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#### Restrictions are prohibitions

Northglenn 11 (City of Northglenn Zoning Ordinance, “Rules of Construction – Definitions”, http://www.northglenn.org/municode/ch11/content\_11-5.html)

Section 11-5-3. Restrictions. As used in this Chapter 11 of the Municipal Code, the **term "restriction**" shall mean a prohibitive regulation. Any use, activity, operation, building, structure or thing which is the subject of a restriction is prohibited, and no such use, activity, operation, building, structure or thing shall be **authorized by any permit or license**.

### CP

#### The United States federal government should:

#### Regularly report to congressional intelligence committees the number of targeted killing operations the Central Intelligence Agency and Department of Defense conduct within a given time period, along with any civilian casualties that happened as a result of these operations

#### Publish the criteria by which the government determines what individuals are subject to targeting by this program

#### Publish the financial cost of the targeted killing program

#### Clarify the legal justifications of the targeted killing program

#### Establish an independent congressional review board composed of individuals selected by the minority and majority leadership of the House and Senate responsible for publishing an annual report analyzing how well the government’s targeted killing program is performing

#### This specific transparency strategy solves

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My focus in this final post will be on transparency related reforms that Congress and the administration can likely come to agreement on (thus no recommendation for judicial review).

Reform 1: Defend the Process

At first blush this sounds like a silly reform recommendation, after all, the administration has given enough speeches on national security to fill a book. But that doesn’t mean they’ve fully described or defended the targeted killing process. In fact, in publishing these posts and the article I’ve been struck by how many people in government have emailed me to say things like: “I know my part of this, but I never knew the steps that came before and after me” or similar statements. The fact that leading human rights groups —many of whom are ideologically inclined to support this administration— have written a 9 page letter mostly calling for greater transparency also suggests that the message has not been received about the strategy, tactics, criteria, or procedure associated with America’s use of targeted killings. Sadly this isn’t a new phenomenon, in the article I cite a passage from Judge James E. Baker, Deputy Legal Adviser to the NSC under President Clinton, Baker wrote:

“In my experience, the United States does a better job at incorporating intelligence into its targeting decisions than it does in using intelligence to explain those decisions after the fact. This in part reflects the inherent difficulty in articulating a basis for targets derived from ongoing intelligence sources and methods. Moreover, it is hard to pause during ongoing operations to work through issues of disclosure…But articulation is an important part of the targeting process that must be incorporated into the decision cycle for that subset of targets raising the hardest issues…”

Of course it is understandable why an administration may not want to reveal information to defend the process, as doing so may subject them to political controls or even legal scrutiny, thus their caution is understandable (albeit self-serving). Nevertheless, publicly defending the process can strengthen executive power. It bolsters political support by providing information to voters and other external actors. It also bolsters bureaucratic and professional accountability by demonstrating to those within government that they are involved in activities that their government is willing to publicly describe and defend (subject to the limits of necessary national security secrecy). The administration should defend the process in at least as much detail as these blog posts have.

Reform 2: Use Performance Reporting to Encourage Good Behavior

Another transparency related reform that could engender greater accountability would be to report performance data. Specifically, the government could report the number of strikes the CIA and the Department of Defense conducted in a given time period. A possible performance metric might ask: 1) Was there collateral damage resulting from the military action? 2) If so, was the collateral damage excessive in relation to the military advantage anticipated? Variable 1 lends itself to tracking and reporting (subject to the difficulties of BDA), Variable 2 only arises if collateral damage occurred, and the questions that should flow from it are A) Was the collateral damage expected? If it was, then the commander must have engaged in some analysis as to whether the anticipated harm was excessive in relation to the military advantage anticipated and that assessment could be documented, and B) If the collateral damage was not expected, why not? Some causes of potentially unexpected collateral harm may be an intelligence failure, a failure to follow procedures, changes in the operational circumstances, inadequate procedures, among others. Each of these variables can be tracked as part of an accountability and performance metric. If tracked and aggregated over time, the causes of errors or a record of success could be publicly communicated in a way that does not jeopardize operational security. Moreover, such tracking and reporting could contribute to mission accomplishment by identifying the circumstances under which strikes did not go as planned.

As an example, in the paper I describe how CENTCOM data indicates that less than 1% of targeted killing operations resulted in harm to civilians, whereas outside observers estimate that 8%-47% of CIA strikes in Pakistan inflicted harm to civilians. Let’s make a big leap and just imagine for a moment that these data were official numbers, tracking the same thing, and were published by the Department of Defense and CIA respectively. In a hypothetical world where those numbers are accurate, it’s safe to assume that such reports showing that the CIA was inflicting civilian harm at a rate far exceeding that of DoD would force a serious reexamination of CIA bureaucratic practices, extensive political oversight, professional embarrassment and perhaps even the prospect of judicial intervention. The publication of such data may even have the salutary effect of causing bureaucratic competition between the Department of Defense and CIA over which agency could be better at protecting civilians, while still accomplishing their mission. Of course there are costs associated with such reporting. The tracking requirements would be extensive and may impose an operational burden on attacking forces — however, an administrative burden is not a sufficient reason to not reform the process, especially when innocent lives are on the line. Another cost may be the cost to security of revealing information that even has the slightest possibility of aiding the enemy in developing countermeasures against American operations.

Reform 3: Publish Targeting Criteria

Related to defending the process is the possibility that the U.S. government could publish the targeting criteria it follows. That criteria need not be comprehensive, but it could be sufficiently detailed as to give outside observers an idea about who the individuals singled out for killing are and what they are alleged to have done to merit their killing. As Bobby has noted, “Congress could specify a statutory standard which the executive branch could then bring to bear in light of the latest intelligence, with frequent reporting to Congress as to the results of its determinations.” What might the published standards entail? First, Congress could clarify the meaning of associated forces. In the alternative, again as Bobby has noted, it could do away with the associated forces criteria altogether, and instead name each organization against which force is being authorized. Such an approach would be similar to the one followed by the Office of Foreign Assets Control in their Specially Designated Nationals process.

The challenge with such a reporting and designation strategy is that it doesn’t fit neatly into the network based targeting strategy the U.S. government follows (as outlined in prior posts and in the article). If the U.S. is seeking to disrupt networks, then how can there be reporting that explains the networked based targeting techniques without revealing all of the links and nodes that have been identified by analysts? Furthermore, for ally targets, the diplomatic secrecy challenges remain. For example, at the time of the strike, the U.S. government could not disclose the fact that it was responsible for killing Nek Mohammed. There simply may be no way the U.S. can publicly reveal that it is targeting networks or persons that are attacking allied governments. These problems are less apparent when identifying the broad networks the U.S. believes are directly attacking American interests, however publication of actual names of targets will be nearly impossible (at least ex ante) under the current network based targeting practices.

While publishing targeting criteria has its challenges it may still be worth it as it may clear up potential misconceptions grounded in the use of different definitions. For example, the U.S. government and outside observers may simply be using different benchmarks to measure success. Some observers are looking to short term gains from a killing while others look to the long term consequences of the targeted killing policy. Some may be counting members of enemy groups as direct participants in hostilities, while others may be only counting those with a continuous combat function as direct participants. These definitions matter and the U.S. should be more transparent about what definitions it feels bound by.

While definitions should be transparent, all of the metrics and criteria associated with how the U.S. measures short term and long term success need not be revealed. However, the U.S. should articulate what strategic level goals it is hoping to achieve through its targeted killing program. Those goals certainly include disrupting specified networks. But what other goals is America seeking to achieve? Articulating those goals, and the specific networks the U.S. is targeting may place the U.S. on better diplomatic footing, and would certainly engender a sense that there is greater accountability domestically. It won’t please all of the critics, but pleasing all of them shouldn’t be the goal, the goal should be to firmly ground the program by providing sufficient details to ensure that mistakes are being tracked and that agencies aren’t running amok.

Reform 4: Publish costs (in dollars)

Some Americans may not care about innocent children in far away lands, but they care about their taxes. That fact suggests that targeted killings may be a worthwhile case for proving that publishing the financial costs of strikes can impose a degree of accountability on the process. This is the case because unlike a traditional war where the American people understand victories like the storming of the beaches at Normandy, the expulsion of Iraqi troops from Kuwait, or even (in a non-hot war context) the fall of the Berlin wall – this conflict against non-state actors is much harder to assess. As such, the American people may understand the targeted killing of a key al Qaeda leader like Anwar al Aulaqi, and they may be willing to pay any price to eliminate him. But what about less well known targets such as Taliban leaders? Take the example of Abdul Qayam, a Taliban commander in Afghanistan’s Zabul Province who was killed in an airstrike in October of 2011. Do the American people even know who he is, let alone the money spent to kill him? According to a report, the Navy spends $20,000 per hour on strikes like the one that killed Qayam, and each sortie generally lasts eight hours. While the American people may be generally supportive of targeted killings, they are likely unaware of the financial costs associated with the killings. Publishing the aggregate cost of strikes, along with the number of strikes would not reveal any classified information, but would go a long way towards ensuring political accountability for the targeted killing program. Such an accountability reform might also appeal to individuals across the ideological spectrum, from progressives who are opposed to strikes on moral grounds to fiscal conservatives who may oppose the strikes on the basis of financial cost. In fact, according to the 9/11 Commission Report, during the 1990’s one of the most effective critiques of the cruise missile strikes against al Qaeda training camps was cost. Specifically, some officials questioned whether “hitting inexpensive and rudimentary training camps with costly missiles would not do much good and might even help al Qaeda if the strikes failed to kill Bin Ladin.”

Reform 5: Establish an Independent Review Board

The transparency related accountability reforms specified above have the ability to expose wrongdoing; however that’s not the only goal of accountability. Accountability is also designed to deter wrongdoing. By exposing governmental activity, transparency oriented reforms can influence the behavior of all future public officials—to convince them to live up to public expectations. The challenge associated with the reforms articulated above is a bias towards the status quo. Very few incentives exist for elected officials to exercise greater oversight over targeted killings and interest group advocacy is not as strong in matters of national security and foreign affairs as it is in domestic politics. To overcome the bias towards the status quo, Congress should consider creating an independent review board composed of individuals selected by the minority and majority leadership of the House and Senate, thus ensuring bi-partisan representation. The individuals on the review board should be drawn from the ranks of former intelligence and military officers, lending their report enhanced credibility. These individuals should be responsible for publishing an annual report analyzing how well the government’s targeted killing program is performing. The goal would be a strategic assessment of costs and benefits, including the fiscal costs, potential blowback, collateral damage and other details that are currently held deep within the files of the targeting bureaucracy.

This board, like many prior commissions can be successful because they signal the executive’s interest in maintaining credibility and winning the support of the public. It also shows his willingness to give up control of information that allows others to subject the executive branch to critiques. Similarly, Congress may prefer this solution because it allows them to claim they are holding the executive branch accountable while at the same time shifting the blame for poor accountability decisions to others. The board could review the program in its entirety, or could conduct audits on specified areas of the program.

The challenge associated with such an approach is similar to the oversight challenges we see today. Will the agencies provide information to the board members? Maybe not. However, the dynamic here is a bit different, and it suggests that that agencies may cooperate. First, for the board to be successful it will require the president to publicly support it from the outset. A failure on his part to do so may impose political costs on him by suggesting he has something to hide. That cost may be more than he wants to bear. Second, once the president publicly binds himself to the commission, he will need to ensure it is successful or he will again suffer political costs. Those costs may turn into an ongoing political drama, drawing attention away from his other public policy objectives. Third, the board members themselves, once appointed, may operate as independent investigators who will have an interest in ensuring that they are not stonewalled. Fourth, because these members will be appointed by partisan leaders in Congress, the individuals chosen are likely to have impressive credentials, lending them a platform for lodging their critiques.

#### Drone strike transparency avoids downfalls of ex ante approval while ensuring accountability

Brennan-Marquez 5-24-’13, Kiel Brennan-Marquez is a Visiting Human Rights Fellow at Yale Law School. MAY 24, 2013, Salon, A progressive defense of drones, <http://www.salon.com/2013/05/24/a_progressive_defense_of_drones/>, jj

In this respect, drones represent a welcome shift of paradigm: they stand to clarify the moral stakes of state-sponsored violence by eliminating the dynamic of attachment that has traditionally accompanied it. By itself, of course, this proposition does not entail that drone strikes are preferable to traditional troop deployments. What it does entail, however, is that the benefits of moral clarity should be weighed, in practice, against the drawbacks of less circumspect decision-making. As much as drones are liable to desensitize leaders, making violence easier to employ, the outrage they produce is also likely to have a chilling effect in the other direction. Which way will this calculus ultimately run? We exercise an important threshold of control over this question. Whether the anesthetic effect of machine-induced violence will outstrip the sense of outrage that violence-by-machines provoke, or vice versa, is not a static political fact to which we must be resigned – it’s a hard issue for us to deliberate with care. One thing, however, is certain. Moral clarity in the face of drone strikes, as compared to troop deployments, is only politically worthwhile — indeed, only possible — insofar as members of the public are kept informed about when drone strikes are happening, and what damage they cause. Transparency is a precondition of outrage – and of accountability.¶ Importantly, this does not necessarily mean that information about drone strikes should be publicized, and subject to approval, before the fact. The question of ex ante oversight, which has begotten protracted debate in the popular media and academic circles alike, is an incredibly difficult one – as ever with respect to decisions that bear on national security. Many proposals have emerged, running the gamut from leaving the president and military leaders unfettered to make strategic decisions — as in traditional theaters of war — to full-blown judicial review of drone strikes. Sound arguments exist on both sides of this debate, and they are the usual arguments that tend to sprout up around wartime violence. Make leaders too accountable, one side laments, and their decisions will blow in the political wind, reflecting external pressures rather than national security interests. But grant leaders too much discretion, the other side rejoins, and the power they wield — the most tremendous power of all, over life and death — will transform from a means of protection into a wellspring of abuse.¶ I take no position in this debate – not because I don’t have my own view, which of course I do, but because part of my effort here is to disentangle the question of oversight beforehand from the question of transparency afterward. This distinction is not always drawn with care, and my claim about moral clarity is addressed toward the latter, not the former. To insist that information about drone strikes be made transparent to the public, ensuring that we have an opportunity to scrutinize it with the unrelenting moral clarity that violence-by-machines makes possible, does not depend on the existence of oversight beforehand. Nor is it undermined by the absence of such oversight. The two simply operate on different dimensions. Thus, even if we ultimately decide that it’s wise, for national security reasons, to insulate drone strikes from oversight by Congress, the judiciary or any other governmental body, we should still insist that information about drone strikes be made publicly available after the fact. In other words, regardless of our collective decision, whatever it ends up being, about whether to insulate drone strikes from review, there’s a different ideal of accountability — transparency — that simultaneously deserves our attention. Amid all the discussion of institutionalized oversight, we should not lose sight of what is, in the longer arc of our democracy, the most potent oversight of all: popular disapproval.¶ This defense of transparency may seem cold comfort, little as it does to ensure that any given drone strike will be executed with the rectitude demanded by instruments-of-death. Yet irresponsible decisions are perennially a risk during wartime, whether it’s machines or troops that carry out the violence. The problem of how to ensure that decisions in the interest of national security are made responsibly — whether the answer is prophylactic oversight, or precisely its absence — is a grave and timeless problem. It yields to no easy answer. And drones neither exacerbate nor attenuate its difficulty. The issue of transparency after the fact, by contrast, is much simpler. In fact, I would go so far as to call it an obvious issue. Transparency ought to exist. Period. Even if there are good reasons to prohibit the American people — or their institutional representatives: legislators and judges — from vetoing individual drone strikes, we nevertheless have a right to know what is happening, once it has happened, and to decide for ourselves whether the results are acceptable.

### DA 1

#### Next off is the primaries DA

#### \*\*\*Tea Party candidates will lose in 2014 primary elections now, but drone restrictions energize their base

Decide fate of GOP

Gonyea 12/24-’13, [Don Gonyea is a NPR National Political Correspondent based in Washington, D.C., he spends much of his time traveling throughout the United States covering campaigns, elections, and the political climate throughout the country. His reports can be heard on all NPR programs and at NPR.org, December 24, 2013, NPR, Amid Declining Popularity, The Tea Party Prepares To Fight, <http://www.npr.org/blogs/itsallpolitics/2013/12/24/256859872/amid-declining-popularity-the-tea-party-prepares-to-fight>, jj]

"You know, there are some people who want to write the obituary for the tea party, but if you look around to this crowd on a Wednesday afternoon, the tea party is alive and well," said Mike Needham at a rally in June outside the U.S. Capitol. Needham is with Heritage Action for America — one of the big outside groups that poured cash into supporting tea party candidates. "And we are going to write the obituary for big government." This was a year that saw the emergence of some big national stars of the movement: players who weren't just media personalities, like Glenn Beck, but who actually held high office, like Republican Sen. Rand Paul of Kentucky. Paul's 13-hour filibuster in March against John Brennan's CIA nomination protested what he says is the threat posed by a state ready to violate individual rights in the name of national security. His popularity among tea party activists soared. But the biggest fight the tea party waged this year was a failed standoff to repeal the Affordable Care Act. Enter GOP Sen. Ted Cruz of Texas, who launched a marathon speech in the Senate in September as a deadline to fund the federal government was fast approaching. "I intend to speak in opposition to Obamacare," he said. "I intend to speak in support of defunding Obamacare until I am no longer able to stand." Cruz's position: To block any government spending bill that contained money to fund Obamacare. That became the focal point of debate. It tied the hands of the GOP leadership looking for a deal. It made compromise impossible. A partial government shutdown lasting 16 days ensued in October. Tea party activists around the country urged their congressional allies to stand firm. It was a moment of strength for the movement – which, at the very same time, demonstrated how out of touch it was with public opinion. A CBS News poll in October, found that 72 percent of Americans thought the dispute over Obamacare should not have led to the shutdown. Forty-four percent blamed congressional Republicans, while 35 percent blamed President Obama. A Gallup poll out this month shows that just 22 percent of those questioned call themselves tea party supporters – a near-record low. Establishment forces like the U.S. Chamber of Commerce began to directly take on the tea party. Even the mainstream GOP began to resist: An end-of-year news conference by House Speaker John Boehner demonstrated that some Republican leaders are ready to push back — hard. "They pushed us into this fight to defund Obamacare and to shut down the government," he said. "Most of you know, my members know, that wasn't exactly the strategy that I had in mind. But if you'll recall, the day before the government reopened, one of these groups stood up and said, 'Well, we never really thought it would work.' Are you kidding me?" It does seem that the tea party is much at war with Republicans as it is with Democrats. The movement rejected a GOP effort to rebrand itself after the 2012 election and helped derail action on a new immigration law. But in the coming year of midterm elections, tea party candidates are challenging many incumbent Republicans in the House and Senate in primary races. Such battles could define both the shape and future of the GOP.

#### Plan’s a wedge issue that causes Tea Party success in the midterms as rank-and-file GOP voters rebel against establishment candidates

Silver, ’13 [Nathaniel Read "Nate" Silver is an American statistician and writer who analyzes in-game baseball activity and elections. He is currently the editor-in-chief of ESPN's FiveThirtyEight blog and a Special Correspondent for ABC News. June 11, 2013, 538 – NYT, Domestic Surveillance Could Create a Divide in the 2016 Primaries, <http://fivethirtyeight.blogs.nytimes.com/2013/06/11/domestic-surveillance-could-create-a-divide-in-the-2016-primaries/?_r=0>, jj]

A poll released on Monday by the Pew Research Center and The Washington Post found a partisan shift in the way Americans view the National Security Agency’s domestic surveillance programs. In the survey, slightly more Democrats than Republicans said they found it acceptable for the N.S.A. to track Americans’ phone records and e-mails if the goal is to prevent terrorism. By comparison, when Pew Research asked a similar question in 2006, Republicans were about twice as likely as Democrats to support the N.S.A.’s activities. The poll is a reminder that many Americans do not hold especially firm views on some issues and instead may adapt them depending on which party controls the executive branch. When it comes to domestic surveillance, a considerable number of Democrats seem willing to support actions under President Obama that they deemed unacceptable under George W. Bush, while some Republicans have shifted in the opposite direction. What may be just as significant is the way in which attitudes toward the security state could split voters and elected officials within each party — possibly creating a wedge issue in both party primaries in 2016. Politicians who are normally associated with being on the far left and the far right may find common cause with grass-roots voters in their objection to domestic surveillance programs, fighting against a party establishment that is inclined to support them. Take, for example, the House’s vote in May 2011 to extend certain provisions of the Patriot Act — including the so-called library records provision that the government has used to defend the legality of sweeping searches of telephone and e-mail records. The bill passed with 250 yes votes in the House against 153 no votes, receiving more of its support from Republicans. (In the Senate, the bill passed, 72-23, winning majority support from both parties.) However, the House vote was not well described by a traditional left-right political spectrum. In the chart below, I’ve sorted the 403 members of the House who voted on the bill from left to right in order of their overall degree of liberalism or conservatism, as determined by the statistical system DW-Nominate. Members of the House who voted for the bill are represented with a yellow stripe in the chart, while those who voted against it are represented in black. The no votes are concentrated at the two ends of the spectrum. The 49 most liberal members of the House (all Democrats) who voted on the bill each voted against it. But so did 14 of the 21 Republicans deemed to be the most conservative by DW-Nominate. By contrast, 46 of the 50 most moderate Republicans voted for the Patriot Act extension, as did 38 of the 50 most moderate Democrats. Perhaps, you might object, a one-dimensional spectrum doesn’t do a very good job of capturing all the nuances of what it means to be liberal or conservative in America today. In considering the surveillance state, for example, Republicans must weigh their traditional support for aggressive antiterrorism policies against their distrust of government, while Democrats must weigh their trust of Mr. Obama, who so far has been unapologetic for the N.S.A.’s actions, against their concern about civil liberties violations. Or more broadly, what about libertarians who take conservative views on economic policy but liberal views on social policy — or conservative Democrats who support the welfare state but not policies like gay marriage? Where are they represented on the spectrum? I am sympathetic toward these objections as a theoretical matter. Without making this too much of an editorial comment, I find the platforms of both parties to be lacking in philosophical cohesion — why, for example, should views on abortion have much to do with preferences on tax policy? But when it comes to American political parties and their representatives in Congress, partisanship tends to dominate all other considerations. National Journal has a different system for ranking members of Congress from liberal to conservative. It is somewhat less statistically rigorous than DW-Nominate’s system, but it does have the advantage of breaking votes down into three categories: those on economic, social and foreign policy. The correlations between the three policy areas are very high (specifically, they are about 0.9, where 1 would represent a perfect correlation). Members of Congress who take conservative views on economic policy tend almost always to take conservative views on social policy and foreign policy as well, while members who are liberal on one set of issues tend to cast liberal votes on almost all other issues. This does leave the question of how liberal and conservative policy stances are defined. (Support for gun rights, for example, is generally seen as socially conservative rather than socially liberal, even though socially liberal stances are often thought of as promoting the rights of individuals against communities or governments.) Nevertheless, for members of Congress today, a vote on any one issue is highly predictable based upon his votes on other issues. There are extremely few mavericks in Congress who vote on each issue on an independent and nonpartisan basis. DW-Nominate uses a different method to classify Congressional votes. Instead of assigning a subjective definition to each vote as liberal or conservative, it instead uses an automated process called optimal classification. The goal of this process is essentially to explain the highest number of Congressional votes based on a one-dimensional scale, regardless of the content of the legislation that comprises it. Whichever votes are not well explained by this first dimension are then explained by additional dimensions. The process is more intuitive than it might sound. For example, during the 1960s, Congressional votes on civil rights policy toward African-Americans were not very strongly correlated with votes on other types of political issues. (For instance, Southern Democrats were often staunchly opposed to civil rights for blacks while casting very liberal votes on the welfare state.) Thus, you needed at least two dimensions to describe Congressional voting patterns in a reasonably comprehensive way. In recent years, however, this has been much less of a problem: the one-dimensional spectrum explains about 95 percent of Congressional voting, and votes on economic, social and foreign policy are highly correlated. But a few votes still fall outside of the spectrum — the 2011 vote on the Patriot Act among them. If the second dimension no longer represents a distinction between economic and social policy, then what does it reflect? The authors of DW-Nominate are interpreting it to measure a distinction between what they call “establishment” members of Congress and “outsiders.” Here at FiveThirtyEight, I have sometimes used the same labels when describing the ideological space occupied by different candidates during the presidential primaries. Some candidates, like Mitt Romney, run as insider or establishment politicians, offering some iteration of what they say are tried-and-true solutions, while others run as insurgents or outsiders, submitting a more profound critique of politics as usual and claiming they will topple an unacceptable status quo. In general, those politicians who rate as insurgents or outsiders are on the wings of the liberal-conservative scale. The Tea Party, Occupy Wall Street and Ron Paul movements probably all fit into the outsider or insurgent category, for example, even though they inhabit vastly different spaces on the traditional left-right political spectrum. Conversely, moderates in both parties tend to score as establishment politicians. There aren’t very many “radical centrist” members of Congress who offer a pronounced critique of the status quo while also coming down somewhere in the middle on most policy issues. In the case of the Patriot Act vote, the establishment-outsider axis makes nearly as much difference as the liberal-conservative or Democratic-Republican scales. Among the so-called establishment members of the House who voted on the bill, 78 percent voted to extend the Patriot Act, while only 41 percent of the so-called outsiders did, according to DW-Nominate’s classifications. You can find similar patterns in certain votes on policy toward the financial sector — for example, during the various bailout votes that were cast toward the end of 2008. More recently, votes on the federal debt ceiling have taken on some of the same contours. What is the link between the financial votes and those on the surveillance state? In both cases, members of Congress were asked to trust the assertions of elites that significant harms would result if the bills were not enacted: terrorist acts in the event that the Patriot Act was not extended, or financial calamity in the event that the bailout was not passed or the debt ceiling was not raised. As a matter of practice (but not necessarily theory), convincing someone that a future crisis must be averted requires a higher level of persuasion than making the case for a policy that is claimed to ameliorate some extant problem. Members of Congress who are members of their party establishments might be more inclined to trust testimony from financial or national security elites, and therefore might have been easier to pitch on these bills. We should be careful about extrapolating the voting behavior of Congress to policy views among the general public. But as I have suggested, the establishment-outsider divide can loom large in presidential primaries. Particularly within the Republican Party, rank-and-file voters have increasingly lukewarm views of the party leadership. But Democrats will also face a primary after Mr. Obama’s tenure in office. Highly liberal, activist voters who might ordinarily be inclined to critique the status quo could face some awkward questions given that the status quo has featured a Democratic president. Debates on domestic surveillance could serve as proxy battles for these intraparty factions. Senator Rand Paul of Kentucky, perhaps along with other Republican candidates, could use his opposition to surveillance programs to help consolidate the support of libertarian and Tea Party voters, at the risk of alienating national security conservatives. Democratic candidates who criticize the Patriot Act or the N.S.A.’s actions will be finding fault with policies that Mr. Obama has defended – and Mr. Obama will very likely remain quite popular among Democrats three years from now.

#### This costs GOP moderates their seats and swings the election to the Tea Party

PDT 8/7-’13 [Pakistan Daily Times, Republican rift seeping into US foreign policy, <http://www.dailytimes.com.pk/default.asp?page=2013%5C08%5C07%5Cstory_7-8-2013_pg4_7>, jj]

Old-guard Republicans like Senator John McCain hew to the traditional line that the exertion of American power is the primary force of good in a chaotic world. They advocate supplying weapons to rebels in Syria, aiding Egypt despite the turmoil of the recent military coup, and using all tools at US disposal, including the surveillance of hundreds of millions of citizens, to keep America safe. But insurgent conservatives, led by libertarian-leaning Senators Rand Paul and Ted Cruz, are challenging that orthodoxy, and their influence has become difficult to ignore. A case in point came before the Senate late last week when Paul introduced a measure that would block $1.5 billion in aid to Egypt. His amendment was handily defeated, but not before heated debate between him and McCain over the role of the United States abroad. Notably voting with Paul and 11 other core conservatives was Mitch McConnell, the Senate’s top Republican. Together their vote bucked the position of AIPAC, the pro-Israel lobby that often finds Republican support in Washington. Earlier this year McCain derisively called Cruz and Paul “wacko birds” on the Senate floor, citing their procedural opposition to virtually anything supported by President Barack Obama, including the US budget, immigration reform, drone use, the national health law and foreign aid. “There may be more wacko birds in the Senate than is suspected,” Cruz, 42, sniped back at the 2008 Republican presidential nominee who is 34 years his senior. Cruz passed a big test last month in Iowa, where he was warmly received by several hundred evangelical pastors, a group that carries huge influence over the outcome of the first-in-the-nation primaries. Paul became a hero for many in March when he launched a 13-hour filibuster in the Senate to demand the Obama administration clarify its position on domestic use of drones. Political observers see a test brewing ahead of the presidential race in 2016 and even the mid-term elections in 2014, when voters will be confronted with what appears to be two divergent Republican strains. Michael Steele, a former chairman of the Republican National Committee, said recent ideological clashes have highlighted the “fracturing within the party.” “The question is will the John McCain view prevail ultimately going into 2014, or will the Ted Cruz view prevail?” he told MSNBC. The establishment’s growing unease with the upstarts, Paul led the Republican field in a recent PPP poll on the 2016 race, is likely what fueled a very public war of words late last month between two likely Republican contenders for the White House. New Jersey Governor Chris Christie blasted Paul’s position on domestic surveillance, and House of Representatives lawmakers who nearly de-funded the intelligence program that scoops up telephone records on millions of Americans. “This strain of libertarianism that’s going through both parties right now and making big headlines, I think, is a very dangerous thought,” Christie said at a mayoral panel. Paul shot back that “spying without warrants is unconstitutional.” The two carried on their bickering for days until reaching an uneasy truce. Congressman Peter King, the New York Republican who has chaired the House Homeland Security Committee, warned that the Tea Party favorites could threaten GOP aspirations for taking back the White House, especially if they were running against former secretary of state Hillary Clinton. “I think she’s very strong on foreign policy, and I think that if we nominate someone from our isolationist wing of the party, she’ll destroy them,” King told ABC News, adding that their pushing of the national debate is “harmful to the country.” Conservative columnist Charles Krauthammer argued in his Friday column that the return of conservative isolationism “was utterly predictable.” After years of war in Afghanistan and Iraq, debate over countless drone strikes and the revelations of mass surveillance by the National Security Agency, “the natural tension between isolationist and internationalist tendencies has resurfaced,” he wrote. Thomas Mann, a veteran congressional expert at the Brookings Institution, told AFP that while the Republican Party has largely accommodated the “economic libertarianism” of the Tea Party faithful in Congress,” true isolationists have little support among Republicans in office. “With Americans weary of war, this could begin to change but it would presage a real crackup of the GOP,” he said. afp

#### Continued Tea Party influence radicalizes the GOP which crashes the economy—electing moderates is key

Moyers, Ornstein & Mann, 10/11-’13 [Bill Moyers, has received more than 30 Emmys, two prestigious Alfred I. duPont-Columbia University Awards, nine Peabodys, and three George Polk Awards, president of the Schumann Media Center, a nonprofit organization that supports independent journalism. Thomas E. Mann & Norman J. Ornstein, Chair and a senior fellow in Governance Studies @ Brookings Institution & political scientist and resident scholar @ American Enterprise Institute, TruthOut, Norman Ornstein and Thomas Mann Explain Why Congress Is Failing Us, <http://www.truth-out.org/news/item/19383-norman-ornstein-and-thomas-mann-explain-why-congress-is-failing-us>, jj]

Bill Moyers: Even if the threat of terrorists went away, none of those bold projects Glenn Greenwald described as defining American greatness would happen today. Our government is paralyzed and dysfunctional, and it’s getting worse than ever. Just ask Norman Ornstein and Thomas Mann, as I’m about to do. For decades, these two political scientists were on the go-to list for Beltway pundits and reporters seeking wisdom on the curious ways of governance. But then, almost exactly a year ago to this day, they published an op-ed piece in The Washington Post headlined, “Let’s just say it: The Republicans are the problem.” Mann and Ornstein argued that democracy and the economy are in a crash dive, and that congressional gridlock was largely the fault of the Republican Party and its takeover by right wing radicals. What’s more, they said, the mainstream media was adding to the problem by resorting to “false equivalency,” pretending that both parties were equally at fault. The article was based on their book, It’s Even Worse than It Looks: How the American Constitutional System Collided with the New Politics of Extremism. A paperback edition, with a new preface and afterword, will be out later this year. Thomas Mann is the W. Averell Harriman Chair and a senior fellow in Governance Studies at the Brookings Institution. Norman Ornstein is resident scholar at the American Enterprise Institute. In their book, It’s Even Worse than It Looks, they predicted, “If President Obama gets reelected but faces either a continuing divided Congress or a Congress with Republicans in charge of both houses, there is little reason to expect a new modus vivendi in which the president and GOP leaders are able to find reasonable compromises in areas like budget policy, health reform and financial regulation.” Welcome to the both of you. Norman Ornstein: Great to be with you, Bill. Thomas Mann: Thank you, Bill. Bill Moyers: Okay, the election's come and gone and the deep dysfunction that has gripped our government for so many years now is still with us. What are you thinking today? Thomas Mann: You know, the election was even more stunning, in a way, in its sweep than we might have imagined. So you would have thought things would be different. Maybe in an issue or two, like immigration, it will be. But if you look at the gun issue, the background check, so much of the focus has been on the four Democrat apostates who drifted away from their party. Forty-one of 45 Republicans voted no. That includes people from states that wouldn't naturally be a part of a big gun culture. What's the reason? It's the tribalism we described in the book that continues. If he's for it, we're against it. We're not going to give him a victory, even if we were for it yesterday. And I'm afraid that pathology is still a driving force, dramatically so in the House; a little bit less in the Senate. But as we saw with background checks, not quite enough. Thomas Mann: Sadly, divided party government, which we have because of the Republican House, in a time of extreme partisan polarization, is a formula for inaction and absolutist opposition politics, not for problem solving. You know, it wasn't that long ago when you could actually get something done under divided government. There'd be enough members of the opposition party who want to legislate, not simply to engage in what we used to call the permanent campaign is now a permanent war. But that doesn't happen anymore now. It's Republicans are unified in their oppositions, or beholden to a "no new tax" pledge that really keeps the country, the Congress, and its political system from dealing honestly and seriously with the problems we face. Bill Moyers: Well, take the gun vote again. It occurred to me that Senate Majority Leader Harry Reid may have made a fatal blunder when he caved earlier in the year and didn't go for the end of the filibuster, as he could have. Do you agree with that? Norman Ornstein: I have mixed feelings about that, Bill. The difficulty that Harry Reid faced was to do this would cause a lot of turmoil in the Senate. There are so many other ways that a minority party can bollix up the works. And it's worth a price, if it's going to lead to legislative outcomes. But with a Republican House, all those bills passed would have met a graveyard. Bill Moyers: They could have still blocked it over in the… Norman Ornstein: Could have still… Bill Moyers: Anything that… Norman Ornstein: …blocked it. Bill Moyers: …passed in the Senate. Norman Ornstein: So he went for a deal with Mitch McConnell which makes it easier, if the two leaders want to do something, to overcome individual rogue senators, like a Ted Cruz or a Rand Paul. But it didn't bank on, he didn't bank on the Republican leader basically going back to where he had been for the first four years of the Obama administration on nominations for judges and top administration officials, and on a whole host of bills, and once again raising the bar to 60 routinely. Bill Moyers: You really surprised me last year, because I know how hard you both have worked to be bipartisan and to work with Democrats and Republicans, but you were very blunt in the way you came out and finally, you know. Thomas Mann: Yeah. Bill Moyers: …named names and pointed fingers. You wrote, "The two parties are not equally to blame because the Republicans have become extreme both in," quoting you, "in terms of policy and process." And you're saying here today, a year later, that's still the case? Thomas Mann: It's very much the case, Bill. We had no choice but to say it. It was in some ways, it was obvious if you if you look at the situation, and there is a body of scholarly research that has demonstrated this rightward march of the party, both among elected officials, but also rank-and-file Republicans. And the strongest, most extreme of those, the Tea Party people, have pulled the others back toward them. It's a reality, and it's not just ideological difference either. They begin with those differences, but then it's the strategic hyper-partisanship, what Norm referred to earlier: If Barack Obama is for something, we have to be against it because he's not a real American. Norman Ornstein: Let me just offer a bit of a caveat here on two fronts. First, we're not saying Democrats are angels here. Plenty of flaws there. But I also hold out still some hope for the Senate. You have a number of Republicans in the Senate, and this has less to do with ideology than with focus. Are you there to solve problems, or are you there either to pursue a radical agenda or to gain political advantage? Everybody's going to look for political advantage. There are problem-solvers in the Senate. They are flawed ones, as we saw with the gun bill. You know, people like Lamar Alexander or Bob Corker, who joined with most of their colleagues. But I've talked to them when it comes to either reforming the nomination process, doing something in a larger fiscal sense that will include revenues, acting on immigration. I think you've got some opportunities here. Those opportunities will go to the House, and the only way they'll pass is with far more Democrats than Republicans. And they may not make it through. But we don't have a lost cause yet in the Senate. Now, the recent evidence is not great on that front. And the fundamental pathologies that we wrote about and talked about and we just felt an obligation that we'd built up some capital over the years. What's it for if you're not going to spend it now? Bill Moyers: You riled the Republicans but you riled the press by talking about false equivalency. Their evenhanded treatment of decidedly uneven behavior on the part of the two parties, the equal treatment for true and false statements by advocates, equal weight to competing spin between opposing politicians and pundits without regard to the accuracy of either. You didn't get invited on the Sunday talk shows after that, did you? Norman Ornstein: And still haven't been. Thomas Mann: You noticed that? It's because those programs are predicated upon having spin from one side and then the other side. We're not the first to point out the, this artificial balance. I mean, reporters, good reporters do it partly out of a sense of professionalism, to be fair. To be wary of allowing your own personal political views to influence your writing. All of that is good. But now it's a safety valve. It keeps you from being charged as a partisan. It satisfies your producers, worried about advertising. And frankly, it's become really quite pernicious. We point out example after example in the book where they treat clearly unequal behavior as equivalent. Norman Ornstein: You know it's not even that we weren't invited on the Sunday shows, it's the radio silence on the topic. So you mention “The Washington Post” piece that appeared at right at the time that the book was published. And it just exploded on the scene, frankly; partly because of the title, which was “Let's Just Say It: Republicans Are the Problem”. You know, within less than 24 hours after it was up unannounced on The Washington Post website, they had 5,000 comments. They stop counting after that. We got over 265,000 Facebook referrals; 1.5 million web his. That weekend it appeared on a Thursday, and then in the paper on Sunday. That weekend, this was the topic of discussion in Washington, there's no doubt about that. All those Sunday shows have panels, their charge being, let's talk about what people are talking about in Washington. Nothing. You could invite other people on; you may not want to have us for one reason or another. How can you not raise the issue at all? Because it's so uncomfortable for them to even raise the notion that they should focus on the truth rather than this notion of balance no matter what. And that remains the case. Bill Moyers: So look what's happening. Senate Republicans are filibustering and blocking scores of executive and judicial nominations, as you point out in your new preface; they're delaying the confirmation of others. They're still willing, as you said last year, to use any tactic, no matter how dangerous and destructive, to damage the President and to force its will on him through a form of policy hostage-taking. You say that this policy hostage-taking was devised by this group, calling itself the “Young Guns.” Who are they? Thomas Mann: They are Eric Cantor they are Paul Ryan, and the third is the Republican whip Representative McCarthy of California. They laid out before the election a strategy to take hostage the full faith and credit of the United States by threatening not to raise the debt limit to accommodate previous decisions made by Congress, and signed by the president. It's hard to imagine a more destructive action that could be taken. We've got problems here, but there is still a flight to the dollar around the world. The one thing we have going for us is people trust the dollar and trust the fact that Treasury will pay its obligations when people buy bonds. But they were going to take that hostage in order to get immediate spending cuts. Bill Moyers: There was some compromise in January over the, over the deficit. Were you encouraged by that? Did you get an adrenaline shot when you… Norman Ornstein: No. And unfortunately. And here's the reason why. I mean, first of all, of course, we knew that the leverage was with President Obama in this case, not with people trying to hold something hostage, because inaction here would mean sharp tax increases across the board. And after that, the president can come back and say, "I want to propose the biggest tax cut in history for everybody except those making over $250,000 a year." So you could, it was clear there would be some kind of a deal that would emerge, whether before or after. One of the things that was discouraging about this is it happened very late in the game, of course, as we know. It was Joe Biden meeting with Mitch McConnell and coming up with a plan. But here's the plan that gets 89 votes in the Senate, including some of the icons of the conservative wing of the party which is really a radical wing of the party, from Pat Toomey to Jim Inhofe and Tom Coburn. And it goes to the House, and John Boehner, who may have the worst job in America could barely get a third of his own party to go along. Now, that's a modest deal. If you can't get more than a third of your House Republicans to support a deal like this, that doesn't speak well for the prospects of change. Bill Moyers: And you say that he, that Cantor more than any other politician helped to create the series of fiscal crises that you described just a moment ago? Thomas Mann: He really did. He hovered around John Boehner as Boehner was getting into negotiations with the president over the course of 2011 to head off the debt ceiling crisis. Bob Woodward… Bill Moyers: The Watergate Bob Woodward. Thomas Mann: Yeah. Thomas Mann: Watergate Bob Woodward has written… Norman Ornstein: Now the post-Watergate Bob Woodward. Thomas Mann: …written a book about these negotiations and did a lot of talking to the Republicans. And ended up saying Boehner and Obama reached a deal and Obama walked away from it. Well, Eric Cantor, in his interview with Ryan Lizza of The New Yorker couple of months ago basically corrected him. He said, Well, I talked to Boehner and said it really wouldn't be a good idea to reach a deal now because then the issue evaporates, the president gets the credit, and he has a better chance of being reelected. Better to keep it alive and fight it out in the in the election. Bill Moyers: And it didn't pay off for them, did… Thomas Mann: It didn't pay off at all. Bill Moyers: Except they held the House but it didn't pay off for them in the Senate. He lost two seats in the Senate. Didn't pay off for him in winning the presidency? Norman Ornstein: It was a, call it a riverboat gamble, I suppose you could say. Because what Cantor said in that interview was, if we win it all, then we don't have to compromise. They didn't; but the reaction wasn't, all right, now we have to compromise. Instead it was, we're still not going to compromise. Bill Moyers: You've said you have some hope for the Senate. There is some seeming to have to someone from afar movement on immigration. Is that must be hopeful to you? Thomas Mann: It is, but it's so different than everything else. The reason there is movement on immigration is because Republicans have such a powerful incentive to move on immigration. Bill Moyers: Because they lost the Latino vote…politics. Thomas Mann: They're on the verge of being marginalized in presidential politics. They are losing overwhelmingly the Latinos, Asian Americans, other immigrant groups the young voters. The growing parts of the electorate are moving away from the Republicans to the Democrats. They have a reason to do it. Hardball politics, not grand, bipartisan consensus. And they've put it together well. It's a group of Republicans and Democrats who are working out this bill. Obama has… Bill Moyers: In the Senate, right? Thomas Mann: In the Senate. Obama stayed off to the side, as they requested, because it's very hard for Marco Rubio to support anything the president's campaigning for. So his absence is what they needed to move this along. Norman Ornstein: But we shouldn't just focus on the members themselves. There are, in the House, at least a few people who'd like to work to solve some of these problems and Boehner among them, I think. And… Bill Moyers: You really believe that? Norman Ornstein: …some others well, I think, you know, he's sees himself as the Speaker of the House. And some of it is political as well. He's being pushed by other forces. But it's really important that we focus as much on the outside forces as the inside ones. Bill Moyers: Such as? Norman Ornstein: Well, when the fiscal cliff debate came up and we get this bill coming over with 89 votes in the Senate, and you had around that time, before those negotiations, Boehner trying to get a little traction, knowing there would be a tax increase. Coming up with his very poorly named Plan B, you know? I think maybe some of his members rejected it because they thought they didn't want an over-the-counter drug here. But it was, give me some traction. I'd propose a million dollars as the level here, and then we can negotiate. And some of his members were ready to support him, just to give him that traction. The Club for Growth, Heritage Action step up and basically said, you members, you lift your heads out of that foxhole and support any tax increase, and you've got a target on your backs and millions of dollars in a primary against you. Some of this is coming from the kinds of people who we're electing to office, through a nominating process that has gotten so skewed to the radical right. But some of it is an electoral magnet that pulls them away from voting for anything that might have a patina of bipartisan support because they'll face extinction. Thomas Mann: Bill, this is such an important point. Nowadays, political parties are not organizations, they're networks. We talk sometimes about parties versus outside groups. No, no, no. The outside groups are part of the political parties, and so too are the media outlets. The large funders. It's a broad system. Super PACs don't exist as independent forces. They in fact are run by former party operatives and leaders of one kind or another. And right now, you have a conjunction of forces that you can see in the conservative media, in the funding organizations, and in the Grover Norquist and the Koch brothers. And it all comes together to provide such overwhelming pressure on individual Republicans to toe the line, to oppose even when they want to engage in problem solving. Bill Moyers: So when you mention The Club for Growth, you're talking about essentially Wall Street finance group of private citizens who will take on a Republican in the primary to defeat him if he doesn't toe the line on what the financial interests want? Norman Ornstein: And these are financial interests who don't just focus on financial interests. Many of them are themselves radical either libertarians or who have a very strong ideology. And so The Club for Growth will intervene not just on tax issues, but on others. And they're joined by other groups. You know, when Jim DeMint left the Senate Bill Moyers: To head The Heritage… Norman Ornstein: Head the Heritage Foundation, you know… Bill Moyers: Right. A very conservative organization. Norman Ornstein: Which used to be a think tank. Now, of course, it has a 501(c)4 called Heritage Action. They're raising money. They're aggressively participating in the political debates, and will in campaigns. Because you can have as much impact as Tom said, it's all part of a party apparatus now. From the outside, if you use the leverage of money, and you can also use the leverage of the social media, the talk radio hosts, and others, who have such a dominant impact on the party now, that it takes the problem solvers and puts them in a really, really tricky situation. Bill Moyers: You say, in the book, that what we all know: President Obama made great efforts to work cooperatively with the Republicans during his first term. Didn't get him anything in terms of legislation; got him maybe a second term. But in The New York Times this week, Michael Shear and Peter Baker say, call him, "A president who hesitates to twist arms." Can you not be president without twisting arms? Thomas Mann: Oh, I think that's a myth. Bill Moyers: Do you? Thomas Mann: I just think the press is now overrun with President Obama's personal shortcomings. That he doesn't engage, that he doesn't put pressure on members, doesn't tell them what to do. He doesn't give them bourbon and branch water and he and he doesn't raise hell with them. And the reality is that presidential leadership is contextual. He's operating with a Republican Party that's part of this broad apparatus. What can he do to any one of those Republicans? He can't do anything. He's not in a position to do it. He tried negotiating early, that was his brand, right? The post-partisan President. He realized what he was up against, and then he said, you know, I've got to maneuver, position myself with the Democrats in a way that we can get some things done. Norman Ornstein: You know, I would say on the gun issue too we're premature here. It's not only that you can't twist arms in the same way that it might have been available to you before. And the few arms that he could twist on the Democratic side were almost all, with one exception, people who were up for reelection in really tough places. You're always going to tread a little bit more carefully there. And on the Republican side, it's not clear what either schmoozing or arm twisting would do. But my guess is you're going to see this, the issue of a background check come back. You're also going to see some executive actions, we're already beginning to see them, to make sure that people who shouldn't have access to guns have to go through a process to make it happen. So it's not only that, this meme in the press: "Why can't he be like Lyndon Johnson or like Bill Clinton?" As if all the schmoozing that Bill Clinton did got him a single Republican vote for his economic plan. And it took seven months to get the Democrats helped his health care plan, or kept him from being impeached. Bill Moyers: Yeah, I'm not impressed when people say, well, Barack Obama's not Lyndon Johnson. Lyndon Johnson is… Norman Ornstein: Today he couldn't be Lyndon Johnson… Bill Moyers: Couldn't be Lyndon Johnson. Bill Moyers: This is not the 1960s when Congress had a huge bevy, a large bevy of moderate Republicans. Bill Moyers: So who wins, and who loses, when we have this deadlock and dysfunction? Thomas Mann: Well, first of all, the public and future generations really do lose. We have serious problems, short and long term, in the country. We're going to have to figure out how we can compete in a global economy where not just low value but high value jobs may end up elsewhere. We're going to have a radically different workforce as the population changes, not only in terms of having more African American, Asian American and Hispanic Americans making up a part of that workforce, but as the population gets older and lives longer. We've got challenges in terms of energy and the environment, how you compete in a globe where the threats are very different ones. If you have a government that can't function, or that gets caught up in a war of the roses where what's most important is doing short-term damage to the other side, shed a little blood so that you can take over and implement a revolution, we're all going to lose. But I think in political terms, I just don't see a Republican Party that continues down this path. And I'm not alone in that. The Jeb Bushes of the world, and the Haley Barbours of the world, and the Mitch Daniels of the world, and the Chris Christies of the world see it too. If you move off the mainstream and pursue a radical ideology, and if you say, "We're just not going to make any movement at all," in some of these issues, eventually voters are going to say, "Enough of this." Thomas Mann: Bill, we've been living through now years of stagnant wages, of high unemployment, of growing economic inequality. So the work of our legislature, our governments makes a big difference. And right now, those issues are not being addressed in any substantial way because of the dysfunctional politics, and because the Republican Party has drifted so far from the mainstream of our politics. If there's optimism, it's one that the old democratic accountability still works.

***Nuclear war***

**Khalilzad ’11** Zalmay was the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, “ The Economy and National Security”, 2-8-11, <http://www.nationalreview.com/articles/print/259024>, MCR

Today, **economic** and fiscal **trends pose the *most severe*** long-term ***threat* to the U**nited **S**tates’ **position as global leader**. While the United States suffers from fiscal imbalances and low economic growth, the economies of rival powers are developing rapidly. The **continuation of** these two **trends could lead to a shift from American primacy toward a multi-polar global system, leading in turn to increased *geopolitical rivalry* and** even ***war* *among*** the ***great powers***. The current recession is the result of a deep financial crisis, not a mere fluctuation in the business cycle. Recovery is likely to be protracted. The crisis was preceded by the buildup over two decades of enormous amounts of debt throughout the U.S. economy — ultimately totaling almost 350 percent of GDP — and the development of credit-fueled asset bubbles, particularly in the housing sector. When the bubbles burst, huge amounts of wealth were destroyed, and unemployment rose to over 10 percent. The decline of tax revenues and massive countercyclical spending put the U.S. government on an unsustainable fiscal path. Publicly held national debt rose from 38 to over 60 percent of GDP in three years. Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments — which already are larger than the defense budget — would crowd out other spending or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt, **the U**nited **S**tates **would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would *almost certainly* compel a *radical retrenchment* of the U**nited **S**tates **internationally**. **Such scenarios would *reshape the international order***. It was the **economic devastation** of Britain and France **during World War II**, as well as the rise of other powers, that **led** both **countries to relinquish their empires**. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence “east of Suez.” Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, **the U**nited **S**tates **would be compelled to retrench, reducing its military spending and shed**ding **international commitments**. We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though **countries** such as China, India, and Brazil have profound political, social, demographic, and economic problems, their **economies are growing faster than ours, and this could alter the global distribution of power.** **These trends could** in the long term **produce a multi-polar world**. ***If U.S. policymakers fail to act*** and other powers continue to grow, ***it is not a question of whether but when* a new international order will emerge**. **The closing of the gap** between the United States and its rivals **could *intensify geopolitical competition among major powers*, increase incentives for local powers to play major powers against one another, and undercut our will to *preclude* or respond to *international crises* because of the *higher risk of escalation*.** **The stakes are high**. In modern history, ***the longest period of peace among the great powers has been the era of U.S. leadership***. By contrast**, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers**. **Failures of multi-polar international systems produced *both world wars***. **American retrenchment could have *devastating consequences*.** **Without an American security blanket, regional powers could *rearm* in an attempt to balance against emerging threats**. Under this scenario, **there would be a heightened possibility of *arms races*, *miscalc***ulation, **or *other crises spiraling into all-out conflict*.** Alternatively, **in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the U**nited **S**tates. Either way, **hostile states would be emboldened to make *aggressive moves* in their regions**.

### DA 2

#### Next is pltx

#### Immigration reform will pass --- Obama’s political capital is key

JIM KUHNHENN | Associated Press, 1/7/14, New prospects in 2014 for an immigration overhaul, <http://news.yahoo.com/prospects-2014-immigration-overhaul-202531626--finance.html>, jj

WASHINGTON (AP) — His agenda tattered by last year's confrontations and missteps, President Barack Obama begins 2014 clinging to the hope of winning a lasting legislative achievement: an overhaul of immigration laws. It will require a deft and careful use of his powers, combining a public campaign in the face of protests over his administration's record number of deportations with quiet, behind-the-scenes outreach to Congress, something seen by lawmakers and immigration advocates as a major White House weakness. In recent weeks, both Obama and House Speaker John Boehner, R-Ohio, have sent signals that raised expectations among overhaul supporters that 2014 could still yield the first comprehensive change in immigration laws in nearly three decades. If successful, it would fulfill an Obama promise many Latinos say is long overdue. The Senate last year passed a comprehensive, bipartisan bill that addressed border security, provided enforcement measures and offered a path to citizenship for the estimated 11 million immigrants living in the United States illegally. House leaders, pressed by tea party conservatives, demanded a more limited and piecemeal approach. Indicating a possible opening, Obama has stopped insisting the House pass the Senate version. And two days after calling Boehner to wish him happy birthday in November, Obama made it clear he could accept the House's bill-by-bill approach, with one caveat: In the end, "we're going to have to do it all." Boehner, for his part, in December hired Rebecca Tallent, a former top aide to Sen. John McCain, R-Ariz., and most recently the director of a bipartisan think tank's immigration task force. Even opponents of a broad immigration overhaul saw Tallent's selection as a sign legislation had suddenly become more likely. Boehner also fed speculation he would ignore tea party pressure, bluntly brushing back their criticism of December's modest budget agreement. "We believe immigration reform is going to pass," White House spokesman Jay Carney said Tuesday. "It's going to pass, you know, and it's up to the House to decide when. But it's going to happen." Republican pollster David Winston, who regularly consults with the House leadership, said the task ahead for both sides is to distinguish the key issues they must have in the legislation from those that are merely preferences. "The question is what are the core things that Republicans can't move away from, what are the core things that Democrats can't walk away from," he said. "That's part of the process of going back and forth." If successful, an immigration compromise could restore some luster to Obama's agenda, tarnished in 2013 by failures on gun legislation, bipartisan pushback on his efforts to take military action against Syria and the disastrous enrollment start for his health care law. Obama has repeatedly argued that final immigration legislation must contain a path toward citizenship for immigrants living in the United States illegally. Opponents argue citizenship rewards lawbreakers, and many Republicans are loath to support any measure granting citizenship no matter how difficult and lengthy that path may be. But some advocates of reform are beginning to rally around an idea to grant immigrants legal status in the U.S. and leave the question of citizenship out of the legislation. In other words, they can work, but not vote. "I don't think this is a good idea because citizenship is important, but I don't think it is a big deal breaker either," Rep. Luis Gutierrez, D-Ill., a leading congressional advocate for overhauling U.S. immigration law, said in a speech last month. "Right now we have to stop the deportations that are breaking up families. And if we do not get citizenship this year, we will be back next year and the year after that." While strong majorities of Hispanics continue to back a pathway to citizenship, a Pew Research Center poll last month found that being able to live and work in the U.S. legally without the threat of deportation was more important to Latinos by 55 percent to 35 percent. "Is the sticking point going to be we have to have immediate voting privileges for those who came here illegally?," Sen. Rand Paul of Kentucky, a Republican who voted against the Senate immigration bill, said Sunday on ABC. "If the Democrats are willing to come halfway, I think we can pass something, some meaningful reform that would help the 11 million who are here." Carney said Tuesday that Obama's views have not changed and that he continues to insist on a comprehensive overhaul that includes a path to citizenship. Still, that the immigration argument is now over legalization versus citizenship is remarkable enough. A 2005 Republican House immigration bill, instead of legalizing immigrants, would have made them felons if they were not authorized to be in the U.S.

#### Fighting to defend his war power will sap Obama’s capital, trading off with rest of agenda—it’s empirically killed immigration reform

Kriner, 10 --- assistant professor of political science at Boston University

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

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60

In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61

When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

***Immigration reform expands skilled labor --- key to India relations***

**L**os **A**ngeles **Times**, 11/9/20**12** (Other countries eagerly await U.S. immigration reform, p. <http://latimesblogs.latimes.com/world_now/2012/11/us-immigration-reform-eagerly-awaited-by-source-countries.html>)

"C**omprehensive** i**mmigration** r**eform will see expansion of skilled labor visas," predicted** B. Lindsay **Lowell, director of policy studies for the Institute for the Study of International Migration at Georgetown University**. A former research chief for the congressionally appointed Commission on Immigration Reform, **Lowell said he expects to see at least a fivefold increase in the number of highly skilled labor visas that would provide "a significant shot in the arm for India and China." There is widespread consensus among economists and academics that skilled migration fosters new trade and business relationships between countries and enhances links to the global economy, Lowell said. "Countries like India and China weigh the opportunities of business abroad** from their expats with the possibility of brain drain, **and** I think **they** still **see the immigration opportunity as a bigger plus than not," he said**.

***Relations check Indo Pak nuke war***

**Dugger, ’02** (Celia “Wider Military Ties With India Offer U.S. Diplomatic Leverage”, NYT, http://www.nytimes.com/2002/06/10/world/wider-military-ties-with-india-offer-us-diplomatic-leverage.html, 6/10)

Military cooperation between India and the United States has remarkably quickened since Sept. 11, with a burst of navy, air force and army joint exercises, the revival of American military sales to India and a blur of high-level visits by generals and admirals. The fledgling relationship between American and Indian military leaders will be important to Mr. Rumsfeld in talks intended to put to rest fears of war between India and Pakistan. ''We can hope this translates into some influence and trust, though I don't want to overstate it,'' a senior American defense official said in an interview on Thursday. ''I don't want to predict this guarantees success.'' The American diplomatic efforts yielded their first real gains on Saturday when India welcomed a pledge by Pakistan's military ruler to stop permanently the infiltration of militants into Kashmir. India indicated that it would soon take steps to reduce tensions, but a million troops are still fully mobilized along the border -- a situation likely to persist for months -- and the process of resolving the crisis has just begun. India has linked the killing of civilians in Kashmir to a Pakistan-backed insurgency there and has presented its confrontation with Pakistan as part of the global campaign against terrorism. India itself made an unstinting offer of support to the United States after Sept. 11, and Washington responded by ending the sanctions placed on India after its 1998 nuclear tests. With that, the estrangement that prevailed between the world's two largest democracies during the cold war, when India drew close to the Soviet Union and the United States allied with Pakistan, has eased. India, for decades a champion of nonalignment, seeks warmer ties with the United States in hopes of gaining access to sophisticated military technology and help in dealing with Pakistan. From the start of President Bush's term, some influential officials in his administration saw India as a potential counterweight to that other Asian behemoth, China, whose growing power was seen as a potential strategic threat. But since Sept. 11, the priority has been terrorism. The United States is hoping its deeper military and political ties with India will give it some measure of leverage to prevent a war between India and Pakistan that could lead to a nuclear ~~holocaust~~ and would play havoc with the hunt for Al Qaeda in Pakistan.

## Solvency

### 1NC --- No Solvency --- Drone Court

#### No solvency:

#### No judges will agree to be on the court

Jeh Charles Johnson ‘13, Former Pentagon General Counsel, Keynote address at the Center on National Security at Fordham Law School: ¶ A “Drone Court”: Some Pros and Cons¶ by Jeh Charles Johnson[1]¶ March 18, 2013, <http://www.lawfareblog.com/2013/03/jeh-johnson-speech-on-a-drone-court-some-pros-and-cons/>, jj

***\*Jake note – “An ex parte decision is one decided by a judge without requiring all of the parties to the controversy to be present”***

Meanwhile, what about the views of the judiciary itself? I know a number of federal judges who would accept this unpleasant job if asked out of a sense of duty. But many, I suspect, want the judiciary to have nothing to do with this. Former Judges Mukasey and Robertson have publicly articulated this view in emphatic terms.[9] I can hear many in the judicial branch saying that courts exist to resolve cases and controversies between parties, not to issue death warrants based on classified, ex parte submissions. Judges don’t like arms-length ex parte submissions, because they know they are not getting two sides of the story. I’m sure they would like them even less if the decision they must make is final and irreversible. Put in a more cynical way, I can imagine many federal judges thinking “we don’t exist to provide top cover to the Executive branch for difficult decisions; foist this responsibility on us and you diminish both our branches of government.”

#### Drone court is the worst of both worlds --- doesn’t create an effective check and hurts separation of powers

Chong ’12, JANE Y. CHONG, Yale Law School, J.D. 2014; Duke University, B.A. 2009, December, 2012, Yale Law Journal, 122 Yale L.J. 724, NOTE: Targeting the Twenty-First-Century Outlaw, Lexis, jj

3. A Targeted Killing Court

Commentators have clamored around proposals for the creation of a special targeted killing court. n57 The court would exist "beyond the executive echo chamber," n58 but its accelerated, closed-door procedures would preclude many of the problems associated with normal trials.

David Byman is among those who have argued in this vein for an elaborate system of target-vetting procedures, both within the executive branch and in the form of judicial review. n59 His judicial model contains two possible prongs. A Justice Department official insulated from the executive branch could vet the secret intelligence used to identify targets. n60 Additionally, the Chief Justice of the Supreme Court could create a court "capable of rapid action if necessary," [\*740] much like the FISA court, which is authorized under the Foreign Intelligence Surveillance Act to conduct ex parte review of the government's wiretapping requests. n61

In theory, establishing a special court to review targeting determinations is a logical compromise between no trial and full trial. By giving the judiciary the power to substantively assess whether lethal force against a particular citizen is well founded, the court would offer prospective targets the benefits of ex ante, case-by-case review and ostensibly serve as a major check on the Executive's use of lethal force. But a closer examination reveals that a secret killing court is the worst of both worlds: it affords the prospective target insufficient protections while limiting the judiciary to discharging a responsibility that falls outside of its purview.

On the first point, a secret killing court would be subject to all of the criticisms levied at the FISA court, whose closed doors and sealed records make for an inscrutable process by which government requests for surveillance warrants are granted seemingly as a matter of course. n62 In the targeting realm, however, this opacity would translate into due process denial: ex parte court proceedings shrouded in secrecy would preclude an accused terrorist from laying claim to the opportunity to contribute to the decision that may lead to his killing. n63

For example, the Obama Administration refused to concede Awlaki was a target even when moving to dismiss the lawsuit filed by Awlaki's father. This secrecy rendered impracticable the two avenues of redress that Judge Bates suggested were available to a target willing to challenge his placement on the government's kill list: peacefully surrendering to an embassy, in which case the government would be barred from killing him as a matter of domestic and international law, n64 or challenging his placement on the target list using videoconferencing technology. n65 Both "solutions" to the standing problem are illusory for targets as a general matter because they require the target to be aware of his target status. n66 Although that information was leaked in the high- [\*741] profile case of this particular radical cleric, neither option is clearly available to future citizen-targets so long as the Executive is permitted to formally keep its kill list a secret, and in the secret court context, submit its evidence for review strictly in camera.

In 2008, former federal judge and then-Attorney General Michael Mukasey summed up further problems with leaving difficult national security decisions to the judiciary: "Judges decide particular cases, and they are limited to the evidence and the legal arguments presented in those cases. They have no independent way, or indeed authority, to find facts on their own, and they are generally limited by the parties' presentations of background information and expert testimony." n67 These limitations would be a special curse in ex parte killing-court proceedings. The judiciary would be left without a meaningful avenue for questioning the reliability or accuracy of the government's evidence. Indeed, such questioning is already difficult in detainment cases where the terror suspect is present and equipped with a defense team. n68 Even if counsel were appointed to represent the absent defendant, n69 as in a public trial in absentia, it is unclear what value this would add in the way of challenging the government's narrative. The court's role would necessarily be limited to analyzing whether, given the Executive's presentation of its case, the prospective target poses enough of a national security threat to warrant execution.

The great irony of such a system is that it would amount to assigning the judiciary a task over which the Executive rightfully has exclusive domain. The system would thereby undermine, not promote, the proper balance of [\*742] powers. n70 For despite insisting on some amount of judicially enforced protection against government interference with fundamental individual liberties, n71 the courts have also recognized the need for judicial restraint when it comes to substantively reviewing the content of the Executive's national security assessments. n72 The courts have likewise deferred to the Executive's legal and policy arguments in cases that turn on evaluating foreign intelligence. n73

The judiciary's longstanding tradition of declining to review the Executive's assessments of what constitutes a national security threat presents a formidable challenge to any proposal that places the substance of target status determinations in the hands of the courts. Although this Note will argue that courts have a critical role to play in negotiating the line between national security and individual rights, in the targeting context, that role properly takes [\*743] the form of procedural, not substantive, appraisals of when due process has been denied.

#### Obama will disregard the Court. He is on record

Pyle 12—Professor of constitutional law and civil liberties @ Mount Holyoke College [Christopher H. Pyle, “Barack Obama and Civil Liberties,” Presidential Studies Quarterly, Volume 42, Issue 4, December 2012, Pg. 867–880]

Preventive Detention

But this is not the only double standard that Obama's attorney general has endorsed. Like his predecessors, Holder has chosen to deny some prisoners any trials at all, either because the government lacks sufficient evidence to guarantee their convictions or because what “evidence” it does have is fatally tainted by torture and would deeply embarrass the United States if revealed in open court. At one point, the president considered asking Congress to pass a preventive detention law. Then he decided to institute the policy himself and defy the courts to overrule him, thereby forcing judges to assume primary blame for any crimes against the United States committed by prisoners following a court-ordered release (Serwer 2009).

According to Holder, courts and commissions are “essential tools in our fight against terrorism” (Holder 2009). If they will not serve that end, the administration will disregard them. The attorney general also assured senators that if any of the defendants are acquitted, the administration will still keep them behind bars. It is difficult to imagine a greater contempt for the rule of law than this refusal to abide by the judgment of a court. Indeed, it is grounds for Holder's disbarment.

As a senator, Barack Obama denounced President Bush's detentions on the ground that a “perfectly innocent individual could be held and could not rebut the Government's case and has no way of proving his innocence” (Greenwald 2012). But, three years into his presidency, Obama signed just such a law. The National Defense Authorization Act of 2012 authorized the military to round up and detain, indefinitely and without trial, American citizens suspected of giving “material support” to alleged terrorists. The law was patently unconstitutional, and has been so ruled by a court (Hedges v. Obama 2012), but President Obama's only objection was that its detention provisions were unnecessary, because he already had such powers as commander in chief. He even said, when signing the law, that “my administration will not authorize the indefinite military detention without trial of American citizens,” but again, that remains policy, not law (Obama 2011). At the moment, the administration is detaining 40 innocent foreign citizens at Guantanamo whom the Bush administration cleared for release five years ago (Worthington 2012b).

Thus, Obama's “accomplishments” in the administration of justice “are slight,” as the president admitted in Oslo, and not deserving of a Nobel Prize. What little he has done has more to do with appearances than substance. Torture was an embarrassment, so he ordered it stopped, at least for the moment. Guantanamo remains an embarrassment, so he ordered it closed. He failed in that endeavor, but that was essentially a cosmetic directive to begin with, because a new and larger offshore prison was being built at Bagram Air Base in Afghanistan—one where habeas petitions could be more easily resisted. The president also decided that kidnapping can continue, if not in Europe, then in Ethiopia, Somalia, and Kenya, where it is less visible, and therefore less embarrassing (Scahill 2011). Meanwhile, his lawyers have labored mightily to shield kidnappers and torturers from civil suits and to run out the statute of limitations on criminal prosecutions. Most importantly, kidnapping and torture remain options, should al-Qaeda strike again. By talking out of both sides of his mouth simultaneously, Obama keeps hope alive for liberals and libertarians who believe in equal justice under law, while reassuring conservatives that America's justice will continue to be laced with revenge.

It is probably naïve to expect much more of an elected official. Few presidents willingly give up power or seek to leave their office “weaker” than they found it. Few now have what it takes to stand up to the national security state or to those in Congress and the corporations that profit from it. Moreover, were the president to revive the torture policy, there would be insufficient opposition in Congress to stop him. The Democrats are too busy stimulating the economies of their constituents and too timid to defend the rule of law. The Republicans are similarly preoccupied, but actually favor torture, provided it can be camouflaged with euphemisms like “enhanced interrogation techniques” (Editorial 2011b).

## Norms

### 1NC

#### Drones don’t lower the threshold to war or change the logic of deterrence

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The Threshold to War-Argument¶ One of the arguments my friend confronted me with is that drones lower the threshold to war. This argument is often being made and particularly within the German debate this has been put forward with deafening repetition, see here and here. (Just one suggestions here, issues of war and warfare is among the areas the church should really shut up about.) In fact, recent publications on that matter by the German churches rather indicate that they have absolutely no clue. Nevertheless the argument has been made and it goes somewhat like this: Because drone strikes do not risk the life of the pilot, the threshold for entering a war is being lowered. There are a number of problems with this hypothesis:¶ 1. The only war currently being fought predominantly with drones is the war on terror or long war, as some prefer to call it. It is important to keep in mind that the onset of this war predates the use of drones. It took a while before drones turned into the instrument of choice in pursuing this war. Drones are a typical example of how warfare can drive innovation, just as the tank was only introduced in World War I after the war started to deal with trench warfare, drones were developed for a particular challenge: the need to limit casualties among non-combatants.¶ 2. For the hypothesis to be true, the threshold for going to war would have had to be lower in the wars the United States or the West were involved in ever since the war on terror began. Now, that certainly is not the case. Neither the war in Iraq, nor the intervention in Libya were launched because drones were available. In fact, both wars were being pursued by and large with the traditional arsenal of modern armies. In response one could limit the argument to saying that drones lowered the threshold in military confrontations that are of a smaller scale, what a little while ago was being dubbed military action other than war. But here again the thesis does not live up to evidence. The U.S. is currently involved in the hunt for warlord Joseph Kony and his Lord's Resistance Army in the Central African Republic (CAR), Uganda, the Democratic Republic of the Congo (DRC) and Chad. But this military involvement, which was undertaken only after drones became available, is being executed by special forces, not with drones.¶ 3. Finally, everybody with even the slightest idea of war and warfare knows that wars by their very nature are unpredictable and can easily escalate. When NATO intervened in Kosovo in 1999 it limited itself to an air campaign, yet the danger of eventually having to go in on the ground loomed large. The same danger of escalation is present in any military confrontation, even if the military action is initially being pursued by limited means only. Its the inherent nature of war that they tend to escalate, or as Donald Rumsfeld, the former Secretary of Defence of the United States put it in one of his famous rules: “No plan survives contact with the enemy.” Put differently, any power entering any military scenario needs to be aware that it might not be able to limit the confrontation. And though it might sometimes feel otherwise, most military advisers, and believe it or not, politicians are.

#### US restraint won’t create norms

Etzioni ’13, Amitai Etzioni is a professor of international relations at George ¶ Washington University and author ¶ of Hot Spots: American Foreign Policy in a Post-Human-Rigid World. March-April 2013  MILITARY REVIEW, The Great Drone Debate, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>, jj

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

#### No global drone aggression

Singh ’12, Joseph Singh is a researcher at the Center for a New American Security. Aug. 13, 2012, Time, Betting Against a Drone Arms Race, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>, jj

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones.¶ As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings.¶ Indeed, critics seem overly-focused on the domestic implications of drone use.¶ In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.”¶ Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey.¶ Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory.¶ States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement.¶ This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.¶ What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy.¶ In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region.

#### No Asia or China impact

* Only our ev accounts for CCP psychology --- they want to avoid international criticism
* They aren’t confident in their drones --- think they are untested and too risky
* They don’t want to set a precedent for using drones in Asia that the US could exploit
* Only wants drones for surveillance

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Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China’s rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China’s Defense Ministry.¶ What about using drones outside of Chinese-claimed areas? That China did not, in fact, launch a drone strike on the Burmese drug criminal underscores its caution. According to Liu Yuejin, the director of the antidrug bureau in China’s Ministry of Public Security, Beijing considered using a drone carrying a 20-kilogram TNT payload to bomb Kham’s mountain redoubt in northeast Myanmar. Kham had already evaded capture three times, so a drone strike may have seemed to be the best option. The authorities apparently had at least two plans for capturing Kham. The method they ultimately chose was to send Chinese police forces to lead a transnational investigation that ended in April 2012 with Kham’s capture near the Myanmar-Laos border. The ultimate decision to refrain from the strike may reflect both a fear of political reproach and a lack of confidence in untested drones, systems, and operators.¶ The restrictive position that Beijing takes on sovereignty in international forums will further constrain its use of drones. China is not likely to publicly deploy drones for precision strikes or in other military assignments without first having been granted a credible mandate to do so. The gold standard of such an authorization is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and antipiracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorization, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But even with the endorsement of the international community or specific states, China would have to weigh any benefits of a drone strike abroad against the potential for mishaps and perceptions that it was infringing on other countries’ sovereignty -- something Beijing regularly decries when others do it.¶ The limitations on China’s drone use are reflected in the country’s academic literature on the topic. The bulk of Chinese drone research is dedicated to scientific and technological topics related to design and performance. The articles that do discuss potential applications primarily point to major combat scenarios -- such as a conflagration with Taiwan or the need to attack a U.S. aircraft carrier -- which would presumably involve far more than just drones. Chinese researchers have thought a great deal about the utility of drones for domestic surveillance and law enforcement, as well as for non-combat-related tasks near China’s contentious borders. Few scholars, however, have publicly considered the use of drone strikes overseas.¶ Yet there is a reason why the United States has employed drones extensively despite domestic and international criticism: it is much easier and cheaper to kill terrorists from above than to try to root them out through long and expensive counterinsurgency campaigns. Some similar challenges loom on China’s horizon. Within China, Beijing often considers protests and violence in the restive border regions, such as Xinjiang and Tibet, to constitute terrorism. It would presumably consider ordering precision strikes to suppress any future violence there. Even if such strikes are operationally prudent, China’s leaders understand that they would damage the country’s image abroad, but they prioritize internal stability above all else. Domestic surveillance by drones is a different issue; there should be few barriers to its application in what is already one of the world’s most heavily policed societies. China might also be willing to use stealth drones in foreign airspace without authorization if the risk of detection were low enough; it already deploys intelligence-gathering ships in the exclusive economic zones of Japan and the United States, as well as in the Indian Ocean.¶ Still, although China enjoys a rapidly expanding and cutting-edge drone fleet, it is bound by the same rules of the game as the rest of the military’s tools. Beyond surveillance, the other non-lethal military actions that China can take with its drones are to facilitate communications within the Chinese military, support electronic warfare by intercepting electronic communications and jamming enemy systems, and help identify targets for Chinese precision strike weapons, such as missiles. Beijing’s overarching approach remains one of caution -- something Washington must bear in mind with its own drone program.

#### SCS tension inevitable but won’t escalate, even if they win a huge internal link

Michal Meidan 12, China Analyst at the Eurasia Group, 8/7/12, “Guest post: Why tensions will persist, but not escalate, in the South China Sea,” <http://blogs.ft.com/beyond-brics/2012/08/07/guest-post-why-tensions-will-persist-but-not-escalate-in-the-south-china-sea/#axzz2Cbw54ORc>

These tensions are likely to persist. And Beijing is not alone in perpetuating them. Vietnam and the Philippines, concerned with the shifting balance of powers in the region, are pushing their maritime claims more aggressively and increasing their efforts to internationalise the question by involving both ASEAN and Washington. Attempts to come up with a common position in ASEAN have failed miserably but as the US re-engages Asia, it is drawn into the troubled waters of the South China Sea.¶ Political dynamics in China – with a once in a decade leadership transition coming up, combined with electoral politics in the US and domestic constraints for both Manila and Hanoi – all augur that the South China Sea will remain turbulent. No government can afford to appear weak in the eyes of domestic hawks or of increasingly nationalistic public opinions. The risk of a miscalculation resulting in prolonged standoffs or skirmishes is therefore higher now than ever before. But there are a number of reasons to believe that even these skirmishes are unlikely to escalate into broader conflict.¶ First, despite the strong current of assertive forces within China, cooler heads are ultimately likely to prevail. While a conciliatory stance toward other claimants is unlikely before the leadership transition, China’s top brass will be equally reluctant to significantly escalate the situation, since this will send southeast Asian governments running to Washington. Hanoi and Manila also recognize that despite their need for assertiveness to appease domestic political constituencies, a direct confrontation with China is overly risky.¶ Second, military pundits in China also realize that the cost of conflict is too high, since it will strengthen Washington’s presence in the region and disrupt trade flows. And even China’s oil company CNOOC, whose portfolio of assets relies heavily on the South China Sea, is diversifying its interests in other deepwater plays elsewhere, as its attempted takeover of Nexen demonstrates.

## Accountability

### DA

#### New drone restrictions cause a shift to “boots on the ground” style interventions

Coughlin 2-7-’13, Con Coughlin is an expert on international terrorism and the Middle East; with the benefit of 25 years in foreign journalism, he deftly scrutinises world affairs. 07 Feb 2013, The Telegraph, Drones are gruesome, but would we prefer boots on the ground?, <http://www.telegraph.co.uk/news/uknews/defence/9855577/Drones-are-gruesome-but-would-we-prefer-boots-on-the-ground.html>, jj

While the majority of drone patrols are reconnaissance missions, drones are also used to strike terrorist targets, with varying success. The Washington-based New America Foundation estimates that around 80 per cent of those killed by US drone strikes in the tribal areas of Pakistan are militants, although human rights groups claim the percentage of civilian casualties is far higher. But at a time when Western governments are increasingly reluctant to commit combat troops, we are becoming ever more reliant on aerial robots to do the job for us. Rather than sending our young men and women to risk being killed or maimed by roadside bombs, it is easier to vaporise the enemy with a well-directed Hellfire missile.¶ The drones’ effectiveness could be severely limited if the human rights lobby achieves its goal of imposing so many legal restrictions on their use as to limit their ability to track and destroy a determined and resourceful enemy such as al-Qaeda.¶ For this reason I believe the Obama administration is right to fall back on the arguments advanced by the Blair government to justify the invasion of Iraq, namely that a country’s right to defend itself should include the ability to take pre-emptive military action. Al-Qaeda and its allies are waging a war against the West which knows no boundaries. If politicians on both sides of the Atlantic do not wish to send their soldiers to fight, then they should ensure the drones can do the job for them.

#### Turns case

Llenza ’11, Michael Steven Llenza, Diplomacy Department, Norwich University, Global Security Studies, Spring, 2011, Volume 2, Issue 2, Targeted Killings in Pakistan: A Defense, <http://globalsecuritystudies.com/Targeted%20Killings.pdf>, jj

A More Humanitarian Option¶ Regardless of the possibility of civilian deaths, if the United States continues its policy of ¶ targeted killings, which by all signs it appears to, then the humanitarian benefits of drone strikes ¶ far outweigh their costs of the alternative. Predator strikes introduce greater discrimination in ¶ targeting than full-scale military assault or large-scale warfare would permit (Anderson, 2009, ¶ p.8). They allow the United States to seek out those who mean it harm without having to launch ¶ a full-scale invasion or placing U.S. forces at risk. Without placing U.S. and coalition forces at¶ risk, the government can go after the terrorist without the fear of a counterassault that might ¶ increase the use of force and cause more collateral damage (Anderson, 2009, pp.7-8). ¶ Although some may see military action on the ground more palatable than a standoff ¶ killing, invading a hostile area that is predominantly civilian would inevitably result in the death ¶ and injury of far more innocent people than those caused by targeted drone strikes. In addition, ¶ this measure is more commensurate with the conditions of self-defense, that those killed be ¶ responsible for the threat being posed (Statman). Furthermore, as a strategic option, drone ¶ strikes are a prudent alternative to what may otherwise result in a larger, costlier and undesirable ¶ conflict (Anderson, 2010, p.32).

### Turns

#### Obama’s drone campaign is effective now --- but new restrictions that shift oversight and control away from the executive crush the program

Chicago Tribune 5-24-13, “Editorial: Obama won't ground aerial strikes that kill terrorists. Good.” <http://articles.chicagotribune.com/2013-05-24/opinion/ct-edit-drone-0524-jm-20130524_1_drone-program-drone-campaign-president-barack-obama>, jj

President Barack Obama has taken a lot of heat over America's targeting of terrorists overseas with lethal drone strikes. Critics argue that the secret CIA-run program provokes political backlash in Pakistan, Yemen and Somalia, outweighing the value of the terrorists killed. That the attacks too often go awry and inadvertently kill innocents. That there's no effective oversight. And that Obama hasn't given Congress sufficient legal rationale for the aerial strikes.¶ Those complaints include kernels of validity but often have been exaggerated. Drone attacks also have exterminated many sworn enemies of this country without risking U.S. lives on the ground or in the air.¶ Obama on Thursday answered his critics with a full-throated defense of drones:¶ "To do nothing in the face of terrorist networks would invite far more civilian casualties — not just in our cities at home and facilities abroad, but also in the very places — like Sanaa and Kabul and Mogadishu — where terrorists seek a foothold," Obama said in a speech at the National Defense University in Washington. "Let us remember that the terrorists we are after target civilians and the death toll from their acts of terrorism against Muslims dwarfs any estimate of civilian casualties from (U.S.) drone strikes."¶ He's right. The drone campaign has been extremely and surgically effective, targeting militants across Pakistan, Afghanistan, Yemen and parts of Africa. It has killed wide swaths of al-Qaida leadership.¶ But the president also has suggested that he thinks the program has shortcomings. That's why Obama administration officials have indicated that the drone strike program will be narrowed and subjected to greater scrutiny: A new classified policy directive signed by Obama reportedly curtails when the unmanned aircraft can be used to attack in places that are not declared war zones. The president also is shifting more responsibility to the military from the CIA, an effort to provide more rigid accountability for the strikes.¶ Bottom line: This speech wasn't some dramatic new statement of policy. And none of these refinements means America's drone program will be significantly weakened. These adjustments mostly reflect changing reality on the ground in those countries where the U.S. targets terrorists: The number of reported U.S. drone attacks already has fallen sharply since 2010. One likely reason is the absence of high-value targets, those al-Qaida kingpins of yore. Many are dead or on the run.¶ Obama also promised more transparency for the drone program, something critics have long sought. One day before his speech, the administration acknowledged for the first time that it has killed four U.S. citizens in strikes in Yemen and Pakistan.¶ The president also mentioned the possibility of a secret court that would sign off on future strikes. That's an idea floated by Democratic Sen. Dianne Feinstein of California and others. We've said before that we'd like to hear a debate on that. However:¶ The United States risks losing the advantage of surprise if individual drone strikes become entangled in slow-motion bureaucracy back home. We fear U.S. warriors shrinking from what in effect are battlefield decisions because they have one eye on Congress, or judges, or some other overseer who is not their commander in chief. We don't want drone operators hoping their targeted terrorist will stay put in Pakistan while judges in Washington debate whether it's appropriate to fire the missile. Nor, we imagine, would the president.¶ Obama has said he envisions a day when the nation will no longer be on the war footing forced on this country by terrorists on Sept. 11, 2001. All Americans hope to see that day.¶ But we're not there yet. The president alluded Thursday to many other attacks — before and after 9/11 — on Americans and their interests. Those assaults ebb and flow and change form. But all of them have something in common: the evil architects who plot and execute them.¶ That's why the U.S. needs to keep those drones flying.

#### An ex ante drone Court compromises our ability to effectively conduct targeted killings

Jeh Charles Johnson ‘13, Former Pentagon General Counsel, Keynote address at the Center on National Security at Fordham Law School: ¶ A “Drone Court”: Some Pros and Cons¶ by Jeh Charles Johnson[1]¶ March 18, 2013, <http://www.lawfareblog.com/2013/03/jeh-johnson-speech-on-a-drone-court-some-pros-and-cons/>, jj

Starting with the last of these criteria: this one is implicit in every military operation, This includes consideration of, for example, the type of weapon used, and the elimination or minimization of collateral damage. Often, these matters are, and should be, left to the discretion of the military commander in direct control of the operation, along with the time, place and manner of the operation. Even if the overall approval of the operation comes from the President or Secretary of Defense, this particular aspect of it is not something that we should normally seek to micromanage from Washington; likewise, there is also not much to be gained by having a federal judge try to review these details in advance.¶ Next, there are the questions of feasibility of capture and imminence. These really are up-to-the-minute, real time assessments of the type I believe Judge Bates was referring to when he said that courts are “institutionally ill-equipped ‘to assess the nature of battlefield decisions.’”[11] Indeed, I have seen feasibility of capture of a particular objective change several times in one night. Nor are these questions ones of a legal nature, by the way.¶ Judges are accustomed to making legal determinations based on a defined, settled set of facts – a picture that has already been painted; not a moving target, which is what we are literally talking about here. These are not one-time-only judgments and we want military and national security officials to continually assess and reassess these two questions up until the last minute before an operation. If these types of continual reassessments must be submitted to a member of the Article III branch of government for evaluation, I believe we compromise our government’s ability to conduct these operations effectively. The costs will outweigh the benefits. In that event, I believe we will also discourage the type of continual reevaluation I’m referring to.¶ That leaves the question of whether the objective is in fact a senior leader of al Qaeda, plotting to kill Americans. Of those I have identified, this one is actually the simplest and most straight-forward, but it is the only one that could plausibly be referred to a court, in my view. But it is not a question unique to U.S. citizens. Whether an objective is a combatant and part of the congressionally-declared enemy is a question we should ask in every instance. Is it, therefore, really worth submitting to a court?¶ Other considerations:¶ Many like to draw distinctions between on and off a so-called “hot battlefield.” In my view, the distinction is becoming increasingly stale. On the one “hot” battlefield left since 2001, Afghanistan, the U.S. is winding down operations, while al Qaeda has migrated to Yemen and north Africa. Further, I can envision a lot of debate and uncertainty about what constitutes the “hot battlefield?” Is it U.S. boots on the ground? If so, how many? Why should that be the test? What about Libya in 2011, for example? The distinction makes sense for developing policy, but I caution against the development of different legal regimes and standards on this basis.¶ Next, a minor point: the phrase “drone court” is a catchy phrase that fits on the bumper-sticker, but it’s a conceptual misnomer. The activity we are talking about is not limited to unmanned aerial vehicles. Targeted lethal force can be, and is, conducted from a several other types of platforms, including manned aircraft.¶ Then there are the constitutional issues. Again, this depends in large part on the scope of what we are considering. I agree with the analysis of Professors Vladeck and Epps on the subject.[12] Article II of the Constitution states that the President “shall” be the Commander-in-Chief of the armed forces. That is his burden and responsibility. He may delegate his war-fighting authority within his chain of command, but he cannot assign part of it away to another branch of government, nor have it taken away by an act of Congress. The Article III problems are just as serious: the judiciary does not exist to issue advisory opinions or offer legal advice to the President; they exist to resolve live cases or controversies.[13]¶ Many refer to the FISA court by analogy, to say that the FISA court, too, does not resolve cases or controversies between parties; it also authorizes surveillance based on classified, ex parte submissions. But this judicial activity has its roots in the warrant requirement in the Fourth Amendment. What FISA judges do is an extension of what judges do every day ex parte in the domestic law enforcement context when they issue search warrants.[14] The idea of judicial authorization of lethal force against an enemy combatant, particularly during armed conflict, has no similar roots in an activity typically performed by the judiciary. To the contrary, the idea is motivated by a desire to rein in the President’s constitutional authority to engage in armed conflict and protect the nation, which is the very reason it has constitutional problems.

#### Effective drone program key to combat terrorism

Byman ’13, DANIEL BYMAN is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution. Foreign Affairs, July/August 2013, Why Drones Work: The Case for Washington’s Weapon of Choice, online

Despite President Barack Obama’s recent call to reduce the United States’ reliance on drones, they will likely remain his administration’s weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused.¶ Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage.

#### Extinction

Robert **Ayson**, July 20**10**, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Vol. 33, Issue 7, InformaWorld

A terrorist nuclear attack, and even the use of nuclear weapons in response by the country attacked in the first place, would not necessarily represent the worst of the nuclear worlds imaginable. Indeed, **there are reasons to wonder whether nuclear terrorism should** ever **be regarded as** belonging in the category of truly **existential** threats. A contrast can be drawn here with the global catastrophe that would come from a massive nuclear exchange between two or more of the sovereign states that possess these weapons in significant numbers. Even the worst terrorism that the twenty-first century might bring would fade into insignificance alongside considerations of what a general nuclear war would have wrought in the Cold War period. And it must be admitted that as long as the major nuclear weapons states have hundreds and even thousands of nuclear weapons at their disposal, there is always the possibility of a truly awful nuclear exchange taking place precipitated entirely by state possessors themselves. **But** these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially **an act of nuclear terrorism, could precipitate a chain of events leading to a *massive exchange of nuclear* weapons between two or more** of the **states** that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? **Washington’s early response to a terrorist nuclear attack** on its own soil might also **raise the possibility of an unwanted** (and **nuclear** aided) **confrontation** with Russia and/or China. For example**, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality**, it is just possible that **Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use** force (and possibly **nuclear force) against them. In that situation, the *temptations to preempt* such actions might grow,** although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents’ … long-standing interest in all things nuclear.”42 American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, both Russia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability? If Washington decided to use, or decided to threaten the use of, nuclear weapons, the responses of Russia and China would be crucial to the chances of avoiding a more serious nuclear exchange. They might surmise, for example, that while the act of nuclear terrorism was especially heinous and demanded a strong response, the response simply had to remain below the nuclear threshold. It would be one thing for a non-state actor to have broken the nuclear use taboo, but an entirely different thing for a state actor, and indeed the leading state in the international system, to do so. If Russia and China felt sufficiently strongly about that prospect, there is then the question of what options would lie open to them to dissuade the United States from such action: and as has been seen over the last several decades, the central dissuader of the use of nuclear weapons by states has been the threat of nuclear retaliation. If some readers find this simply too fanciful, and perhaps even offensive to contemplate, it may be informative to reverse the tables. Russia, which possesses an arsenal of thousands of nuclear warheads and that has been one of the two most important trustees of the non-use taboo, is subjected to an attack of nuclear terrorism. In response, Moscow places its nuclear forces very visibly on a higher state of alert and declares that it is considering the use of nuclear retaliation against the group and any of its state supporters. How would Washington view such a possibility? Would it really be keen to support Russia’s use of nuclear weapons, including outside Russia’s traditional sphere of influence? And if not, which seems quite plausible, what options would Washington have to communicate that displeasure? If China had been the victim of the nuclear terrorism and seemed likely to retaliate in kind, would the United States and Russia be happy to sit back and let this occur? **In the charged atmosphere immediately after a nuclear terrorist attack, how would the attacked country respond to pressure from other major nuclear powers not to respond in kind? The phrase “how dare they tell us what to do” immediately springs to mind. Some might** even go so far as to **interpret** this **concern as a tacit form of** sympathy or **support for the terrorists. This might not help** the chances of **nuclear restraint**.

### Legitimacy

#### Legitimacy & soft power are inevitable, resilient and not key to heg

Brooks and Wohlforth, 9 (Stephen Brooks and William Wohlforth, both are professors of Government at Dartmouth, “Reshaping the world order: how Washington should reform international institutions,” Foreign Affairs, March-April)

FOR ANALYSTS such as Zbigniew Brzezinski and Henry Kissinger, the key reason for skepticism about the United States' ability to spearhead global institutional change is not a lack of power but a lack of legitimacy. Other states may simply refuse to follow a leader whose legitimacy has been squandered under the Bush administration; in this view, the legitimacy to lead is a fixed resource that can be obtained only under special circumstances. The political scientist G.John Ikenberry argues in After Victory that states have been well positioned to reshape the institutional order only after emerging victorious from some titanic struggle, such as the French Revolution, the Napoleonic Wars, or World War I or II. For the neoconservative Robert Kagan, the legitimacy to lead came naturally to the United States during the Cold War, when it was providing the signal service of balancing the Soviet Union. The implication is that today, in the absence of such salient sources of legitimacy, the wellsprings of support for U.S. leadership have dried up for good. But this view is mistaken. For one thing, it overstates how accepted U.S. leadership was during the Cold War: anyone who recalls the Euromissile crisis of the 1980s, for example, will recognize that mass opposition to U.S. policy (in that case, over stationing intermediaterange nuclear missiles in Europe) is not a recent phenomenon. For another, it understates how dynamic and malleable legitimacy is. Legitimacy is based on the belief that an action, an actor, or a political order is proper, acceptable, or natural. An action - such as the Vietnam War or the invasion of Iraq - may come to be seen as illegitimate without sparking an irreversible crisis of legitimacy for the actor or the order. When the actor concerned has disproportionately more material resources than other states, the sources of its legitimacy can be refreshed repeatedly. After all, this is hardly the first time Americans have worried about a crisis of legitimacy. Tides of skepticism concerning U.S. leadership arguably rose as high or higher after the fall of Saigon in 1975 and during Ronald Reagan's first term, when he called the Soviet Union an "evil empire." Even George W. Bush, a globally unpopular U.S. president with deeply controversial policies,oversaw a marked improvement in relations with France, Germany, and India in recent years - even before the elections of Chancellor Angela Merkel in Germany and President Nicolas Sarkozy in France. Of course, the ability of the United States to weather such crises of legitimacy in the past hardly guarantees that it can lead the system in the future. But there are reasons for optimism. Some of the apparent damage to U.S. legitimacy might merely be the result of the Bush administration's approach to diplomacy and international institutions. Key underlying conditions remain particularly favorable for sustaining and even enhancing U.S. legitimacy in the years ahead. The United States continues to have a far larger share of the human and material resources for shaping global perceptions than any other state, as well as the unrivaled wherewithal to produce public goods that reinforce the benefits of its global role. No other state has any claim to leadership commensurate with Washington's. And largely because of the power position the United States still occupies, there is no prospect of a counterbalancing coalition emerging anytime soon to challenge it. In the end, the legitimacy of a system's leader hinges on whether the system's members see the leader as acceptable or at least preferable to realistic alternatives. Legitimacy is not necessarily about normative approval: one may dislike the United States but think its leadership § Marked 17:28 § is natural under the circumstances or the best that can be expected. Moreover, history provides abundant evidence that past leading states - such as Spain, France, and the United Kingdom - were able to revise the international institutions of their day without the special circumstances Ikenberry and Kagan cite. Spainfashioned both normative and positive laws to legitimize its conquest of indigenous Americans in the early seventeenth century; France instituted modern concepts of state borders to meet its needs as Europe's preeminent land power in the eighteenth century; and the United Kingdom fostered rules on piracy, neutral shipping, and colonialism to suit its interests as a developing maritime empire in the nineteenth century. As Wilhelm Grewe documents in his magisterial The Epochs of International Law, these states accomplished such feats partly through the unsubtle use of power: bribes, coercion, and the allure oflucrative long-term cooperation. Less obvious but often more important, the bargaining hands of the leading states were often strengthened by the general perception that they could pursue their interests in even less palatable ways - notably, through the naked use of force. Invariably, too, leading states have had the power to set the international agenda, indirectly affecting the development of new rules by defining the problems they were developed to address. Given its naval primacy and global trading interests, the United Kingdom was able to propel the slave trade to the forefront of the world's agenda for several decades after it had itself abolished slavery at home, in 1833. The bottom line is that the UnitedStates today has the necessary legitimacy to shepherd reform of the international system.

#### Only tangible power matters

**Layne 2** (Christopher, visiting fellow in foreign policy studies at Cato, Los Angeles Times, October 6, 2002)

U.S. **strategists believe that** "it can't happen to us," because **the United States is** a different kind of hegemon, **a benign hegemon that others will follow willingly due to the attractiveness of its** political **values** and culture. While flattering, **this** self-serving argument **misses the** basic **point: Hegemons are threatening because they have too much power**. And **it is America's power--not** the self-proclaimed benevolence of **its intentions--that will shape others' response** to it. **A state's power is a** hard, **measurable reality, but its intentions**, which can be peaceful one day but malevolent the next, **are ephemeral**. Hegemony's **proponents claim that the United States can inoculate itself** against a backlash **by acting multilaterally. But other states are not going to be deceived by** Washington's **use of international institutions as a fig leaf to cloak** its **ambitions of dominance**. And in any event, there are good reasons why the U.S. should not reflexively embrace multilateralism. When it comes to deciding when and how to defend American interests, Washington should want a free hand, not to have its hands tied by others.

#### US legitimacy is collapsing due to detention policy---outweighs their internal link

David Welsh 11, 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

The Global War on Terror 1 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. 2 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. 3 Throughout the world, there is a growing consensus that America has “a lack of credibility as a fair and just world leader.” 4 The perceived 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. 5 ¶ 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 (or in many cases the lack thereof) of suspected terrorists. While many scholars have raised constitutional questions about the legality of U.S. detention procedures, 6 this article offers a psychological perspective of legitimacy in the context of detention.

### Operational error

***Tech advances and tighter rules of engagement are substantially reducing civilian casualties---alternatives to drones are worse***

Rosa **Brooks 13**, Professor of Law, Georgetown University Law Center and Bernard L. Schwartz Senior Fellow, New America Foundation, 4/23/13, “The Constitutional and Counterterrorism Implications of Targeted Killing,” <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>

\*We do not endorse gendered language

First, critics often assert that US drone strikes are morally wrong because the kill innocent civilians. This is undoubtedly both true and tragic -- but it is not really an argument against drone strikes as such. War kills innocent civilians, period. But the best available evidence suggests that US drone strikes kill civilians at no higher a rate, and almost certainly at a lower rate, than most other common means of warfare. ¶ Much of the time, the use of drones actually permits far greater precision in targeting than most traditional manned aircraft. Today's unmanned aerial vehicles (UAVs) can carry very small bombs that do less widespread damage, and UAVs have no human pilot whose fatigue might limit flight time. Their low profile and relative fuel efficiency combines with this to permit them to spend more time on target than any manned aircraft. Equipped with imaging technologies that enable operators even thousands of miles away to see details as fine as individual faces, modern drone technologies allow their operators to distinguish between civilians and combatants far more effectively than most other weapons systems.¶ That does not mean civilians never get killed in drone strikes. Inevitably, they do, although the covert nature of most US strikes and the contested environment in which they occur makes it impossible to get precise data on civilian deaths. This lack of transparency inevitably fuels rumors and misinformation. However, several credible organizations have sought to track and analyze deaths due to US drone strikes. The British Bureau of Investigative Journalism analyzed examined reports by "government, military and intelligence officials, and by credible media, academic and other sources," for instance, and came up with a range, suggesting that the 344 known drone strikes in Pakistan between 2004 and 2012 killed between 2,562 and 3,325 people, of whom between 474 and 881 were likely civilians.1 (The numbers for Yemen and Somalia are more difficult to obtain.) The New America Foundation, with which I am affiliated, came up with slightly lower numbers, estimating that US drone strikes killed somewhere between 1,873 and 3,171 people overall in Pakistan, of whom between 282 and 459 were civilians. 2¶ Whether drones strikes cause "a lot" or "relatively few" civilian casualties depends what we regard as the right point of comparison. Should we compare the civilian deaths caused by drone strikes to the civilian deaths caused by large-scale armed conflicts? One study by the International Committee for the Red Cross found that on average, 10 civilians died for every combatant killed during the armed conflicts of the 20th century.3 For the Iraq War, estimates vary widely; different studies place the ratio of civilian deaths to combatant deaths anywhere between 10 to 1 and 2 to 1.4¶ The most meaningful point of comparison for drones is probably manned aircraft. It's extraordinarily difficult to get solid numbers here, but one analysis published in the Small Wars Journal suggested that in 2007 the ratio of civilian to combatant deaths due to coalition air attacks in Afghanistan may have been as high as 15 to 1.5 More recent UN figures suggest a far lower rate, with as few as one civilian killed for every ten airstrikes in Afghanistan.6 But drone strikes have also gotten far less lethal for civilians in the last few years: the New America Foundation concludes that only ***three to nine*** civilians were killed during 72 U.S. drone strikes in Pakistan in2011, and the 2012 numbers were also low.7 In part, this is due to technological advances over the last decade, but it's also due to far more stringent rules for when drones can release weapons.¶ Few details are known about the precise targeting procedures followed by either US armed forces or the Central Intelligence Agency with regard to drone strikes. The Obama Administration is reportedly finalizing a targeted killing “playbook,”8 outlining in great detail the procedures and substantive criteria to be applied. I believe an unclassified version of this should be should be made public, as it may help to diminish concerns reckless or negligent targeting decisions. Even in the absence of specific details, however, I believe we can have confidence in the commitment of both military and intelligence personnel to avoiding civilian casualties to the greatest extent possible. The Obama Administration has stated that it regards both the military and the CIA as bound by the law of war when force is used for the purpose of targeted killing. 9 (I will discuss the applicable law of war principles in section IV of this statement). What is more, the military is bound by the Uniform Code of Military Justice. ¶ Concern about civilian casualties is appropriate, and our targeting decisions, however thoughtfully made, are only as good as our intelligence—and only as wise as our overall strategy. Nevertheless, there is no evidence supporting the view that drone strikes cause disproportionate civilian casualties relative to other commonly used means or methods of warfare. On the contrary, the evidence suggests that if the number of civilian casualties is our metric, drone strikes do a better job of discriminating between civilians and combatants than close air support or other tactics that receive less attention.

#### Zero risk of Mid East war and it won’t go nuclear

Judith Miller 9/23-‘13 is an award-winning writer and author. She is a Fox News contributor. September 23, 2013, Fox News, Don't expect a new Middle East war between the states, says Israel's Shimon Peres, <http://www.foxnews.com/opinion/2013/09/23/dont-expect-new-middle-east-war-between-states-says-israel-shimon-peres/>, jj

YALTA – With the nuclear stand-off with Iran and Syrian chemical weapons still threatening the strife-torn Middle East, Israeli President Shimon Peres said he did not foresee a war between states erupting in the region any time soon. Though he was speaking generally, and did not specifically mention either Israel or the United States, both of which have conducted military strikes against states seeking WMD and have threatened to carry out more strikes against Iran, Syria or others suspected of seeking unconventional weapons, Mr. Peres asserted that military action was both increasingly costly and unlikely to resolve the challenges posed by terrorists or aggressive, authoritarian states. “I don’t foresee a war. It’s too expensive,” he said, referring to the cost not only in dollars but in human lives. President Peres, who turned 90 this year, made his remarks at the 10th annual “Yalta European Strategy” conference in the Ukraine, known as “YES,” a political star-studded, two-day event sponsored by Victor Pinchuk, one of the Ukraine’s wealthiest businessmen and philanthropists. The two day meeting of more than 200 officials, former leaders, academics and analysts was held in Yalta this weekend as foreign officials and diplomats headed to New York for the annual meeting of the United Nations General Assembly. Diplomats said that Israel’s prime minister, Benjamin Netanyahu intended to warn the U.S. against signing accord with Teheran that would permit Iran to acquire a nuclear weapon, or improve its atomic weapons infrastructure, as North Korea did in 2005. Mr. Peres, approaching the end of his eventful life and waxing philosophically about the profound changes he has witnessed, said that war’s soaring costs and decreasing payoff made it less attractive to state leaders, and hence less likely. “There will not be another war,” he said, “because what can you win? Why spend hundreds of millions of dollars and cause thousands of deaths? For what?” Land, or “real estate,” as he called it, was becoming less important than science and “wisdom” in the competition among nations. The cost of such confrontations was escalating exponentially, with a single fighter jet, for instance, costing hundreds of millions of dollars, placing unsustainable burdens on national budgets. “I don’t foresee a war,” he said more than once. “It’s too expensive.” Nor did he see the use of a nuclear or other WMD between states, he added. After the bombing of Hiroshima, he said, a consensus had developed that nuclear, chemical, and biological weapons were too powerful to use. This explained why “we were so shocked” when the Syrians used chemical weapons and violated a ban that has become what he called “an accepted norm.” He also questioned Iran’s assertion that its ambitious nuclear program was for purely peaceful purposes and that its state religion, Islam, forbade the development of nuclear weapons. If that were so, he said, “why build 6,000-kilometer, long-range missiles” capable of delivering them? He urged nations to monitor Iran’s atomic efforts carefully. The Iranians, he said, excelled at both making carpets, which requires attention to minute detail, and playing chess, which demands a firm grasp of strategy. But he declined to say the course he favored to persuade Teheran to comply with requirements of international inspectors and allay American and Western concerns about its nuclear intentions. Exploring other developments in his troubled region, he said he doubted that the upheavals which swept through the Arab Middle East two years ago had met the expectations of the Arab youth who helped foment them. “There is no Arab Spring,” he said. Egypt, the first Arab state to make peace with Israel over 30 years ago, faced particular national peril, he argued. The army had ousted Egypt’s elected Muslim Brotherhood government and its party’s president Mohammed Morsi, he said, because Egypt, whose land had never been divided, faced for the first time in its long history the potential loss of its Sinai Peninsula to terror. “The army took over because Morsi would not defend the integrity of the land,” Peres said. Moreover, the Muslim Brotherhood, which had been a powerful party in opposition, “had no plan to provide food, jobs, and hope” after it narrowly won a heavily contested free election two years ago. In the Midde East, young Arabs face world-wide competition for increasingly scarce jobs, so throughout the world, “young people are in revolt.” Fueled by a powerful mix of testosterone and technology, the Arab Spring protests were aimed at creating jobs, hope, and political space. Some 99 million of the Middle East’s 350 million Arabs were on line at their start, he said, a number that would grow to 200 million in the next few years, he added. More than 60 percent of the region’s inhabitants who are under 26 years old. “It may take them time to get organized, but the future is theirs.” The winners in an increasingly globalized world would not be those with the most land, said the president whose own land mass is among the smallest in the region, but the most creative, the best educated, and technologically productive. While terrorism remained a threat to the region’s stability and prosperity, he said, “I can see the beginnings of a revolt against the terror” that has endangered the leadership and integrity of most Arab states, he said. Mr. Peres, who often prides himself on his knowledge of and devotion to history, said that given the technological and scientific changes transforming the world, spending a lot of time teaching history was a “waste of time.” “The future will not be a repetition of the past,” he said. So “throw away Clausewitz.” War, he added, referring to a maxim of Carl von Clausewitz, a father of modern military strategy, was no longer “an extension of politics by other means.”

### Pak

#### No pakistan impact

Tepperman ‘09—Deputy Editor at Newsweek. Frmr Deputy Managing Editor, Foreign Affairs. LLM, i-law, NYU. MA, jurisprudence, Oxford. (Jonathan, Why Obama Should Learn to Love the Bomb, http://jonathantepperman.com/Welcome\_files/nukes\_Final.pdf)

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.”

# 2NC

**CP**

**Accountability**

**Offense**

### 2NC – Terrorism Overview

#### Comparatively the most likely impact

Fitzpatrick. Senior Fellow at the Institute for Strategic Studies. 2009. (Mark., "The World After Proliferation, Deterrence and Disarmament if the Nuclear Taboo is Broken", Spring 2009, Security Studies Center, <http://www.ifri.org/files/Securite_defense/PP27_Fitzpatrick_Spring2009.pdf>).

Detonation by terrorists seems to be the most plausible scenario for nuclear weapons use today. Nuclear deterrence does not appear to have great relevance for non-state actors who have no territory or fixed assets that could be targeted in retaliation. Neither is there any reason to assume that the nuclear taboo would apply to terrorists. Indeed, the prospect of breaking a taboo for dramatic effect may make nuclear weapons all the more appealing to terrorist groups.27 The perceived utility of nuclear weapons is probably greater in the case of religious extremists, particularly those that subscribe to apocalyptic beliefs. It is unsurprising that Al Qaeda has shown great interest in acquiring nuclear weapons.

### Terror D

#### Their authors are wrong about everything

Graham Allison 9**,** Douglas Dillon Professor of Government and Director of the Belfer Center for Science and International Affairs at Harvard University's Kennedy School of Government, “A Response to Nuclear Terrorism Skeptics” Brown Journal of World Affairs, Hein Online

What drives Mueller and other skeptics to arrive at such different conclusions?¶ They make four major claims that merit serious examination and reflection.¶ CLAIM 1: No ONE IS SERIOUSLY MOTIVATED TO CONDUCT A NUCLEAR TERRORIST ATTACK.¶ More than a decade ago, no one could have imagined that a Japanese doomsday cult would be sufficiently motivated to disseminate sarin gas on the Tokyo subway. Indeed, at the time of that attack, the consensus among terrorism experts was that terrorists wanted an audience and sympathy-not casualties. The leading American student of terrorism, Brian Jenkins, summarized the consensus judgment in 1975: "terrorists seem 34 to be more interested in having a lot of people watching, not a lot of people dead.""¶ As intelligence officials later testified, an inability to recognize the shifting modus operandi of some terrorist groups was part of the reason why members of Aum Shinrikyo "were simply not on anybody's radar screen."" This, despite the fact that the group owned a 12-acre chemical weapons factory in Tokyo, had $1 billion in its bank account, and had a history of serious nuclear ambitions.'9¶ Similarly, before the 9/11 attacks on the World Trade Center and Pentagon that extinguished 3,000 lives, few imagined that terrorists could mount an attack upon the American homeland that would kill more Americans than the Japanese attack at Pearl Harbor. As Secretary Rice testified to the 9/11 Commission, "No one could have imagined them taking a plane, slamming it into the Pentagon and into the World Trade Center, using planes as a missile." 20 For most Americans, the idea of international terrorists mounting an attack on our homeland and killing thousands of citizens was not just unlikely, but inconceivable. But assertions about what is "imaginable" or "conceivable" are propositions about individuals' mental capacities, not about what is objectively possible.¶ In fact, Al Qaeda's actions in the decade prior to the 9/11 attacks provided clear evidence both of intent and capability. While its 1993 attack on the World Trade Center succeeded in killing only six people, Ramzi Yousef, the key operative in this case, had planned to collapse one tower onto the second, killing 40,000. In the summer of 1996, Osama bin Laden issued a fatwa declaring war upon the United States. Two years later, Al Qaeda attacked the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing more than 200 people. In October 2000, Al Qaeda attacked the warship USS Cole. Throughout this period, Al Qaeda's leadership was running thousands of people through training camps, preparing them for mega-terrorist attacks.¶ Notwithstanding Aum Shinrikyo's brazen attack, Al Qaedas audacious 9/11 attack, and the recent attacks in Mumbai that killed 179 people, Mueller maintains that "terrorists groups seem to have exhibited only limited desire... they have discovered that the tremendous effort required is scarcely likely to be successful." He asserts that the evidence about Al Qaedas nuclear intentions ranges from the "ludicrous to the merely dubious," and that those who take Al Qaeda's nuclear aspiration seriously border on "full-on fantasyland."1¶ Even scholars who would have been inclined to agree with this point of view have revised their judgment as new facts have accumulated. In 2006, for example, Jenkins reversed the basic proposition that he had set forth three decades earlier. In his summary: "In the 1970s the bloodiest incidents caused fatalities in the tens. In the 1980s, fatalities from the worst incidents were in the hundreds; by the 1990s, attacks on this scale had become more frequent. On 9/11 there were thousands of fatalities, and there could have been far more. We now contemplate plausible scenarios in which tens of 35 thousands might die." Underlining the contrast with his own 1975 assessment, Jenkins now says: "Jihadists seem ready to murder millions, if necessary. Many of today's terrorists want a lot of people watching and a lot of people dead."22 (Emphasis added.)¶ Al Qaeda has been deadly clear about its ambitions. In 1998, Osama bin Laden declared that he considered obtaining weapons of mass destruction "a religious duty."" In December 2001, he urged his supporters to trump the 9/11 attacks: "America is in retreat by the grace of God Almighty..but it needs further blows."2 A few months later, Al Qaeda announced its goal to "kill four million Americans."5 It eVen managed to gain religious sanction from a radical Saudi cleric in 2003 to kill "ten million Americans" with a nuclear or biological weapon.26¶ We also now know that Al Qaeda has been seriously seeking a nuclear bomb. According to the Report of the 9/11 Commission, "Al Qaeda has tried to acquire or make nuclear weapons for at least ten years... and continues to pursue its strategic goal of obtaining a nuclear capability." It further reveals "bin Laden had reportedly been heard to speak of wanting a 'Hiroshima." The Commission provides evidence of Al Qaedas effort to recruit nuclear expertise-including evidence about the meeting between two Pakistani nuclear weapon scientists, bin Laden, and his deputy Ayman al-Zawahiri in Afghanistan to discuss nuclear weapons.2 These scientists were founding members of Ummah Tamer-e-Nau (UTN), a so-called charitable agency to support projects in Afghanistan. The foundation's board included a fellow nuclear scientist knowledgeable about weapons construction, two Pakistani Air Force generals, one Army general, and an industrialist who owned Pakistan's largest foundry.28¶ In his memoir, former CIA Director George Tenet offers his own conclusion that "the most senior leaders of Al Qaeda are still singularly focused on acquiring WMD" and that "the main threat is the nuclear one." In Tenet's view, Al Qaedas strategic goal is to obtain a nuclear capability. He concludes as follows: "I am convinced that this is where Osama bin Laden and his operatives desperately want to go."2 9¶ CLAIM 2: IT IS IMPOSSIBLE FOR TERRORISTS TO ACQUIRE FISSILE MATERIAL.¶ Assuming that terrorists have the intent-could they acquire the necessary materials for a Hiroshima-model bomb? Tenet reports that after 9/11, President Bush showed President Putin his briefing on UTN. In Tenet's account of the meeting, Bush "asked Putin point blank if Russia could account for all of its material." Putin responded that he could guarantee it was secure during his watch, underlying his inability to provide assurance about events under his predecessor, Boris Yeltsin.3o¶ When testifying to the Senate Intelligence Committee in February 2005, Commit- 36 tee Vice-Chairman John Rockefeller (D-WV) asked CIA Director Porter Goss whether the amount of nuclear material known to be missing from Russian nuclear facilities was sufficient to construct a nuclear weapon. Goss replied, "There is sufficient material unaccounted for that it would be possible for those with know-how to construct a weapon.. .I can't account for some of the material so I can't make the assurance about its whereabouts."¶ Mueller sidesteps these inconvenient facts to assert a contrary claim. According to his telling, over the last 10 years, there have been only 10 known thefts of highly enriched uranium (HEU), totaling less than 16 pounds, far less than required for an atomic explosion. He acknowledges, however, that "There may have been additional thefts that went undiscovered."32¶ Yet, as Matthew Bunn testified to the Senate in April 2008, "Theft of HEU and plutonium is not a hypothetical worry, it is an ongoing reality." He notes that "nearly all of the stolen HEU and plutonium that has been seized over the years had never been missed before it was seized." The IAEA Illicit Nuclear Trafficking Database notes 1,266 incidents reported by 99 countries over the last 12 years, including 18 incidents involving HEU or plutonium trafficking. 130 research reactors around the world in 40 developing and transitional countries still hold the essential ingredient for nuclear weapons. As Bunn explains, "The world stockpiles of HEU and separated plutonium are enough to make roughly 200,000 nuclear weapons; a tiny fraction of one percent of these stockpiles going missing could cause a global catastrophe."¶ Consider the story of Russian citizen Oleg Khinsagov. Arrested in February 2006 in Georgia, he was carrying 100 grams of 89-percent enriched HEU as a sample and attempting to find a buyer for what he claimed were many additional kilograms. Mueller asserts that "although there is a legitimate concern that some material, particularly in Russia, may be somewhat inadequately secured, it is under lock and key, and even sleepy, drunken guards, will react with hostility (and noise) to a raiding party.""¶ CLAIM 3: IT IS EXTREMELY DIFFICULT TO CONSTRUCT A NUCLEAR DEVICE THAT WORKS.¶ Rolf Mowatt-Larssen, former director of the Department of Energy's Office of Intelligence and Counterintelligence, testified that, "The 21s' century will be defined first by the desire and then by the ability of non-state actors to procure or develop crude nuclear weapons."6 In contrast, Mueller contends that, "Making a bomb is an extraordinarily difficult task... the odds, indeed, are stacked against the terrorists, perhaps massively so." 37¶ Mueller argues that his conclusion follows from an analysis of 20 steps an atomic terrorist would have to accomplish in what he judges to be the most likely nuclear terrorism scenario. On the basis of this list, he claims that there is "worse than one in a 37 million" chance of success. 38¶ His approach, however, misunderstands probabilistic risk assessment. For example, some of the steps on the list would have to be completed before an attempt to acquire material could begin (therefore, the success rate for any of those steps during the path would, by definition, be 100 percent). Other steps are unnecessary, such as having a technically sophisticated team pre-deployed in the target country. Although he assumes that stolen materials will be missed, in none of the 18 documented cases mentioned earlier had the seized material been reported missing."¶ At U.S. weapons labs and among the U.S. intelligence community, experts who have examined this issue largely agree. John Foster, a leading American bomb maker and former director of the Lawrence Livermore National Laboratories, wrote a quarter century ago, "If the essential nuclear materials are at hand, it is possible to make an atomic bomb using information that is available in the open literature." 4 Similarly, Theodore Taylor, the nuclear physicist who designed America's smallest and largest atomic bombs, has repeatedly stated that, given fissile material, building a bomb is "very easy. Double underline. Very Easy." 4¶ Inquiring into such claims, then-Senator Joe Biden (D-DE) asked the major nuclear weapons laboratories whether they could make such a device if they had nuclear materials. All three laboratories answered affirmatively. The laboratories built a gun-type device using only components that were commercially available and without breaking a single U.S. law.¶ The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, known as the Silberman-Robb Commission, reported in 2005 that the intelligence community believed Al Qaeda "probably had access to nuclear expertise and facilities and that there was a real possibility of the group developing a crude nuclear device." It went on to say that "fabrication of at least a 'crude' nuclear device was within Al Qaedas capabilities, if it could obtain fissile material."43¶ Skeptics argue that terrorists cannot replicate the effort of a multi-billion dollar nuclear program of a state. This claim does not distinguish between the difficulty of producing nuclear materials for a bomb (the most difficult threshold) and the difficulty of making a bomb once the material has been acquired. The latter is much easier. In the Iraq case, for example, the CIA noted that if Saddam Hussein had stolen or purchased nuclear materials from abroad, this would have cut the time Iraq needed to make a bomb from years to months.1 Moreover, terrorists do not require a state-of-the art weapon and delivery system, since for blowing up a single city a crude nuclear device would suffice.¶ The grim reality of globalization's dark underbelly is that non-state actors are 38 increasingly capable of enacting the kind of lethal destruction heretofore the sole reserve of states.¶ CLAIM 4: IT IS TOO DIFFICULT TO DELIVER A NUCLEAR DEVICE TO THE UNITED STATES.¶ In the spring of 1946, J. Robert Oppenheimer was asked whether units of the atom bomb could be smuggled into New York and then detonated. He answered, "Of course it could be done, and people could destroy New York." As for how such a weapon smuggled in a crate or a suitcase might be detected, Oppenheimer opined, "with a screwdriver." He went on to explain that because the HEU in a nuclear weapon emits so few radioactive signals, a bomb disguised with readily available shielding would not be detected when inspectors opened the crates and examined the cargo.41¶ The nuclear weapon that terrorists would use in the first attack on the United States is far more likely to arrive in a cargo container than on the tip of a missile. In his appearance before a Senate subcommittee in March 2001, six months before 9/11, National Intelligence Officer Robert Walpole testified that "non-missile delivery means are less costly, easier to acquire, and more reliable and accurate."' 6¶ Citing the 1999-2003 U.S. Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (the Gilmore Commission), Mueller states that transporting an improvised nuclear device would require overcoming "Herculean challenges.""¶ He does not explain, however, why bringing a crude nuclear weapon into an American city would be materially different than the challenge faced by drug smugglers or human traffickers. According to the Government Accountability Organization, an average of 275 metric tons of cocaine have arrived in Mexico each year for transshipment to the United States since 2000. Reported seizures averaged about 36 tons a year, a 13 percent success rate for the intelligence and law enforcement community. Three million illegal immigrants enter the country each year, and only one in three gets caught."

#### No defense

Bunn 13 (Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998., 10/2/2013, “Steps to Prevent Nuclear Terrorism: Recommendations Based on the U.S.-Russia Joint Threat Assessment”, <http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>)

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

#### Their evidence is all just like “there are a lot of steps” --- ya obviously, and our authors considered all of them --- the risk is real

Peter Beinart 8, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, 106-7

For all these reasons, jihadists seem less intent on acquiring a finished nuclear weapon than on acquiring weapons- grade uranium and building the bomb themselves. In the early 1990s, Al Qaeda bought a 3- foot- long cylinder from a Sudanese military officer who said it contained South African highly enriched uranium. It turned out to be a hoax. Jihadists have reportedly made other failed attempts as well. Eventually, however, they could succeed. Moscow may adequately protect its nuclear weapons, but the National Academy of Sciences has warned that “large inventories of SNM [fissile material] are stored at many sites that apparently lack inventory controls.” And the Russians reportedly experience one or two attempted thefts of that material a year—that they know of. ¶ If Al Qaeda obtained 50 kilograms of weapons-g rade uranium, the hardest part would be over. The simplest nuke to build is the kind the United States dropped on Hiroshima, a “gun- type,” in which a mass of highly enriched uranium is fired down a large gun barrel into a second uranium mass. Instructions for how to make one are widely available. Just how widely available became clear to an elderly nuclear physicist named Theodore Taylor in 2002, when he looked up “atomic bomb” in the World Book Encyclopedia in his upstate New York nursing home, and found much of the information you’d need. ¶ Even with directions, building a nuclear bomb would still be a monumental task. According to a New York Times Magazine article by Bill Keller, in 1986 five Los Alamos nuke builders wrote a paper called “Can Terrorists Build Nuclear Weapons?” They concluded that it would require people who understood “the physical, chemical and metallurgical proper-¶ 107¶ ties of the various materials to be used, as well as characteristics affecting their fabrication; neutronic properties; radiation effects, both nuclear and biological; technology concerning high explosives and/or chemical pro- pellants; some hydrodynamics; electrical circuitry.” That sounds daunting. **Yet, at the end of the paper, the scientists answered their question: “Yes, they can.”** ¶Finally, once terrorists built a nuclear weapon, they’d still have to smuggle it into the United States. The best way might be to put it in a shipping container, on one of the many supertankers that bring oil into American ports every day. The containers are huge, more than big enough to fit a gun-t ype nuke, which could be as small as 6 feet in length and 6 inches in diameter. Highly enriched uranium emits much less radiation than plutonium, and inside a supertanker’s thick double-steel hull it would be hard for sensors to detect. What’s more, a single ship can carry several thousand containers, most of which are never searched. On September 11, 2002, ABC News smuggled a 15- pound cylinder of depleted uranium in a cargo container past U.S. customs. On September 11, 2003, they performed the same exercise—and got the uranium past customs again.

### Yes Retaliation

#### A terrorist attack would prompt nuclear retaliation

**Conley, ’03** (Lt Col Harry W. is chief of the Systems Analysis Branch, Directorate of Requirements, Headquarters Air Combat Command (ACC), Langley AFB, Virginia. Air & Space Power Journal - Spring 2003 -- http://www.airpower.maxwell.af.mil/airchronicles/apj/apj03/spr03/conley.html)

The number of American casualties suffered due to a WMD attack may well be **the most important variable i**n determining the nature of the US reprisal. A key question here is how many Americans would have to be killed to prompt a massive response by the United States. The bombing of marines in Lebanon, the Oklahoma City bombing, and the downing of Pan Am Flight 103 each resulted in a casualty count of roughly the same magnitude (150–300 deaths). Although these events caused anger and a desire for retaliation among the American public, they prompted no serious call for massive or nuclear retaliation. The body count from a single biological attack could easily be one or two orders of magnitude higher than the casualties caused by these events. Using the rule of proportionality as a guide, one could justifiably debate whether the United States should use massive force in responding to an event that resulted in only a few thousand deaths. However, what if the casualty count was around 300,000? Such an unthinkable result from a single CBW incident is not beyond the realm of possibility: “According to the U.S. Congress Office of Technology Assessment, 100 kg of anthrax spores delivered by an efficient aerosol generator on a large urban target would be between two and six times as lethal as a one megaton thermo-nuclear bomb.”46 Would the deaths of 300,000 Americans be enough to trigger a nuclear response? In this case, proportionality does not rule out the use of nuclear weapons. Besides simply the total number of casualties, the types of casualties- predominantly military versus civilian- will also affect the nature and scope of the US reprisal action. Military combat entails known risks, and the emotions resulting from a significant number of military casualties are not likely to be as forceful as they would be if the attack were against civilians. World War II provides perhaps the best examples for the kind of event or circumstance that would have to take place to trigger a nuclear response. A CBW event that produced a shock and death toll roughly equivalent to those arising from the attack on Pearl Harbor might be sufficient to prompt a nuclear retaliation. President Harry Truman’s decision to drop atomic bombs on Hiroshima and Nagasaki- based upon a calculation that up to one million casualties might be incurred in an invasion of the Japanese homeland47- is an example of the kind of thought process that would have to occur prior to a nuclear response to a CBW event. Victor Utgoff suggests that “if nuclear retaliation is seen at the time to offer the best prospects for suppressing further CB attacks and speeding the defeat of the aggressor, and if the original attacks had caused severe damage that had outraged American or allied publics, **nuclear retaliation would be more than just a possibility, whatever promises had been made.”**

#### Even if the attack fails, the US would kill millions in a nuclear retaliation

**Easterbrook, ’01** (Greg, visiting fellow at the Brookings Institution,, CNN, Show: Greenfield at Large 23:00, “America’s New War: Nuclear Threats,” Transcript # 1 1OIOOCN.V80)

GREENFIELD: Now, finally, Mr. Easterbrook, speaking of ghastly, should a terrorist organization be able to get a nuclear weapon into the United States or Western Europe, Eastern Europe, and blow up something and kill tens of thousands of people, what’s the United States response? It’s not like attacking a country that bombed us if we don’t quite know who this is. What could we possibly do about that? EASTERBROOK: Well, what held through the Cold War, when the United States and Russia had thousands of nuclear weapons pointed at each other, what held each side back was the fact that fundamentally they were rational. They knew that if they struck, they would be struck in turn. Terrorists may not be held by this, especially suicidal terrorists, of the kind that al Qaeda is attempting to cultivate. But I think, if I could leave you with one message, it would be this: that the search for terrorist atomic weapons would be of great benefit to the Muslim peoples of the world in addition to members, to people of the United States and Western Europe. because if an atomic warhead goes off in Washington, say, in the current environment or anything like it, in the 24 hours that followed, a hundred million Muslims would die as U.S. nuclear bombs rained down on every conceivable military target in a dozen Muslim countries. And that – it is very much in the interest the Muslim peoples of the world that atomic weapons be kept out of the hands of Islamic terrorists, in addition to being in our interests.

**2NC General Link Overview / A2: Link Turns**

***The plan kills the effectiveness of the drone program --- extend Chicago Tribune --- it’s working now and is surgically dismantling terrorist groups, but shifting targeting decisions away from the executive branch causes excessive bureaucracy that bogs down the campaign. Requiring prior approval of strikes means operators will be overly cautious, and costs us the element of surprise as the narrow window of opportunity closes***

***No link turns --- even if the plan is a rubberstamp in practice, perception of new targeted killing authorization restrictions make the DoD and CIA gun-shy --- kills counter-terror operations***

The link is unique because Obama hasn’t followed through on his promise yet

Carlo **Munoz- 05/23/13**, The Hill, Obama seeks to ramp down 9/11-era rules for war on terror, <http://thehill.com/blogs/defcon-hill/policy-and-strategy/301737-obama-seeks-to-ramp-down-911-rules-for-war-on-terror>, jj

**Obama’s effort to change nearly a decade of battle-tested counterterrorism tactics could have a chilling effect on the military and intelligence community**, Fleitz said.¶ **The high bar being set by the White House** on counterterrorism, particularly **on the use of armed drones, may make military and intelligence operators gun shy in launching counterterrorism missions**, he said.¶ “**The intelligence [community] will be reluctant to use them,” should Obama follow through on his effort to rein in armed drone strikes**, Fleitz said.

***\*note - Frederick Fleitz = a former CIA official***

***Statutory limitations on war powers increase the costs of presidential action ~ the plan induces executive over-caution out of fear of congressional reprisal***

**Pevehouse & Howell ’08**, Jon C. Pevehouse, Professor – Poli Sci – UW-Madison, William G. Howell, Sydney Stein Professor in American Politics in the Harris School, a professor in the Department of Political Science and the College, and a co-director of the Program on Political Institutions. While Dangers Gather : Congressional Checks on Presidential War Powers. Princeton, NJ, USA: Princeton University Press, 2008. p 9-10. <http://site.ebrary.com/lib/wayne/Doc?id=10478247&ppg=12>, jj

Strong informational advantages coupled with the unique ability to act unilaterally in the international arena make the president, by Paul Peterson’s account, “the most potent political force in the making of foreign policy,” while Congress remains “a secondary political player.” 21 There is no escaping this fact. The primary questions that this book intends to answer are not whether congressional power effectively matches presidential power, or whether Congress has met its constitutional obligations over foreign policy making. On both of these fronts, answers obviously assume the negative. Rather, the interesting questions are uncovered when we examine those interbranch struggles that persist, when we try to determine whether Congress, in any material fashion, constrains the presidential use of force. Congress, Still Relevant **Endowed with powers of unilateral action and immense informational advantages, why should the president worry about Congress?** **What can its members really do that has any bearing on his assessments of the potential risks and rewards of military action? A fair amount**, we think. Its actions will not convince every president, every time, to change course. But **through** both **legislative enactments** and public appeals, **Congress can increase the likely costs, financial and otherwise, of a planned military venture**. **The bills Congress introduces, the resolutions it passes, the hearings it holds, and the public declarations its members make can establish legal constraints on presidential war powers and increase the political costs of battlefield failures**. In this section, we summarize past congressional efforts to influence presidential decision making through both legislative processes and public appeals: We then offer some lessons about how these activities shape the larger politics that precede military action.

**2NC – Drone Court Link Extension**

***Causing targeting disasters --- courts have no experience***

**Mukasey ‘13**, Mr. Mukasey served as U.S. attorney general from 2007-09, and as a U.S. district judge from 1988 to 2006. February 18, 2013, The Wall Street Journal, How to Untangle an Incoherent Drone Policy, <http://online.wsj.com/article/SB10001424127887324162304578302422573622506.html>, jj

Instead of undertaking that legislative effort, **some**—reportedly including some in the administration—**favor tossing the problem to a newly tasked special court that would examine the president's choices of drone targets and thus buck up public confidence that he isn't acting arbitrarily**. **This feel-good prescription is devoid of substance**.¶ ***Judges have no basis or background that suits them to review targeting decisions and no way to gather facts independently.*** **Because they may serve for life, there is no way to hold them politically accountable for a decision—how best to defend the country—on which elected politicians are supposed to rise or fall**. **If it is simply a matter of introducing into the process some figure in whom the public has unreasoning trust, *we might just as plausibly have the president's targeting decisions reviewed by Oprah.***

***Causes us to lose the war***

**W**all **S**treet **J**ournal 2-7-**‘13**, King of Drones, <http://online.wsj.com/article/SB10001424127887323951904578288351143647568.html>, jj

**As for the alleged lack of judicial review**, ***a sure way to lose a war is to require that judges approve a list of enemy targets on the battlefield***. In its Bush-era rulings, the Supreme Court merely allowed detainees the right of habeas review once they are in custody. It did not say a judge should have to approve drone strikes or determine who could or couldn't be attacked in battle.¶ **The power of judicial review is at its weakest constitutionally when both of the political branches—the Congress and executive—have agreed to authorize military action, as they have in targeting the al Qaeda network**.¶ The timing of the white paper leak was no accident, coming before Thursday's confirmation hearing for John Brennan to lead the CIA. As counterterrorism chief in the Obama White House, Mr. Brennan has been the main keeper of the drone target list. He was also denied the CIA job four years ago in part because he was said to have known too much about enhanced interrogation at the CIA in the Bush years. Perhaps the leakers (probably in Congress) hope to embarrass him, or to get him or Mr. Obama to agree to some kind of judicial review for drone attacks.¶ **That would be a major mistake**. We've written before that this Administration should do more to capture and interrogate terrorists in order to prevent future attacks, rather than defaulting so often to drone strikes. But its **drone warfare is legal and necessary to protect America**.

***Prevents addressing imminent threats***

**Rona 2-27-’13**, Gabor Rona, international legal director at Human Rights First, - 02/27/13, The Hill, The pro-rule of law argument against a 'drone court', <http://thehill.com/blogs/congress-blog/judicial/285041-the-pro-rule-of-law-argument-against-a-drone-court>, jj

Outside an active armed conflict, the legal standards are different: **a suspect can be targeted for death only if he poses an “imminent threat” to human life that cannot be thwarted by non-lethal means. Here a “drone court” would be especially useless**. ***We wouldn’t want the military to have to jump through judicial hoops to thwart a truly imminent attack***. **If the threat is imminent, there is, by definition, no time to seek judicial review, and if there is time, the threat is, by definition, not imminent.**

**UQ**

**1NC---Drones Sustainable / No Collapse**

***Drones are sustainable—there’s no political consequences for Obama***

**Rawlings, 10/22-’13** [Nate Rawlings is a writer/reporter for TIME magazine. He writes for the magazine’s Briefing section and about government, politics and military affairs. Prior to joining the TIME staff, Nate reported for the magazine from Iraq and Afghanistan while studying in graduate school. A former Army officer, Nate served two combat tours in Iraq as a platoon leader in 2006 and as an embedded combat advisor to the Iraqi Army in 2008-2009, both with 4th Infantry Division. Nate holds a BA in History from Princeton University, an MS from Columbia University’s Graduate School of Journalism and a MA in International Affairs from Columbia University’s School of International and Public Affairs. Time Magazine, Amnesty International and Human Rights Watch Blast U.S. Drone Strikes, <http://world.time.com/2013/10/22/amnesty-international-and-human-rights-watch-blast-u-s-drone-strikes/>, jj]

Second, **there is little political incentive in the U.S. government to further declassify drone policy**, ***and there are virtually no political consequences for the Obama Administration continuing as they have for years***. **Polls show Americans have few qualms with the U.S. deploying drones overseas**. **Until that changes**, Foust says, “**none of the other calls for redress or openness will come to pass.”**

***There’s a sustainable consensus on the drone program---won’t collapse***

Robert **Chesney 12**, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, 8/29/12, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2138623>

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas.

The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a mend-it-don’t-end-it approach culminating in passage of the Military Commissions Act of 2009, which addressed a number of key objections to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but ***the system as a whole is far more stable today*** than at any point in the past decade.51

There have been ***strong*** elements of ***cross-party continuity*** between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, ***the legality of using lethal force*** not just in contexts of overt combat deployments but also in areas physically remote from the “hot battlefield.” Indeed, the Obama administration quickly outstripped the Bush administration in terms of the quantity and location of its airstrikes outside of Afghanistan,52 and it also ***greatly surpassed*** the ***Bush*** administration in its efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also succeeded in fending off a lawsuit challenging the legality of the drone strike program (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54

The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. ***Far from it; a steady drumbeat of criticism persists***, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, ***this criticism no longer seemed likely to spill over in the form of disruptive judicial rulings, newly-restrictive legislation, or significant spikes in diplomatic or domestic political pressure***, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an ***extended period of cross-branch and cross-party consensus***, and this in turn left the impression that the underlying legal architecture had reached a stage of

**Allies**

***No impact on relations --- both Pakistan and Yemeni officials secretly love drones***

**Byman ’13**, DANIEL BYMAN is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution. Foreign Affairs, July/August 2013, Why Drones Work: The Case for Washington’s Weapon of Choice, online

**It is also telling that drones have earned the backing**, albeit secret, **of foreign governments**. **In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it**. During the Bush and Obama administrations, **Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance**. Pervez **Musharraf**, president of Pakistan until 2008, **was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked**. **Yemen’s former president**, Ali Abdullah **Saleh**, also at times **allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force**. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and **his replacement**, Abdu Rabbu Mansour **Hadi, has publicly praised drones, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.**”¶ **As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies**. A memo released by the antisecrecy website WikiLeaks revealed that **Pakistan’s army chief**, Ashfaq Parvez Kayani, **privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who threatened Pakistan far more than the United States**. **Thus, in private, Pakistan supports the drone program**. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.”¶ Still, Pakistan is reluctant to make its approval public. First of all, the country’s inability to fight terrorists on its own soil is a humiliation for Pakistan’s politically powerful armed forces and intelligence service. In addition, although drones kill some of the government’s enemies, they have also targeted pro-government groups that are hostile to the United States, such as the Haqqani network and the Taliban, which Pakistan has supported since its birth in the early 1990s. Even more important, the Pakistani public is vehemently opposed to U.S. drone strikes.¶

***Long term Pakistan relations now – Energy cooperation and the Strategic Dialogue forum solve any residual status quo hostility***

**Xinhuanet**, “ Pakistan, U.S. vow broad-based, long-term relations in joint statement”, **10/24**/13, http://news.xinhuanet.com/english/world/2013-10/24/c\_132827569.htm

ISLAMABAD, Oct. 24 (Xinhua) -- U.S. President Barack **Obama and** Prime Minister Nawaz **Sharif have issued a joint statement** at the conclusion of Sharif's visit to the United States, **expressing their *conviction* that an enduring U.S.-Pakistan partnership** ***is vital to regional and international security.* The two leaders** also **recognized their shared interest in** Pakistan's ***economic growth*** and development, ***regional stability*** **and** mutually determined measures to ***counter terrorism***, the joint statement issued by the Foreign Ministry in Islamabad and in Washington said Thursday. "President **Obama and** Prime Minister **Sharif committed themselves to remaining in** **close contact and to continuing their efforts to build a strong, broad-based, long-term and enduring relationship between the United States and Pakistan that should serve** ***as a foundation for the stability*** and prosperity of the region and around the globe,"the statement said. **The two leaders reaffirmed** their strong relationship between the two countries, ***stressing that their enduring partnership* is based on the principles of** ***respect for sovereignty and territorial integrity***. "President Obama conveyed appreciation for Pakistan's internal and regional security challenges and affirmed that a peaceful, prosperous and democratic Pakistan was an essential partner for the United States in the advancement of shared goals of peace, security and socio-economic development in South Asia." Both ***leaders welcomed the resumption of the U.S.-Pakistan Strategic Dialogue*** and reaffirmed its importance **as the suitable framework for guiding bilateral relationship. The dialogue was suspended in 2010** due to certain issues including the U.S. unilateral operation to kill Osama bin Laden and American raid that had killed 26 soldiers. President **Obama gave the assurance that the United States would strongly support efforts to enlarge and strengthen Pakistan's economy, particularly in the energy sector**, as this sector could play a critical role in ensuring the well-being and prosperity of the people of Pakistan, the statement said. President Obama noted that U.S. assistance in the energy sector has added over 1,000 megawatts of power to Pakistan's national grid, helping over 16 million Pakistanis. **The U.S. president commended the resolve of the government and people of Pakistan, armed forces and law enforcement agencies to defeat terrorists and praised Pakistan for its military campaign**. President Obama thanked Sharif for Pakistan's efforts to help defeat al-Qa'ida, and both Leaders expressed their deep appreciation for the sacrifices of military personnel and civilians in the fight against terrorism and extremism, the joint statement said.

***No Yemeni backlash – they internally support US drone strikes***

Michael **Hirsch**, National Journal, “Pakistan Signed Secret 'Protocol' Allowing Drones”, October 23rd 2013, http://www.nationaljournal.com/white-house/pakistan-signed-secret-protocol-allowing-drones-20131023

Officials say that **a major reason why the Obama administration resisted efforts by Congress to obtain the full range of its classified legal memos justifying so-called targeted killing was to protect the secret protocols with** Pakistan and other countries, such as **Yemen**. Last February, a legal expert outside the government who is intimately familiar with the contents of the memos drafted by the Justice Department's Office of Legal Counsel told National Journal that the government-to-government accords on the conduct of drone strikes were a key element not contained in a Justice Department "white paper" revealed by NBC News. He said it was largely in order to protect this information that the targeted-killing memos drafted by Justice's Office of Legal Counsel were even withheld from congressional committees. "That is what is missing from the white paper but forms a core part of the memos," the expert said. **A Human Rights Watch report** this week also **criticized the U.S. drone program in Yemen**, **saying the targeted airstrikes** against alleged terrorists **have violated international law by killing innocent civilians. But** a year ago, **the new leader of Yemen** – another country with which Washington has signed a secret protocol on drones – ***publicly endorsed America's use of drones*** **within his borders**. "***They pinpoint the target and have zero margin of error***, if you know what target you're aiming at," the new Yemeni president, Abdu Rabbu Mansour **Hadi, said** at the Woodrow Wilson Center in Washington.

***Intel sharing is sustainable***

**NYT 13**, 1/30, “Drone Strike Prompts Suit, Raising Fears for U.S. Allies”

**The issue is more complex than drone-strike foes suggest**, the **current and former officials said, and is based on *decades of cooperation*** rather than a shadowy pact for the United States to do the world’s dirty work. **The arrangements for intensive intelligence** sharing by Western allies **go back to *World War II,* said** Richard **Aldrich, professor of international security at the University of Warwick**, when the United States, Canada, Britain, Australia and New Zealand agreed to continue to collaborate. “**There’s a *very high volume* of intelligence shared, some** of which is collected ***automatically***, so it’s impossible to track what every piece is potentially used for,” said Mr. Aldrich, who is also the author of a history of the Government Communications Headquarters, the British signal-intelligence agency. **Britain’s history and expertise in South Asia means** that the **intelligence it gathers in Pakistan, Afghanistan and the tribal areas** in between **is in high demand**, Mr. Aldrich said. **The arrangement has been focused** recently **by** a chill in relations between the United States and Pakistan, and by **the shared war in Afghanistan.** **Other nations**, too, **intercept communications** in the region **that are *shared broadly*** with the United States, he said. In Afghanistan, for example, **German and Dutch forces run aggressive electronic interception operations**, he said, because their rules on collaborating with local interpreters are less stringent than those of the United States. A spokesman for the coalition forces in Afghanistan, Lt. Col. Lester Carroll, declined to give details about intelligence sharing, saying agreements were classified. But he confirmed that American military forces “do share information with other U.S. government organizations on a need-to-know basis.” Few argue against the notion that **European nations, many of which have been attacked by terrorists, have benefited from the drone killing**, however controversial, **of many of the most hardened Islamic extremist leaders.**

***Extremely broad support for intel sharing***

Maciej **Osowski 11**, 3/8, EU-US intelligence sharing post 9/11: predictions for the future, [www.e-ir.info/2011/03/08/eu-us-intelligence-sharing-post-911-predictions-for-the-future/](http://www.e-ir.info/2011/03/08/eu-us-intelligence-sharing-post-911-predictions-for-the-future/)

Intelligence cooperation between the US and other EU member states. The **9/11** attacks started **increased intelligence cooperation not only between the ‘old allies’** such as the US and the UK **but** **also** by necessity **with many other states**, many of them European Union member states[37]. Suffice it to mention the words of the Deputy Secretary of State Richard Armitage: “Probably the most dramatic improvement in our intelligence collection and sharing has come in bilateral cooperation with other nations — those we considered friendly before 9/11, and some we considered less friendly. This is marked change, and one that I believe comes not just from collective revulsion at the nature of the attacks, but also the common recognition that such groups present a risk to any nation with an investment in the rule of law”[38]. It is reasonable to assume that all European partners were considered friendly before 9/11. However, what is the most important in this quote is that Armitage recognises that cooperation comes from the common position of states whereby Islamic terrorism is a serious danger for every state, not only European. The majority of academic voices claim that “**Since 9/11, liaison relationships between the *U*nited *S*tates and foreign services have increased in number and, in the case of pre-existing partnerships, have *grown deeper***”[39]. This is confirmed by many European intelligence responsible civil servants: “Contacts have been increased and there is more cooperation in all areas,”[40] revealed to the journalists the director of Spain’s National Intelligence Centre Jorge Dezcallar. It has been taking place in many areas despite political condemnation of the US military actions in Iraq or covert programs such as extraordinary renditions. Immediately after 9/11 all members of EU and NATO were supporting the US in their anti-terrorist actions and military mission in the Afghanistan. It changed radically when the US started the operation in Iraq on the basis of weak preconditions that Saddam Hussein is in possession of WMD and cooperates with Al-Qaeda. The ‘Old Europe’ (France, Germany) was against this intervention, probably because they knew the weakness of the evidence confirming American assumptions (especially as it was partially delivered by them – the German agent from Iraq known as ‘Curveball’). Despite this withdrawal of the political support, both Germany and France, as well as the rest of Europe have been closely cooperating with the US since after 9/11 and still are, as will be demonstrated in this sub-chapter. Usually reluctant towards Americans, France started close cooperation with the US just after the 9/11 attacks. An article in the daily Le Monde “Nous sommes tous Américains” expressed not only emotions and cultural unity with the USA, but was also a sign of what was bound to happen on the platform of secret intelligence sharing. In 2002, the CIA and the French Direction Générale de la Sécurité Extérieure (DGSE) established an intelligence cooperation centre in Paris called ‘Alliance Base’[41]. According to newspaper articles[42], ‘Alliance Base’ is led by a French general from the DGSE and staffed with intelligence officers from Germany, Britain, France, Australia, Canada and in large numbers from the United States. This secret institution is more than just intelligence sharing body. It is forum for operational collaboration and covert actions in anti-terrorist actions, also those involved extraordinary renditions condemned by whole EU. There is a paradox in the fact that while publicly criticising American program of renditions, European governments took part in it. This kind of hypocrisy was fiercely criticised by the CIA Director Michael Hayden who pointed to European political leaders that they publicly condemn the CIA, but privately enjoy the protection of the enhanced security provided by joint intelligence operations[43]. Indeed, recent history suggests that intelligence cooperation ties are affected by disagreements over ideals, strategy, politics or Human Rights observance, at least within the Transatlantic relationships. This is crucially important to the whole issue of intelligence liaison, as it shows that **practice of intelligence sharing is *independent of politics***. This can have both its advantages and disadvantages. It is surely profitable that **the US and the EU members can cooperate in the area of intelligence** while disagreeing in politics. However, this bias can be the result of the lack of control by governments and parliaments over European intelligence services actions. Should this be the case, it should be used as food for thought in European capitals. Nevertheless, in the meantime the **cooperation between American and EU member states intelligence services has** arguably **been highly successful**. For example, decisions and steps taken by Algemene Inlichtingen- en Veiligheidsdienst (the Dutch General Intelligence and Security Service) allowed to prevent the attack on US embassy just after the 9/11 events in the US[44]. This was possible thanks to the international intelligence cooperation. Germany and the US have share intelligence on terrorism since 1960s. This relation has remained robust after the 9/11 attacks and has even increased, not only through the ‘Alliance Base’ but also in bilateral relation. A case in point here is the unfortunate example of the German intelligence service HUMINT source agent named ‘Curveball’. The final outcome of that case, which led to the US’s invasion of Iraq – based on false suspicions that the country possessed WMD – seems to suggest that sharing information here was faulty and misleading. However, it seems less so in light of the declassified documents[45]. These show that the case of ‘Curveball’ was properly described by Bundesnachrichtendienst, especially as far as his credibility was concerned – it was in fact believed to be dubious and unclear. However, as it was the only American human source, and it was delivering information desired by the Executive, the BND kept sending reports to the United States Defense Intelligence Agency. In other words, cooperation between both services was smooth, it was the American side that used the information despite warnings coming even from home intelligence[46]. Based on this case, it can be assumed that intelligence sharing between Germany and the US has increased to the extent that even not confirmed sources were delivered to the US on special request. Once again, this confirms the argument whereby intelligence cooperation between the US and European partners has existed despite European reluctance to the US international policy. To take this argument even further, it can be argued that the transatlantic intelligence liaison will increase in the future, as long as a new threat in the form of Islamic terrorism is deemed serious danger by both the US and the European Union member states. Apart from the UK, a traditional ally of the US, there has been a group of newly accepted EU members which were, most of them, supporting the US policy after 9/11, including the intervention in Iraq. It can be assumed that those states (Poland, the Czech Republic, Hungary, Romania, Bulgaria, and the Baltic states) were prepared to seek intelligence cooperation with the US. However, it is obvious that these states did not probably have much intelligence to offer, while their first concern has always been Russia and its actions. It this particular case, there are all reasons to suspect that the ‘complex’ intelligence liaison took place. It has been confirmed in the cases of Poland and Romania when both states have hosted the secret CIA prisons used for extraordinary renditions. That they did host such prisons was confirmed by both the European Parliament inquiry[47] and investigative journalists[48]. In exchange, those states received a mixture of military, political and intelligence support. From the above analysis it appears that after the **9/11** attacks the US **increased intelligence cooperation with the EU member states**. There is also no doubt that most **European states were willing to increase this cooperation as they saw real threat** that Islamic terrorism constituted not only for the US but also for European states**. It was the nature of both in multilateral and bilateral relationships**. The level of cooperation has been different depending on a state. Usually, **the biggest ally of the US – the UK, has led in intelligence liaison. But it is now visible that the rest of the EU has not stayed behind, and tried to contribute to the liaison in many different ways**. All those alleged facts lead to the conclusion that the **future liaison between the US and the European member states will increase** even further as long as there will be a common strong threat to the security to all participating states.

**A2: CO-Op I/L’s – General**

***Cooperation’s inevitable\*\****

**Mueller 12** (John, Prof @ Ohio State, Terrorism and Security, in “Controversies in Globalization,” page 149-150)

Overall, with 9/11 and subsequent activity, **bin Laden and his gang** seem mainly to **have succeeded in uniting the world**, including its huge Muslim portion, ***against*** their violent global **jihad**. ***No matter how much* they might disagree on *other issues*** (most notably America’s war on Iraq), **there is a *compelling incentive* for states** – including Arab and Muslim ones – **to cooperate to deal with** any international **terrorist** problem emanating from groups and individuals **connected to**, or sympathetic with, **al-Qaeda**. **Although these** multilateral **efforts**, particularly **by** such **Muslim States** as Sudan, Syria, Libya, Pakistan, and even Iran, **may not have received** sufficient **publicity, these countries have had a vital interest, because they felt directly threatened by the militant network**, and **their** diligent and aggressive **efforts have led to important breakthroughs against al-Qaeda**. ¶ **This** post-9/11 **willingness** of governments around the world to take on terrorists **has been reinforced and amplified as they reacted to subsequent,** if sporadic, **terrorist activity** with**in** **their own countries**. Thus a terrorist bombing in Balin in 2002 galvanized the Indonesia government into action and into extensive arrests and convictions. **When terrorists attacked** Saudis in **Saudi** Arabia in 2002, **that country** **seems**, very much for self-interested reasons, **to have become** considerably **more serious about** dealing with internal **terrorism**, including a clampdown on radical clerics and preachers. Some inept terrorist **bombings in** **Casablanca** in 2003 **inspired** a similar determined **crackdown by Moroccan authorities.** **The** main **result** **of** al-Qaeda-linked **suicide terrorism in Jordan** in 2003 **was to outrage** Jordanians and other **Arabs** against the perpetrators. Massive protests were held, and in polls, those expressing a lot of confidence in Osama Bin Laden to “do the right thing” plunged from 25 percent to less than 1 percent. In polls conducted in 35 predominately Muslim coutnries, more than 90 percent condemned bin Laden’s terrorism on religious grounds. [149-150]

**A2: EU Backlash**

***No EU backlash to drones- they’re passive***

**Dworkin ‘13** [Anthony, Anthony Dworkin is a senior policy fellow at the European Council on Foreign Relations, was previously the executive director of the Crimes of War Project, “Drones and Targeted Killing: Defining a European Position,” July, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>]

The US use of drones for targeted killing away from any ¶ battlefield has become the focus of increasing attention ¶ and concern in Europe. In a recent opinion poll, people ¶ in all European countries sampled were opposed to the ¶ use of drones to kill extremists outside the battlefield and ¶ a large majority of European legal scholars reject the legal ¶ justification offered for these attacks.2¶ But European leaders and officials have responded to the US campaign of drone strikes in a muted and largely passive way. Although some ¶ European officials have made their disagreement with ¶ the legal claims underlying US policies clear in closeddoor dialogues and bilateral meetings, EU member state representatives have said almost nothing in public about US drone strikes.3¶ The EU has so far failed to set out ¶ any vision of its own about when the use of lethal force ¶ against designated individuals is legitimate. Nor is there any indication that European states have made a serious effort to influence the development of US policy or to begin ¶ discussions on formulating common standards for the kinds ¶ of military operations that UAVs facilitate.

***Europe won’t fight over US drones- hypocrisy fears***

**Dworkin ‘13** [Anthony, Anthony Dworkin is a senior policy fellow at the European Council on Foreign Relations, was previously the executive director of the Crimes of War Project, “Drones and Targeted Killing: Defining a European Position,” July, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>]

Meanwhile, European governments are increasingly ¶ acquiring armed drones for their own military forces and, ¶ in some cases, encountering strong public or political ¶ opposition. German Defence Minister Thomas de Maizière’s ¶ announcement of his wish to purchase armed UAVs for the ¶ Bundeswehr prompted campaigning groups to launch an ¶ appeal entitled “No Combat Drones” and provoked criticism ¶ from opposition parties. In the UK, the shift of control of ¶ British drones from Nevada to a Royal Air Force base in ¶ Lincolnshire led to a demonstration of several hundred ¶ people. Italy, the Netherlands, and Poland are among other ¶ EU member states that are seeking or considering the ¶ purchase of armed drones, and European defence consortia ¶ are exploring the possibility of manufacturing both ¶ surveillance and armed UAVs in Europe. To defuse public ¶ suspicion of drones in Europe, EU governments have an ¶ interest in reducing the controversy provoked by US actions ¶ and developing a clearer European line about when lethal ¶ strikes against individuals are permissible.

## Legit

**2NC – Legitimacy Inev**

***Legitimacy is inevitable – extend Brooks and Wohlforth – legitimacy is resilient – it’s empirically withstood disasters like Saigan, Abu Ghraib, and other scandals. As long as the U.S. maintains material power it can be refreshed.***

#### Darmouth professors

Finish reading

 one may dislike the United States but think its leadership is natural under the circumstances or the best that can be expected. Moreover, history provides abundant evidence that past leading states - such as Spain, France, and the United Kingdom - were able to revise the international institutions of their day without the special circumstances Ikenberry and Kagan cite. Spainfashioned both normative and positive laws to legitimize its conquest of indigenous Americans in the early seventeenth century; France instituted modern concepts of state borders to meet its needs as Europe's preeminent land power in the eighteenth century; and the United Kingdom fostered rules on piracy, neutral shipping, and colonialism to suit its interests as a developing maritime empire in the nineteenth century. As Wilhelm Grewe documents in his magisterial The Epochs of International Law, these states accomplished such feats partly through the unsubtle use of power: bribes, coercion, and the allure oflucrative long-term cooperation. Less obvious but often more important, the bargaining hands of the leading states were often strengthened by the general perception that they could pursue their interests in even less palatable ways - notably, through the naked use of force. Invariably, too, leading states have had the power to set the international agenda, indirectly affecting the development of new rules by defining the problems they were developed to address. Given its naval primacy and global trading interests, the United Kingdom was able to propel the slave trade to the forefront of the world's agenda for several decades after it had itself abolished slavery at home, in 1833. The bottom line is that the UnitedStates today has the necessary legitimacy to shepherd reform of the international system.

#### Only tangible power matters

**Layne 2** (Christopher, visiting fellow in foreign policy studies at Cato, Los Angeles Times, October 6, 2002)

U.S. **strategists believe that** "it can't happen to us," because **the United States is** a different kind of hegemon, **a benign hegemon that others will follow willingly due to the attractiveness of its** political **values** and culture. While flattering, **this** self-serving argument **misses the** basic **point: Hegemons are threatening because they have too much power**. And **it is America's power--not** the self-proclaimed benevolence of **its intentions--that will shape others' response** to it. **A state's power is a** hard, **measurable reality, but its intentions**, which can be peaceful one day but malevolent the next, **are ephemeral**. Hegemony's **proponents claim that the United States can inoculate itself** against a backlash **by acting multilaterally. But other states are not going to be deceived by** Washington's **use of international institutions as a fig leaf to cloak** its **ambitions of dominance**. And in any event, there are good reasons why the U.S. should not reflexively embrace multilateralism. When it comes to deciding when and how to defend American interests, Washington should want a free hand, not to have its hands tied by others.

#### Hardpower sufficient---that’s their own Thayer ev

#### Knowles

American hegemony is unusually stable and durable. n380 As noted above, other nations have many incentives to continue to tolerate the current order. n381 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

***Capability outweighs legitimacy – best scholarship proves***

Ian **Clark**, 20**11**, E. H. Carr Professor of International Politics, Aberystwyth University, Hegemony in International Society, “Hegemony and IR Theory”, doi:10.1093/acprof:oso/9780199556267.001.0001,http://fds.oup.com/www.oup.com/pdf/13/9780199556267.pdf, jj

It is at this point that various IR theories, and wider social theories, compete for our attention. **Waltzian neorealism**, for instance, **derives its account of the leadership of the great powers directly from the capabilities possessed by them**. International politics is the realm of coordination, not superordination, and so ‘[n]one is entitled to command; none is required to obey’ (Waltz 1979: 88). The consequence is that ***such ‘authority’ as there is derives immediately from the capability underlying the claim to it:*** **Whatever elements of authority emerge internationally are barely once removed from the capability that provides the foundation for the appearance of those elements**. **Authority quickly reduces to a particular expression of capability**. (Waltz 1979: 88) The underlying logic here is that, **in the absence of deployment of the capabilities of the strongest powers, ‘no enforcement mechanism would exist’** (Brilmayer 1994: 100–1), **and the system would lack any authority at all**. ***Leadership is deﬁned by capability, and by the absence of any alternative to it.*** Others start from a similar dilemma, but develop the analysis in a different direction. ‘If we take hegemony as a speciﬁc form of power’, it has been suggested, ‘what we wish to theorize is how power has a consensual aspect that facilitates relations of domination’(Haugaard 2006b: 50). The main forms of neo-Gramscian discussion notably develop this particular perspective. In other words, while there is certainly domination in the relationship, there must also be an element of consent. ‘Hegemony is a relation’, when viewed this way, ‘not of domination by means of force, but of consent by means of political and ideological leadership’ (Simon 1982: 21). How might that be so? ***This confronts directly the relationship between legitimacy and hegemony*** (Brooks and Wohlforth 2008: 207; Grifﬁths 2004: 65; Ikenberry and Kupchan 1990: 51; Paupp 2009: 46–67; Rapkin and Braaten 2009: 119). For much social science, the idea of hegemony already comprehends that of legitimacy. ‘The concept of hegemony’, it is typically observed, ‘is normally understood as emphasising consent in contrast to reliance on the use of force’ (Joseph 2002: 1). For example, Keohane—despite his materialist deﬁnition of hegemony—had been mindful also that theories of hegemony needed to ‘explore why secondary states defer to the leadership of the hegemon. That is, they need to account for the legitimacy of hegemonic regimes’ (Keohane 1984: 39). Others too restrict the term hegemony speciﬁcally to a situation where a substantial element of legitimacy is present (Mastanduno 2002: 181–3). Does hegemony, conceived in this way, then hold any possible attraction for the anarchical society? The core problem raised by this question is whether or not the hegemon can serve as a source of order, or only as a threat to it (Hinnebusch 2006: 284). The danger of unbalanced power, as Hurrell reminds us, is that it ‘will permit the powerful to “lay down the law” to the less powerful’ (Hurrell 2006: 16). In short, it poses the pressing question ‘[h]ow is it possible to make a hegemon accountable to weaker states?’ (Brilmayer 1994: 221). This question has added force when the hegemon is not otherwise subject to external constraints, and much therefore hinges upon its own degree of self-restraint (Lebow 2003: 283–4). How reliable a safeguard self-restraint might be depends largely, in turn, on how the hegemony works. Ian Hurd suggests two alternative possibilities. The ﬁrst sees hegemony as entrenching the dominant position of the already most powerful, and therefore as objectively ‘entirely in the favour of the strong’. This view is represented in the suggestion that **US hegemony is ‘self-interested, not altruistic’, and that what underpins its stability is the ‘disproportionate gains’ that the USA derives from it** (Norrlof 2010: 3, 56). This is quite different from Hurd’s other model, where legitimacy functions as a constraint also on the strong, not simply on the weak. In this case, successful maintenance of hegemony ‘requires that the strong subscribe to a minimum standard of compliance with the legitimized rule or institution’. The result is that ‘the strong...may be induced to alter their behaviour by the effects of legitimated rules’(Hurd 2007a: 78–9). The outcome, in this second version, is‘to increase the autonomy of all parties, not to compromise the autonomy of the less powerful in order to increase the autonomy of the more powerful’ (Haugaard 2006a: 4). What is distinctive in this approach is the emphasis on the institutional dimension—the empowerment of the institution of hegemony—rather than any simple enhancement of the power of the hegemon. At the heart of these debates is exactly what it is that merits the compliance of the followers. On this, there remains a deep-seated ambiguity, even when hegemony is regarded as necessarily rooted in legitimacy. This ambiguity is puzzling, because **it seems to leave us with a notion of legitimacy derived solely from self-interest.** The puzzle then is that legitimacy is normally understood to constitute a ground for compliance different, in principle, from self-interest, just as it is taken to be different from one predicated upon coercion (Hurd 1999). **And yet when it comes to discussions of hegemony, the most commonly identiﬁed source of legitimacy is satisfaction of self-interest, particularly in the ‘favorable-outcomes model’, which ‘provides a hypothesis about why those who beneﬁt from a system might see it as legitimate’**(Hurd 2007a: 69**). This is demonstrably so in the case of HST, where the other actors are thought to beneﬁt from the public goods provided by the hegemon, and presumably to accept its rules for that very reason**. **The hegemon**, in this interpretation, **delivers ‘a sufﬁcient ﬂow of beneﬁts to small and middle powers to persuade them to acquiesce’** (Keohane 1989: 78). According to HST, ‘**other states will cooperate with a benign hegemon because they beneﬁt strategically and economically’** (Layne 2006b: 17). Is this provision of beneﬁts sufﬁcient on its own to fashion an institution of hegemony, based in social legitimacy?

***Best evidence concludes no legitimacy impact***

**Brooks & Wohlforth 8** – Stephen G. Brooks, Assistant Professor of Government at Dartmouth, and William C. Wohlforth, Associate Professor of Government at Dartmouth, 2008, World Out of Balance: International Relations and the Challenge of American Primacy, p. 201-206

First, **empirical studies find** ***no clear relationship*** **between U.S. rulebreaking, legitimacy, and the continued general propensity of other governments to comply with the overall institutional order**. **Case studies of U.S. unilateralism**—that is, perceived violations of the multilateral principle underlying the current institutional order—**reach decidedly mixed results**.74 Sometimes unilateralism appears to impose costs on the United States that may derive from legitimacy problems; in other cases, these acts appear to win support internationally and eventually are accorded symbolic trappings of legitimacy; in yet others, no effect is discernable. **Similar results are reported in detailed analyses of the most salient cases of U.S. noncompliance with international law**, which, according to several studies, is as likely to result in a “new multilateral agreement and treaties [that] generally tilt towards U.S. policy preferences” as it is to corrode the legitimacy of accepted rules.75

The contestation created by the Bush administration’s “new unilateralism,” on the one hand, and the “new multilateralism” represented by other states’ efforts to develop new rules and institutions that appear to constrain the United States, on the other hand, fits the historical pattern of the indirect effect of power on law. Highlighting only the details of the struggle over each new rule or institution may deflect attention from the structural influence of the United States on the overall direction of change. For example, **a focus on highly contested issues in the UN**, such as the attempt at a second resolution authorizing the invasion of Iraq, **fails to note how the institution’s whole agenda has shifted to address concerns (e.g., terrorism, proliferation) that the U**nited **S**tates **particularly cares about**. The secretary-general’s Highlevel Panel on Threats, Challenges and Change endorsed a range of U.S.-supported positions on terrorism and proliferation.76 International legal scholars argue that the United States made measurable headway in inculcating new rules of customary law to legitimate its approach to fighting terrorism and containing “rogue states.”77 For example, UN Security Council Resolution 1373 imposed uniform, mandatory counterterrorist obligations on all member states and established a committee to monitor compliance.

That said, there is also evidence of resistance to U.S. attempts to rewrite rules or exempt itself from rules. Arguably the most salient example of this is the International Criminal Court (ICC). During the negotiations on the Rome Convention in the late 1990s, the United States explicitly sought to preserve great-power control over ICC jurisdiction. U.S. representatives argued that the United States needed protection from a more independent ICC in order to continue to provide the public good of global military intervention. When this logic failed to persuade the majority, U.S. officials shifted to purely legal arguments, but, as noted, these foundered on the inconsistency created by Washington’s strong support of war crimes tribunals for others. The Rome Convention rejected the U.S. view in favor of the majority position granting the ICC judicial panel authority to refer cases to court’s jurisdiction.78 By 2007, 130 states had signed the treaty and over 100 were full-fledged parties to it.

President Clinton signed the treaty, but declined to submit it to the Senate for ratification. The Bush administration “unsigned” it in order legally to be able to take action to undermine it. The United States then persuaded over 75 countries to enter into agreements under which they undertake not to send any U.S. citizen to the ICC without the United States’ consent; importantly, these agreements do not obligate the United States to investigate or prosecute any American accused of involvement in war crimes. This clearly undermines the ICC, especially given that about half the states that have signed these special agreements with the United States are also parties to the Rome Statute. 79 At the same time, the EU and other ICC supporters pressured governments not to sign special agreements with the United States, and some 45 have refused to do so—about half losing U.S. military assistance as a result. In April 2005, the United States chose not to veto a UN Security Council resolution referring the situation in Darfur, Sudan, to the ICC. To many observers, this suggests that inconsistency may yet undermine U.S. opposition to the court.80 If the U.S. campaign to thwart the court fails, and there is no compromise solution that meets some American concerns, the result will be a small but noticeable constraint: U.S. citizens involved in what might be construed as war crimes and who are not investigated and prosecuted by the U.S. legal system may have to watch where they travel.

The upshot as of 2007 was something of a stalemate on the ICC, demonstrating the limits of both the United States’ capability to quash a new legal institution it doesn’t like and the Europeans’ ability to legitimize such an institution without the United States’ participation. Similar stalemates characterize other high-profile arguments over other new international legal instruments, such as the Kyoto Protocol on Climate Change and the Ottawa Landmine Convention. Exactly as constructivists suggest, these outcomes lend credence to the argument that power does not translate unproblematically into legitimacy. What the larger pattern of evidence on rule breaking shows, however, is that this is only one part of the story; the other part involves rule breaking with few, if any, legitimacy costs, and the frequent use of go-it-alone power to revise or create rules.

AN EROSION OF THE ORDER?

**The second general evidence pattern concerns whether fallout from the unpopular U.S. actions** **on ICC, Kyoto** and **Ottawa, Iraq, and many other issues** **have led to an erosion of the legitimacy of the larger institutional order.** Constructivist theory identifies a number of reasons why **institutional orders are resistant to change**, **so strong and sustained action is presumably necessary to precipitate a legitimacy crisis** that might undermine the workings of the current order. While aspects of this order remain controversial among sections of the public and elite both in the United States and abroad, **there is** ***little evidence of a trend toward others opting out of the order or setting up alternatives***. Recall also that the legitimacy argument works better in the economic than in the security realm. It is also in the economic realm that the United States arguably has the most to lose. Yet it is hard to make the empirical case that U.S. rule violations have undermined the institutional order in the economic realm. Complex rules on trade and investment have underwritten economic globalization. The United States generally favors these rules, has written and promulgated many of them, and the big story of the 1990s and 2000s is their growing scope and ramified nature—in a word, their growing legitimacy. On trade, the WTO represents a major strengthening of the GATT rules that the United States pushed for (by, in part, violating the old rules to create pressure for the upgrade). As of 2007, it had 149 members, and the only major economy remaining outside was Russia’s. And notwithstanding President Putin’s stated preference for an “alternative” WTO, Russian policy focused on accession.81 To be sure, constructivists are right that the WTO, like other rational-legal institutions, gets its legitimacy in part from the appearance of independence from the major powers.82 Critical analysts repeatedly demonstrate, however, that the organization’s core agenda remains powerfully influenced by the interests of the United States.83

Regarding international finance, the balance between the constraining and enabling properties of rules and institutions is even more favorable to the United States, and there is little evidence of general legitimacy costs. The United States retains a privileged position of influence within the International Monetary Fund and the World Bank. An example of how the scope of these institutions can expand under the radar screen of most legitimacy scholarship is International Center for Settlement of Investment Disputes (ICSID)—the major dispute settlement mechanism for investment treaties. Part of theWorld Bank group of institutions, it was established in 1966, and by 1991 it had considered only 26 disputes. With the dramatic growth in investment treaties in the 1990s, however, the ICSID came into its own. Between 1998 and 2004, over 121 disputes were registered with the Center.84 This increase reflects the rapidly growing scope of international investment law. And these new rules and treaties overwhelmingly serve to protect investors’ rights, in which the United States has a powerful interest given how much it invests overseas.

Looking beyond the economic realm, the **evidence** ***simply does not provide a basis for concluding that serial U.S. rule-breaking imposed general legitimacy costs sufficient to erode the existing order.*** **On the contrary, it suggests a complex and malleable relationship between rule breaking, legitimacy, and compliance with the existing order that opens up** ***numerous opportunities for the United*** ***S***tates **to use its power to** ***change rules and limit the legitimacy costs of breaking rules***. The evidence also suggests that just as rules do not automatically constrain power, power does not always smoothly translate into legitimacy. As our review of the ICC issue showed, the United States is not omnipotent, and its policies can run afoul of the problems of hypocrisy and inconsistency that constructivists and legal scholars identify. Indeed, neither the theory nor the evidence presented in this chapter can rule out the possibility that the United States might have enjoyed much more compliance, and had much more success promulgating its favored rules and quashing undesired rule change, had it not been such a rule breaker or had it pursued compensating strategies more energetically.

***Legitimacy inevitable – material power and lack of competitors***

Muktar **Usman-Muktar**, 9-30-**12**, The Independent Op-Ed, American Hegemony In The Asia-Pacific, <http://www.independentoped.com/2012/09/30/american-hegemony-in-the-asia-pacific/>, jj

**Professor** Hugh **White of the Australian National University, in explaining why Asia had been “remarkably peaceful**” after the Vietnam War ended in 1975, **puts it down to what he called “uncontested American Primacy**” which “kept the risk of major conflict in Asia very low” . **Uncontested primacy** essentially **describes a situation where the dominant position of one state is unchallenged and accepted by the other major states within the system, *thereby conferring legitimacy on the leadership claim of the dominant State***. This was the situation that prevailed in the Asia-Pacific after the Sino-U.S. rapprochement. **The lack of a powerful regional state with the sufficient capability, legitimacy and will to challenge the U.S. for hegemony**, in conjunction with the presence of an outlying state – the Soviet Union – seemingly intent on imposing a “hard” hegemony (hegemony by force) in the Asia, **ensured that the U.S.’ leadership position was accepted** as a fait accompli by the major states of the Asia-Pacific, particularly China (the country that had the greatest incentive to challenge the U.S. for hegemony). **The two pillars cemented the America’s hegemony as the U.S. used its preponderance of power to render a challenge to its “liberal” order futile, and deliver the “public goods” that made the pacification of potentially “dissatisfied” powers considerably easier to achieve.**

***States won’t bandwagon---capabilities outweigh intentions---it’s impossible to make heg seem benevolent***

**Layne & Schwarz 2** – Christopher Layne, professor and Robert M. Gates Chair in National Security at Texas A & M University’s George H. W. Bush School of Government and Public Service; and Benjamin Schwarz, National Editor of The Atlantic, January 2002, “A New Grand Strategy,” The Atlantic, Vol. 289, No. 1, p. 36-42

Like some optimistic Britons in the late eighteenth century, many American strategists today ***assert*** that the United States, the only superpower, is a ***"benevolent" hegemon***, immunized from a backlash against its preponderance by what they call its "soft power"—that is, by the attractiveness of its liberal-democratic ideology and its open, syncretic culture. Washington also believes that others don't fear U.S. geopolitical pre-eminence because they know the United States will ***use its*** unprecedented ***power to promote*** the ***good*** of the international system rather than to advance its own selfish aims.

But states must ***always*** be more concerned with a ***predominant power's capabilities*** than with its intentions, and in fact well before September 11—indeed, throughout most of the past decade—other states have been profoundly anxious about the imbalance of power in America's favor. This simmering mistrust of U.S. predominance intensified during the Clinton Administration, as other states responded to American hegemony by concerting their efforts against it. Russia and China, although long estranged, found common ground in a nascent alliance that opposed U.S. "hegemonism" and expressly aimed at re-establishing "a multipolar world." Arguing that the term "superpower" is inadequate to convey the true extent of America's economic and military pre-eminence, the French Foreign Minister Hubert Vedrine called the United States a "hyperpower." Even the Dutch Prime Minister declared that the European Union should make itself "a counterweight to the United States."

## Error

### No error

***Casualties are way down and drones are far more precise than alternatives---our ev uses the best data***

Michael **Cohen 13**, Fellow at the Century Foundation, 5/23/13, “Give President Obama a chance: there is a role for drones,” The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels". ¶ I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed – and dramatically so. ¶ This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy. ¶ Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates. ¶ There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones. ¶ When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year – far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there." ¶ While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage. ¶ Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen. ¶ These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year. ¶ Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".¶ Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.¶ Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

***Tech advances and tighter rules of engagement are substantially reducing civilian casualties---alternatives to drones are worse***

Rosa **Brooks 13**, Professor of Law, Georgetown University Law Center and Bernard L. Schwartz Senior Fellow, New America Foundation, 4/23/13, “The Constitutional and Counterterrorism Implications of Targeted Killing,” <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>

\*We do not endorse gendered language

First, critics often assert that US drone strikes are morally wrong because the kill innocent civilians. This is undoubtedly both true and tragic -- but it is not really an argument against drone strikes as such. War kills innocent civilians, period. But the best available evidence suggests that US drone strikes kill civilians at no higher a rate, and almost certainly at a lower rate, than most other common means of warfare. ¶ Much of the time, the use of drones actually permits far greater precision in targeting than most traditional manned aircraft. Today's unmanned aerial vehicles (UAVs) can carry very small bombs that do less widespread damage, and UAVs have no human pilot whose fatigue might limit flight time. Their low profile and relative fuel efficiency combines with this to permit them to spend more time on target than any manned aircraft. Equipped with imaging technologies that enable operators even thousands of miles away to see details as fine as individual faces, modern drone technologies allow their operators to distinguish between civilians and combatants far more effectively than most other weapons systems.¶ That does not mean civilians never get killed in drone strikes. Inevitably, they do, although the covert nature of most US strikes and the contested environment in which they occur makes it impossible to get precise data on civilian deaths. This lack of transparency inevitably fuels rumors and misinformation. However, several credible organizations have sought to track and analyze deaths due to US drone strikes. The British Bureau of Investigative Journalism analyzed examined reports by "government, military and intelligence officials, and by credible media, academic and other sources," for instance, and came up with a range, suggesting that the 344 known drone strikes in Pakistan between 2004 and 2012 killed between 2,562 and 3,325 people, of whom between 474 and 881 were likely civilians.1 (The numbers for Yemen and Somalia are more difficult to obtain.) The New America Foundation, with which I am affiliated, came up with slightly lower numbers, estimating that US drone strikes killed somewhere between 1,873 and 3,171 people overall in Pakistan, of whom between 282 and 459 were civilians. 2¶ Whether drones strikes cause "a lot" or "relatively few" civilian casualties depends what we regard as the right point of comparison. Should we compare the civilian deaths caused by drone strikes to the civilian deaths caused by large-scale armed conflicts? One study by the International Committee for the Red Cross found that on average, 10 civilians died for every combatant killed during the armed conflicts of the 20th century.3 For the Iraq War, estimates vary widely; different studies place the ratio of civilian deaths to combatant deaths anywhere between 10 to 1 and 2 to 1.4¶ The most meaningful point of comparison for drones is probably manned aircraft. It's extraordinarily difficult to get solid numbers here, but one analysis published in the Small Wars Journal suggested that in 2007 the ratio of civilian to combatant deaths due to coalition air attacks in Afghanistan may have been as high as 15 to 1.5 More recent UN figures suggest a far lower rate, with as few as one civilian killed for every ten airstrikes in Afghanistan.6 But drone strikes have also gotten far less lethal for civilians in the last few years: the New America Foundation concludes that only ***three to nine*** civilians were killed during 72 U.S. drone strikes in Pakistan in2011, and the 2012 numbers were also low.7 In part, this is due to technological advances over the last decade, but it's also due to far more stringent rules for when drones can release weapons.¶ Few details are known about the precise targeting procedures followed by either US armed forces or the Central Intelligence Agency with regard to drone strikes. The Obama Administration is reportedly finalizing a targeted killing “playbook,”8 outlining in great detail the procedures and substantive criteria to be applied. I believe an unclassified version of this should be should be made public, as it may help to diminish concerns reckless or negligent targeting decisions. Even in the absence of specific details, however, I believe we can have confidence in the commitment of both military and intelligence personnel to avoiding civilian casualties to the greatest extent possible. The Obama Administration has stated that it regards both the military and the CIA as bound by the law of war when force is used for the purpose of targeted killing. 9 (I will discuss the applicable law of war principles in section IV of this statement). What is more, the military is bound by the Uniform Code of Military Justice. ¶ Concern about civilian casualties is appropriate, and our targeting decisions, however thoughtfully made, are only as good as our intelligence—and only as wise as our overall strategy. Nevertheless, there is no evidence supporting the view that drone strikes cause disproportionate civilian casualties relative to other commonly used means or methods of warfare. On the contrary, the evidence suggests that if the number of civilian casualties is our metric, drone strikes do a better job of discriminating between civilians and combatants than close air support or other tactics that receive less attention.

### Pak

#### No pakistan impact

Tepperman ‘09—Deputy Editor at Newsweek. Frmr Deputy Managing Editor, Foreign Affairs. LLM, i-law, NYU. MA, jurisprudence, Oxford. (Jonathan, Why Obama Should Learn to Love the Bomb, http://jonathantepperman.com/Welcome\_files/nukes\_Final.pdf)

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.”

#### Pakistan’s stabilizing---drone strikes are declining as precision increases---the status quo resolves their whole advantage

Cameron Munter 9-30, professor of practice in international relations at Pomona College, served as a U.S. Foreign Service Officer for nearly three decades, was Ambassador to Pakistan 2010-2012, 9/30/13, “Guest Post: A New Face in the U.S.-Pakistani Relationship,” http://justsecurity.org/2013/09/30/cameron-munter-pakistan-relations/

In doing so, however, we have made the image of a soldier or a drone the image of America’s strategic vision for Pakistan and the region. As 2014 approaches, and American troops end their combat mission in Afghanistan; as drone strikes in the Pakistani tribal areas appear to be fewer in number and more precise in targeting; as the general trends of the U.S. “pivot toward Asia” become clear, the soldier and the drone will be less common. Even though the President’s commitment to U.S. security does not waver, the reminders of his commitment will be fewer and far between – at least it would seem, seen from the street in Pakistan.

Will that face of America – the M-16 and flak jacket, the film of a predator strike – remain, or can we replace it with something else? A different face of commitment, one that Americans have supported throughout the last decade but which has, in the Pakistani media (fairly or not) been shoved aside by the violence in the tribal areas and unrest throughout the country? That other commitment has been enormous expenditure by the U.S. government in support of economic growth, building schools, replacing crops destroyed by floods, refurbishing power plants, and improving health delivery services, to name just a few achievements. But few Pakistanis believe this aid has made a difference. Instead, they associate us only with the manifestations of the war on terror.

In the coming month this can change. No, it should not just be a PR campaign to convince Pakistanis of our commitment to what they care about (not just what we care about). Certainly, PR is necessary, but lacking a new face, it won’t be sufficient. It will require two things.

First, on the policy level, we must use the changes in 2014 to wrest U.S. policy toward Pakistan from its current status as derivative of the war in Afghanistan. Of course, Pakistan has an enormous role to play in security arrangements of the region in years to come. Its relationship to India, to China, to Iran, and of course to Afghanistan are very important as the international community seeks to find a just and equitable peace in the region. But we should make every effort to consider Pakistan’s needs. Not just the needs of the Pakistani military and intelligence leadership, important as they are. Rather, the needs of a country of nearly 200 million people whose stability and prosperity will be essential to the long-term stability and prosperity of the entire region. Pakistan’s success is not a guarantee of regional peace; but Pakistani failure is certainly a guarantee of regional strife.

Second, on a practical level, we should provide a face of American commitment that we know, through decades of effort, is welcome. Polling shows consistently that while most Pakistanis are angry at America (citing security policies as the reason), most Pakistanis – across the political spectrum, rural and urban, young and old – want a better relationship with us. Why? Because despite all the searing problems of the last decade, they admire us: they admire our educational institutions, our business acumen, our commitment to philanthropy. And here, I believe, they can find the practical partners to renew Pakistani understanding of American commitment to the relationship. Universities, businesses, foundations. Students and teachers, businesspeople and investors, donors and grassroots workers. These are the faces of the relationship in which America can play to its strengths, and in doing so, help build a successful Pakistan that is so necessary for us to achieve our own strategic interests in South Asia and beyond.

Recent press articles highlight just how worried we’ve been about Pakistan’s nuclear arsenal. And we should be worried. We need to know if that arsenal can be misused or fall into the wrong hands. But even a massive surveillance effort, while necessary, will be insufficient. We need to take modest but purposeful measures to help Pakistan remain stable. That’s not the same as focusing so overwhelmingly on immediate security concerns. We also need to engage in Pakistani politics, economics, society, where we have a much stronger hand to play than we perhaps realize.

Certainly, such changes cannot take place overnight. After all, the main reason that we see so few American university professors or businesspeople in Pakistan is that it’s still considered too dangerous. Yes, Pakistan’s government must take on the terrorist challenge, and it is enormous. And when Pakistan’s new Interior Minister propose plans to make the best use of Pakistan’s internal security forces, we should engage with him and take seriously any requests for help. But I believe we have a chance to do so, a chance afforded by the potential change in the face of America in Pakistan: difficult as it is, painful as our experiences in Pakistan have been, let’s listen to them and see if their plans to tackle terrorism have a place for our help. It’s certainly in our interest and theirs. Who knows? If Pakistan’s new leadership is able to make real progress against terrorism, there may be another new face – a face of a Pakistan that is not the negative image so common in recent years, but a Pakistan where people of good will are determined to succeed, and ask the help of an old friend in doing so.

#### China intervening to stabilize Pakistan

Xinhua, ’13 (“China to support Pakistan in realizing stability, better development: premier,” http://news.xinhuanet.com/english/china/2013-05/23/c\_132403944.htm, bgm)

The Chinese government will unswervingly stick to its friendly policy toward Pakistan and support the South Asian nation in realizing stability and better development, visiting Chinese Premier Li Keqiang said here Thursday. Li was speaking during a meeting with Pakistani military leaders including Chairman of Joint Chiefs of Staff Committee General Khalid Shameem Wynne, Chief of Army Staff General Ashfaq Parvez Kayani, Chief of Naval Staff Muhammad Asif Sandila and Chief of Air Staff Marshal Tahir Rafique Butt. "The Pakistani military is not only an important force in maintaining security and stability in Pakistan, but also a firm supporter of the China-Pakistan friendship," said Li. The friendship between China and Pakistan is unbreakable thanks to not only the efforts of generations of leaders of both sides and the fervent support of the two peoples, but also the in-depth development of the ties between the two militaries, Li said. He urged the international community to help Pakistan overcome difficulties and cope with challenges under the premise of respecting its independence, sovereignty and territorial integrity. As a good neighbor, friend and partner, China pays close attention to the development of situation in Pakistan and respects the development path chosen by the Pakistani people in accordance with their national situations, Li said. China supports concerned parties in Pakistan to jointly contribute to maintaining political stability, developing economy and improving people's livelihood in the fundamental interests of the nation, Li said, adding China is willing to provide assistance to Pakistan within its capability.

#### Pakistan resilient – no risk of becoming failed state

Price, ’13 (Dr. Gareth, Senior Research Fellow, interviewed by ISN, Asia Programme at Chatham House, “State Weakness and Internal Instability in Pakistan,” 7/24, http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?lng=en&id=165903, bgm)

Gareth Price: Pakistan is often described as a fragile, or even a failed state. But while it has many systemic and structural problems – in the areas of security and governance, for instance – this narrative is an oversimplification. In many ways, Pakistani people and the Pakistani state are resilient. Historically, the weakness of civilian governments has been used to justify military rule, with the military frequently being seen as Pakistan’s most resilient institution. But the previous government – while weak – completed a full term. Civilian institutions will only be strengthened gradually over time. And while the long-standing perception in Pakistan that India, rather than internal militancy, is the country’s existential threat lends further support for military rule, that perception too seems to be gradually changing.

### ME War

#### Zero risk of Mid East war and it won’t go nuclear

Judith Miller 9/23-‘13 is an award-winning writer and author. She is a Fox News contributor. September 23, 2013, Fox News, Don't expect a new Middle East war between the states, says Israel's Shimon Peres, <http://www.foxnews.com/opinion/2013/09/23/dont-expect-new-middle-east-war-between-states-says-israel-shimon-peres/>, jj

YALTA – With the nuclear stand-off with Iran and Syrian chemical weapons still threatening the strife-torn Middle East, Israeli President Shimon Peres said he did not foresee a war between states erupting in the region any time soon. Though he was speaking generally, and did not specifically mention either Israel or the United States, both of which have conducted military strikes against states seeking WMD and have threatened to carry out more strikes against Iran, Syria or others suspected of seeking unconventional weapons, Mr. Peres asserted that military action was both increasingly costly and unlikely to resolve the challenges posed by terrorists or aggressive, authoritarian states. “I don’t foresee a war. It’s too expensive,” he said, referring to the cost not only in dollars but in human lives. President Peres, who turned 90 this year, made his remarks at the 10th annual “Yalta European Strategy” conference in the Ukraine, known as “YES,” a political star-studded, two-day event sponsored by Victor Pinchuk, one of the Ukraine’s wealthiest businessmen and philanthropists. The two day meeting of more than 200 officials, former leaders, academics and analysts was held in Yalta this weekend as foreign officials and diplomats headed to New York for the annual meeting of the United Nations General Assembly. Diplomats said that Israel’s prime minister, Benjamin Netanyahu intended to warn the U.S. against signing accord with Teheran that would permit Iran to acquire a nuclear weapon, or improve its atomic weapons infrastructure, as North Korea did in 2005. Mr. Peres, approaching the end of his eventful life and waxing philosophically about the profound changes he has witnessed, said that war’s soaring costs and decreasing payoff made it less attractive to state leaders, and hence less likely. “There will not be another war,” he said, “because what can you win? Why spend hundreds of millions of dollars and cause thousands of deaths? For what?” Land, or “real estate,” as he called it, was becoming less important than science and “wisdom” in the competition among nations. The cost of such confrontations was escalating exponentially, with a single fighter jet, for instance, costing hundreds of millions of dollars, placing unsustainable burdens on national budgets. “I don’t foresee a war,” he said more than once. “It’s too expensive.” Nor did he see the use of a nuclear or other WMD between states, he added. After the bombing of Hiroshima, he said, a consensus had developed that nuclear, chemical, and biological weapons were too powerful to use. This explained why “we were so shocked” when the Syrians used chemical weapons and violated a ban that has become what he called “an accepted norm.” He also questioned Iran’s assertion that its ambitious nuclear program was for purely peaceful purposes and that its state religion, Islam, forbade the development of nuclear weapons. If that were so, he said, “why build 6,000-kilometer, long-range missiles” capable of delivering them? He urged nations to monitor Iran’s atomic efforts carefully. The Iranians, he said, excelled at both making carpets, which requires attention to minute detail, and playing chess, which demands a firm grasp of strategy. But he declined to say the course he favored to persuade Teheran to comply with requirements of international inspectors and allay American and Western concerns about its nuclear intentions. Exploring other developments in his troubled region, he said he doubted that the upheavals which swept through the Arab Middle East two years ago had met the expectations of the Arab youth who helped foment them. “There is no Arab Spring,” he said. Egypt, the first Arab state to make peace with Israel over 30 years ago, faced particular national peril, he argued. The army had ousted Egypt’s elected Muslim Brotherhood government and its party’s president Mohammed Morsi, he said, because Egypt, whose land had never been divided, faced for the first time in its long history the potential loss of its Sinai Peninsula to terror. “The army took over because Morsi would not defend the integrity of the land,” Peres said. Moreover, the Muslim Brotherhood, which had been a powerful party in opposition, “had no plan to provide food, jobs, and hope” after it narrowly won a heavily contested free election two years ago. In the Midde East, young Arabs face world-wide competition for increasingly scarce jobs, so throughout the world, “young people are in revolt.” Fueled by a powerful mix of testosterone and technology, the Arab Spring protests were aimed at creating jobs, hope, and political space. Some 99 million of the Middle East’s 350 million Arabs were on line at their start, he said, a number that would grow to 200 million in the next few years, he added. More than 60 percent of the region’s inhabitants who are under 26 years old. “It may take them time to get organized, but the future is theirs.” The winners in an increasingly globalized world would not be those with the most land, said the president whose own land mass is among the smallest in the region, but the most creative, the best educated, and technologically productive. While terrorism remained a threat to the region’s stability and prosperity, he said, “I can see the beginnings of a revolt against the terror” that has endangered the leadership and integrity of most Arab states, he said. Mr. Peres, who often prides himself on his knowledge of and devotion to history, said that given the technological and scientific changes transforming the world, spending a lot of time teaching history was a “waste of time.” “The future will not be a repetition of the past,” he said. So “throw away Clausewitz.” War, he added, referring to a maxim of Carl von Clausewitz, a father of modern military strategy, was no longer “an extension of politics by other means.”

#### No great power draw-in

Richard N. Haass 13, President, Council on Foreign Relations, May/June 2013, Foreign Affairs, CFR, The Irony of American Strategy, <http://www.cfr.org/middle-east-and-north-africa/irony-american-strategy/p30534>, jj

The United States retains important and in some cases vital interests in the Middle East, including a deep commitment to Israel's security, opposition to terrorism and the spread of nuclear weapons, and a commitment to safeguarding access to the region's energy resources. But today, the region is not an arena of decisive great-power competition, as it was at times during the Cold War, nor is it home to any major power. In addition, it is a part of the world where local realities can and often do limit the utility of military force, economic sanctions, and diplomacy. The fact that the United States is moving toward energy self-sufficiency gives it some added cushion (although not independence) from the consequences of the region's turbulence.

#### Most recent ev- balance of power will be achieved

Conrad Black ‘13, Canadian-born former newspaper publisher, a historian, and a columnist, 6/15/13, “Forty years of peace and war,” fullcomment.nationalpost.com/2013/06/15/conrad-black-forty-years-of-peace-and-war/

My optimism is based on the fact that, from 1973 onwards, it was never going to be possible for the great powers to impose a solution from the outside (though the U.S. administrations that followed, from Nixon to Clinton, all deserve varying degrees of credit for their efforts). Nothing but the development of some local balance of forces, such as exists or is developing elsewhere in the world, will produce stability. And that balance will be brought into shape through the tensions emerging within Muslim nations themselves.¶ In Egypt, the Muslim Brotherhood shows no sign of being able to produce the economic growth that alone can bring civil society and political stability to that country. The lassitude of the Obama administration seems likely to allow a quasi-Iranian victory in Syria, with some emaciated Assad puppet-sate (as with Mussolini in German–occupied Italy after 1943). The Turkish premier, RecepTayyipErdoğan, cannot impose Islamist superstition and dictatorship after 90 years of secularism, and his pursuit of grandeur will force him into rivalry with Iran. Saudi Arabia, which is a joint venture between the House of Saud and Wahabbi Islamist extremists, will have to work with the Turks and Egyptians in an informal Sunni coalition to bar the way to the Iranian Shiites. The Petro-states generally will have to live with much less money as the oil price assimilates the recovery of energy self-sufficiency by the United States, which gradually is sensibly retiring to its own shores.¶ In short, only the Middle East can sort out the Middle East. And the ancient contest between Turks, Persians and Arabs will have to be resolved by Turks, Persians and Arabs. If Iran becomes a nuclear power, so will Turkey, Egypt and Saudi Arabia. The United States will only supply anti-missile defences to those powers who behave responsibly, and thanks to Ronald Reagan, they are the only country with those defences. The dynamic among these nations will reach the point of Mutual Assured Destruction. This struggle will consume the attention and resources of these nations. And in the meanwhile, no one will make war on Israel, and Hamas and Hezbollah will not be allowed to provoke a nuclear conflict. The Muslims will sort it out eventually and Israel will flourish.

**Solvency**

**2NC A --- No “takers”**

***Judges would resist a drone court --- they wouldn’t hear the cases***

**Miller 2-8-’13**, Greg Miller covers the intelligence beat for The Washington Post. He is a winner of an Overseas Press Club award for his contribution to a series of stories on the war in Afghanistan. He is also co-author of a book, The Interrogators, about the first unit of Army interrogators to serve in that war. Miller has made reporting trips to countries including Afghanistan, Pakistan, Kuwait and Serbia. Miller is a California native, and previously worked for The Los Angeles Times. February 8, 2013, The Washington Post, Lawmakers propose giving federal judges role in drone strikes, but hurdles await, <http://www.washingtonpost.com/world/national-security/proposal-to-give-federal-judges-a-role-in-drone-strikes-faces-hurdles/2013/02/08/66f53508-721a-11e2-8b8d-e0b59a1b8e2a_story.html>, jj

Some **judges have already indicated that they would resist such a role**.¶ At a law conference last year, **former judge James Robertson**, who retired from the U.S. District Court for the District of Columbia in 2010, **referred to the 2011 drone strike in Yemen that killed Anwar al-Awlaki, an American-born Muslim cleric accused of plotting attacks with al-Qaeda**.¶ “**That’s not the business of judges . . . to sign a death warrant for somebody who is on foreign soil,” Robertson said. “If you brought that case to me, I would put that case back on the wheel and send that to another judge.”**

***They’d either rubber-stamp or make terrible decisions that conflict with executive expertise***

**Bloomberg ’13**, 2-18, Why a ‘Drone Court’ Won’t Work, <http://www.bloomberg.com/news/2013-02-18/why-a-drone-court-won-t-work.html>, jj

**There is also a human problem: Few judges would be eager to find themselves in this role.** “**That’s not the business of judges,” James Robinson**, a former federal appeals judge, **told the Washington Post, “to sign a death warrant for somebody who is on foreign soil**.” **Those who did would face such tremendous pressure to side with the government that the process would probably become a rubber stamp. And why exactly do we think a judge is any better suited to discerning terrorist threats than senior executive branch officials?**

**2NC B --- Rubber-stamp**

***FISA court proves no solvency***

**Katyal 2/20/13** NEAL K. KATYAL, a former acting solicitor general, is a professor of national security law at Georgetown and a partner at the law firm Hogan Lovells., 2-20-13, New York Times, Who Will Mind the Drones?, <http://www.nytimes.com/2013/02/21/opinion/an-executive-branch-drone-court.html?_r=0>, jj

In contrast, advocates of a drone court say it would bring independent, constitutional values of reasoned decision making to a process that is inherently murky.¶ But **simply placing a drone court in the judicial branch is not a guaranteed check. The FISA Court’s record is instructive: between 1979 and 2011 it rejected only 11 out of more than 32,000 requests — making the odds of getting a request rejected, around 1 in 3,000**, **approximately the same as those of being struck by lightning in one’s lifetime**. **What reason does the FISA Court give us to think that judges are better than specialists at keeping executive power in check?**

***No judge would want to risk intercepting a terrorist***

**Rona 2-27-’13**, Gabor Rona, international legal director at Human Rights First, - 02/27/13, The Hill, The pro-rule of law argument against a 'drone court', <http://thehill.com/blogs/congress-blog/judicial/285041-the-pro-rule-of-law-argument-against-a-drone-court>, jj

While doing much harm, **a “drone court” would do little, if any, good**. Supporters like the idea because it appears to provide some check on the President’s secretive exercise of this lethal unilateral power. But **what judge would risk preventing the interception of a terrorist?** **What’s more likely is that the drone court would be a rubber stamp, creating only the appearance, not the reality, of justice**.¶ ¶ In wartime, the president may authorize killing of members of enemy armed forces or anyone else directly participating in hostilities. In an unconventional war such as this one, where the definition of the “enemy” and its “armed forces” isn’t always clear, **the president needs to disclose how he defines that enemy and determines who is a member of its armed forces or otherwise participating in its fight against the United States, so that we can have some assurance he’s not killing the wrong people. A secret court would have no special expertise in making that determination.**

***High stakes means Courts will defer***

**Chesney 2-7-’13**, Bobby Chesney is the Charles I. Francis Professor in Law at the University of Texas School of Law, as well as a non-resident Senior Fellow of the Brookings Institution. His scholarship encompasses a wide range of issues relating to national security and the law, including detention, targeting, prosecution, covert action, and the state secrets privilege, Lawfare Blog, 2-7-’13, A FISC for Drone Strikes? A Few Points to Consider…, <http://www.lawfareblog.com/2013/02/a-fisc-for-drone-strikes-a-few-points-to-consider/>, jj

**Be Realistic About the Amount of Deference Such Proceedings Would Involve**

**A core benefit to judicial review**, presumably, **is that judges might detect and reject weak evidentiary arguments for targeting particular persons**. **I wouldn’t bet on that occurring often**, however. **Judges famously tend to defer to the executive branch when it comes to factual judgments on matters of military or national-security significance**. **I’ve argued that they should not always do so, but that doesn’t mean they won’t. Especially when the stakes are as high as they will be represented to be in such cases.**

#### Plan text is a sentence long and specifies nothing---that vagueness guarantees circumvention

Mitchell, Assistant Professor of Law, George Mason University School of Law, 9

(Jonathan, Jan, “Legislating Clear-Statement Regimes in National- Security Law,” http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=jonathan\_mitchell

The challenge for these efforts to strengthen the War Powers Resolution and FISA¶ is that any future ambiguous statute will provide rope for executive-branch lawyers to¶ concoct congressional “authorization” for the President’s actions, no matter what¶ restrictions or interpretive instructions Congress provides in framework legislation. None¶ of these proposed reforms will disable the executive from using its expansive theories of¶ constitutional avoidance and implied repeal to provide a veneer of legality for the¶ President’s actions, and to minimize the prospect of future criminal sanctions and¶ political reprisals against executive-branch employees.

### Other

#### Drone court won’t improve targeting --- errors inevitable

Goldsmith ’12, Jack Goldsmith is a Harvard Law professor and a member of the Hoover Task Force on National Security and Law. He served in the Bush administration as assistant attorney general in charge of the Office of Legal Counsel. His new book is Power and Constraint: The Accountable Presidency after 9/11. MARCH 19, 2012, Foreign Policy, Fire When Ready, <http://www.foreignpolicy.com/articles/2012/03/19/fire_when_ready?page=full>, jj

A second disclosure issue concerns the process by which targeting decisions are made and the factual basis for those decisions (including the evidence of ties to al Qaeda, the imminence of the threat posed by the target, the extent of cooperation with other nations, and the reasons capture is not feasible). This is the most legitimate concern of critics and even some supporters of the president's targeted killing campaign, especially when that campaign involves a U.S. citizen. There is every reason to think that the government was super careful and extra scrupulous in the process preceding the Awlaki killing. But despite the elaborate system of deliberation, scrutiny, and legitimation supporting U.S. targeting practices, the U.S. government can and sometimes does make mistakes about its targets. There is simply no way to wring all potential error from the system and still carry on a war. Even full-blown ex ante judicial review of targeting would not guarantee the elimination of errors.

**Defer**

***Obama will disregard the Court. He is on record***

**Pyle 12**—Professor of constitutional law and civil liberties @ Mount Holyoke College [Christopher H. Pyle, “Barack Obama and Civil Liberties,” Presidential Studies Quarterly, Volume 42, Issue 4, December 2012, Pg. 867–880]

Preventive Detention

But this is not the only double standard that Obama's attorney general has endorsed. Like his predecessors, **Holder has chosen to deny some prisoners** **any trials at all**, either because the government lacks sufficient evidence to guarantee their convictions or because what “evidence” it does have is fatally tainted by torture and would deeply embarrass the United States if revealed in open court. At one point, **the president** considered asking Congress to pass a preventive detention law. Then he **decided to institute the policy** himself **and *defy the courts to overrule him*, thereby forcing judges to assume primary blame for** any **crimes** against the United States **committed by prisoners following a court-ordered release** (Serwer 2009).

**According to Holder, courts and commissions are “essential tools in our fight against terrorism**” (Holder 2009). ***If they will not serve that end, the administration will disregard them*. The *a*ttorney *g*eneral** also **assured senators that if any of the defendants are acquitted, the administration will still keep them behind bars. It is difficult to imagine a greater contempt** for the rule of **law than this refusal to abide by the judgment of a court.** Indeed, it is grounds for Holder's disbarment.

As a senator, Barack Obama denounced President Bush's detentions on the ground that a “perfectly innocent individual could be held and could not rebut the Government's case and has no way of proving his innocence” (Greenwald 2012). But, three years into his presidency, Obama signed just such a law. **The N**ational **D**efense **A**uthorization **A**ct of 2012 **authorized the military to** round up and **detain, indefinitely and without trial**, American citizens suspected of giving “material support” to alleged terrorists. **The law was patently unconstitutional, and has been so ruled by a court** (Hedges v. Obama 2012), **but** President **Obama's** only **objection was that its detention provisions were unnecessary, because he already had such powers as commander in chief**. He even said, when signing the law, that “my administration will not authorize the indefinite military detention without trial of American citizens,” but again, that remains policy, not law (Obama 2011). At the moment, the administration is detaining 40 innocent foreign citizens at Guantanamo whom the Bush administration cleared for release five years ago (Worthington 2012b).

Thus, **Obama's “accomplishments**” in the administration of justice “**are slight**,” as the president admitted in Oslo, **and not deserving of a Nobel Prize**. **What little he has done has more to do with appearances than substance**. Torture was an embarrassment, so he ordered it stopped, at least for the moment. Guantanamo remains an embarrassment, so he ordered it closed. He failed in that endeavor, but that was essentially a cosmetic directive to begin with, because a new and larger offshore prison was being built at Bagram Air Base in Afghanistan—one where habeas petitions could be more easily resisted. The president also decided that kidnapping can continue, if not in Europe, then in Ethiopia, Somalia, and Kenya, where it is less visible, and therefore less embarrassing (Scahill 2011). Meanwhile, his lawyers have labored mightily to shield kidnappers and torturers from civil suits and to run out the statute of limitations on criminal prosecutions. Most importantly, kidnapping and torture remain options, should al-Qaeda strike again. **By talking out of both sides of his mouth simultaneously, Obama keeps hope alive for liberals and libertarians who believe in equal justice under law, while reassuring conservatives that America's justice will continue to be laced with revenge**.

**It is** probably **naïve to expect much more** of an elected official. ***Few presidents willingly give up power or seek to leave their office “weaker” than they found it*. Few now have what it takes to stand up to the national security state** or to those in Congress and the corporations that profit from it. Moreover, were the president to revive the torture policy, there would be insufficient opposition in Congress to stop him. The Democrats are too busy stimulating the economies of their constituents and too timid to defend the rule of law. The Republicans are similarly preoccupied, but actually favor torture, provided it can be camouflaged with euphemisms like “enhanced interrogation techniques” (Editorial 2011b).

### \*A2: Political Costs

#### Political costs are exaggerated – this card will smoke them

Schauer, Distinguished Professor of Law, University of Virginia, 12

(Frederick, “ARTICLE: THE POLITICAL RISKS (IF ANY) OF BREAKING THE LAW,” 4 J. of Legal Analysis 83, lexis, accessed 10-22-13, CMM)

Consider, for example, the legality of American involvement in Libya. Factually, the issue arises from the situation in which the Obama Administration directed strikes against Libyan air defenses, some by aircraft and some by remotely operated drones, in conjunction with NATO, but without prior consultation with Congress and without approval by Congress, either in advance or to this day (Morrison 2011). In defending its refusal to consult with Congress or secure its approval, the Administration relied, in part, on now-routine presidential claims to have independent constitutional authority, under the explicit commander-in-chief and executive powers and under the implicit war-making and national defense and foreign policy and emergency powers, to engage in such actions. But in seeking to explain its disregard of the plain mandates of the War Powers Resolution, the Administration also claimed, in the face of a clear Office of Legal Counsel opinion to the contrary, that the military actions in Libya did not constitute "hostilities", as that term is used in the Resolution, because no American ground troops were placed in Libya and also because the likelihood of American casualties was essentially nonexistent.¶ The claim that the War Powers Resolution is in some or all dimensions an unconstitutional infringement on the President's independent powers is seriously debatable, and in fact this is the position that has been taken, in one form or another, by every President, regardless of party, since the Resolution was first enacted in 1973 (Posner & Vermeule 2011). The claim that the Resolution did not even apply to this situation because of the absence of hostilities, however, was widely mocked as legally implausible (Ackerman 2011; Ackerman & Hathaway 2011; Fisher 2012; Morrison 2011), especially in the several days after the Administration's written statement to this effect was issued, and after the claim was defended before the Senate Foreign Relations Committee by Harold H. Koh, Legal Advisor to the State Department.¶ For purposes of this article, it seems more than plausible to treat the legal defense of the actions over and against Libyan forces as so weak as to permit the claim that the actions simply violated the law in a straightforward way. Yet although the actions violated the law, they were plainly preferred by the Administration on policy and, presumably, political grounds. And as events have ensued, it is clear that the Administration's policy and political positions have largely been borne out. The air attacks were successful, the forces of a very [\*91] bad person were defeated, the regime seems to have changed, at least for now, for the better, and there were no American casualties. The entire scenario, therefore, seems a good example of one in which, faced with a choice between the law-independent policy preferences and the clear constraints of the law, the Administration chose the former.¶ What makes the example especially interesting, however, is not just the favorable policy outcome, but the fact that the policy and political success, even in the face of relatively plain illegality, has produced virtually no negative political consequences. Public and press attention to the illegality has disappeared (Wang 2011), and the political evaluation of the action has been largely positive. As the events have played out, the illegality has played essentially no role in the larger politics of the situation. To put it differently, not only has the illegality produced no formal legal sanctions, as it could not (short of impeachment), but it also seems to have produced virtually no political or reputational sanctions for the Administration. As of this writing, it remains logically possible that the Administration's violation of the law will be a campaign issue in 2012, but the likelihood of such an eventuality seems vanishingly small.¶ ¶ As I have discussed in previous writings (Schauer 2007, 2010c, 2011b), there are many other examples of illegal policy actions or positions that have seemingly produced no or few negative political consequences. One such example is the decision by the mayors of San Francisco and of New Paltz, New York, to marry same-sex couples in violation of the then-applicable state law. With sympathies in both States in the direction of legalizing same-sex marriage, however, the illegality was taken then, and is taken now, as being somewhere between inconsequential and courageous. And on the same issue, when Governor Deval Patrick of Massachusetts explicitly urged members of the legislature to disregard a decision by the Massachusetts Supreme Judicial Court mandating that they vote on a referendum proposal to amend the state constitution to prohibit same-sex marriage, his actions have produced no negative political fallout. In numerous other instances, from New Orleans Mayor Ray Nagin's public call for immediate federal military assistance in the wake of Hurricane Katrina, to Mayor (now Senator) Ray Menendez's support for Americans who would have illegally launched military actions against the Cuban regime, to the violation of New York's Taylor Law by leaders of the Transit Workers Union and other public employee unions, the fact of illegality in the face of popular policy initiatives or positions has yielded few or no negative political or reputational consequences. Less saliently, the frequent willingness of Congress to ignore the law of law-making seems a matter of virtually no political consequence and thus a practice that has produced no negative political consequences for anyone (Bar-Simon-Tov 2010).

**Adv 1**

### 2NC --- Drone Wars

#### Syria proves no drone wars---they’re useless against any adversary with an air defense system

Audrey Kurth Cronin 9-2, Professor of Public Policy at George Mason University, 9/2/13, “Drones Over Damascus,” http://www.foreignaffairs.com/articles/139889/audrey-kurth-cronin/drones-over-damascus

For the past four years, Americans have been preoccupied with drone technology as a cheap, low-risk, and discriminate way to eliminate emerging global threats without getting entangled in protracted conflicts. The U.S. government has even dramatically changed its military force structure to make armed drones a lynchpin of U.S. power projection. Yet these weapons have been virtually useless in the last two conflicts that the United States has faced, first in Libya and now in Syria. Why is that?

Broadly speaking, the United States has used armed drone strikes overseas in two ways: during war and to prevent war. Battlefield use of weaponized drones is not new (it dates back to World War I), and is fairly ubiquitous. A spring 2013 report by the U.S. Air Force estimated that unmanned aircraft fired about a quarter of all missiles used in coalition air strikes in Afghanistan in the early part of this year. Drones have proved remarkably effective at providing reconnaissance to U.S. troops on the ground, protecting them from enemy attacks, and reducing civilian casualties. When used within a war, in other words, drones are a great way to give U.S. soldiers an edge.

Armed drones have a preventive role to play, as well. They can keep terrorist threats at bay, and thus reduce the chance that Washington will need to send troops to battle insurgents in faraway places. Since 2009, U.S. counterterrorism efforts have involved hundreds of remote-controlled strikes by unmanned aerial vehicles. These were meant to prevent attacks on the United States and its allies by al Qaeda, the Taliban, and other groups. In these cases, the argument goes, discriminate targeting to prevent such attacks beats invading countries after them.

Prevention has thus become a watchword of U.S. policy, but its logic has rarely been applied to belligerent states. The international community had plenty of warning that the Syrian government might use chemical weapons, and now Syrian President Bashar al-Assad has apparently employed sarin gas to kill thousands of civilians. Photographs of rows of children left dead and videos of civilians running in fear have shocked the world. The last time the gas was used -- in Japan by Aum Shinrikyo, a terrorist group, to kill 13 people on the Tokyo subway -- pales in comparison with the recent slaughter in Syria. Could the United States have deployed its drone fleet to destroy Syrian arsenals or to kill those planning to make use of them before this happened?

The answer is no. Armed drones have serious limitations, and the situation in Syria lays them bare. They are only useful where the United States has unfettered access to airspace, a well-defined target, and a clear objective. In Syria, the United States lacks all three.

First, the airspace. So far, armed drones have been used either over countries that do not control their own airspace (Somalia, Mali, Afghanistan) or where the government has given the United States some degree of permission (Yemen, Pakistan). Those circumstances are rare. When the foe can actually defend itself, the use of armed drones is extraordinarily difficult and could constitute an act of war -- one that could easily draw the United States into the heart of a conflict.

Drones are slow and noisy; they fly at a low altitude; and they require time to hover over a potential target before being used. They are basically sitting ducks. Syria has an air force and air defenses that could easily pick American drones out of the sky. The only real way for the United States to use them would be to first destroy Syrian planes and anti-aircraft batteries. But that would be no different from a full-scale intervention and would negate the tactical advantage of remote strikes. In other words, the conditions under which armed drones are effective as preventive weapons are limited. And the more drones are used for prevention and during war, the more state belligerents will take note of that fact, and will make sure that those conditions are never met on their own territory.

Second, the target. Using armed drones against the Syrian government’s enormous chemical weapons stockpiles would have risked causing the very release of deadly agents that the United States was trying to avoid. Drones are precise but not perfect. Like cruise missiles, their effectiveness mainly depends upon the quality of their targeting information. Worse, an imperfect attack could inadvertently give the Assad government political cover to use the weapons with impunity. Assad could blame the release of chemical weapons on a misfired U.S. drone strike. Since U.S. drones are deeply despised in the Middle East, that argument could enjoy wide hearing.

Perhaps the United States might instead have tried to target chemical weapons delivery systems or tried to kill the people who were loading or moving them. But intelligence has been insufficient for such delicate operations. And even if U.S. officials got it right, a remote drone attack would have risked giving the rebels access to remaining stockpiles of chemical weapons or delivery systems. As the United States knows, some of those group are connected to al Qaeda. In such a mess of a situation, and especially in the presence of Syria’s large arsenal, there is no alternative to putting humans on the ground to secure dangerous, volatile weapons. Drones –- or cruise missiles, for that matter -- cannot do it.

Third, the objective. The United States wants to punish the Assad regime for using chemical weapons against the Syrian people and to prevent them from being used again. Drone attacks are ill suited for this purpose. They are unlikely either to inflict sufficient pain or to deter other tyrants from following Assad’s lead. A broader objective is to reinforce the global norm against the use of chemical weapons, and such a lofty goal can only be accomplished with a robust international response.

In a politically complex environment -- one in which the United States is not at war and the targets are unclear -- armed drones are really not all that useful. They might seem like a cool new tool to many observers and policymakers, but the horrible predicament in Syria reveals the sharp limitations of the technology -- and the serious problem of relying upon it so heavily in the U.S. force structure. Rather than looking for a quick technological fix, U.S. policymakers should invest more in good analysis and robust human assets on the ground, so as to sort friend from foe. The United States can take the pilot out of the aircraft, but it cannot remove human judgment, risk, and willpower from war -- especially if it plans to keep intervening in murky conflicts in the Middle East.

**2NC – Drone Prolif Adv**

***Zero chance of precedent setting – other countries don’t act based on the United States policy***

**Wright 12** [Robert Wright, finalist for the Pulitzer Prize, former writer and editor at The Atlantic, “The Incoherence of a Drone-Strike Advocate” NOV 14 2012, <http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/>]

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.¶ Boot started out with this observation:¶ I think ***the precedent setting argument is overblown***, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.¶ That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?¶ As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:¶ You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, ***the technology is propagating*** out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

***No causal link between U.S. drone doctrine and other’ countries choices---means can’t set a precedent***

Kenneth **Anderson 11**, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday Times predicting an “arms race” in military drones. **The methodology** essentially **looks at the US as the leader**, followed by Israel – countries that have built, deployed and used drones in both surveillance and as weapons platforms. It **then** looks **at the list of other countries that are following** fast in US footsteps **to** both **build and deploy, as well as purchase or sell the technology** – noting, correctly, that the list is a long one, starting with China. The predicament is put this way:

Eventually, the United States will face a military adversary or terrorist group armed with drones, military analysts say. But what the short-run hazard experts foresee is not an attack on the United States, which faces no enemies with significant combat drone capabilities, but the political and legal challenges posed when another country follows the American example. The Bush administration, and even more aggressively the Obama administration, embraced an extraordinary principle: that the United States can send this robotic weapon over borders to kill perceived enemies, even American citizens, who are viewed as a threat.

“**Is this the world we want to live in?” asks** Micah **Zenko**, a fellow at the Council on Foreign Relations. “**Because we’re creating it**.”

**By** ***asserting that “we’re” creating it*,** **this is a claim that there is an arms race among states over military drones**, **and that it is a** ***consequence of the US creating the technology and deploying it*** – **and then**, beyond the technology, **changing the normative legal and moral rules in the international community about using it across borders**. In effect, **the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit**. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?)

**It sounds like it must be true. But is it?** **There are a** ***number of reasons to doubt*** **that moves by other countries are an arms race in the sense that the US “created” it or** ***could have stopped it***, **or that something different would have happened had the US** **not pursued the technology or not used it in the ways it has against non-state terrorist actors**. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be.

Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project). **UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable** – and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this – **the avionics involved are simply not so complicated as to be beyond the abilities of many, many states**. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and **any substantial state that feels like developing them will be able to do so**.

But the point is that ***this was happening anyway***, **and the technology was already available**. **The US** might have been first, but it ***hasn’t sparked an arms race*** **in any sense that absent the US push, no one would have done this**. ***That’s just a fantasy reading*** of where the technology in general aviation was already going; **Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is** ***not a credible understanding of the development and applications of the technology***. **Had the US not moved on this**, **the result would have been a US playing catch-up to someone else**. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it.

Moving on from the avionics, **weaponizing the craft is also not difficult**. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. **The US didn’t spark an arms race; this would occur** ***to any state with a drone***. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do – but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. **The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating**.

**2**

***Even if it happens – long timeframe***

Micah **Zenko**, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). “Reforming U.S. Drone Strike Policies,” CPA at CFR, Council Special Report No. 65, January **2013.**

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

***Drone prolif doesn’t shift the calculus – won’t cause wars***

**Singh ’12**, Joseph Singh is a researcher at the Center for a New American Security. Aug. 13, 2012, Time, Betting Against a Drone Arms Race, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>, jj

Instead, **we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence**, for example, **when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team**.¶ **Drones** may make waging war more domestically palatable, but they **don’t change the very serious risks of retaliation for an attacking state**. **Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones**.¶ What’s more, **the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant**. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.¶ Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.¶ Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.¶ Yet, **the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.**

***Their “drone war” arg is profoundly alarmist***

Ashley S. **Boyle ’12**, is an Adjunct Junior Fellow at the American Security Project, July 13, 2012, American Security Project, The US and its UAVs: Addressing Legality and Overblown Scenarios, <http://americansecurityproject.org/blog/2012/the-us-and-its-uavs-addressing-legality-and-overblown-scenarios/>, jj

One of the touchstones in the current US drones dialogue is the the legality of lethal drone strikes. Despite claiming the strikes are legally permissible, Administration officials have not yet cited any legal statute in justifying the use of drones in extraterritorial targeted killings. Critics argue that this failure to provide legal justification implicates the US in violating international legal frameworks on interstate force and national sovereignty. Furthermore, **critics claim that US drone programs in Pakistan, Somalia, and Yemen set a dangerous precedent that could lead to any nation with strike-capable drones employing similar tactics in a “global drone war.”**¶ While the international community has the right to demand that the US provide a legal foundation for drone strikes, it should be understood that the US has a strategic interest in not providing any such justification. Similarly, the argument that US drone strikes are establishing a dangerous precedent is reasonable. However, extrapolating this assertion to a scenario of global drone warfare is not only alarmist and distracting, but has no factual basis at present.¶ The matter of legal justification for US drone strikes is straightforward. Critics have long claimed that US drone strikes violate laws on interstate force and sovereignty in that strikes are conducted extraterritorially in non-combat zones.¶ While laws governing the use of interstate force bar the use of force in another nation’s territory at times of peace, under Article 51 of the United Nations Charter, a nation has “the inherent right of individual or collective self-defence [sic]” until the UN Security Council takes action. Article 51 applies if either the targeted state agrees to the use of force in its territory by another nation or the targeted state, or a group operating within its territory, was responsible for an act of aggression against the targeting state.¶ These conditions are mutually exclusive; only one must be satisfied to justify a unilateral extraterritorial use of force by a UN Member. In the cases of Pakistan, Somalia, and Yemen, both conditions are satisfied: all three countries have consented, explicitly or otherwise, to the US operating drones within their territories, and all three are “safe havens” for groups that have launched violent attacks against the US and US interests.¶ If the US is well within its right to conduct drone strikes within these nations, why, then, does it not simply invoke Article 51 as a means of justification and end the legality debate?¶ It is of strategic value for the US to refrain from providing justification because to acknowledge any legal framework is to implicitly agree to be bound by its terms. By remaining formally unaccountable to international frameworks, the US can operate unimpeded by the red tape of the international legal community. From any angle, such a strategy is in the best interest of US national security. It is also important to note that a lack of public justification does not mean the US is not acting in accordance with international legal frameworks.¶ While there is no question that the US has used drones, it is hardly alone in wielding the technology. **Approximately fifty nations possess and use drones. However, Wikipedia informs us that of these nations, only twelve have lethal drones of which only three nations – China, Iran, and Russia – may be of concern.**¶ **Possessing the technology is only one part of the picture. Nations must also have the capabilities to maintain and operate these aircraft, as well as an intelligence network that informs their surveillance or strike activities**. **The supporting systems required to operate drones is greatly underestimated, and it is difficult to see China, Iran, or Russia having the resources or desire to launch expansive drone programs in the short- to mid-term**. While the long-term picture always requires discussion, **alarmist messages about impending drone wars are just that: alarming and unfounded.**¶ The US has a legitimate reason and legal right to conduct operations using drones in Pakistan, Somalia and Yemen. While the lack of an explicit justification may not garner credibility, the US has a national security imperative to act in its best interests. Remaining disassociated from specific legal frameworks ensures a strategic flexibility that could otherwise be constrained.¶ Finally, **the international community must be realistic about the threat of a global drone war. Such a scenario requires that nations possess the technology, the resources, and the motives to mire themselves in international conflict. Not only is this unlikely in the short- to mid-term and factually unsubstantiated, the argument distracts from a debate that should aim to design a more intelligent strategy for US drone programs. It is better that efforts be directed toward constructive efforts than at strangulating any hope for an informed dialogue.**

***The US has been cautious with drones, and China and Russia could just be reckless using any other weapon***

**Anderson 5-24-’13**, Kenneth Anderson is a law professor at Washington College of Law, American University, a research fellow of the Hoover Institution at Stanford University, a Non-Resident Visiting Fellow at the Brookings Institution, and a blogger. May 24, 2013, Real Clear Politics, The Case for Drones, <http://www.realclearpolitics.com/articles/2013/05/24/the_case_for_drones_118548.html>, jj

**This critique often leads, however, to the further objection that the American use of drones is essentially laying the groundwork for others to do the same**. Steve Coll wrote in the New Yorker: “America’s drone campaign is also creating an ominous global precedent. Ten years or less from now, China will likely be able to field armed drones. How might its Politburo apply Obama’s doctrines to Tibetan activists holding meetings in Nepal?”¶ The United States, it is claimed, is arrogantly exerting its momentary technological advantage to do what it likes. It will be sorry when other states follow suit. But **the United States does not use drones in this fashion and has claimed no special status for drones**. **The U.S. government uses drone warfare in a far more limited way, legally and morally, and entirely within the bounds of international law.** **The problem with China (or Russia) using drones is that they might not use them in the same way as the United States.** **The drone itself is a tool. How it is used and against whom—these are moral questions. If China behaves malignantly, drones will not be responsible. Its leaders will be.**

### China

#### No Asia or China impact

* Only our ev accounts for CCP psychology --- they want to avoid international criticism
* They aren’t confident in their drones --- think they are untested and too risky
* They don’t want to set a precedent for using drones in Asia that the US could exploit
* Only wants drones for surveillance

Erickson & Strange 5-23-’13, ANDREW ERICKSON is an associate professor at the Naval War College and an Associate in Research at Harvard University’s Fairbank Center. Follow him on Twitter @andrewserickson. AUSTIN STRANGE is a researcher at the Naval War College’s China Maritime Studies Institute and a graduate student at Zhejiang University. May 23, 2013, Foreign Affairs, China Has Drones. Now What?, <http://www.foreignaffairs.com/articles/136600/andrew-erickson-and-austin-strange/china-has-drones-now-what>, jj

Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China’s rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China’s Defense Ministry.¶ What about using drones outside of Chinese-claimed areas? That China did not, in fact, launch a drone strike on the Burmese drug criminal underscores its caution. According to Liu Yuejin, the director of the antidrug bureau in China’s Ministry of Public Security, Beijing considered using a drone carrying a 20-kilogram TNT payload to bomb Kham’s mountain redoubt in northeast Myanmar. Kham had already evaded capture three times, so a drone strike may have seemed to be the best option. The authorities apparently had at least two plans for capturing Kham. The method they ultimately chose was to send Chinese police forces to lead a transnational investigation that ended in April 2012 with Kham’s capture near the Myanmar-Laos border. The ultimate decision to refrain from the strike may reflect both a fear of political reproach and a lack of confidence in untested drones, systems, and operators.¶ The restrictive position that Beijing takes on sovereignty in international forums will further constrain its use of drones. China is not likely to publicly deploy drones for precision strikes or in other military assignments without first having been granted a credible mandate to do so. The gold standard of such an authorization is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and antipiracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorization, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But even with the endorsement of the international community or specific states, China would have to weigh any benefits of a drone strike abroad against the potential for mishaps and perceptions that it was infringing on other countries’ sovereignty -- something Beijing regularly decries when others do it.¶ The limitations on China’s drone use are reflected in the country’s academic literature on the topic. The bulk of Chinese drone research is dedicated to scientific and technological topics related to design and performance. The articles that do discuss potential applications primarily point to major combat scenarios -- such as a conflagration with Taiwan or the need to attack a U.S. aircraft carrier -- which would presumably involve far more than just drones. Chinese researchers have thought a great deal about the utility of drones for domestic surveillance and law enforcement, as well as for non-combat-related tasks near China’s contentious borders. Few scholars, however, have publicly considered the use of drone strikes overseas.¶ Yet there is a reason why the United States has employed drones extensively despite domestic and international criticism: it is much easier and cheaper to kill terrorists from above than to try to root them out through long and expensive counterinsurgency campaigns. Some similar challenges loom on China’s horizon. Within China, Beijing often considers protests and violence in the restive border regions, such as Xinjiang and Tibet, to constitute terrorism. It would presumably consider ordering precision strikes to suppress any future violence there. Even if such strikes are operationally prudent, China’s leaders understand that they would damage the country’s image abroad, but they prioritize internal stability above all else. Domestic surveillance by drones is a different issue; there should be few barriers to its application in what is already one of the world’s most heavily policed societies. China might also be willing to use stealth drones in foreign airspace without authorization if the risk of detection were low enough; it already deploys intelligence-gathering ships in the exclusive economic zones of Japan and the United States, as well as in the Indian Ocean.¶ Still, although China enjoys a rapidly expanding and cutting-edge drone fleet, it is bound by the same rules of the game as the rest of the military’s tools. Beyond surveillance, the other non-lethal military actions that China can take with its drones are to facilitate communications within the Chinese military, support electronic warfare by intercepting electronic communications and jamming enemy systems, and help identify targets for Chinese precision strike weapons, such as missiles. Beijing’s overarching approach remains one of caution -- something Washington must bear in mind with its own drone program.

#### SCS tension inevitable but won’t escalate, even if they win a huge internal link

Michal Meidan 12, China Analyst at the Eurasia Group, 8/7/12, “Guest post: Why tensions will persist, but not escalate, in the South China Sea,” <http://blogs.ft.com/beyond-brics/2012/08/07/guest-post-why-tensions-will-persist-but-not-escalate-in-the-south-china-sea/#axzz2Cbw54ORc>

These tensions are likely to persist. And Beijing is not alone in perpetuating them. Vietnam and the Philippines, concerned with the shifting balance of powers in the region, are pushing their maritime claims more aggressively and increasing their efforts to internationalise the question by involving both ASEAN and Washington. Attempts to come up with a common position in ASEAN have failed miserably but as the US re-engages Asia, it is drawn into the troubled waters of the South China Sea.¶ Political dynamics in China – with a once in a decade leadership transition coming up, combined with electoral politics in the US and domestic constraints for both Manila and Hanoi – all augur that the South China Sea will remain turbulent. No government can afford to appear weak in the eyes of domestic hawks or of increasingly nationalistic public opinions. The risk of a miscalculation resulting in prolonged standoffs or skirmishes is therefore higher now than ever before. But there are a number of reasons to believe that even these skirmishes are unlikely to escalate into broader conflict.¶ First, despite the strong current of assertive forces within China, cooler heads are ultimately likely to prevail. While a conciliatory stance toward other claimants is unlikely before the leadership transition, China’s top brass will be equally reluctant to significantly escalate the situation, since this will send southeast Asian governments running to Washington. Hanoi and Manila also recognize that despite their need for assertiveness to appease domestic political constituencies, a direct confrontation with China is overly risky.¶ Second, military pundits in China also realize that the cost of conflict is too high, since it will strengthen Washington’s presence in the region and disrupt trade flows. And even China’s oil company CNOOC, whose portfolio of assets relies heavily on the South China Sea, is diversifying its interests in other deepwater plays elsewhere, as its attempted takeover of Nexen demonstrates.

# 1NR

## overview

### 1NR Overview --- India

***Indo Pak war outweighs --- causes extinction***

**Robock and Toon ‘09** [Alan and Owen Brian, “Local Nuclear War, Global Suffering”, Scientific American, <http://climate.envsci.rutgers.edu/pdf/RobockToonSciAmJan2010.pdf>]

***\*we don’t endorse ableist language***

 Twenty-five years ago international teams of scientists showed that a nuclear war between the U.S. and the Soviet Union could produce a “nuclear winter.” The smoke from vast fires started by bombs dropped on cit­ies and industrial areas would envelop the planet and absorb so much sunlight that the earth’s sur­face would get cold, dark and dry, killing plants worldwide and eliminating our food supply. Sur­face temperatures would reach winter values in the summer. International discussion about this prediction, fueled largely by astronomer Carl Sa­gan, forced the leaders of the two superpowers to confront the possibility that their arms race endangered not just themselves but the entire hu­man race. Countries large and small demanded disarmament. Nuclear winter became an important factor in ending the nuclear arms race. Looking back later, in 2000, former Soviet Union leader Mikhail S. Gorbachev observed, “Models made by Russian and American scientists showed that a nuclear war would result in a nuclear winter that would be extremely destructive to all life on earth; the knowledge of that was a great stimulus to us, to people of honor and mo­rality, to act.” Why discuss this topic now that the cold war has ended? Because **as** other nations continue to acquire nuclear weapons, smaller, regional nu­clear wars could create a similar global catastro­phe**.** New analyses reveal that a conflict be­tween India and Pakistan, for example, in which 100 nuclear bombs were dropped on cities and industrial areas—only 0.4 percent of the world’s more than 25,000 warheads—would produce enough smoke to ~~cripple~~ global agriculture. A regional war could cause widespread loss of life even in countries far away from the conflict.

#### Escalates globally

**Caldicott 2** (Helen, Founder of Physicians for Social Responsibility [Helen, The New Nuclear Danger: George W. Bush’s Military-Industrial Complex, p. X]

The use of Pakistani nuclear weapons could trigger a chain reaction. Nuclear-armed India, an ancient enemy, could respond in kind. China, India's hated foe, could react if India used her nuclear weapons, triggering a nuclear holocaust on the subcontinent. If any of either Russia or America's 2,250 strategic weapons on hair-trigger alert were launched either accidentally or purposefully in response, nuclear winter would ensue, meaning the end of most life on earth.

***And, relations are key to accessing every impact***

**Asia Society Task Force ‘09**[Delivering on the Promise: Advancing US Relations With India, January, <http://www.asiasociety.org/policy-politics/task-forces/delivering-promise-advancing-us-relations-india>, Acccessed, 9-19-09, p. 7-8]

India matters to virtually every major foreign policy issue that will confront the United States in the years ahead. A broad-based, close relationship with India will thus be necessary to solve complex global challenges, achieve security in the critical South Asian region, reestablish stability in the global economy, and overcome the threat of violent Islamic radicalism which has taken root across the region and in India. The members of this task force believe that the US relationship with India will be among our most important in the future, and will at long last reach its potential for global impact—provided that strong leadership on both sides steers the way. The new relationship rests on a convergence of US and Indian national interests, and never in our history have they been so closely aligned. With India, we can harness our principles and power together to focus on the urgent interconnected challenges of our shared future: economic stability, expanded trade, the environment and climate change, innovation, nonproliferation, public health, sustainability, and terrorism. Together our two countries will be able to take on some of the most vexing problems facing the world today, and improve the lives and security of our citizens in doing so. But to get there, we must set broad yet realistic goals to be shared by both countries.

**1NR – CIR Turns Heg**

***Immigration reform key to hard power and soft power***

**Nye 12/10** Joseph S. Nye, a former US assistant secretary of defense and chairman of the US National Intelligence Council, is University Professor at Harvard University. His most recent book is The Future of Power. 12/10/12, Project Syndicate, Immigration and American Power, <http://www.project-syndicate.org/commentary/obama-needs-immigration-reform-to-maintain-america-s-strength-by-joseph-s--nye>, jj

CAMBRIDGE – The United States is a nation of immigrants. Except for a small number of Native Americans, everyone is originally from somewhere else, and even recent immigrants can rise to top economic and political roles. President Franklin Roosevelt once famously addressed the Daughters of the American Revolution – a group that prided itself on the early arrival of its ancestors – as “fellow immigrants.”

**In recent years**, however, **US politics has had a strong anti-immigration slant**, and the issue played an important role in the Republican Party’s presidential nomination battle in 2012. But Barack Obama’s re-election demonstrated the electoral power of Latino voters, who rejected Republican presidential candidate Mitt Romney by a 3-1 majority, as did Asian-Americans.

**As a result, several prominent Republican politicians are now urging their party to reconsider its anti-immigration policies, and plans for immigration reform will be on the agenda at the beginning of Obama’s second term. Successful reform will be an important step in preventing the decline of American power.**

Fears about the impact of immigration on national values and on a coherent sense of American identity are not new. The nineteenth-century “Know Nothing” movement was built on opposition to immigrants, particularly the Irish. Chinese were singled out for exclusion from 1882 onward, and, with the more restrictive Immigration Act of 1924, immigration in general slowed for the next four decades.

During the twentieth century, the US recorded its highest percentage of foreign-born residents, 14.7%, in 1910. A century later, according to the 2010 census, 13% of the American population is foreign born. But, despite being a nation of immigrants, more Americans are skeptical about immigration than are sympathetic to it. Various opinion polls show either a plurality or a majority favoring less immigration. The recession exacerbated such views: in 2009, one-half of the US public favored allowing fewer immigrants, up from 39% in 2008.

Both the number of immigrants and their origin have caused concerns about immigration’s effects on American culture. Demographers portray a country in 2050 in which non-Hispanic whites will be only a slim majority. Hispanics will comprise 25% of the population, with African- and Asian-Americans making up 14% and 8%, respectively.

But mass communications and market forces produce powerful incentives to master the English language and accept a degree of assimilation. Modern media help new immigrants to learn more about their new country beforehand than immigrants did a century ago. Indeed, most of the evidence suggests that the latest immigrants are assimilating at least as quickly as their predecessors.

While too rapid a rate of immigration can cause social problems, over the long term, **immigration strengthens US power**. **It is estimated that at least 83 countries and territories currently have fertility rates that are below the level needed to keep their population constant. Whereas most developed countries will experience a shortage of people as the century progresses, America is one of the few that may avoid demographic decline and maintain its share of world population.**

For example, **to maintain its current population size, Japan would have to accept 350,000 newcomers annually for the next 50 years,** which is difficult for a culture that has historically been hostile to immigration. **In contrast, the Census Bureau projects that the US population will grow by 49% over the next four decades.**

Today, **the US is the world’s third most populous country; 50 years from now it is still likely to be third** (after only China and India). **This is highly relevant to economic power: whereas nearly all other developed countries will face a growing burden of providing for the older generation, immigration could help to attenuate the policy problem for the US.**

In addition, though studies suggest that the short-term economic benefits of immigration are relatively small, and that unskilled workers may suffer from competition, **skilled immigrants can be important to particular sectors – and to long-term growth**. **There is a strong correlation between the number of visas for skilled applicants and patents filed in the US**. **At the beginning of this century, Chinese- and Indian-born engineers were running one-quarter of Silicon Valley’s technology businesses, which accounted for $17.8 billion in sales; and, in 2005, immigrants had helped to start one-quarter of all US technology start-ups during the previous decade. Immigrants or children of immigrants founded roughly 40% of the 2010 Fortune 500 companies.**

**Equally important are immigration’s benefits for America’s soft power**. **The fact that people want to come to the US enhances its appeal, and immigrants’ upward mobility is attractive to people in other countries. The US is a magnet, and many people can envisage themselves as Americans, in part because so many successful Americans look like them**. **Moreover, connections between immigrants and their families and friends back home help to convey accurate and positive information about the US.**

Likewise, **because the presence of many cultures creates avenues of connection with other countries, it helps to broaden Americans’ attitudes and views of the world in an era of globalization. Rather than diluting hard and soft power, immigration enhances both.**

Singapore’s former leader, Lee Kwan Yew, an astute observer of both the US and China, argues that **China will not surpass the US as the leading power of the twenty-first century**, precisely **because the US attracts the best and brightest from the rest of the world and melds them into a diverse culture of creativity**. China has a larger population to recruit from domestically, but, in Lee’s view, its Sino-centric culture will make it less creative than the US.

That is a view that Americans should take to heart. **If Obama succeeds in enacting immigration reform in his second term, he will have gone a long way toward fulfilling his promise to maintain the strength of the US.**

**Relations Good – Hegemony**

***Relations are key to solve American hegemony and power projection in multiple regions, proliferation and terrorism***

**Blank ’04 (Stephen Blank, Professor of Russian National Security Studies at the Strategic Studies Institute of the U.S. Army War College. “India and the Gulf After Saddam.” Strategic Insights, Volume III, Issue 4 (April 2004)** <http://www.ccc.nps.navy.mil/si/2004/apr/blankApr04.asp>**)**

Indian policies, like those of other states, attest to the fact that the Gulf, South Asia and Central Asia are now strategically interactive and interrelated regions or "theaters." Thus India's rivalry with Pakistan and its resistance to Pakistan's earlier tactic of using terrorism to put India under constant threat of dismemberment are certainly major factors in its strategic search for greater influence with Iran and in the Gulf. The objectives of India's quest for greater influence throughout the Gulf and Central Asia, are to prevent proliferation as well as terrorism. Indeed, as part of this quest, India has even acquired an air base in Tajikistan.[[18]](http://www.nps.edu/Academics/centers/ccc/publications/OnlineJournal/2004/apr/blankApr04.html#references) India regards the Gulf as a potential breeding ground for terrorism that could be targeted against Indian interests and thus it is determined to assert itself there to prevent that threat's overt expression and mutation into a threat based on WMD proliferation. This opposition to terrorism and proliferation not only brings India and America closer, it also catalyzes India's drive to outflank the territorial bases of these manifestations by finding points of influence in the Gulf and Central Asia and by developing a capability to assert and project its power in enduring fashion into these areas. But beyond rivalry with Pakistan the great strategic objective of India's rapprochement with Washington is to convince it that India truly merits being seen as an Asian power that can project influence and power throughout Asia on behalf of common interests against common threats . **To the degree that the United States regards India as having legitimate security interests in the Gulf**, Southeast Asia, and as far afield as the Straits of Malacca, India is then able to truly play a much greater role on its own. But beyond that **it is then able to play a major role working together with Washington in areas that confront the United States with significant difficulties in projecting power: Central Asia, the Indian ocean, Southeast Asia**. This cooperation in the "interstices" of Asia on the basis of a shared threat assessment concerning terrorism, proliferation and the desire to stabilize the Gulf so that those threats are snuffed out there drive much of India's current national security policy.[[19]](http://www.nps.edu/Academics/centers/ccc/publications/OnlineJournal/2004/apr/blankApr04.html#references) While those policies comport with America's for the most part, the frustration of terrorist challenges in a post-Saddam Iraq is intrinsically an important Indian interest even if it cannot yet commit forces there due to domestic considerations and a different valuation than America's concerning the need for a UN authorization.

**Relations Good – Asia Stability**

***Strong relations are key to maintaining Asian stability***

**Blackwill, ’03** (Robert, former associate dean at the Kennedy School of Government at Harvard University and Ambassador to India, “The United States, India and Asian Security,” transcript, http://www.america.gov/st/washfile-english/2003/January/20030127174435skaufman@pd.state.gov0.1734735.html, 1/27)

Peace within Asia -- a peace that promotes freedom and prosperity - will be advanced by the transformed US-India relationship. Within a fellowship of democratic nations, the United States and India would benefit from an Asian environment free from inter-state conflict --- including among the region's great powers -- open to trade and commerce, and respectful of human rights and personal freedoms. President Bush says it succinctly, "We seek a peaceful region where no power, or coalition of powers, endangers the security or freedom of other nations; where military force is not used to resolve political disputes." Achieving this paramount goal requires the United States particularly to strengthen political, economic, and military-to-military relations with those Asian states that share our democratic values and national interests. That spells India. A strong US-India partnership contributes to the construction of a peaceful and prosperous Asia and binds the resources of the world's most powerful and most populous democracies in support of freedom, political moderation, and economic and technological development.

**Relations Good – Middle East Stability**

***US-Indo relations are key to Mid-East stability***

**Carpenter, ’01** (Ted Galen, vice president for defense and foreign policy studies at the Cato Institute, “Stop Viewing India as a Threat,” http://www.cato.org/pub\_display.php?pub\_id=3958, 7/17)

India is also on its way to being a great power militarily. New Delhi increased its military budget some 27 percent in 2000 and intends to raise spending nearly another 13 percent this year. A large portion of that spending is going to modernize the air force and navy, including building aircraft carriers and submarines. In short, India is determined to have a first-rate military and is putting money behind that objective. The United States should exploit rather than resist such developments. India has indicated its intention of being the leading power throughout the South Asia-Indian Ocean region. Among other things, that would mean taking an interest in the stability of the Persian Gulf -- a thankless and frustrating task now undertaken by the United States. India is also a logical strategic counterweight to China in East Asia. There is little doubt that New Delhi frets about China's rising power and worries about possible PRC expansionism a decade or two from now. Indeed, Indian officials cited concerns about China as the principal reason for the decision to acquire a nuclear capability. Since then, Indian naval vessels have sailed into the South China Sea to participate in joint anti-piracy missions with the navies of various Southeast Asian countries. American leaders need to get past the obsolete images of India as the home of sclerotic socialism, feckless pacifism, or anti-American mischief making. Whatever the truth of those images in the past, they do not resemble today's India -- much less the great power that it is becoming. Bush policymakers need to treat India with respect and recognize that Indian and American economic and strategic interests are likely to coincide far more often than they conflict. Rumsfeld's comments aside, India is not an adversary of America -- unless shortsighted U.S. actions turn it into one.

## Impact

### A2: Resilient

***\*\*\*Relations collapse inevitable without immigration liberalization***

--- even if the overall relationship is inevitable cooperation isn’t

-signal of protectionism

**Davis ’10** (Ted, School of Public Policy @ George Mason University, Association for Public Policy Analysis and Management, 2/18-20, “The Global Dynamic: of High-Skill Migration: The Case of U.S./India Relations”, https://www.appam.org/conferences/international/maastricht2010/sessions/downloads/389.1.pdf)

There is no reason to think that the present system of governing migration is optimal. Migration is a dynamic process, while the migration policy-making machinery is slow and cumbersome. The possibility that policy-makers will fail to capitalize on opportunities for mutual gain among sending and receiving countries is especially large for high-skill migration. At first glance, the case of India – U.S. relations would appear to contradict this point. As noted, both India and the U.S. have experienced significant benefits from migration and circulation. Yet many Indians still live in poverty and many Americans see India, its immigrants and offshore services, as a threat to their jobs and wages. Thus there is a growing tension between these countries that could impede, if not derail, further progress. Absent a program of cooperation, and perhaps exacerbated by the economic downturn, there is a risk that each country would be inclined to act unilaterally in pursuit of its own interests. However, these typically protectionist or nationalistic actions may impede the flow of immigrants, but it could impede the flow of ideas, reduce knowledge spillovers, and ultimately inhibit innovation and growth. Cooperation on migration offers an opportunity for countries to address the tensions that arise from immigration while opening avenues for pursuing common objectives and mutual prosperity. Though it may be desirable to consider a common system of migration across countries that transcend bilateral arrangements, such a system may not be able to address the unique dynamics that exist between countries. Nor should these relationships be viewed uniformly. Differences exist between sectors, such as technology services and medical services that call for their own strategies. This paper represents only a beginning point for understanding these ideas. Further research is planned to explore high-skill migration, the conditions that distinguish sectoral and country characteristics that contribute to the diverse nature of migration, and the varying governance mechanisms and their abilities to produce win-win results for high-skill migrants, domestic workers, firms, and countries.

#### \*\*US India relations not resilient

**Lal & Rajagopalan ’05** (Rollie, Assistant Professor at Vlerick Management School in Leuven, Belgium and political scientist for RAND, Rajesh, Associate Professor in International Politics, Center for International Politics, “US-India Strategic Dialogue”, <http://www.rand.org/pubs/conf_proceedings/2005/RAND_CF201.pdf>)

Relations between the world’s two largest democracies, India and the United States, have encountered many obstacles over the years. Until recently, the two countries had limited interactions and few cooperative endeavours. However, the relationship has improved dramatically over the past several years, and today is better than at any previous point in history. Through dialogue on a number of issues, at various levels of government, academia, and the press, the current relationship has achieved great depth and maturity. This is the kind of interaction that both India and the United States will need to keep working at rather than take for granted. Candid exchange of ideas is the key to ensuring that natural differences of interests and perspectives do not lead back to the estrangement that characterized the relationship between the two countries for the last half a century.

### A2: rels useless

## UQ

### A2: N/U – Won’t Pass

### A2: Won’t Pass Till After Primaries (May/June)

#### It can pass before the primaries

Weigant, 12/16-’13 (Chris Weigant, Political writer and blogger at ChrisWeigant.com, Huffington Post, Will Boehner Move On Immigration Reform?, <http://www.huffingtonpost.com/chris-weigant/will-boehner-move-on-immi_b_4455842.html>, jj)

In the recent dust-up over the budget deal, the outside groups suspect that Boehner has a hidden motive. They suggest he's anxious to put economic fights in the rear-view mirror so he can tackle contentious immigration legislation early next year, before the first round of March primaries in Texas and Illinois. The groups' suspicions were heightened by the recent high-profile budget success of Rep. Paul Ryan, R-Wis., who favors a way out of the shadows for the estimated 11 million immigrants living in the U.S. in violation of the law, and in Boehner's hire of a Senate staffer who worked on bipartisan immigration legislation for Sen. John McCain, R-Ariz. "It's very easy to see that they want to clear a lane to pass amnesty," said Daniel Horowitz, policy director for the Madison Project, who described the overall differences with Republican leaders as irreconcilable.

#### Critical window now.

Jacoby, president of ImmigrationWorks USA, a national federation of small-business owners in favor of immigration reform, 12-26-13

(Tamar, “Big surprise ahead in 2014,” http://www.cnn.com/2013/12/26/opinion/jacoby-immigration-2014/)

So what's blocking reform? The obstacles have little to do with immigration. The problem is the same-old-same-old that's been blocking virtually all movement in Washington this year. It falls under the general rubric of partisan gridlock, but the real sticking points are more localized: bitter mistrust between House Republicans and the White House, and a divide within the GOP driven by a relatively small handful of lawmakers and outside groups who oppose compromise of any kind on any issue.¶ The good news is that this month's budget deal suggests that the logjam may be breaking up. Together, Speaker Boehner and Rep. Ryan defied the "Hell no" holdout wing of their party and delivered a compromise budget, even at a time of peak Republican mistrust and antipathy for the president. This doesn't mean the GOP divide has healed -- there were plenty of Republicans who opposed the budget deal or went along despite their better judgment. But the vote has raised hope among immigration reformers. Can Speaker Boehner and Rep. Ryan pull off a similar deal next year on immigration?¶ Many signs suggest they could, including what's going on behind the scenes among House Republicans. It's well known that two different GOP lawmakers are working, separately, on bills that would create a path to citizenship for young people brought to the U.S. illegally as children, the "Dreamers."¶ And several other Republicans are working on proposals that would grant legal status to the Dreamers' parents. In other words, more than a half dozen GOP congressmen are preparing to sponsor -- or compete to sponsor -- what many in the party would once have called "amnesty" bills.¶ Some caveats: House leadership is not going to pass immigration reform over the heads of conservative Republicans. It will pass it only with them -- with their support. The House is not going to take up the Senate immigration bill. Any movement in the House will be piecemeal, smaller measure by smaller measure, each addressing a different aspect of what's wrong with the immigration system. Leadership is not going to waive what's known as the Hastert rule, under which every bill that passes must command a majority of the majority -- at least 118 Republican votes. And there will be no path to citizenship for most unauthorized immigrant adults -- it's going to be enough of a stretch for the House to deliver a path to legal status that stops short of citizenship.¶ Even this will be difficult in an election year. The windows to act will be narrow. Members will be even more cautious and calculating than usual. And getting reform over the finish line will be a test for Democrats as well as Republicans. The challenge for the GOP will be to pass a package of bills out of the House. The challenge for Democrats, in Congress and the White House, will be coming together for a deal on legal status rather than citizenship for most unauthorized immigrants.¶ It's going to be a long year. Nothing is guaranteed. But what makes me optimistic is a growing sense of momentum. It's still slow and low-key, more apparent behind the scenes than in public or in the media. But there's no question: Momentum is building in the House -- 2014 could be the year.

### A2: Thumpers – Top Level

#### Immigration sucks out all the oxygen- it’s the top issue

John Linder served in Congress for 18 years from Georgia 12-30-2013 http://www.theblaze.com/contributions/linder-letter-immigration-reform-will-be-the-issue-of-2014/-

Every year another issue sucks all of the oxygen out of Washington, D.C. It will be billed as “the Issue of a Generation” and will be driven by politics rather than policy. If the proposed solution requires more government it will get favorable traction in the media. In 1997, it was tobacco. Gun control is always just a tragedy away. Global Warming worked for a while. However, with 17 years of no warming behind us those folks have turned to Global Wierding: Storms, droughts, freezes, or whatever else that might occur that you can be blamed for. That issue, thankfully, is going away too. Obamacare was it for several years, but it seems not to be working out as intended so it is time to turn your attention to the new issue of our generation – Comprehensive Immigration Reform. And 2014 will be the year in which we must repair our immigration laws that are, as you know, irretrievably broken.

#### It’s Obama’s top priority and will pass

AP 12/27/13, Associated Press, “President Obama Eyes Immigration Reform As A Top Priority For 2014,” published on Fox News Latino, http://latino.foxnews.com/latino/politics/2013/12/27/president-obama-eyes-immigration-reform-as-top-priority-for-2014/

HONOLULU (AP) – The last vestiges of 2013's political wrangling officially behind him, President Barack Obama is setting his sights on the coming year, when a number of unfinished tasks will increasingly compete for attention with the 2014 midterm elections.¶ High on the agenda for the start of the year is a renewed push on immigration. Bipartisan consensus about the need for action on immigration in the wake of the 2012 presidential election gave way in 2013 to opposition from conservative House Republicans.¶ U.S. House Speaker John Boehner, R-Ohio, has started offering subtle signs he'll put more weight behind the issue despite continued resistance from the tea party.¶ Vacationing in Hawaii, Obama on Thursday signed into law a bipartisan budget deal softening the blow from scheduled spending cuts and a military bill cracking down on sexual assault. The two bills, passed by Congress with broad bipartisan support, constituted a modest step away from gridlock, and both parties cautiously hoped that spirit of cooperation might linger after New Year's Day.¶ "This law is proof that both parties can work together. We can put aside our differences and find common ground," House Budget Committee Chairman Paul Ryan of Wisconsin, who negotiated the budget deal for Republicans, said in a statement.

#### It’s top of the agenda

Mike Ludwig is a Truthout reporter, 1-6-’14, The Year of the Immigrant Rights Movement, <http://truth-out.org/news/item/21006-the-year-of-the-immigrant-rights-movement>, jj

President Obama recently said that immigration reform is one of his top priorities for 2014, and observers point out that recent moves by Boehner's office suggest that the House may take up immigration reform during the next year despite opposition from hardline Tea Party members who oppose giving undocumented people a path to citizenship and support harsh immigration policies that would expand deportation and detention efforts.

#### ------Congress has cleared the deck for immigration

WP, 12-22-2013 http://www.washingtonpost.com/opinions/immigration-reform-moves-to-the-top-of-congresss-to-do-list/2013/12/22/760c55d8-6906-11e3-ae56-22de072140a2\_story.html-

Immigration reform moves to the top of Congress’s to-do list HOUSE REPUBLICANS, who have dug in their heels against immigration reform for months, may be running out of excuses. Congress has cleared the decks for action on non-fiscal issues by passing a budget deal that lifts the threat of further government shutdowns for the time being. In New Jersey, the Republican governor, Chris Christie, after waffling for a few weeks, signed a bill granting in-state college tuition subsidies to undocumented students brought to the United States as children by their illegal immigrant parents. And in a new survey by the Pew Research Center, Hispanics, by a 5-to-3 margin, said it was more important to allow unauthorized immigrants to work and live in this country without fear of deportation than to put them on a path to citizenship. That idea — granting legal status short of citizenship to illegal immigrants — has been percolating in Washington for months. The fact that it is backed by a majority of Latinos, who are the nation’s largest minority group as well as the largest chunk of illegal immigrants, provides an opening for compromise in Congress, if both sides will take it. House Republican leaders have refused to take up the immigration overhaul passed in June by the Senate, despite the fact that it would probably pass if it were allowed a vote on the floor. The main impediment is hostility from the GOP’s rank-and-file to a pathway to citizenship, even one drawn out over 13 or more years, because many conservatives regard it as amnesty. Republican hard-liners could still insist (and many no doubt would) that providing deportation relief to more than 11 million illegal immigrants amounts to amnesty, too, even without the hope of citizenship. They would prefer mass round-ups or, for the more politically correct, “self-deportation” — a polite way of saying that local authorities should make life so miserable for undocumented immigrants, most of whom have lived and worked in this country for years, that they will simply pack up and leave. That’s a fantasy. More realistic House Republicans, who appear to include the leadership, realize that the nation must come to terms with illegal immigrants, who are deeply woven into the fabric of communities and the economy across America. Deportation relief without citizenship may achieve that goal. It’s not an ideal solution, and many Democrats will bristle at it. It would create a caste of what would amount to second-class citizens, authorized to stay and work but not to vote or, perhaps, qualify for certain other privileges of full-fledged citizenship. Nonetheless, something has to move the ball on immigration in Congress, where it has been stalled for more than seven years. The status quo, which during the Obama administration has included deporting around 400,000 people annually, often breaking up families in the process, is unworkable and counterproductive; it neither fixes a broken system nor meets the economy’s demand for labor. In 2014, House Republicans will be out of excuses.

### A2: Unemployment Benefits

#### Reid pushes and it’s just a procedural vote

Jason Seher, 1-5-’14, CNN, 5 tests for kumbaya on Capitol Hill, <http://politicalticker.blogs.cnn.com/2014/01/05/5-things-that-will-measure-obama-congress-comity/>, jj

Still, despite the growing chorus of discord and doubters, Reid remained confident he could find the 60 votes necessary to clear the first procedural hurdle in the deeply divided body on Monday.

#### Obama not pushing

Epstein 1/6 (Reid Epstein joined POLITICO in 2011 from Newsday, where he chronicled the always-entertaining political life on Long Island and New York State. Before that, he worked at the Milwaukee Journal Sentinel, covering crime, local politics and people who break the Wisconsin butter law. He also was the New York correspondent for the Ottawa Citizen, and interned at The Wall Street Journal, The Clarion-Ledger of Jackson, Miss., and his hometown Peoria (Ill.) Journal Star, a paper he delivered every morning for four years. He graduated from Emory University -- where he was editor in chief of the student newspaper -- and the Columbia University Graduate School of Journalism. 1/6/14, Politico, White House unemployment benefits push kicks into high gear, <http://www.politico.com/story/2014/01/white-house-unemployment-benefits-101763.html>, jj)

Yet there is a question among some progressive groups of how long the White House will push for unemployment insurance if no deal with Republicans is reached soon. Progressive groups say that while they will be pressuring Republicans to pass the unemployment insurance extension, they will also be applying more subtle pressure on the White House and leading Democrats to stay focused on unemployment until legislation passes. “What we fear is people are getting used to the idea that unemployment is running out and people will move onto other issues,” said the AFL-CIO’s Bill Samuel. “Unless certain elected officials continue to talk about it, it will be hard to keep it in the news. Individual unemployed workers try, but they can’t do it themselves.”

### Won’t pass – 1nr

#### Prefer the direction of the link—PC creates momentum--- more evidence

Orlando Sentinel, 11/1 (11/1/2013, “What we think: It'll take both parties to clear immigration logjam,” <http://articles.orlandosentinel.com/2013-11-01/news/os-ed-immigration-reform-congress-20131031_1_immigration-reform-comprehensive-reform-house-republicans>)

For those who thought the end of the government shutdown would provide a break from the partisan bickering in Washington, think again. The battle over comprehensive immigration reform could be every bit as contentious. Polls show the popular momentum is there for comprehensive reform, which would include a path to citizenship for many of the nation's 11 million undocumented immigrants. But it'll take plenty of political capital from President Obama and leaders in both parties on Capitol Hill to make it happen. Immigration-reform activists, who have been pushing for reform for years, are understandably impatient. This week police arrested 15 who blocked traffic at a demonstration in Orlando. There are plenty of selling points for comprehensive immigration reform. An opportunity for millions of immigrants to get on the right side of the law. Stronger border security. The chance for law enforcement to focus limited resources on real threats to public safety, instead of nannies and fruit pickers. A more reliable work force to meet the needs of key industries. Reforms to let top talent from around the world stay here after studying in U.S. universities. The Senate passed its version of comprehensive immigration in June. It includes all of the benefits above. Its path to citizenship requires undocumented immigrants to pay fines, learn English, pass a criminal background check and wait more than a decade. So far, House Republicans have balked, taking a piecemeal rather than comprehensive approach. Many members fear being challenged from the right for supporting "amnesty." Yet polls show the public supports comprehensive reform. In June, a Gallup poll found 87 percent of Americans — including 86 percent of Republicans — support a pathway to citizenship like the one outlined in the Senate bill. Florida Republican Sen. Marco Rubio took flak from tea-party supporters for spearheading the comprehensive bill. Now, apparently aiming to mend fences, he says immigration should be handled piecemeal. He's politically savvy enough to know that's a dead end. But comprehensive reform won't have a chance without President Obama making full use of his bully pulpit to promote it, emphasizing in particular all that undocumented immigrants would need to do to earn citizenship. House Democratic leaders will have to underscore the president's message.

#### Will pass now --- compromise over citizenship is happening

ROXANA KOPETMAN / ORANGE COUNTY REGISTER, 1-6-’14, Immigration forces brace for a renewed battle, <http://www.ocregister.com/articles/immigration-596102-citizenship-percent.html>, jj

The new year is expected to bring more pressure on legislators and President Barack Obama not only to make big changes to immigration law, but to reconsider deportations, an issue that gained increasing attention from activists as the year progressed. In 2014, proponents of an overhaul expect to see new legislation. What that will look like is unclear. “We're reaching a compromise point,” predicted Alex Nowrasteh, immigration policy analyst for the Washington-based CATO Institute, a libertarian think tank. “There are about 30 (House) Republicans who support citizenship and about 85 who support legalization of some kind. I think they're going to find a compromise around legalizing, but not citizenship,” he said.

#### None of their non-uniques assume Obama’s conference strategy

Their evidence is in the context of a comprehensive immigration bill passing the house – we agree – that’s a pipedream – but the House will pass piecemeal legislation and go to conference with the Senate – which will lead to a comprehensive bill

* Boehner has upperhand

Iowa City Press Citizen, 1/3-’14, Our View: Still hope for needed reform of immigration law, <http://www.press-citizen.com/article/20140104/OPINION03/301040012/Our-View-Still-hope-needed-reform-immigration-law>, jj

Over the past few weeks, as Boehner has grown more publicly critical of the Tea Party opposition, the speaker has committed himself to supporting “step by step” moves to revise immigration laws. He isn’t yet on board with passing a comprehensive bill — like the one passed by the Senate over the summer — but he has signaled his willingness begin negotiating a deal. “The American people are skeptical of big, comprehensive bills, and frankly, they should be,” Boehner told reporters last month. “The only way to make sure immigration reform works this time is to address these complicated issues one step at a time. I think doing so will give the American people confidence that we’re dealing with these issues in a thoughtful way and a deliberative way.” The analysts predict that the best option would be for Boehner to push legislation in late spring or early summer — after most Republican lawmakers have moved through the primary process and can’t be attacked from the right because of their support for specific reforms. If the House passes a bill then, there would be sufficient time for further compromise in the conference committee phase. And if all goes well, the president would still be able to sign such legislation before the campaigns for the midterm elections get into full gear. And even if that mid-year effort fails, the legislation still could be brought up during the lame duck session in the last weeks of the year. Whether before or after the election, passing immigration reform would go a long way toward helping this Congress avoid the label of “most do-nothing Congress of all time.” But a bad bill is not necessarily better than no bill, and too many of the alternatives proposed in the House have been dismissed by immigration advocates as too little, too late. Whatever Boehner means right now by “step by step” measures is likely to seem inadequate to those who have been calling for more comprehensive immigration reform for years. And President Obama has been clear that, while he is open to taking a piecemeal approach during negotiations, those various parts still need to add up to the comprehensive nature of the bill passed by the Senate this summer. We remain optimistic that pragmatic politics will help ensure that the most significant immigration reform legislation in nearly four decades will somehow manage to make it through the legislative sausage-making process in a version that will be worthy of being signed into law by the president.

#### Will pass this spring but PC is key and window of opportunity is narrow

Jessica Michele Herring, 1-2, 2014, The Latino Post, Immigration Reform 2014: Boehner Said to Support 'Step by Step' Moves to Pass Immigration Reform, <http://www.latinopost.com/articles/2698/20140102/immigration-reform-2014-boehner-said-to-support-step-by-step-moves-to-pass-immigration-reform.htm>, jj

House Speaker John Boehner has indicated that he may support limited immigration reforms in 2014, giving immigration activists hope that comprehensive immigration reform will pass this year. Boehner already showed some signs of moving toward reform in recent months. He recently hired Rebecca Tallent, an immigration advisor to Sen. John McCain. Tallent fought for comprehensive immigration overhauls in 2003 and 2007. Tallent's hiring, as well as Boehner's critical comments of Tea Party Republicans who opposed the budget deal in Congress, indicate that he wants to pass reform, despite opposition from conservative GOP members. Boehner said that Tea Party groups, which are against an immigration compromise, have "lost all credibility." This week, Boehner's aides said he wants to initiate "step by step" moves to revise immigration measures, according to The New York Times. Other House Republicans, who see immigration reform as a way to gain Hispanic voters ahead of the 2016 presidential election, said they could pass separate bills that would provide a faster path to citizenship for agricultural laborers, increase the number of visas for high-tech workers, and allow young immigrants who came to America as children to become citizens. Aides still say that Boehner is opposed to a single, comprehensive immigration reform bill, like the one passed by the Senate in June. The Senate-passed measure calls for tightened border security and a path to citizenship for 11 million undocumented immigrants. "The American people are skeptical of big, comprehensive bills, and frankly, they should be," Boehner told reporters recently. "The only way to make sure immigration reform works this time is to address these complicated issues one step at a time. I think doing so will give the American people confidence that we're dealing with these issues in a thoughtful way and a deliberative way." President Obama also said that he is open to a piecemeal approach on immigration, but only if it does not abandon the goals passed by the Senate this summer. However, policy analysts say that reconciling the Senate goals with those of Republicans in a piecemeal fashion will be difficult. "We've got to grab the brass ring while it's there," said Kevin Appleby, the director of migration policy at the United States Conference of Catholic Bishops. "I've been in this debate long enough to know you can't rely on anything happening at a certain time or on assurances that we're going to do something this year." While immigration activists are calling for an overhaul in 2014, lawmakers say they plan to pass legislation in the House by May or June, after most Republicans are through with their primary campaigns. They plan to reach a compromise that Obama could sign before the 2014 midterm elections next fall. "That's our first window," said Jim Wallis, president of Sojourners, a Christian social justice organization in Washington that is working to change the immigration laws. "We are organizing, mobilizing, getting ready here. I do really think that we have a real chance at this in the first half of the year."

#### -----Budget deal creates momentum

Margaret Talev, 1-5-‘14, Bloomberg, Obama Finds Last Year’s Political Wrangles in New Year’s In-Box, <http://www.bloomberg.com/news/2014-01-05/obama-finds-last-year-s-political-wrangles-in-new-year-s-in-box.html>, jj

At the same time, aides to the president expressed optimism in vacation briefings that a bipartisan budget deal struck last month to avert a government shutdown for two years will pave the way on these issues as well as larger goals including immigration reform. New ‘Momentum’ “At the beginning of the new year, we’re hopeful that Congress can capitalize on the bipartisan momentum generated by last year’s small budget deal and make progress on other economic priorities, including extending employment benefits,” said White House spokesman Josh Earnest. That optimism was echoed by House Speaker John Boehner’s spokesman Brendan Buck. “The takeaway from the year-end budget deal should be that we can accomplish things if we focus on the common ground and not get hung up on issues that divide us,” he said. “This year will only be productive if the White House has learned that lesson.”

### A2: Won’t Pass – Boehner

#### Boehner will compromise

* Breaking with tea party
* Hired immigration expert
* Businesses want
* Electoral incentives

Jacqueline Klimas covers Capitol Hill for The Washington Times, 1-5-’14, Washington Times, Schumer: Immigration reform possible in 2014 because of Boehner’s tea party break, <http://www.washingtontimes.com/news/2014/jan/5/schumer-immigration-reform-possible-2014-because-b/>, jj

Sen. Charles E. Schumer, New York Democrat, said he thinks Congress will reform immigration in 2014 because of Speaker John A. Boehner’s break with the tea party during the budget debate. “For the first time, Speaker Boehner said he won’t let the minority of his caucus — the tea party minority — run the show,” Mr. Schumer said Sunday on ABC’s “This Week with George Stephanopoulos.” Mr. Boehner, Ohio Republican, criticized tea party members of his caucus as well as outside conservative organizations who came out against the budget deal in December before it was even finalized. He also hired an immigration expert to be his assistant last month, which many have said is a good sign Mr. Boehner is ready to open the conversation on immigration reform. Mr. Schumer pointed out that some conservative parts of the Republican Party, like businesses, want immigration reform and that the Congressional Budget Office has said it would improve the economy. As an election year, Republicans will also be aware that passing immigration reform could improve their chances of coming out ahead in November. “The Republican leadership realizes if we don’t do immigration and get immigration reform done, it hurts them politically,” Mr. Schumer said.

#### ----Boehner will stiff arm the Tea Party

Sargent, Washington Post, 12-20-13

(Greg, “The Morning Plum: Immigration reform coming in 2014?,” http://www.washingtonpost.com/blogs/plum-line/wp/2013/12/20/the-morning-plum-immigration-reform-coming-in-2014/)

If there’s one thing that will test whether the GOP leadership’s stiff-arming of conservatives on the budget deal bodes well for future cooperation on other major issues, it’s immigration. Reform has been pronounced dead and undead so many times that it’s hard to take predictions about it seriously anymore, but this is the first genuine reason for cautious optimism I’ve seen in some time, though there are important caveats.¶ The Hill reports that a top ally of John Boehner, Rep. Tom Cole, now predicts House Republicans may vote on multiple reform measures in 2014:¶ With the caveat that the House will not vote on the Senate-passed bill, Cole envisions a situation where Boehner allows a vote on a couple or all of the four-House-Judiciary Committee-passed measures on immigration reform/border security.¶ Noting that Boehner has made it “abundantly clear” that he’d like to move immigration bills, Cole said that “we just saw a budget deal that made progress that brought people together from both sides from very different perspectives and I suspect that can be done on immigration as well.”¶ Earlier this fall, before Boehner declared himself liberated from the right, he adamantly declared that Republicans would never go to conference on the Senate bill, essentially reassuring conservatives that he would not allow Republicans to get lured into dreaded compromise talks on immigration. Now Cole is opening the door by explicitly saying that on immigration, Boehner wants votes on GOP measures, and that some sort of compromise between “both sides” is possible in the wake of the budget deal.¶ This suggests GOP leaders may perceive a shift in the politics of immigration inside their own caucus. Indeed, Major Garrett, who is well connected among Republicans, is reporting that such a shift is underway. Garrett points out that Paul Ryan is also expressing a renewed interest in the immigration debate, which is telling, because Ryan’s championing of the budget deal ended up winning over a surprisingly large bloc of House Republicans, despite intense criticism from the right. As Garrett put it, GOP leaders may no longer be “fearful of the internal or external politics of immigration reform. Quite the contrary. Ryan held fast on the budget and he and Boehner are both still standing, arguably stronger than at any time since 2010.”¶ If Garrett is right, immigration reform will be the next big test of Boehner’s and Ryan’s effort to reassert control over the House GOP by warding off the forces who oppose compromise at all costs. Cole’s comments are consistent with that.¶ Now here’s the big caveat. If votes on those four Judiciary-passed immigration measures (which deal with things like guest workers and E-Verify, but not the 11 million) are really going to happen this spring, presumably after primaries, the question is how far Republicans are willing to go. If the game plan is to pass a few piecemeal measures, to appear to be acting, and then tell the Senate to take them or leave them, then we’re not getting anywhere. But if passing those measures can set in motion a kind of Ping-Pong with the Senate that ultimately leads House Republicans to vote on their own version of legalization for the 11 million, that could conceivably set in motion a process that could lead to comprehensive reform.¶ “Cole’s comments are a really good signal that they’re going to bust a move in 2014,” Frank Sharry, the head of pro-immigration America’s Voice, tells me. “The question is, are they going to try to get something real passed, or are they setting up a blame game?” That this question is now operative is itself a step forward.

## Internal link

### PC Key to CIR

#### PC’s key—Obama needs to forcefully use the bully pulpit and pressure congress behind the scenes—that’s KUHNHENN

#### Obama’s focus and capital is key

MPR, Minnesota Public Radio, “Will Congress solve budget, farm bill, immigration reform before 2014?”, Oct 21st 2013, http://minnesota.publicradio.org/display/web/2013/10/21/daily-circuit-congress-budget

After averting a default on debt and reopening the government, Congress has some major issues to resolve. President Barack Obama is laying down a three-item to-do list for Congress that seems meager when compared with the bold, progressive agenda he envisioned at the start of his second term. But given the capital's partisanship, the complexities of the issues and the limited time left, even those items -- immigration, farm legislation and a budget -- amount to ambitious goals that will take political muscle, skill and ever-elusive compromise to execute.

#### Obama working to push through agenda items – key to immigration passage compromise

WSJ 12/30/13 (Wall Street Journal, “Obama Seeks Way to Right His Ship,” <http://online.wsj.com/news/articles/SB10001424052702304361604579290264084633016>)

Mr. Obama's main consolation is that Republicans continue to fare even worse in public estimation. Indeed, his political high point in 2013 came when congressional Republicans shot themselves in the foot by allowing the government to shut down in October in a dispute over funding the president's health law. Republican leaders were so singed by the experience that they moved swiftly this month to strike the compromise budget plan that will keep the government funded through next year. Then, House Speaker John Boehner (R., Ohio) forcefully quashed complaints by the party's tea-party wing that the new deal didn't cut spending sufficiently. The emergence of a large bloc of House Republicans who voted in favor of that compromise has created the possibility that Mr. Obama may be able to work out at least a few deals on other issues. "The jury's still out on whether or not the budget agreement was a one-off or a sign of things to come," says Rep. Chris Van Hollen of Maryland, the top Democrat on the House Budget Committee. Mr. Van Hollen says an early test will come when the parties try to reach an understanding to raise the debt ceiling, due to be hit around the beginning of March. If there is a new phase of cooperation, he says, that might open the door to deals on more infrastructure spending, corporate tax reform and, crucially, an overhaul of immigration laws. Rep. Kevin McCarthy, the third-ranking Republican in the House, says the budget deal "does allow us to get more done," but adds that compromises are more likely between House and Senate leaders than with the White House. He predicts much of Mr. Obama's effort in the new year will be on keeping Democratic supporters from abandoning him as he tries to get his new health program working better. That brings Mr. Obama to his key strategic choice: Does he focus on trying to craft compromises with Republicans to show skeptical voters he is making Washington work? Or does he work around Congress, striking out on his own with executive actions, while attacking the GOP for failing to cooperate? The question of whether more deals with congressional Republicans are possible is "perhaps the question when it comes to predicting how 2014 will play out," says a senior White House official. "Our approach will be to test as much as possible for principled compromise where Republicans are willing, but also to push ahead with nonlegislative solutions where Congress stonewalls." Some observers wonder whether the president's decision in recent days to hire former White House chief of staff John Podesta, who has championed a muscular use of executive actions to pursue Democratic policies, suggests he is preparing for more confrontations with congressional Republicans.

### PC Up

#### Obama’s political capital is rebounding now

Obeidallah, The Daily Beast, 1-3-14

(Dean, “6 Reasons This Could Be Obama’s Best Year as President,” <http://www.thedailybeast.com/articles/2014/01/03/6-reasons-this-could-be-obama-s-best-year-as-president.html>)

With the economy improving and Obamacare working, the president has a lot to be optimistic about. “Obama is done! He’s a lame duck. It’s over for the president.” These are the type of the comments we saw in the media as 2013 came to a close. As some political pundits saw it, Obama can forget seeing any of his proposals enacted and should simply enjoy the perks of being president -like free cable and limo rides. Could they be right? Sure, it’s possible. Obama’s approval ratings are near his lowest as president and his disapproval rating is at 54 percent, his worst ever. With that said, 2014 could be a great year for the president—in fact, it could be his best ever. I know some of you are thinking: I must be crazy. Well, a lot of people who have been called crazy later went on to be recognized as geniuses. Of course, some who were labeled as “crazy” actually turned out to have mental disorders. In either event, here are the six reasons that 2014 could be Obama’s finest. 1. The US economy is improving: A good economy generally equals higher approval ratings for president and in turn more political capital for him to push for his proposals. Even President Clinton had an approval rating of 73% in the midst of his impeachment. Why? One big reason was the US economy was strong with unemployment at 4.5% and falling. Currently, the US economy appears poised for growth. The unemployment rate is at its lowest point during the Obama administration at 7%. This is in sharp contrast to the 10% unemployment rate we saw at one time in Obama’s first term. In addition, the stock market just had its best year since 1997, the GDP for the third quarter of 2013 grew at a surprisingly strong 3.6% annual rate and the IMF recently raised its 2014 growth projection for the US economy. 2. Obamacare will get better: It has to-It can’t get worse. And Obamacare was the number 1 reason cited in a recent NBC News/WSJ poll for why people gave the president only a 43% approval rating. But here’s the thing: The Obamacare website issues are now behind us and over 2 million people and counting have signed up for the program. That means Obamacare will soon be judged on its actual merits—not on website issues nor on the constant Republican fear mongering about the law’s uncertainties. If we start hearing stories from Americans whose lives have been made better by this law, expect to see public support rise. 3. Obama has key issues on his side: President Obama recently stated that 2014 will be his “Year of action.” So expect to see him push hard on issue like immigration reform and raising the minimum wage. Both of these have broad public support. Immigration reform -including a pathway to citizenship as Obama has championed-has the support of 73% of voters. On minimum wage, a November Gallup Poll found that 76% of Americans support a raise form the current level of $7.25 an hour to $9—including 76% of independent voters. Obama is in a win-win situation on these two issues. They pass and it helps him as well as Congressional Dems. The Republicans block them and it will hurt their standing. 4. Republican Party has no ideas: Frankly, the only issue the badly splintered Republican Party seems to agree upon is to repeal Obamacare. That’s a lot to stake your entire 2014 midterm election campaign on—especially given that there’s a real possibility that Obamacare becomes more popular during the year. If the Obamacare issues fades, so, too, do the GOP’s chances of success in 2014 election since the only other issue getting them press is the infighting between its Tea Party and establishment wings. 5. Political fortunes change fast: Anyone remember right after the government shutdown in October headlines declaring, “Major damage to GOP after shutdown?” Polls at that time found that the public favored Democrats 50% to 42% over Republicans in generic Congressional match ups. Flash forward just two months later and pollsters now find Republicans leading Democrats 49% to 44%. Who knows where we will stand by November 2014 but all you can say for sure is that the current polls numbers are about as meaningful as the storyline on Duck Dynasty. 6. 2013 was so bad for Obama he can only go up: When we look back a year from now on the fortunes of President Obama, it will, of course, be contrasted to 2013. Lets be honest: There are some benefits to having really bad year—namely, it’s easier to make the next one appear better.

#### Obama has more PC than Congress—that’s key

WSJ 12/30-’13, Wall Street Journal, Obama Seeks Way to Right His Ship, <http://online.wsj.com/news/articles/SB10001424052702304361604579290264084633016>, jj

Mr. Obama's main consolation is that Republicans continue to fare even worse in public estimation. Indeed, his political high point in 2013 came when congressional Republicans shot themselves in the foot by allowing the government to shut down in October in a dispute over funding the president's health law. Republican leaders were so singed by the experience that they moved swiftly this month to strike the compromise budget plan that will keep the government funded through next year. Then, House Speaker John Boehner (R., Ohio) forcefully quashed complaints by the party's tea-party wing that the new deal didn't cut spending sufficiently. The emergence of a large bloc of House Republicans who voted in favor of that compromise has created the possibility that Mr. Obama may be able to work out at least a few deals on other issues.

**2NC – Fight to Defend**

#### Plan is a perceived loss for Obama that saps his capital

Loomis, 7 --- Department of Government at Georgetown

(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, [http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php](http://citation.allacademic.com/meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php))

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context,

In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not.

Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies.

The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

This brief review of the literature suggests how legitimacy norms enhance presidential influence in ways that structural powers cannot explain. Correspondingly, increased executive power improves the prospects for policy success. As a variety of cases indicate—from Woodrow Wilson’s failure to generate domestic support for the League of Nations to public pressure that is changing the current course of U.S. involvement in Iraq—the effective execution of foreign policy depends on public support. Public support turns on perceptions of policy legitimacy. As a result, policymakers—starting with the president—pay close attention to the receptivity that U.S. policy has with the domestic public. In this way, normative influences infiltrate policy-making processes and affect the character of policy decisions.

#### -----President has to spend political capital defending war powers

Samples, 11 --- director of the Center for Representative Government at CATO

(10/27/2011, John, “Congress Surrenders the War Powers: Libya, the United Nations, and the Constitution,” <http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf>))

But political representation has other fac-ets. It has given voice to public dissatisfaction about wars proper and limited wars. Con-gress “has historically been actively engaged in debates over the proper conduct of major military initiatives. It has proposed, publicly debated, and voted on various legislative initiatives to authorize or curtail the use of force.” Congress has also held hearings about the conduct of limited and proper wars. 215 Many believe that such legislative actions have little effect on the president. Yet such ac-tions can affect the cost-benefit calculations of the president in pursuing or failing to pur-sue a limited war. Congress can raise the costs of a policy by shaping and mobilizing public opinion against a war, thereby increasing the cost in political capital a president must pay to sustain a policy. Congressional actions also signal disunity (or unity) to foreign actors, who in turn act on their expectations, thereby raising the costs of a limited war. Congressional actions also affect presidential expec-tations about how the conduct of a war will be received in the legislature; Congress can thus influence presidential policies without directly overturning them. 216 Systematic evi-dence indicates that since 1945 Congress has been able to influence presidential policies through these means. 217 Although short of constitutional propriety, congressional voice can matter in war-making.

#### Obama would fight to retain authority, even if he supported the plan’s practice

Gordon Silverstein, UC Berkeley Assistant Professor, December 2009, Bush, Cheney, and the Separation of Powers: A Lasting Legal Legacy?, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1161&context=schmooze\_papers

Less than six months into the new administration, many of Obama’s staunch supporters have been surprised—even appalled—that the new president not only had failed to fully repudiate many of the Bush-Cheney **legal** policies, but in some instances, actually seems to be embracing and extending those policy choices (Gerstein 2009; Goldsmith 2009a, 2009b; Greenwald 2009a, 2009b; Herbert 2009; Savage 2009a). In areas ranging from the assertion of the state secrets privilege in efforts to shut down lawsuits over warrantless wiretapping (Al-Haramain v. Obama; Jewel v. NSA) and extraordinary rendition (Mohamed v. Jeppesen Dataplan) to those concerning lawsuits over detention and treatment at Guantánamo (Bostan v. Obama) and the reach of habeas corpus to Bagram Air Force Base in Afghanistan (Al Maqaleh v. Gates), as well as the continuing use of signing statements, the new Obama administration’s policies in a number of areas that were of intense interest during the campaign certainly do appear less dramatically different than one might have expected. Does this suggest that Obama actually will salvage and enhance the Bush-Cheney legal legacy? Early evidence suggests the answer is no. **There is a critical difference between policy and the legal foundation** on which that policy is constructed. The policies may be quite similar, at least in the first few months of the new administration, but the legal legacy will turn on the underlying legal arguments, the legal foundation on which these policies are built. Here we find a dramatic difference between Obama and Bush. Both are **clearly interested in maintaining strong executive power**, but whereas Bush built his claims on broad constitutional arguments, insisting that the executive could act largely unhampered by the other branches of government, the Obama administration has made clear that its claims to power are built on statutes passed by Congress, along with interpretations and applications of existing judicial doctrines. It may be the case, as one of the Bush administration’s leading Office of Legal Counsel attorneys argued, that far from reversing Bush-era policies, the new administration “has copied most of the Bush program, has expanded some of it, and has narrowed only a bit” (Goldsmith 2009a). But what is profoundly different are the constitutional and legal default foundations on which these policies, and the assertions of executive power to enforce them, are built. **Obama**, like virtually every chief executive in American History, **seems committed to building and holding executive power**. But unlike Bush, Obama is developing a far more traditional approach to this task, building his claims not on constitutional assertions of inherent power, but rather interpreting and applying existing statutes and judicial doctrines or, where needed, seeking fresh and expansive legislative support for his claims.

#### Obama’s not committed to a drone court

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Notice here what the president is not promising. He is not promising to support a drone court. He is not promising to support proposals like Neal Katyal’s or Jen Daskal’s for an enhanced, court-like internal executive review mechanism. He is only promising to have his administration “review [such] proposals” and saying that he will “actively engag[ing] with Congress to explore” such ideas.¶ Nobody can possibly object to this, and I certainly don’t, but it is notable that the president nowhere hints what sort of outcome he expects from his engagement. This is a way of signaling respect for the ideas—and the underlying idea that he needs to be on the side of “increased oversight”—without actually committing his administration to doing anything concrete.

#### Drone court costs PC – Obama and Congress will block it

Rushforth ’12, Elinor June Rushforth\*, \* J.D. candidate, University of Arizona, James E. Rogers College of Law, Class of 2013, Fall, 2012¶ Arizona Journal of International and Comparative Law¶ 29 Ariz. J. Int'l & Comp. Law 623, NOTE: THERE'S AN APP FOR THAT: IMPLICATIONS OF ARMED DRONE ATTACKS AND PERSONALITY STRIKES BY THE UNITED STATES AGAINST NON-CITIZENS, 2004-2012, Lexis, jj

The next level of review should be a statutorily created court that is the last stop on the targeted killing process. Though there may be some grumbling among judges and politicians about overextended courts and full dockets, national security concerns and the risk of lethal mistakes should outweigh reluctance to introduce an important check on targeted killing. The President, and perhaps Congress, could also be reluctant to allow courts into what they deem a core executive function. n198 Attorney General Eric Holder gave the public another piece of the Obama administration's targeted killing model when he claimed that the Constitution "guarantees due process, not judicial process" and that "due process [\*653] takes into account the realities of combat." n199 This signals to the public that the Obama administration will remain wary of any encroachment and that the imposition of judicial process on targeted killing would be fought.

#### ----And, drone Court causes GOP backlash

Associated Press 2-10-’13, Lawmakers urge oversight of drone program, <http://cnsnews.com/news/article/lawmakers-urge-oversight-drone-program>, jj

The potential model that some lawmakers are considering for overseeing such drone attacks is a secret court of federal judges that now reviews requests for government surveillance in espionage and terrorism cases. In those proceedings, 11 federal judges review wiretap applications that enable the FBI and other agencies to gather evidence to build cases. Suspects have no lawyers present, as they would in other U.S. courts, and the proceedings are secret.¶ The Democratic leader of the Senate Intelligence Committee, Sen. Dianne Feinstein of California, said she intends to review proposals for "legislation to ensure that drone strikes are carried out in a manner consistent with our values."¶ Republicans seemed to oppose such an oversight proposal.¶ The Republican chairman of the House Intelligence Committee said his members review all drone strikes on a monthly basis, both from the CIA and Pentagon.¶ "There is plenty of oversight here," said Rep Mike Rogers, R-Mich. "There is not an American list somewhere overseas for targeting, that does not exist."¶ Other lawmakers seemed leery of the program's current reach even as they lined up against the oversight proposals.¶ Sen. John McCain, R-Ariz., said a Feinstein-backed oversight panel would be "an encroachment on the powers of the president of the United States."

#### -----Err neg on the link debate – inertia and terror fears

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Does any member of Congress actually care? It seems that the targeted killing policy lacks a sufficiently numbered constituency that is impacted by the program. **Are the issues in the targeted killing policy important enough for any individual member of Congress to take steps to change the policy? (real steps, versus political stunts**) **Will a member lose their seat over a failure to provide greater due process protections** or more reliable targeting information in the kill-list creation process? **Or is it more likely that they will lose their seat if they champion the** cause of potential targets **and one of those targets** is not struck but subsequently **carries out an attack**? (even if it’s not “more likely” which side of that debate does any particular politician want to be on?) That is the political calculus facing policymakers and in that calculus, it seems difficult to justify changing targeting absent some clear benefit to national security or some clear political gain in a member’s home district. Moreover, **even if individual policymakers agree that the policy should be changed, they may face substantial hurdles in their attempts to convince congressional leaders (who drive the legislative agenda) that the policy should be overhauled**. **This** cynical **account** is m**erely describing what policy scholars call, the status quo bias**. **In such a political environment, little change is possible absent sufficient energy to overcome the current state of affairs**.