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### Norms

#### Drone tech prolif inevitable – setting clear limits now is key to establishing controlled norms

Daniel Byman, Professor in Security Studies Program at Georgetown and Senior Fellow at Brookings, July-August 2013, “Why Drones Work,” Foreign Affairs, vol 92 no 4

The fact remains that by using drones so much, Washington risks setting a troublesome precedent with regard to extrajudicial and extraterritorial killings. Zeke Johnson of Amnesty International contends that "when the U.S. government violates international law, that sets a precedent and provides an excuse for the rest of the world to do the same." And it is alarming to think what leaders such as Syrian President Bashar al-Assad, who has used deadly force against peaceful pro-democracy demonstrators he has deemed terrorists, would do with drones of their own. Similarly, Iran could mockingly cite the U.S. precedent to justify sending drones after rebels in Syria. Even Brennan has conceded that the administration is "establishing precedents that other nations may follow." Controlling the spread of drone technology will prove impossible; that horse left the barn years ago. Drones are highly capable weapons that are easy to produce, and so there is no chance that Washington can stop other militaries from acquiring and using them. Nearly 90 other countries already have surveillance drones in their arsenals, and China is producing several inexpensive models for export. Armed drones are more difficult to produce and deploy, but they, too, will likely spread rapidly. Beijing even recently announced (although later denied) that it had considered sending a drone to Myanmar (also called Burma) to kill a wanted drug trafficker hiding there. The spread of drones cannot be stopped, but the United States can still influence how they are used. The coming proliferation means that Washington needs to set forth a clear policy now on extrajudicial and extraterritorial killings of terrorists -- and stick to it. Fortunately, Obama has begun to discuss what constitutes a legitimate drone strike. But the definition remains murky, and this murkiness will undermine the president's ability to denounce other countries' behavior should they start using drones or other means to hunt down enemies. By keeping its policy secret, Washington also makes it easier for critics to claim that the United States is wantonly slaughtering innocents. More transparency would make it harder for countries such as Pakistan to make outlandish claims about what the United States is doing. Drones actually protect many Pakistanis, and Washington should emphasize this fact. By being more open, the administration could also show that it carefully considers the law and the risks to civilians before ordering a strike.

#### The plan buys us time – squo accelerates drone prolif

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles. 132 China has begun to develop UAVs for reconnais - sance and combat and has several new drones capable of long-range surveillance and attack under development. 133 China is also planning to use unmanned surveil - lance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan. 134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own.

#### Aggressive Chinese drone deployment creates multiple scenarios for Asian war – draws in the US

Bill Gertz, senior editor of the Washington Free Beacon, national security reporter, 3-26-2013, “Game of Drones,” Washington Free Beacon, http://freebeacon.com/game-of-drones/

China’s military is expanding its unmanned aerial vehicle forces with a new Predator-like armed drone and a new unmanned combat aircraft amid growing tensions with neighbors in Asia, according to U.S. intelligence officials. New unarmed drone deployments include the recent stationing of reconnaissance and ocean surveillance drones in Northeast Asia near Japan and the Senkaku islands and along China’s southern coast. Drones also are planned for the South China Sea where China has been encroaching on international waters and bullying nations of that region in asserting control over international waters, said officials familiar with intelligence reports. “Unmanned aerial vehicles are emerging as critical enablers for PLA long range precision strike operations,” said Mark Stokes, a former military intelligence official now with the Project 2049 Institute. “A general operational PLA requirement appears to be persistent surveillance of fixed and moving targets out to 3,000 kilometers of Chinese shores.” Japan, meanwhile, is developing and purchasing military drone capabilities to counter what it regards as Chinese aggression and Beijing’s growing military capabilities as Tokyo’s dispute with China over the Senkaku islands intensifies, the officials said. After Chinese aircraft intruded into Japanese airspace over the Senkakus undetected late last year, Tokyo stepped up efforts to seek drone capabilities. The efforts include building an indigenous missile-tracking drone and high-altitude U.S. drones. So far, unlike Beijing, Tokyo asserts its drone will be unarmed, the officials said. “China has started deploying UAVs for reconnaissance and oceanic surveillance purposes in the vicinity of disputed maritime territories, such as the Senkaku Islands,” said one military source. Of particular concern to U.S. intelligence agencies are two new missile-equipped drones known as the CH-4 and Yi Long. The aircraft were shown off along with six other military drones at a major Chinese arms show last November in Zhuhai. Photos of the drones reveal the designs appear to be copied from the U.S. Predator armed drone that has been leading the Obama administration’s war on al Qaeda in Pakistan and elsewhere. Photos of the CH-4 show it armed with Blue Arrow-7 anti-tank missiles that appear similar in size to the U.S. Hellfire fired from Predators. Even more of a concern, according to the officials, are intelligence reports from Asia indicating that China is well along in building a large stealth unmanned combat aerial vehicle (UCAV)—an upiloted jet—that was revealed recently in an online Chinese military video. The drone combat jet is nearly identical in shape to the experimental batwing-shaped U.S. Air Force X-47B currently under development. The X-47B was tested on an aircraft carrier in December. The Chinese UCAV is expected to have enough range to reach the U.S. island of Guam, some 1,800 miles from the Chinese coast and the hub of the Pentagon’s shift to Asia, officials said. Video and photos of the Chinese UCAV were posted on Chinese military enthusiast Internet sites recently. Also, a model of the drone combat jet was on display at Zhuhai. The aircraft is being built by the China Shenyang Aerospace Institute and could be deployed on China’s new aircraft carrier, officials said. Richard Fisher, a China military analyst with the International Assessment and Strategy Center, said the first prototype flying wing UCAV was completed at China’s Hongdu Aircraft Corp in mid-December. The drone weighs 10 to 14 tons and could be carrier based. “This means that the U.S. attempt to ‘outrange’ an emergent PLA anti-access systems, like the DF-21D anti-ship ballistic missile, could soon be outflanked by a new PLA carrier-based UCAV,” Fisher said. Japan, alarmed at fierce Chinese reaction to its efforts to solve the Senkakus dispute by nationalizing several of the uninhabited but oil-rich islands last year, is bolstering its military forces with both missile-detecting and maritime surveillance with drones. Japanese Defense Ministry officials, quoted in press reports, have called the purchase of several long-range U.S. Global Hawk surveillance drones an urgent priority. Tokyo is seeking up to three Global Hawks by 2015 but could speed up purchases in response to what it regards as growing Chinese aggressiveness toward Japan over the Senkakus. The U.S. military currently has Global Hawks deployed at Guam. The Japanese do not plan to develop armed drones and plan to limit initial purchases to the Global Hawk, which fly nearly 60,000 feet for extended missions. It is able to track vessels using sensors and radar. Japan also is developing an unmanned drone aircraft that will be used to detect North Korean nuclear missile attacks and to counter the Chinese military buildup, the officials said. The anti-missile drone program is being developed over the next four years with the first drone deployed by 2020. It will use infrared sensors designed to detect missiles shortly after launch. China’s drone program is believed to have benefitted from its aggressive economic and cyber espionage operations against the United States. Those efforts have included breaking into both government and defense industry networks and stealing valuable drone technology. Officials also said China’s drone program is receiving a boost from an unlikely source: Taiwan. The largest Chinese drone production center is being built at Wuhan in Hubei province, site of a joint construction project by China’s Wuhan Visiontek Inc. and Taiwan’s Carbon-Based Technology, Inc. Officials said China launched a crash program to develop military drones beginning around 2007. Beijing is planning a range of unmanned aircraft capabilities, including high-altitude, long-endurance drones, integrated air and sea warfare drones, sea-based drones and UCAVs. More than 60 drones were on display in Beijing last June, including a drone helicopter, and a drone with simulated birds’ wings. Additionally, officials have said drone bases are being set up in the South China Sea to monitor Scarborough reef, which is claimed by Philippines and China; Macclesfield Bank; the Paracel Islands; and the Spratly Islands. China also is using drone to monitor the Socotra Reef claimed by South Korea. A report made public March 11 by the Project 2049 Institute on Chinese drones estimated that China has more than 280 military drones. “The PLA has developed one of the largest and most organizationally complex UAV programs in the world,” the report stated. For the immediate future, the Chinese drones are monitoring disputed maritime and land boundaries that are likely to “increase tensions” since other states in the region lack the same capabilities. “Like any new capability, UAVs may encourage the inexperienced to overreach and engage in risk taking,” the report said. “There could be a sense that because human pilot lives are not at stake, operators can push farther than they otherwise might.” An isolated UAV attack during a crisis also could lead to a major conflict. “In the future, PRC decision-makers might feel compelled to order ‘plausibly deniable’ UAV attacks as a means of sending a political signal only to inadvertently wind up escalating tensions,” the report said. Over the long term, Chinese drones will support the expansion of Chinese military operational areas by pushing the ability to hit targets further into the western Pacific. The report said China likely will use its UAV force for targeting and guidance of the DF-21D anti-ship ballistic missile designed to strike U.S. aircraft carriers more than a thousand miles from China’s coast. “While the potential for a large scale conflict in the region currently appears low, the lack of adequate preparation for worst case scenarios could encourage and invite adventurous adversary behavior, ultimately increasing risks to peace and stability,” the report stated. U.S. intelligence agencies reported earlier this month that China plans to build 11 drone bases along its coastline by 2015, with each base deploying at least one unmanned aircraft. The People’s Liberation Army currently has two drone bases in northeast Liaoning province. A third base was disclosed further south at Lianyungang, Jiangsu Province, also on the Bohai Sea. The bases were announced in August by the State Oceanic Administration, which has been used as a proxy by the Chinese military to lay claim to international waters and islands as part of a strategy of pushing Chinese maritime control hundreds and eventually thousands of miles from the coast through what Beijing calls its two Asian island chain strategy. The island chains stretch from Northeast Asia through Southeast Asia. The two bases in the Bohai Sea are located at Yingkou and Dalian to provide surveillance of the Bohai and Yellow Seas. China called U.S. aircraft carrier exercises held in the Yellow Sea three years ago “a threat to China” even though the carrier maneuvers were carried out in international waters. The maritime surveillance drones provide high-definition remote imagery and will be used by China to respond to emergencies in the region and also to identify what China claims are illegal resource extraction from undersea gas and oil deposits. U.S. officials regard recent highlighting of attack drones as a sign that Beijing remains intent on taking control of the Senkakus. The increased use of drones by both China and Japan is expected to increase tensions over the Senkakus, the officials said. According to Fisher, China is also exporting two of its armed drones, the Yi Long and CH-3, to the United Arab Emirates and Pakistan. The UAE government purchased the Yi Long, and a smaller CH-3 was sold to Pakistan and repackaged by Islamabad as the Shahpar. Fisher said he is concerned China will sell the new and larger CH-4 to Iran. “Because it is not connected to the Aviation Industries Corporation (AVIC) which wants to do business in the United States, the CH-4 stands a better chance of being sold to Iran,” he told the Free Beacon. “China’s willingness to sell UCAV technology to terrorist-linked states means that terrorists may soon have another deadly tool with which to attack the United States.”

#### High risk

Richard Parker, a journalist, 5-12-2013, “Pilotless Planes, Pacific Tensions,” NYT, http://www.nytimes.com/2013/05/13/opinion/drones-and-the-rivalry-between-the-us-and-china.html

THIS week the Navy will launch an entirely autonomous combat drone — without a pilot on a joystick anywhere — off the deck of an aircraft carrier, the George H. W. Bush. The drone will then try to land aboard the same ship, a feat only a relatively few human pilots in the world can accomplish. This exercise is the beginning of a new chapter in military history: autonomous drone warfare. But it is also an ominous turn in a potentially dangerous military rivalry now building between the United States and China. The X-47B, a stealth plane nicknamed “the Robot” by Navy crews, is a big bird — 38 feet long, with a 62-foot wingspan — that flies at high subsonic speeds with a range of over 2,000 miles. But it is the technology inside the Robot that makes it a game-changer in East Asia. Its entirely computerized takeoff, flight and landing raise the possibility of dozens or hundreds of its successors engaged in combat at once. It is also capable of withstanding radiation levels that would kill a human pilot and destroy a regular jet’s electronics: in addition to conventional bombs, successors to this test plane could be equipped to carry a high-power microwave, a device that emits a burst of radiation that would fry a tech-savvy enemy’s power grids, knocking out everything connected to it, including computer networks that connect satellites, ships and precision-guided missiles. And these, of course, are among the key things China has invested in during its crash-course military modernization. While the United States Navy is launching an autonomous drone, the Chinese Navy is playing catch-up with piloted carrier flight. Last November the Chinese Navy landed a J-15 jet fighter on the deck of the Liaoning aircraft carrier, the country’s first carrier landing. Though China still has miles to go in developing a carrier fleet to rival America’s, the landing demonstrates its ambitions. With nearly half a million sailors and fast approaching 1,000 vessels, its navy is by some measures already the second largest in the world. With that new navy, Beijing seeks to project its power over a series of island chains far into the Pacific: the first extends southward from the Korean Peninsula, down the eastern shore of Taiwan, encircling the South China Sea, while the second runs southeast from Japan to the Bonin and Marshall Islands, encompassing both the Northern Mariana Islands, a United States territory, and Guam — the key American base in the western Pacific. Some unofficial Chinese military literature even refers to a third chain: the Hawaiian Islands. To project this kind of power, China must rely not only on the quantity of its ships but also on the quality of its technology. Keeping the Americans half an ocean away requires the capability for long-range precision strikes — which, in turn, require the satellite reconnaissance, cyber warfare, encrypted communications and computer networks in which China has invested nearly $100 billion over the last decade. Ideally for both countries, China’s efforts would create a new balance of power in the region. But to offset China’s numerical advantage and technological advances, the United States Navy is betting heavily on drones — not just the X-47B and its successors, but anti-submarine reconnaissance drones, long-range communications drones, even underwater drones. A single hunter-killer pairing of a Triton reconnaissance drone and a P-8A Poseidon piloted anti-submarine plane can sweep 2.7 million square miles of ocean in a single mission. The arms race between the world’s largest navies undermines the likelihood of attaining a new balance of power, and raise the possibility of unintended collisions as the United States deploys hundreds, even thousands of drones and China scrambles for ways to counter the new challenge. And drones, because they are cheap and don’t need a human pilot, lower the bar for aggressive behavior on the part of America’s military leaders — as they will for China’s navy, as soon as it makes its own inevitable foray into drone capabilities (indeed, there were reports last week that China was preparing its own stealth drone for flight tests). By themselves, naval rivalries do not start wars. During peacetime, in fact, naval operations are a form of diplomacy, which provide rivals with healthy displays of force that serve as deterrents to war. But they have to be enveloped in larger political relationships, too. At present, the United States-China relationship is really just about economics. As long as that relationship remains vibrant, confrontation is in neither country’s interest. But should that slender reed snap, there is little in the way of a larger political relationship, let alone alliance, to take its place. The only thing between crisis and conflict, then, would be two ever larger, more dangerous navies, prepared to fight a breed of drone-centric war we don’t yet fully understand, and so are all the more likely to fall into.

#### US-China war = Extinction

Straits Times (Singapore), June 25, 2000, No one gains in war over Taiwan

THE high-intensity scenario postulates a cross-strait war escalating into a full-scale war between the US and China. If Washington were to conclude that splitting China would better serve its national interests, then a full-scale war becomes unavoidable.Conflict on such a scale would embroil other countries far and near and -horror of horrors -raise the possibility of a nuclear war. Beijing has already told the US and Japan privately that it considers any country providing bases and logistics support to any US forces attacking China as belligerent parties open to its retaliation. In the region, this means South Korea, Japan, the Philippines and, to a lesser extent, Singapore. If China were to retaliate, east Asia will be set on fire. And the conflagration may not end there as opportunistic powers elsewhere may try to overturn the existing world order. With the US distracted, Russia may seek to redefine Europe's political landscape. The balance of power in the Middle East may be similarly upset by the likes of Iraq. In south Asia, hostilities between India and Pakistan, each armed with its own nuclear arsenal, could enter a new and dangerous phase. Will a full-scale Sino-US war lead to a nuclear war? According to General Matthew Ridgeway, commander of the US Eighth Army which fought against the Chinese in the Korean War, the US had at the time thought of using nuclear weapons against China to save the US from military defeat. In his book The Korean War, a personal account of the military and political aspects of the conflict and its implications on future US foreign policy, Gen Ridgeway said that US was confronted with two choices in Korea -truce or a broadened war, which could have led to the use of nuclear weapons. If the US had to resort to nuclear weaponry to defeat China long before the latter acquired a similar capability, there is little hope of winning a war against China 50 years later, short of using nuclear weapons. The US estimates that China possesses about 20 nuclear warheads that can destroy major American cities. Beijing also seems prepared to go for the nuclear option. A Chinese military officer disclosed recently that Beijing was considering a review of its "non first use" principle regarding nuclear weapons. Major-General Pan Zhangqiang, president of the military-funded Institute for Strategic Studies, told a gathering at the Woodrow Wilson International Centre for Scholars in Washington that although the government still abided by that principle, there were strong pressures from the military to drop it. He said military leaders considered the use of nuclear weapons mandatory if the country risked dismemberment as a result of foreign intervention. Gen Ridgeway said that should that come to pass, we would see the destruction of civilisation.

#### Unrestricted drone prolif guarantees global retaliatory war

Eric Posner, professor at University of Chicago Law School, 5-17-2013, “The drone paradox; When robots eliminate the risk of casualties, wars are likely to become more common,” National Post, ln

Similarly, we may be comfortable with giving the president authority to use military force on his own when he must put soldiers into harm's way, knowing that he will not risk lives lightly. Presidents have learned through hard experience that the public will not tolerate even a handful of casualties if it does not believe that the mission is justified. But when drones eliminate the risk of casualties, the president is more likely to launch wars too often. The same problem arises internationally. The international laws that predate drones assume that military intervention across borders risks significant casualties. Since that check normally kept the peace, international law could give a lot of leeway for using military force to chase down terrorists. But if the risk of casualties disappears, then nations might too eagerly attack, resulting in blowback and retaliation. Ironically, the reduced threat to civilians in tactical operations could wind up destabilizing relationships between countries, including even major powers like the United States and China, making the long-term threat to human life much greater. These three scenarios illustrate the same lesson: that law and technology work in tandem. When technological barriers limit the risk of government abuse, legal restrictions on governmental action can be looser. When those technological barriers fall, legal restrictions may need to be tightened. These anxieties generate some standard meta-arguments that are now little more than incantations -that the president should consult with Congress more, or should use clearer standards when targeting enemies, or should be less secretive. The generic criticisms overlook basic practical hurdles. Secrecy is necessary to gather intelligence. Standards for targeting enemies will always be fuzzy because it's difficult to anticipate the shape of future threats. (The much-criticized DOJ rules for drones are hardly less clear than the rules governing ordinary police work.) And both of these factors mean that Congress can never play more than a formulaic role. Bans on the use of drones for domestic surveillance are premature. But U.S. courts should ready themselves to update surveillance rules to take into account drones, as well as technology like the GPS tracking devices discussed in U.S. v. Jones. Courts need to address how these technologies can be abused and whether police seem to be abusing them, and they will need to use more flexible rules than the trespass standard the Supreme Court has adopted so far. A rule against trespassing without a warrant won't stop police drones mounted with video cameras and image-identifying software from lingering outside every home as they search for suspected crooks. When it comes to presidential power, only time will tell whether the risks of blowback exceed the value of drones. Many critics seem confident that President Obama's drone war has undermined American security, but we do not know what would have happened if he had shown more restraint. Nonetheless, it is quite a paradox that we trust the president with nuclear weapons because we know that he cannot use them, while we may not trust the president with drones because we know that he can. Internationally, nations might benefit from an arms control agreement governing drones, but it is hard to imagine any such agreement in the near future, given uncertainties about how drone technologies will develop, the difficulty of monitoring drones, and the asymmetries that mean the best-equipped states will resist any constraints. But a starting point is to recognize that the laws of war currently favour drones because they limit civilian casualties, while disfavouring conventional weapons - a surefire recipe for a destabilizing arms race. It would be nice to think that future wars will be fought by robots, with no risk to civilians or even soldiers - just as in ancient times a duel between heroes could settle a dispute between armies without a battle. But the gods liked to play havoc with duels, and drone warfare is likely to be similarly unpredictable. The long-predicted science-fiction world of robotic killing machines has finally arrived. The law now has to catch up.

#### Plan cements support for drones and allows the US to shape drone norms

Micah Zenko, Douglas Dillon Fellow at the CFR, January 2013, “Reforming U.S. Drone Strike Policies,” CFR, http://www.cfr.org/wars-and-warfare/reforming-us-drone-strike-policies/p29736

Existing practices carry two major risks for U.S. interests that are likely to grow over time. The first comes from operational restrictions on drones due to domestic and international pressure. In the United States, the public and policymakers are increasingly uneasy with limited transparency for targeted killings.3 If the present trajectory continues, drones may share the fate of Bush-era enhanced interrogation techniques and warrantless wiretapping—the unpopularity and illegality of which eventually caused the policy’s demise. Internationally, objections from host states and other counterterrorism partners could also severely circumscribe drones’ effectiveness. Host states have grown frustrated with U.S. drone policy, while opposition by nonhost partners could impose additional restrictions on the use of drones. Reforming U.S. drone strike policies can do much to allay concerns internationally by ensuring that targeted killings are defensible under international legal regimes that the United States itself helped establish, and by allowing U.S. officials to openly address concerns and counter misinformation. The second major risk is that of proliferation. Over the next decade, the U.S. near-monopoly on drone strikes will erode as more countries develop and hone this capability. The advantages and effectiveness of drones in attacking hard-to-reach and time-sensitive targets are compelling many countries to indigenously develop or explore purchasing unmanned aerial systems. In this uncharted territory, U.S. policy provides a powerful precedent for other states and nonstate actors that will increasingly deploy drones with potentially dangerous ramifications. Reforming its practices could allow the United States to regain moral authority in dealings with other states and credibly engage with the international community to shape norms for responsible drone use. The current trajectory of U.S. drone strike policies is unsustainable. Without reform from within, drones risk becoming an unregulated, unaccountable vehicle for states to deploy lethal force with impunity. Consequently, the United States should more fully explain and reform aspects of its policies on drone strikes in nonbattlefield settings by ending the controversial practice of “signature strikes”; limiting targeted killings to leaders of transnational terrorist organizations and individuals with direct involvement in past or ongoing plots against the United States and its allies; and clarifying rules of the road for drone strikes in nonbattlefield settings. Given that the United States is currently the only country—other than the United Kingdom in the traditional battlefield of Afghanistan and perhaps Israel—to use drones to attack the sovereign territory of another country, it has a unique opportunity and responsibility to engage relevant international actors and shape development of a normative framework for acceptable use of drones. Although reforming U.S. drone strike policies will be difficult and will require sustained high-level attention to balance transparency with the need to protect sensitive intelligence sources and methods, it would serve U.S. national interests by ■■ allowing policymakers and diplomats to paint a more accurate portrayal of drones to counter the myths and misperceptions that currently remain unaddressed due to secrecy concerns; ■■ placing the use of drones as a counterterrorism tactic on a more legitimate and defensible footing with domestic and international audiences; increasing the likelihood that the United States will sustain the international tolerance and cooperation required to carry out future drone strikes, such as intelligence support and host-state basing rights; ■■ exerting a normative influence on the policies and actions of other states; and ■■ providing current and future U.S. administrations with the requisite political leverage to shape and promote responsible use of drones by other states and nonstate actors. As Obama administration officials have warned about the proliferation of drones, “If we want other nations to use these technologies responsibly, we must use them responsibly.”4

### Pakistan

#### Unrestricted drone strikes are destroying the US-Pakistan relationship – only restricting them creates space for cooperation

Daniel Markey, Senior Fellow at the Council on Foreign Relations, 7-16-2013, “A New Drone Deal For Pakistan,” Foreign Affairs, http://www.foreignaffairs.com/articles/139584/daniel-markey/a-new-drone-deal-for-pakistan?page=show

For all its successes, the U.S. drone program in Pakistan is unlikely to survive much longer in its current form. Less than a week after his election on May 11, Pakistan’s new prime minister, Nawaz Sharif, reportedly declared to his cabinet that “the policy of protesting against drone strikes for public consumption, while working behind the scenes to make them happen, is not on.” This fall, Pakistan’s national and provincial assemblies will elect a new president, likely a Sharif loyalist, and the prime minister will also select a new army chief. It is safe to say that these men are unlikely to follow their predecessors in offering tacit endorsements of the United States' expansive counterterrorism efforts. In other words, the United States is going to have to hammer out a new drone deal with Pakistan in the years ahead, one that is sensitive to Pakistan's own concerns and objectives. This will likely mean that Washington will face new constraints in its counterterrorism operations. But managed with care, a new agreement could put the targeted killing campaign against al Qaeda on firmer political footing without entirely eliminating its effectiveness. Ever since its inception in 2004, the U.S. drone campaign in Pakistan has been stumbling along shaky legal and strategic ground. At various points in time, Washington and Islamabad constructed different fictions to enable the drone campaign. Before launching the first drone strike that killed Taliban leader Nek Muhammad in June 2004, Washington sought personal authorization from then President and army chief Pervez Musharraf. For several years thereafter, the Pakistani army claimed responsibility for all drone strikes, publicly denying (however implausibly) American intervention. But the program’s remarkable success in killing al Qaeda and Taliban leaders, combined with the otherwise largely unaddressed problem of sanctuaries in Pakistan’s tribal areas, encouraged U.S. officials to expand their list of targets. As the program grew, and especially as Washington killed militants with suspected links to Pakistan’s own military and intelligence services, such as members of the Afghan Taliban–affiliated Haqqani Network, Pakistani officials shed the fiction that the strikes were their own. Islamabad instead bowed to what it perceived as a powerful domestic consensus against the drones and criticized the United States in increasingly shrill terms for violating Pakistan’s territorial sovereignty. Privately, however, Musharraf and his immediate successors -- including the civilian government led by the Pakistan People’s Party (PPP) and the army under General Kayani -- continued to greenlight the drone program. As the drone strikes mounted, the hypocrisy of the official Pakistani position became ever more difficult to hide. Opposition politician and former cricket star Imran Khan made the criticism of drones a centerpiece of his Tehreek-e-Insaf (PTI) party’s election campaign in 2011 and 2012. And in early 2012, the Pakistani parliament unequivocally denounced the drone strikes and called for them to end. This unmistakable sovereign act called into question oft-repeated U.S. claims that Pakistan actually provides “tacit consent” for the drone campaign. Pakistan's current and future leaders, starting with Nawaz Sharif, will have little reason to implicate themselves in the drone hypocrisy of their predecessors. Sharif is on sounder political footing than his predecessor, but -- as his top lieutenants are already signaling -- he cannot weather the political storm that is likely to result if the United States appears to blithely disregard his authority. Washington’s failure to shift its policy would lead Islamabad to escalate its diplomatic protests. One step in this escalation has already happened, with Pakistan taking its case against drones to the international community by way of the United Nations. If Pakistani frustration mounts without yielding results, one can imagine Sharif’s new army chief threatening to shoot U.S. drones from the sky, just as past Pakistani leaders have threatened to take down helicopters that cross into the nation’s airspace. At that stage, Washington would likely pull the drones from normal operation rather than play a high-stakes game of chicken. (Indeed, Washington has a habit of taking extended breaks from drone strikes at sensitive periods: for instance, there were no strikes for over six weeks after the so-called Salala incident at the Afghan border.) The question is whether Washington and Islamabad can find a deal that addresses Pakistani concerns without depriving the United States of a counterterrorism tool that has been more effective, at least in a tactical sense, than any other. Short of ending the drone program altogether, the only way that Pakistan’s leaders can credibly claim to assert their sovereign authority -- and thereby prove their nationalist credentials to political allies and adversaries alike -- is if Washington cedes to Islamabad a greater degree of control over the program, especially when it comes to target selection.

#### Signature strikes are uniquely bad

James Traub, fellow of the Center International Cooperation, 5-24-2013, “The Indispensable Nation's Indispensable Weapon,” Foreign Policy, http://www.foreignpolicy.com/articles/2013/05/24/indispensible\_weapon\_drones\_obama?page=0,1

And this brings me back to the question of drones. It is hard to dispute the effectiveness of drones in Pakistan, where the United States has no other means of targeting al Qaeda and other radical Islamist forces who launch attacks against Afghanistan -- and, undisturbed, might well threaten the United States and the West. Drones have killed about 3,500 people along the border between the two countries, according to a recent report by Micah Zenko at the Council on Foreign Relations; and almost all of them have been intended targets. The three studies he cites estimate civilian deaths at 5 percent, 7 percent, and 23 percent of the total. According to a report from the New America Foundation, the civilian death rate has declined sharply since 2008 and is now very close to zero. Drones work; and yet Pakistanis hate them. A 2012 poll of Pakistanis found that only 17 percent of respondents would support drone strikes even if carried out with their government's cooperation. The same poll found that disapproval of U.S. policies has grown every year since Barack Obama became president, a finding that may have something to do with the steady growth of drone strikes, at least until the last year. Whatever you think of it, Pakistan is a democracy. This means that its rulers both respond to public opinion and actively exploit it. Pakistan's military and civilian leaders have quietly collaborated with drone operations, but at the same time they reinforce their public legitimacy by denouncing the policy as a violation of national sovereignty -- which in turn further inflames public opinion. The net consequence is that U.S. relations with this vital and profoundly brittle country are a disaster. Like the V2 rockets which the Germans used in World War II, and whose apocalyptic effect Thomas Pynchon evokes in Gravity's Rainbow, drones have gained a powerful grip on the public imagination. The rage and dread they cause, at least in the places where they are used, has more to do with their remote, silent, super-high-tech lethality than with their actual effect. And it doesn't matter if that hatred is justified or not; the argument can't be waged on the merits. Obama's speech seems to signify an acceptance of this elemental fact (though of course some of the other decisions he announced, including shifting responsibility for drones from the CIA to the military, has more to do with domestic criticism about the program's lack of transparency). Obama knows that the war on terror requires that the United States kill or capture a very small number of implacable enemies, and change the minds and the lives of tens of millions of others. Indeed, in his speech he acknowledged that "in the absence of a strategy that reduces the wellspring of extremism, a perpetual war -- through drones or Special Forces or troop deployments -- will prove self-defeating, and alter our country in troubling ways." Even former Secretary of Defense Donald Rumsfeld once worried that the United States was making enemies faster than it was killing them. But the short-term urgency of killing bad guys inevitably eclipses the long-term goal of changing the conditions which produce terrorism. So even a figure as conscientious as Obama slides down the slippery slope from approving the rare drone strike against "high-value targets" to approving the less discriminating "signature strike" against unidentified individuals engaged in a pattern of threatening activity. Both ending that practice and closing Guantanamo, which Obama also vowed in his speech to take steps to do, constitute an implicit recognition that the time has come to restore that balance.

#### Kills the relationship

Alex Rodriguez, foreign correspondent for the LA Times, 8-2-2013, “U.S., Pakistan to revive key talks,” LA Times, ln

Kerry's agenda included meetings with Sharif, Aziz and other top civilian and military leaders. Although both Kerry and Aziz said their countries were making headway in their bid to forge stronger ties, key security issues continue to cloud the relationship. At the top of the list is Pakistan's opposition to Washington's drone missile campaign. The U.S. has relied heavily on drone strikes to erode Al Qaeda's ability to plan and carry out attacks against Western targets. Since the start of President Obama's first term in January 2009, the U.S. has carried out nearly 300 drone strikes in northwestern Pakistan, according to the Long War Journal website, which tracks drone statistics. However, Pakistanis view the drone program as a blatant infringement of their country's sovereignty and argue that it has become a major recruiting tool for militants because of the number of civilians mistakenly killed in the strikes. Pakistani leaders welcomed Obama's speech in May outlining drone program restrictions that would reduce the number of strikes. But in mid-July, Sharif's interior minister, Chaudhry Nisar Ali Khan, warned that continuation of Washington's drone program could lead to "a direct standoff" and suggested Pakistan could balk at allowing the U.S. to use its highways to withdraw troops and equipment from Afghanistan at the end of 2014.

#### Forces Uzbekistan withdrawal

Azad Garibov, a foreign policy analyst at the Center for Strategic Studies (SAM) in Azerbaijan and a lecturer in the Department of Political Science and International Relations at Khazar University, 5-28-2013, “The U.S. in Central Asia: Still an important balancer?” Turkish Weekly, http://www.turkishweekly.net/news/150929/the-u-s-in-central-asia-still-an-important-balancer.html

Recently, in light of the approaching 2014 withdrawal of the majority of U.S. combat troops from Afghanistan, Washington has been intensifying contact with Central Asian countries situated on Northern Distribution Network (NDN) routes. The NDN was first established in 2008-09 after talks between the U.S., Central Asian states, and Russia as a collection of routes that allowed the U.S. and NATO to ship nonlethal supplies to Afghanistan “without going through Pakistan and the Khyber Pass – logistical arrangements exposed to Taliban attacks as well as massive delays due to Pakistani obstruction.” After Salala incident of November 2011, involving US aerial strikes that killed 24 Pakistani soldiers and injured 13 others, Pakistan closed all NATO supply lines to Afghanistan passing through its territory. Lines remained closed for more than half of a year which massively increased the NDN’s importance for the U.S. In order to guarantee the smooth functioning of the distribution network, the U.S. promised countries in the NDN part of its Afghan military equipment and more financial aid. During this time Uzbekistan has become the main Central Asian partner of Washington. Currently A large percentage of U.S. military cargo going to Afghanistan passes through Uzbekistan, and Uzbekistan has seized this opportunity to build closer military ties with the U.S. Uzbek president Islam Karimov, in negotiations with U.S. officials, stated his wish for remaking his military, replacing its Russian gear with entirely American gear. Accordingly, “in late 2011 Washington loosened restrictions on military aid to Uzbekistan that had been in place for nearly a decade due to human rights concerns.” And as the U.S. promises to leave some of its equipment behind in Central Asia after withdrawal, Karimov has reportedly expressed interest in heavy equipment, like helicopters and mine-resistant armored vehicles.

#### Arming Uzbekistan cause Central Asia conflict and draws in Russia

Joshua Kucera, Central Asia and the Caucasus specialist, 3-26-2013, “Are The U.S. And Russia Fueling Tension Between Uzbekistan And Its Neighbors?” EurasiaNet, http://eurasianhub.com/2013/03/27/are-the-u-s-and-russia-fueling-tension-between-uzbekistan-and-its-neighbors/

The U.S.’s growing military ties with Uzbekistan may be a strategic necessity, given the importance of the Central Asian country in the U.S.’s war effort in Afghanistan. But it is forcing the U.S. to confront an important, if little-discussed, complication: Uzbekistan is the least-trusted, most-feared country in the region. Tajikistan and Kyrgyzstan have well-known border and water conflicts with Uzbekistan. Kazakhstan sees Uzbekistan as a regional rival. So is the U.S.’s military aid to Uzbekistan raising regional tensions?¶ U.S. military aid, after being suspended for several years because of human rights concerns, is steadily being ramped up. That the U.S. is giving small surveillance drones to Uzbekistan is the worst-kept secret in Washington (OK, in the narrow slice of Washington that The Bug Pit inhabits). It’s also giving Uzbekistan’s armed forces night-vision goggles, body armor, and GPS systems, and there are credible rumors in Washington of heavier military equipment being considered for Uzbekistan to either buy or be given. (And it’s not just the U.S.: Uzbekistan has pledged to work more closely with NATO on training, and the U.K. is also planning to make some donations to Uzbekistan as well.) The U.S. (and NATO partners) have also signaled their intention to donate excess military equipment to Tajikistan and Kyrgyzstan, as well. And the U.S., of course, operates an air base in Kyrgyzstan. So it’s hardly like the U.S. military is exclusively cooperating with Uzbekistan. Yet, perhaps because more concrete information has come out regarding donations to Uzbekistan, and perhaps because the U.S.-Uzbekistan military relationship is growing quickly (having started from almost zero after the sanctions imposed in the early 2000s), there seems to be a perception growing that the U.S. is favoring Uzbekistan.¶ A report in Kazakhstan’s Tengrinews argues that “close relations between Uzbekistan and the U.S. can lead to conflict in Central Asia.” It quotes Russian political analyst Alexander Sobyanin saying that “Uzbekistan is ambitiously becoming the economic and military giant of the region, and that means that for Kazakhstan, Tajikistan and Kyrgyzstan, ‘peaceful life has ended.’” Kazakhstani analyst Marat Shibutov adds that “Uzbekistan’s land forces are already one and a half times greater than ours. With the receipt of arms, it’s possible that the advantage will be double.” (He noted, though, that conflict between Uzbekistan and Kazakhstan was much less likely than it would be between Uzbekistan and either Kyrgyzstan or Tajikistan.)In another piece on CentrAsia.ru, analyst Andrei Grozin says that Tashkent’s aims vis-a-vis American military aid is less about gaining means of repression against the population of Uzbekistan and more about regional hegemony,” and that “arming the regimes of Central Asia, the US is laying a landmine which could blow up the entire region.” (In a nice poetic — if not necessarily militarily relevant — touch, Grozin ends by quoting the famous Chekhov line: “If a gun is hanging on the wall in the first act, it has to be fired in the last act.”)¶ What to make of all this? It’s worth noting that while the U.S. is being fairly careful to not give Uzbekistan tools with which it can repress its population — the standard concern in the West — exacerbating regional tension has seemed less of a worry. Tactical drones, night vision, GPS and body armor would be of limited utility in putting down another Andijan-style protest. But they would be very useful in a border conflict with a neighbor.¶ It also should be noted that all of the above analysis of increasing regional tension dovetails with Russia’s perception of U.S. policy in the region. The Kremlin is alarmed at Uzbekistan’s attempts to remove itself from Russia’s sphere of influence, notably by withdrawing from Russia’s key security project in the region, the Collective Security Treaty Organization. Russian officials have framed their huge military aid packages to Kyrgyzstan and Tajikistan in terms of the need to counter the U.S-Uzbekistan axis. So it can’t be excluded that Russia may be intentionally fanning this threat of tension. Still, the mistrust of Uzbekistan by its neighbors is very real and doesn’t necessarily need any encouragement from the Kremlin. And conversely, Uzbekistan’s mistrust of Russia is a large part of why it feels that it needs closer military ties with the U.S. and NATO — a situation which certainly isn’t helped by a massive Russian rearmament of its unfriendly neighbors. So all of this is creating a vicious circle of mistrust and tension. What may result, no one knows.

#### Nuke War

Victor Baranez, military commentator, 12-27-2011, “Who and Where Russia Threatens” Komsomolskaya Pravda, <http://www.kp.ru/daily/25812/2790454> (translated from Russian)

And yet, where, in your opinion, could erupt war in which Russia will have to use not only conventional, but also nuclear weapons?¶ - For example, begins to break one of the post-Soviet states, say Ukraine. Russia can not remain on the sidelines, because in this area there are millions of our people effectively. West (read: the U.S.) intervenes to "stop Russian aggression" or "does not prevent the recurrence of the empire." Western coalition strikes against the contingent of the Armed Forces of Russia, Russia is also responsible blows, there is an uncontrolled escalation - and there is already a matter of time, as soon as the nuclear weapons will be put to use by any party. Most likely - the weakest party, that is Russian. When conventional weapons do not bring the desired result in the battle on the arena there are more powerful - nuclear.¶ - There are other scenarios?¶ - Yes, there is. And much more realistic. For example, the Western forces leave Afghanistan, and to the authorities in this country are returned by the Taliban, who are beginning to expand into Central Asia. The Central Asian states are members of the Collective Security Treaty Organization and Russia has committed itself to support them in case of need military aid. Thus, we may be involved in a conflict with an opponent of up to 30 - 40 thousand people. And the war against such an enemy will be more severe than the August 2008 conflict with Georgia.¶ In August 2008, the Russian army gave a fitting rebuff to the Georgian aggressors. But Saakashvili's army with the help of NATO again pumps up "muscles" and saber rattling.¶ LAST ARGUMENT¶ - And yet, why Makarov mentioned is nukes? That, without it, our army will not be able to do, say, there is a "non-nuclear" general-purpose forces?¶ - It's no secret that the military potential of Russia today is many times inferior to the military power of the U.S. and NATO, and China too. Suffice it to say that the total military expenditures of NATO countries in 2010 were about $ 1.1 trillion. (25 times more than Russia), and the total number of regular armed forces - about 3.6 million people (3.5 times larger than that of Russia). The military budget of China ($ 90 billion) and the number of regular armed forces (about 2.3 million) is more than double the Russian indices.¶ - But with all that we try to maintain a "nuclear parity" with the West ...¶ - For the Russian nuclear weapons advocates the "great equalizer" of its military capabilities with the United States and NATO. Therefore, the probability of use in case of a military crisis of nuclear weapons to deter or defeat a superior military power on the western enemy is far from zero. All the more so now Russian military doctrine allows for the use of nuclear weapons in such a case.¶ FIRE STARTS WITH SPARKS¶ - What do you think, armed conflict over territorial claims to Russia, our local or regional war with or without the use of nuclear weapons could turn it into the world?¶ - Any serious military conflict between Russia and the U.S. (and NATO) is inevitable in a very short time to grow into an exchange of nuclear strikes first single, followed by an escalation to full implementation of the entire nuclear capability of both sides. That is, any war between Russia and the U.S. (and NATO) will inevitably develop into a global war with a global impact. Actually, as long as the understanding by both parties and this makes any military conflict between the parties unlikely. Since the mechanism of nuclear deterrence.

#### Unrestricted drone strikes cause Pakistan collapse

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

The escalation of drone strikes in Pakistan to its current tempo—one every few days—directly contradicts the long-term American strategic goal of boosting the capacity and legitimacy of the government in Islamabad. Drone attacks are more than just temporary incidents that erase all traces of an enemy. They have lasting political effects that can weaken existing governments, undermine their legitimacy and add to the ranks of their enemies. These political effects come about because drones provide a powerful signal to the population of a targeted state that the perpetrator considers the sovereignty of their government to be negligible. The popular perception that a government is powerless to stop drone attacks on its territory can be crippling to the incumbent regime, and can embolden its domestic rivals to challenge it through violence. Such continual violations of the territo - rial integrity of a state also have direct consequences for the legitimacy of its government. Following a meeting with General David Petraeus, Pakistani Presi - dent Asif Ali Zardari described the political costs of drones succinctly, saying that ‘continuing drone attacks on our country, which result in loss of precious lives or property, are counterproductive and difficult to explain by a democratically elected government. It is creating a credibility gap.’ 75 Similarly, the Pakistani High Commissioner to London Wajid Shamsul Hasan said in August 2012 that what has been the whole outcome of these drone attacks is that you have directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government—when you pass a resolu - tion against drone attacks in the parliament and nothing happens. The Americans don’t listen to you, and they continue to violate your territory. 76 The appearance of powerlessness in the face of drones is corrosive to the appearance of competence and legitimacy of the Pakistani government. The growing perception that the Pakistani civilian government is unable to stop drone attacks is particularly dangerous in a context where 87 per cent of all Pakistanis are dissatis - fied with the direction of the country and where the military, which has launched coups before, remains a popular force. 77 The political effects of this signal are powerful and lasting even when the reality of the relationship between the perpetrator and the targeted state is more complex. For example, the government of Pakistan has been ambivalent about drone strikes, condemning them in some cases but applauding their results in others. 78 Much has been made of the extent to which the Pakistani government has offered its ‘tacit consent’ for the US drone strikes on its territory. 79 The US has been willing to provide details on drone strikes after the fact, but has refrained from providing advance warning of an attack to the Pakistani government for fear that the information might leak. Pakistan has been operationally compliant with drone strikes and has not ordered its air force to shoot down drones in Pakistani airspace. Despite official denials, it has been revealed that the Pakistani govern - ment has permitted the US to launch drones from at least one of its own airbases. 80 Whatever the complexity of its position and the source of its ambivalence over drone strikes, the political effects of allowing them to escalate to current levels are increasingly clear. The vast expansion of drone warfare under the Obama administration has placed enormous pressure on Pakistan for its complicity with he US, multiplied the enemies that its government faces and undermined parts of the social fabric of the country. By most measures, Pakistan is more divided and unstable after the Obama administration’s decision to ramp up the tempo and scale of drone attacks than it was during the Bush administration. 81

#### Pakistani instability leads to nuclear terrorism

HWW, Human Wrongs Watch, 7-30-2011, “Government Collapse, Chief Threat to Nuclear Security in Pakistan,” International Press Agency (Pressenza), http://pressenza.com/npermalink/government-collapsex-chief-threat-to-nuclear-security-in-pakistan

The research arm of Congress noted that Islamabad in the last decade has made considerable improvements to the security surrounding its growing nuclear arsenal, which the report estimates at today encompassing 90 to 110 warheads. “However, instability in Pakistan has called the extent and durability of these reforms into question. Some observers fear radical takeover of a government that possesses a nuclear bomb, or proliferation by radical sympathizers within Pakistan’s nuclear complex in case of a break- down of controls,” the analysis reads. “While U.S. and Pakistani officials continue to express confidence in controls over Pakistan’s nuclear weapons, continued instability in the country could impact these safeguards.” ”The collapse or near-collapse of the Pakistani government is probably the most likely scenario in which militants or terrorists could acquire Pakistani nuclear weapons,” according to CRS non-proliferation experts Paul Kerr and Mary Beth Nikitin. State Failure Would Provide Terrorists An Opportunity To Acquire Nukes Incoming CIA head David Petraeus, while commander of U.S. Central Command in March 2009, told Congress that “Pakistani state failure would provide transnational terrorist groups and other extremist organizations an opportunity to acquire nuclear weapons and a safe haven from which to plan and launch attacks.” White House point man for arms control and nonproliferation Gary Samore in May told Arms Control Today that “what I worry about is that, in the context of broader tensions and problems within Pakistani society and polity …. even the best nuclear security measures might break down. …They have good programs in place; the question is whether those good programs work in the context where these broader tensions and conflicts are present.”

#### Nuke War

Robert Ayson, Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, 2010, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

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

#### Pakistan instability leads to Indo-Pak nuclear war

Nathaniel C. Fick et al (Nathaniel C. Fick, CEO of the Center for a New American Security and Captain – US Marine Corps, David John Kilcullen, PhD in Political Science from the University of New South Wales, John Nagl, President of the Center for a New American Security, and Vikram Singh, Senior Defense Advisor at the Center for American Progress), January 2009, “Tell Me Why We’re There? Enduring Interests in Afghanistan and Pakistan, http://www.cnas.org/files/documents/publications/CNAS%20Policy%20Brief%20-%20Enduring%20Interests%20in%20Afghanistan%20and%20Pakistan\_0.pdf

Squeezed by American military operations, many in this shadowy alliance have shifted to Pakistan’s cities and frontier areas, beyond easy reach of the coalition. American efforts now focus on Pakistan as a launching pad for militants fighting in Afghanistan. But the problem runs both ways: A failed Afghanistan would become a base from which Taliban and Al Qaeda militants could work to further destabilize Pakistan, and the ultimate prize in that contest would be not another ridge or valley, but Pakistan’s nuclear arsenal. This scenario could spark a cascading regional meltdown, even spiraling into a nuclear confrontation between Pakistan and India. Because the threats of terrorist sanctuary and regional instability emanate from territory shared by Pakistan and Afghanistan, Pakistan must also be helped to accomplish the two no’s within its own borders. The two countries are inextricably linked, and America’s safety depends on their future.

#### Indo-pak war causes miscalc and escalation

Paul K. Kerr, Analyst in Nonproliferation, and Mary Beth Nikitin Specialist in Nonproliferation, 8-29-2011, “Pakistan’s Nuclear Weapons: Proliferation and Security Issues,” CRS, http://www.fas.org/sgp/crs/nuke/RL34248.pdf

In addition to the above scenarios, the security of Pakistan’s nuclear weapons could also be jeopardized by another conflict between India and Pakistan, Michael Krepon argued, explaining that an “escalating war with nuclear forces in the field would increase the probability of accidents, miscalculations, and the use of nuclear weapons.” This is because [w]hen tensions rise precipitously with India, the readiness level of Pakistan’s nuclear deterrent also rises. Because the geographical coordinates of Pakistan’s main nuclear weapon storage sites, missile, and air bases can be readily identified from satellites—and therefore targeted by opposing forces—the dictates of deterrence mandate some movement of launchers and weapons from fixed locations during crises. Nuclear weapons on the move are inherently less secure than nuclear weapons at heavily-guarded storage sites. Weapons and launchers in motion are also more susceptible to “insider” threats and accidents. 112 Such a war, Krepon added, would also place stress on the army’s unity of command. Krepon has also pointed out that Islamabad faces a dilemma, because less-dispersed nuclear weapons may be more vulnerable to a disarming military strike from India.

#### Newest models prove even limited use causes extinction

Alan Robock, professor in the Department of Environmental Sciences at Rutgers University and PhD in Meterology, and Owen Brian Toon, Professor of Atmospheric and Oceanic Sciences and a fellow at the Laboratory for Atmospheric and Space Physics, January 2010, “South Asian Threat? Local Nuclear War = Global Suffering” published in Scientific American magazine, Vol. 302, Issue 1

Worry has focused on the U.S. versus Russia, but a regional nuclear war between India and Pakistan could blot out the sun, starving much of the human race Twenty-five years ago international teams of scientists showed that a nuclear war between the U.S. and the Soviet Union could produce a "nuclear winter." The smoke from vast fires started by bombs dropped on cities and industrial areas would envelop the planer and absorb so much sunlight that the earth's surface would get cold, dark and dry, killing plants worldwide and eliminating our food supply. Surface temperatures would reach winter values in the summer. International discussion about this prediction, fueled largely by astronomer Carl Sagan, forced the leaders of the two superpowers to confront the possibility that their arms race endangered not just themselves but the entire human race. Countries large and small demanded disarmament. Nuclear winter became an important factor in ending the nuclear arms race. Looking back later, in 2000, former Soviet Union leader Mikhail S. Gorbachev observed, "Models made by Russian and American scientists showed that a nuclear war would result in a nuclear winter that would be extremely destructive to all life on earth; the knowledge of that was a great stimulus to us, to people of honor and morality, to act." Why discuss this topic now that the cold war has ended? Because as other nations continue to acquire nuclear weapons, smaller, regional nuclear wars could create a similar global catastrophe. New analyses reveal that a conflict between India and Pakistan, for example, in which 100 nuclear bombs were dropped on cities and industrial areas--only 0.4 percent of the world's more than 25,000 warheads--would produce enough smoke to cripple global agriculture. A regional war could cause widespread loss of life even in countries far away from the conflict. Regional War Threatens the World By deploying modern computers and modern climate models, the two of us and our colleagues have shown that not only were the ideas of the 1980s correct but the effects would last for at least 10 years, much longer than previously thought. And by doing calculations that assess decades of time, only now possible with fast, current computers, and by including in our calculations the oceans and the entire atmosphere--also only now possible--we have found that the smoke from even a regional war would be heated and lofted by the sun and remain suspended in the upper atmosphere for years, continuing to block sunlight and to cool the earth. India and Pakistan, which together have more than 100 nuclear weapons, may be the most worrisome adversaries capable of a regional nuclear conflict today. But other countries besides the U.S. and Russia (which have thousands) are well endowed: China, France and the U.K. have hundreds of nuclear warheads; Israel has more than 80, North Korea has about 10 and Iran may well be trying to make its own. In 2004 this situation prompted one of us (Toon) and later Rich Turco of the University of California, Los Angeles, both veterans of the 1980s investigations, to begin evaluating what the global environmental effects of a regional nuclear war would be and to take as our test case an engagement between India and Pakistan.

#### Now key – Pakistan is falling apart

Arif Rafiq, adjunct scholar at the Middle East Institute and president of Vizier Consulting, 8-22-2013, “A Dream Gone Sour,” Foreign Policy, http://www.foreignpolicy.com/articles/2013/08/22/a\_dream\_gone\_sour\_pakistan\_terrorism\_nawaz\_sharif?page=0,1

In an allusion to Pakistan's growing sectarian strife, the army chief's address was preceded by the recitation of select verses from the Quran that were originally directed at warring Arabian tribes. These verses call on Muslims to stand together and avoid division, reminding them: "You were on the verge of falling headlong into the abyss of fire, but God saved you." For Pakistan, the abyss of fire is indeed near. Tens of thousands of Pakistanis have been killed by terrorists and insurgents since the Sept. 11 attacks in the United States -- and the scourge of terror shows no signs of abating. Despite a number of relatively successful counterinsurgency operations, the Tehrik-e-Taliban Pakistan (TTP) and the Lashkar-e-Jhangvi (LeJ) remain capable of hitting most Pakistani urban centers. And the threat has only increased since the new federal government came into power in June. In a little more than 70 days since Nawaz Sharif assumed the premiership for the third time, Pakistan has seen around 70 terrorist attacks claiming more than 350 lives. Over the past two months, moreover, there has been a major jihadist prison break; an attack on a regional office of the Inter-Services Intelligence (ISI), Pakistan's top intelligence agency; numerous attacks on mosques, Shiite congregations, and funerals; and various political assassinations.

#### Signature strikes prevent local cooperation – destroys social fabric and causes instability

ICG, International Crisis Group, 5-21-2013, “Drones: Myths and Reality in Pakistan,” http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/247-drones-myths-and-reality-in-pakistan.pdf

Residents in FATA also believe that informants possibly provide false information and exploit their position to settle vendettas with local rivals.78 The U.S. targeting policy is problematic because of its reported reliance on so-called “signature strikes” targeting groups of men based on behaviour patterns that may be associated with terrorist activity rather than known identities.79 Some legal scholars claim that the signature strikes approach impedes FATA’s cultural and conflict-resolution activities, for example by leading to the targeting of tribal jirgas (councils of elders). It is contended that tribal elders now fear convening such meetings, and communities have even become reluctant to hold funerals lest they attract drone strikes.80 For instance, in the 17 March 2011 drone attack on a jirga in North Waziristan’s Datta Khel town, only four out of 40 men killed are believed to have been militants; the rest are thought to have been maliks (tribal leaders) and other tribesmen.81 These reported strikes, by fuelling local alienation, likely do far more harm than good. However, the Pakistani military and militants, each in their own way, and not drone strikes, are primarily responsible for distorting FATA’s cultural and social fabric, as discussed later in this report.

#### Indiscriminate strikes delegitimize the civilian government

James Cavallaro et al, founding director of Stanford Law School’s International Human Rights and Conflcit Resolution Clinic and professor of law there, Stephan Sonnenberg, Clinical Lecturer in the International Human Rights and Conflict Resolution Clinic at Stanford, Sarah Knuckey, professor of international law at NYU’s Global Justice Clinic in the NYU Law School, initially published by IHRCRC, Stanford International Human Rights and Conflict Resolution Clinic at the Stanford Law School, and GJC, Global Justice Clinic at NYU School of Law, with a long list of student researchers in addition, September 2012, “Living Under Drones: DEATH, INJURY, AND TRAUMA TO CIVILIANS FROM US DRONE PRACTICES IN PAKISTAN,” http://livingunderdrones.org/wp-content/uploads/2012/10/Stanford-NYU-LIVING-UNDER-DRONES.pdf

The focus on drones also risks undermining Pakistan’s development by incentivizing undemocratic decision-making and fostering instability. In 2009, Anne Patterson, US Ambassador to Pakistan, discussed the risks of the US drone strategy in a cable sent to the Department of State. She noted, “Increased unilateral operations in these areas risk destabilizing the Pakistani state, alienating both the civilian government and military leadership, and provoking a broader governance crisis within Pakistan without finally achieving the goal [of eliminating the Al Qaeda and Taliban leadership].”766 Pakistan High Commissioner to the United Kingdom Wajid Shamsul Hasan told The Bureau of Investigative Journalism (TBIJ): What has been the whole outcome of these drone attacks is, that you have rather directly or indirectly contributed to destabilizing or undermining the democratic government. Because people really make fun of the democratic government– when you pass a resolution against drone attacks in the parliament, and nothing happens. The Americans don’t listen to you, and they continue to violate your territory.767 The US strikes have also contributed to the delegitimization of NGOs that are perceived as Western, or that receive US aid, including those providing much-needed services, such as access to water and education, and those administering the polio vaccine; this perception has been exploited by Taliban forces.768

### Solvency

#### Individualized targeting solves due process, maintains operational flexibility, and ends signature strikes

Jennifer Daskal, fellow and adjunct professor at Georgetown Center on National Security and the Law at Georgetown University law Center, April 2013, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside of the ‘Hot’ Conflict Zone,” University of Pennsylvania Law Review 161 U. Pa. L. Rev. 1165, ln

The law of international armed conflict permits the detention and killing of members of the enemy force based on a legitimate expectation that individuals who are part of a formal, hierarchical enemy state army will be called upon to fight and thereby pose an ongoing threat. By comparison, the broad definition of "functional membership" put forth by the Executive and endorsed by the courts serves as a poor proxy for assessing threat in a conflict with a non-state actor. n139 Even assuming, arguendo, that the functional membership test provides an appropriate standard for detention and targeting within a zone of active hostilities, it is too permissive a standard outside such zones, for the reasons described in Part II. Outside of a zone of active hostilities, an individualized threat finding is needed to ensure that law-of-war detention and lethal targeting are employed in those situations in which the target actually poses an ongoing threat, consistent with the underlying rationale for the permissive use of force and detention without charge. n140 Of course, there are a number of possible ways to define the threat. For lethal targeting, I suggest two such categories: (1) those involved in the active planning or operationalization of specific, imminent, and externally focused attacks, regardless of their relative hierarchical position in the organization; and (2) operational leaders who present a significant, ongoing, and externally focused threat, even if they are not implicated in the planning of a specific, imminent attack. n141 The first definition is a conduct-based test that prohibits [\*1211] the use of lethal force absent a specific, imminent, and significant threat. The second definition encompasses those who pose a continuous and significant threat given their leadership roles within an organization. n142 Whether an individual meets this threat requirement depends on the individual's role within the organization, his capacity to operationalize an attack, and the degree to which the threat is externally focused. For example, an al Shabaab operational leader, whose attacks are focused on the internal conflict between al Shabaab and Somalia's Transnational Federal Government, would not qualify as a legitimate target in the separate conflict between the United States and al Qaeda, even if he had demonstrated associations with al Qaeda. He might, however, be a legitimate target if he were involved in the planning of externally focused attacks and had demonstrated the capacity and will to operationalize the attacks. n143 Such restrictions serve the important purpose of limiting state authority to target and kill to instances in which the individual poses an active, ongoing, and significant threat. The low-level foot soldier who is found thousands of miles from the hot conflict zone could not be targeted unless involved in the planning or preparation of a specific, imminent attack. Even mid-level operatives, such as the prototypical terrorist recruiter, would be off-limits, unless they were plotting, or recruiting for, a specific, imminent attack. n144 Such recruiters could, however, be prosecuted for providing material support to a terrorist organization. n145 [\*1212] An individualized threat requirement also prohibits so-called "signature strikes," in which anonymous groups of alleged al Qaeda members are targeted based on their pattern of activities without an individualized assessment of the threat posed by each of the targets. n146

#### Establishing HVT norms solves blowback and establishes international norms – doing it publicly is key

Michael Boyle, Assistant Professor of Political Science at La Salle University, January 2013, “The costs and consequences of drone warfare,” International Affairs vol 89 no 1, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public. 154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified. 155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour. 156

#### HVTs matter – rigorous statistical data proves decapitation ends hostile groups

Patrick Johnston, associate political scientist at the RAND Corporation, 8-18-2012, “Drone Strikes Keep Pressure on al-Qaida,” RAND, http://www.rand.org/commentary/2012/08/18/PJ.html

My study of leadership decapitation in 90 counter-insurgencies since the 1970s shows that when militant leaders are captured or killed militant attacks decrease, terrorist campaigns end sooner, and their outcomes tend to favor the government or third-party country, not the militants. Those opposed to drone strikes often cite the June 2009 one that targeted Pakistani Taliban leader Baitullah Mehsud at a funeral in the Tribal Areas. That strike reportedly killed 60 civilians attending the funeral, but not Mehsud. He was killed later by another drone strike in August 2009. His successor, Hakimullah Mehsud, developed a relationship with the foiled Times Square bomber Faisal Shahzad, who cited drone strikes as a key motivation for his May 2010 attempted attack. Compared to manned aircraft, drones have some advantages as counter-insurgency tools, such as lower costs, longer endurance and the lack of a pilot to place in harm's way and risk of capture. These characteristics can enable a more deliberative targeting process that serves to minimize unintentional casualties. But the weapons employed by drones are usually identical to those used via manned aircraft and can still kill civilians—creating enmity that breeds more terrorists. Yet many insurgents and terrorists have been taken off the battlefield by U.S. drones and special-operations forces. Besides Mehsud, the list includes Anwar al-Awlaki of al-Qaida in the Arabian Peninsula; al-Qaida deputy leader Abu Yahya al-Li-bi; and, of course, al-Qaida leader Osama bin Laden. Given that list, it is possible that the drone program has prevented numerous attacks by their potential followers, like Shazad. What does the removal of al-Qaida leadership mean for U.S. national security? Though many in al-Qaida's senior leadership cadre remain, the historical record suggests that "decapitation" will likely weaken the organization and could cripple its ability to conduct major attacks on the U.S. homeland. Killing terrorist leaders is not necessarily a knockout blow, but can make it harder for terrorists to attack the U.S. Members of al-Qaida's central leadership, once safely amassed in northwestern Pakistan while America shifted its focus to Iraq, have been killed, captured, forced underground or scattered to various locations with little ability to communicate or move securely. Recently declassified correspondence seized in the bin Laden raid shows that the relentless pressure from the drone campaign on al-Qaida in Pakistan led bin Laden to advise al-Qaida operatives to leave Pakistan's Tribal Areas as no longer safe. Bin Laden's letters show that U.S. counterterrorism actions, which had forced him into self-imposed exile, had made running the organization not only more risky, but also more difficult. As al-Qaida members trickle out of Pakistan and seek sanctuary elsewhere, the U.S. military is ramping up its counterterrorism operations in Somalia and Yemen, while continuing its drone campaign in Pakistan. Despite its controversial nature, the U.S. counter-terrorism strategy has demonstrated a degree of effectiveness.

#### Drones are inevitable – establishing procedure is key

Jennifer Daskal, fellow and adjunct professor at Georgetown Center on National Security and the Law at Georgetown University law Center, April 2013, “The Geography of the Battlefield: A Framework for Detention and Targeting Outside of the ‘Hot’ Conflict Zone,” University of Pennsylvania Law Review 161 U. Pa. L. Rev. 1165, ln

The objections to such a proposal are many. In the context of proposed courts to review the targeting of U.S. citizens, for example, some have argued that such review would serve merely to institutionalize, legitimize, and expand the use of targeted drone strikes. n177 But this ignores the reality of their continued use and expansion and imagines a world in which targeted [\*1222] killings of operational leaders of an enemy organization outside a zone of active conflict is categorically prohibited (an approach I reject n178). If states are going to use this extraordinary power (and they will), there ought to be a clear and transparent set of applicable standards and mechanisms in place to ensure thorough and careful review of targeted-killing decisions. The formalization of review procedures - along with clear, binding standards - will help to avoid ad hoc decisionmaking and will ensure consistency across administrations and time.

#### Only statutory restrictions solve CIA operations – they comply with the letter of the law

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

As the CIA’s role in drone strikes has gained increasing prominence and notoriety, CIA and Obama Administration officials have repeatedly offered assurances that the agency complies with the law and seeks to avoid civilian casualties in drone strikes (see The Civilian Toll). While we cannot prove and do not necessarily believe that the CIA routinely and knowingly violates US law or disregards civilian life—to the contrary, it may have set up procedures and rules related to civilian harm— the CIA does not have an ethos or culture that promotes substantial engagement with legal questions or larger discussions of civilian protection. Moreover, while the threat of public or congressional scrutiny would traditionally provide the CIA incentive to act with caution about the law, in the context of covert drone strikes these incentives are substantially reduced or altogether absent. The most generous interpretation of the CIA’s relationship to the law is that it is formalistic: the agency may conform to the strictures of the law, but there is no indication that the CIA has developed an ethos that would independently motivate adherence to the norms and values underlying the law, including those that motivate steps to reduce civilian harm. In a series of addresses in 2011 and 2012, CIA General Counsel Stephen Preston described the agency’s relationship to the law as like that of a tightly regulated business.302 At the American Bar Association Preston explained: All intelligence activities of the Agency must be properly authorized pursuant to and conducted in accordance with the full body of national security law that has been put in place over the six plus decades since the Agency was founded. All such activities are also subject to strict internal and external scrutiny. In short, the Agency is at least as rule-bound and closely watched as businesses in the most heavily regulated industries.303 Although intended to provide assurance, the analogy to business regulation is disconcerting. It suggests that rather than seeing itself as duty-bound to the law and culturally invested in its rationales, the agency relates to the law as a constraint that may undermine the agency’s goals if not carefully managed, and perhaps, in some cases, circumvented. Even in accounts favorable to the CIA, the CIA’s relationship to the law is discussed only in terms of avoiding liability and political fall-out for actions that might, if revealed, be perceived as illegal even if technically legal. There is no allusion to a concern for whether actions, though technically legal, might offend the purposes and values of the law, or brush up too closely to their limits to be appropriate. For example, Jack Goldsmith, former lawyer in the Bush administration, writes that the CIA’s 150 or so lawyers “help operators sort through the cognitive dissonance that arises from the twin injunctions to violate some laws and norms but not others.” According to Goldsmith, these lawyers “provide comfort that whatever other fallout might occur from their CIA activities, operators needn’t worry about violating what to them often felt like bewildering US legal restrictions.” In any event, “everyone in the CIA knows that trouble follows from violating US law” and people “are watching for violations and can impose various types of legal or political punishment if they find one.”304 Likewise, former CIA lawyer Afsheen John Radsan conjectures that the CIA has sought legal approval for its drone strikes because “[t]he CIA, we know is accustomed to checking off the boxes in its paperwork” and is “[m]indful of their potential legal exposure on targeted killing.”305 To be sure, recent accounts of the CIA’s torture and secret detention programs under the Bush administration reflect that CIA personnel are deeply concerned with liability and public perception. CIA personnel aggressively sought clearance from agency lawyers and others in the Bush administration for the detention and torture programs—and, for the most part, received approval. John Rizzo, a leading CIA lawyer at the time, reportedly advised the CIA to tell as many people as possible about the programs to minimize political fall-out and maximize political support.306 In internal debates at the CIA, Rizzo notes: “I never heard— and I think I would have heard—any dissent, any moral objection,” to the programs.307

#### Legislation is key to reign in endless war

Alan W. Dowd, writer on National Defense, Foreign Policy, and International Security, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Strategic Studies Institute, http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring\_2013/1\_Article\_Dowd.pdf

Thanks to drones, as Miller’s question suggests, “endless war” is quite possible. In this regard, it’s worth noting that the drone war is an outgrowth of Washington’s post-9/11 campaign against terrorist organizations and regimes—a campaign authorized by the Use of Force Resolution of 18 September 2001. That measure directed the president “to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”34 That final clause referring to “future acts of international terrorism” creates a loophole larger than a Reaper ground-attack drone—with a wingspan of some 66 feet—a loophole that should be tightened through legislation focusing on threats beyond Afghanistan. After all, it would be a stretch to say that the 18 September measure authorized—11-plus years later—an autopilot war against targets in Pakistan, Yemen, Somalia, and beyond. Those targets may indeed be enemies of, and threats to, the United States. But few of the drone war’s intended targets today—not to mention the unfortunates simply in the wrong place at the wrong time—“planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.” Underscoring this point, The Washington Post recently reported that a growing number of drone strikes in Yemen have targeted “lower-level figures who are suspected of having links to terrorism operatives but are seen mainly as leaders of factions focused on gaining territory in Yemen’s internal struggle.”35 (Emphasis added.) Yet the drone war goes on, largely because there are no Americans in harm’s way—at least not directly.

#### Congress can oversee drones

Naureen Shah et al, Acting Director of the Human Rights Clinic and Associate Director of the Counterterrorism and Human Rights Project, Human Rights Institute at Columbia Law School, 2012, “The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions,” Center for Civilians in Conflict, http://civiliansinconflict.org/uploads/files/publications/The\_Civilian\_Impact\_of\_Drones\_w\_cover.pdf

Though hampered in many ways, the oversight committees have sufficient authority to impact the CIA’s activities. Congress controls the CIA’s budget and can thus influence programs, seek changes, or get answers to inquiries.326 One study found that every staffer surveyed recalled at least one instance when an intelligence committee member “threatened to statutorily withhold funding as a lever for sharing of information that would not otherwise have been forthcoming.”327 Congressional staffers can also visit CIA stations and other sites to get facts on the ground, though whether this is possible with regard to the drone program is unknown. Some information about CIA activities is provided only to congressional leaders who are part of the “Gang of Eight”328—leading members of the House and Senate. Many individuals, including members of Congress, have criticized this practice as preventing the intelligence committees from exercising effective oversight.329 Congressional oversight committees reportedly receive extensive briefings from the CIA. According to Senator Diane Feinstein, chair of the Senate Select Intelligence Committee: We receive notification with key details shortly after every strike, and we hold regular briefings and hearings on these operations. Committee staff has held 28 monthly in-depth oversight meetings to review strike records and question every aspect of the program including legality, effectiveness, precision, foreign policy implications and the care taken to minimize noncombatant casualties.330 House and Senate intelligence committee staff reportedly travel monthly to CIA headquarters in Virginia to review drone video and intelligence used to justify strikes.331 Asked about drone strikes in January 2012, Feinstein stated: “[T]here’s no issue that receives more attention and oversight from this committee...than counterterrorism operations in Afghanistan and Pakistan.”332

#### Obama says yes to restrictions – Syria proves

RT 7-11-2013 Congress derails Obama plans to arm Syrian rebels http://rt.com/usa/congress-derails-arming-syrian-rebels-865/

Though the Obama administration has authorized military aid to the rebel opposition currently engaged in a civil war with the government of Bashar Assad, it now appears that the US Congress has essentially blocked that move over terrorism fears. Members of both the House and Senate intelligence committees have moved to enact stringent restrictions on funding the Syrian rebels, a move sufficient to prevent the White House from delivering on arms shipments according to sources who spoke with The Hill. In mid-June, following allegations from the White House that the Assad government had used chemical weapons against opposition forces moving to depose him, the Obama administration authorized arms shipments in a marked escalation of US involvement in the region. "This is going to be different in both scope and scale in terms of what we are providing," said Ben Rhodes, Obama's deputy national security adviser at the time. Now, according to sources familiar with committee activity, restrictions on that increased aid to Syria’s opposition may have essentially stopped the administration in its tracks. According to The Hill, lawmakers moved to block the military aid out of fears that weapons would fall into the hands of terrorist groups. US analysts are in particular concerned over the strengthening of the Syrian al-Qaeda-affiliated group Jabhat al-Nusra, also known as the al-Nusra Front.

#### Obama is done – zero PC

Peter Wehner, congressional writer for Commentary Magazine, 9-12-2013, “The Collapse of the Obama Presidency,” Commentary, http://www.commentarymagazine.com/2013/09/12/the-collapse-of-the-obama-presidency/

How bad has 2013 been for Barack Obama? Let us count the ways. In the first year of his second term, the president has failed on virtually every front. He put his prestige on the line to pass federal gun-control legislation–and lost. He made climate change a central part of his inaugural address–and nothing has happened. The president went head-to-head with Republicans on sequestration–and he failed. He’s been forced to delay implementation of the employer mandate, a key feature of the Affordable Care Act. ObamaCare is more unpopular than ever, and it’s turning out to be a “train wreck” (to quote Democratic Senator Max Baucus) in practice. The most recent jobs report was the worst in a year, with the Obama recovery already qualifying as a historically weak one. Immigration reform is going nowhere. And then there’s Syria, which has turned out to be an epic disaster. (To be sure, Mr. Obama’s Middle East failures go well beyond Syria–but Syria is the most conspicuous failure right now). In watching the Obama presidency dissolve before our eyes, there is a cautionary tale to be told. Every presidency falls short of the expectations that the candidate sets. But no man has ever promised more and delivered less than the current occupant of the Oval Office. All of the extravagant promises and claims–of “Yes We Can!” and “we’re the ones we’ve been waiting for;” of hope and change and slowing the rise of the oceans; of claiming his candidacy would “ring out across this land as a hymn that will heal this nation, repair this world, make this time different than all the rest”–lie in ruin. (I’d urge you to watch this short video clip from the 2008 campaign to more fully appreciate the crushing disappointment that results from what Mr. Obama said he would achieve versus what he’s been able to achieve.) In all of this one is reminded of the wisdom of the Book of Proverbs, which warns that “pride goes before destruction, a haughty spirit before a fall.” The president has been shown to be a man out of his depth time and again. But here’s the problem: Mr. Obama’s failures have inflicted great and durable harm on the United States. This may be worth keeping in mind the next time an eloquent community organizer decides he’s ready to be commander in chief.

#### Policy engagement solves Bush 3.0 – scholars need to speak the language of policy makers – key to public engagement, new perspectives, and peace and checks the impact to the K

Zachary Lockman is Chair of the Department of Middle Eastern and Islamic Studies at New York University 2005 “Critique from the Right The Neo-conservative Assault on Middle East Studies” CR: The New Centennial Review 5.1 (2005) 63-110

It may be too soon to tell, but from the vantage point of the first years of the twenty-first century it would seem that area studies has weathered the storms of the immediate post–Cold War period. In large part this may have been because these fields, including Middle East studies as practiced in the United States, were by the 1990s not what they had been 30 years earlier. The sharp decline (within academia, at least) of once dominant paradigms like a cultural-essentialist Orientalism and modernization theory resulted in the dissipation of the intellectual coherence that had characterized the field in its first decades. But the kind of intellectual fragmentation that had come to characterize Middle East studies was the norm across a great many other fields and disciplines and was counterbalanced, probably even outweighed, by the fact that many Middle East specialists, perhaps especially younger scholars, were now not only well versed in the theoretical and methodological issues and debates of their own disciplines but also routinely engaged with innovative work that cut across or transcended disciplinary boundaries. They could thus increasingly manage, without any great difficulty, to participate in productive scholarly conversations not only with their disciplinary colleagues (fellow historians, political scientists, anthropologists, literature specialists, etc.) but also with scholars from other disciplines interested in this part of the world and in others as well. Moreover, because so many scholars working on the Middle East were participants in the scholarly conversations and debates that had transformed broad segments of the humanities and the social sciences in recent decades, Middle East studies had to a considerable extent overcome its [End Page 73] insular and rather backward character and was now much more open to, and engaged with, the wider intellectual world than had once been the case. The developments of the last two or three decades, including the critiques of Orientalism and modernization theory; the broad range of new work on colonialism; innovative approaches to historical, social, and cultural analysis influenced by critical anthropology; and, more broadly, heightened interaction among disciplines and fields had given many within Middle East studies a new set of common languages that facilitated productive intellectual exchange.3 This was also a much more intellectually and politically self-aware and self-critical field than was once the case. As a result, the best of the new work in this field was by the beginning of the twenty-first century very much on a par with the best produced in other area studies fields, and scholars specializing in the Middle East were being read and listened to by scholars specializing in other parts of the world as never before.4 In conjunction with a generally higher level of mastery of relevant languages and the use of innovative theoretical and methodological approaches, scholars in the field were by the late twentieth century also making use of a broader range of sources than in the past. A case in point is work on the history of the Arab provinces of the Ottoman empire. Students and scholars with a command of both Arabic and Ottoman Turkish made increasing use not only of the vast Ottoman imperial archives in Istanbul but also of local Islamic court records and family papers, along with more traditional sources like the writings of European consuls and travelers, to produce portraits of social, political, economic, and cultural life in these lands in the last four hundred years of Ottoman rule of unprecedented depth and complexity.5 These studies helped to undermine what was once conventional wisdom in late Ottoman history, that these lands were economically, socially, and culturally stagnant before Napoleon's army landed in Egypt in 1798; that they were uniformly characterized by despotism, the oppressive and retrograde imposition of Islamic law, and the rigorous segregation and subordination of non-Muslims; and that all real change was induced by contact with the West. Instead, the newer scholarship began to elucidate indigenous sources and dynamics of change while also showing how this [End Page 74] region was part of the broader sweep of world history long before the nineteenth century and the onset of westernization or modernization as conventionally understood. As a result of these scholarly advances, Ottoman historians often came to have much broader and more fully comparative perspectives than historians of early modern Europe, many of whom had only recently come to understand that they needed to overcome their own provincialism by addressing the ways in which developments in Europe were not utterly sui generis but often were bound up with larger patterns and dynamics of change that affected large stretches of Eurasia. Scholars and the State If the preceding assessment is accurate, it is fair to say that the changes that transformed Middle East studies in the United States over the last several decades of the twentieth century made it a more intellectually productive and interesting scholarly field. However, this development was accompanied by a growing gap between academics studying the Middle East and the officials, agencies, and institutions of the U.S. government, and a corresponding decline in the influence of university-based scholars on the shaping of foreign policy and on the media, the main purveyor of information, images, and attitudes about the region to the broad public. For one, a good many (though by no means all) students and scholars in this field were less than happy with U.S. government policies toward the Middle East in the 1980s and beyond. Hard evidence is lacking, but it is probably safe to suggest that much of the membership of the Middle East Studies Association, the field's main professional organization, was not enthusiastic about U.S. support for Saddam Hussein's regime in its war against Iran in the 1980s, the U.S.-led Gulf War of 1991, the sanctions regime imposed on Iraq thereafter, the U.S.-led invasion of Iraq in 2003, or, more broadly, the extent to which successive U.S. administrations countenanced Israel's ongoing occupation of the West Bank, Gaza, and East Jerusalem; its continuing implantation of Jewish settlements there; and its rejection of a Palestinian state in those territories as endorsed by virtually the entire international community. There was a widespread (though never universal) [End Page 75] sense that the policies pursued by the United States in the Middle East were hindering, rather than contributing to, peace, democracy, human rights, development, and progress in the region. This disaffection from official policy and the premises that underpinned it did not mean that U.S.-based scholars studying the Middle East were unwilling to share their perspectives on, and try to influence, U.S. policy toward the region. In fact, many devoted a great deal of time and effort to trying to educate the broader public through informal meetings, lectures, articles, op-ed pieces, radio and television interviews, and the like, and to convey their views to elected officials; not a few were also quite willing to meet with State Department and intelligence agency personnel. It is rather that the shared vision of the world, and of the place of the United States within it, that had once linked the world of academia with the world of policymaking had faded, and many scholars no longer spoke the same language as policymakers. Adding to this sense of distance and alienation was a new and much more critical understanding of the proper relationship between scholars and the state—not a surprising development in the aftermath of a period in which the pernicious ends to which scholarly knowledge could be put had been made all too visible, in Vietnam but elsewhere as well. In the first decades of the Cold War a good many scholars in this as in other area studies fields, especially social scientists working on contemporary issues, saw no problem with conducting research on behalf of the government and cooperating with intelligence agencies because they were all part of the good fight against Communism. By the 1980s those who were assuming the leadership in U.S. Middle East studies were by and large much more wary about their sources of funding and the ends to which their training and research, and that of their students, might be put. Fewer scholars were willing to allow what they knew about the region to be used in the service of a state about whose policies they were often at least dubious, for example, by conducting research for agencies like the CIA or by encouraging promising students to enter government service. There developed a widespread sense that to allow one's research agenda to be determined by the needs of the state or to serve potentially pernicious ends was not only a betrayal of one's [End Page 76] integrity as a scholar but might also compromise one's ability to conduct research in the Middle East, where by the 1980s real or alleged CIA connections had gotten Americans and others denounced, kidnapped, or worse. At issue was not government funding per se: since the passage of the National Defense Education Act in 1958, a great many students and scholars working on the Middle East had happily made use of NDFL/FLAS and other government fellowships for language training, graduate study, and research. A large proportion of the budgets of the centers for Middle East studies at universities around the country also came from the federal government. But because this individual and institutional funding came through the U.S. Department of Education it was deemed ethically and politically acceptable even by those who most vociferously disagreed with U.S. government policies in the Middle East. Similarly, additional government funding for graduate student and faculty research on the Middle East first made available by the 1992 Near and Middle East Research and Training Act—originally channeled through the Social Science Research Council and later through the Council of American Overseas Research Centers—was not seen as posing a problem because the funding was allocated first through the U.S. Information Agency and then through the State Department budget. The real issue was which part of the U.S. government was supplying the funding, for what ends, and with what conditions. As early as 1985 the Middle East Studies Association had asked "university-based international studies programs to refrain from responding to requests for research contract proposals from the Defense Academic Research Support Program [established by the Defense Department to fund academic research on issues of interest to the military] or from other intelligence entities and call[ed] upon its members to reflect carefully upon their responsibilities to the academic profession prior to seeking or accepting funding from intelligence sources."6 Some years later MESA also criticized the new National Security Education Program (NSEP), created by the National Security Education Act of 1991. The NSEP sought to bolster the teaching of "less commonly taught" languages (including Arabic, Persian, and Turkish), thereby enabling (as the [End Page 77] program's website put it) "the nation to remain integrally involved in global issues related to U.S. National Security" as well as to "develop a cadre of professionals with more than the traditional knowledge of language and culture who can use this ability to help the U.S. make sound decisions on and deal effectively with global issues related to U.S. National Security" (see the NSEP website at http://www.iie.org/programs/nsep/nsephome.htm). Unlike other programs funding research and training on the Middle East, the NSEP was housed in the Department of Defense, intelligence agency officials sat on its oversight board, and recipients of the funding it offered were required to work for a government agency involved in national security affairs after their fellowship or scholarship was completed. In a 1993 resolution endorsed by a referendum of its membership, MESA joined with the African Studies Association and the Latin American Studies Association to "deplore the location of responsibility in the U.S. defense and intelligence community for a major foreign area research, education, and training program. . . . This connection can only increase the existing difficulties of gaining foreign governmental permissions to carry out research and to develop overseas instructional programs. It can also create dangers for students and scholars by fostering the perception of involvement in military or intelligence activities, and may limit academic freedom." MESA called on the government to establish a peer and merit review process for funding applications that would be independent of military, intelligence, and foreign policy agencies and to broaden the service requirement so that it would include a much wider range of jobs, including those outside government service. Until its concerns were met, MESA urged that "its members and their institutions not seek or accept program or research funding from NSEA...." Three years later MESA adopted yet another resolution reiterating its rejection of NSEP because the law appropriating funding for the program now required that all fellowship recipients agree to work for the Defense Department or some intelligence agency for at least two years or else repay the cost of their fellowship (see the NSEP website, as well as the MESA resolutions site at http://w3fp.arizona.edu/mesassoc/resolutions.htm). (This last requirement was later relaxed somewhat so that recipients who [End Page 78] could not find employment with a national security agency despite a "good faith effort" to do so could fulfill the service requirement by working in higher education.) MESA would voice the same concerns about other outgrowths of the NSEP, for example, the 2002 National Flagship Language Initiative–Pilot Program (NFLI-P), launched to address what were seen as America's extraordinary deficiencies in languages critical to national security. Many (though by no means all) Middle East studies faculty adopted MESA's perspective on this issue, declining to seek NSEP funding for themselves or their institutions. The disinclination by MESA and many of its individual and institutional members to cooperate with the government in ways that had been common in the 1950s and 1960s was certainly not shared by everyone in the field. Yet it is instructive that when in the 1980s reports surfaced of questionable links between academics and intelligence agencies, the most vocal response among scholars in the field was condemnation. A case in point is the scandal surrounding Nadav Safran, a political scientist whose first book set forth an analysis of modern Egyptian history informed by modernization theory and who by the mid-1980s was director of Harvard University's Center for Middle Eastern Studies. The scandal erupted when it became known that Safran had taken $45,700 from the Central Intelligence Agency to fund a major international conference he was hosting at Harvard on "Islam and Politics in the Contemporary Muslim World"—a hot topic at the time and one of obvious interest to the CIA. Not only had Safran secretly used CIA funding for this conference, he had not told the invitees, a number of whom were coming from the Middle East, that the CIA was picking up the tab. It then came out that Safran had also received a $107,430 grant from the CIA for the research project that led to his 1985 book Saudi Arabia: The Ceaseless Request for Security. Safran's contract with the CIA stipulated that the agency had the right to review and approve the manuscript before publication and that its role in funding the book would not be disclosed. And indeed, the book as published made no mention of the fact that the research for it had been partially funded by the CIA. When the scandal broke, about half the invitees to Safran's conference withdrew, and many of the faculty and students associated with Harvard's [End Page 79] Center for Middle Eastern Studies publicly expressed their opposition to Safran's actions. A month later the Middle East Studies Association censured Safran on the grounds that his actions had violated its 1982 resolution calling on scholars to disclose their sources of research funding. Safran intimated that his critics were motivated by anti-Semitism, but after an internal investigation at Harvard he agreed to step down as center director at the end of the academic year.7 Safran was surely not the only academic to have secretly or openly solicited or accepted funding from an intelligence agency for his research in this period, and no doubt such relationships persisted long after this scandal, but the reaction to it—unimaginable in the early decades of U.S. Middle East studies—does indicate how the relationship between academia and the state had changed. Think Tanks and Talking Heads But there was a price to be paid for the gap that had opened up between the world of Middle East scholarship and the world of policymaking. If many college- and university-based academics no longer entirely shared the worldview that prevailed in Washington or no longer felt the need to shape their research agenda so that it was relevant to the policies that flowed from that worldview, there were others who stood ready to meet the demand for knowledge that would serve the state. Many of these were based not in institutions of higher education but in the host of think tanks that had proliferated from the 1970s onward—privately funded institutions oriented toward the production and dissemination of knowledge designed to inform and influence public policy, for our purposes mainly the foreign policy of the United States. Some of these institutions and organizations went back a long way. The Carnegie Endowment for International Peace, for example, was founded in 1910 to advance international cooperation, while the Council on Foreign Relations, publisher of the influential journal Foreign Affairs, was established in 1921, originally as a sort of elite dinner club. The liberal Brookings Institution was established in 1927, supported by Carnegie and Rockefeller funding, while the conservative American Enterprise Institute was founded [End Page 80] in 1943 to promote "limited government," "free enterprise," and a "strong foreign policy and national defense." After the Second World War, contractors like the huge RAND Corporation entered the field to produce or fund research for the military and intelligence and other government agencies concerned with foreign policy. Another wave beginning in the 1960s had witnessed the establishment of a large number of what one observer called "advocacy" think tanks, like the Center for Strategic and International Studies (1962), the Heritage Foundation (1973), and the Cato Institute (1977), which combined "policy research with aggressive marketing techniques" as they struggled to secure funding and influence in an increasingly competitive marketplace. There are now also many "legacy-based" institutions, like the Carter Center in Atlanta and the Nixon Center for Peace and Freedom in Washington, D.C. By the end of the twentieth century there were an estimated 2,000 organizations engaged in policy analysis based in the United States, a substantial proportion of them focused on foreign policy and international relations.8 The 1970s also witnessed the establishment of what Lisa Anderson called "a new generation of professional graduate schools of public policy," many of whose graduates went on to work for policy-oriented think tanks rather than in colleges and universities (Anderson 2000, 21). The Middle East was a relative backwater for the think tank industry until the 1980s. The Middle East Institute, founded in 1946, published a journal and organized conferences but exercised relatively little political clout. By contrast, the Washington Institute for Near East Policy (WINEP), founded in 1985, quickly achieved a much higher profile and much greater influence. Describing itself as "a public educational foundation dedicated to scholarly research and informed debate on U.S. interests in the Middle East,"9 WINEP emerged as the leading pro-Israel think tank in Washington. Its founding director, Martin Indyk, had previously worked at the American Israel Public Affairs Committee (AIPAC), founded in 1959 and by the 1970s by far the most well-funded, visible, and effective pro-Israel lobbying organization.10 Indyk and his colleagues at WINEP worked hard to strengthen Israel's standing in Washington as the key U.S. ally in the Middle East and to ensure [End Page 81] that U.S. policy in the region coincided with the policies and strategies of the Israeli government. During the late 1980s and early 1990s this meant trying to foil U.S. recognition of the PLO and U.S. pressure on Israel to halt settlement activity in the West Bank and Gaza and enter serious negotiations. In the 1990s WINEP expanded its purview to encompass the entire Middle East, but its focus always remained on Israel, for which it tried to build support by arguing that Israel and the United States faced a common threat from Islamic radicalism and terrorism, defined rather broadly to encompass virtually all of Israel's enemies, state and nonstate. Various other think tanks also began or stepped up research and advocacy on Middle East issues in the late 1990s and early 2000s. These included the Haim Saban Center for Middle East Policy, launched by the Brookings Institution in 2002, and the conservative American Enterprise Institute. During the Clinton administration a substantial number of WINEP alumni served in key foreign policy positions, including Martin Indyk himself, appointed as special assistant to the president and senior director for Near East and South Asian affairs at the National Security Council and, later, as U.S. ambassador to Israel. They and other Clinton administration officials promulgated the policy of "dual containment," whereby the United States would seek to isolate, and if possible eliminate, the governments of both Iraq and Iran, not coincidentally perceived as two of Israel's most serious enemies. By the late 1990s, however, WINEP would itself be outflanked by newer rivals that unlike WINEP openly aligned themselves with the stances of the Israeli right (or even far right) and argued for aggressive U.S. action against Israel's enemies, including the overthrow of the regime of Saddam Hussein in Iraq. The policies these and other explicitly right-wing think tanks advocated during the Clinton years, when they were in the political wilderness, were initially regarded as extreme and outlandish. But many of them would eventually be adopted by the George W. Bush administration, in which their architects assumed key posts. Among them were Vice President Richard Cheney; Defense Policy Board member (and for a time chair) Richard Perle, a key advocate of war against Iraq; Deputy Defense Secretary Paul Wolfowitz; Undersecretary of State John Bolton; and Undersecretary [End Page 82] of Defense Douglas Feith. Before assuming power these (people) men and their colleagues had, through such right-wing organizations as the Project for a New American Century and the Jewish Institute for National Security Affairs, called for the use of U.S. military power to dominate the world, massive increases in military spending, and unequivocal support for the policies of the Israeli right.11 After the attacks of September 11, 2001, President George W. Bush openly embraced much of their agenda, tacitly supporting Israel's effort to crush the Palestinian uprising by force and in March-April 2003 invading and occupying Iraq. The first years of the twenty-first century thus witnessed an unprecedented convergence in positions of supreme power in Washington of right-wing (and in some cases Christian fundamentalist) zealots and neo-conservative American Jews united by a common vision of securing permanent and unchallengeable U.S. global hegemony, with a strong focus on the Middle East and a close embrace of Israel, a vision to be achieved by military force if necessary. The war against Iraq was in a sense the pilot project for this radical vision. As Michael Ledeen, in 2003 "resident scholar in the Freedom Chair" at the American Enterprise Institute and long a fixture among right-wing foreign-policy activists, was reported to have put it, crudely but not inaccurately: "Every ten years or so, the United States needs to pick up some small crappy little country and throw it against the wall, just to show the world we mean business" (Goldberg 2002). More specifically, a reconstructed, oil-rich Iraq was seen as a valuable new base for U.S. power in the Middle East, enabling the United States to terminate its problematic relationship with Saudi Arabia and compel the Arabs (including the Palestinians) to make peace with Israel on the latter's terms. That the vast majority of the international community, including a great many Americans, vehemently rejected the use of military force to achieve this vision made no difference whatsoever to its advocates.12 There were certainly voices raised, in academia, the think tank world, and elsewhere, in opposition to this agenda and the understanding of the world that underpinned it, as there had been voices offering alternative views about U.S. policy toward the Middle East at other critical junctures. But during the 1980s, 1990s, and early years of the twenty-first century [End Page 83] these voices received relatively little attention, and university-based scholars seemed to play a decreasing role in influencing foreign policy. Critics of U.S. foreign policy also found it difficult to make themselves heard through the mass media. It is striking that the great bulk of the "talking heads" who appeared on television to offer their opinions on the 1990–91 Gulf crisis, on the 2003 Iraq war, and on other issues relating to the Middle East and U.S. policy toward it seemed to come not from academia but from professional pundits, from people associated with think tanks or with one of the public policy schools, and from retired military personnel. Whatever their knowledge (or lack thereof) of the languages, politics, histories, and cultures of the Middle East, these people spoke the language and shared the mindset of the Washington foreign policy world in a way few university-based scholars did. They were also used to communicating their perspective in effective sound bites, whereas academics were often put off by the ignorance and political conformism of much (though by no means all) of American mass media journalism and its tendency to crudely oversimplify complex issues and transform everything (even war) into a form of entertainment. This helped bring about a considerable narrowing of the perspectives available to the public and the consolidation of a powerful, indeed almost impenetrable, consensus about the Middle East that encompassed most of the political class and the punditocracy. Republicans and Democrats argued mainly over how best to maintain U.S. hegemony in the region, leaving very little room for those who envisioned a fundamentally different foreign policy founded on peace, democracy, human rights, mutual security, multilateral disarmament, nonintervention, and respect for international law. It is, however, worth noting that despite the virtual absence of such views in the mass media, they were embraced by a good many Americans, as evidenced by the massive demonstrations that preceded the U.S. attack on Iraq in March 2003 and the polls that indicated substantial public opposition to war, partly because of the new modes and channels of communication and organizing made possible by the Internet. Nonetheless, in the aftermath of September 11th, critical (and even moderate) voices were largely drowned out by the right, which quickly and effectively moved to implement its global agenda by exploiting public [End Page 84] outrage against the Islamist extremists who had perpetrated the September 11th attacks. They succeeded in "selling" first military intervention in Afghanistan (justified by the fact that the Taliban regime had allowed al-Qa'ida to operate in that country and refused to hand over those responsible for organizing the September 11th attacks) and then war against Iraq, even though no one was able to produce any credible evidence that the regime of Saddam Hussein had had anything to do with the September 11th attacks or still possessed weapons of mass destruction. In this effort conservative scholars like Bernard Lewis played a significant part, graphically illustrating their continuing, even enhanced, clout in right-wing policymaking circles long after their standing in scholarly circles had declined, as well as the durability and power of some very old Orientalist notions many had mistakenly thought dead as a doornail.

### Plan

#### Plan: The United States Federal Government should restrict targets of targeted killing operations using pilotless aircraft units outside declared zones of conflict to individuals identified as leaders of transnational organizations with direct involvement in past or ongoing violent operations against the United States.

## 2AC

## Case

### Norms

#### Assessing Chinese motivation is possible and epistemologically useful---

Joseph K. Clifton, Claremont McKenna College, 2011, “DISPUTED THEORY AND SECURITY POLICY: RESPONDING TO “THE RISE OF CHINA”,”, http://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1164&context=cmc\_theses

First, motives can be known. Mearsheimer is correct in observing that assessing motives can be difficult, but this does not mean that the task is impossible. There clearly are ways of finding out information about the goals of states and the means with which they plan to achieve them. One of the most important roles of intelligence analysts, for example, is to determine state interests and expected behavior based on obtained information. The possibility that information may be flawed should not lead to a rejection of all information. People make decisions based on less than perfect knowledge all of the time. This ability to know motives extends to future motives, because an analyst can use information such as historical trends to observe consistencies or constant evolutions of motives. Prediction of the future is necessarily less certain in its accuracy, but the prediction can still be made.104¶ Second, even if there is still some uncertainty of motives, the rational response is not to assume absolute aggression. Assuming aggressive motive in a situation of uncertainty ignites the security dilemma, which could actually decrease a state’s security. Mearsheimer calls this tragic, but it is not necessary. An illustrative example is Mearsheimer’s analysis of the German security situation were the United States to withdraw its military protection. Mearsheimer argues that it would be rational for Germany to develop nuclear weapons, since these weapons would provide a deterrent, and it would also be rational for nuclear European powers to wage a preemptive war against Germany to prevent it from developing a nuclear deterrent. 105 This scenario is not rational for either side because it ignores motives. If Germany knows that other states will attack if it were to develop nuclear weapons, then it would not be rational for it to develop nuclear weapons. And if other states know that Germany’s development of nuclear weapons is only as a deterrent, then it would not be rational to prevent German nuclear development. The point is that the security dilemma exists because of a lack of motivational knowledge, so the proper response is to try to enhance understanding of motives, not discard motivational knowledge altogether. Misperception is certainly a problem in international politics, but reducing misperception would allow states to better conform to defensive realist logic, which results in preferable outcomes relative to offensive realism. 106¶ Assessing motives is vital in the case of the rise of China, because mutually preferable outcomes can be achieved if China is not an aggressive power, as offensive realism would have to assume, but is actually a status quo power with aims that have limited effect on the security of the U.S. and other potentially affected countries. I do not mean here to claim with certainty that China is and will always be a status quo power, and policymakers likely have access to more intentional information than what is publicly known. At the very least, valuing motivational assessments empowers policymakers to act on this knowledge, which is preferable because of the possibility of reducing competition and conflict.

#### Pan concedes that studies of China can be effective – they have to prove a specific link to our scholarship

Chengxin Pan, Australian National University, 2004, “Discourses of China in International Relations: A Study in Western Theory as (IR) Practice, Doctoral Thesis, p.35

Perhaps for this reason, I will occasionally be guilty of broad brush generalisation (e.g., by employing the terms ‘mainstream Western scholars’) and I might do violence to some individual China scholars. This is not my intention. And while I have misgivings about the general field of China studies, this is by no means to suggest that mainstream Chinese foreign policy scholarship has no valuable insight to offer. Nor, indeed, is my position to imply that all Western students of Chinese foreign relations are invariably or equally ‘guilty,’ for I am perfectly aware that this ‘whole’ has never been entirely ‘homogeneous.’ Rather, my point is that the problem I will deal with here is a general mode of thinking which cannot be simply reduced to the individual level but which nonetheless has to be illustrated in relation to specific works.

### 2AC Threats Real

#### Threats are real and transcend construction – Pearl Harbor proves threats don’t need to be constructed to materially occur

## K

### 2AC Framework – Theory

#### Our interpretation is that plan focus is good

#### Aff choice – other frameworks moot the 1AC

#### Topic education – only focusing on the resolution ensures different ground from year to year

#### Reject non-policy alts and links not based on the plan text

### Policy Relevance Good – Lockman

#### Policy engagement solves Bush 3.0 – scholars need to speak the language of policy makers – key to public engagement, new perspectives, and peace and checks the impact to the K

Zachary Lockman is Chair of the Department of Middle Eastern and Islamic Studies at New York University 2005 “Critique from the Right The Neo-conservative Assault on Middle East Studies” CR: The New Centennial Review 5.1 (2005) 63-110

It may be too soon to tell, but from the vantage point of the

AND

some very old Orientalist notions many had mistakenly thought dead as a doornail.

### 2AC Perm

#### Perm do both – double bind – either the alt can’t overcome the status quo or it can overcome residual link to the plan

#### Perm do the plan and all non-mutually exclusive parts of the alternative

### 2AC Alt

#### The alt is vague – it’s a voting issue

#### Spikes our offense – no way for aff to win

#### Skews 2AC time

#### Damage is done – 2NC clarification rewards them because 1AR will always be behind

#### Kills the political project

#### Alt fails – speaking truth to power without a mechanism backfires – Iraq proves

Daniel McCarthy, editor of the American Conservative, 3-11-2013, “How Not to Stop a War,” TAM, http://www.theamericanconservative.com/mccarthy/how-not-to-stop-a-war/

The realignment brought about during the Vietnam era is now cracking up, and that’s the thrust of my cover story. But a crackup doesn’t happen all at once, and as recently as a decade ago the skids to the war in Iraq were greased by an antiwar movement that, as Rod Dreher notes, looked and sounded all too much like the movement against the Vietnam War. The protesters brought back bad memories for much of the public, and they fit neatly into the caricatures warhawks had drawn—of radical leftists who might have sat beside Hanoi Jane on the NVA’s anti-aircraft guns if they’d had chance. That’s certainly not a fair description of all anti-Iraq War protesters. It’s not even a fair description of most anti-Vietnam War protesters. But in mass politics perception counts. Vietnam protesters had a bad reputation with much of the public, and Iraq protesters who aped their activism naturally came in for the same rep. And even beyond those associations, what was a normal person meant to think about protesters with puppets? For “Sesame Street,” puppets may be an effective education tool, but adults aren’t accustomed to thinking about foreign policy—to the extent they think about it at all—in terms of following whomever demonstrates the most impressive papier-mâché skills. When I make this argument to left-wingers, I’m typically met with one of the following responses. 1.) “We have to do something!”—as if doing something that’s ineffective or counterproductive earns brownie points. 2.) “That’s a smear!”—you bet it’s a smear, but what are you doing to establish a more sympathetic image in the public’s mind instead? 3.) “Well, what do you suggest?”—what I suggest is not something any “activist” wants to hear: don’t take any action until you understand public opinion in some detail and can relate every individual tactic you propose to a specific, demonstrated mechanism that gives it a chance to be effective.

#### Personal politics fails – can’t alter structures

Derrick Jensen, author and environmental activist, July-August 2009, “Forget Shorter Showers,” Orion Magazine, http://www.orionmagazine.org/index.php/articles/article/4801/

WOULD ANY SANE PERSON think dumpster diving would have stopped Hitler, or that composting would have ended slavery or brought about the eight-hour workday, or that chopping wood and carrying water would have gotten people out of Tsarist prisons, or that dancing naked around a fire would have helped put in place the Voting Rights Act of 1957 or the Civil Rights Act of 1964? Then why now, with all the world at stake, do so many people retreat into these entirely personal “solutions”? Part of the problem is that we’ve been victims of a campaign of systematic misdirection. Consumer culture and the capitalist mindset have taught us to substitute acts of personal consumption (or enlightenment) for organized political resistance. An Inconvenient Truth helped raise consciousness about global warming. But did you notice that all of the solutions presented had to do with personal consumption—changing light bulbs, inflating tires, driving half as much—and had nothing to do with shifting power away from corporations, or stopping the growth economy that is destroying the planet? Even if every person in the United States did everything the movie suggested, U.S. carbon emissions would fall by only 22 percent. Scientific consensus is that emissions must be reduced by at least 75 percent worldwide. Or let’s talk water. We so often hear that the world is running out of water. People are dying from lack of water. Rivers are dewatered from lack of water. Because of this we need to take shorter showers. See the disconnect? Because I take showers, I’m responsible for drawing down aquifers? Well, no. More than 90 percent of the water used by humans is used by agriculture and industry. The remaining 10 percent is split between municipalities and actual living breathing individual humans. Collectively, municipal golf courses use as much water as municipal human beings. People (both human people and fish people) aren’t dying because the world is running out of water. They’re dying because the water is being stolen. Or let’s talk energy. Kirkpatrick Sale summarized it well: “For the past 15 years the story has been the same every year: individual consumption—residential, by private car, and so on—is never more than about a quarter of all consumption; the vast majority is commercial, industrial, corporate, by agribusiness and government [he forgot military]. So, even if we all took up cycling and wood stoves it would have a negligible impact on energy use, global warming and atmospheric pollution.” Or let’s talk waste. In 2005, per-capita municipal waste production (basically everything that’s put out at the curb) in the U.S. was about 1,660 pounds. Let’s say you’re a die-hard simple-living activist, and you reduce this to zero. You recycle everything. You bring cloth bags shopping. You fix your toaster. Your toes poke out of old tennis shoes. You’re not done yet, though. Since municipal waste includes not just residential waste, but also waste from government offices and businesses, you march to those offices, waste reduction pamphlets in hand, and convince them to cut down on their waste enough to eliminate your share of it. Uh, I’ve got some bad news. Municipal waste accounts for only 3 percent of total waste production in the United States. I want to be clear. I’m not saying we shouldn’t live simply. I live reasonably simply myself, but I don’t pretend that not buying much (or not driving much, or not having kids) is a powerful political act, or that it’s deeply revolutionary. It’s not. Personal change doesn’t equal social change.

### 2AC Link Press

#### Aff isn’t key – multiple instances outweigh

#### The link is the OPPOSITE of the plan – we REDUCE the state’s oppressive machinery – don’t let them get away with genero links on this topic

#### The Shah ev indicates congress restrains the CIA now – their Vermuele ev is specific to courts rulings during the Bush era – Fiat solves the link

#### Aff is key to check the ultimate form of governmentality – battlefield earth by every sovereign

Alan W. Dowd, writer on National Defense, Foreign Policy, and International Security, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Strategic Studies Institute, http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring\_2013/1\_Article\_Dowd.pdf

If these geo-political consequences of remote-control war do not get our attention, then the looming geo-strategic consequences should. If we make the argument that UCAV pilots are in the battlespace, then we are effectively saying that the battlespace is the entire earth. If that is the case, the unintended consequences could be dramatic. First, if the battlespace is the entire earth, the enemy would seem to have the right to wage war on those places where UCAV operators are based. That’s a sobering thought, one few policymakers have contemplated. Second, power-projecting nations are following America’s lead and developing their own drones to target their distant enemies by remote. An estimated 75 countries have drone programs underway.45 Many of these nations are less discriminating in employing military force than the United States—and less skillful. Indeed, drones may usher in a new age of accidental wars. If the best drones deployed by the best military crash more than any other aircraft in America’s fleet, imagine the accident rate for mediocre drones deployed by mediocre militaries. And then imagine the international incidents this could trigger between, say, India and Pakistan; North and South Korea; Russia and the Baltics or Poland or Georgia; China and any number of its wary neighbors. China has at least one dozen drones on the drawing board or in production, and has announced plans to dot its coastline with 11 drone bases in the next two years.46 The Pentagon’s recent reports on Chinese military power detail “acquisition and development of longer-range UAVs and UCAVs . . . for long-range reconnaissance and strike”; development of UCAVs to enable “a greater capacity for military preemption”; and interest in “converting retired fighter aircraft into unmanned combat aerial vehicles.”47 At a 2011 air show, Beijing showcased one of its newest drones by playing a video demonstrating a pilotless plane tracking a US aircraft carrier near Taiwan and relaying targeting information.48 Equally worrisome, the proliferation of drones could enable nonpower-projecting nations—and nonnations, for that matter—to join the ranks of power-projecting nations. Drones are a cheap alternative to long-range, long-endurance warplanes. Yet despite their low cost, drones can pack a punch. And owing to their size and range, they can conceal their home address far more effectively than the typical, nonstealthy manned warplane. Recall that the possibility of surprise attack by drones was cited to justify the war against Saddam Hussein’s Iraq.49 Of course, cutting-edge UCAVs have not fallen into undeterrable hands. But if history is any guide, they will. Such is the nature of proliferation. Even if the spread of UCAV technology does not harm the United States in a direct way, it is unlikely that opposing swarms of semiautonomous, pilotless warplanes roaming about the earth, striking at will, veering off course, crashing here and there, and sometimes simply failing to respond to their remote-control pilots will do much to promote a liberal global order. It would be ironic if the promise of risk-free war presented by drones spawned a new era of danger for the United States and its allies. 48

### Impact Extension

#### Consequences outweigh – only moral frame that makes sense

#### Extinction outweighs – only impact that can’t be reversed

#### Aff turns the k – squo ensures power consolidation and violent exclusion

#### Doesn’t turn the aff – your shit not root cause

#### Focus on proximate causes not root causes – causality can only be determined in specific instances not in the abstract – history proves you can’t manipulate root causes.

Fred Hutchison, CPA and MBA, Staff writer for Renew America, 3-22-2004, “American innovation and the culture war: A golden age of American innovation,” http://www.renewamerica.us/columns/hutchison/040322

Reductionist ideas reduce (hu)man(s) to a simplistic caricature. When man looks in the mirror and sees something less than what is there, it has a depressing effect on his spirit and his mind. Deterministic ideas are the most powerfully compressing of the reductionist ideas. When man believes he is but a cog in a great machine, he feels crushed in a brutal and inhuman wine press. The most pitiless and repressive states are based on deterministic ideas — such as the Soviet regime under Stalin. When man is told that he is not created according to a design but was haphazardly evolved he is reduced to a subhuman status — an animal of no designed species but a beast-monstrosity of accidental origins. In some ways this is worse than being a cog in a machine. At least a cog has a design and an understandable purpose as an integral part of the great machine. Determinism is based upon the inflation of the principle of causation. Causation can be decisively established only for extremely simplified situations. In modern science, an experiment must be reduced to its simplest essentials before proof of causation is possible. But human nature and society is exceedingly complicated and contradictory. Reductionism in the pursuit of proof of causation is illusive because human nature is irreducibly complex. This goes through my mind whenever I hear a liberal speak of "root causes." The illusion that we can ferret out the root causes indicates a liberal who has never read the classics — and is profoundly ignorant about human nature. Our history of trying to manipulate root causes through social programs is a discouraging one — filled with the surprises of unintended consequences. Three Fatal Determinisms The three fatal determinisms of our age are economic determinism, cultural determinism, and biological determinism. Economic determinism is the belief that what we are and what we do is shaped by economic forces. This is an extremely radical reductionism if ever there was one. All the incredibly complicated things that combine in mysterious synergies to make up human nature are all to be explained by one single cause — economics. If ever their was a myth grounded in false confidence and the radical ignorance of tunnel vision — this is it. When liberals speak of the "root causes" of social problems, they typically are borrowing ideas from economic determinism. Root cause arguments obscure rather than enlighten. The poor are not responsible for their poverty because of root causes — we are told. Criminals are not responsible for crime because of root causes. Terrorists are not responsible for murder because of root causes. Such thinking rules out the idea of human conscience, and moral responsibility. When the belief in root causes relieves us of responsibility for our actions it also weakens the belief in the existence of free will. Nothing will destroy a golden age of innovation faster than a paralysis of the will. If we doubt we have a will because of a belief in the myth of root causes, the will becomes either paralyzed or undisciplined. We become ether zombies or maniacs — and return to adolescence.

#### Democratic structures check the impact to biopolitics

Edward Ross Dickinson, U. Cincinatti, “Biopolitics, Fascism, Democracy,” 2004, Central European History 37:1, 18-19

In an important programmatic statement of 1996 Geoff Eley celebrated the fact that Foucault’s ideas have “fundamentally directed attention away from institutionally centered conceptions of government and the state . . . and toward a dispersed and decentered notion of power and its ‘microphysics.’”48 The “broader, deeper, and less visible ideological consensus” on “technocratic reason and the ethical unboundedness of science” was the focus of his interest.49 But the “power-producing effects in Foucault’s ‘microphysical’ sense” (Eley) of the construction of social bureaucracies and social knowledge, of “an entire institutional apparatus and system of practice” ( Jean Quataert), simply do not explain Nazi policy.50 The destructive dynamic of Nazism was a product not so much of a particular modern set of ideas as of a particular modern political structure, one that could realize the disastrous potential of those ideas. What was critical was not the expansion of the instruments and disciplines of biopolitics, which occurred everywhere in Europe. Instead, it was the principles that guided how those instruments and disciplines were organized and used, and the external constraints on them. In National Socialism, biopolitics was shaped by a totalitarian conception of social management focused on the power and ubiquity of the völkisch state. In democratic societies, biopolitics has historically been constrained by a rights-based strategy of social management. This is a point to which I will return shortly. For now, the point is that what was decisive was actually politics at the level of the state. A comparative framework can help us to clarify this point. Other states passed compulsory sterilization laws in the 1930s — indeed, individual states in the United States had already begun doing so in 1907. Yet they did not proceed to the next steps adopted by National Socialism — mass sterilization, mass “eugenic” abortion and murder of the “defective.” Individual  gures in, for example, the U.S. did make such suggestions.But neither the political structures of democratic states nor their legal and political principles permitted such policies actually being enacted. Nor did the scale of forcible sterilization in other countries match that of the Nazi program. I do not mean to suggest that such programs were not horrible; but in a democratic political context they did not develop the dynamic of constant radicalization and escalation that characterized Nazi policies.

## XO

### Perm: Do Both

#### Concurrent war powers mean the perm is best

Jules Lobel, Professor of Law,  University of Pittsburgh  Law School, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, 2008, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf

Separation of powers  doctrine generally operates on what has been termed a horizontal axis to draw subject matter lines to separate and demarcate the proper boundaries between legislative, executive, and judicial authority. 23 The powers of Congress and the President to control the conduct of a war authorized by Congress is best understood, however, if viewed sequentially, not horizontally. Rather than drawing a boundary between legislative and executive power based on subject matter or some other normative principle, the two branches have concurrent constitutional power over the conduct of authorized warfare. Those powers are divided in practice by timing, not subject matter. The President has the power of initiative, the ability and authority to act quickly in the face of rapidly changing wartime realities in the theater of action. Congress, on the other hand, has a more deliberative, reflective power, allowing it to check and limit presidential initiative both before and after the Executive acts.

### Perm: Do CP

#### Normal means is executive action – empirics

John E. Owens, Professor of Government at the Centre for the Study of Democracy @University of Westminster, Faculty Fellow in the Centre for Congressional and Presidential Studies at the American University in Washington, DC, 2010, “The Impact of the “War on Terror” on Executive-Legislative Relations in the UK and US: A Comparative Analysis”, http://www.britishpoliticsgroup.org/BPG%202010-Owens-Shephard.pdf

Notwithstanding some efforts to challenge and check the Obama administration (as during the Bush administration) – notably on military involvement in Iraq and Afghanistan and Pakistan, and detainees at Guantánamo - on most “war on terror” issues the Democratic Congress has not challenged the Obama administration to overturn many of the Bush administration’s “war on terror” policies (including extraordinary rendition, military tribunals, and the use of Bagram and other CIA prisons abroad) or insist on the prosecution of CIA officials and others guilty of torture, Cabinet and other executive officers who lied or failed to disclose illegal programmes to the Congress, or manipulated intelligence (see Conyers 2009 for a more or less complete charge sheet). In February 2010 the President signed into law HR 3961 which provides for further time extensions of several terrorist surveillance provisions included in the PATRIOT Act. In sum, congressional non-decision making has continued, and although some legislators (mainly liberal Democrats) have raised issues and the administration has showed a new willingness to conduct conversations with the Congress, congressional legislators have collectively continued to offer deference to the executive in this domain.

### 2AC Object Fiat Bad (Short)

#### Interpretation: The negative gets fiat of agents are not the object of the resolution

#### Violation:

#### Standards:

#### Kills topic education – fiats through core of the topic

#### Moots aff ground – forces generic advantages like SoP and contrived solvency deficits

#### Stacks the deck – answers like rollback link to the aff

#### Reject the team – at least reject durable fiat and grant rollback args

### Solvency

#### 1AC is a DA – Johnston ev indicates limited killings key to decapitate terrorist organizations – impact is the Paksitan collapse scenario

#### The Zenko ev is for a different CP – it’s about designating targeted killings are title 10 – CP leaves them covert – means they can lie

### 2AC Executive Rollback

#### Presidents effect both the actual XOs but also enforcement of previous ones – large leeway to rollback

Vanessa K. Burrows, Legislative Attorney for Congressional Research Service, 4-25-2010, “Executive Orders: Issuance and Revocation”, http://assets.opencrs.com/rpts/RS20846\_20100325.pdf

Illustrating the fact that executive orders are used to further an administration’s policy goals, there are frequent examples of situations in which a sitting President has revoked or amended orders issued by his predecessor.37 This practice is particularly apparent where Presidents have used these instruments to assert control over and influence the agency rulemaking process. President Ford, for instance, issued Executive Order 11821, requiring agencies to issue inflation impact statements for proposed regulations.38 President Carter altered this practice with Executive Order 12044, requiring agencies to consider the potential economic impact of certain rules and identify potential alternatives.39 Shortly after taking office, President Reagan revoked President Carter’s order, implementing a scheme asserting much more extensive control over the rulemaking process. Executive Order 12291 directed agencies to implement rules only if “the potential benefits to society for the regulation outweigh the potential costs to society,” requiring agencies to prepare a cost-benefit analysis for any proposed rule that could have a significant economic impact.40 This order was criticized by some as a violation of the separation of powers doctrine, on the grounds that it imbued the President with the power to essentially control rulemaking authority that had been committed to a particular agency by Congress.41 Despite these concerns, there were no court rulings assessing the validity of President Reagan’s order. In turn, President Clinton issued Executive Order 12866, modifying the system established during the Reagan Administration.42 While retaining many of the basic features of President Reagan’s order, E.O. 12866 eased cost benefit analysis requirements, and recognized the primary duty of agencies to fulfill the duties committed to them by Congress. President George W. Bush issued two executive orders amending E.O. 12866, E.O. 13258, and E.O. 13422, both of which were revoked by President Obama in E.O. 13497.43 President Bush’s E.O. 13258 concerned regulatory planning and review, and it removed references in E.O. 12866 to the role of the Vice President, replacing several of them with a reference to the Director of the Office of Management and Budget (OMB) or the Chief of Staff to the President.44 E.O. 13422 defined guidance documents and significant guidance documents and applied several parts of E.O. 12866 to guidance documents, as well as required each agency head to designate a presidential appointee to the newly created position of regulatory policy officer.45 E.O. 13422 also made changes to the Office of Information and Regulatory Affairs’ (OIRA’s) duties and authorities, including a requirement that OIRA be given advance notice of significant guidance documents.46 President Obama’s executive order revoking E.O. 13258 and E.O. 13422 also directed the Director of OMB and the heads of executive departments and agencies to rescind orders, rules, guidelines, and policies that implemented those executive orders.

### 2AC Legislative Rollback

#### Congress rolls back the CP

William G Howell Associate professor at Harvard 2005 Unilateral Powers: A Brief overview Presidential Studies quarterly vol 35 issue 3 pg 417

Plainly, presidents cannot institute every aspect of their policy agenda by decree. The checks and balances that define our system of governance are alive, though not always well, when presidents contemplate unilateral action. Should the president proceed without statutory or constitutional authority, the courts stand to overturn his actions, just as Congress can amend them, cut funding for their operations, or eliminate them outright. (4) Even in those moments when presidential power reaches its zenith--namely, during times of national crisis--judicial and congressional prerogatives may be asserted (Howell and Pevehouse 2005, forthcoming; Kriner, forthcoming; Lindsay 1995, 2003; and see Fisher's contribution to this volume). In 2004, as the nation braced itself for another domestic terrorist attack and images of car bombings and suicide missions filled the evening news, the courts extended new protections to citizens deemed enemy combatants by the president, (5) as well as noncitizens held in protective custody abroad. (6) And while Congress, as of this writing, continues to authorize as much funding for the Iraq occupation as Bush requests, members have imposed increasing numbers of restrictions on how the money is to be spent.

### 2AC Agencies Rollback

#### Agencies roll back – independent of presidential will – the Shah ev from 1AC proves CIA does it behind his back

Harold H. Bruff, Professor of Law, University of Colorado at Boulder, 1-28-2011, “PLACING YOUR FAITH IN THE CONSTITUTION”, http://www.tulsalawreview.com/wp-content/uploads/2011/05/Bruff.Final\_.pdf

For cabinet departments and other nonindependent agencies, the limits of presidential direction are generally understood to be as follows. First, since Congress routinely grants authority to administer statutes to these officers, not the President, they must make the formal decisions. The President is free to direct them to make a particular decision and, if they resist for legal or policy reasons, to remove and replace them, 24 but the President may not exercise statutory authority granted to these officers himself. Presidents also issue executive orders that require the agencies to consult with the White House about the costs and benefits of their proposed regulations; Congress has acquiesced in these orders.25 Thus, the power to supervise the executive branch is shared between the President and Congress in ways that are compromised and are based more on history than on grand theory. The advantages and disadvantages of this arrangement are known. To a pluralist, the arrangement is within constitutional limits, its messiness being offset by the benefits of the creative tension that results from involving both political branches in oversight of the executive agencies. Calabresi and Yoo reject the desirability of this power sharing in favor of the benefits of clean and strong lines of political accountability to the President. Here they must envision a world that does not currently exist - their promised land of a new and improved federal government. What they do not do, however, is paint any detailed picture of the altered landscape, of the practical differences they envision if the unitary executive is endorsed by the Supreme Court. Would newly empowered presidents seize the reins of power and bring the unwieldy bureaucracy under control? It is quite unclear that presidents can do much more to control the bureaucracy than they now attempt. The fact that President Obama felt the need to create various “czars,” his own new bureaucracy to control the bureaucracy, reveals the serious practical limits to comprehensive control by the President himself.

### Lnx Tix – Perception

#### XOs are perceived – previous fights prove Congress will backlash

Zachary Goldfarb, writer at the Washington Post, 2-10-2013, “Obama weighing executive actions on housing, gays and other issues” http://articles.washingtonpost.com/2013-02-10/business/37026076\_1\_actions-on-gun-violence-executive-actions-obama-administration

These and other potential actions suggest that Obama is likely to rely heavily on executive powers to set domestic policy in his second term. One White House official said that while the president does not see the actions as substitutes for more substantial legislation, he also wants to move forward on top priorities. But the approach risks angering Republican lawmakers in Congress, who say they are leery of granting the executive branch too much power and have already clashed with Obama over the issue. In a ruling last month, a federal appeals court said Obama exceeded his constitutional powers in naming several people to the National Labor Relations Board while the Senate was on a break. “It is a very dangerous road he’s going down contrary to the spirit of the Constitution,” Sen. Charles E. Grassley (R-Iowa) said in a recent interview. “Just because Congress doesn’t act doesn’t mean the president has a right to act.”

### Lnx Tix – Political Checks

#### Executive action certainly links

Aziz Z. Huq, Assistant Professor of Law at University of Chicago Law School, “Binding the Executive (by Law or by Politics) The Executive Unbound: After the Madisonian Republic by Eric A. Posner; Adrian Vermeule”, Spring 2012, The University of Chicago Law Review, Vol. 79, No. 2, JSTOR

Echoing Crit themes, The Executive Unbound mounts a sustained assault on dominant pieties of legal scholarship- the autonomy and relevance of legal and constitutional rules." Its central target is "liberal legalism." This is defined as the view that "representative legislatures govern and should govern . . . [and] that law does and should constrain the executive" (p 3). Liberal legalists, in PV's telling, emphasize two ways in which law limits executive power. First, law binds via the separation of powers- that is, by fashioning Congress and the courts as institutional counterweights to the executive. Second, it works through framework statutes and by specifying absolute limits in the form of enacted statutes. What the legalist focus on institutions and legal rules fails to discern, PV contend, is that both such mechanisms are ineffectual on the ground (p 7).34 By contrast, it is political mechanisms that do the real work in imposing limits on what the executive can do. Fleshing out the idea of a political mechanism, PV identify a "reelection constraint" on Presidents operating "in a polity dominated by a mass public accustomed to exercising a large degree of democratic control" (p 12).35 This in turn fosters in the White House a need to sustain "popularity and credibility" (p 13). In consequence, opponents of political liberalism such as Weimar- and Nazi-era legal theorist Carl Schmitt exaggerate in their criticism of democratic rule and their advocacy of "decisionism" the claim that power rests in the entity with authority to determine when rules apply or not (pp 32-34, 90-91).

## Politics

### UQ

#### Wehner – zero PC

#### Approval ratings crush PC – he’s struggling to stay above water

Neil King Jr., Wall Street Journal Politics reporter, 9-13-2013, “Poll Finds Republicans Gain Favor on Key Issues,” WSJ, http://online.wsj.com/article/SB10001424127887324755104579071273977154080.html

The public tilt on several issues in favor of the GOP, particularly among independents, comes as Mr. Obama's own job-approval rating has hovered around 45% for three months, a tenuous place for a president trying to build support for likely battles with Congress over possible military action in Syria, a proposed overhaul of immigration law and the budget. "There is no question that a president below 45% job approval starts having a little more difficulty with the bully pulpit," said Bill McInturff, a Republican pollster who conducted the survey with Democratic pollsters Fred Yang and Peter Hart. Mr. Hart described a president swerving from crisis to crisis who faces a "very bumpy road" this fall. His success going into next year, Mr. Hart said, may best be measured "by his ability to simply keep his head above water." The jolt of support for Republicans falls well short of a renaissance, as the party itself remains widely unpopular by other measures. In the poll, just 28% of Americans said they hold positive views of the GOP, compared with 40% who view the Democrats positively. Less than half of conservatives see the GOP favorably, and just 13% of independents. The Democrats' standing has slipped as the White House has dealt with myriad challenges, including widespread opposition to military action in Syria and revelations about government snooping into private communications.

#### shutdown inevitable

Terry Connelly, Dean emeritus, Ageno School of Business - Golden Gate University, 9-12-2013, “Scratch Syria -- Now Congress Can Shut Down the Government and Default on Our Debt in Peace!”, http://www.huffingtonpost.com/terry-connelly/scratch-syria-now-congres\_b\_3908245.html

With the impression that Obama has been forced by his own public to say "uncle" to Putin, the Obamacare hawks think they can force him to cave to avoid a shutdown and debt ceiling "crisis." That word is in quotes here because most Tea Party officials do not believe that a U.S. government shutdown or even a debt default would be that big a deal. Indeed, if you think, as Limbaugh does, that the financial crisis of 2008 was phony and manufactured to satisfy a liberal big government agenda, it gets easier to live in alternative reality in 2013. But Limbaugh controls opinions of many voters who elected the Tea Party Representatives, and that bodes ill for investors who live in the real world. We saw this movie before -- in 2011 -- but last time we didn't get to see the train-wreck ending because cooler heads prevailed. After a while we got sequester, but not a market crash.

#### Won’t pass – GOP infighting tanks it and Obama is the KOD

Greg Sargent, political analyst for The Plum Line, 9-12-2013, “The Morning Plum: Senate conservatives stick the knife in House GOP leaders,” The Plum Line, http://www.washingtonpost.com/blogs/plum-line/wp/2013/09/12/the-morning-plum-senate-conservatives-stick-the-knife-in-house-gop-leaders/

The divisions have gotten so bad that conservative Senate Republicans are now openly ripping into House GOP leaders as Obama stooges who are complicit in keeping his tyrannical health care law alive. And this is responsible for building opposition to the GOP leadership escape-hatch scheme among conservatives in the House. (Yesterday the conservative revolt forced House GOP leaders to pull the bill off the floor; because neither Dems nor conservatives will support it, Republicans may not have the votes for it alone.) The key thing here is that the GOP leadership plan would actually work — if Republicans could pass it. Senate Democratic aides have told me they would probably pass the temporary funding of the government at current levels, whereupon they would defeat the defund-Obamacare provision. A shutdown would be avoided. But because nothing short of Total War against Obamacare will do for conservatives, this may not be a workable way out for GOP leaders. What comes next is unclear.

#### Syria thumps it all – timing

Lisa Lerer, analyst for Bloomberg, 9-12-2013, “Obama Syria Reversal Sets Stage for Fights With Congress”, http://www.bloomberg.com/news/2013-09-12/obama-syria-reversal-sets-stage-for-fights-with-congress.html

From a practical standpoint, the Syria issue could linger for weeks, or even months, if international talks fail to produce any real result, consuming valuable legislative time and forcing the White House to continue to grapple with an unpopular issue. Scheduling issues alone could complicate efforts to cut a deal to avoid a government shutdown or U.S. default. “Syria still has potential of dominating a significant part of the legislative agenda from here on out,” said Democratic strategist Jim Manley, a former aide to Senate Majority Leader Harry Reid. “To a significant degree, it’s a timing issue.”

#### Syria determines the agenda

Greg Sargent, political analyst for The Plum Line, 9-12-2013, “Syria won’t make GOP’s immigration problem go “poof” and disappear”, http://www.washingtonpost.com/blogs/plum-line/wp/2013/09/12/syria-wont-make-gops-immigration-problem-go-poof-and-disappear/

The debate in Washington right now is heavily focused on whether Obama’s handling of Syria — in particular, Congress’ apparent rejection of his request for authorization — has badly weakened his ability to realize the rest of his agenda. Immigration reform, of course, is a major item on that agenda.

### Link

#### This link ev could not be worse

#### SQ drone policy draining Obama’s PC and he’s already spending PC

Michael Crowley, drone analyst, 4-1-2013, “So, Who Can We Kill?” TIME, http://www.uta.edu/faculty/story/2311/Misc/2013,4,1,DronesTargetedKillingWhoCanWeKill.pdf

Budget politics was topic a when President Obama met privately with Democratic Senators on Capitol Hill on¶ March 12. But some of the President's hosts were determined to raise another issue: drones. Why, Senator Jay¶ Rockefeller asked, was the White House refusing to show Congress legal memos justifying its drone campaign,¶ including the killing of U.S. citizens overseas? Three Democratic Senators had been disturbed enough by the¶ secrecy to cast protest votes against the confirmation of Obama's new CIA director, John Brennan. Another¶ Democrat, Ron Wyden of Oregon, even joined Republican Senator Rand Paul's epic 13-hour filibuster the week¶ before, in which Paul demanded--and later received--an assurance that Obama would not use drones to kill¶ noncombatant Americans on U.S. soil. According to Politico, it was enough to make Obama defend himself in¶ bracing terms. "This is not Dick Cheney we're talking about here," he pleaded.¶ But in political terms, it's getting hard to tell the difference. During the 2012 campaign, Obama's use of drones¶ to kill terrorists without risking the lives of U.S. troops was a bragging point. But in the months since, his drone¶ war has turned from asset to headache. Paul's filibuster, which ignited Twitter and made Paul a celebrity at this¶ month's Conservative Political Action Conference (CPAC), was just the crescendo of a growing chorus of¶ complaints that have united left and right. (After his filibuster, Paul was given chocolates and flowers and¶ serenaded by the left-wing antiwar group Code Pink.) Speaking at Fordham University on March 18, Jeh¶ Johnson, who stepped down in December as the Pentagon's chief counsel, warned that Obama's targeted-killing¶ program risks "an erosion of support."¶ Now Washington is rethinking some of its basic assumptions about the drone war. Congress and the White¶ House are discussing ways to bring new legal clarity to targeted killing. And Obama, moved by the complaints¶ about secrecy, is said to be planning public remarks on the subject soon. "I do think the Administration is¶ feeling some anxiety about this," says Rosa Brooks, a former Pentagon official under Obama. "Over the last¶ year, the shift in discourse on targeted killings has had an impact on some of the more thoughtful people in the¶ Administration."

#### Restricting sig strikes don’t spend PC

Jeremy Herb, congressional correspondent for the Hill, 6-13-2012, “Lawmakers want legal justification for drone strikes,” The Hill, http://thehill.com/blogs/defcon-hill/operations/232523-lawmakers-want-legal-justification-for-drone-strikes

A group of more than two dozen anti-war lawmakers wants the White House to explain the legal justification for “signature” drone strikes, in which drone attacks can be launched when the identity of those killed is not known. The Obama administration gave the CIA and Joint Special Operations Command (JSOC) the new authority in Yemen to target al Qaeda militants, as the administration has stepped up its drone program there this year. The House members warned in a letter to President Obama Tuesday that the “signature” strikes can generate “powerful and enduring anti-American sentiment.” “We are concerned that the use of such ‘signature’ strikes could raise the risk of killing innocent civilians or individuals who may have no relationship to attacks on the United States,” they wrote. “The implications of the use of drones for our national security are profound. They are faceless ambassadors that cause civilian deaths, and are frequently the only direct contact with Americans that the targeted communities have.” Twenty-six lawmakers who signed the letter, led by Rep. Dennis Kucinich (D-Ohio), including anti-war Republicans Reps. Ron Paul (Texas) and Walter Jones (N.C.). The lawmakers want the White House to tell Congress the process by which signature strikes are authorized and the legal justifications for conducting them. The new signature drone attacks in Yemen, which were first reported by The Washington Post in April, has been a tactic used for drone attacks in Pakistan.

#### Disads not intrinsic – logical policy maker could do both

### Internals

#### No spil

#### Winners win

Michael Hirsh, chief correspondent for National Journal, 2-7-2013, “There’s No Such Thing as Political Capital,” National Journal, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207

Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger. But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “Winning wins.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote. Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.”

#### Obama is the kiss of death and he knows it

David Lauter, Washington bureau chief, 2-13-2013, “He's learning when to get out of the way,” LA Times, Lexis.

President Obama's State of the Union speech demonstrated a rule for governing in politically divided times: Insert yourself the least where the chance of success is best. Obama devoted nearly nine minutes at the top of his speech to a meticulous description of his bargaining position for the next round of budget confrontations with congressional Republicans. He detailed at length his proposals for replacing the automatic spending reductions that are scheduled to take effect next month, using the word "I" five times as he did so. By contrast, Obama spent just two minutes on the subject he has called the administration's top legislative priority: immigration reform. He claimed no specific proposals as his own, but praised "bipartisan groups in both chambers" who he said were "working diligently to draft a bill." That contrast ran through the speech -- detailed and partisan on some issues, briefer and bipartisan on others. The two approaches reflect the contrasting strategies Obama intends to follow in his second term. They are strategies shaped by a reality that Obama has slowly come to accept during his years in office: Today's highly polarized atmosphere sharply constrains what Theodore Roosevelt once labeled as the "bully pulpit" of the presidency. On one side are issues like immigration or gun control, where Obama labeled no ideas as his own, but praised "senators of both parties" whom he described as "working together" on new efforts to combat gun violence. White House officials say they believe those measures can pass this year and have worked to make sure that the president's embrace doesn't smother them. Similarly, on climate change, Obama urged Congress to "pursue a bipartisan" proposal, specifically mentioning legislation pushed several years ago by the man he defeated in the 2008 presidential election, Republican Sen. John McCain of Arizona. The only reference he made to an action of his own was phrased in the negative: If Congress acted, he said, it could head off executive action to limit carbon emissions. The opposite approach comes on proposals like Obama's call for new government spending on roads, bridges and infrastructure. White House officials do not expect Congress to pass many of those ideas, if any, and feel free to tout them as ways to rally support among fellow Democrats. On the budget, where administration officials see relatively little prospect that Democrats and Republicans can reach a broad agreement, Obama has stuck to his own proposals and tried to portray Republicans as unreasonable, labeling them, as he did in Tuesday night's speech, as defenders of "special-interest tax breaks." Administration officials believe that because the federal deficit has begun to shrink rapidly, and the government's level of debt has roughly stabilized, they have no compelling need this year to make major concessions to reach a budget deal. Obama has talked in general terms about the eventual need for "reforms" in Medicare -- a code word for cuts that makes many liberals nervous. If Congress began serious moves in that direction, the issue could cause a serious rupture within Obama's party. But because he has coupled the idea with a demand for raising taxes by eliminating preferences, something Republicans have said they won't accept, he runs little risk of being forced into confronting that division. In his first year in office, Obama seemed to believe he could sway the country, including the opposition, by the force of a carefully crafted speech. Over time, he and his top aides have embraced the opposite view: that a president can create opposition to an idea simply by embracing it. That may seem counterintuitive, but political scientists and pollsters repeatedly have found it to be true. A recent Washington Post poll that asked about immigration reform provided new evidence. When asked, "Do you favor or oppose creating a way for illegal immigrants already here to become citizens if they meet certain requirements?" 70% of Americans surveyed said yes, including 60% of those who identified themselves as Republicans. Then the pollsters added three words to the question, and asked this: "Obama has proposed creating a way for illegal immigrants already here to become citizens if they meet certain requirements. Do you favor or oppose this?" With the addition of his name, Republican support plummeted to 39%. The percentage of Republicans who said they were "strongly opposed" rose from 25% when Obama's name was missing to 40% when his name was added. Reactions of that sort are not unique to Obama and Republicans. Democrats reacted in similar ways during George W. Bush's presidency. Indeed, claims of a bully pulpit notwithstanding, the evidence shows that presidents have very little ability to shift the attitudes of members of the opposition party. Ronald Reagan, famed for his communication skills, didn't convert liberals to his cause.

#### Obama doesn’t push the plan – it’s congress

Graham Cronogue, JD from Duke University School of Law, 2012, “A New AUMF: Defining Combatants in the War on Terror,” Duke Journal of Comparative and International Law, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil

The Obama administration argues that the AUMF should remain the same and has taken pains to expand the authorization to cover new terrorist threats from organizations unrelated to al-Qaeda.5 However, this ten-yearold authorization must be revised. The United States is facing a new and still evolving enemy; our law on conflict must evolve with it. We should not expect the President to simply reinterpret or stretch statutory language when considering such fundamentally important issues as national security, deadly force, and indefinite detention. This “stretching” out of the statute will create significant questions of legality and authorization in times when we cannot afford to hesitate or second-guess. The President and the armed forces need an updated, clear, and explicit authorization to execute this war effectively and know the limits of their power. In short, Congress must amend or update the AUMF to reflect the current reality of conflict and guide the President’s prosecution of this war.

#### Dem unity is key to dodge a shutdown

Greg Sargent, political analyst at the Plum Line, 9-11-2013, “John Boehner Must Cut Loose The Tea Party” http://www.washingtonpost.com/blogs/plum-line/wp/2013/09/11/john-boehner-must-cut-loose-the-tea-party/

But here’s the rub: At some point, something will have to pass with a lot of Dems. Here’s why. If Republicans can’t pass their funding gimmick on their own, they’ll need to pass a clean CR with a lot of Dems or allow a shutdown. But even if Republicans do manage to pass their gimmick alone, it will only be because they promised conservatives that they will make enormous demands in the next fight. As one Dem aide put it to me, they will have to promise to demand a “grab bag of conservative fantasies” — an Obamacare delay; more spending cuts, whatever — in exchange for raising the debt limit. Needless to say, that will further alienate Dems, who have vowed not to negotiate on the debt ceiling. And conservatives — having swallowed a defeat in the first round and had their expectations for the next one pumped up — will be in even less of a mood to compromise. That will leave only two choices: Pass a debt limit hike with mostly Democrats, stiff-arming the Tea Party, or allow economic havoc to break out. Boehner isn’t going to do the latter. So his only choice will be the former. As Jonathan Bernstein puts it, the main overarching fact about this fall’s battles is that the only way must-pass legislation actually passes is if it is acceptable to both mainstream Republicans and Democrats.

### Impact

#### We’d pay the bills

#### The global economy is resilient – global economic institutions check collapse

Daniel W. Drezner, Professor of International Politics at the Fletcher School of Law and Diplomacy at Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked” http://www.cfr.org/international-organizations/irony-global-economic-governance-system-worked/p29101

The 2008 financial crisis posed the biggest challenge to the global economy since the Great Depression and provided a severe "stress test" for global economic governance. States rely on a bevy of institutions—the International Monetary Fund, World Trade Organization, and the Group of Twenty—to coordinate action on the global scale. Since the Great Recession began, there has been no shortage of scorn for the state of global economic governance among pundits and scholars. However, in this International Institutions and Global Governance program Working Paper, Daniel Drezner concludes that, despite initial shocks that were more severe than the 1929 financial crisis, the evidence suggests that these structures responded to the financial crisis robustly. Global trade and investment levels have recovered from the plunge that occurred in late 2008. Existing global governance structures, particularly in finance, have revamped themselves to accommodate shifts in the distribution of power. The World Economic Forum's survey of global experts shows rising confidence in global governance and global cooperation. In short, international financial institutions passed the stress test.

#### ( ) No wars from econ collapse.

Morris Miller, Winter 2000, Interdisciplinary Science Reviews, “Poverty as a cause of wars?” V. 25, Iss. 4, p pq

The question may be reformulated. Do wars spring from a popular reaction to a sudden economic crisis that exacerbates poverty and growing disparities in wealth and incomes? Perhaps one could argue, as some scholars do, that it is some dramatic event or sequence of such events leading to the exacerbation of poverty that, in turn, leads to this deplorable denouement. This exogenous factor might act as a catalyst for a violent reaction on the part of the people or on the part of the political leadership who would then possibly be tempted to seek a diversion by finding or, if need be, fabricating an enemy and setting in train the process leading to war. According to a study undertaken by Minxin Pei and Ariel Adesnik of the Carnegie Endowment for International Peace, there would not appear to be any merit in this hypothesis. After studying ninety-three episodes of economic crisis in twenty-two countries in Latin America and Asia in the years since the Second World War they concluded that:19 Much of the conventional wisdom about the political impact of economic crises may be wrong ... The severity of economic crisis - as measured in terms of inflation and negative growth - bore no relationship to the collapse of regimes ... (or, in democratic states, rarely) to an outbreak of violence ... In the cases of dictatorships and semidemocracies, the ruling elites responded to crises by increasing repression (thereby using one form of violence to abort another).

## 1AR

#### Technical solutions good – arms control proves we don’t need to have total political change to solve problems

Steven F. Hayward, the F. K. Weyerhaeuser Fellow at AEI, 10-16-2006, “The Fate of the Earth in the Balance,’ AEI, http://www.aei.org/article/society-and-culture/the-fate-of-the-earth-in-the-balance/

\ Today, climate change is said to threaten the same things, only more slowly. It is remarkable how similarly the leading advocates for these two problems understand and conceptualize them. In the case of both the arms race then and climate change today, we are told that the issue is ultimately philosophical in nature, and that wholesale changes in our philosophical perspective must necessarily precede political and policy remedies to the problem. Should this perspective be taken seriously? What can it really mean? The Fate of the Earth in the Balance The peculiarity of this approach to major global problems is best seen by comparing the two leading popular books on each issue, Jonathan Schell’s 1982 bestseller The Fate of the Earth, and Al Gore’s 1991 bestseller Earth in the Balance (whose main arguments reappear in truncated form in An Inconvenient Truth). It is not just the titles that are strikingly similar; a close reading reveals the two books to be identical in their overarching philosophy.[5] In both, mankind is poised on the abyss, facing, in Gore’s words, “the most serious threat that we have ever faced,”[6] or “the nearness of extinction,”[7] to use only one of Schell’s many apocalyptic formulations. (An index entry--“despair; see also futility”[8]--conveys the mood better than any quotation from the main text.) In fact, if one substitutes “global warming” for “nuclear weapons” in the text of Fate of the Earth, the result is so shockingly close to Earth in the Balance that one could almost make out a case for plagiarism on Gore’s part. Perhaps some publisher will have the wit to meld the two books into one: The Fate of the Earth in the Balance. But such a combination is not necessary. The two books directly intersect in several places. Gore writes, for example, that: the political will that led to mass protests against escalating the arms race during the early 1980s came from a popular awareness that civilization seemed to be pulled toward the broad lip of a downslope leading to a future catastrophe--nuclear war--that would crush human history forever into a kind of black hole. . . . This is not unlike the challenge we face today in the global environmental crisis. The potential for true catastrophe lies in the future, but the downslope that pulls us toward it is becoming recognizably steeper with each passing year.[9] In this, Gore was only returning the favor to Schell, who occasionally paused long enough from his lament over nuclear catastrophe to include a few nods to ecocatastrophe. For his part, Schell mentions “global heating through an increased ‘greenhouse effect,’” adding: The nuclear peril is usually seen in isolation from the threats to other forms of life and their ecosystems, but in fact should be seen as the very center of the ecological crisis--as the cloud-covered Everest of which the more immediate, visible kinds of harm to the environment are the mere foothills. Both the effort to preserve the environment and the effort to save the species from extinction by nuclear arms would be enriched and strengthened by this recognition.[10] Both books display an affectation for gilding their arguments with lots of brief references to major thinkers from a wide variety of disciplines. Consider Schell on Heisenberg: The famous uncertainty principle, formulated by the German physicist Werner Heisenberg, has shown that our knowledge of atomic phenomena is limited because the experimental procedures with which we must carry out our observations inevitably interfere with the phenomena that we wish to measure. Schell applies Heisenberg’s scientific insight to all forms of human investigation, writing that “a limit to our knowledge is fixed by the fact that we are incarnate beings, not disembodied spirits.”[11] The supposed separation from nature implied by Heisenberg’s idea limits our appreciation for both nature and our predicament. Gore follows down the same track: Earlier this century, the Heisenberg Principle established that the very act of observing a natural phenomenon can change what is being observed. Although the initial theory was limited in practice to special cases in subatomic physics, the philosophical implications were and are staggering. It is now apparent that since Descartes reestablished the Platonic notion and began the scientific revolution, human civilization has been experiencing a kind of Heisenberg Principle writ large. . . . [T]he world of intellect is assumed to be separate from the physical world.[12] Gore opens his hit movie and companion book An Inconvenient Truth with an homage to the famous photo of the Earth taken from the moon by the Apollo 8 astronauts in 1968. This image, he tells us, played a key role in galvanizing the world’s environmental consciousness, underscoring the fragility of the planet. As he put it fulsomely in Earth in the Balance: Those first striking pictures taken by the Apollo astronauts of the earth floating in the blackness of space were so deeply moving because they enabled us to see our planet from a new perspective--a perspective from which the preciousness and fragile beauty of the earth was suddenly clear.[13] Schell uses the same trope: As it happens, our two roles in the nuclear predicament have been given visual representation in the photographs of the earth that we have taken with the aid of another technical device of our time, the spaceship. These pictures illustrate, on the one hand, our mastery over nature, which has enabled us to take up a position in the heavens and look back on the earth as though it were just one more celestial body, and, on the other, our weakness and frailty in the face of that mastery, which we cannot help feeling when we see the smallness, solitude, and delicate beauty of our planetary home.[14] These are only a few of the many examples that can be drawn of both books’ derivative and allusive nature. Both authors offer up references to Plato, Aristotle, Augustine, Francis Bacon, Einstein, Descartes, and Hannah Arendt in what might be called, to paraphrase Arendt, the banality of promiscuous allusion, all to bolster a superficial philosophical or anthropological point that is far distant from the politics and policy of either issue. Most troubling is that both authors depict dissent from their point of view to be a pathology of some kind, foreclosing that there could be any rational basis for a different point of view. Gore compares dissenters to his view of our environmental predicament to garden-variety substance abusers, arguing that people who are oblivious to our “collision” with nature are “enablers” who are “helping to ensure that the addictive behavior continues. The psychological mechanism of denial is complex, but again addiction serves as a model.”[15] Elsewhere Gore compares our “dysfunctional civilization” to dysfunctional families, whose members suffer from “a serious psychological disorder.” While Gore begins this discussion by saying that family dysfunctionality is a metaphor, he ends by applying the concept literally: “The model of the dysfunctional family has a direct bearing on our ways of thinking about the environment.”[16] Schell is close aboard: “A society that systematically shuts its eyes to an urgent peril to its physical survival and fails to take any steps to save itself cannot be called psychologically well.”[17] Both authors call for making their particular issue the paramount global priority in the same terms. Gore argues that “we must make the environment the central organizing principle [emphasis added] for civilization. . . . [T]he tide in this battle will turn only when the majority of people in the world become sufficiently aroused by a shared sense of urgent danger to join in an all-out effort.”[18] Schell wrote, “If we felt the peril for what it is--an urgent threat to our whole human substance--we would let it become the organizing principle [emphasis added] of our global collective existence: the foundation on which the world was built.”[19] Having laid the groundwork for a wholesale change in our priorities, both Schell and Gore are surprisingly light on the social and political architecture of their alternative world. This is explicitly so in Schell’s case: “I have not sought to define a political solution to the nuclear predicament. . . . I have left to others those awesome, urgent tasks.”[20] Gore’s approach is better supported; he offers a laundry list of specific policy recommendations mostly on energy and resource use, but it falls far short of his desired “wrenching transformation” of civilization. If the broader solution to our predicament is not clear even in outline, it is because neither author fully grasps the magnitude of the critique he is making, such that a political solution--at least, a solution that is compatible with liberal democracy--is impossible. Neither man understands why. The Real Source for The Fate of the Earth in the Balance Despite the parade of quotes and references from Plato and Arendt, there is one thinker conspicuously absent from both Schell and Gore’s numerous citations but whose spirit is present on almost every page of both books: Martin Heidegger. Perhaps the absence of a reference to Heidegger is due to reticence or discretion, given Heidegger’s dubious and complicated association with Nazism. Nothing derails an argument faster than playing the reductio ad Hitlerum card. More likely it is the abstruse and difficult character of Heidegger’s arguments; Gore and Schell may not realize how closely the core of their argument about the technological alienation of man from nature tracks Heidegger’s more thorough account in his famous 1953 essay “The Question Concerning Technology.”[21] Heidegger asks, “What is modern technology?” His understanding of technology is sometimes rendered in translation as “technicity” to convey a defective way of knowing about phenomena, and to distinguish the term from its more common usage to mean mere scientific instrumentality (think gadgets). Heidegger believed that our mode of objectifying nature alienates mankind from perceiving and contemplating pure “Being.” Whatever this may mean--and even Heidegger’s followers admit it is obscure (Heidegger himself wrote that “we are asking about something which we barely grasp”[22])--Heidegger suggests that philosophy has been asking the wrong questions since the very beginning, and the culmination of this wrong track is modern technology, which completes the alienation of man from nature. This is where Heidegger prepares the way for Gore. Modern technology, according to Heidegger, puts to nature the unreasonable demand that it supply energy which can be extracted and stored as such. . . . The earth now reveals itself as a coal-mining district, the soil as a mineral deposit. The field that the peasant formerly cultivated and set in order appears different from how it did when to set in order still meant to take of and maintain. . . . But meanwhile even the cultivation of the field has come under the grip of another kind of setting-in-order, which sets upon [italics in original] nature. It sets upon it in the sense of challenging it. Agriculture is now the mechanized food industry. Air is now set upon to yield nitrogen, the earth to yield ore, ore to yield uranium, for example; uranium is set upon to yield atomic energy, which can be released either for destruction or for peaceful use.[23] Here are Gore’s parallel passages: [O]ur civilization is holding ever more tightly to its habit of consuming larger and larger quantities every year of coal, oil, fresh air and water, trees, topsoil, and the thousand other substances we rip from the crust of the earth. . . . We seem increasingly eager to lose ourselves in the forms of culture, society, technology, the media, and the rituals of production and consumption, but the price we pay is a loss of our spiritual lives.[24] And: Our seemingly compulsive need to control the natural world . . . has driven us to the edge of disaster, for we have become so successful at controlling nature than we have lost our connection to it.[25] It is possible to compile a long inventory of close parallels between Heidegger and Gore. For example, Heidegger told interviewers in 1966: [T]echnicity increasingly dislodges man and uproots him from the earth. . . . The last 30 years have made it clearer that the planet-wide movement of modern technicity is a power whose magnitude in determining [our] history can hardly be overestimated.[26] Heidegger also found the earth-from-space photos as affecting as Gore and Schell: I don’t know if you were shocked, but [certainly] I was shocked when a short time ago I saw the pictures of the earth taken from the moon. We do not need atom bombs at all [to uproot us]--the uprooting of man is already here. All our relationships have become merely technical ones. It is no longer upon an earth than man lives today.[27] Gore likes to cite the supposed proverb that the Chinese symbol for “crisis” also means “opportunity.” Heidegger was fond of quoting a line from the German poet Hölderlin: “Where danger lies, there too grows the chance for salvation.” And is it necessary to mention that Heisenberg’s uncertainty principle also shows up for duty in Heidegger’s essay on technology? Heidegger is often said to have advocated a return to pre-Socratic philosophy, though in fact he was skeptical that there was any philosophical solution to the problem he perceived. Gore follows Heidegger closely when he criticizes Plato and the Western philosophic tradition for preparing the ground for modern man’s estrangement from nature: The strange absence of emotion, the banal face of evil so often manifested by mass technological assaults on the global environment, is surely a consequence of the belief in an underlying separation of intellect from the physical world. At the root of this belief lies a heretical understanding of humankind’s place in the world as old as Plato, as seductive in its mythic appeal as Gnosticism, as compelling as the Cartesian promise of Promethean power--and it has led to tragic results.[28] Political Implications Assuming for the purposes of discussion that Gore’s Heideggerian analysis is correct, can a reconnection of intellect and the physical world be accomplished through politics--or led by politicians? Heidegger did not think so, which is why he said it would be impossible for him to write an ethical or political treatise.[29] He doubted democracy offered any hope. In an interview late in life, Heidegger said, “For me today it is a decisive question as to how any political system--and which one--can be adapted to an epoch of technicity. I know of no answer to this question. I am not convinced that it is democracy.”[30] Heidegger was contemptuous of postwar democratic reforms--calling them “halfway measures”--including individual constitutional rights, because: I do not see in them any actual confrontation with the world of technicity, inasmuch as behind them all, according to my view, stands the conception that technicity in its essence is something that man holds within his own hands. Heidegger thought American democracy was the most hopeless of all, in words that sound in substance exactly like Gore’s complaint: [Americans] are still caught up in a thought that, under the guise of pragmatism, facilitates the technical operation and manipulation [of things], but at the same time blocks the way to reflection upon the genuine nature of modern technicity.[31] (Separately, Heidegger wrote that America epitomized “the emerging monstrousness of modern times.”[32]) From here it is possible to comprehend more dispassionately Heidegger’s attraction to the Nazi movement in the 1930s. He had no brief for fascism in general or National Socialism in particular, nor was he an anti-Semite.[33] What he expressed in his famous “Rector’s Address”[34] in 1934 was that the “inner truth and greatness” of the Nazi movement was its potential “encounter between technicity on the planetary level and modern man,” and that it “casts its net in these troubled waters of ‘values’ and ‘totalities,’” or, as he put it a 1948 letter to Herbert Marcuse, “a spiritual renewal of life in its entirety.”[35] In other words, the “wrenching transformation” of Germany that the Nazi revolution set in motion held the potential for reconnecting humankind with the essence of Being in a primal, pre-Socratic way. Heidegger’s moral blindness to the phenomenon in front of him exposes the hazard of an excessively abstract approach to human existence. As Heidegger’s example shows, the idea of transforming human consciousness through politics is likely an extremist--and potentially totalitarian--project. Reviewing the fundamentally Heideggerian understanding of our environmental predicament in Gore’s thought throws new light on the deeper meaning of Gore’s call for a “wrenching transformation” of civilization on the level of thought. Gore would no doubt be sincerely horrified at the suggested parallel between his themes and Heidegger’s moral blindness toward political extremism, and rightly reject it as the implication of his views. He is, thankfully, too imbued with the innate American democratic tradition to embrace any such extremism.[36] But it is fair to ask whether he has fully thought through the implications of his ambitious critique. In the case of both Gore and Schell before him, the Heideggerian approach reveals a certain cast of mind: deeply pessimistic, but utopian at the same time. Our salvation demands submitting to the moral authority of their “vision” to change our “consciousness.” After all, one aspect of Plato that Heidegger approves of is the view that mankind will suffer unremitting disaster until either rulers become philosophers or philosophers become rulers. (Indeed it was the failure of intellectuals to guide the Nazi movement that led to its ruin, Heidegger thought.) Gore seems to be making a round trip, looking to end up on either end of this potentiality, envisioning himself either as a ruler who has become a philosopher or as a philosopher who may yet (again) become a ruler. Is it so farfetched to suggest that this has some problematic, if unintended, political implications? One of Gore’s sound and important arguments in Earth in the Balance and An Inconvenient Truth is that it is a profound error to suppose that the earth’s environment is so robust that there is little or nothing that mankind could do to damage it seriously. He is right, as was Heidegger, to point out the immense earthshaking power of modern technology. But there is a symmetrical observation to be made of Gore’s metaphysical approach to the problem, which is that it is an equally profound error to suppose that the environment of human liberty is so robust that there is no political intervention on behalf of the environment that could not damage liberty in serious ways, especially if the environment is elevated to the central organizing principle of civilization. Implicit in this goal is downgrading human liberty as the central organizing principle of civilization. There are no index entries in Earth in the Balance for “liberty,” “freedom,” or “individualism.” Heidegger believed the liberal conceptions of these great terms were meaningless or without foundation. There is no acknowledgement in Gore’s book that this is even a serious consideration. Gore’s one discussion of the matter is not reassuring: In fact, what many feel is a deep philosophical crisis in the West has occurred in part because this balance [between rights and responsibilities] has been disrupted: we have tilted so far toward individual rights and so far away from any sense of obligation that it is now difficult to muster an adequate defense of any rights vested in the community at large or the nation--much less rights properly vested in all humankind or in posterity.[37] But Is It Necessary? Is Gore’s high-level metaphysical analysis necessary in the first place? Do we really have to resolve or unwind the problem of Platonic idealism and Cartesian dualism to address the problem of climate change? The example of the previous case in point--the arms race--suggests an answer. The arms race did not require a revolution in human consciousness or a transformation of national and global political institutions to bring about rapid and favorable changes. The kind of grandiose, pretentious thinking exemplified in Fate of the Earth played little or no role in these shifts. The problem turned out to be much simpler. The acute problem of the superpower arms race was mostly a moral problem--not a metaphysical problem--arising from the character of the irreconcilable regimes. As was frequently pointed out, the United States never worried about British or French nuclear weapons. Once the United States and the Soviet Union were able to establish a level of trust and common interest, unwinding the arms race became a relatively easy matter. Nuclear weapons and the threat of nuclear proliferation in unsavory regimes (Iran, North Korea) is still around today, but the acute existential threat of the arms race has receded substantially. In the early 1980s, The Fate of the Earth became the Bible for the nuclear freeze movement--the simplistic idea brought to you by the same people who thought Ronald Reagan was a simpleton. To his credit, then representative and later senator Gore opposed the nuclear freeze. Nowadays Gore has started to call for an immediate freeze on greenhouse-gas emissions, which he must know is unrealistic. His explanation in a recent speech shows that he missed entirely the lesson from that earlier episode: An immediate freeze [on CO2 emissions] has the virtue of being clear, simple, and easy to understand. It can attract support across partisan lines as a logical starting point for the more difficult work that lies ahead. I remember a quarter century ago when I was the author of a complex nuclear arms control plan to deal with the then rampant arms race between our country and the former Soviet Union. At the time, I was strongly opposed to the nuclear freeze movement, which I saw as simplistic and naive. But, three-quarters of the American people supported it--and as I look back on those years I see more clearly now that the outpouring of public support for that very simple and clear mandate changed the political landscape and made it possible for more detailed and sophisticated proposals to eventually be adopted.[38] The irony of this statement is that since the moral and political differences between the United States and the Soviet Union could not be resolved diplomatically, the way to move relations forward was to convert relations into a technical problem (i.e., negotiations over the number and specifications of weapons systems). Gore remained firmly within the technocratic arms-control community throughout this period, even as Schell and others tried to moralize the arms-control problem with the nuclear freeze proposal. But the moral confusion (some critics said the premise of moral equivalence) of the freeze idea made it a sideshow at best and a hindrance at worst. On the contrary, President Reagan’s resistance to the freeze, as well as the conventions of the arms-control process to which Gore held, were crucial to his strategy for changing the dynamic of the arms race.

#### Academic scholarship should focus on policy to avoid future Yoos

Janet Cooper Alexander, Professor of Law at Stanford Law School, 2012, “John Yoo’s War Powers: The Law Review and the World”, https://www.law.upenn.edu/live/files/1742-alexanderjohn-yoos-war-powers

Most law review authors can only dream of having even a small fraction of the impact on the world that John Yoo’s article—written when he was a junior professor at Berkeley Law—has had. And yet the substance of the article has been subjected to comprehensive and devastating criticism. Fifteen years after its publication, and on the centennial of the distinguished journal in which it appeared, it is appropriate to look back on the influence the article has had and the critiques it has prompted, and to ask whether there are lessons here for legal scholars, legal journals, and the use of legal scholarship in policy making. In the following pages, I summarize the thesis of War Powers and review the major critiques of the article and, more broadly, Yoo’s evolving theory of presidential war powers. I then consider the implications of the article for the scholarly responsibility of law reviews, the role of peer review in legal scholarship, and the use of academic scholarship in forming government policy.

#### Lack of practical debate about war powers causes the worst abuses

Janet Cooper Alexander, Professor of Law at Stanford Law School, 2012, “John Yoo’s War Powers: The Law Review and the World”, https://www.law.upenn.edu/live/files/1742-alexanderjohn-yoos-war-powers

Yoo’s professional experience was largely in academic or political contexts where he was free to espouse controversial views, and he had great confidence in those views. Stephen Bradbury, who became head of OLC in 2005, told investigators for the Office of Professional Responsibility (OPR) during its investigation into the “torture memos” that “part of the problem with Yoo’s work on the Commander-in-Chief section was his entrenched scholarly view of the subject.”168 In his view, Yoo had a deeply ingrained view of the operative principles. And to the extent there were sources that reflect that view, he may bring them in and cite them. . . . And if a court here or a court there or a commentator here or a commentator there takes a different view, that’s almost of secondary importance because he had such a firmly held view of what the principles were.169 Such views could be given freer rein because the questions had seldom arisen in a practical context and the raw material of scholarship was correspondingly sparse. Yet, in the words of Alberto Mora, general counsel of the Navy during Yoo’s tenure, Yoo’s analysis “spots some of the legal trees, but misses the constitutional forest.” Yoo’s inclination to march to his own drummer was intensified by the lack of supervision from more experienced lawyers in the office as well as the security restrictions that severely limited the number of people outside the OLC who had knowledge of his memos. The OLC opinions, as well as documents and information relevant to them, were classified and the Bush administration was parsimonious in granting clearances.171 The Joint Chiefs and State Department were not involved in formulating the opinions, and when they did learn of OLC’s advice, their objections were disregarded or suppressed.172 Nor were any experienced FBI or military interrogators involved in formulating interrogation policy. Instead, the policy reflected folk wisdom about the efficacy of harsh treatment and torture. The OPR Report noted that drafts of the opinions were not circulated to national security experts in the Criminal Division of the Justice Department, or to the State Department.

#### Epistemology is not a prerequisite

David Owen, University of Southampton, July 2002, “Re-orienting International Relations: On Pragmatism, Pluralism, and Practical Reasoning,” Millennium – Journal of International Studies, 31.3, p. 655-656

Commenting on the 'philosophical turn' in IR, Wæver remarks that '[a] frenzy for words like "epistemology" and "ontology" often signals this philosophical turn', although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power as if the latter two were merely a simple function of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), it is by no means clear that it is, in contrast, wholly dependent on these philosophical commitments. Thus, for example, one need not be sympathetic to rational choice theory [end page 655] to recognise that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but this does not undermine the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the only or even necessarily the most important kind. The second danger run by the philosophical turn is that because prioritisation of ontology and epistemology promotes theory-construction from philosophical first principles, it cultivates a theory-driven rather than problem-driven approach to IR. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, 'theory-driven work is part of a reductionist program' in that it 'dictates always opting for the description that calls for the explanation that flows from the preferred model or theory'.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since 'whether there are general explanations for classes of phenomena is a question for social-scientific inquiry, not to be prejudged before conducting that inquiry'.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) 'the Highlander view'—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates [end page 656] the idea that there can only be one theoretical approach which gets things right, namely, the theoretical approach that gets its ontology and epistemology right. This image feeds back into IR exacerbating the first and second dangers, and so a potentially vicious circle arises.