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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**.

#### Violation – the aff creates a requirement, but doesn’t prohibit any activity

#### Vote neg – Limits – there are an infinite number of conditions Congress could set on TK, makes research impossible.

#### Ground – they don’t have to defend decrease in drone scope – avoids the heart of the topic

### CP1

#### Text: The United States Congress should establish a judicial review mechanism that conducts post hoc review of targeted killings by allowing individuals, or the heirs of individuals, who have been the targets of targeted killing operations to file for damages against the United States federal government. The United States Congress should allow the United States federal government to offer its evidence ex parte and in camera if necessary.

#### Solves and avoids our disads

Brooks 4-23-’13, Rosa Brooks, Professor of Law, Georgetown University Law Center, Bernard L. Schwartz Senior Fellow, New America Foundation, The Constitutional and Counterterrorism Implications of Targeted Killing¶ Testimony Before the Senate Judiciary Subcommittee on the¶ Constitution, Civil Rights, and Human Rights¶ April 23, 2013, <http://www.lawfareblog.com/wp-content/uploads/2013/04/04-23-13BrooksTestimony.pdf>, jj

A judicial mechanism designed to ensure that US targeted killing policy complies with ¶ US law and the law of armed conflict might take any of several forms. Most ¶ controversially, a court might be tasked with the ex ante determination of whether a ¶ particular individual could lawfully be targeted. ¶ This approach is likely to be strenuously resisted by the Administration on separation of ¶ powers grounds, and it also raises potential issues about whether the Constitution’s case ¶ and controversy requirement could be satisfied, insofar as proceedings before such a ¶ judicial body would, of necessity, be in camera and ex parte.¶ 45 This is also true for the ¶ existing FISA court, however, and its procedures have generally been upheld on Fourth ¶ Amendment grounds. It would seem odd to permit ex parte proceedings in an effort to ¶ ensure judicial approval for surveillance, but reject such proceedings as insufficiently ¶ protective of individual rights when an individual has been selected for lethal targeting ¶ rather than mere search and seizure. ¶ I believe it would be possible to design an ex ante judicial mechanism that would pass ¶ constitutional and practical muster. It would be complex and controversial, however, and ¶ there is an alternative approach that might offer many of the same benefits with far fewer of the difficulties. This alternative approach would be to develop a judicial mechanism ¶ that conducts a post hoc review of targeted killings, perhaps through a statute creating a ¶ cause of action for damages for those claiming wrongful injury or death as a result of ¶ unlawful targeted killing operations. This would add additional incentives for executive ¶ branch officials to abide by the law, without placing the judiciary in the troubling role of¶ authorizing or rejecting the use of military force in advance. While proceedings might ¶ need to be conducted at least partially in camera, judicial decisions in these cases could ¶ be released in redacted form.

#### Our specific mechanism is the best compromise solution

Vladeck 2-5-’13, Steve Vladeck is a professor of law and the associate dean for scholarship at American University Washington College of Law. A 2004 graduate of Yale Law School, Steve clerked for Judge Marsha Berzon on the Ninth Circuit and Judge Rosemary Barkett on the Eleventh Circuit. In addition to serving as a senior editor of the Journal of National Security Law & Policy, Steve is also the co-editor of Aspen Publishers’ leading National Security Law and Counterterrorism Law casebooks. Lawfare Blog, February 5, 2013, What’s Really Wrong With the Targeted Killing White Paper, <http://www.lawfareblog.com/2013/02/whats-really-wrong-with-the-targeted-killing-white-paper/>, jj

This all leads me to what I’ve increasingly come to believe is the only real solution here: If folks are really concerned about this issue, especially on the Hill, then Congress should create a cause of action–with nominal damages–for individuals who have been the targets of such operations (or, more honestly, their heirs). The cause of action could be for $1 in damages; it could expressly abrogate the state secrets privilege and replace it with a procedure for the government to offer at least some of its evidence ex parte and in camera; and it could abrogate qualified immunity so that, in every case, the court makes law concerning how the government applies its criteria in a manner consistent with the Due Process Clause of the Fifth Amendment. This wouldn’t in any way resolve the legality of targeted killings, but it would clear the way for courts to do what courts do–ensure that, when the government really is depriving an individual of their liberty (if not their life), it does so in a manner that comports with the Constitution–as the courts, and not just the Executive Branch, interpret it. It’s not a perfect solution, to be sure, but if ever there was a field in which the perfect is the enemy of the good, this is it.

### CP2

#### The Executive Branch of the United States federal government should establish an ex parte and ex ante internal review process utilizing a strict scrutiny standard for targeted killing by drones, based on the recommendations of our Katyal evidence.

#### Establishing a drone court within the executive is the best compromise solution and avoids all of our disads

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 the wake of revelations about the Obama administration’s drone program, politicians from both parties have taken up the idea of creating a “drone court” within the federal judiciary, which would review executive decisions to target and kill individuals.¶ But the drone court idea is a mistake. It is hard to think of something less suitable for a federal judge to rule on than the fast-moving and protean nature of targeting decisions.¶ Fortunately, a better solution exists: a “national security court” housed within the executive branch itself. Experts, not generalists, would rule; pressing concerns about classified information would be minimized; and speedy decisions would be easier to reach.¶ There is, of course, a role for federal courts in national security. In 2006, I argued and won Hamdan v. Rumsfeld, a Supreme Court case that struck down President George W. Bush’s use of military tribunals at Guantánamo Bay. But military trials are a far cry from wartime targeting decisions.¶ And the Foreign Intelligence Surveillance Court, which reviews administration requests to collect intelligence involving foreign agents inside the country and which some have advocated as a model for the drone court, is likewise appropriately housed within the judicial system — it rules on surveillance operations that raise questions much like those in Fourth Amendment “search and seizure” cases, a subject federal judges know well.¶ But there is no true precedent for interposing courts into military decisions about who, what and when to strike militarily. Putting aside the serious constitutional implications of such a proposal, courts are simply not institutionally equipped to play such a role.¶ There are many reasons a drone court composed of generalist federal judges will not work. They lack national security expertise, they are not accustomed to ruling on lightning-fast timetables, they are used to being in absolute control, their primary work is on domestic matters and they usually rule on matters after the fact, not beforehand.¶ Even the questions placed before the FISA Court aren’t comparable to what a drone court would face; they involve more traditional constitutional issues — not rapidly developing questions about whether to target an individual for assassination by a drone strike.¶ Imagine instead that the president had an internal court, staffed by expert lawyers to represent both sides. Those lawyers, like the Judge Advocate General’s Corps in the military, would switch sides every few years, to develop both expertise as repeat players and the ability to understand the other point of view.¶ The adjudicator would be a panel of the president’s most senior national security advisers, who would issue decisions in writing if at all possible. Those decisions would later be given to the Congressional intelligence committees for review. Crucially, the president would be able to overrule this court, and take whatever action he thought appropriate, but would have to explain himself afterward to Congress.¶ Such a court would embed accountability and expertise into the drone program. With a federal drone court, it would simply be too easy for a president or other executive-branch official to point his finger at a federal judge for the failure to act. With an internal court, it would be impossible to avoid blame.¶ It’s true that a court housed within the executive branch might sound nefarious in today’s “Homeland” culture — if Alexander Hamilton celebrated the executive, in Federalist No. 70, for its “decision, activity, secrecy and dispatch,” some now look at those same qualities with skepticism, if not fear.¶ 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?¶ The written decisions of an internal national security court, in contrast, would be products of an adversarial system (unlike the FISA Court), and later reviewed by Congressional intelligence committees. If members of Congress saw troublesome trends developing, it could push legislation to constrain the executive. That is something a federal judge cannot do.¶ One of our Constitution’s greatest virtues is that it looks to judges as a source of reasoned, practical, rights-minded decision making. But judges should be left to what they know. A national security court inside the executive branch may not be a perfect solution, but it is a better way to balance the demands of secrecy and speed with those of liberty and justice.

### DA

#### 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**.

## 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

Dehez 4-18-’13, Dustin Dehez is a Senior Analyst in the Peace and Security Section. He is a lecturer in International Relations at the Free University Berlin and a Senior Fellow at the Düsseldorf Institute for Foreign and Security Policy. His research focus is on civil-military relations in Sub-Sahara Africa and the Middle East, security sector reform, state failure, conflict resolution and terrorism. He was a Visiting Professor at the University of Economics in Prague and a member of the Personal Staff of the Chief Economist of Deutsche Bank Group and a member of the Royal African Society. Mr Dehez holds a BA in Modern History from the University of Durham. 4-18-’13, The Drones Issue - Where Critics of Drones are Wrong, <http://dustin-dehez.blogspot.com/2013/04/the-drones-issue-where-critics-of.html>, jj

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.

#### Countries won’t model US drone restrictions

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 ev that Armenia or Azerbijan will model US drone decisions means they cant solve caucuses impact

#### No Senkaku impact

Their evidence is hype --- just saber rattling

Despite CCP transition --- they wouldn’t start conflict because they know it would be unwinnable --- US gets drawn in --- too expensive --- theyre content to hype the conflict to stoke nationalism but will stop short of war

Economic interdependence checks

Only our ev speaks to China’s perception --- don’t see energy gains from conflict as outweigh financial costs

Negotiations will work --- common interests --- China has already said it supports diplomacy

Beitelman 12 (Toronto born David A. Beitelman is currently a PhD student in Political Science at Dalhousie University and a Doctoral Fellow at the Centre for Foreign Policy Studies in Halifax, Nova Scotia, Canada. He holds Masters degrees in American Studies and Political Science, and a BA (Hons) Specialization in Political Science with a Major in American Studies, from the University of Western Ontario. His primary interests are American foreign and defense policy and International Relations.

September, Policy Mic, Senkaku Islands Dispute: Do Not Believe the Hype, China and Japan Are Not About to Go to War, <http://www.policymic.com/articles/14910/senkaku-islands-dispute-do-not-believe-the-hype-china-and-japan-are-not-about-to-go-to-war>, jj)

The world is abuzz with the rising tensions between China and Japan in the East China Sea, where the two are quarreling over the energy-rich Senkaku Island chain (known as the Diaoyu Islands in China). Complicating the issue is a similar dispute between South Korea and Japan over another energy rich island chain in the East Sea/Sea of Japan, known as Takeshima in Japan and Dokdo in South Korea. Add this to the already tense territorial relationship between various states in the Asia-Pacific region which include the Philippines, Thailand, India, and Vietnam, and it is no wonder many are discussing the prospects of outright military conflict erupting in the region.

But despite the rhetoric and saber rattling, the prospects for conflict are less than those who sell the news would have you believe.

Most troubling to observers are the anti-Japanese demonstrations that have been flaring up across China and a naval "show of force" by the Chinese navy into Japanese controlled waters. But it is important to keep this all in perspective. China’s economy is slowing and the ruling Chinese Communist Party (CCP) is preparing for a change in leadership. What’s more, the CCP has been at the receiving end of a lot of criticism in the wake of the Gu Kailai murder trial and its revelation of wide-spread corruption by her husband, Bo Xilai, a high-ranking CCP official. There is also the bizarre case of the son of another high-ranking CCP official, Ling Jihua, who died after he crashed his Ferrari while naked and in the company of two women. The CCP derives a great deal of its legitimacy from the country’s impressive economic performance over the past 30 or so years. With the economy slowing and the perception that the ruling party is corrupt, out of touch, and incompetent, while in the midst of a power transition, it becomes easy to see why the CCP may benefit from ratcheting up nationalist sentiment, particularly against its long-time rival Japan. It is unlikely the Chinese government would allow the situation to escalate to a point of actual conflict. Not only does China have important economic relations with its neighbors, including Japan, it knows it is a conflict it cannot win.

The rise in tensions in the South China Sea come in midst of America’s "Pacific pivot" – a large scale multi-dimensional strategic realignment of military, economic, and political resources to the Asia-Pacific region that began in earnest in November 2011. The United States is looking to build an institutional framework in the region similar to the one it created in Europe after World War II. At the center of this framework is, arguably, a need to "contain" China, or at least strongly influence its strategic calculus as it modernizes its military and becomes a more assertive regional and global power. Should the situation in the region come to blows, China is well aware that those it would be fighting have military alliances and agreements with the United States. Fighting Japan or South Korea is one thing. Fighting the United States is another. Fighting any combination of the U.S. and another regional power – particularly Japan – is simply un-winnable.

More important when considering the prospects for conflict in the region is the simple financial calculus: states go to war when the cost of doing so is less than the perceived rewards. While these islands may be rich in energy resources, it is unlikely that they exceed the economic and political costs of a war between any of these countries. A war between Japan and China would be a crippling blow to an already fragile global economy, particularly to the economies of those states involved. NATO taking out Libya could be done on the cheap; war between China and Japan cannot. It is not for nothing that China has already stated it would not use force to resolve territorial issues in the region. China and Japan may be flexing their muscles a bit, but both know it is in their best interests to resolve differences through negotiation, not war.

#### No risk of US/China war---Chinese heg isn’t a threat, economic interdependence checks, miscalc won’t happen and deterrence checks escalation

Art ’10 (Robert J, Christian A. Herter Professor of [International Relations](http://en.wikipedia.org/wiki/International_Relations) at Brandeis University and Fellow at [MIT Center for International Studies](http://en.wikipedia.org/wiki/MIT_Center_for_International_Studies) Fall, Political Science Quarterly, Volume 125, #3, “The United States and the Rise of China: Implications for the Long Haul” <http://www.psqonline.org/99_article.php3?byear=2010&bmonth=fall&a=01free>, jj)

China does not present the type of security threat to the United States that Germany did to Britain, or Britain to Germany. Americaʼs nuclear forces make it secure from any Chinese attack on the homeland. Moreover, China clearly presents a potentially different type of threat to the United States than the Soviet Union did during the Cold War, because the geopolitics of the two situations are different. The Soviet geopolitical (as opposed to the nuclear) threat was two-fold: to conquer and dominate the economic–industrial resources of western Eurasia and to control the oil reserves of the Persian Gulf. Europe and the Persian Gulf constituted two of the five power centers of the world during the Cold War—Japan, the Soviet Union, and the United States being the other three. If the Soviets had succeeded in dominating Europe and the Persian Gulf through either conquest or political–military intimidation, then it would have controlled three of the five power centers of the world. That would have been a significant power transition. Chinaʼs rise does not constitute the same type of geopolitical threat to the United States that the Soviet Union did. If China ends up dominating the Korean peninsula and a significant part of continental Southeast Asia, so what? As long as Japan remains outside the Chinese sphere of influence and allied with the United States, and as long as the United States retains some naval footholds in Southeast Asia, such as in Singapore, the Philippines, or Indonesia, Chinaʼs domination of these two areas would not present the same type of geopolitical threat that the Soviet Union did. As long as Europe, the Persian Gulf, Japan, India, and Russia (once it reconstitutes itself as a serious great power) remain either as independent power centers or under U.S. influence, Chinese hegemony on land in East and Southeast Asia will not tip the world balance of power. The vast size and central position of the Soviet Union in Eurasia constituted a geopolitical threat to American influence that China cannot hope to emulate. If judged by the standards of the last three dominant power-rising power competitions of the last 100 years, then, the U.S.–China competition appears well placed to be much safer. Certainly, war between the two is not impossible, because either or both governments could make a serious misstep over the Taiwan issue. War by miscalculation is always possible, but the possession of nuclear weapons by both sides has to have a restraining effect on each by dramatically raising the costs of miscalculation, thereby increasing the incentives not to miscalculate. Nuclear deterrence should work to lower dramatically the possibility of war by either miscalculation or deliberate decision (or if somehow such a war broke out, then nuclear deterrence should work against its escalation into a large and fearsome one). Apart from the Taiwan issue or some serious incident at sea, it is hard to figure out how to start a war between the United States and China. There are no other territorial disputes of any significance between the two, and there are no foreseeable economic contingencies that could bring on a war between them. Finally, the high economic interdependence and the lack of intense ideological competition between them help to reinforce the pacific effects induced by the condition of mutual assured destruction. The workings of these three factors should make us cautiously optimistic about keeping Sino-American relations on the peaceful rather than the warlike track. The peaceful track does not, by any means, imply the absence of political and economic conflicts in Sino-American relations, nor does it foreclose coercive diplomatic gambits by each against the other. What it does mean is that the conditions are in place for war to be a low-probability event, if policymakers are smart in both states (see below), and that an all-out war is nearly impossible to imagine. By the historical standards of recent dominant-rising state dyads, this is no mean feat. In sum, there will be some security dilemma dynamics at work in the U.S.–China relationship, both over Taiwan and over maritime supremacy in East Asia, should China decide eventually to contest Americaʼs maritime hegemony, and there will certainly be political and military conflicts, but nuclear weapons should work to mute their severity because the security of each stateʼs homeland will never be in doubt as long as each maintains a secondstrike capability vis-à-vis the other. If two states cannot conquer one another, then the character of their relation and their competition changes dramatically.

#### No Caucases escalation

Collins and Wohlforth ’04(Kathleen, Prof PoliSci – Notre Dame and William, Prof Government – Dartmouth, “Defying ‘Great Game’ Expectations”, Strategic Asia 2003-4: Fragility and Crisis, p. 312-3)

Conclusion The popular great game lens for analyzing Central Asia fails to capture the declared interests of the great powers as well as the best reading of their objective interests in security and economic growth. Perhaps more importantly, it fails to explain their actual behavior on the ground, as well the specific reactions of the Central Asian states themselves. Naturally, there are competitive elements in great power relations. Each country’s policymaking community has slightly different preferences for tackling the challenges presented in the region, and the more influence they have the more able they are to shape events in concordance with those preferences. But these clashing preferences concern the means to serve ends that all the great powers share. To be sure, policy-makers in each capital would prefer that their own national firms or their own government’s budget be the beneficiaries of any economic rents that emerge from the exploitation and transshipment of the region’s natural resources. But the scale of these rents is marginal even for Russia’s oil-fueled budget. And for taxable profits to be created, the projects must make sense economically—something that is determined more by markets and firms than governments. Does it matter? The great game is an arresting metaphor that serves to draw people’s attention to an oft-neglected region. The problem is the great-game lens can distort realities on the ground, and therefore bias analysis and policy. For when great powers are locked in a competitive fight, the issues at hand matter less than their implication for the relative power of contending states. Power itself becomes the issue—one that tends to be nonnegotiable. Viewing an essential positive-sum relationship through zero sum conceptual lenses will result in missed opportunities for cooperation that leaves all players—not least the people who live in the region—poorer and more insecure. While cautious realism must remain the watchword concerning an impoverished and potentially unstable region comprised of fragile and authoritarian states, our analysis yields at least conditional and relative optimism. Given the confluence of their chief strategic interests, the major powers are in a better position to serve as a stabilizing force than analogies to the Great Game or the Cold War would suggest. It is important to stress that the region’s response to the profoundly destabilizing shock of coordinated terror attacks was increased cooperation between local governments and China and Russia, and—multipolar rhetoric notwithstanding—between both of them and the United States. If this trend is nurtured and if the initial signals about potential SCO-CSTO-NATO cooperation are pursued, another destabilizing shock might generate more rather than less cooperation among the major powers. Uzbekistan, Kyrgyzstan, Tajikistan, and Kazakhstan are clearly on a trajectory that portends longer-term cooperation with each of the great powers. As military and economic security interests become more entwined, there are sound reasons to conclude that “great game” politics will not shape Central Asia’s future in the same competitive and destabilizing way as they have controlled its past. To the contrary, mutual interests in Central Asia may reinforce the broader positive developments in the great powers’ relations that have taken place since September 11, as well as reinforce regional and domestic stability in Central Asia.

## Saudi

### 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).

#### Also turns Saudi relations

Greg Miller, 5-25-’13, 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. The Washington Post, May 25, 2013, Obama’s new drone policy leaves room for CIA role, <http://www.washingtonpost.com/world/national-security/obamas-new-drone-policy-has-cause-for-concern/2013/05/25/0daad8be-c480-11e2-914f-a7aba60512a7_print.html>, jj

The JSOC airstrikes intensified after the plot, but costly mistakes and misses piled up. In May 2010, the United States thought that it had a senior al-Qaeda fighter in its sights but killed Jabir al-Shabwani, a deputy governor of a Yemeni province who reportedly was meeting with militants in an attempt to get them to make peace. The most consequential miss came a year later, when JSOC drones and Harrier jets fired a series of shots at Anwar al-Awlaki, a U.S.-born cleric who had become a senior AQAP figure and was seen as a driving force in the organization’s plots against the United States. The pickup in which Awlaki was traveling emerged intact from two strikes, barreling through a remote stretch of Shabwa province. A third strike finally destroyed the truck, but only after Awlaki had switched vehicles and escaped. In Washington, U.S. counter­terrorism officials were dismayed. “You’re only going to get so many shots at high-value targets, and you have to make them count,” the former senior U.S. counter­terrorism official said. “I never fully understood why they struggled so much,” the former official said, referring to the Pentagon’s problems. “Of all the pieces, the kinetic piece at the end was what they should have been good at.” By then, the secret CIA base in Saudi Arabia was beginning to take shape. U.S. and Saudi officials said the kingdom had been pushing the United States to ramp up its involvement in neighboring Yemen, particularly after an August 2009 attempt by a suicide bomber to kill Saudi counter­terrorism official Muhammed bin Nayef. Two years later, when White House counter­terrorism adviser John Brennan, then-CIA Director Leon Panetta and other U.S. officials presented a plan to build a drone base in Saudi Arabia, the royal family didn’t flinch, according to U.S. and Middle Eastern officials involved in the discussions. The idea was a provocative one. A founding grievance for al-Qaeda was the presence of U.S. military ­forces in the Islamic Holy Land in the 1990s. Now the United States was about to install its signature counter­terrorism weapon, the symbol of a campaign that had inflamed anti-American sentiment among millions of Muslims. Saudi officials were undaunted and even conjured a plausible cover story. If the facility were discovered, the kingdom would say it was a delivery station for construction materials needed to build a fence along the Saudi- Yemen border. “There was no worry or thinking of blowback,” a Middle Eastern official said. “There was the urgency of turning around a situation in Yemen that was very dangerous.” The contours of the base blend into the desert topography so inconspicuously that the facility is nearly impossible to detect from wide-angle satellite images. But magnifications reveal a lengthy runway and clamshell hangars used at other airstrips by the United States to house drones. The Saudi government imposed conditions, including full authority over the facility and assurances that there would be no U.S. military personnel on site. The operation would be run by the CIA and Saudi intelligence, who for years had jointly operated a fusion center in Riyadh. Feeding targeting intelligence to JSOC drones was not seen as a valid option, in part because doing so would require military approvals that could bog down a process requiring split-second decisions, officials said. “The military’s culture is very uncomfortable with someone not in the chain of command handing them a target package and saying, ‘Hit this,’ ” said Jeremy Bash, who served as a senior aide to Panetta at the Pentagon and the CIA. The first CIA flights began in August 2011. Six weeks later, Awlaki was killed in a CIA strike. U.S. officials cited a list of factors that contribute to the agency’s lethal efficiency. Among them is its expertise at penetrating terrorist groups through networks of informants, and the expertise of officers and analysts who tend to stay in their assignments longer than their military counterparts. The head of the agency’s Counter­terrorism Center has been in the job for more than seven years, a time frame in which JSOC’s command has changed hands three times.

### UQ

***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 stability that was good enough for the time being.

#### No groupthink

Posner & Vermeule ’07, Eric Posner is Kirkland & Ellis Distinguished Service Professor of Law and Aaron Director Research Scholar at the University of Chicago. Adrian Vermeule - John H. Watson, Jr. Professor of Law – Harvard Law School, “Terror in the Balance : Security, Liberty, and the Courts”.¶ Cary, NC, USA: Oxford University Press, 2007. p 46.¶ http://site.ebrary.com/lib/wayne/Doc?id=10180654&ppg=13¶ Copyright © 2007. Oxford University Press. All rights reserved. , jj

The contrast is drawn too sharply, because in practice the executive is a they, not an it. Presidential oversight is incapable of fully unifying executive branch policies, which means that disagreement flourishes within the executive as well, dampening panic and groupthink and providing minorities with political redoubts. 52 Where a national majority is internally divided, the structure of presidential politics creates chokepoints that can give racial or ideological minorities disproportionate influence, just as the legislative process does. Consider the influence of Arab Americans in Michigan, often a swing state in presidential elections.

### 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.

### Defense

#### Saudi drone cooperation is locked in

Drones in Yemen rely on basing and flight access from Saudi---it’s locked in because Saudi could not possibly care about critiques of the program

Patrick W. **Ryan 13**, Saudi-U.S. Relations Information Service, 2/7/13, “Drone Basing Revelation Underscores Strong Defense and Security Bonds,” http://susris.com/2013/02/07/drone-basing-revelation-underscores-strong-defense-and-security-bonds/

The ***strength of the defense and security relationship*** between the United States and Saudi Arabia was highlighted this week with new reports about expanded cooperation in countering Al Qaeda in the Arabian Peninsula (AQAP) militants through the use of armed, remotely piloted aircraft based in the Kingdom. The information, which had been protected by several media outlets, came out as ***long simmering criticism*** of the strategy, tactics and legality of using U.S. drones to attack terrorists, especially American citizens among them, came to a head with disclosure of a secret Justice Department memo and in anticipation of today’s confirmation hearing for White House counter terror advisor John Brennan to be Director of the CIA. Brennan, who previously served as CIA station chief in Riyadh, is the principal US official behind the secretive drone program that has become a main element of the American war against Al Qaeda.

“…[American officials] describe an arrangement that has evolved since the frantic, ad hoc early days of America’s war [in Yemen]. The first strike in Yemen ordered by the Obama administration, in December 2009, was by all accounts a disaster. American cruise missiles carrying cluster munitions killed dozens of civilians, including many women and children. Another strike, six months later, killed a popular deputy governor, inciting angry demonstrations and an attack that shut down a critical oil pipeline. Not long afterward, the C.I.A. began quietly building a drone base in Saudi Arabia to carry out strikes in Yemen. American officials said that the first time the C.I.A. used the Saudi base was to kill Mr. Awlaki in September 2011…” [Drone Strikes’ Risks to Get Rare Moment in the Public Eye – NYTimes.com]

The New York Times and Washington Post broke their self-imposed silence to discuss the drone basing arrangement. It was reported as early as 2011 by the Washington Post but the role of Saudi Arabia was subsequently protected. This week Washington Post blogger Erik Wemple assembled an insightful report on the “informal arrangement” among media – The New York Times, The Washington Post and AP – and the U.S. Government to protect the location of the Arabian Peninsula drone base. Wemple blogged yesterday that Washington Post reporters Greg Miller and Karen DeYoung provided background on the disclosure:

“The Washington Post had refrained from disclosing the location at the request of the administration, which cited concern that exposing the facility would undermine operations against an al-Qaeda affiliate regarded as the network’s most potent threat to the United States, as well as potentially damage counterterrorism collaboration with Saudi Arabia.”

However, Miller reported, with Craig Whitlock, in the Washington Post in September 2011, that, “The CIA is building a secret airstrip in the Arabian Peninsula so it can deploy armed drones over Yemen.” Other media were providing similar reports in 2011 including the Times (UK):

“The CIA has set up a network of secret drone bases in Arab states in a major intensification of its campaign against al-Qaeda militants in Yemen. Sources in the Gulf say that the agency is now massed along Yemen’s borders, launching daily missions with unmanned Predator aircraft from bases in Saudi Arabia, Oman, Djibouti and the United Arab Emirates.”

The current controversy is centered on the Obama Administration’s targeting of Americans using armed drones, especially in light of the leaked Justice Department memo. The case in question is the 2011 drone attack in Yemen that killed Anwar Awlaki, a US citizen who became a key Al Qaeda leader. That attack was the first lethal use of a Saudi-based American drone according to US officials cited by The New York Times.

A Legacy of Engagement

Apart from the U.S. domestic controversy, the report of Saudi cooperation with US ***c***ounter ***t***errorism efforts is consistent with the ***long history of collaboration between the partners*** in the areas of defense and security. It stretches back to the earliest days of the relationship and forms a ***key element*** of Riyadh-Washington ties. Defense cooperation in the earlier days of the relationship were built on understandings such as the Truman pledge of 1950, that was carried forward by subsequent administrations, noted Ambassador Parker Hart, in his book “Saudi Arabia and the United States: Birth of a Security Partnership”:

“Faisal and Kennedy had but one encounter, on October 5, 1962. They never again met face-to-face. Nonetheless, the indelible impression each made upon the other was positive… …Kennedy reaffirmed the Truman pledge of 1950 that any threat to the independence and integrity of Saudi Arabia would be a matter of deep and immediate concern to the US government, which would take measures to counter such a threat.”

Defense and security cooperation continued in many spheres including the U.S. commitment to military assistance – arms sales, logistics support, and training – across the board in ground, naval and air forces. These included creation of the US Military Training Mission to work with Saudi armed forces and the Office of the Program Manager to work with the Saudi Arabian National Guard. In more recent years the U.S. has supported creation of the OPM-FSF, the Facilities Security Force, a 35,000-man force to provide additional protection to internal infrastructure in the Kingdom.

There was, of course, no greater example of the cooperation, coordination and commitment between the United States and Saudi Arabia than the deployment of a half million American soldiers, sailors, airmen and marines to the Kingdom in 1990 as part of the Operation Desert Shield coalition, deterring Saddam Hussein from extending his invasion of Kuwait into the Eastern Province, and the subsequent fighting alongside one another in Operation Desert Storm to reverse Iraqi aggression. In the aftermath of the Gulf war Saudi Arabia hosted an American air wing in Dhahran and joint task force headquarters near Riyadh to enforce UN resolutions in the Iraqi “No-Fly Zone” and check further Iraqi moves. In 1996 the U.S. air elements were relocated to Prince Sultan Airbase at Al Kharj where they remained until the invasion and occupation of Iraq in 2003 ended the mission requirement for operational U.S. air units in the Kingdom.

The military to military engagement and cooperation was summed up by Dr. Anthony Cordesman, Arleigh Burke Chair in Strategy at the Center for Strategic and International Studies, in an exclusive interview with SUSRIS in 2004 (“Why Reforge the U.S. and Saudi Relationship? An Interview with Anthony Cordesman”):

“We do need to recognize that the U.S. troop presence in Saudi Arabia, which was essentially dominated by air forces, with a limited presence of Patriot surface-to-air missiles, was a source of serious debate and to some extent instability within Saudi Arabia. It was one of the cardinal arguments made by extremists.

“It is a fact that the United States did not ever reach an agreement to have bases in Saudi Arabia and went into Saudi Arabia basically to defend it and to liberate Kuwait. But, we have to bear in mind the fact that when the Iraq War occurred, Saudi Arabia did provide a great deal of cooperation with the United States. It allowed U.S. Special Forces units to operate out of Arar. While U.S. troops and their units were no longer operating actively in the country they still flew other kinds of support missions extensively during the Iraq War. The command and control for some of these that the U.S. created outside Riyadh were used to a great degree. There was airborne refueling and overflight rights. Basically, while Saudi Arabia did not allow the U.S. to use its bases formally, it cooperated virtually in every other way.

“Now, today, the United States has no combat forces in Saudi Arabia, but it still plays a vital advisory role. Saudi Arabia uses U.S. military equipment. A lot of that equipment is still in delivery or is still being absorbed by Saudi forces. Saudi Arabia would find much of that equipment ***impossible to use if it could not make use of U.S. military advice***. It needs the kind of expertise that the U.S. can provide to improve its training standards, to improve its readiness and to move its forces forward to become the kind of forces that can actively defend the Kingdom. It also has good reason to see the U.S. presence in Bahrain, Kuwait, Qatar, and Oman as a basic shield between Saudi Arabia and Iran, which seems to be acquiring nuclear weapons and as a way of protecting the Kingdom if Iraq does not move forward towards a more stable and more friendly state.

“These are realities where the Kingdom benefits from the U.S. role, and the U.S. obviously benefits from the stability of Saudi Arabia and the knowledge that in an emergency the cooperation we saw in the Iraq War would probably be repeated again.

“But, it doesn’t mean that the United States has to have an active military presence in Saudi Arabia in essentially peacetime or that we need to go back to the kind of relationships we had immediately after the Gulf War. Saddam Hussein’s Iraq was one of the largest military powers in the developing world. Iraqi military forces, despite all that happened in the Gulf War, totalled hundreds of thousands of men, and they still had very large armored forces and a very large number of combat aircraft. The fact that threat is gone has helped, but for all the reasons I’ve outlined earlier, it’s scarcely eliminated every threat that calls for U.S. and Saudi cooperation.”

The secrecy surrounding the drone basing arrangement points to the obvious sensitivity of intelligence and counter terrorism work but also the penchant for Riyadh to avoid the limelight in taking credit for support. In the case of ***intelligence cooperation***, “The Kingdom has been cooperating with the United States for decades,” according to Prince Turki Al Faisal, former Director of Saudi Intelligence in an exclusive SUSRIS interview in 2010. US-Saudi collaboration over activities in Yemen is not a new feature of the relationship as evidenced by the reference he made without getting too specific:

“Yemen, which is in the news lately, was a perfect example. Back at the time South Yemen was a Marxist regime under the guidance of the Soviets it was doing harm in North Yemen. In those days there was the exchange of information on both sides that helped in certain instances prevent or overcome or challenge some of the difficulties that were on both sides, whether it was Saudi interests that were being affected, or American interests.

The need to bring counterterrorism cooperation to bear in the case of Yemen may be due in part to the successes both the United States and Saudi Arabia have had in their individual battles against Al Qaeda. The U.S. Operation Enduring Freedom, the post-9/11 war on terrorism, was successful in dislodging and disrupting Al Qaeda in Afghanistan and elsewhere in Southwest Asia. The Saudi counterterrorism program launched in response to Al Qaeda’s campaign in the Kingdom that began in 2003 has also been successful in quashing the threat inside the borders. The result was that Al Qaeda regrouped in an unstable Yemen and has since constituted a threat to Saudi Arabia and to the United States. In May 2012 U.S. Assistant Secretary of State for Near Eastern Affairs Jeffrey Feltman told a Congressional committee, “…bringing political stability to Yemen is critical in the fight against Al Qaeda in the Arabian Peninsula (AQAP). Last year’s political crisis allowed AQAP to seize territory in southern Yemen, attract new recruits, and expand its presence. We will continue to provide security and counterterrorism support to combat the common threat of violent extremism…”

In 2009 Al Qaeda in the Arabian Peninsula, which remained the backbone of militant threats against the Kingdom, launched an assassination attempt against Prince Mohammed bin Nayef, then a senior official in the Interior Ministry. He was named Interior Minister in November 2012. In 2011 the Saudi Embassy in Washington summarized counterterrorism cooperation between the U.S. and the Kingdom up to that point:

Saudi Arabia and the U.S. have established two Joint Task Forces—one to combat terrorists, another to combat terror financing. Experts from both governments work side-by-side, sharing real-time information about terror networks.

The Saudi government has increased the size, training and professionalism of its security forces, which are now seasoned by direct experience in Saudi Arabia. Saudi security forces have trained alongside American counterterrorism forces in the U.S.

This experience and training has led to the arrest and conviction of hundreds of wanted terrorists and the destruction of most of the known terrorist cells in the Kingdom.

The Saudi-U.S. Strategic Dialogue, a counterterrorism working group created following September 11, 2001, continues to help ensure the governments’ efforts and resources are aligned.

This year, Custodian of the Two Holy Mosques King Abdullah bin Abdulaziz Al-Saud met with U.S. Assistant to the President for Homeland Security and Counterterrorism John Brennan while President Obama met with the Assistant Minister of Interior for Security Affairs Prince Mohammad bin Nayef bin Abdulaziz. These visits are part of ongoing consultations and exchange of views between the two countries.

In October 2010, Saudi intelligence provided key information to American officials that foiled an attempted terrorist plot involving bombs heading to the United States that originated in Yemen. The bombs were found and defused before reaching their targets.

To that list is added the successful interdiction by Saudi intelligence assets of an attack against the U.S. launched from Al Qaeda in Yemen last year. In that case an improved version of the infamous “underwear bomb” was to be used against a U.S. bound aircraft, but the attack was thwarted by a Saudi-born double agent. The earlier effort, the unsuccessful 2009 Christmas Day “underwear bomb” attack by Nigerian citizen Umar Farouk Abdulmutallab, is believed to have been aided by AQAP’s Anwar Awlaki, the first target of a Saudi-based American drone strike.

The recent news reports that American remotely operated aircraft are operating against Al Qaeda targets in Yemen should come as no surprise to those who have followed the close collaboration between the United States and Saudi Arabia over the course of the historic relationship. The revelations may be uncomfortable to those who seek to keep these sensitive operations under wraps but the disclosure ***underscores the importance of the defense and security cooperation*** measures between Washington and Riyadh.

#### Saudi relations are resilient because of geopolitics – multiple warrants

Haykel 11/26-’13 [Bernard Haykel is a professor of Near Eastern studies at Princeton University, where he is also the director of the Institute for Transregional Studies. His research focuses on the politics and history of the modern Arabia peninsula. November 26, 2013, Aljazeera America, Is there a crisis in US-Saudi relations?, <http://america.aljazeera.com/opinions/2013/11/relations-us-saudiarabia.html>, jj]

Despite these differences, the U.S.-Saudi relationship will remain a central pillar of the geopolitics of the Middle East because of the fundamental interests the two countries share. For example, both place great emphasis on regional stability, the containment of Iran, the fight against Al-Qaeda, the peaceful resolution of the Arab-Israeli conflict and, most important, the reliable supply of oil at a steady price. The last factor is greatly misunderstood in the U.S., including within the Obama administration. As is well known, Saudi Arabia has the largest reserves of conventional oil in the world and the largest spare capacity (oil that remains unproduced but is readily available). These two factors make Saudi Arabia the equivalent of the central bank of oil. Because oil is a globally traded and fungible commodity, any diminution in its supply anywhere will lead to higher prices everywhere.

### Terminal

***No impact to oil shocks and they won’t happen-newest data obliterates their offense***

**Kahn 11** Jeremy Kahn, writer for Newsweek, IHT, and NYT, previous editor of the New Republic, Masters in IR from LSE and B.S. in History from Penn, "Crude reality" 2/13 www.boston.com/bostonglobe/ideas/articles/2011/02/13/crude\_reality/?page=full

Will a Middle Eastern oil disruption crush the economy?

**But a growing body of economic research suggests that this conventional view of oil shocks is wrong. The US economy is far less susceptible to interruptions in the oil supply than previously assumed,** according to these studies. Scholars examining the recent history of oil disruptions have found the worldwide oil market to be remarkably adaptable and surprisingly quick at compensating for shortfalls. Economists have found that much of the damage once attributed to oil shocks can more persuasively be laid at the feet of bad government policies. The US economy, meanwhile, has become less dependent on Persian Gulf oil and less sensitive to changes in crude prices overall than it was in 1973. These findings have led a few bold political scientists and foreign policy experts to start asking an uncomfortable question: If the United States could withstand a disruption in Persian Gulf oil supplies, why does it need a permanent military presence in the region at all? There’s a lot riding on that question: America’s presence in the Middle East exacts a heavy toll in political capital, financial resources, and lives. Washington’s support for Middle East autocrats makes America appear hypocritical on issues of human rights and democracy. The United States spends billions of dollars every year to maintain troops in the Middle East, and the troops risk their lives simply by being there, since they make tempting targets for the region’s Islamic extremists. And arguably, because the presence of these forces inflames radicals and delegitimizes local rulers, they may actually be undermining the very stability they are ostensibly there to ensure. Among those asking this tough question are two young professors, Eugene **Gholz**, at the University of Texas, and Daryl Press, at Dartmouth College. To find out what actually happens when the world’s petroleum supply is interrupted, the duo analyzed every major oil disruption since 1973. The results, **published in a recent issue of the journal Strategic Studies**, showed that in almost all cases, ***the ensuing rise in prices, while sometimes steep, was short-lived and had little lasting economic impact*. When there have been prolonged price rises, they found the cause to be panic on the part of oil purchasers rather than a supply shortage**. When oil runs short, in other words, the market is usually adept at filling the gap. One striking example was **the height of the Iran-Iraq War in the 1980s. If anything was likely to produce an oil shock, it was this**: two major Persian Gulf producers directly targeting each other’s oil facilities. And indeed, **prices surged 25 percent in the first months of the conflict. But within 18 months of the war’s start they had fallen back to their prewar levels**, and they stayed there even though the fighting continued to rage for six more years. Surprisingly, during the 1984 “Tanker War” phase of that conflict — when Iraq tried to sink oil tankers carrying Iranian crude and Iran retaliated by targeting ships carrying oil from Iraq and its Persian Gulf allies — the price of oil continued to drop steadily. **Gholz and Press found just one case after 1973 in which the market mechanisms failed: the 1979-1980 Iranian oil strike which followed the overthrow of the Shah, during which Saudi Arabia, perhaps hoping to appease Islamists within the country, also led OPEC to cut production, exacerbating the supply shortage.** In their paper, Gholz and Press ultimately conclude that **the market’s adaptive mechanisms function independently of the US military presence in the Persian Gulf, and that they largely protect the American economy from being damaged by oil shocks**. “To the extent that the United States faces a national security challenge related to Persian Gulf oil, it is not ‘how to protect the oil we need’ but ‘how to assure consumers that there is nothing to fear,’ ” the two write. “That is a thorny policy problem, but it does not require large military deployments and costly military operations.” There’s no denying the importance of Middle Eastern oil to the US economy. Although only 15 percent of imported US oil comes directly from the Persian Gulf, the region is responsible for nearly a third of the world’s production and the majority of its known reserves. But the oil market is also elastic: **Many key producing countries have spare capacity, so if oil is cut off from one country, others tend to increase their output rapidly to compensate**. Today, **regions outside the Middle East, such as the west coast of Africa, make up an increasingly important share of worldwide production. Private companies also hold large stockpiles of oil to smooth over shortages — amounting to a few billion barrels in the United States alone — as does the US government, with 700 million barrels in its strategic petroleum reserve**. And the market can largely work around shipping disruptions by using alternative routes; though they are more expensive, transportation costs account for only tiny fraction of the price of oil. Compared to the 1970s, too, **the structure of the US economy offers better insulation from oil price shocks. Today, the country uses half as much energy per dollar of gross domestic product** as it did in 1973, according to data from the US Energy Information Administration. Remarkably, the economy consumed less total energy in 2009 than in 1997, even though its GDP rose and the population grew. When it comes time to fill up at the pump, the average US consumer today spends less than 4 percent of his or her disposable income on gasoline, compared with more than 6 percent in 1980. Oil, though crucial, is simply a smaller part of the economy than it once was.

***1) Prolif is super slow—empirics disprove their fear mongering.***

**Hymans 12**—Jacques E. C. Hymans is Associate Professor of IR at USC [May/June 2012, “Botching the Bomb,” *Foreign Affairs*, http://www.foreignaffairs.com/articles/137403/jacques-e-c-hymans/botching-the-bomb?page=show]

The chronic problem of **nuclear proliferation is** once again **dominating the news.** A fierce debate has developed over how to respond to the threat posed by Iran's nuclear activities, which most experts believe are aimed at producing a nuclear weapon or at least the capacity to assemble one. In this debate, one side is pushing for a near-term military attack to damage or destroy Iran's nuclear program, and the other side is hoping that strict sanctions against the Islamic Republic will soften it up for a diplomatic solution. Both sides, however, share the underlying assumption that unless outside powers intervene in a dramatic fashion, it is inevitable that Iran will achieve its supposed nuclear goals very soon.

Yet there is another possibility. **The Iranians had to work for 25 years just to start accumulating uranium enriched to 20 percent, which is not even weapons grade. The slow pace of Iranian nuclear progress** to date **strongly suggests** that **Iran could** still **need a** very **long time to actually build a bomb** -- or could even ultimately fail to do so. Indeed, **global trends in proliferation suggest** that either of **those outcomes might be more likely than Iranian success** in the near future. **Despite *regular warnings* that proliferation is spinning out of control, the fact is that since the 1970s, there has been a *persistent slowdown* in the pace of technical progress on nuclear weapons projects and an equally dramatic decline in their ultimate success rate**.

**The *great proliferation slowdown*** can be attributed in part to U.S. and international nonproliferation efforts. But it **is** mostly **the result of the dysfunctional management tendencies of the states that have sought the bomb** in recent decades. **Weak institutions** in those states **have permitted political leaders to** unintentionally **undermine the performance of their nuclear scientists, engineers, and technicians. The harder politicians have pushed to achieve their nuclear ambitions, the less productive their nuclear programs have become.** Meanwhile, military attacks by foreign powers have tended to unite politicians and scientists in a common cause to build the bomb. Therefore, taking radical steps to rein in Iran would be not only risky but also potentially counterproductive, and much less likely to succeed than the simplest policy of all: getting out of the way and allowing the Iranian nuclear program's worst enemies -- Iran's political leaders -- to hinder the country's nuclear progress all by themselves.

NUCLEAR DOGS THAT HAVE NOT BARKED

"Today, almost any industrialized country can produce a nuclear weapon in four to five years," a former chief of Israeli military intelligence recently wrote in The New York Times, echoing a widely held belief. Indeed, **the more nuclear technology and know-how have diffused around the world, the more the timeline for building a bomb should have shrunk. But in fact, rather than speeding up over the past four decades, *proliferation has gone into slow motion***.

**Seven countries launched** dedicated **nuclear weapons projects before 1970, and all seven succeeded** in relatively short order. **By contrast, of the ten countries that have launched** dedicated **nuclear** weapons **projects since 1970, only three have achieved a bomb.** And only one of the six states that failed -- Iraq -- had made much progress toward its ultimate goal by the time it gave up trying. (The jury is still out on Iran's program.) What is more, **even the successful projects** of recent decades **have needed a long time to achieve their ends. The average timeline** to the bomb for successful projects launched **before 1970 was about seven years; the average timeline to the bomb for successful projects launched after 1970 has been about 17 years**.

***3) Prolif is stabilizing --- it’s banished great power war***

**Waltz ’10** (Kenneth N, adjunct professor of political science @ Columbia, senior research scholar in the Institute of War and Peace , the National Interest, “Is Nuclear Zero the Best Option?” Sep/Oct, Iss. 109; pg. 88, proquest, jj)

War may not pay, as British economist Norman Angeli repeatedly claimed, but the lesson proved a hard one for states to learn. **Even with the horrors of World War I fresh in their minds, European countries went into World War II just twenty-one years later**. **Until August of 1945, violent conflict punctuated the history of states, especially of those major and great. When in short order the Soviet Union followed the United States into the nuclear business with "man of steel" Stalin and in due course "we will bury you" Khrushchev at the helm, many in the Western world thought that all hell would break loose.** Robert Maynard Hutchins, boy president of the University of Chicago (he was thirty when he took over), and Bertrand Russell, eminent in mathematics and rhetoric, proclaimed that in the nuclear age, world government was the only alternative to world war. **With nuclear weapons, war presumably meant that civilization would perish and we along with it. Instead, the alternative to world government proved to be nuclear deterrence, which banished war among the world's major nations through the long years of the Cold War and ever since**. Certainly, **violent conflict** still exists, but it **has been relegated to taking its course in the periphery of international politics. The United States, in particular, has been fond of beating up poor and weak states.** In the twenty years dating from 1983, we invaded six of them, beginning and ending with Iraq. **Yet since the end of World War II, states with nuclear weapons have never fought one another.** Testing propositions against historical events has become a favorite indoor sport of social scientists. **This is the only proposition that has passed every test. One might think that the best, in fact the only, peacekeeping weapon that the world has ever known would gain many fans. It does not seem to have done so.**

# 2NC

## Saudi

### 2NC – Sustainable

#### Criticism over lack of judicial review won’t collapse the program

Benjamin Wittes 13, Senior Fellow in Governance Studies at the Brookings Institution, 2/27/13, “In Defense of the Administration on Targeted Killing of Americans,” <http://www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/>

This view has currency among European allies, among advocacy groups, and in the legal academy. Unfortunately for its proponents, it has no currency among the three branches of government of the United States. The courts and the executive branch have both taken the opposite view, and the Congress passed a broad authorization for the use of force and despite many opportunities, has never revisited that document to impose limitations by geography or to preclude force on the basis of co-belligerency—much less to clarify that the AUMF does not, any longer, authorize the use of military force at all. Congress has been repeatedly briefed on U.S. targeting decisions, including those involving U.S. persons.[5] It was therefore surely empowered to either use the power of the purse to prohibit such action or to modify the AUMF in a way that undermined the President’s legal reasoning. Not only has it taken neither of these steps, but Congress has also funded the relevant programs. Moreover, as I noted above, Congress’s recent reaffirmation of the AUMF in the 2012 NDAA with respect to detention, once again contains no geographical limitation.

There is, in other words, a consensus among the branches of government on the point that the United States is engaged in an armed conflict that involves co-belligerent forces and follows the enemy to the new territorial ground it stakes out. It is a consensus that rejects the particular view of the law advanced by numerous critics. And it is a consensus on which the executive branch is entitled to rely in formulating its legal views.

Second, a mounting chorus of critics has insisted that judicial review must be a feature of the legal framework that authorizes the targeting of any American nationals. The New York Times, for example, has editorialized that “[g]oing forward, [President Obama] should submit decisions like [the Al-Aulaqi] one to review by Congress and the courts. If necessary, Congress could create a special court to handle this sort of sensitive discussion, like the one it created to review wiretapping.”

The question of whether targeting judgments might benefit from some form of judicial review—either prospectively or after-the-fact—is an enormously complicated one. Scholars have put together several thoughtful proposals for review mechanisms,[6] and I don’t rule out the idea of some form of judicial review—though I tend to disfavor it. But critically, none of these or other proposals to change the rules to include judicial review undermines the integrity of the administration’s view of current law, which simply does not provide for judicial involvement in targeting decisions. Whether some as-yet-unwritten statutory framework might usefully provide for judicial involvement presents a difficult question. But it’s hard to fault Attorney General Holder for failing to bring the Anwar Al-Aulaqi case for prospective review before a court that does not exist.

#### Data goes neg

Kelly Snow 13, MPP Candidate at the University of Virginia, Virginia Policy Review, Volume VI, Issue II, Coups and Drone Strikes: Applying Past Lessons of Covert Action to the CIA’s Drone War in Pakistan, online pdf, jj

The president’s hardline counterterrorism policy, with drone operations at its core, is very popular with the American public, including those at the far left of the political spectrum. A February 2012 survey found that a remarkably high 83 percent of Americans approve of Obama’s drone policy, as do 77 percent of his fellow Democrats. c Approaching the 2012 presidential election, many political pundits expressed the belief that this clear base of support for Obama’s foreign policy would be a major factor in his eventual reelection.ci They were right: Washington Post exit polling showed that the president led Mitt Romney 56% to 33% on which candidate was bestequipped to handle U.S. foreign policy.cii

### 2NC – Sustainable – Offense

#### Criticism won’t undermine targeted killing now, but new legislation that draws political attention inspires calls for further restrictions---the aff can only cause an increase in the momentum for restricting the program

Kenneth Anderson 9, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University, 5/11/09, “Targeted Killing in U.S. Counterterrorism Strategy and Law,” <http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511_counterterrorism_anderson.pdf>

Does this analysis offer any practical policy prescriptions for Congress and the administration? The problem is not so much a need for new legislation to create new structures or new policies. The legislative category in which many instances of targeted killing might take place in the future already exists. The task for Congress and the administration, rather, is instead to preserve a category that is likely to be put under pressure in the future and, indeed, is already seen by many as a legal non-starter under international law.

Before addressing what Congress should do in this regard, we might ask from a strictly strategic political standpoint whether, given that the Obama Administration is committed to this policy anyway, whether it is politically prudent to draw public attention to the issue at all. Israeli officials might be threatened with legal action in Spain; but so far no important actor has shown an appetite for taking on the Obama Administration. Perhaps it is better to let sleeping political dogs lie.

#### Targeting transparency ends the program – cooperation with foreign countries is conditioned on non-acknowledgment

JACK GOLDSMITH 5/1/13 (teaches at Harvard Law School and is a member of the Hoover Institution Task Force on National Security and Law, new republic, "How Obama Undermined the War on Terror" <http://www.newrepublic.com/article/112964/obamas-secrecy-destroying-american-support-counterterrorism>

But the point goes deeper, for secrecy is the essence of the type of war that Obama has chosen to fight. The intelligence-gathering in foreign countries needed for successful drone strikes there cannot be conducted openly. Nor can lethal operations in foreign countries easily be acknowledged. Foreign leaders usually insist on non-acknowledgment as a condition of allowing American operations in their territories. And in any event, an official American confirmation of the operations might spark controversies in those countries that would render the operations infeasible. The impossible-to-deny bin Laden raid was a necessary exception to these principles, and the United States is still living with the fallout in Pakistan.

### Group think

#### No groupthink

Posner & Vermeule ’07, Eric Posner is Kirkland & Ellis Distinguished Service Professor of Law and Aaron Director Research Scholar at the University of Chicago. Adrian Vermeule - John H. Watson, Jr. Professor of Law – Harvard Law School, “Terror in the Balance : Security, Liberty, and the Courts”.¶ Cary, NC, USA: Oxford University Press, 2007. p 46.¶ http://site.ebrary.com/lib/wayne/Doc?id=10180654&ppg=13¶ Copyright © 2007. Oxford University Press. All rights reserved. , jj

The contrast is drawn too sharply, because in practice the executive is a they, not an it. Presidential oversight is incapable of fully unifying executive branch policies, which means that disagreement flourishes within the executive as well, dampening panic and groupthink and providing minorities with political redoubts. 52 Where a national majority is internally divided, the structure of presidential politics creates chokepoints that can give racial or ideological minorities disproportionate influence, just as the legislative process does. Consider the influence of Arab Americans in Michigan, often a swing state in presidential elections.

#### Status quo solves groupthink

Kennedy ’12, Brandon Kennedy, Class of 2012, University of Southern California Gould School of Law; M.A. Regional Studies: Middle East 2009, Harvard Graduate School of Arts and Sciences; B.A. Government 2009, Harvard University, Spring, 2012¶ Southern California Interdisciplinary Law Journal¶ 21 S. Cal. Interdis. L.J. 633, THE HIJACKING OF FOREIGN POLICY DECISION MAKING: GROUPTHINK AND PRESIDENTIAL POWER IN THE POST-9/11 WORLD, Lexis, jj

Anti-Groupthink Decision-Making Practices¶ ¶ The Obama team adopted several decision-making practices that helped counter the groupthink that had plagued the Bush team. These practices produced a moderate level of cohesiveness, greatly limited structural organizational faults, and reduced threats that could give rise to a provocative situational context.¶ 1. Building Moderate Cohesiveness¶ ¶ "Hillary and I were friends before this started ... . We had this very vituperative campaign, but, you know, she is smart and we ought to be able to do something with her." n225 After his election, Obama sought out people to fill the Cabinet and White House staff positions based on each member's experience and the different contributions they could bring to the table. While political ideology was one factor to consider, it was not elevated above other qualities. Above all, Obama seemed to want to succeed by considering all possible options, and the only way to do that was by including people who thought differently from him and who would challenge his thinking. n226¶ Obama thus set about to build a team that would work well together, but whose members would also engage in critical thinking and evaluate all possible options when making decisions. Obama sought to strike this balance by including both friends and political allies, such as David Axelrod and Rahm Emanuel, and also outsiders and even former rivals. n227 For example, in a somewhat controversial move, Obama chose to keep Bush's Secretary of Defense, Robert Gates, citing the importance of continuity and expertise. n228 Obama also wished to heal the wounds inflicted [\*671] during a bitter nomination campaign and appoint a strong Secretary of State, so he offered Hillary Clinton the post. n229 For the position of CIA Director, Obama chose Leon Panetta, who, as an outsider, would help improve the Agency's image, which had been severely tarnished due to controversial pre-Iraq War intelligence, interrogation techniques, and its domestic spying program. n230 Thus, the manner in which Obama built his decision-making group laid the foundation for avoiding groupthink.¶ 2. Roles of Critical Evaluator Assigned to Each Member¶ ¶ ¶ Joe, I want you to say exactly what you think. And I want you to ask the toughest questions you can think of. And the reason is ... because I think the American people ... and our troops are best served by a vigorous debate on these kinds of life-or-death issues. n231¶ ¶ Obama used these words to encourage Vice President Joe Biden to be an aggressive contrarian in national security team meetings regarding strategy for Afghanistan. n232 And, at a September 13, 2009, national security meeting, Obama told his team "We need to come to this with a spirit of challenging our assumptions ... . Don't bite your tongue. Everybody needs to say what's on their mind." n233 In statements such as these, Obama sought to ensure that each member of his team contributed independently and critically to any decision making.¶ 3. Leader's Impartiality at the Outset¶ ¶ When assessing the Afghanistan War, Obama told his national security team, "We have no good options here," n234 therefore establishing that he would not accept only a single solution from only an individual high-ranking member. n235 Obama preferred to have a full range of options comprehensively discussed in order for him to remain impartial. n236 In making decisions, Obama critically questioned all proposals and did not state his preference for a specific policy until the group had fully explored all options. n237¶ [\*672] ¶ 4. Consultation with Trusted Outsiders¶ ¶ "Mr. President, I shared the [troop surge] option with the chiefs before I came over." General James Cartwright, Vice Chairman of the Joint Chiefs of Staff, uttered these words to Obama at a national security meeting on November 23, 2009. n238 Throughout the Afghanistan strategy review of 2009, trusted associates in each member's unit of the executive branch consulted each other and reported back to the primary decision-making national security team. n239 As Janis postulates, this seems to have helped the group avoid groupthink because they were consistently seeking opinions from outside of the decision-making group.¶ 5. Consultation with Outside Experts¶ ¶ "I know you don't want to work full-time in government," Obama told Bruce Riedel, a national security expert at the Brookings Institution, "but here's a proposition. Will you come into government for 60 days, work in the [National Security Council], do a strategic review of Afghanistan and Pakistan?" n240 This kind of consultation with non-governmental experts took place as well. For example, just as a troubled corporation might hire outside consultants, General Stanley McChrystal's Afghanistan strategy review included bringing outside experts into a war zone to assess the situation. n241 The idea behind this review team came in part from General David Petraeus's 2007 playbook for Iraq (when the largely successful troop surge took place). n242 The review team consisted of "an experienced group [\*673] of analysts who were willing to challenge the assumptions of high-ranking generals." n243¶ 6.¶ ¶ "Second Chance" Meeting for Expression of Doubts¶ ¶ "Why are we having another meeting about this? I thought this was finished Wednesday. Why do we keep having these meetings after we have all agreed?" n244 Although expressing slight exasperation, Obama proceeded with a "last chance" meeting before deciding to send 30,000 additional troops to Afghanistan. n245 This meeting served as a final opportunity for group members (especially Pentagon officials, in this instance) to share residual doubts and to rethink the entire issue before making a definitive choice. n246

### 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 within 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.

## Offense

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

#### 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

Wall Street Journal 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.

## term

### Defense

#### Saudi drone cooperation is locked in

Drones in Yemen rely on basing and flight access from Saudi---it’s locked in because Saudi could not possibly care about critiques of the program

Patrick W. **Ryan 13**, Saudi-U.S. Relations Information Service, 2/7/13, “Drone Basing Revelation Underscores Strong Defense and Security Bonds,” http://susris.com/2013/02/07/drone-basing-revelation-underscores-strong-defense-and-security-bonds/

The ***strength of the defense and security relationship*** between the United States and Saudi Arabia was highlighted this week with new reports about expanded cooperation in countering Al Qaeda in the Arabian Peninsula (AQAP) militants through the use of armed, remotely piloted aircraft based in the Kingdom. The information, which had been protected by several media outlets, came out as ***long simmering criticism*** of the strategy, tactics and legality of using U.S. drones to attack terrorists, especially American citizens among them, came to a head with disclosure of a secret Justice Department memo and in anticipation of today’s confirmation hearing for White House counter terror advisor John Brennan to be Director of the CIA. Brennan, who previously served as CIA station chief in Riyadh, is the principal US official behind the secretive drone program that has become a main element of the American war against Al Qaeda.

“…[American officials] describe an arrangement that has evolved since the frantic, ad hoc early days of America’s war [in Yemen]. The first strike in Yemen ordered by the Obama administration, in December 2009, was by all accounts a disaster. American cruise missiles carrying cluster munitions killed dozens of civilians, including many women and children. Another strike, six months later, killed a popular deputy governor, inciting angry demonstrations and an attack that shut down a critical oil pipeline. Not long afterward, the C.I.A. began quietly building a drone base in Saudi Arabia to carry out strikes in Yemen. American officials said that the first time the C.I.A. used the Saudi base was to kill Mr. Awlaki in September 2011…” [Drone Strikes’ Risks to Get Rare Moment in the Public Eye – NYTimes.com]

The New York Times and Washington Post broke their self-imposed silence to discuss the drone basing arrangement. It was reported as early as 2011 by the Washington Post but the role of Saudi Arabia was subsequently protected. This week Washington Post blogger Erik Wemple assembled an insightful report on the “informal arrangement” among media – The New York Times, The Washington Post and AP – and the U.S. Government to protect the location of the Arabian Peninsula drone base. Wemple blogged yesterday that Washington Post reporters Greg Miller and Karen DeYoung provided background on the disclosure:

“The Washington Post had refrained from disclosing the location at the request of the administration, which cited concern that exposing the facility would undermine operations against an al-Qaeda affiliate regarded as the network’s most potent threat to the United States, as well as potentially damage counterterrorism collaboration with Saudi Arabia.”

However, Miller reported, with Craig Whitlock, in the Washington Post in September 2011, that, “The CIA is building a secret airstrip in the Arabian Peninsula so it can deploy armed drones over Yemen.” Other media were providing similar reports in 2011 including the Times (UK):

“The CIA has set up a network of secret drone bases in Arab states in a major intensification of its campaign against al-Qaeda militants in Yemen. Sources in the Gulf say that the agency is now massed along Yemen’s borders, launching daily missions with unmanned Predator aircraft from bases in Saudi Arabia, Oman, Djibouti and the United Arab Emirates.”

The current controversy is centered on the Obama Administration’s targeting of Americans using armed drones, especially in light of the leaked Justice Department memo. The case in question is the 2011 drone attack in Yemen that killed Anwar Awlaki, a US citizen who became a key Al Qaeda leader. That attack was the first lethal use of a Saudi-based American drone according to US officials cited by The New York Times.

A Legacy of Engagement

Apart from the U.S. domestic controversy, the report of Saudi cooperation with US ***c***ounter ***t***errorism efforts is consistent with the ***long history of collaboration between the partners*** in the areas of defense and security. It stretches back to the earliest days of the relationship and forms a ***key element*** of Riyadh-Washington ties. Defense cooperation in the earlier days of the relationship were built on understandings such as the Truman pledge of 1950, that was carried forward by subsequent administrations, noted Ambassador Parker Hart, in his book “Saudi Arabia and the United States: Birth of a Security Partnership”:

“Faisal and Kennedy had but one encounter, on October 5, 1962. They never again met face-to-face. Nonetheless, the indelible impression each made upon the other was positive… …Kennedy reaffirmed the Truman pledge of 1950 that any threat to the independence and integrity of Saudi Arabia would be a matter of deep and immediate concern to the US government, which would take measures to counter such a threat.”

Defense and security cooperation continued in many spheres including the U.S. commitment to military assistance – arms sales, logistics support, and training – across the board in ground, naval and air forces. These included creation of the US Military Training Mission to work with Saudi armed forces and the Office of the Program Manager to work with the Saudi Arabian National Guard. In more recent years the U.S. has supported creation of the OPM-FSF, the Facilities Security Force, a 35,000-man force to provide additional protection to internal infrastructure in the Kingdom.

There was, of course, no greater example of the cooperation, coordination and commitment between the United States and Saudi Arabia than the deployment of a half million American soldiers, sailors, airmen and marines to the Kingdom in 1990 as part of the Operation Desert Shield coalition, deterring Saddam Hussein from extending his invasion of Kuwait into the Eastern Province, and the subsequent fighting alongside one another in Operation Desert Storm to reverse Iraqi aggression. In the aftermath of the Gulf war Saudi Arabia hosted an American air wing in Dhahran and joint task force headquarters near Riyadh to enforce UN resolutions in the Iraqi “No-Fly Zone” and check further Iraqi moves. In 1996 the U.S. air elements were relocated to Prince Sultan Airbase at Al Kharj where they remained until the invasion and occupation of Iraq in 2003 ended the mission requirement for operational U.S. air units in the Kingdom.

The military to military engagement and cooperation was summed up by Dr. Anthony Cordesman, Arleigh Burke Chair in Strategy at the Center for Strategic and International Studies, in an exclusive interview with SUSRIS in 2004 (“Why Reforge the U.S. and Saudi Relationship? An Interview with Anthony Cordesman”):

“We do need to recognize that the U.S. troop presence in Saudi Arabia, which was essentially dominated by air forces, with a limited presence of Patriot surface-to-air missiles, was a source of serious debate and to some extent instability within Saudi Arabia. It was one of the cardinal arguments made by extremists.

“It is a fact that the United States did not ever reach an agreement to have bases in Saudi Arabia and went into Saudi Arabia basically to defend it and to liberate Kuwait. But, we have to bear in mind the fact that when the Iraq War occurred, Saudi Arabia did provide a great deal of cooperation with the United States. It allowed U.S. Special Forces units to operate out of Arar. While U.S. troops and their units were no longer operating actively in the country they still flew other kinds of support missions extensively during the Iraq War. The command and control for some of these that the U.S. created outside Riyadh were used to a great degree. There was airborne refueling and overflight rights. Basically, while Saudi Arabia did not allow the U.S. to use its bases formally, it cooperated virtually in every other way.

“Now, today, the United States has no combat forces in Saudi Arabia, but it still plays a vital advisory role. Saudi Arabia uses U.S. military equipment. A lot of that equipment is still in delivery or is still being absorbed by Saudi forces. Saudi Arabia would find much of that equipment ***impossible to use if it could not make use of U.S. military advice***. It needs the kind of expertise that the U.S. can provide to improve its training standards, to improve its readiness and to move its forces forward to become the kind of forces that can actively defend the Kingdom. It also has good reason to see the U.S. presence in Bahrain, Kuwait, Qatar, and Oman as a basic shield between Saudi Arabia and Iran, which seems to be acquiring nuclear weapons and as a way of protecting the Kingdom if Iraq does not move forward towards a more stable and more friendly state.

“These are realities where the Kingdom benefits from the U.S. role, and the U.S. obviously benefits from the stability of Saudi Arabia and the knowledge that in an emergency the cooperation we saw in the Iraq War would probably be repeated again.

“But, it doesn’t mean that the United States has to have an active military presence in Saudi Arabia in essentially peacetime or that we need to go back to the kind of relationships we had immediately after the Gulf War. Saddam Hussein’s Iraq was one of the largest military powers in the developing world. Iraqi military forces, despite all that happened in the Gulf War, totalled hundreds of thousands of men, and they still had very large armored forces and a very large number of combat aircraft. The fact that threat is gone has helped, but for all the reasons I’ve outlined earlier, it’s scarcely eliminated every threat that calls for U.S. and Saudi cooperation.”

The secrecy surrounding the drone basing arrangement points to the obvious sensitivity of intelligence and counter terrorism work but also the penchant for Riyadh to avoid the limelight in taking credit for support. In the case of ***intelligence cooperation***, “The Kingdom has been cooperating with the United States for decades,” according to Prince Turki Al Faisal, former Director of Saudi Intelligence in an exclusive SUSRIS interview in 2010. US-Saudi collaboration over activities in Yemen is not a new feature of the relationship as evidenced by the reference he made without getting too specific:

“Yemen, which is in the news lately, was a perfect example. Back at the time South Yemen was a Marxist regime under the guidance of the Soviets it was doing harm in North Yemen. In those days there was the exchange of information on both sides that helped in certain instances prevent or overcome or challenge some of the difficulties that were on both sides, whether it was Saudi interests that were being affected, or American interests.

The need to bring counterterrorism cooperation to bear in the case of Yemen may be due in part to the successes both the United States and Saudi Arabia have had in their individual battles against Al Qaeda. The U.S. Operation Enduring Freedom, the post-9/11 war on terrorism, was successful in dislodging and disrupting Al Qaeda in Afghanistan and elsewhere in Southwest Asia. The Saudi counterterrorism program launched in response to Al Qaeda’s campaign in the Kingdom that began in 2003 has also been successful in quashing the threat inside the borders. The result was that Al Qaeda regrouped in an unstable Yemen and has since constituted a threat to Saudi Arabia and to the United States. In May 2012 U.S. Assistant Secretary of State for Near Eastern Affairs Jeffrey Feltman told a Congressional committee, “…bringing political stability to Yemen is critical in the fight against Al Qaeda in the Arabian Peninsula (AQAP). Last year’s political crisis allowed AQAP to seize territory in southern Yemen, attract new recruits, and expand its presence. We will continue to provide security and counterterrorism support to combat the common threat of violent extremism…”

In 2009 Al Qaeda in the Arabian Peninsula, which remained the backbone of militant threats against the Kingdom, launched an assassination attempt against Prince Mohammed bin Nayef, then a senior official in the Interior Ministry. He was named Interior Minister in November 2012. In 2011 the Saudi Embassy in Washington summarized counterterrorism cooperation between the U.S. and the Kingdom up to that point:

Saudi Arabia and the U.S. have established two Joint Task Forces—one to combat terrorists, another to combat terror financing. Experts from both governments work side-by-side, sharing real-time information about terror networks.

The Saudi government has increased the size, training and professionalism of its security forces, which are now seasoned by direct experience in Saudi Arabia. Saudi security forces have trained alongside American counterterrorism forces in the U.S.

This experience and training has led to the arrest and conviction of hundreds of wanted terrorists and the destruction of most of the known terrorist cells in the Kingdom.

The Saudi-U.S. Strategic Dialogue, a counterterrorism working group created following September 11, 2001, continues to help ensure the governments’ efforts and resources are aligned.

This year, Custodian of the Two Holy Mosques King Abdullah bin Abdulaziz Al-Saud met with U.S. Assistant to the President for Homeland Security and Counterterrorism John Brennan while President Obama met with the Assistant Minister of Interior for Security Affairs Prince Mohammad bin Nayef bin Abdulaziz. These visits are part of ongoing consultations and exchange of views between the two countries.

In October 2010, Saudi intelligence provided key information to American officials that foiled an attempted terrorist plot involving bombs heading to the United States that originated in Yemen. The bombs were found and defused before reaching their targets.

To that list is added the successful interdiction by Saudi intelligence assets of an attack against the U.S. launched from Al Qaeda in Yemen last year. In that case an improved version of the infamous “underwear bomb” was to be used against a U.S. bound aircraft, but the attack was thwarted by a Saudi-born double agent. The earlier effort, the unsuccessful 2009 Christmas Day “underwear bomb” attack by Nigerian citizen Umar Farouk Abdulmutallab, is believed to have been aided by AQAP’s Anwar Awlaki, the first target of a Saudi-based American drone strike.

The recent news reports that American remotely operated aircraft are operating against Al Qaeda targets in Yemen should come as no surprise to those who have followed the close collaboration between the United States and Saudi Arabia over the course of the historic relationship. The revelations may be uncomfortable to those who seek to keep these sensitive operations under wraps but the disclosure ***underscores the importance of the defense and security cooperation*** measures between Washington and Riyadh.

#### Saudi relations are resilient because of geopolitics – multiple warrants

Haykel 11/26-’13 [Bernard Haykel is a professor of Near Eastern studies at Princeton University, where he is also the director of the Institute for Transregional Studies. His research focuses on the politics and history of the modern Arabia peninsula. November 26, 2013, Aljazeera America, Is there a crisis in US-Saudi relations?, <http://america.aljazeera.com/opinions/2013/11/relations-us-saudiarabia.html>, jj]

Despite these differences, the U.S.-Saudi relationship will remain a central pillar of the geopolitics of the Middle East because of the fundamental interests the two countries share. For example, both place great emphasis on regional stability, the containment of Iran, the fight against Al-Qaeda, the peaceful resolution of the Arab-Israeli conflict and, most important, the reliable supply of oil at a steady price. The last factor is greatly misunderstood in the U.S., including within the Obama administration. As is well known, Saudi Arabia has the largest reserves of conventional oil in the world and the largest spare capacity (oil that remains unproduced but is readily available). These two factors make Saudi Arabia the equivalent of the central bank of oil. Because oil is a globally traded and fungible commodity, any diminution in its supply anywhere will lead to higher prices everywhere.

#### The US-Saudi relationship is strategic and enduring – security concerns and mutual regional goals overwhelm any damage to relations

Becca Wasser, Special to CNN, 11/26-’13, CNN, Despite frustrations, Saudis unlikely to break with U.S., <http://globalpublicsquare.blogs.cnn.com/2013/11/26/despite-frustrations-saudis-unlikely-to-break-with-u-s/>, jj

Yet despite public announcements suggesting a shift away from the United States, it’s hard to imagine Saudi Arabia changing its calculus on the U.S.-Saudi alliance anytime soon. In an effort to quell concerns among the Gulf States, the Obama administration has repeatedly affirmed its commitment to the security of its allies in the region as part of its “reassurance diplomacy.” Shortly after Prince Bandar’s meeting with European officials, for example, U.S. Secretary of State John Kerry met with Saudi Foreign Minister Prince Saud al-Faisal and stressed that the relationship between Riyadh and Washington is “strategic” and “enduring,” adding that they share a core interest in halting the development of nuclear weapons. And, following the recent round of P5+1 nuclear negotiations in Geneva, Kerry flew to the United Arab Emirates, where he defended negotiations with Iran, but also made clear that the talks would not affect the U.S.-Gulf “friendship.” In addition, Secretary of Defense Chuck Hagel has announced he intends to visit Bahrain, where he will address U.S. priorities in the Gulf and Middle East at the IISS Manama Dialogue. But Washington no doubt realizes that supportive words will only go so far – they need to be matched by concrete steps. With this in mind, the United States has considerably deepened its security ties with the Gulf States, especially Saudi Arabia. In fiscal 2012, foreign military sales to Saudi Arabia increased ten-fold on a year earlier, to $34 billion. More recently, the Defense Department’s Defense Security Cooperation Agency “notified Congress of a possible Foreign Military Sale to Saudi Arabia of various munitions and associated equipment, parts, training and logistical support for an estimated cost of $6.8 billion.” A similar announcement suggested about $4 billion could be in the pipeline for the United Arab Emirates. The question in light of the Iran deal, of course, is whether Washington’s statements, visits and military support will be enough to address growing Saudi concerns. But while the most likely answer is probably not, the current climate is unlikely to be enough to change the Gulf states’ perception that the United States is their primary security guarantor. For this reason alone, Saudi Arabia will not shift strategically away from the United States any time soon. However, although the Saudis are unlikely to want to break with the United States, it’s possible that Riyadh will adopt a more independent, even unilateral, foreign policy – indeed, the potential for doing so was demonstrated by its recent arming and training of Islamic rebel groups in Syria. In the meantime, expect the United States to continue to work to assuage Gulf fears through public and private assurances. For the foreseeable future, the strategic balance in the region will endure.

### Terminal

***No impact to oil shocks and they won’t happen-newest data obliterates their offense***

**Kahn 11** Jeremy Kahn, writer for Newsweek, IHT, and NYT, previous editor of the New Republic, Masters in IR from LSE and B.S. in History from Penn, "Crude reality" 2/13 www.boston.com/bostonglobe/ideas/articles/2011/02/13/crude\_reality/?page=full

Will a Middle Eastern oil disruption crush the economy?

**But a growing body of economic research suggests that this conventional view of oil shocks is wrong. The US economy is far less susceptible to interruptions in the oil supply than previously assumed,** according to these studies. Scholars examining the recent history of oil disruptions have found the worldwide oil market to be remarkably adaptable and surprisingly quick at compensating for shortfalls. Economists have found that much of the damage once attributed to oil shocks can more persuasively be laid at the feet of bad government policies. The US economy, meanwhile, has become less dependent on Persian Gulf oil and less sensitive to changes in crude prices overall than it was in 1973. These findings have led a few bold political scientists and foreign policy experts to start asking an uncomfortable question: If the United States could withstand a disruption in Persian Gulf oil supplies, why does it need a permanent military presence in the region at all? There’s a lot riding on that question: America’s presence in the Middle East exacts a heavy toll in political capital, financial resources, and lives. Washington’s support for Middle East autocrats makes America appear hypocritical on issues of human rights and democracy. The United States spends billions of dollars every year to maintain troops in the Middle East, and the troops risk their lives simply by being there, since they make tempting targets for the region’s Islamic extremists. And arguably, because the presence of these forces inflames radicals and delegitimizes local rulers, they may actually be undermining the very stability they are ostensibly there to ensure. Among those asking this tough question are two young professors, Eugene **Gholz**, at the University of Texas, and Daryl Press, at Dartmouth College. To find out what actually happens when the world’s petroleum supply is interrupted, the duo analyzed every major oil disruption since 1973. The results, **published in a recent issue of the journal Strategic Studies**, showed that in almost all cases, ***the ensuing rise in prices, while sometimes steep, was short-lived and had little lasting economic impact*. When there have been prolonged price rises, they found the cause to be panic on the part of oil purchasers rather than a supply shortage**. When oil runs short, in other words, the market is usually adept at filling the gap. One striking example was **the height of the Iran-Iraq War in the 1980s. If anything was likely to produce an oil shock, it was this**: two major Persian Gulf producers directly targeting each other’s oil facilities. And indeed, **prices surged 25 percent in the first months of the conflict. But within 18 months of the war’s start they had fallen back to their prewar levels**, and they stayed there even though the fighting continued to rage for six more years. Surprisingly, during the 1984 “Tanker War” phase of that conflict — when Iraq tried to sink oil tankers carrying Iranian crude and Iran retaliated by targeting ships carrying oil from Iraq and its Persian Gulf allies — the price of oil continued to drop steadily. **Gholz and Press found just one case after 1973 in which the market mechanisms failed: the 1979-1980 Iranian oil strike which followed the overthrow of the Shah, during which Saudi Arabia, perhaps hoping to appease Islamists within the country, also led OPEC to cut production, exacerbating the supply shortage.** In their paper, Gholz and Press ultimately conclude that **the market’s adaptive mechanisms function independently of the US military presence in the Persian Gulf, and that they largely protect the American economy from being damaged by oil shocks**. “To the extent that the United States faces a national security challenge related to Persian Gulf oil, it is not ‘how to protect the oil we need’ but ‘how to assure consumers that there is nothing to fear,’ ” the two write. “That is a thorny policy problem, but it does not require large military deployments and costly military operations.” There’s no denying the importance of Middle Eastern oil to the US economy. Although only 15 percent of imported US oil comes directly from the Persian Gulf, the region is responsible for nearly a third of the world’s production and the majority of its known reserves. But the oil market is also elastic: **Many key producing countries have spare capacity, so if oil is cut off from one country, others tend to increase their output rapidly to compensate**. Today, **regions outside the Middle East, such as the west coast of Africa, make up an increasingly important share of worldwide production. Private companies also hold large stockpiles of oil to smooth over shortages — amounting to a few billion barrels in the United States alone — as does the US government, with 700 million barrels in its strategic petroleum reserve**. And the market can largely work around shipping disruptions by using alternative routes; though they are more expensive, transportation costs account for only tiny fraction of the price of oil. Compared to the 1970s, too, **the structure of the US economy offers better insulation from oil price shocks. Today, the country uses half as much energy per dollar of gross domestic product** as it did in 1973, according to data from the US Energy Information Administration. Remarkably, the economy consumed less total energy in 2009 than in 1997, even though its GDP rose and the population grew. When it comes time to fill up at the pump, the average US consumer today spends less than 4 percent of his or her disposable income on gasoline, compared with more than 6 percent in 1980. Oil, though crucial, is simply a smaller part of the economy than it once was.

***1) Prolif is super slow—empirics disprove their fear mongering.***

**Hymans 12**—Jacques E. C. Hymans is Associate Professor of IR at USC [May/June 2012, “Botching the Bomb,” *Foreign Affairs*, http://www.foreignaffairs.com/articles/137403/jacques-e-c-hymans/botching-the-bomb?page=show]

The chronic problem of **nuclear proliferation is** once again **dominating the news.** A fierce debate has developed over how to respond to the threat posed by Iran's nuclear activities, which most experts believe are aimed at producing a nuclear weapon or at least the capacity to assemble one. In this debate, one side is pushing for a near-term military attack to damage or destroy Iran's nuclear program, and the other side is hoping that strict sanctions against the Islamic Republic will soften it up for a diplomatic solution. Both sides, however, share the underlying assumption that unless outside powers intervene in a dramatic fashion, it is inevitable that Iran will achieve its supposed nuclear goals very soon.

Yet there is another possibility. **The Iranians had to work for 25 years just to start accumulating uranium enriched to 20 percent, which is not even weapons grade. The slow pace of Iranian nuclear progress** to date **strongly suggests** that **Iran could** still **need a** very **long time to actually build a bomb** -- or could even ultimately fail to do so. Indeed, **global trends in proliferation suggest** that either of **those outcomes might be more likely than Iranian success** in the near future. **Despite *regular warnings* that proliferation is spinning out of control, the fact is that since the 1970s, there has been a *persistent slowdown* in the pace of technical progress on nuclear weapons projects and an equally dramatic decline in their ultimate success rate**.

**The *great proliferation slowdown*** can be attributed in part to U.S. and international nonproliferation efforts. But it **is** mostly **the result of the dysfunctional management tendencies of the states that have sought the bomb** in recent decades. **Weak institutions** in those states **have permitted political leaders to** unintentionally **undermine the performance of their nuclear scientists, engineers, and technicians. The harder politicians have pushed to achieve their nuclear ambitions, the less productive their nuclear programs have become.** Meanwhile, military attacks by foreign powers have tended to unite politicians and scientists in a common cause to build the bomb. Therefore, taking radical steps to rein in Iran would be not only risky but also potentially counterproductive, and much less likely to succeed than the simplest policy of all: getting out of the way and allowing the Iranian nuclear program's worst enemies -- Iran's political leaders -- to hinder the country's nuclear progress all by themselves.

NUCLEAR DOGS THAT HAVE NOT BARKED

"Today, almost any industrialized country can produce a nuclear weapon in four to five years," a former chief of Israeli military intelligence recently wrote in The New York Times, echoing a widely held belief. Indeed, **the more nuclear technology and know-how have diffused around the world, the more the timeline for building a bomb should have shrunk. But in fact, rather than speeding up over the past four decades, *proliferation has gone into slow motion***.

**Seven countries launched** dedicated **nuclear weapons projects before 1970, and all seven succeeded** in relatively short order. **By contrast, of the ten countries that have launched** dedicated **nuclear** weapons **projects since 1970, only three have achieved a bomb.** And only one of the six states that failed -- Iraq -- had made much progress toward its ultimate goal by the time it gave up trying. (The jury is still out on Iran's program.) What is more, **even the successful projects** of recent decades **have needed a long time to achieve their ends. The average timeline** to the bomb for successful projects launched **before 1970 was about seven years; the average timeline to the bomb for successful projects launched after 1970 has been about 17 years**.

***3) Prolif is stabilizing --- it’s banished great power war***

**Waltz ’10** (Kenneth N, adjunct professor of political science @ Columbia, senior research scholar in the Institute of War and Peace , the National Interest, “Is Nuclear Zero the Best Option?” Sep/Oct, Iss. 109; pg. 88, proquest, jj)

War may not pay, as British economist Norman Angeli repeatedly claimed, but the lesson proved a hard one for states to learn. **Even with the horrors of World War I fresh in their minds, European countries went into World War II just twenty-one years later**. **Until August of 1945, violent conflict punctuated the history of states, especially of those major and great. When in short order the Soviet Union followed the United States into the nuclear business with "man of steel" Stalin and in due course "we will bury you" Khrushchev at the helm, many in the Western world thought that all hell would break loose.** Robert Maynard Hutchins, boy president of the University of Chicago (he was thirty when he took over), and Bertrand Russell, eminent in mathematics and rhetoric, proclaimed that in the nuclear age, world government was the only alternative to world war. **With nuclear weapons, war presumably meant that civilization would perish and we along with it. Instead, the alternative to world government proved to be nuclear deterrence, which banished war among the world's major nations through the long years of the Cold War and ever since**. Certainly, **violent conflict** still exists, but it **has been relegated to taking its course in the periphery of international politics. The United States, in particular, has been fond of beating up poor and weak states.** In the twenty years dating from 1983, we invaded six of them, beginning and ending with Iraq. **Yet since the end of World War II, states with nuclear weapons have never fought one another.** Testing propositions against historical events has become a favorite indoor sport of social scientists. **This is the only proposition that has passed every test. One might think that the best, in fact the only, peacekeeping weapon that the world has ever known would gain many fans. It does not seem to have done so.**

## 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.

### 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 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).

## Adv 1

### 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.

### Senkaku

#### No Senkaku impact

Their evidence is hype --- just saber rattling

Despite CCP transition --- they wouldn’t start conflict because they know it would be unwinnable --- US gets drawn in --- too expensive --- theyre content to hype the conflict to stoke nationalism but will stop short of war

Economic interdependence checks

Only our ev speaks to China’s perception --- don’t see energy gains from conflict as outweigh financial costs

Negotiations will work --- common interests --- China has already said it supports diplomacy

Beitelman 12 (Toronto born David A. Beitelman is currently a PhD student in Political Science at Dalhousie University and a Doctoral Fellow at the Centre for Foreign Policy Studies in Halifax, Nova Scotia, Canada. He holds Masters degrees in American Studies and Political Science, and a BA (Hons) Specialization in Political Science with a Major in American Studies, from the University of Western Ontario. His primary interests are American foreign and defense policy and International Relations.

September, Policy Mic, Senkaku Islands Dispute: Do Not Believe the Hype, China and Japan Are Not About to Go to War, <http://www.policymic.com/articles/14910/senkaku-islands-dispute-do-not-believe-the-hype-china-and-japan-are-not-about-to-go-to-war>, jj)

The world is abuzz with the rising tensions between China and Japan in the East China Sea, where the two are quarreling over the energy-rich Senkaku Island chain (known as the Diaoyu Islands in China). Complicating the issue is a similar dispute between South Korea and Japan over another energy rich island chain in the East Sea/Sea of Japan, known as Takeshima in Japan and Dokdo in South Korea. Add this to the already tense territorial relationship between various states in the Asia-Pacific region which include the Philippines, Thailand, India, and Vietnam, and it is no wonder many are discussing the prospects of outright military conflict erupting in the region.

But despite the rhetoric and saber rattling, the prospects for conflict are less than those who sell the news would have you believe.

Most troubling to observers are the anti-Japanese demonstrations that have been flaring up across China and a naval "show of force" by the Chinese navy into Japanese controlled waters. But it is important to keep this all in perspective. China’s economy is slowing and the ruling Chinese Communist Party (CCP) is preparing for a change in leadership. What’s more, the CCP has been at the receiving end of a lot of criticism in the wake of the Gu Kailai murder trial and its revelation of wide-spread corruption by her husband, Bo Xilai, a high-ranking CCP official. There is also the bizarre case of the son of another high-ranking CCP official, Ling Jihua, who died after he crashed his Ferrari while naked and in the company of two women. The CCP derives a great deal of its legitimacy from the country’s impressive economic performance over the past 30 or so years. With the economy slowing and the perception that the ruling party is corrupt, out of touch, and incompetent, while in the midst of a power transition, it becomes easy to see why the CCP may benefit from ratcheting up nationalist sentiment, particularly against its long-time rival Japan. It is unlikely the Chinese government would allow the situation to escalate to a point of actual conflict. Not only does China have important economic relations with its neighbors, including Japan, it knows it is a conflict it cannot win.

The rise in tensions in the South China Sea come in midst of America’s "Pacific pivot" – a large scale multi-dimensional strategic realignment of military, economic, and political resources to the Asia-Pacific region that began in earnest in November 2011. The United States is looking to build an institutional framework in the region similar to the one it created in Europe after World War II. At the center of this framework is, arguably, a need to "contain" China, or at least strongly influence its strategic calculus as it modernizes its military and becomes a more assertive regional and global power. Should the situation in the region come to blows, China is well aware that those it would be fighting have military alliances and agreements with the United States. Fighting Japan or South Korea is one thing. Fighting the United States is another. Fighting any combination of the U.S. and another regional power – particularly Japan – is simply un-winnable.

More important when considering the prospects for conflict in the region is the simple financial calculus: states go to war when the cost of doing so is less than the perceived rewards. While these islands may be rich in energy resources, it is unlikely that they exceed the economic and political costs of a war between any of these countries. A war between Japan and China would be a crippling blow to an already fragile global economy, particularly to the economies of those states involved. NATO taking out Libya could be done on the cheap; war between China and Japan cannot. It is not for nothing that China has already stated it would not use force to resolve territorial issues in the region. China and Japan may be flexing their muscles a bit, but both know it is in their best interests to resolve differences through negotiation, not war.

#### No risk of war --- China and Japan won’t duke it out over some uninhabited islands

Rational minds will prevail --- ensures de-escalation

Won’t resort to military force --- will retaliate economically against eachother

International pressure solves --- the US and UN will force them to stand down and restrain

No miscalculation --- economic interdependence and broad channels of communication check

Sieg 9-23 (Linda Sieg, 9-23-12, Reuters, Japan, China military conflict seen unlikely despite strain <http://www.reuters.com/article/2012/09/23/us-china-japan-confrontation-idUSBRE88M0F220120923>, jj)

(Reuters) - Hawkish Chinese commentators have urged Beijing to prepare for military conflict with Japan as tensions mount over disputed islands in the East China Sea, but most experts say chances the Asian rivals will decide to go to war are slim.

A bigger risk is the possibility that an unintended maritime clash results in deaths and boosts pressure for retaliation, but even then Tokyo and Beijing are expected to seek to manage the row before it becomes a full-blown military confrontation.

"That's the real risk - a maritime incident leading to a loss of life. If a Japanese or Chinese were killed, there would be a huge outpouring of nationalist sentiment," said Linda Jakobson, director of the East Asia Program at the Lowy Institute for International Policy in Sydney.

"But I still cannot seriously imagine it would lead to an attack on the other country. I do think rational minds would prevail," she said, adding economic retaliation was more likely.

A feud over the lonely islets in the East China Sea flared this month after Japan's government bought three of the islands from a private owner, triggering violent protests in China and threatening business between Asia's two biggest economies.

Adding to the tensions, China sent more than 10 government patrol vessels to waters near the islands, known as the Diaoyu in China and the Senkaku in Japan, while Japan beefed up its Coast Guard patrols. Chinese media said 1,000 fishing boats have set sail for the area, although none has been sighted close by.

Despite the diplomatic standoff and rising nationalist sentiment in China especially, experts agree neither Beijing nor Tokyo would intentionally escalate to a military confrontation what is already the worst crisis in bilateral ties in decades.

U.S. PRESSURE

"The chances of a military conflict are very, very slim because neither side wants to go down that path," said former People's Liberation Army officer, Xu Guangyu, now a senior consultant at a government-run think tank in Beijing.

Pressure from the United States, which repeated last week that the disputed isles were covered by a 1960 treaty obliging Washington to come to Japan's aid if it were attacked, is also working to restrain both sides, security experts said.

"I very seriously do not think any of the involved parties - Japan, China and including the United States because of its defense treaty (with Japan) - want to see a military conflict over this dispute," said the Lowy Institute's Jakobson.

"They don't want to risk it, they don't seek it and they do not intend to let it happen."

Still, the possibility of a clash at sea remains.

While the presence of the Chinese surveillance ships - none of which is a naval vessel - and Japan Coast Guard ships in the area might appear to set the stage for trouble, military experts said each side would try to steer clear of the other.

"The bad news is that China sent ships to the area. The good news is that they are official ships controlled by the government," said Narushige Michishita at the National Graduate Institute for Policy Studies in Tokyo.

"This is good news because they are not likely to engage in aggressive action because that would really exacerbate the situation and turn it into a major crisis," said Michishita.

The Chinese ships, he said, had another mission besides asserting China's claims to the islands and nearby waters.

"My guess is that some (Chinese) official patrol boats are there to watch out for fishing boats ... to stop them from making problems," Michishita said.

FISHING BOATS WILD CARD

Military specialists say the Chinese patrol vessels are well disciplined as are the Japan Coast Guard ships, while the two sides have grown accustomed to communicating.

"Both sides are ready, but both sides are very well under control," said a former senior Japanese military official.

What worries observers most is the risk that a boat carrying Chinese fishermen slips through or activists try to land, sparking clashes with Japan's Coast Guard that result in deaths - news of which would spread like wildfire on the Internet.

In 1996, a Hong Kong activist drowned in the nearby waters.

Diplomatic and economic relations chilled sharply in 2010 after Japan arrested a Chinese trawler captain whose boat collided with a Japan Coast Guard vessel. This time, tensions are already high and China is contending with a tricky once-in-a-decade leadership change while Japan's ruling party faces a probable drubbing in an election expected in months.

"Two rational governments of major countries would not intentionally decide to enter into a major war with each other over a few uninhabited rocks," said Denny Roy, an Asia security expert at the East-West Center in Hawaii.

"But unfortunately, you can arrive at war in ways other than that - through unintended escalation, in which both countries start out at a much lower level, but each of them think that they must respond to perceived provocation by the other side, both very strongly pushed into it by domestic pressure. That seems to be where we are now and it is difficult to see how countries can get out of that negative spiral."

Others, however, were more confident that an unplanned clash could be kept from escalating into military conflict.

"That's not really a major possibility, because there are still broad channels of communication between the two sides, and they would help prevent that happening. Both sides could still talk to each other," said former senior PLA officer Xu.

"Even before anything happened, you would also have the U.N Secretary General and others stepping in to ensure that the situation does not get out of control."

#### No Senakuku escalation to nuclear war

Park 12 (Sungtae, Security Policy Studies @ GWU, Also written articles for the CSIS, “Limits of China-Japan Tension Over the Senkaku/Diaoyu Islands”)

There are also logistical reasons why a war over the Senkaku/Diaoyu Islands is unlikely. It is generally believed that neither China nor Japan at the moment has the military capability to wage a full-scale conventional war against the other. If China and Japan were to fight a war, the initial fighting would take place on water. The Chinese navy is mainly oriented towards coastal defense and does not have effective naval capabilities to project its power beyond the so-called “first island chain.” The Senkaku/Diaoyu Islands are part of the first island chain, but the Chinese military would have to stretch its naval capability to the limit in order to fight a war at that point. Even China’s on-going naval modernization is primarily for defensive purposes. The Japanese navy, on the other hand, does have some capability to project its power, but it is very limited. The Japanese military also does not have adequate ground forces to conduct fighting on the Chinese mainland. Even if violence breaks out, such a conflict would be very limited in scope and is highly unlikely that it would turn into a general war or escalate to a nuclear conflict.

#### No Senakuku war – Japan won’t engage in a conflict

Khan 12 (Shamshad, Institute for Defense Studies and Analysis, “Japan’s Nationalistation of Senkaku: Internal and External Determinants”)

It is being argued by China that Japan, in the near future, would deploy troops on these islands closer to China’s maritime boundary to counter the former’s military assertions. Some in China also see it as a move by Japan to “draw Washington into a conflict between Beijing and Tokyo.”[3](http://www.idsa.in/node/10484/6757#footnote3_26y8rtr) However, the overall political mood in Japan does not suggest that it is gearing up to test China’s military strength. The nationalisation of these islands has been driven more by domestic political factors than external factors. The nationalization debate was raked up by Tokyo Governor Shintaro Ishihara, who announced in April 2012 that the Tokyo metropolitan government is in negotiations with the Saitama-based businessman who owns these islands in order to “protect” these from China.[4](http://www.idsa.in/node/10484/6757#footnote4_z6z9thb) Soon other political parties joined the fray, including the main opposition party—the Liberal Democratic Party—which announced that it would nationalise the Senkaku islands if it were voted back to power. A section in the ruling Democratic Party of Japan also wanted to take political mileage out of it. Amid this internal debate, Hong Kong-based Chinese activists landed on one of the disputed islands, defying the Japanese government’s prohibitory order and asserted Chinese sovereignty. Their brief detention led to a diplomatic diatribe between Tokyo and Beijing. In response, a group of Japanese nationalists also landed on the islands asserting Japanese sovereignty. These developments prompted Japan’s central government to expedite the negotiation process with the private businessman to buy the land. The government offered some ¥ 2.05 billion (about $ 25.95 million) to the owner and clinched the deal.

#### Costs are too high

Park 12 (Sungtae, Security Policy Studies @ GWU, Also written articles for the CSIS, “Limits of China-Japan Tension Over the Senkaku/Diaoyu Islands”)

There is a growing fear among many Asia observers and pundits that the on-going territorial dispute could become a spark for a destructive, general war in Asia. The reality, however, is that there are several economic, political, as well as logistical (in military terms) constraints that make a war highly unlikely. In economic terms, trade between the two countries is at historic high levels. A war would have devastating human as well as material costs. While economic interests and interdependence do not necessarily lead to peace, as history has proven with World War I, the current situation is different. Both political and military leaders before World War I believed that a war would be quick with small costs. Each side also believed that it would win. Leaders of both China and Japan today understand that the costs of a war would be astronomical and understand that victory is no certainty.

#### The US-Saudi relationship is strategic and enduring – security concerns and mutual regional goals overwhelm any damage to relations

Becca Wasser, Special to CNN, 11/26-’13, CNN, Despite frustrations, Saudis unlikely to break with U.S., <http://globalpublicsquare.blogs.cnn.com/2013/11/26/despite-frustrations-saudis-unlikely-to-break-with-u-s/>, jj

Yet despite public announcements suggesting a shift away from the United States, it’s hard to imagine Saudi Arabia changing its calculus on the U.S.-Saudi alliance anytime soon. In an effort to quell concerns among the Gulf States, the Obama administration has repeatedly affirmed its commitment to the security of its allies in the region as part of its “reassurance diplomacy.” Shortly after Prince Bandar’s meeting with European officials, for example, U.S. Secretary of State John Kerry met with Saudi Foreign Minister Prince Saud al-Faisal and stressed that the relationship between Riyadh and Washington is “strategic” and “enduring,” adding that they share a core interest in halting the development of nuclear weapons. And, following the recent round of P5+1 nuclear negotiations in Geneva, Kerry flew to the United Arab Emirates, where he defended negotiations with Iran, but also made clear that the talks would not affect the U.S.-Gulf “friendship.” In addition, Secretary of Defense Chuck Hagel has announced he intends to visit Bahrain, where he will address U.S. priorities in the Gulf and Middle East at the IISS Manama Dialogue. But Washington no doubt realizes that supportive words will only go so far – they need to be matched by concrete steps. With this in mind, the United States has considerably deepened its security ties with the Gulf States, especially Saudi Arabia. In fiscal 2012, foreign military sales to Saudi Arabia increased ten-fold on a year earlier, to $34 billion. More recently, the Defense Department’s Defense Security Cooperation Agency “notified Congress of a possible Foreign Military Sale to Saudi Arabia of various munitions and associated equipment, parts, training and logistical support for an estimated cost of $6.8 billion.” A similar announcement suggested about $4 billion could be in the pipeline for the United Arab Emirates. The question in light of the Iran deal, of course, is whether Washington’s statements, visits and military support will be enough to address growing Saudi concerns. But while the most likely answer is probably not, the current climate is unlikely to be enough to change the Gulf states’ perception that the United States is their primary security guarantor. For this reason alone, Saudi Arabia will not shift strategically away from the United States any time soon. However, although the Saudis are unlikely to want to break with the United States, it’s possible that Riyadh will adopt a more independent, even unilateral, foreign policy – indeed, the potential for doing so was demonstrated by its recent arming and training of Islamic rebel groups in Syria. In the meantime, expect the United States to continue to work to assuage Gulf fears through public and private assurances. For the foreseeable future, the strategic balance in the region will endure.

### Caucuses

#### Great power cooperation, not conflict, is the trend in Central Asia

Hall & Grant ‘09 (Gregory, professor of political science at Morehouse College, Tiara, professor of government at New Mexico State University, Volume 20, Number 2, Spring 2009, “Russia, China, and the Energy-Security Politics of the Caspian Sea Region after the Cold War” project muse, jj)

Perhaps the situation is not so grave. China, Russia, and the United States all emphasize stability in Central Asia as critical for their energy security. China and Russia benefit from Western economic investments and technical assistance in developing their energy infrastructure. The trilateral trade relationships have mutual benefit in political, economic, and/or military terms. Iran, too, has much to gain from a stable CSB region. All four actors have significant ties to the region, either as energy producers/exporters, as importers, or both. So long as these actors can continue to find a way to manage the more pressing issues among them (for example, Georgia's internal stability, antiterrorism, North Korea, and Iran's nuclear power aspirations), their competition in Central Asia should not become destabilizing. [End Page 137]

#### No escalation- no vital interests for great power war in Central Asia

Weitz-Sr Fellow @ Assoc Director of Center for Future Security-2006 (Richard, “Averting a New Great Game in Central Asia,” The Washington Quarterly, Summer, twq.com/06summer/docs/06summer\_weitz.pdf)

Central Asian security affairs have become much more complex than during the original nineteenth-century great game between czarist Russia and the United Kingdom. At that time, these two governments could largely dominate local affairs, but today a variety of influential actors are involved in the region. The early 1990s witnessed a vigorous competition between Turkey and Iran for influence in Central Asia. More recently, India and Pakistan have pursued a mixture of cooperative and competitive policies in the region that have influenced and been affected by their broader relationship. The now independent Central Asian countries also invariably affect the region’s international relations as they seek to maneuver among the major powers without compromising their newfound autonomy. Although Russia, China, and the United States substantially affect regional security issues, they cannot dictate outcomes the way imperial governments frequently did a century ago. Concerns about a renewed great game are thus exaggerated. The contest for influence in the region does not directly challenge the vital national interests of China, Russia, or the United States, the most important extraregional countries in Central Asian security affairs. Unless restrained, however, competitive pressures risk impeding opportunities for beneficial cooperation among these countries. The three external great powers have incentives to compete for local allies, energy resources, and military advantage, but they also share substantial interests, especially in reducing terrorism and drug trafficking. If properly aligned, the major multilateral security organizations active in Central Asia could provide opportunities for cooperative diplomacy in a region where bilateral ties traditionally have predominated.

#### No Nagorno Karabakh war

Tagiyeva & Goldstein 5-23-11 (Leyla, Jeff, senior policy analyst for Eurasia at the Open Society Foundations' Washington, DC office, News.Az, “Scant hope of Karabakh progress ‘in near future’” <http://www.news.az/articles/politics/36924>, jj)

I do not think that Azerbaijan’s investments in its military have changed the military balance sufficiently to alter the current stalemate. I don’t believe that either side will intentionally start a war in the near future. Unfortunately, history tells us that wars sometimes begin unintentionally as the result of a series of unfortunate events. Given how close the frontline troops are to each other along the Line of Contact you can’t rule out the possibility of an initially small, localized clash spiraling out of control.  Nevertheless, I don’t think these chances are large, as both sides realize that the consequences of a new war are unpredictable and likely to leave them worse off than they are now.

#### No impact

PanArmenian 5-11-11 (“Expert: world community to prevent Azerbaijan from long war” <http://www.panarmenian.net/eng/politics/news/69626/>, jj)

PanARMENIAN.Net - Head of the political studies department at the Caucasus Institute, political analyst Sergey Minasyan said it is strange that earlier Azerbaijanis, specifically members of its parliament, stated that they will “liberate” Nagorno Karabakh during three days, while current this term makes half a year. “There are some discrepancies,” Minasyan told a [PanARMENIAN.Net](http://www.panarmenian.net/) reporter. According to Minasyan, the most important question asked by the Armenian side is why Azerbaijan has not launched a war yet, if it is so confident in the victory. “As for the terms, the world community will not allow Azerbaijan to fight for a long time, the war will last for maximum 10 days, after which the aggressor side will be forced by the world community to cease hostilities,” Minasyan said, adding that long hostilities would have been more advantageous for the Armenian side, which is ready for defense battles. Azerbaijani MP Vahid Ahmedov said earlier: “In my opinion, the national army will need no more than half а year to liberate our lands.”

# 1NR

## Overview

### 1NR – Econ Impact EXT

#### We control global impact uniqueness – Interdependence checks war. Plan undermines this crucial form of restraint.

Daniel **Griswold**, director of the Center for Trade Policy Studies, 4/20/**’7**, Trade, Democracy and Peace, p. http://www.freetrade.org/node/681

A second and even more potent way that trade has **promote**d **peace is by promoting** more **economic integration.** **As national economies become more intertwined with each other**, those **nations have** more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also **ruptured trade and investment ties that impose lasting damage on the economy.** In short, **globalization** has dramatically raised the economic cost of war.

#### Turns every aff scenario and causes global nuclear war

Kemp 10

Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, p. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

### \*1NR – Alliances Impact

#### Tea Party driven crisis politics collapses leadership and causes allies to doubt our commitments

Zakheim, 10/21-’13 [Dov Zakheim served as the undersecretary of defense (comptroller) and chief financial officer for the U.S. Department of Defense from 2001–2004 and as the deputy undersecretary of defense (planning and resources) from 1985-1987. He also served as DoD's civilian coordinator for Afghan reconstruction from 2002–2004. He is a member of The National Interest's advisory council. The National Interest, The Tea Party and National Security, <http://nationalinterest.org/commentary/the-tea-party-national-security-9264>, jj]

Much is being said and written about the impact of the government closure and debt crisis on everything from workers’ salaries, to the availability of statistics that are critical for the management of businesses and farms, to the slowing of economic growth, to the weakening of America’s overall financial position at home and abroad. There has been far less focus on effect of the Washington stalemate on American national security, not merely in terms of the size, shape and composition of the defense budget, but, more generally, on international perceptions of American stability and reliability in light of the scorched earth policies of the Tea Party and its Congressional sympathizers. It is not just that foreign diplomats, officials and analysts echo a common question and a uniform manta about what has been going on in Washington, the question being, “what is wrong with you people” and the mantra, “you have all gone mad.” It is that the ability of the military to engage with its counterparts overseas, a key element in America’s alliance strategy, is being seriously compromised. A prime example was the last-minute cancellation in early October of the International Seapower Symposium in Newport, RI, for the want of a few hundred thousand dollars that were unavailable as a result of the shutdown. The ISS, as it is called, is the world's largest meeting of world naval leaders, involving over one hundred commanders of foreign navies. The cancellation not only embarrassed the Department of Defense, the Navy, and, of course, Admiral Jonathan Greenert, the Chief of Naval Operations, but also robbed him of the precious opportunity to advance naval cooperation with America’s allies and friends. Political pundits tend to argue that the Tea Party’s adherents are isolationist and therefore are indifferent to America’s international relations. That is not entirely correct. Senator Ted Cruz, whose meteoric rise as a public figure owes much, if not all, to his Tea Party sympathies, recently was honored by an ultra-pro-Israel group called EMET with its “Speaker of the Truth Award,” for “daring to stand with Israel.” The issue is not a matter of ideological isolationism but rather of pure and utter ignorance. The Congressional Tea Party crowd simply does not understand that American prosperity depends on its security; that its security depends on its ability to preserve a stable world order; that its ability to do so depends on maintaining and sustaining its relations with allies and friends; and that, in turn, depends on their perception of American reliability and consistency. By forcing the government into crisis on a quarterly basis, the Tea Party is reducing the United States to the equivalent of the Fourth French Republic; a nation with whom agreements were always in jeopardy because governments stood and fell with unnerving regularity. Some long-standing American allies and friends may tolerate Congressional behavior as a peculiar Washington peccadillo, but others may not. In particular, Asian states, already doubtful that there will ever be an American “pivot” to their part of the world, may become more willing to give way to China, including its claims of sovereignty over the South China Sea. Some Middle Eastern allies may seek to enhance their relations with Iran, as is already the case with Turkey. Others in the region may increasingly look to Russia and China as their primary arms suppliers, thereby reducing America’s ability to support what is left of a stable Middle Eastern order, and, for that matter, to help deter threats against Israel, for whose defense Senator Cruz wins awards. Even some European states may seek to accommodate an increasingly assertive Russia, given their perception of American unreliability. The only way to stop the Congressional Tea Party coterie from undermining American security, is for Republicans both in and out of Congress to push back against this increasingly disruptive force. In particular, neoconservatives and Republican realists, who differ on so many issues, must recognize that they both share a commitment to American leadership abroad that the extreme Right is beginning to undermine. Most internationalist Republicans, of whatever stripe, have serious disagreements with the Obama administration’s foreign policy; they believe that it has created an image of an uncertain and weak America. The Tea Party is reinforcing that image in spades. With time, Republicans will be in a position to reverse the administration’s policies, much as Ronald Reagan reversed those of Jimmy Carter; but Republicans can ill afford to wait while the Tea Party does so much damage to America’s status as the leader of the Free World that it will be beyond repair.

#### Turns Saudi advantage

May, 13 (3/27, Caroline, political reporter for the daily caller, “House Republicans ask why Saudi Arabia was added to trusted traveler program,”¶ http://dailycaller.com/2013/03/29/house-republicans-ask-why-saudi-arabia-was-added-to-trusted-traveler-program/)

House Homeland Security Committee Chairman Michael McCaul and the panel’s subcommittee chairmen are calling on Homeland Security Secretary Janet Napolitano to explain why DHS has extended a trusted traveler program to the Kingdom of Saudi Arabia.¶ In a letter to Napolitano released Thursday, the seven GOP lawmakers voiced their concerns about “potential risks” associated with opening the Global Entry trusted traveler program — which “[allows](http://www.globalentry.gov/about.html) expedited clearance for pre-approved, low-risk travelers upon arrival in the United States” — to Saudi Arabia¶ “Of the 19 individuals who hijacked American planes on September 11, 2001 — 15 were from the Kingdom of Saudi Arabia,” the committee members wrote in the letter dated March 27 but released the following day. “More recently, following the plot to blow up an international flight over Detroit on Christmas Day 2009, the Department saw fit to increase the scrutiny of passengers from countries like Saudi Arabia. This must be a factor in determining who to admit into the Global Entry Program.”

### 1NR – China Impact

#### Tea party causes China bashing

Pew Research, 11 [10/7, Tea Party and Foreign Policy, <http://www.people-press.org/2011/10/07/strong-on-defense-and-israel-tough-on-china/>, jj]

Tea Party Republicans are much more supportive of taking a harder line with China in economic policy than are other Republicans or Democrats. Two-thirds (66%) say it is more important to get tougher with China on economic issues; just 30% say it is more important to build a stronger relationship with China on these issues. About four-in-ten non-Tea Party Republicans (42%) and 32% of Democrats and Democratic leaners prioritize getting tougher with China.

#### This will collapse US-Sino relations

The Korea Herald, ‘8 ("Recession reopens China-U.S. rift," 12/30/2008, Factiva)

The global recession is re-exposing fissures in U.S.-China relations that Treasury Secretary Henry Paulson spent more than two years smoothing over. Heightened tensions between China and the U.S. may worsen a contraction in world trade that already threatens to deepen and prolong the economic downturn. The friction comes as President-elect Barack Obama readies a two-year stimulus package worth as much as $850 billion that will require the U.S. to borrow more than ever from China, the largest buyer of Treasury securities. “The American economic slump is running into the Chinese economic slump,” says Derek Scissors, a research fellow at the Washington-based Heritage Foundation. “It’s creating the conditions for a face-off between Beijing and the U.S. Congress, possibly leading to destabilization of the world’s most important bilateral economic relationship.”

## Blocks

### A2: fettweis

#### He’s wrong --- the US can maintain peace as long as we maintain a military

#### Here’s more ev

**Brzezinski ’12** (Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, is author of the forthcoming book Strategic Vision: America and the Crisis of Global Power, Foreign Policy, After America¶ <http://www.foreignpolicy.com/articles/2012/01/03/after_america?page=0,1>, jj)

For **if America falters, the world is unlikely to be dominated by a single preeminent successor** -- not even China. **International uncertainty, increased tension among global competitors, and** even **outright chaos would be far more likely outcomes**. **While a sudden, massive crisis of the American system** -- for instance, another financial crisis -- **would produce a fast-moving chain reaction leading to global political and economic disorder, a steady drift by America into increasingly pervasive decay or endlessly widening warfare with Islam would be unlikely to produce, even by 2025, an effective global successor**. **No single power will be ready by then to exercise the role that the world,** upon the fall of the Soviet Union in 1991, **expected the United States to play: the leader of a new, globally cooperative world order**. **More probable would be** a protracted phase of rather inconclusive realignments of both global and regional power, with no grand winners and many more losers, in a setting of **international uncertainty and even of potentially fatal risks to global well-being. Rather than a world where dreams of democracy flourish, a Hobbesian world of enhanced national security based on varying fusions of authoritarianism, nationalism, and religion could ensue**. The leaders of the world's second-rank powers, among them India, Japan, Russia, and some European countries, are already assessing the potential impact of U.S. decline on their respective national interests. The Japanese, fearful of an assertive China dominating the Asian mainland, may be thinking of closer links with Europe. Leaders in India and Japan may be considering closer political and even military cooperation in case America falters and China rises. **Russia**, while perhaps engaging in wishful thinking (even schadenfreude) about America's uncertain prospects, **will almost certainly have its eye on the independent states of the former Soviet Union**. Europe, not yet cohesive, would likely be pulled in several directions: Germany and Italy toward Russia because of commercial interests, France and insecure Central Europe in favor of a politically tighter European Union, and Britain toward manipulating a balance within the EU while preserving its special relationship with a declining United States. **Others may move more rapidly to carve out their own regional spheres: Turkey in the area of the old Ottoman Empire, Brazil in the Southern Hemisphere, and so forth**. **None of these countries, however, will have the requisite combination of economic, financial, technological, and military power even to consider inheriting America's leading role**. China, invariably mentioned as America's prospective successor, has an impressive imperial lineage and a strategic tradition of carefully calibrated patience, both of which have been critical to its overwhelmingly successful, several-thousand-year-long history. China thus prudently accepts the existing international system, even if it does not view the prevailing hierarchy as permanent. It recognizes that success depends not on the system's dramatic collapse but on its evolution toward a gradual redistribution of power. Moreover, the basic reality is that **China is not yet ready to assume in full America's role in the world. Beijing's leaders themselves have repeatedly emphasized that on every important measure of development, wealth, and power, China will still be a modernizing and developing state several decades from now, significantly behind not only the United States but also Europe and Japan in the major per capita indices of modernity and national power**. Accordingly, **Chinese leaders have been restrained in laying any overt claims to global leadership.** At some stage, however, **a more assertive Chinese nationalism could arise** and damage China's international interests. **A swaggering, nationalistic Beijing would unintentionally mobilize a powerful regional coalition against itself**. None of China's key neighbors -- India, Japan, and Russia -- is ready to acknowledge China's entitlement to America's place on the global totem pole. They might even seek support from a waning America to offset an overly assertive China. **The resulting regional scramble could become intense, especially given the similar nationalistic tendencies among China's neighbors**. **A phase of acute international tension in Asia could ensue**. ***Asia of the 21st century could then begin to resemble Europe of the 20th century -- violent and bloodthirsty.*** At the same time, **the security of a number of weaker states located geographically next to major regional powers also depends on the international status quo reinforced by America's global preeminence -- and would be made significantly more vulnerable in proportion to America's decline. The states in that exposed position -- including Georgia, Taiwan, South Korea, Belarus, Ukraine, Afghanistan, Pakistan, Israel, and the greater Middle East -- are today's geopolitical equivalents of nature's most endangered species**. Their fates are closely tied to the nature of the international environment left behind by a waning America, be it ordered and restrained or, much more likely, self-serving and expansionist. A faltering United States could also find its strategic partnership with Mexico in jeopardy. America's economic resilience and political stability have so far mitigated many of the challenges posed by such sensitive neighborhood issues as economic dependence, immigration, and the narcotics trade. A decline in American power, however, would likely undermine the health and good judgment of the U.S. economic and political systems. ***A waning United States would likely be more nationalistic, more defensive about its national identity, more paranoid about its homeland security, and less willing to sacrifice resources* for the sake of others' development.** The worsening of relations between a declining America and an internally troubled Mexico could even give rise to a particularly ominous phenomenon: the emergence, as a major issue in nationalistically aroused Mexican politics, of territorial claims justified by history and ignited by cross-border incidents. **Another consequence of American decline could be a corrosion of the generally cooperative management of *the global commons* -- shared interests such as sea lanes, space, cyberspace, and the environment, whose protection is imperative to the long-term growth of the global economy and the continuation of basic geopolitical stability**. In almost every case, **the potential absence of a constructive and influential U.S. role would fatally undermine the essential communality of the global commons because the superiority and ubiquity of American power creates order where there would normally be conflict.** None of this will necessarily come to pass. Nor is the concern that America's decline would generate global insecurity, endanger some vulnerable states, and produce a more troubled North American neighborhood an argument for U.S. global supremacy. In fact, the strategic complexities of the world in the 21st century make such supremacy unattainable. But **those dreaming today of America's collapse would** probably **come to regret it. And as the world after America would be increasingly complicated and chaotic, it is imperative that the United States pursue a new, timely strategic vision for its foreign policy -- or start bracing itself for a dangerous slide into global turmoil.**

### A2: Too Soon/Can’t Predict

#### Our disad is about which Republicans can win in the PRIMARY – and those elections are right around the corner

Julián Aguilar, The Texas Tribune, “Border Democrats See Immigration Reform Window Closing”, Sept 16th 2013, http://www.texastribune.org/2013/09/16/border-dems-window-pass-immigration-reform-closing/

Elections will certainly come in to play sooner than later, he added. “If we’re not able to put something together within the next three to five months, the primary season starts in Texas,” he said. “It breaks down and gets complicated very quickly.”

#### Now is key—the New Year means campaigning has already begun

Guebert 12/26-13 [Alan Guebert, Syndicated Columnist, Daily Republic News on Dec 26, 2013, GUEBERT: Years and seasons end, but politics are ongoing, <http://www.mitchellrepublic.com/content/guebert-years-and-seasons-end-politics-are-ongoing>, jj]

First, 2014 is an election year and everyone on Capitol Hill knows election years are for, well, elections. That means that somewhere between 40 and 60 percent of every lawmaker’s day and night will be spent raising campaign money toward re-election and raising cane against “the usual Washington gridlock.”

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In fact, the U.S. House set the table for just such slowdown when it hightailed out of town for Christmas two weeks before Christmas. With its collective bags packed and waiting by the door, the House passed another, one-month extension of the 2008 farm bill, itself extended for a year in January 2013.

#### Not too soon – registration and get out the vote campaigns starting now – it’s the key time

Bolder Advocacy, (BA), “Now’s the Time to Think About Voting in 2014”, Sept 24th 2013, http://bolderadvocacy.org/blog/pull-out-those-calendars-preparing-for-the-2014-midterm

Is it too soon to think about next year’s national midterm and the election of Congress, one-third of the Senate, two-thirds of state governors, and almost all state legislatures? No, definitely not. Unfortunately, most nonprofits won’t even begin considering their November 2014 plans until the end of next summer. In such a small window, there is little time to plan, much less implement effective registration, education, and get-out-the-vote activities.

#### Prefer issue specific uniqueness—it’s not too soon to predict tea party losses in the status quo

Dave Rogers 10/10, October 10, 2013, My Bay City – Michigan, SHUTDOWN WOES: Government Turmoil May Affect 2014 Congress Races, <http://www.mybaycity.com/scripts/p3_v2/P3V3-0200.cfm?P3_ArticleID=8464>, jj

The Republican role in the federal government shutdown may hurt the reelection chances of three Michigan congressmen who have had Tea Party backing, according to political observers. Polls show Republican Congressmen Tim Walberg, Kerry Bentivolio and Dan Benishek all trailing significantly behind a generic Democratic opponent, reports Steve Carmody of Michigan Radio. Tea Party darling Benishek is not about to go quietly, generating about 3,500 "likes" on Facebook after announcing he would not take his salary until the shutdown is resolved and may donate it to charity. Right Wing Watch of the People for the American Way named Walberg one of the "Ten Scariest Republicans Heading to Congress" in 2010. He has been called "the birthers' birther" for his doubts about President Obama's place of birth. Bentivolio already is being "primaried" by an Oakland County lawyer with national political connections, David Trott, 52, of Birmingham. Trott announced Sept. 4 in the Republican primary against Bentivolio, the former reindeer rancher and educator who was a dark horse winner last year. Trott plans to enter the Republican primary next year to challenge Bentivolio, from Milford, who was thrust into front-runner status in 2012 after then-U.S. Rep. Thaddeus McCotter stepped down amid a petition scandal. Tom Jensen, an official of Public Policy Polling, the Democratic-leaning firm that conducted the voter survey, said it was commissioned by MoveOn.org. Jensen says their data shows voter discontent over the shutdown may tip the balance in November 2014. Poll results painted a gloomy picture for Benishek, with voter opinions linked to the government shutdown, according to results of the Public Policy Polling survey. Benishek drew a 54 percent negative job rating, with 33 percent approving and 13 percent not sure. Some 56 percent of those surveyed indicated they would vote for a Democratic opponent while 35 percent would re-elect the incumbent. Columnist George Weeks, writing in the Traverse City Record-Eagle, noted: "Benishek's Democratic opponent undoubtedly will be Jerry Cannon, 65, former Kalkaska County sheriff (1987-2004) and retired Army National Guard major general (1977-2012) who announced last week, after having been recruited by Democratic State Chairman Lon Johnson (also a Kalkaska area guy) and the Democratic Congressional Campaign Committee." Sixty-four percent of those polled by PPP, the Raleigh, NC firm, opposed shutting down the government as a way to stop the health care law, with 29 percent supporting. "Republicans have shot themselves in the foot and put themselves into a pretty bad position for next fall," Jensen told reporters. Jensen says it's not too soon to be predicting the result of an election more than a year away. "These were the sort of numbers we were starting to see in Democratic held districts at this time four years ago," says Jensen. Democrats lost control of the U.S. House in 2010, as the rise of the Tea Party powered the Republicans to victory.

### A2: Healthcare

#### Obamacare will be fixed---makes it a non issue

Emily Schultheis is a reporter. She started at POLITICO as a 2010 summer intern and never really left. Filing stories throughout her senior year at the University of Pennsylvania, Schultheis reported on the 2010 Pennsylvania Senate and gubernatorial races and helped with POLITICO’s 2012 Live page. She graduated from Penn with an honors degree in English literature in May 2011. Schultheis began covering politics for The Daily Pennsylvanian in 2008, trailing Barack Obama and Hillary Clinton throughout Philadelphia during the lead-up to the Pennsylvania primary. She later interned for Philadelphia Daily News, Philadelphia City Paper, UWIRE’s Youth Vote ’08 blog and the census watchdog blog MyTwoCensus. 1/1/14, Politico, Pundits predict plenty in 2014, <http://www.politico.com/story/2014/01/2014-political-predictions-101649.html>, jj

6. Bob Shrum, Democratic strategist: Obamacare won’t be so bad after all. “By September, Republican strategists will be telling GOP candidates to talk about something other than Obamacare. By then you’ll have a lot of people enrolled, people benefiting from (rules about covering) pre-existing conditions, the issue will not be what it seems to be now.”

## Link

### \*\*\*2NC Link Wall – Top Level

#### Plan lets them pivot towards their popular national security policies—that saves them in the midterm

Friedersdorf, 10-11-’13 [Conor Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs. 10-11-’13, The Atlantic, The Tea Party Is Damaging Its Credibility in the Way It Can Least Afford, <http://www.theatlantic.com/politics/archive/2013/10/the-tea-party-is-damaging-its-credibility-in-the-way-it-can-least-afford/280500/>, jj]

The Tea Party ought to be able to do better. "Rand Paul is more in touch with the public mood on national security issues than a lot of G.O.P. foreign policy hands, Mike Lee has a better tax plan than any of his fellow Republican senators, Heritage Action is absolutely right about farm subsidies and the House G.O.P. leadership is wrong … I’ve been over this before, but it bears repeating: If you’re looking for policy innovation on the right, the populist wing is mostly where the action is," Ross Douthat correctly observes. "And yet none of this matters right now, because the current populist strategy isn’t going to work, isn’t going to make the populist’s ideas or the Republican Party more popular, and has marched the entire party into a cul-de-sac from which, it seems, only the uncourageous dealmaking K Street-friendly leadership types can rescue it." Pursuing a liberty-minded, small-government agenda need not involve reckless standoffs that risk America's credit, but you'd never know that from the last few weeks. It's frustrating as hell for those of us hungering for a credible Republican alternative to K Street, warmongering, and a liberty-destroying national-security state.

#### Plan will cause GOP voters to pick Tea Party candidates over moderates—restricting the president is extremely popular

Lawrence 10/17-’13 [Jill Lawrence is a national correspondent at National Journal. Her previous positions have included managing editor for politics at National Journal, senior correspondent and columnist for Politics Daily, national political correspondent for USA Today, and national political writer for The Associated Press. She has also written about politics and policy for The Daily Beast, The Atlantic, The Washington Post, The Boston Globe, The Atlanta Journal-Constitution and other publications. Lawrence has covered every presidential campaign since 1988 and many other historic events, including the Three Mile Island nuclear accident; the 1994 Republican takeover of Congress; the Clinton impeachment; the Florida recount, and the 1993 and 2009 battles over health reform. Lawrence has won national recognition for her work, most recently a Sigma Delta Chi award from the Society of Professional Journalists in 2010 for her Politics Daily columns. In 2004, Columbia Journalism Review named her one of the top 10 campaign reporters in the country. Her deep, detailed reporting for "One Nation, Divided," a multi-part series published in USA Today in 2002, was featured in the IRE Journal. Lawrence has taught journalism at American University and has appeared at other universities as a guest lecturer and panelist. She is a University of Michigan graduate and has a master's degree in journalism from New York University. National Journal, The Truthiness of Rand Paul, <http://www.nationaljournal.com/magazine/the-truthiness-of-rand-paul-20131017>, jj]

But it's on foreign policy and national security that Paul could transform the GOP. His battles to curb military forays and foreign aid, and his drive to restrict U.S. surveillance, reach a broad, diverse cross-section of angry, wary, and worried Americans. The Kentucky senator's old-fashioned, 13-hour filibuster—forcing the Obama administration to say it wouldn't use drones to kill U.S. citizens on U.S. soil—cemented his position in the national political-celebrity spotlight. Starting that night with his #StandWithRand hashtag on Twitter, he rode a wave of public anger all the way to his high-profile opposition to involvement in Syria, declaring there was "no clear national security connection" to the United States.

#### Turnout is key to moderate Republicans

B.M.G, 10/18-’13 [Blue Massachusetts Group, most widely read independent political blog in New England, Tea Party Could See Influence Grow After Latest Washington Debacle, <https://bluemassgroup.com/2013/10/tea-party-could-see-influence-grow-after-latest-washington-debacle/>, jj]

Of course, merely having your supporters turnout to the polls means nothing, if who they are voting for are more centrist and reasonable candidates. As we know, however, such candidates are a dying breed within the Republican Party, and already, the Tea Party looks to run its largest slate of candidates yet. For instance, in Texas alone, some 16 of the state’s 22 incumbent Republican House members are already facing Tea Party challenges. And its much the same across the country. The extent to which Republican House incumbents are capable of surviving these challenges, depends greatly on voter turnout. Unfortunately for those incumbents, turnout in such elections has historically been low, and will likely remain so throughout the 2014 primaries.

### 2NC/1NR – Drones Link

#### Drone debates are a win for the tea party

West & Memoli, ’13 [Paul West and Michael A. Memoli, 3-7-’13, Senate debate over drones divides Republican Party, <http://articles.latimes.com/2013/mar/07/nation/la-na-pn-gop-debate-drones-20130307>, jj]

WASHINGTON -- A sudden debate over the potential use of unmanned drones against terrorist suspects in the United States touched off a power struggle within the Republican Party on Thursday, even as the Senate confirmed President Obama’s CIA nominee after a highly publicized delay. The fast-moving developments represented a victory for Sen. Rand Paul of Kentucky, a first-term senator from the GOP’s tea party wing, who had delayed John Brennan’s nomination as CIA director Wednesday with an old-style filibuster that lasted into the wee hours. After hurried consultations with White House officials Thursday, Paul got the answer he was demanding from the Obama administration: a letter stating that the president cannot order the targeted killing on U.S. soil of an American who is not engaged in combat. The letter cleared the way for Brennan, the chief architect of the administration’s drone program, to be confirmed, 63 to 34. “Hurray,” said Paul, when the letter from Atty. Gen. Eric H. Holder Jr. was read to him during a Fox News interview. Earlier in the week, the administration had appeared to leave the question of targeted killings on U.S. soil at least theoretically open. “For 13 hours yesterday we asked him that question, and so there is a result and a victory,” Paul said. “Under duress and under public humiliation, the White House will respond and do the right thing.” White House officials and their allies in the Senate insisted that the letter simply made explicit and public what the policy had been all along. The situation Paul had hypothesized during his filibuster -- a drone strike against an American merely suspected of involvement in terrorism -- “will never happen in the United States of America,” said Sen. Dianne Feinstein (D-Calif.), who heads the Senate Intelligence Committee. “I hope this puts this [question] to an end.” But while the day's developments may have settled one issue, the debate laid bare a split within the GOP. It raised new questions about the party’s reflexive commitment to national defense, and united elements of the left and right in a new cause against the Obama administration and, to some extent, Washington’s foreign policy establishment. Paul’s filibuster, at nearly 13 hours the longest in the Senate in decades, initially drew support only from a few fellow tea party senators and congressmen. As Wednesday evening wore on, however, and Paul’s performance drew increasing attention on cable TV and social networks, more-established Republicans added their voices in a series of unusual, late-night appearances. Among them were Senate Minority Leader Mitch McConnell and two of the dozen Republican senators who had dined with Obama earlier in the evening at a downtown hotel. In the final vote, 13 Republicans voted for Brennan and 31 opposed him. Late Wednesday, the Senate GOP’s campaign arm started a “Stand with Rand!” fundraising effort online, picking up the hashtag that was trending throughout the night on Twitter. The action by the National Republican Senatorial Committee surprised some Republican veterans in the capital. “I would not have automatically expected that,” said Vin Weber, a former congressman and GOP advisor. “The use of drones is a national security tool, and normally Republicans’ first reaction is to be supportive of executive power in the use of national security tools. It’s interesting that the NRSC thinks it’s a political winner.” Republican hawks, clearly concerned that Paul had stolen their thunder, struck back Thursday with Senate speeches lacerating their junior colleague. Sen. Lindsey Graham of South Carolina said the question that Paul was pursuing was “offensive,” and he suggested partisan motives. “I don’t remember any of you suggesting that President Bush was going to kill someone with a drone,” Graham said, addressing fellow Republican senators. “What are we up to here?” A visibly angry Sen. John McCain of Arizona said in a Senate speech, “I don’t think what happened yesterday is helpful to the American people.” Paul’s suggestion that law-abiding citizens need to fear attack from their own government “brings the conversation from a serious discussion … to the realm of the ridiculous,” he said. The Wall Street Journal’s editorial page, which has considerable influence among Republicans, accused Paul of “showmanship” and staging a “political stunt.” The fight has potential to influence not only the debate over the future of the GOP but the next presidential contest, already in its earliest stages. Paul, son of former Rep. Ron Paul of Texas, is a likely 2016 candidate. His success in capitalizing on the drone issue stood in sharp contrast with the off-key efforts this week of former Florida Gov. Jeb Bush, who stumbled over his position on immigration as he signaled that he was open to a 2016 run.

### A2: tea party clout inev

#### 2014 key to ending Tea Party influence

Molly K. Hooper - 12/31/13, The Hill, Tea Party faces 2014 challenge, <http://thehill.com/homenews/house/194188-tea-party-faces-2014-challenge>, jj

The Tea Party is facing a huge test in 2014 as establishment Republicans and business groups try to wrestle back control of the GOP. Grassroots conservative groups have ruled the roost of the House GOP conference since Republicans won back the majority in 2010 but are now under attack from forces within their own party. In December, Speaker John Boehner (R-Ohio) repeatedly ripped into outside conservative groups over their tactics during the government shutdown fight, which he described as “ridiculous.” Allies of Boehner, who has repeatedly struggled to lead his conference while outside groups and conservative senators vied with him for influence, feel optimistic they’ve emerged stronger from the last year. “We are ending the year in much better position than we began it,” said Rep. Tom Cole (R-Okla.), who works closely with Boehner. “We ended it with a budget agreement; we ended it with a defense bill; we ended it with a farm bill in sight; we ended it with our appropriators doing what they are supposed to do,” Cole said. The leverage point for Tea Party groups has been the GOP primaries, where they have repeatedly knocked off establishment candidates and incumbents that they view as straying too far from conservative principals. Many Republicans think the Tea Party’s efforts contributed to their failure to win the Senate majority in 2010 and 2012, and are urging a united front this time around. Cole said Republicans need to focus on winning a Senate majority rather than fighting over who is and isn’t a real conservative. “Republicans are united in opposition to ObamaCare. They are united on the tax issue; they are strong on wanting to achieve the goals. We just simply don't have enough Republicans,” he said. “Our problem isn't simply passing exactly what these groups want through the House. It's passing it through the Senate.” Boehner’s criticism of the outside groups has raised worries among conservatives that the Speaker might defy Tea Party forces by seeking to move immigration reform legislation, though Boehner has given no indication that is his plan. His words have also emboldened allies in the business community and on K Street, who have been annoyed with the grassroots groups for making it more difficult to get things done in Washington. Those groups are now funding business-friendly candidates and incumbents in GOP primaries, hoping the result will be a more pragmatic House GOP conference in 2015. “The empire is striking back with the Chamber of Commerce and American Crossroads supporting more pragmatic Republicans in primaries,” Claremont McKenna College political science professor Jack Pitney said. Pitney noted that the winners of the respective intraparty fights would likely set the course for the future direction of the GOP.

#### Tea Party gains in the midterm will swing the entire make up of Congress—tons of moderate seats are up for grabs

ANNA M. TINSLEY, 9-29-’13, Star Telegram, Tea Party hoping to spring more surprises in Texas, <http://www.star-telegram.com/2013/09/29/5205255/tea-party-hoping-to-spring-more.html>, jj

“The midterm elections in 2014 will be vital to the future of our country and our state, especially given the interest that liberal Democrats have shown in trying to turn Texas blue,” Cornyn said earlier this year. “I look forward to working with my team to ensure that Texas remains red.” And he has said he brought Steinhauser on board his campaign because he has been “working hard for conservative policies and candidates” in dozens of states. Steinhauser has called Cornyn — a former Texas attorney general and former associate justice on the Texas Supreme Court — a conservative leader and vowed to work hard for his re-election. Among the GOP senators believed to be targeted in 2014 by the Tea Party: Lindsey Graham of South Carolina, Saxby Chambliss of Georgia, Lamar Alexander of Tennessee, Susan Collins of Maine and McConnell.

#### Tea Party losses this election will end their stranglehold on politics

Reifowitz 10/14 [Ian Reifowitz, Author of 'Obama’s America: A Transformative Vision of Our National Identity', Huffington Post, Make 2014 a Referendum on Republican Radicalism, <http://www.huffingtonpost.com/ian-reifowitz/make-2014-a-referendum-on_b_4096446.html>, jj]

And within the Republican Party, these kinds of cracks are beginning to show. Relatively reasonable Republicans are ready to isolate Tea Party radicals. Elections in 2014 offer an opportunity not only to retake the House of Representatives, but to break the stranglehold the radicals have exercised over congressional Republicans for too long. This country cannot continue to lurch from crisis to crisis because one radical faction refuses to accept the results of an election. We need two parties that compete for votes at the ballot box and then, after the elections are over, act responsibly and get down to the business of governing. The only way that's going to happen is if voters punish Tea Party Republican radicalism by booting a good number of Republicans out of office. Teach them a lesson they won't soon forget.

## Rest

### A2: Obama pitches plan

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

Wittes 5-24-’13, Benjamin Wittes is editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law. 5-24-’13, Lawfare Blog, The President’s Speech: A Quick and Dirty Reaction–Part 4 (Hedging on the Drone Court), <http://www.lawfareblog.com/2013/05/the-presidents-speech-a-quick-and-dirty-reaction-part-4-hedging-on-the-drone-court/>, jj

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.

### 1NR – Russia Impact

#### Tea Party influence kills Russia relations

Sokov, ’13 [Nikolai Sokov, Senior Fellow at the Vienna Center for Disarmament and Non-Proliferation (VCDNP), 1-29-13, European Leadership Network, US-Russian Relations: Beyond the Reset, <http://www.europeanleadershipnetwork.org/us-russian-relations-beyond-the-reset_459.html>, jj]

Contrary to common opinion, there are very few truly difficult issues on the bilateral agenda that cannot be resolved through negotiation. The increasingly conflictual nature of the relationship results from domestic politics in both countries rather than from strategic, economic, or political differences. A good illustration is the well-known controversy over missile defense. Any decent diplomat could find a solution in a matter of months. Russian concerns concentrate on the fourth – and the last – phase of the American plan (known as the Phased Adaptive Approach), which foresees deployment of systems theoretically capable of intercepting strategic missiles. The solution proposed by Russian military leaders is to limit the capability of the fourth-phase system (for example, through limits on the number of interceptors and the areas of their deployment) so that it does not undermine the existing US-Russian strategic balance while preserving the ability of the American system to intercept a small number of long-range missiles, i.e., to limit the system to its officially proclaimed purpose. In the end, this is about the predictability of the American missile defense capability. The prospect of reaching agreement, however, is barred by the Republican Party, especially its Tea Party wing, which regards any limits whatsoever as anathema. Missile defense is an article of faith. This is not about plans or capabilities: this is about a deeply ideological commitment to unrestricted unilateralism.

***Nuclear war***

**Allison 10-31** (Graham, Director – Belfer Center for Science and International Affairs at Harvard’s Kennedy School, and Former Assistant Secretary of Defense, and Robert D. Blackwill, Senior Fellow – Council on Foreign Relations, “10 Reasons Why Russia Still Matters”, Politico, 2011, http://dyn.politico.com/printstory.cfm?uuid=161EF282-72F9-4D48-8B9C-C5B3396CA0E6)

That central point is that **Russia matters a great deal** to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir **Putin’s decision to return** next year as president **makes it** all the more **critical for Washington to manage** its **relations**hip with Russia through coherent, realistic policies. No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, **Russia is a player whose choices affect** our **vital interests** in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons. Ten realities require U.S. policymakers to advance our nation’s interests by engaging and working with Moscow. **First, Russia** remains the only nation that **can erase the** United States from the map **in 30 minutes**. As every president since John F. Kennedy has recognized, Russia’s cooperation is critical to averting nuclear war. **Second, Russia is** our **most consequential** partner **in preventing nuclear terrorism**. Through a combination of more than $11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the “evil empire,” not one nuclear weapon has been found loose. **Third, Russia plays an essential role in preventing** the **prolif**eration of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran’s drive toward nuclear weapons, **Russian choices** to sell or withhold sensitive technologies **are the difference between failure and** the possibility of **success**. **Fourth, Russian support in sharing intel**ligence **and cooperating in operations remains essential to** the U.S. war to destroy Al Qaeda and **combat** other **transnational terrorist groups**. **Fifth, Russia provides a vital supply line to** 100,000 U.S. troops fighting in **Afghanistan**. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries. **Sixth, Russia is the world’s largest oil producer and second largest gas producer**. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia’s impact at our gas pumps. **Seventh, Moscow is an important player in today’s international system**. It is no accident that Russia is one of the five veto-wielding, permanent members of the U.N. Security Council, as well as a member of the G-8 and G-20. **A Moscow** more **closely aligned with U.S. goals would be significant in the balance of power** to shape an environment in which China can emerge as a global power without overturning the existing order. **Eighth, Russia** is the largest country on Earth by land area, abutting China on the East, Poland in the West and the United States across the Arctic. This territory **provides transit corridors for supplies to global markets whose stability is vital to the U.S. economy**. **Ninth, Russia’s brainpower** is reflected in the fact that it has won more Nobel Prizes for science than all of Asia, places first in most math competitions and dominates the world chess masters list. The only way U.S. astronauts can now travel to and from the International Space Station is to hitch a ride on Russian rockets. The co-founder of the most advanced digital company in the world, Google, is Russian-born Sergei Brin. **Tenth, Russia’s potential as a spoiler is difficult to exaggerate. Consider what** a **Russia**n president **intent on frustrating U.S.** international objectives **could do — from stopping the supply flow to Afghanistan to selling** S-300 air defense **missiles to Tehran to joining China in preventing U.N.** Security Council **resolutions**.