government facility near Washington were accidentally exposed to Ebola virus. They walked around the community and hung out with family and friends for several days before the mistake was discovered. No one died. The fact is, evolution has spent millions of years conditioning mammals to resist germs. Consider the Black Plague. It was the worst known pathogen in history, loose in a Middle Ages society of poor public health, awful sanitation, and no antibiotics. Yet it didn’t kill off humanity. Most people who were caught in the epidemic survived. Any superbug introduced into today’s Western world would encounter top-notch public health, excellent sanitation, and an array of medicines specifically engineered to kill bioagents. Perhaps one day some aspiring Dr. Evil will invent a bug that bypasses the immune system. Because it is possible some novel superdisease could be invented, or that existing pathogens like smallpox could be genetically altered to make them more virulent (two-thirds of those who contract natural smallpox survive), biological agents are a legitimate concern. They may turn increasingly troublesome as time passes and knowledge of biotechnology becomes harder to control, allowing individuals or small groups to cook up nasty germs as readily as they can buy guns today. But no superplague has ever come close to wiping out humanity before, and it seems unlikely to happen in the future.

#### Their evidence is exaggerated

Leitenberg ‘5 (Milton, Senior Research Scholar @ University of Maryland, “ASSESSING THE BIOLOGICAL WEAPONS AND BIOTERRORISM THREAT,” December 2005)

Framing “the threat” and setting the agenda of public perceptions and policy prescriptions. For the past decade the risk and immanence of the use of biological agents by nonstate actors/terrorist organizations—“bioterrorism”—has been systematically and deliberately exaggerated. It became more so after the combination of the 9/11 events and the October- November 2001 anthrax distribution in the United States that followed immediately afterwards. U.S. Government officials worked hard to spread their view to other countries. An edifice of institutes, programs, conferences, and publicists has grown up which continue the exaggeration and scare-mongering. In the last year or two, the drumbeat had picked up. It may however become moderated by the more realistic assessment of the likelihood of the onset of a natural flu pandemic, and the accompanying realization that the U.S. Government has been using the overwhelming proportion of its relevant resources to prepare for the wrong contingency.

#### The recent nuclear posture review bans retaliation (to a bioweapons attack)

Rogin ‘10 (Josh, “Obama embraces missile defense in nuclear review,” Foreign Policy, http://thecable.foreignpolicy.com/posts/2010/04/06/obama\_embraces\_missile\_defense\_in\_nuclear\_review, April 6, 2010)

The document claims that missile defense is critical to allowing the United States to shift away from nuclear weapons, especially now that the U.S. will no longer threaten to use nukes to retaliate against non-nuclear attacks, such as from chemical or biological weapons. The review even features a photo of a missile being shot from an Aegis destroyer in 2007, in what many outside experts saw at the time as a clear demonstration of the fact that U.S. missile defense capabilities can also have offensive uses as well, such as shooting down a satellite. "Major improvements in missile defenses and counter-weapons of mass destruction (WMD) capabilities have strengthened deterrence and defense against CBW attack," reads the document, known as the Nuclear Posture Review, which will stand as the Obama administration's guiding document on all things nuclear. "With the advent of U.S. conventional military preeminence and continued improvements in U.S. missile defenses and capabilities to counter and mitigate the effects of [chemical and biological weapons], the role of U.S. nuclear weapons in deterring non-nuclear attacks -- conventional, biological, or chemical -- has declined significantly," the document claims. Later on in the document, the administration points to Russia and China's nuclear modernization and notes that both countries view U.S. missile-defense expansion as destabilizing. Secretary Clinton addressed that issue in Tuesday's press conference. The NPR itself was careful to mention missile defense as only one of several capabilities needed to counter non-nuclear attacks. But Secretary Clinton was less careful. "It's no secret that countries around the world remained concerned about our missile-defense program," Clinton said, explaining that the NPR weighs in on "the role [missile defense] can and should play in deterring proliferation and nuclear terrorism." Ok, so now missile defense can deter chemical attacks, biological attacks, proliferation of nuclear technology, and suitcase bombs? Regardless, the document makes clear that with fewer nukes to be deployed once the new START agreement goes into effect, and with the role of nuclear weapons now limited to responding to nuclear threats, the administration is now looking to missile defense, among other technologies, to fill in the gap. "As the role of nuclear weapons is reduced in U.S. national security strategy, these non-nuclear elements will take on a greater share of the deterrence burden," the review reads.

## 1NR

#### Diversionary theory means countries turn outward—causes conflict

Friedberg and Schoenfeld 8 ([Aaron Friedberg](http://online.wsj.com/search/search_center.html?KEYWORDS=AARON+FRIEDBERG&ARTICLESEARCHQUERY_PARSER=bylineAND) and [Gabriel Schoenfeld](http://online.wsj.com/search/search_center.html?KEYWORDS=GABRIEL+SCHOENFELD&ARTICLESEARCHQUERY_PARSER=bylineAND) October 21, 2008 Mr. Friedberg is a professor of politics and international relations at Princeton University's Woodrow Wilson School. Mr. Schoenfeld, senior editor of Commentary, is a visiting scholar at the Witherspoon Institute in Princeton, N.J. “The Dangers of a Diminished America | In the 1930s, isolationism and protectionism spurred the rise of fascism.” <http://online.wsj.com/article/SB122455074012352571.html>)

The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

**Will pass with Obama leadership – firm but not overpowering**

**Sanders 10/28**, Bob Ray Sanders, columnist for the Fort Worth Star-Telegram, “There’s no better time for Obama to push immigration reform,” October 28, 2013, <http://articles.sun-sentinel.com/2013-10-28/news/fl-bscol-immigration-oped1028-20131028_1_immigration-bill-immigration-reform-house-speaker-john-boehner>

Just a few months ago, **immigration reform looked promising, garnering bipartisan support in the Senate**. A measure that was long overdue passed the upper chamber in Congress last June, **but has been stalled in the House** as recalcitrant Republicans simply couldn't stomach the idea of providing a path to citizenship for the millions of illegal immigrants already in the country.¶ **While the Senate bill has its faults** — including adding 700 miles of new fencing along the U.S.-Mexico border **— it is a compromise that**, if passed, **would be a giant step toward** [**improving**](http://articles.sun-sentinel.com/2013-10-28/news/fl-bscol-immigration-oped1028-20131028_1_immigration-bill-immigration-reform-house-speaker-john-boehner) **the entire immigration system** and, at the same time, bringing illegal immigrants out of the shadows.¶ [**Obama**](http://articles.sun-sentinel.com/2013-10-28/news/fl-bscol-immigration-oped1028-20131028_1_immigration-bill-immigration-reform-house-speaker-john-boehner) **got re-elected partly on his promise to pursue the issue aggressively**, receiving 71 percent of the Latino vote. He has not been as aggressive as many would like, even though they're willing to cut him a little slack because of all the uncontrollable international crises and manufactured domestic distractions (like the shutdown of the government) he has had to deal with.¶ **But he shouldn't let anything get in his way this time, even though Republicans in the House are vowing not to negotiate** with him because the president stood his ground and refused to negotiate on his healthcare law in connection with raising the debt ceiling and ending the [government](http://articles.sun-sentinel.com/2013-10-28/news/fl-bscol-immigration-oped1028-20131028_1_immigration-bill-immigration-reform-house-speaker-john-boehner) shutdown.¶ House Speaker John **Boehner,** who has refused to bring the Senate bill to a vote, has **said he won't bring any immigration legislation to the floor until a majority of his Republican caucus agrees**.¶ That, in effect, means never. Or, if there is a bill that the majority of his party would support, you can almost bet it will be terribly inadequate, one that would not pass the Senate and one that the president wouldn't sign if it did.¶ **Boehner**, who has been on the losing end a lot lately, **ought to be pressured into bringing the Senate bill to a vote**. It's clear that on many of the important matters facing this country, the majority of his party in the House will reject just about anything the president supports.¶ Therefore, **it will be left up to the House Democrats and the moderate Republicans who are not afraid of the "tea party" to get an immigration bill passed**.¶ Since the government shutdown fiasco, in which the GOP unmistakably was the loser, **the president has the upper hand, and he should take the opportunity to press forward with his agenda**.¶ **By no means am I suggesting that Obama become a bully or deliberately attempt to undermine Boehner's leadership, but he shouldn't back away from this fight again.**

#### Debates about drone policy split the base – democrats are massively fractured

Hirschfield 3/8/13 (Juie, Bloomberg News Staff Writer, "Obama Faces Bipartisan Pressure on Drone Big Brother Fear")

“The president is facing more political pressure on the war on terror in his second term, and it’s coming from the flanks -- the left flank and human rights community and from the right,” said Peter Feaver, who advised former President [George W. Bush](http://topics.bloomberg.com/george-w.-bush/) on national security and now teaches politics at [Duke University](http://topics.bloomberg.com/duke-university/) in Durham, [North Carolina](http://topics.bloomberg.com/north-carolina/).¶ The questions have sharpened amid public fears about “persistent ubiquitous surveillance,” Feaver added, “something that resonates especially strongly on the libertarian right that would say, ‘I don’t want Big Brother to be watching me,’ but also on the left, with people saying, ‘Do I want the FBI to be reading my e-mail?”¶ Paul, a first-term senator from [Kentucky](http://topics.bloomberg.com/kentucky/), cheered his letter from Holder and claimed credit for having elicited a rare unambiguous answer from Obama’s team on drone policy. To Paul’s question about the president’s authority to kill an American not engaged in combat on American soil, the attorney general wrote: “The answer to that question is no.”¶ ‘Under Duress’¶ “Hooray!” Paul said on Fox News, calling the missive “a result and a victory” from his filibuster delaying the Senate confirmation of [John Brennan](http://topics.bloomberg.com/john-brennan/) for CIA director -- ultimately approved. “Under duress, and under public humiliation, the White House will respond and do the right thing.”¶ Senator [Ron Wyden](http://topics.bloomberg.com/ron-wyden/) of [Oregon](http://topics.bloomberg.com/oregon/), the only Democrat to join Paul and other Republicans in the talk-a-thon, said it’s clear that a turning point occurred in the debate over drone policy in the last week -- not solely because of the filibuster.¶ “You’re going to start to see the emergence of a checks- and-balances caucus, and that there will be a lot of Democrats in it,” Wyden said.¶ Earlier in the week, he and others on the Senate intelligence committee forced the administration to allow panel members to review legal opinions underpinning its drone policy. That was after he and a handful of others withheld support for Brennan’s nomination until they saw the opinions.

#### Causes bipartisan controversy – drones policy is split

Shane and Shear 3/8/13 (Scott, New York Times Staff writer specializing in the intelligence community and Michael, White House Correspondent for the New York Times, writers for the New York Times, "Visions of Drones Swarming US Skies Hits Bipartisan Nerve", Compiled by a Conference at the Columbia Law School March 14-15: "Targeted Killings: Effective Advocacy Strategies" )

I believe there is a new political movement emerging in this country that’s shaking free of party moorings,” Mr. Wyden said. “Americans want a better balance between protecting our security and protecting our liberty.”¶ P. W. Singer, whose 2009 book “Wired for War: The Robotics Revolution and Conflict in the 21st Century” anticipated the broad impact of drones, said he believed they had shaken up politics be cause they were “a revolutionary technology, like the steam engine or the computer.”¶ “The discussion doesn’t fall along the usual partisan lines,” he said. The dozen states that have passed laws restricting drones do not fall into conventional red-blue divisions, nor do the score of states competing to be the site of the Federal Aviation Administration’s test sites for drones.¶ The serious issues raised by the government’s lethal drones seem inextricably mixed with the ubiquitous appearance of the technology in art, commerce and satire.¶

**Top of agenda now**

**Murthy Law Firm 10-28** (Murthy Law Firm specializes in US Immigration Law, "Prospects for Immigration Reform Remain Murky, Post-Shutdown", http://www.murthy.com/2013/10/28/prospects-for-immigration-reform-remain-murky-post-shutdown/, 10-28-13)

Shortly after the shutdown ended, President Obama spoke from the White House about the need to move forward with several key agenda items that were stalled "for the duration" - specifically: passing a budget, reforming our nation's immigration system, and passing the long-awaited farm bill. [See Remarks by the President on the Reopening of the Government, White House Press Office, 17.Oct.2013.] **The President's first priority, after fixing the budget - a tall order unto itself - is to pass meaningful and comprehensive immigration reform. Speaking from the State Dining Room, the President told reporters:¶ "…the Senate has already passed a bill with strong bipartisan support that would make the biggest commitment to border security in our history; would modernize our legal immigration system; make sure everyone plays by the same rules, makes sure that folks who came here illegally have to pay a fine, pay back taxes, meet their responsibilities**. That bill has already passed the Senate. And economists estimate that if that bill becomes law, our economy would be 5 percent larger two decades from now. That's $1.4 trillion in economic growth.¶ "The majority of Americans think this is the right thing to do. And it's sitting there waiting for the House to pass it. Now, if the House has ideas on how to improve the Senate bill, let's hear them. **Let's start the negotiations. But let's not leave this problem to keep festering for another year, or two years, or three years. This can and should get done by the end of the year."**

#### Immigration reform for highly skilled workers key to start-ups.

Wee 1-24. [Heesun, reporter, "How lack of immigration reform harms startups, US economy" CNBC -- www.cnbc.com/id/100401598]

Has Immigrant-Led Entrepreneurship Plateaued?¶ As the immigration debate churns on, there's no denying immigrants' contributions to new U.S. businesses and job creation.¶ Of the engineering and technology companies founded in the U.S. between 2006 and 2012, 24.3 percent had at least one key founder who was foreign-born, according to an October report from the Kauffman Foundation. In Silicon Valley, the number was 43.9 percent.¶ And while the growth rate of immigrant entrepreneurship nationwide has plateaued to 24.3 percent today from the unprecedented expansion of the 1980s and 1990s, immigrant founders of engineering and technology companies have employed roughly 560,000 workers and generated an estimated $63 billion dollars in sales from 2006 to 2012, according to the Kauffman Foundation.¶ Meanwhile short of immigration reform, small companies continue to scramble. "The current immigration policy is effectively a tax on my business," said Salazar of Stormpath, which helps businesses create online user authentification platforms for websites. ¶ Salazar said it can cost roughly $5,000 to $6,000 in legal fees to get a candidate on board — a sizeable hit for cash-strapped startups. And his company Stormpath is competing with other employers specifically on the degree to which they'll manage and ferry the job candidate's visa process, he said.¶ Buckling under complicated paperwork and costs, you can't blame Salazar and other entrepreneurs for being frustrated about how America values entrepreneurs and innovators — and whether we're willing to put policy changes in place to reflect those priorities. "We're hampering one of our fundamental national industries — technology," Salazar said.

#### Economic collapse causes pak collapse

Cusick 09 (James Cusick, Sunday Herald (Scotland) 3.18.09 <http://www.sundayherald.com/oped/opinion/display.var.2495478.0.dont_bank_on_financial_trouble_being_resolved_without_conflict.php>)

I'm not saying that America is about to declare war on China, or that Germany is going to invade France. But there are profound economic stresses in central Europe that could rapidly turn into conflict in the bankrupt Baltic states, Hungary, Ukraine. And if the Great Recession, as the IMF's Dominique Strauss-Kahn called it last week, turns into a Great Depression, with a prolonged collapse in international trade and financial flows, then we could see countries like **Pakistan disintegrate into nuclear anarchy and war with neighbouring India,** which will itself be experiencing widespread social unrest. Collapsing China could see civil war too; Japan will likely re-arm; Russia will seek to expand its sphere of economic interests. Need I to go on?

#### Econ decline makes a major terrorist attack likely

Washington Post 8(“Experts See Security Risks in Downturn”, November, http://www.washingtonpost.com/wp-dyn/content/article/2008/11/14/AR2008111403864.html)

Intelligence officials are warning that the deepening global financial crisis could weaken fragile governments in the world's most dangerous areas and undermine the ability of the United States and its allies to respond to a new wave of security threats. U.S. government officials and private analysts say the economic turmoil has heightened the short-term risk of a terrorist attack, as radical groups probe for weakening border protections and new gaps in defenses. A protracted financial crisis could threaten the survival of friendly regimes from Pakistan to the Middle East while forcing Western nations to cut spending on defense, intelligence and foreign aid, the sources said. The crisis could also accelerate the shift to a more Asia-centric globe, as rising powers such as China gain more leverage over international financial institutions and greater influence in world capitals. Some of the more troubling and immediate scenarios analysts are weighing involve nuclear-armed Pakistan, which already was being battered by inflation and unemployment before the global financial tsunami hit. Since September, Pakistan has seen its national currency devalued and its hard-currency reserves nearly wiped out. Analysts also worry about the impact of plummeting crude prices on oil-dependent nations such as Yemen, which has a large population of unemployed youths and a history of support for militant Islamic groups. The underlying problems and trends -- especially regional instability and the waning influence of the West -- were already well established, but they are now "being accelerated by the current global financial crisis," the nation's top intelligence official, Director of National Intelligence Mike McConnell, said in a recent speech. McConnell is among several top U.S. intelligence officials warning that deep cuts in military and intelligence budgets could undermine the country's ability to anticipate and defend against new threats. Annual spending for U.S. intelligence operations currently totals $47.5 billion, a figure that does not include expensive satellites that fall under the Pentagon's budget. At a recent gathering of geospatial intelligence officials and contractors in Nashville, the outlook for the coming fiscal cycles was uniformly grim: fewer dollars for buying and maintaining sophisticated spy systems. "I worry where we'll be five or 10 years from now," Charles Allen, intelligence director for the Department of Homeland Security, said in an interview. "I am deeply worried that we will not have the funding necessary to operate and build the systems already approved." Intelligence officials say they have no hard evidence of a pending terrorist attack, and CIA Director Michael V. Hayden said in a news conference Thursday that his agency has not detected increased al-Qaeda communications or other signs of an imminent strike. But many government and private terrorism experts say the financial crisis has given al-Qaeda an opening, and judging from public statements and intercepted communications, senior al-Qaeda leaders are elated by the West's economic troubles, which they regard as a vindication of their efforts and a sign of the superpower's weakness. "Al-Qaeda's propaganda arm is constantly banging the drum saying that the U.S. economy is on the precipice -- and it's the force of the jihadists that's going to push us over the edge," said Bruce Hoffman, a former scholar-in-residence at the CIA and now a professor at Georgetown University. Whether terrorist leader Osama bin Laden is technically capable of another Sept. 11-style attack is unclear, but U.S. officials say he has traditionally picked times of transition to launch major strikes. The two major al-Qaeda-linked attacks on U.S. soil -- the World Trade Center bombing in 1993 and the 2001 hijackings -- occurred in the early months of new administrations.