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## Plan

#### Plan: The United States federal government should substantially increase statutory restrictions on the war powers authority of the President of the United States by establishing a federal court with jurisdiction over targeted killing orders.

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## Terrorism

#### The status quo expansion of drone warfare undermines the United States credibility, and breeds Anti-Americanism

Brooks 13

Rosa Brooks, Prof of Law @ Georgetown University Law Center and Bernard Schwartz Senior Fellow at the New America Foundation, Statement for the Record Submitted the Senate Committee on Armed Services, May 16, 2013.

Mr. Chairman, let me close with a plea for perspective. We live in a dangerous world: ¶ adversarial states such as North Korea and Iran remain bellicose; the changing role of near-peer ¶ powers such as China and Russia poses challenges to U.S. interests and global stability; the ¶ Middle East remains awash in violence, and technological advances could place lethal tools in ¶ the hands of irresponsible actors. We also face unprecedented challenges from our increased ¶ global interdependence: climate change, the interdependence of global financial systems and our ¶ ever-increasing reliance on the internet all create new vulnerabilities. Against the backdrop of ¶ these many dangers, old and new, the fear of terrorist attack should not be the primary driver of ¶ U.S. national security policy.¶ Terrorism is a very real problem, and we cannot ignore it, any more than we should ¶ ignore violent organized crime or large-scale public health threats. Like everyone else, I worry ¶ about terrorists getting ahold of weapons of mass destruction. At the same time, we should ¶ recognize that terrorism is neither the only threat nor the most serious threat the U.S. faces.29¶ With the sole exception of 2001, terrorist groups worldwide have never succeeded in killing¶ more than a handful of Americans citizens in any given year. According to the State ¶ Department, seventeen American citizens were killed by terrorists in 2011, for instance. The ¶ terrorist death toll was fifteen in 2010 and nine in 2009.30¶ These deaths are tragedies, and we should continue to strive to prevent such deaths—but ¶ we should also keep the numbers in perspective. On average, about 55 Americans are killed by ¶ lightning strikes each year,31 and ordinary criminal homicide claims about 16,000 U.S. victims ¶ each year.32 No one, however, believes we need to give the executive branch extraordinary legal ¶ authorities to keep Americans from venturing out in electricalstorms, or use armed drones to ¶ preemptively kill homicide suspects.¶ What’s more, we should keep in mind that military force is not the only tool in the U.S.¶ arsenal against terrorism.33 Since 9/11, we’ve gotten far more effective at tracking terrorist ¶ activity, disrupting terrorist communications and financing, catching terrorists and convicting ¶ them in civilian courts,¶ 34 and a wide range of other counterterrorism measures. Much of the ¶ time, these non-lethal approaches to counterterrorism are as effective as targeted killings. And in ¶ fact, there’s growing reason to fear that the expansion of U.S. drone strikes is strategically ¶ counterproductive. ¶ Former vice-chair of the Joint Chiefs of Staff General James Cartwright recently ¶ expressed concern that as a result of U.S. drone strikes, the U.S. may have “ceded some of our ¶ moral high ground.”35 Retired General Stanley McChrystal has expressed similar concerns:¶ “The resentment created by American use of unmanned strikes… is much greater than the ¶ average American appreciates. They are hated on a visceral level, even by people who’ve never ¶ seen one or seen the effects of one,” and fuel “a perception of American arrogance.” 36 Former ¶ Director of National Intelligence Dennis Blair agrees: the U.S. needs to “pull back on unilateral ¶ actions… except in extraordinary circumstances,” Blair told CBS news in January. U.S. drone ¶ strikes are “alienating the countries concerned [and] …threatening the prospects for long-term ¶ reform raised by the Arab Spring…. [U.S. drone strategy has us] walking out on a thinner and ¶ thinner ledge and if even we get to the far extent of it, we are not going to lower the fundamental ¶ threat to the U.S. any lower than we have it now.”37¶ Mr. Chairman, Senator Inhofe, I believe it is past time for a serious overhaul of U.S.¶ counterterrorism strategy. This needs to include a rigorous cost-benefit analysis of U.S. drone ¶ strikes, one that takes into account issues both of domestic legality and international legitimacy, ¶ and evaluates the impact of targeted killings on regional stability, terrorist recruiting, extremist ¶ sentiment, and the future behavior or powerful states such as Russia and China. If we undertake ¶ such a rigorous cost-benefit analysis, I suspect we may come to see scaling back on kinetic ¶ counterterrorism activities less as an inconvenience than as a strategic necessity—and we may¶ come to a new appreciation of counterterrorism measures that don’t involve missiles raining ¶ from the sky.¶ This doesn’t mean we should never use military force against terrorists. In some ¶ circumstances, military force will be justifiable and useful. But it does mean we should ¶ rediscover a long-standing American tradition: reserving the use of exceptional legal authorities ¶ for rare and exceptional circumstances. ¶ Thank you for the opportunity to testify today.

#### Exclusive executive decision making in drone strikes makes groupthink and errors inevitable

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

The practical, pragmatic justification for the COAACC derives largely from considering¶ social psychological findings regarding the skewed potential associated with limiting unchecked decision-making in a group of individuals. As an initial point, psychologists have long pointed out how individuals frequently fall prey to cognitive illusions that produce systematic errors in judgment.137 People simply do not make decisions by choosing the optimal outcome from available alternatives, but instead employ shortcuts (i.e., heuristics) for convenience.138 Cognitive biases like groupthink can hamper effective policy deliberations and formulations.139 Groupthink largely arises when a group of decision-makers seek conformity and agreement, thereby avoiding alternative points of view that are critical of the consensus position.140 This theory suggests that some groups—particularly those characterized by a strong leader, considerable internal cohesion, internal loyalty, overconfidence, and a shared world view or value system—suffer from a deterioration in their capacity to engage in critical analysis.141 Many factors can affect such judgment, including a lack of crucial information, insufficient timing for decision-making, poor judgment, pure luck, and/or unexpected actions by adversaries.142 Moreover, decision-makers inevitably tend to become influenced by irrelevant information,143 seek out data and assessments that confirm their beliefs and personal hypotheses notwithstanding contradictory evidence,144 and “[i]rrationally avoid choices that represent extremes when a decision involves a trade-off between two incommensurable values.”145 Self-serving biases can also hamper judgment given as it has been shown to induce well-intentioned people to rationalize virtually any behavior, judgment or action after the fact.146 The confirmation and overconfidence bias, both conceptually related to groupthink, also result in large part from neglecting to consider contradictory evidence coupled with an irrational persistence in pursuing ideological positions divorced from concern of alternative viewpoints.147¶ Professor Cass Sunstein has described situations in which groupthink produced poor results precisely because consensus resulted from the failure to consider alternative sources of information.148 The failures of past presidents to consider alternative sources of information, critically question risk assessments, ensure neutral-free ideological sentiment among those deliberating,149 and/or generally ensure properly deliberated national security policy has produced prominent and devastating blunders,150 including the Iraq War of 2003,151 the Bay of Pigs debacle in the 1960’s,152 and the controversial decision to wage war against Vietnam.153¶ Professor Sunstein also has described the related phenomenon of “group polarization,” which includes the tendency to push group members toward a “more extreme position.”154 Given that both groupthink and group polarization can lead to erroneous and ideologically tainted policy positions, the notion of giving the President unchecked authority in determining who is eligible for assassination can only serve to increase the likelihood for committing significant errors.155 The reality is that psychological mistakes, organizational ineptitude, lack of structural coherence and other associated deficiencies are inevitable features in Executive Branch decision-making.

#### Judicial review solves groupthink

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

To check the vices of groupthink and shortcomings of human judgment, the psychology literature emphasizes a focus on accountability mechanisms in which a better reasoned decision- making process can flourish.156 By serving as a constraint on behavior, “accountability functions as a critical norm-enforcement mechanism—the social psychological link between individual decision makers on the one hand and social systems on the other.”157 Such institutional review can channel recognition for the need by government decision-makers to be more self-critical in policy targeted killing designations, more willing to consider alternative points of view, and more willing to anticipate possible objections.158 Findings have also shown that ex ante awareness can lead to more reasoned judgment while also preventing tendentious and ideological inclinations (and political motivations incentivized and exploited by popular hysteria and fear).159¶ Requiring accounting in a formalized way prior to engaging in a targeted killing—by providing, for example, in camera review, limited declassification of information, explaining threat assessments outside the immediate circle of policy advisors, and securing meaningful judicial review via a COAACC-like tribunal—can promote a more reliable and informed deliberation in the executive branch. With process-based judicial review, the COAACC could effectively reorient the decision to target individuals abroad by examining key procedural aspects—particularly assessing the reliability of the “terrorist” designation—and can further incentivize national security policy-makers to engage in more carefully reasoned choices and evaluate available alternatives than when subject to little to no review.

#### Effective drones are the best internal to solve blowback

Masood 13

(Hassan, Monmouth College, “Death from the Heavens: The Politics of the United States’ Drone Campaign in Pakistan’s Tribal Areas,” 2013) /wyo-mm

Those who support the use of drones as an important counter-insurgency tactic nonetheless point out that the current campaign is not always conducted in the most effective manner. The authors of “Sudden Justice” for example, argue that the campaign should be focused on ‘high value targets’ and not be used frequently to take down the lower level operatives. The more you can destroy and disrupt the activities of personnel in the Taliban and al-Qaeda from the top-down instead of the bottom-up, the more of an impact it will have. The leadership qualities, organizational skills, and strategic awareness of various high-level commanders in both the Taliban and al-Qaeda cannot be easily replaced after their deaths at the hands of U.S. drones. Fricker and Plaw use the example of Baitullah Mehsud, a Tehrik-i-Taliban (TTP) leader who was killed by a drone strike on the roof of his uncle’s house on August 5, 2009. His death provoked an internal struggle in his organization that ultimately led to enough confusion and tension within the TTP that the Pakistan Army was able to launch the South Waziristan Offensive, putting the TTP on the defensive. But the lower level Taliban and al-Qaeda members have skills and abilities that are more common and more easily replaced. The amount of time and energy, the article asserts, that the U.S. is spending killing lower-level members (and increasing civilian casualties in the process, as the majority of the time these strikes happen during funeral processions or wedding parties) could instead be used to seriously disrupt the activities of the entire organization by targeting its leaders, much like the death of Osama bin Laden did to al-Qaeda in South/Central Asia in 2011. David Rohde agrees that the drones should be used, as they are an effective and efficient way of disrupting and destroying the extremist power base there, but their usage should be both selective and surgical. There is no consensus among scholars when it comes to evaluating the effectiveness of the use of drones as a counter-insurgency tactic. As Hassan Abbas points out “the truth is we don’t know whether U.S. drone strikes have killed more terrorists or produced more terrorists.”

#### Plans review process is key to avoid massive casualties from signature strikes

Guiora, 2012

[Amos, Professor of Law, S.J. Quinney College of Law, University of Utah, Targeted killing: when proportionality gets all out of proportion, Case Western Reserve Journal of International Law. 45.1-2 (Fall 2012): p235., Academic onefile] /Wyo-MB

The unitary executive theory aggressively articulated, and implemented, by the Bush Administration has been adopted in toto by the Obama Administration. While the executive clearly prefers to operate in a vacuum, the question whether that most effectively ensures effective operational counterterrorism is an open question. The advantage of institutionalized, process-based input into executive action prior to decision implementation is worthy of discussion in operational counterterrorism.¶ The solution to this search for an actionable guideline is the strict scrutiny standard. What is strict scrutiny, and how is it to be implemented in the context of operational counterterrorism? Why is there a need, if at all, for an additional standard articulating self-defense? The strict scrutiny standard would enable operational engagement of a non-state actor predicated on intelligence information that would meet admissibility standards akin to a court of law. The strict scrutiny test seeks to strike a balance enabling the state to act sooner but subject to significant restrictions.¶ The ability to act sooner is limited, however, by the requirement that intelligence information must be reliable, viable, valid, and corroborated. The strict scrutiny standard proposes that for states to act as early as possible in order to prevent a possible terrorist attack the information must meet admissibility standards similar to the rules of evidence. The intelligence must be reliable, material, and probative.¶ The proposal is predicated on the understanding that while states need to engage in operational counterterrorism, mistakes regarding the correct interpretation and analysis of intelligence information can lead to tragic mistakes. Adopting admissibility standards akin to the criminal law minimizes operational error.¶ Rather than relying on the executive branch making decisions in a "closed world" devoid of oversight and review, the intelligence information justifying the proposed action must be submitted to a court that would ascertain the information's admissibility. The discussion before the court would necessarily be conducted ex parte; however, the process of preparing and submitting available intelligence information to a court would significantly contribute to minimizing operational error that otherwise would occur.¶ The logistics of this proposal are far less daunting than they might seem--the court before which the executive would submit the evidence is the FISA Court. Presently, FISA Court judges weigh the reliability of intelligence information in determining whether to grant government ex parte requests for wire-tapping warrants. Under this proposal, judicial approval is necessary prior to undertaking a counterterrorism operation predicated solely on intelligence information. The standard the court would adopt in determining the information's reliability is the same applied in the traditional criminal law paradigm. The intelligence must be reliable, material, and probative.¶ While the model is different--a defense attorney cannot question state witnesses--the court will assume a dual role. In this dual role capacity the court will cross-examine the representative of the intelligence community and subsequently rule as to the information's admissibility. While some may suggest that the FISA court is largely an exercise in "rubber-stamping," the importance of the proposal is in requiring the government to present the available information to an independent judiciary as a precursor to engaging in operational counterterrorism.

#### Civilian casualties are key to AQAP Recruitment

Johnsen 12

Gregory D. Johnsen, author, former Fulbright Fellow in Yemen, currently a Ph.D. candidate in Near Eastern Studies at Princeton University and the author of the Yemen blog, Waq al-Waq, “A Profile of AQAP’s Upper Echelon,” Jul 24, 2012

[1] There have been conflicting reports as to whether or not U.S. airstrikes and resulting civilian casualties have indeed led to a spike in recruiting for AQAP. According to the U.S. and Yemeni governments, however, AQAP has grown in strength from 200-300 fighters in late 2009 to more than 1,000 in 2012. Material in both Arabic and English suggests that this increase is being driven, at least in part, by civilian deaths. See, for instance, reports in al-Maddad newsletter, published by Ansar al-Shari`a, as well as Kelly McEvers, “Yemen Airstrikes Punish Militants, and Civilians,” NPR All Things Considered, July 6, 2012.

#### AQAP is developing chemical weapons

Schmitt and Shanker 11

(Eric and Thom, "Qaeda Trying to Harness Toxin, Ricin, for Bombs, US Says," New York Times, August 12, http://www.nytimes.com/2011/08/13/world/middleeast/13terror.html?\_r=1)

WASHINGTON — American counterterrorism officials are increasingly concerned that the most dangerous regional arm of Al Qaeda is trying to produce the lethal poison ricin, to be packed around small explosives for attacks against the United States. For more than a year, according to classified intelligence reports, Al Qaeda’s affiliate in Yemen has been making efforts to acquire large quantities of castor beans, which are required to produce ricin, a white, powdery toxin that is so deadly that just a speck can kill if it is inhaled or reaches the bloodstream. Intelligence officials say they have collected evidence that Qaeda operatives are trying to move castor beans and processing agents to a hideaway in Shabwa Province, in one of Yemen’s rugged tribal areas controlled by insurgents. The officials say the evidence points to efforts to secretly concoct batches of the poison, pack them around small explosives, and then try to explode them in contained spaces, like a shopping mall, an airport or a subway station. President Obama and his top national security aides were first briefed on the threat last year and have received periodic updates since then, top aides said. Senior American officials say there is no indication that a ricin attack is imminent, and some experts say the Qaeda affiliate is still struggling with how to deploy ricin as an effective weapon. These officials also note that ricin’s utility as a weapon is limited because the substance loses its potency in dry, sunny conditions, and unlike many nerve agents, it is not easily absorbed through the skin. Yemen is a hot, dry country, posing an additional challenge to militants trying to produce ricin there. But senior American officials say they are tracking the possibility of a threat very closely, given the Yemeni affiliate’s proven ability to devise plots, including some thwarted only at the last minute: a bomb sewn into the underwear of a Nigerian man aboard a commercial jetliner to Detroit in December 2009, and printer cartridges packed with powerful explosives in cargo bound for Chicago 10 months later. “The potential threat of weapons of mass destruction, likely in a simpler form than what people might imagine but still a form that would have a significant psychological impact, from Al Qaeda in the Arabian Peninsula in Yemen, is very, very real,” Michael E. Leiter, who retired recently as director of the National Counterterrorism Center, said at a security conference last month. “It’s not hard to develop ricin.” A range of administration officials have stated that the threat of a major attack from Al Qaeda’s main leadership in Pakistan has waned after Osama bin Laden’s death in May, on top of the Central Intelligence Agency’s increasing drone assaults on Qaeda targets in Pakistan’s tribal areas over the past three years. But the continuing concern over a ricin plot underscores the menace that regional Qaeda affiliates, especially Al Qaeda in the Arabian Peninsula, now pose to the United States and American interests overseas. “That line of threat has never abated,” said a senior American official, who referred to the terrorist group by its initials. “That’s been taken seriously by this government. What we know about A.Q.A.P. is that they do what they say.” Al Qaeda’s arm in Yemen has openly discussed deploying ricin and other deadly poisons against the United States. “Brothers with less experience in the fields of microbiology or chemistry, as long as they possess basic scientific knowledge, would be able to develop other poisons such as ricin or cyanide,” the organization posted to its online English-language journal, Inspire, last fall, in an article titled “Tips for Our Brothers in the United States of America.” Senior administration officials say ricin is among the threats focused on by a secret government task force created after the printer-cartridge plot. The task force is working closely with Saudi intelligence officials and the remnants of Yemen’s intelligence agencies, and it is using information gleaned from the shipboard interrogation of a Somali terrorist leader with ties to the Yemeni branch of Al Qaeda, who was captured by Navy Seal commandos in April. The intelligence reports indicating ricin plots by Al Qaeda’s Yemeni affiliate were first uncovered during reporting for a book, “Counterstrike: The Untold Story of America’s Secret Campaign Against Al Qaeda.” It will be published next week by Times Books, an imprint of Henry Holt & Company. American officials now say that Al Qaeda’s most direct threat to the United States comes from the Yemeni affiliate. These officials have also expressed growing alarm at the way the affiliate is capitalizing on the virtual collapse of Yemen’s government to widen its area of control inside the country, and is strengthening its operational ties to the Shabab, the Islamic militancy in Somalia, to exploit the chaos in both countries. “It continues to demonstrate its growing ambitions and strong desire to carry out attacks outside its region,” Daniel Benjamin, the State Department’s counterterrorism coordinator, said in a speech last month, referring to Al Qaeda’s Yemeni branch. The affiliate has also become a magnet for terrorists fleeing the increasing pressure from drone strikes in Pakistan, and is recruiting specialists in bomb-making and other skills. “These guys have got some notoriety,” said a senior United States official who follows Al Qaeda and its affiliates closely. “They have a natural, charismatic attraction value for people who want to be jihadists and plot against the West.”

#### Chemical weapons attack causes nuclear retaliation

Conley 03

(Harry W., chief of the systems analysis Branch, Directorate of Requirements, Air and Space Power Journal- Spring 2003- [http://www.airpower.maxwell.af.mil/airchronicles/apj/apj03/spr03/conley.html](http://www.airpower.maxwell.af.mil/airchronicles/apj/apj03/spr03/conley.html" \t "_blank))

**The number of American casualties suffered due to a WMD attack may well be the most important variable in determining the nature of the US reprisal. A key question here is how many Americans would have to be killed to prompt a massive response by the United States.** The bombing of marines in Lebanon, the Oklahoma City bombing, and the downing of Pan Am Flight 103 each resulted in a casualty count of roughly the same magnitude (**150–300 deaths). Although these events caused anger and a desire for retaliation among the American public, they prompted no serious call for massive or nuclear retaliation. The body count from a single biological attack could easily be one or two orders of magnitude higher than the casualties caused by these events**. Using the rule of proportionality as a guide, one could justifiably debate whether the United States should use massive force in responding to an event that resulted in only a few thousand deaths. However, **what if the casualty count was around 300,000? Such an unthinkable result from a single CBW incident is not beyond the realm of possibility: “According to the U.S. Congress Office of Technology Assessment, 100 kg of anthrax spores delivered by an efficient aerosol generator on a large urban target would be between two and six times as lethal as a one megaton thermo-nuclear bomb.”46 Would the deaths of 300,000 Americans be enough to trigger a nuclear response**? In this case, **proportionality does not rule out the use of nuclear weapons.** Besides simply the total number of casualties, the types of casualties- predominantly military versus civilian- will also affect the nature and scope of the US reprisal action. Military combat entails known risks, and the emotions resulting from a significant number of military casualties are not likely to be as forceful as they would be if the attack were against civilians.World War II provides perhaps the best examples for the kind of event or circumstance that would have to take place to trigger a nuclear response. A CBW event that produced a shock and death toll roughly equivalent to those arising from the attack on Pearl Harbor might be sufficient to prompt a nuclear retaliation. President Harry Truman’s decision to drop atomic bombs on Hiroshima and Nagasaki- based upon a calculation that up to one million casualties might be incurred in an invasion of the Japanese homeland47- is an example of the kind of thought process that would have to occur prior to a nuclear response to a CBW event. Victor Utgoff suggests that “**if nuclear retaliation is seen at the time to offer the best prospects for suppressing further CB attacks and speeding the defeat of the aggressor, and if the original attacks had caused severe damage that had outraged American or allied publics, nuclear retaliation would be more than just a possibility, whatever promises had been made**.”48

#### Terrorist retaliation causes nuclear war – draws in Russia and China

Ayson 10

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. t 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.

#### AQAP has the intent and capacity to shut down the Bab al-Mandeb

Thomas 11

(Matthew, MA Nonproliferation and Terrorism Studies, “Al Qaeda in the Land of Faith and Wisdom: The Fall of Saleh and March on Al-Aqsa,” Monterey Institute of International Studies, May 8)

AQAP is well aware of the positive implications of Yemen’s strategic location in the Gulf of Aden. One of the world’s five energy chokepoints, the Bab al-Mandeb strait or Gate of Tears adjoining Yemen, is a strategic link between the Indian Ocean and the Mediterranean Sea, via the Red Sea and the Suez Canal. “An estimated 3.2 million bbl/d flowed through this waterway in 2009 (vs. 4 million bbl/d in 2008) toward Europe, the United States, and Asia.” Bab al-Mandeb has also proven vulnerable to terrorist and pirate attacks, as demonstrated by the previous bombings of the USS Cole in 2000 and Limburg French oil tanker in 2002. Yemen’s sparse oil resources, which are concentrated in the southern half of the country, are projected to be completely gone in the very near future. This is unfortunate for AQAP, which coincidentally maintains a power base in the southern half of Yemen. AQAP has made its intentions to exploit Yemen’s strategic position quite clear. If AQAP can overcome other tribal rulers and secessionists and dominate the state, it intends to cut off the oil lifeline from its Western enemies, and any remnants of Saleh’s government should it by way of some miracle hold on to poser. As Emir al-Wuhayshi explains: The interest that is shown towards AQAP is because of the strategic importance of the Arabian Peninsula. This is the place of the revelation, the birthplace of Islām, the land of the two holy Mosques and the blood of the saĥāba runs through the veins of its sons. Because of the greed of the Americans, they have vital interests in the Arabian Peninsula. The passage ways of commerce pass through its waters and oil is stolen from it. So this place is a vein of life for the Americans. AQAP recruits from both within the region and internationally. Yemen’s political destabilization is advantageous to AQAP, as the group appeals to potential recruits disillusioned and frustrated with Saleh’s regime. Also, in order to maintain ties with the wealthy Saudi counterparts, AQAP consistently seeks recruits from within the Kingdom. AQAP’s recruiting method “uses a combination of theological and socioeconomic issues” that call for the entire Muslim community to wage jihad, but uses messages “with specific appeals targeting Yemenis and Saudis.” The organization’s international objectives of attacking the U.S. and Western interests in general are supported by targeting individuals within the U.S. homeland, such as the Fort Hood shooter Major Nidal Hassan and Christmas Day bomber Umar Farouk Abdulmutallab. The fiery clerical leader of AQAP, Anwar al-Awlaki, having been born and raised for the majority of his life in the U.S. is familiar with the Western culture and lifestyle. As a result, he has been able to use this familiarity with Western society to AQAP’s advantage in recruiting and radicalizing American Muslims. The media arm of AQAP, Sada al-Malahim (echo of epics), continues to urge Muslims to take up jihad and attack infidels wherever they may be. One interesting section in the second issue of Inspire magazine even suggested American Muslims purchase a large pick-up truck to mow down, or run over, as many infidels as possible. Indeed, the magazine proves to be a valuable propaganda tool in enticing others to join AQAP’s ranks and take up the black banner of Islam in waging armed jihad. AQAP maintains ties with several terrorist groups both locally and internationally. There is documented evidence of collaboration between AQAP and other al-Qaeda affiliates. The alliance between AQAP and the Somali terrorist group Ḥarakat al-Shabab al-Mujahidin, better known as al-Shabab, personifies a combination of interests to uniting as one force in the Gulf of Aden. At one point, al-Qaeda even called for creating a united jihadist maritime force. The established tie between AQAP and al-Shabab represents a considerable threat to Western interests in the region, particularly in the Gulf of Aden. AQAP has, also, sought to cooperate with al-Qaeda in the Islamic Maghreb (AQIM) in a recently foiled plot in France. Indeed, AQAP coordinated with another al Qaeda affiliate AQIM, to dispatch a cell of North Africans across the Mediterranean Sea by boat from North Africa to carry out an attack France. AQAP’s operational funding comes mainly from contributions through its wealthy Saudi members and associates. By strengthening ties with members and sympathizers from Saudi Arabia, AQAP is able to channel funds from wealthy donators. Money has even been reported to come to AQAP by way of fellow mujahidin in Iraq. Also, AQAP relies on Zakat or alms giving for funding. Zakat is similar to tithing in the Christian world and is one of the pillars of Islam. Several charities and front groups associated with AQAP present a façade of good-will for Islam and for the group. Funds are solicited for the stated intent of building mosques and schools but are often diverted to support AQAP and other terrorist organizations. Some of the organizations through which AQAP is able to radicalize, recruit, and finance include: al-Iman University; al-Haramain Foundation; al-Islah charity; al-Hikmah al-Yamania Charity; al-Manhal Charitable Society; Charitable Society for Social Welfare; the Commission on Scientific Signs in the Quran and Sunnah. The use of Hawala, an informal value transfer system, is a preferable AQAP financial management mechanism which operates outside of the formal banking system and leaves no paper trail. The Hawala system has come under more scrutiny since 9/11, and been a consistent problem in combatting terrorism financing for al-Qaeda and its affiliates. Another source of AQAP funding is the black market in the failed state of Somalia. In consort with al-Shabab, the al Qaeda affiliate in Somalia, AQAP is involved in the lucrative drug, arms, and human trafficking trade in the region. Arms trafficking is big business in Yemen and the inability of the Saleh regime to control it is indicative of just how weak the regime is presently. A recent plot (March 2011) to smuggle 16,000 pistols from Turkey to Yemen is a case in point. The shipment was intercepted by Dubai police but many believe other shipments are getting through and are a harbinger of more disruption and violence. In such a destabilizing scenario AQAP stands to gain in its quest for political power in Yemen. However, to hold power the AQAP must convince, cajole, and perhaps defeat Yemen’s other powerful tribes that value tribal allegiance above all else. Dealing with the tribes is unavoidable for AQAP and inevitable in the case of a political revolution which becomes increasingly likely given the number of governments to fall in the region these past few months. The following quote from Faris Sanabani, creator and publisher of the English language Observer in Yemen, accurately depicts AQAP’s gravitas in Yemen, Al Qaida in Yemen is more than an organisation, it is a melting pot for whomever has an issue and wants to go violent. So if you have an issue that you can’t deal with, if you feel you are the victims of injustice, if you’re broke, al Qaida increasingly seems to be an option. As Yemenis struggle to cope with the lack of basic services such as access to food and water, employment, and education, they are finding more in common with AQAP and those tribal authorities opposed to Saleh’s regime. If this situation continues to persist, Yemen—particularly the southern half of the nation—will become almost entirely devoid of government control. Also, AQAP’s resilience against increased U.S. operations targeting training camps in southern Yemen has bolstered the group’s image among those who have suffered because of American airstrikes and likewise increased AQAP’s recruiting opportunities among those disenfranchised by U.S. attacks. As a result, AQAP is on the road to establishing a firm base in the highly martial tribal provinces, and subsequently should be able to expand operations into other areas in the region like Saudi Arabia, as well as, overseas in Europe and the U.S. AQAP’s previous declaration to attack Western interests and cut off America’s oil lifeline were not idle threats as demonstrated by past attacks on oil wells and pipelines in the region. In addition, given AQAP’s strategic position in territory near the Bab al-Mandeb strait and increased cooperation with al-Shabab in Somalia, it is highly plausible that AQAP could conduct future attacks on oil shipments in the Gulf of Aden, much like the previous attack against the French Limburg. AQAP’s relationship with Saudi donors in terms of recruiting and financing is key to its calls to overthrow the apostate Saudi regime, and the August 2009 failed assassination attempt against Prince Muhammad bin Nayif suggests that AQAP related attacks might continue and possibly intensify within the Saudi Kingdom. AQAP is smart. It has studied and learned from the “Anbar awakening” and other al-Qaeda in Iraq failures which resulted in the alienation of the local population. AQAP avoids making similar mistakes and is proving an ability to adapt to Yemen’s dynamic socio-political circumstance. Indeed, AQAP has proven more successful than other al-Qaeda affiliates by “pursuing a shrewd strategy” of focusing exclusively on attacking U.S., Yemeni and the Saudi governments, while avoiding attacks against the local populace. Ultimately, the group’s success has been in large part to the group’s patient foresight and restraint in not overextending itself in waging global jihad. What effects would a failed state in Yemen have on AQAP? What are the regional and international consequences? What is the appropriate U.S. response to a potential failed state in Yemen? These questions are increasingly relevant demanding a deeper examination of the conditions of a failed state and positive correlations with non-state actors, such as terrorist organizations. The risk of Yemen becoming a failed state grows daily and will undoubtedly prove advantageous to AQAP’s future modus operandi. As David Carment observes, If Yemen continues on its current trajectory it will become a failed state in the next several months. Yemen's implosion would have a significant impact on Saudi Arabia, itself feeling the direct effects of upheaval on its border with Yemen. Failure would also give al-Qaida unprecedented operational space in the south. The impending fall of Yemeni President Ali Abdullah Saleh coincides with an era of unprecedented political upheaval in the Middle East. Yemen as a failed state would exacerbate cross-border issues with Saudi Arabia, allowing smugglers, refugees, illegal workers, and terrorists to move even more freely between the two countries. The lack of border security may lead to an increase in AQAP agents infiltrating into Saudi Arabia and subsequent rise in terrorist attacks within the Kingdom. Furthermore, AQAP’s relationship with al-Shabab in neighboring Somalia will certainly become heightened should Yemen become a failed state. The proximity of two failed states with increased terrorist collaboration and prevalence of transnational organized crime, located in the strategic Gulf of Aden is a potential doomsday scenario in which the region, already struggling to recover from rampant political revolutions could follow Yemen into chaos.

#### Closing the strait collapses the economy—It controls 30% of world trade

UPI 10

(“Al-Qaida threatens to close key oil artery,” Feb. 24, 2010. UPI. http://www.upi.com/Top\_News/Special/2010/02/24/Al-Qaida-threatens-to-close-key-oil-artery/UPI-27151267027462/#ixzz1XPTj8CWP. CR)

SANAA, Yemen, Feb. 24 (UPI) -- Amid the growing war jitters infecting much of the Middle East and fears Iran may seek to close the Gulf's Strait of Hormuz, a key oil artery, there are growing concerns that jihadists in Yemen plan to block another maritime choke point to disrupt oil supplies. Said al-Shihri, the deputy commander of al-Qaida in the Arabian Peninsula, recently outlined a radical strategy: joining forces with Islamist militants in Somalia, across the Gulf of Aden from Yemen, to take control of the Bab el-Mandab, a narrow waterway between Yemen and Eritrea that links the Indian Ocean with the Mediterranean via the Red Sea. For that to be anywhere near effective, AQAP would need freedom of access in southern Yemen, where it has bases and where the central government in Sanaa is grappling with a growing secessionist movement. This goes a long way to explaining AQAP's recent statements voicing support for southern secessionists, who are led by old-style socialists who once formed a separate state until the union with the north in 1990. AQAP recently described supporting the southern cause as a religious duty for all Muslims. AQAP leader Nasser al-Wahishi declared, "We are obligated to support them." Al-Shihri, a former Guantanamo detainee from Saudi Arabia, said in a 12-minute audiotape released Feb. 8 that controlling the Bab al-Mandeb -- Arabic for "Gate of Tears" because of the navigational hazards ancient seafarers faced there -- would "bring it back under the protection of Islam." He urged Somali jihadists, who have links to al-Qaida, to join with AQAP to "create a great victory and international power for us … "Then the strait will be closed and the grip of will be tightened around the throat of the Jews, because the U.S. supports them through (the strait), by means of the Red Sea in particular." That is in line with Osama bin Laden's recent call for an economic jihad to bleed the West. Following an offer by the al-Shebab militants in Somalia, who are fighting a U.S.-backed transitional federal government, to join forces with AQAP, al-Shihri declared they would wage war on the Americans on two fronts. The Red Sea, which is linked to the Mediterranean at its northern end via the Suez Canal, is one of the most critical maritime routes in the world. Thirty percent of world trade runs through the Bab al-Mandeb. Since the 1973 Arab-Israeli war, it has become a vital security issue for the countries along its littoral and to the major powers who depend on its for swift military deployments, as in the 1990-91 Gulf War and the 2003 U.S.-led invasion of Iraq. A major new operational theater in the conflict against Islamist extremism in that region would cause considerable problems for the United States, Egypt and Israel, as well as for Saudi Arabia and the Arab states of the Gulf. They depend on access to the Red Sea to transport oil and gas exports to the West. A jihadist breakthrough in the strait would also open the way for Iranian expansion into the region and into Africa, where it is making a major effort to secure allies and markets.

#### Economic decline causes protectionism and war – their defense doesn’t assume accompanying shifts in global power.

Royal 10 – Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defense behavior of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson’s (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crisis could usher in a redistribution of relative power (see also Gilpin, 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Seperately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland’s (1996, 2000) theory of trade expectations suggests that ‘future expectation of trade’ is a significant variable in understanding economic conditions and security behavious of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations, However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crisis could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favor. Moreover, the presence of a recession tends to amplify the extent to which international and external conflict self-reinforce each other. (Blomberg & Hess, 2002. P. 89) Economic decline has been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. ‘**D**iversionary theory’ suggests that, when facing unpopularity arising from economic decline, sitting governments have increase incentives to fabricate external military conflicts to create a ‘rally around the flag’ effect. Wang (1996), DeRouen (1995), and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlated economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crisis and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

## Drone Prolif

#### First, the global drone arms race is underway now

Boyle 2013

[MICHAEL J. BOYLE, Ph.D- Michael Boyle is an Assistant Professor of Political Science at La Salle University in Philadelphia. “The costs and consequences of drone warfare,” International Affairs, January 1, 2013, http://web.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=946befe6-cb0f-406e-8eeb-8cf208339510%40sessionmgr10&vid=1&hid=25//wyo-ng]

A global arms race for drone technology is already under way. According to one estimate, global spending on drones is likely to be more than US$94 billion by 2021.126 One factor that is facilitating the spread of drones (particularly non-lethal drones) is their cost relative to other military purchases. The top-of-the line Predator or Reaper model costs approximately US$10.5 million each, compared to the US$150 million price tag of a single F-22 fighter jet.127 At that price, drone technology is already within the reach of most developed militaries, many of which will seek to buy drones from the US or another supplier. With demand growing, a number of states, including China and Israel, have begun the aggressive selling of drones, including attack drones, and Russia may also be moving into this market.128 Because of concerns that export restrictions are harming US competitiveness in the drones market, the Pentagon has granted approval for drone exports to 66 governments and is currently being lobbied to authorize sales to even more.129 The Obama administration has already authorized the sale of drones to the UK and Italy, but Pakistan, the UAE and Saudi Arabia have been refused drone technology by congressional restrictions.130 It is only a matter of time before another supplier steps in to offer the drone technology to countries prohibited by export controls from buying US drones. According to a study by the Teal Group, the US will account for 62 per cent of research and development spending and 55 per cent of procurement spending on drones by 2022.131 As the market expands, with new buyers and sellers, America’s ability to control the sale of drone technology will be diminished. It is likely that the US will retain a substantial qualitative advantage in drone technology for some time, but even that will fade as more suppliers offer drones that can match US capabilities

#### Second, Drone courts limit executive behavior and are key to solve transparency in drone strikes

Wexler 13

(Lesley, Professor of Law, University of Illinois College of Law, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests,” 2013, Social Science Research Network/) /wyo-mm

This chapter suggests the judiciary may play an important role in the debate over the executive branch’s decisions regarding IHL even if it declines to speak to the substance of such cases. First, advocates may use courts as a visible platform in which to make their arguments and spur conversations about alternative, non-judicially mandated transparency and accountability measures. As they did with the trio of detention cases, advocates can leverage underlying constitutional concerns about the treatment of citizens to stimulate interest in the larger IHL issues. Second, litigants may use courts to publicize and pursue Freedom of Information (FOIA) requests and thus enhance transparency. Even if courts decline to grant FOIA requests, the lawsuits can generate media attention about what remains undisclosed. Third, and most robustly, Congress may pass legislation that would facilitate either prospective review of kill lists through a so-called drone court or remove procedural barriers to retrospective damage suits for those unlawfully killed by a drone strike. Even the threat of such judicial role may influence executive branch behavior.

#### Third, now is key, the US has a narrow window of opportunity to shape drone proliferation, only US reform based on transparency and restraint will solve

Zenko, 2013

[Micah, Council of Foreign Relations, Reforming U.S. Drone Strike Policies, January 2013, Council Special Report No. 65, Online] /Wyo-MB

In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would under- mine core U.S. interests, such as preventing armed conflict, promoting human rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies. Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama admin- istration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

#### Fourth, China will follow US precedent

CBS 5-3 (China emerges as new force in drone warfare, Associated Press, 3 May 2013, http://www.cbsnews.com/8301-202\_162-57582699/china-emerges-as-new-force-in-drone-warfare/, da 8-3-13) PC

China's move into large-scale drone deployment displays its military's growing sophistication and could challenge U.S. military dominance in the Asia-Pacific. It also could elevate the threat to neighbors with territorial disputes with Beijing, including Vietnam, Japan, India and the Philippines. China says its drones are capable of carrying bombs and missiles as well as conducting reconnaissance, potentially turning them into offensive weapons in a border conflict.¶ China's increased use of drones also adds to concerns about the lack of internationally recognized standards for drone attacks. The United States has widely employed drones as a means of eliminating terror suspects in Pakistan and the Arabian Peninsula.¶ "China is following the precedent set by the U.S. The thinking is that, `If the U.S. can do it, so can we. They're a big country with security interests and so are we'," said Siemon Wezeman, a senior fellow at the arms transfers program at the Stockholm International Peace Research Institute in Sweden, or SIPRI.¶ "The justification for an attack would be that Beijing too has a responsibility for the safety of its citizens. There needs to be agreement on what the limits are," he said.

#### Fifth, Chinese Drone proliferation collapses Japan China relations, and increases instability between China and the U.S. in the South China Sea

Narayani Basu, 13

Writes for the IPCS, Institute of Peace and Conflict Stories “China: The Dawn of the Drones” <http://www.ipcs.org/article/military/china-the-dawn-of-the-drones-3948.html>, accessed 9/2/13,WYO/JF

¶ The primary role of China’s growing drone programme is to help Beijing control and monitor disputed territories in the Asia-Pacific region. Put simply, drones help China deter countries from intervening in the area by helping to detect and target potential violators of the areas they are trying to deny. Indeed, Beijing’s deployment of drones near the disputed Senkaku/Diaoyu Islands impacted Sino-Japanese relations [recently](http://www.guardian.co.uk/world/2013/jan/08/china-japan-drone-race), prompting Tokyo to place its own defence programme under review, with the aim of introducing its own drones to patrol the disputed waters by 2015. For China then, drones could act as the ideal surveillance tool in the event of a crisis - a proxy weapon to deter assertive behaviour over territories China considers its own - such as the South China Sea and the Senkaku Islands. China’s move into large-scale drone deployment is a significant indication of its military’s growing sophistication. It could not only challenge American dominance in the Asia-Pacific, but could also elevate the threat to any neighbours with which China has territorial disputes, such as Vietnam, Japan, India or the Philippines. Within China, drones are already patrolling the borders, and a navy drone was deployed to the western province of Sichuan to provide aerial surveillance, in the aftermath of last month’s deadly earthquake. However, on a wider geopolitical canvas, Chinese drones could be the tipping point for giving the Chinese an edge in possible future disputes in Asia with the US, as American foreign policy continues its rebalancing trends within the Asia-Pacific. Indeed, China has already made it clear that the drones are capable of carrying bombs and missiles as well as conducting reconnaissance missions, potentially turning them into offensive weapons in the event of a border conflict. The thought of armed UAVs patrolling the skies over disputed territories like the Paracel and the Spratly Islands is enough to cause anxiety among ASEAN members, besides greatly enhancing China’s ocean surveillance. On the other hand, it is equally important to remember that Chinese drones are not yet as sophisticated as their US counterparts in terms of range, hardware, and engines. Official makers COSIC admit that progress is needed in half a dozen major areas, from airframe designs to digital linkups. Secondly, the Chinese drones on display at the Zhuhai Airshow are prototypes and not finished products. Nor have Chinese drones ever been put to military use. In the light of these facts, it is perhaps safe to say that the Chinese agenda for impact is twofold: to maintain surveillance over key territories in dispute, and to stoke fears of a UAV race between the US and China, which has already manifested itself - as evidenced by the DSB report - in the top echelons of the Pentagon.

#### That draws in the US

John Blaxland 13, Senior Fellow at the Strategic and Defence Studies Centre, the Australian National University, and Rikki Kersten, Professor of modern Japanese political history in the School of International, Political and Strategic Studies at the College of Asia and the Pacific, the Australian National University, 2/13/13, “Escalating territorial tension in East Asia echoes Europe’s descent into world war,” http://www.eastasiaforum.org/2013/02/13/escalating-territorial-tension-in-east-asia-echoes-europes-descent-into-world-war/

The recent activation of Chinese weapons radars aimed at Japanese military platforms around the Senkaku/Diaoyu Islands is the latest in a series of incidents in which China has asserted its power and authority at the expense of its neighbours.¶ The radars cue supersonic missile systems and give those on the receiving end only a split second to respond. With Japanese law empowering local military commanders with increased discretion to respond (thanks to North Korea’s earlier provocations), such incidents could easily escalate. In an era of well-established UN-related adjudication bodies like the International Court of Justice (ICJ), how has it come to this? These incidents disconcertingly echo past events. ¶ In the early years of the 20th century, most pundits considered a major war between the great powers a remote possibility. Several incidents prior to 1914 were handled locally or successfully defused by diplomats from countries with alliances that appeared to guarantee the peace. After all, never before had the world been so interconnected — thanks to advanced communications technology and burgeoning trade. But alliance ties and perceived national interests meant that once a major war was triggered there was little hope of avoiding the conflict. Germany’s dissatisfaction with the constraints under which it operated arguably was a principal cause of war in 1914. Similarly, Japan’s dissatisfaction helped trigger massive conflict a generation later. ¶ A century on, many of the same observations can be made in East Asia. China’s rise is coupled with a disturbing surge in jingoism across East and Southeast Asia. China resents the territorial resolution of World War II, in which the United States handed responsibility for the Senkaku/Diaoyu islands to Japan while large chunks of the South China Sea were claimed and occupied by countries that emerged in Southeast Asia’s post-colonial order. Oil and gas reserves are attractive reasons for China to assert itself, but challenging the US place in East Asian waters is the main objective. China resents American ‘re-balancing ‘as an attempt at ‘containment’, even though US dependence on Chinese trade and finance makes that notion implausible. China is pushing the boundaries of the accepted post-Second World War order championed by the United States and embodied by the UN. ¶ China’s rapid rise and long-held grievances mean its powerbrokers are reluctant to use institutions like the ICJ. But China’s assertiveness is driving regional states closer into the arms of the United States. Intimidation and assertive maritime acts have been carried out, ostensibly by elements not linked to China’s armed forces. China’s white-painted Chinese Maritime Services and Fisheries Law Enforcement Command vessels operating in the South China Sea and around the Senkaku/Diaoyu islands have evoked strong reactions. ¶ But Japan’s recent allegation that China used active radars is a significant escalation. Assuming it happened, this latest move could trigger a stronger reaction from Japan. China looks increasingly as if it is not prepared to abide by UN-related conventions. International law has been established mostly by powers China sees as having exploited it during its ‘century of humiliation’. Yet arguably, it is in the defence of these international institutions that the peaceful rise of China is most likely to be assured. China’s refusal to submit to such mechanisms as the ICJ increases the prospect of conflict. ¶ For the moment, Japan’s conservative prime minister will need to exercise great skill and restraint in managing domestic fear and resentment over China’s assertiveness and the military’s hair-trigger defence powers. A near-term escalation cannot be ruled out. After all, Japan recognises that China is not yet ready to inflict a major military defeat on Japan without resorting to nuclear weapons and without triggering a damaging response from the United States. And Japan does not want to enter into such a conflict without strong US support, at least akin to the discreet support given to Britain in the Falklands War in 1982. Consequently, Japan may see an escalation sooner rather than later as being in its interests, particularly if China appears the aggressor. ¶ China’s domestic environment has nurtured jingoism. The Chinese state has built up the public’s appetite for vengeance against Japan by manipulating films and history textbooks. On the other hand, Chinese authorities recognise that the peaceful rise advocated by Deng Xiaoping is not yet complete (militarily at least). In the meantime it is prudent to exercise some restraint to avoid an overwhelming and catastrophic response. If the 1914–18 war taught us anything, it is that the outcome of wars is rarely as proponents conceived at the outset.

#### CONFLICT IN THE SCS ESCALATES TO FULL-SCALE NUCLEAR WAR

STRAITS TIMES 1995

[staff, “Choose Your Own Style of Democracy”, May 21, p. ln// wyo-tjc]

In his speech, Dr Mahathir also painted three scenarios for Asia.

**In the first -the worst possible scenario -Asian countries would go to war against each other, he said. It might start with clashes** between Asian countries **over the Spratly Islands** because of China's insistence that the South China Sea belonged to it along with all the islands, reefs and seabed minerals. **In this scenario, the United States would offer to help** and would be welcomed by Asean, he said. The Pacific Fleet begins to patrol the South China Sea. **Clashes occur between the Chinese navy and the US Navy. China declares war on the US and a full-scale war breaks out with both sides resorting to nuclear weapons.**

#### **Failure to implement clear international standards for drone use makes global warfare from drone proliferation a certainty**

Roberts, 2013

[Kristin, national journal, When the Whole World Has Drones, 3-22-13, http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321] /Wyo-MB

The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last display at a trade show in Beijing, China showed off 25 different unmanned aerial vehicles. Not toys or models, but real flying machines.¶ It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use. This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following.¶ America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts.¶ To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones to kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order.¶ Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you. In Pakistan, Yemen, and Afghanistan.¶ This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation.

#### And, Drone use erodes norms for war and causes global conflict that causes extinction

Falk, 2012

[Richard, Richard Falk is Chair of the Nuclear Age Peace Foundation and Professor Emeritus at Princeton University, The Menace of Present and Future Drone Warfare, 2-13-12, http://www.wagingpeace.org/articles/db\_article.php?article\_id=328] /Wyo-MB

Perhaps, the most important difference between the torture and drone debates has to do with future implications. Although there are some loopholes involving extraordinary rendition and secret CIA operated overseas black sites, torture has been credibly prohibited by President Obama. Beyond this, the repudiation of torture has been understood in a manner that conforms to the general international consensus rather than the narrowed conception insisted upon by the Bush-era legalists. In contrast, drones seem destined to be central to operational planning for future military undertakings of the United States, with sharply escalating appropriations to support both the purchase of increasing numbers and varieties of drone. The government is engaging in a major research program designed to make drones available for an expanding range of military missions and to serve as the foundation of a revolutionary transformation of the way America will fight future wars. Some of these revolutionary features are already evident: casualty-free military missions; subversion of territorial sovereignty; absence of transparency and accountability; further weakening of political constraints on recourse to war.¶ Future war scenarios involve attacks by drones swarms, interactive squadrons of drones re-targeting while in a combat zone without human participation, and covert attacks using mini-drones. A further serious concern is the almost certain access to drone technology by private sectors actors. These musings are not science fiction, but well financed undertakings at or beyond the development stage. It is in these settings of fhere, especially, where the analogy to nuclear weapons seems most pertinent, and discouraging. Given the amount invested and the anticipated profitability and utility of drones, it may already be too late to interrupt their development, deployment, and expanding sphere of use. Unlike nuclear weaponry, already some 50 countries reportedly possess drones, mainly adapted to surveillance. As with nuclear weaponry, the United States, and other leading political actors, will not agree to comprehensive prohibitions on the use of drones for lethal purposes.¶ If this line of reasoning is generally correct, there are two likely futures for attack drones: an unregulated dispersion of the weaponry to public and private actors with likely strategic roles undermining traditional international law limits on war making and public order; or a new non-proliferation regime for drones that permits all states to possess and use surveillance drones within sovereign space and allows some states to make discretionary use of drones globally and for attack purposes until a set on constraining regulations can be agreed upon by a list of designated states. That is, drone military technology will perpetuate the two-tier concept of world order that has taken shape in relation to nuclear weapons, and reflects the consensus that both nuclear disarmament and unrestricted proliferation of nuclear weaponry are unacceptable. In this regard, a counter-proliferation regime for drones is a lesser evil, but still an evil.¶ The technological momentum that has built up in relation to drones is probably too strong to be challenged politically. The military applications are too attractive, the technology is of a cutting edge fantasy quality, the political appeal of war fighting that involves minimum human risk is too great. At the same time, for much of the world this kind of unfolding future delivers a somber message of a terrifying unfolding vulnerability. At present, there seems to be no way to insulate societies from either intrusive and perpetual surveillance or the prospect of targeted killing and devastation conducted from a remote location. It may be contended that such an indictment of drones exaggerates their novelty. Has not the world lived for decades with weapons of mass destruction possessed by a small number of non-accountable governments and deliverable anywhere on the planet in a matter of minutes? This is superficially true, and frightening enough, but the catastrophic quality of nuclear weaponry and its release of atmospheric radioactivity operates as an inhibitor of uncertain reliability, while with drone their comparative inexpensiveness and non-apocalyptic character makes it much easier to drift mindlessly until an unanticipated day of reckoning occurs by which time all possibilities of control will have been long lost.¶ As with nuclear weaponry, climate change, and respect for the carrying capacity of the earth, we who are alive at present may be the last who have even the possibility of upholding the life prospects of future generations. It seems late, but still not too late to act responsibly, but we will not be able to make such claims very much longer. Part of the challenge is undoubtedly structural. For most purposes, global governance depends on cooperation among sovereign states, but in matters of war and peace the world order system remains resolutely vertical and under the control of geopolitical actors, perhaps as few as one, who are unwilling to restrict their military activities to the confines of territorial boundaries, but insist on their prerogative to manage coercively the planet as a whole. When it comes to drones the fate of humanity is squeezed between the impotence of state-centric logic and the grandiose schemes of the geopolitical mentality.

# 2ac

## terrorism

#### **High probability cyanide is used for chemical terrorism; easy to obtain, can be delivered in multiple ways, and has a track record of successfully killing**

Rodgers and Condurache 10

[[George C. Rodgers, Jr., M.D., Ph.D.](http://www.uoflphysicians.org/doctor.php?p=336" \t "_self) Division Chief of University of Louisville’s International Pediatrics, [Tania Condurache, M.D.](http://www.uoflphysicians.org/doctor.php?p=653) Director, International Resident Education of Louisville’s International Pediatrics, “Antidotes and Treatments for Chemical Warfare/Terrorism Agents: An Evidence-Based Review,” Clinical Pharmacology & Therapeutics, June 2010, nature.com, //uwyo-baj]

Cyanide in its various forms is considered a likely agent for terrorist use.7 It is relatively easy to obtain and handle, and it can be delivered in a variety of forms through different routes. Hydrogen cyanide released into a closed space, such as a building through the HVAC (heating, ventilating, and air-conditioning) system, could result in large-scale casualties. Cyanide has been infrequently used in warfare. The gaseous form, hydrogen cyanide, was tried by the French military during WWI with little effect, because it is lighter than air and rapidly dissipates. Hydrocyanic acid, in combination with cyanogen chloride or bromide added to improve stability (Zyklon B), was used in the German death camps during WWII. HCN was also reportedly used by the Japanese in China during WWII and by the Iraqi military during the Iran–Iraq Wars.

## Prolif

#### Drones result in a rising China that undermines US hegemony

Ikenberry in 2008

[John, Professor of Politics and International Affairs at Princeton University, “The Rise of China and the Future of the West”, Foreign Affairs, Jan/Feb 2008, Academic Search Premier//wyo CTL]

Some observers believe that the American era is coming to an end, as the Western-oriented world order is replaced by one increasingly dominated by the East. The historian Niall Ferguson has written that the bloody twentieth century witnessed "the descent of the West" and "a reorientation of the world" toward the East. Realists go on to note that as China gets more powerful and the United States' position erodes, two things are likely to happen: China will try to use its growing influence to reshape the rules and institutions of the international system to better serve its interests, and other states in the system--especially the declining hegemon--will start to see China as a growing security threat. The result of these developments, they predict, will be tension, distrust, and conflict, the typical features of a power transition. In this view, the drama of China's rise will feature an increasingly powerful China and a declining United States locked in an epic battle over the rules and leadership of the international system. And as the world's largest country emerges not from within but outside the established post-World War II international order, it is a drama that will end with the grand ascendance of China and the onset of an Asian-centered world order.

## Prez Powers

#### 1st, Pres powers low now—Syria decision undermined Obama’s presidential powers

Nather and Palmer, 9-1-13

[David and Anna, Politico, Bushies fear Obama weakening presidency, http://www.politico.com/story/2013/09/bushies-fear-obama-weakening-presidency-96143.html] /Wyo-MB

President Barack Obama just turned decades of debate over presidential war powers on its head.¶ Until Saturday, when Obama went to Congress to ask for permission to strike Syria, the power to launch military action had been strongly in the hands of the commander in chief. Even the 1973 War Powers Resolution allows bombs to start falling before the president has to ask Congress for long-term approval.¶ For three decades after Watergate, conservatives like Dick Cheney and those of his ilk sought to increase executive branch power that they felt had been eroded by liberal congressional reformers. George W. Bush’s legal team crafted controversial opinions that emboldened the White House on a wide range of national security areas, from interrogation to surveillance.¶ That makes the move by Obama to hand a piece of the messy situation in Syria to Congress a clear step in the other direction — an abdication of power to Congress at a moment when he has no good solutions.¶ And even if Obama ultimately balks at Congress if they vote down his ask, prominent conservatives who fueled the expansion of presidential power — especially Bush administration alums — are beside themselves, arguing that Obama has weakened the presidency.

#### 2nd, A multitude of other actors hamper presidential flexibility—thumps the disad

Rozell 12

(Mark Rozell, Professor of Public Policy, George Mason University, “From Idealism to Power: The Presidency in the Age of Obama” 2012, <http://www.libertylawsite.org/book-review/from-idealism-to-power-the-presidency-in-the-age-of-obama/>, KB)

A substantial portion of Goldsmith’s book presents in detail his case that various forces outside of government, and some within, are responsible for hamstringing the president in unprecedented fashion: Aggressive, often intrusive, journalism, that at times endangers national security; human rights and other advocacy groups, some domestic and other cross-national, teamed with big resources and talented, aggressive lawyers, using every legal category and technicality possible to complicate executive action; courts thrust into the mix, having to decide critical national security law controversies, even when the judges themselves have little direct knowledge or expertise on the topics brought before them; attorneys within the executive branch itself advising against actions based on often narrow legal interpretations and with little understanding of the broader implications of tying down the president with legalisms.

#### 3rd, Link Turn—extend 1ac Chebab evidence, Counterplan bolsters executive action—Obama power is vindicated when he has the backing and support of courts, plan results in more decisive executive actions.

#### And, the link turn outweighs the link—Judicial oversight serves to legitimize executive decisions

Kwoka 11

(Lindsay, University of Pennsylvania Law School, J.D, Journal of Constitutional Law, “Trial by Sniper: The Legality of Targeted Killing in the War on Terror,” 2011, Lexis) /wyo-mm

Providing an intra-executive process is not sufficient in the context of targeted killing of a U.S. citizen outside of a war zone.122 Murphy and Radsan argue that due process would be satisfied if, after a strike has already occurred, the executive branch launched an investigation of its legality.123 They argue that interference from the judicial branch would undermine the executive’s decisionmaking and compromise state secrets.124 On the contrary, judicial intervention would not undermine the executive’s decisionmaking, but rather would serve to legitimize the executive’s actions. Even during wartime, many are critical of actions taken by the executive to deprive individuals of rights without intervention by the judicial branch. For instance, many objected to the Military Commissions Act on the grounds that it did not afford the accused of an independent judiciary.125 Furthermore, as noted above, the concerns about minimizing the disclosure of state secrets would be alleviated by permitting only the decisionmaker to review the evidence. The hearing would be conducted privately and the information would be conveyed on a “need-to-know” basis only. Thus the confidentiality problems associated with affording suspected terrorists a full jury trial are not present in a process where the judge reviews the evidence in confidence. Not only would judicial intervention decrease public skepticism of the executive’s decisions, but would also promote accuracy and fairness.126 Because mistakes are possible and have happened regarding misclassification of terrorists, accuracy is better preserved by allowing the judiciary to check the actions of the executive.127 The process would likely be fairer because federal judges are appointed for life tenure, and thus are less likely to be subject to public pressure.128 Moreover, having a federal judge decide on whether targeted killing is permissible would alleviate executive branch pressure. If a member of the executive branch were to be the neutral decisionmaker, he would have incentive to permit the President to do whatever he deems necessary. A federal judge would not likely be subject so such influence.

#### 4th, Political power is not zero sum—no trade off

Read, 3-1-12

[James, College of Saint Benedict/Saint John's University, jread@csbsju.edu, Is Power Zero-Sum or Variable-Sum? Old Arguments and New Beginnings, Political Science Faculty Publications.Paper 4, http://digitalcommons.csbsju.edu/cgi/viewcontent.cgi?article=1004&context=polsci\_pubs] /Wyo-MB

The specific question with which this essay is concerned is whether power – and ¶ especially political power – should be regarded as inherently zero-sum, one‟s agent‟s gain ¶ entailing by definition an equivalent loss for another or others; or variable-sum, whereby it is ¶ possible to have mutual gains of power not offset by equivalent losses somewhere else (positivesum), and mutual losses of power not offset by equivalent gains somewhere else (negative-sum). ¶ This essay is part of a larger book-length project that will systematically examine zero-sum and ¶ variable-sum understandings of power; and argue that a variable-sum understanding of power is ¶ at least as fruitful in describing actual power relations – including relations characterized by ¶ significant conflict – as the zero-sum view (see Read 2009a; 2010).

#### 5th, No Impact—Fast and flexible doesn’t mean effective, unilateral action doesn’t solve disad impacts

O’Neil 11

(Robert, Houston Law Review, “The Price of Purity: Weakening the Executive Model of the United States’ Counter-Terror Legal System,” Winter 2011, Lexis//wyo-mm)

Those opposed to enacting anti-terror policy through the regular bicameral process criticize the legislative method as being ill-suited for responding to threats to national security because of the time it requires before any plan of action may be [\*1446] implemented. n160 Unilateral executive action certainly permits greater speed in enacting policy decisions and may be preferable in urgent situations that call for swift action. n161 Under the pure form of the executive model, the executive is theoretically limited only by the time it takes him or her to divine the strategy, policy, or act. In contrast, the weak form of the executive model's preference for congressionally enacted counter-terror policy does tend to slow the pace at which new strategies are put in place. Fast action, however, even in exigent circumstances, does not necessarily equate effective action. n162 Feeling compelled to react immediately in a crisis situation can lead the executive to act impulsively, without considering potentially more effective alternatives. n163 For example, the violent interrogation sessions that followed the sudden executively authorized departure from longstanding international rules regarding the treatment of detainees caused great domestic and international controversy during the Bush Administration, and compromised the United States' credibility abroad. n164

#### Data disproves hegemony impacts

Fettweis, 11

Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

We have better intenal link to solving terrorism

## Debt Ceiling

#### Won’t pass- Obama refuses to negotiate

Dwyer 9/15/13

[Devin Dwyer, Journalist, “Obama Calls GOP Debt Ceiling Demands an Assault on US ‘Constitutional Structure’”, Sep 15, 2013, <http://abcnews.go.com/blogs/politics/2013/09/obama-calls-gop-debt-ceiling-demands-an-assault-on-us-constitutional-structure/>, \\wyo-bb]

WASHINGTON — On the eve of another fiscal showdown with congressional Republicans, President Obama is outright refusing to negotiate over an increase to the nation’s debt limit, saying doing so would alter “the constitutional structure of this government entirely.”¶ “What I haven’t been willing to negotiate, and I will not negotiate, is on the debt ceiling,” Obama told ABC News’ George Stephanopoulos in an exclusive interview on “This Week.”¶ “If we continue to set a precedent in which a president … is in a situation in which each time the United States is called upon to pay its bills, the other party can simply sit there and say, ‘Well, we’re not going to put — pay the bills unless you give us … what we want,’ that changes the constitutional structure of this government entirely,” Obama said.

#### 1st, Debates on drone courts now—legislation being written and proposed—thumps the disad

Wolverton, 3-12-13

[Joe, professor of American Government at Chattanooga State and was a practicing attorney until 2009, Federal Courts Rubber Stamp Federal Spying, http://tenthamendmentcenter.com/2013/05/12/federal-courts-rubber-stamp-federal-spying/comment-page-1/#.UfqaW2T70bh] /Wyo-MB

Although certainly not one to recognize checks on the executive, the White House indicated several months ago that it would entertain any legislative proposal for the establishment of such a tribunal. An Obama administration official told Reuters early this year, “The White House has been discussing various ways there could be independent review of counterterrorism actions for more than a year.”¶ In a press release issued in February, Senator King announced that he had sent a letter to Senators Feinstein and Saxby Chambliss (R-Ga.), chairwoman and vice-chairman of the Intelligence Committee, to consider a bill creating the new court.¶ King wrote, “As the Committee begins preparing the Intelligence Authorization Act for Fiscal Year 2014, I ask that you work with me to contemplate legislative solutions, such as the creation of an outside judicial process similar to the FISA court, that might provide an independent perspective in the distinctive case of a U.S. citizen who is a senior operational leader of al Qaeda.”¶ According to comments made by “congressional aides” cited in Reuters, “discussions are at a preliminary stage.” They also reportedly said that several similar proposals made by legal experts were being kicked around on Capitol Hill.¶

#### 2nd, Link turn drone courts popular in congress—particularly with Feinstein and King

Hosenball, 2-8-2013

[Mark, Reuters news service, Support grows for U.S. "drone court" to review lethal strikes, http://www.reuters.com/article/2013/02/09/us-usa-drones-idUSBRE91800B20130209] /Wyo-MB

During a fresh round of debate this week over President Barack Obama's claim that he can unilaterally order lethal strikes by unmanned aircraft against U.S. citizens, some lawmakers proposed a middle ground: a special federal "drone court" that would approve suspected militants for targeting.¶ While the idea of a judicial review of such operations may be gaining political currency, multiple U.S. officials said on Friday that imminent action by the U.S. Congress or the White House to create one is unlikely. The idea is being actively considered, however, according to a White House official.¶ At Thursday's confirmation hearing for CIA director nominee John Brennan, senators discussed establishing a secret court or tribunal to rule on the validity of cases that U.S. intelligence agencies draw up for killing suspected militants using drones.¶ The court could be modeled on an existing court which examines applications for electronic eavesdropping on suspected spies or terrorists.¶ Senator Dianne Feinstein, Democratic chairwoman of the Senate Intelligence Committee, said Thursday that she planned to "review proposals for ... legislation to ensure that drone strikes are carried out in a manner consistent with our values, and the proposal to create an analogue of the Foreign Intelligence Surveillance Court to review the conduct of such strikes."¶ Senator Angus King, a Maine independent, said during the hearing that he envisioned a scenario in which executive branch officials would go before a drone court "in a confidential and top-secret way, make the case that this American citizen is an enemy combatant, and at least that would be ... some check on the activities of the executive."

#### Feinstein key to agenda- can wrangle in both parties

Tate 13

(Curits, Mcclatchy Newspapers, “Sen. Dianne Feinstein presses her decades-long crusade on guns,” March 10, 2013, <http://www.mcclatchydc.com/2013/03/10/185261/sen-dianne-feinstein-presses-her.html#.Uhp4YpKThSQ>) /wyo-mm

Feinstein is a veteran lawmaker who knows how to work behind the scenes and across the aisle, which is how much of the real business of Capitol Hill gets done. “She’s developed a chain of colleagues she can call on,” Kennedy said. “She knows very well how to use her position on other committees.” Feinstein is an influential member. She ranks 14th in Senate seniority. Besides her seat on the Judiciary Committee, she serves on the powerful Appropriations Committee and chairs the Intelligence Committee. Her political roots took hold at a time before bitter partisanship began to color every debate, and even relationships on Capitol Hill. One of her closest friends has been Kay Bailey Hutchison, a Texas Republican who left the Senate in January. And Feinstein has warm relations with many more lawmakers, in an era fraught with political polarization. Sen. Jeff Sessions, R-Ala., a staunch conservative who serves alongside the liberal-leaning Feinstein on the Judiciary Committee, said that while they disagreed on many issues, including the assault weapons ban, he admired her ability to forge compromise. “I’d say on the 16 years I’ve been on it, she’s been one of the more effective Democratic senators at reaching across the aisle on key issues,” he said. “She battles for what she believes in, but she’s also very able at finding common ground and solving problems.”

#### 3rd, Link turn – plan popular in congress

Jakes 13

(Laura Jakes, writer for the Associate Press. “Congress Considers Putting Limits on Drone Strikes” 2-6-13 http://www.military.com/daily-news/2013/02/06/congress-considers-putting-limits-on-drone-strikes.html//wyoccd)

WASHINGTON -- Uncomfortable with the Obama administration's use of deadly drones, a growing number in Congress is looking to limit America's authority to kill suspected terrorists, even U.S. citizens. The Democratic-led outcry was emboldened by the revelation in a newly surfaced Justice Department memo that shows drones can strike against a wider range of threats, with less evidence, than previously believed.¶ The drone program, which has been used from Pakistan across the Middle East and into North Africa to find and kill an unknown number of suspected terrorists, is expected to be a top topic of debate when the Senate Intelligence Committee grills John Brennan, the White House's pick for CIA chief, at a hearing Thursday.¶ The White House on Tuesday defended its lethal drone program by citing the very laws that some in Congress once believed were appropriate in the years immediately after the Sept. 11 attacks but now think may be too broad.¶ "It has to be in the agenda of this Congress to reconsider the scope of action of drones and use of deadly force by the United States around the world because the original authorization of use of force, I think, is being strained to its limits," Sen. Chris Coons, D-Del., said in a recent interview.¶ Rep. Steny Hoyer of Maryland, the No. 2 Democrat in the House, said Tuesday that "it deserves a serious look at how we make the decisions in government to take out, kill, eliminate, whatever word you want to use, not just American citizens but other citizens as well."¶ Hoyer added: "We ought to carefully review our policies as a country."¶ The Senate Foreign Relations Committee likely will hold hearings on U.S. drone policy, an aide said Tuesday, and Chairman Robert Menendez, D-N.J., and the panel's top Republican, Sen. Bob Corker of Tennessee, both have quietly expressed concerns about the deadly operations. And earlier this week, a group of 11 Democratic and Republican senators urged President Barack Obama to release a classified Justice Department legal opinion justifying when U.S. counterterror missions, including drone strikes, can be used to kill American citizens abroad.¶ Without those documents, it's impossible for Congress and the public to decide "whether this authority has been properly defined, and whether the president's power to deliberately kill Americans is subject to appropriate limitations and safeguards," the senators wrote.

#### 4th, Political capital theory not true—and if the plan causes a fight it means Obama will get to pass more legislation—winning wins

Hirsh, 2013

[Michael, national journal chief correspondent, There’s No Such Thing as Political Capital, 3-30-13, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207] /Wyo-MB

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.”

#### 5th, Obama wont spend PC and he won’t be effective if he does

Jay Cost, staff writer, 2-11-2013, “Obama the Bargainer,” The Weekly Standard, http://www.weeklystandard.com/articles/obama-bargainer\_699205.html?page=1

Thus, with the festivities finished and the glow of the inauguration fading, it is fair to ask: Just how powerful will President Obama be in his second term? In other words, how successful will he be at persuading the diverse agents of our government to do what he wants them to do? If the lessons of his first term guide our expectations for the second, then the most likely answer is: not very. At first blush, this assertion might sound absurd. A weak President Obama? Proof of the contrary is in the pudding: The massive stimulus, the health care bill, and financial reform were all epic in their scope and ambition. Surely both left and right agree—whether they celebrate or bemoan the fact—that Obama is a very strong, liberal president. But presidential power—the ability to persuade—has many sources, some external, some internal. The external sources are all reducible to “the political context.” How many seats does the president’s party control in Congress? What is the status of the opposition party? What was the relative strength of the president and his party in the last election? What is his job approval rating? And so on. All of these factors set the boundaries for how easily the president can persuade others. In 2009 and 2010, President Obama enjoyed a very favorable political context. Today, the political context is more favorable to him than it was in 2011, but markedly diminished from the heady days of 2009. So, for instance, President Obama can call for action on “climate change” until he is blue (or, perhaps, green) in the face, but the political environment—including arguably the most conservative House of Representatives since the 1920s—means he lacks the power to make it happen. The internal sources of strength are the president’s political skills, which he deploys in particular circumstances. So the question becomes: How good is he at persuading others, given the political context? If political context is the science of presidential power, quantifiable in electoral results and congressional voting scores, persuasive skill is the art. Here, we must put down the American Political Science Review and pick up Machiavelli’s Prince. As for President Obama’s first term, no other incoming president in recent history had such a surplus of political capital and misused it so terribly. The reason? He lacks important skills that are integral in the exercise of presidential power. All presidents are unique, each possessing or lacking skills useful to a chief executive. Obama is notable in that he has mastered some vital skills better than any recent predecessor, but he exhibits virtually no facility with others. His strengths have been enumerated extensively by a fawning press corps. His favorable coverage is due not only to the media’s ideological commitment to his policy goals, but also to his natural gifts. He awes the press, and many other groups in society, by his very presence. Moreover, he knows he has this power over them. This ability, more than any other, made him president and remains his single greatest source of power. Yet though he affects some people intensely, he himself seems largely unaffected by others. This helps explain why he has used his speaking ability so unevenly: He is wont to misread people, and therefore situations. His Tucson speech, for instance, after the shooting of Rep. Gabrielle Giffords, was a political stroke of genius. He intuited what the moment called for and delivered it perfectly. By contrast, his 2009 speech to the International Olympic Committee pitching Chicago was a waste of time and made him look small. Similarly, he has time and again left business leaders feeling nonplussed, inviting them to the White House mainly to serve as window dressing for another teleprompter performance. It is on Capitol Hill that Obama seems most out of touch with his audience. In particular, he does not understand what the key players in Congress expect, yet he is convinced he knows them better than they know themselves. What’s more, he gives little and inconsistent guidance as to what he expects from them. That goes for both Republicans and Democrats. For Republicans, the warning signs appeared early, on the stimulus bill passed in the president’s first month in office. Obama and his team were supremely confident that they could get a $900 billion package through Congress with solid Republican support, so much so that when House minority whip Eric Cantor warned that they would receive no backing from House Republicans, they told him not to embarrass himself with such an absurd prediction. Team Obama failed to anticipate how turned off the congressional GOP would be by the spending side of the package: Democratic appropriators were unloading a wish list that had accumulated during more than a decade of Republican governance. The White House also thought the Republicans would be attracted to the tax cuts that constituted roughly one-third of the package. But the White House did not understand how Republicans view taxes—specifically, the difference between tax credits, which the stimulus favored heavily, and rate cuts, which Republicans prefer. None of this should have come as a surprise to anyone who had done any homework on the congressional GOP. After all, Republicans killed a 1993 stimulus bill that was qualitatively similar, but less than a tenth the size of the 2009 package. What did Team Obama surmise when its predictions fell flat? It certainly did not take time to gauge the congressional GOP more carefully, to build a more nuanced picture of Republicans’ motives and expectations. Instead, it adopted the cartoonish caricature one finds in a Paul Krugman column: Republicans are contemptible knaves, willing to let the economy go down the drain to embarrass the president. The stimulus also featured another theme of presidential-congressional relations under Obama: mixed messages from the White House. Early in the negotiations over the bill, President Obama told House minority leader John Boehner and Cantor that he was interested in their ideas. He did not want to play partisan games; he just wanted to jump-start the economy. Yet when Cantor presented the president a list of suggestions, Obama brought the dialogue to an icy conclusion by infamously declaring, “I won, so I think I trump you on that.” During the deliberations on the bill, the president’s chief of staff, Rahm Emanuel, was known to respond to other GOP suggestions by shouting, “We have the votes. F— ’em!” For the first two years of Obama’s tenure, congressional Republicans did not register with the White House at all. Contact was so sparse that when the GOP took control of the House of Representatives, the White House did not even have Boehner’s cell phone number so the president could place a congratulatory call. The case of Michigan Republican Dave Camp is illustrative. According to Bob Woodward in The Price of Politics, The administration’s approach to Congress was different from what he was used to. He had first come to Washington as a congressional staffer during the Reagan administration. Reagan had deployed administration liaisons all over Congress. Camp could remember Reagan getting on the phone with a lowly freshman congressman to discuss legislation. .  .  . During Obama’s first two years in office, Camp was the ranking Republican on the Democrat-controlled Ways and Means Committee. He was one of the more politically moderate House Republicans. Yet the administration’s Hill staff didn’t even seem to know who he was. He never saw them. During the debt ceiling battle of 2011, the president again exhibited cluelessness about the motivations of congressional Republicans. Precious time during the month of July was wasted as Obama insisted again and again on decoupling the Bush-era tax cuts, making permanent the cuts for those making under $250,000, and letting the cuts in the high-end rates expire. His argument was that the congressional GOP could avoid the wrath of Grover Norquist because it would not actually have to vote to increase taxes. It seemed never to cross his mind that tax rate increases such as he was proposing were anathema to congressional Republicans. The bigger problem during the debt ceiling fight, and probably the biggest contributor to the near-default of the country that summer, was Obama’s failure to heed Boehner’s warning that $800 billion in additional tax revenue was his “red line,” above which he could not go. The justification for that figure was that it was all that could be squeezed out of tax reform (and even that was optimistic according to many analysts); beyond that, tax rates would have to be raised in order to bring in more revenue. In late July, after Boehner had made a “grand bargain” offer that included $800 billion in new revenue, Obama asked for another $400 billion. Memories diverge on exactly who said what—Boehner is convinced Obama said he had to have the extra money, while Obama believes he only suggested it. This ambiguity might have been avoided if Obama had not made the rookie mistake of making such a big request over the phone instead of in person. And, anyway, he should have known not to ask, given Boehner’s previous warnings about his red line. Unsurprisingly, the deal blew up shortly afterwards. It boils down to the difference between listening and waiting to talk. With congressional Republicans, Obama always seems to do the latter. So, once again, he was left disappointed, and once again he assumed the worst of his negotiating partners. He surmised that there were simply too many extreme Tea Party Republicans who were prepared to breach the debt ceiling, and that Boehner lacked control of his caucus. Again, a basic understanding of Republican history would have corrected this notion. Like Newt Gingrich and Denny Hastert before him, Boehner is responsible to a majority of the Republican caucus, which for generations has opposed the kinds of rate increases that $1.2 trillion in new revenue would have required. Not only did Obama fail to listen during the debt ceiling struggle, he consistently sent the other side mixed messages. A case in point: Obama’s demagogic April 2011 speech blasted Paul Ryan’s budget as “leaving seniors at the mercy of the insurance industry” and abandoning “the fundamental commitment this country has kept for generations.” In private, however, Obama had praised Ryan for offering a serious proposal and emphasized that both sides had to avoid scaring the elderly for political points. Worse, he had held a bipartisan summit that very day to encourage the two sides to come together on a plan. Obama’s problems communicating with Congress are not limited to the right side of the aisle. Although Democrats need not worry about White House demagoguery or fret that Obama fails to understand their concerns, he has nevertheless done a poor job of engaging them in dialogue. In particular, the White House has often cut congressional Democrats out of the loop, inhibiting interbranch coordination and angering leaders by what they feel is trampling on their institutional rights. Indeed, the president’s signature achievement—Obamacare—almost did not happen because of this. The process by which the health care bill was written was chaotic, to say the least. At one point five bills were circulating on Capitol Hill, three in the House and two in the Senate. Each differed, sometimes dramatically, in how to expand coverage and how to pay for it. And yet the White House did virtually nothing in 2009 to coordinate these efforts. In fact, White House aides privately thought the final House bill was a liberal fantasy, and they had worked out a deal with medical providers that did not include the so-called public option. Yet the president never came out against that proposal, or any other, for that matter. After multiple calls over the summer of 2009 for President Obama to set some ground rules on what he expected, he gave a speech in early September that, though his aides promised specificity, was once again vague. Finally, in early January, when the two chambers had passed their bills and it came time to work out the finer points, President Obama actually stormed out of a meeting after Nancy Pelosi tartly expressed her frustration with his lack of leadership. It was left to Emanuel to finish the negotiations. Worse, the needless delays due to the lack of presidential leadership sapped public support for the reform effort, led to Scott Brown’s victory in the Senate race in Massachusetts that January, and eventually forced Democrats to pass a gratuitously slipshod and ill-conceived bill that otherwise never would have become law. After the 2010 midterms, House Democrats lost their majority, but not all of their clout. It would have been virtually impossible for Boehner to pass a compromise debt ceiling plan through the House in 2011 without at least some Democratic support, so it was appropriate for Pelosi and her leadership team to be kept in the loop. For a while, they were, but as Boehner and Obama approached a grand bargain, House Democrats were excluded. Amazingly, so was Harry Reid. Any deal would obviously have to bear the imprimatur of the Senate majority leader, yet he was cut out of the final talks. It was only after the New York Times scooped the Boehner-Obama grand bargain that the White House brought Senate Democrats into the loop. Unsurprisingly, they were apoplectic, believing that the deal extracted too little from the congressional GOP, and feeling that they had been ignored. In fact, it was the outrage of the Senate Democrats that prompted the White House to go back to Boehner at the last minute to ask for more tax revenue, scuttling the big deal once and for all. All of these stories point in the same direction: This president does not have a solid congressional outreach program, does not have a steady grasp of the expectations of legislators in either party, and does a notably poor job of communicating to them what he expects. Thus, a drifting and listless policy process, finally given direction by some power player outside the White House, often acting to avert imminent disaster, has marked almost every major deal during his tenure. There is little reason to expect anything different in the next four years. In the end, President Obama simply does not spend enough time talking to members of Congress. He is too aloof, and most accounts suggest he dislikes the seemingly petty, parochial nature of Capitol Hill. In an interview with journalist Ron Suskind, President Obama articulated what he believes to be the core of a president’s job, and what he learned from the troubles of his first term: The reason people put me in this office is people felt that I had connected our current predicaments with the broader arc of American history and where we might go as a diverse and forward-looking nation. And that narrative thread we just lost, in the day-to-day problem solving that was going on. .  .  . What the president can do, that nobody else can do, is tell a story to the American people about where we are and where we need to go. While this statement would surely make the republicans of the founding generation turn over in their graves, it does encapsulate the job of the modern president, but only in part. Yes, he is to stand, almost godlike, above the political process and tell a story, but the modern presidential deity is not in line with the watchmaker God of the 18th-century rationalists. It is not enough to put the pieces in motion, then stand back. Instead, a president must be more like the God of the Old and New Testaments, above the world and sovereign over it, but also intimately involved in it, guiding, encouraging, cajoling, and threatening people to make the right choices. The ideal modern president, to borrow a phrase from Theodore Roosevelt, is one “actually in the arena, whose face is marred by dust and sweat and blood.” President Obama does not much care for the arena, and his successes came despite this distaste, not because of it. In fact, Nancy Pelosi probably deserves most of the credit for the legislative victories of 2009-2010. She functioned as a de facto prime minister, with her eyes always on big, national projects while she dealt with the provincial concerns of this committee chair or that subcommittee member. She, not Obama, was the one “in the arena.” What this means is that major breakthroughs on legislation in the next four years are likely to depend on political actors outside the White House. Pelosi’s power is only a fraction of what it was, but policy success will still depend on congressional entrepreneurs as long as the White House remains disengaged. Thus, a whole host of issues will likely go unaddressed, above all, the looming entitlement crisis. One issue that could see movement is immigration reform, a topic of discussion where there is overlap between the parties and there are potential leaders in Congress, like Marco Rubio, who could help in whipping his party and negotiating a compromise with the other side.

We have better i/l to econ—c/a UPI we prevent the loss of 30% of world trade

## cp

#### First, perm do both- no reason cp is mutually exclusive

#### Courts will stand up to the executive—empirically proven

Plaw, 2006

[Avery, associate professor of political science at the University of Massachusetts, Dartmouth, Fighting Terror Ethically and Legally: The Case of Targeting Terrorists, (A working paper prepared for the CPSA Conference, June 2006), http://www.cpsa-acsp.ca/papers-2006/Plaw.pdf] /Wyo-MB

Some critics and advocates of targeting will no doubt be dissatisfied with this resolution. ¶ Critics will worry that the FCOC would essentially be a rubber stamp (while robbing ¶ them of their best rhetorical point – that targetings are extra-judicial). But there is no ¶ compelling reason to believe that courts, especially high-level federal courts, must always ¶ approve government policies. After all, supreme courts in both Israel and the United ¶ States have both recently issued sharp rebukes of government counter-terrorist policies ¶ (e.g., 03-333/4 on the U.S. legal status of detainees, and 3799/02 on the IDF use of ¶ human shields).

## Security

#### First, Our Interpretation: The resolution asks the question of desirability of USFG action. The Role of ballot is to say yes or no to the action and outcomes of the plan.

#### Second, is reasons to prefer:

#### (\_\_\_) A. Aff Choice, any other framework or role of the ballot moots 9 minutes of the 1ac

#### (\_\_\_) B. It is predictable, the resolution demands USFG action

#### (\_\_\_) C. It is fair, Weigh Aff Impacts and the method of the Affirmative versus the Kritik, it’s the only way to test competition and determine the desirability of one strategy over another

#### Finally, It is a voter for competitive equity—prefer our interpretation, it allows both teams to compete, other roles of the ballot are arbitrary and self serving.

#### Perm do both—the aff is key to solve arbitrary use of state power—solves their K impacts

Alford, 2011

[Ryan Patrick, Assistant Professor, Ave Maria School of Law, THE RULE OF LAW AT THE CROSSROADS: CONSEQUENCES OF TARGETED KILLING OF CITIZENS, UTAH LAW REVIEW, NO. 4, Online] /Wyo-MB

The Al-Aulaqi lawsuit makes it clear that the same arguments that the Plantagenet and Stuart kings used in attempts to weaken the Magna Carta and subsequent constitutional protections have been revived in a modern form. The complaint correctly asserts that “[t]he right to life is the most fundamental of all¶ rights.”25 However, the response to the Defendants’ motion to dismiss notes that “the upshot of its arguments is that the executive, [who] must obtain judicial approval to monitor a U.S. citizen’s communications or search his briefcase, may execute that citizen without any obligation to justify its actions to a court or to the public.”26 These arguments were of no avail in the District Court, which held that these allegations were indeed unreviewable in any court, because the executive had asserted, purportedly correctly, that addressing a violation of the right of life involves a nonjusticiable political question. Al-Awlaki was thus told that he was to have no day in court before being killed.27¶ Accordingly, seven hundred years after the executive death warrants issued by King Edward I (and four hundred years after a decisive rejection of King James I’s tentative attempts to revive the practice), we appear to be at a similar crossroads of history. However, it remains to be seen whether carrying out an executive order to kill an American citizen will lead to a backlash that reaffirms the importance of the bulwarks against this exercise of arbitrary power over life and death, or whether it leads to an implicit decision to abandon the rule of law and the constraints on executive power that have defined our constitutional tradition for centuries.¶ The early history of the resistance to arbitrary executive authority is important to the worldview and legal theory of the Framers of the Constitution. This Article argues that this history provides the best lens through which we might scrutinize the constitutionality of the targeted killing of American citizens. In doing so, this Article attempts to bring back to the forefront what is at stake in the Al-Aulaqi lawsuit: not merely the potential harm to the targeted individual, but the damage this might inflict on our constitutional tradition. Specifically, this Article will argue that if the courts uphold a decision declaring that the president’s powers are so broad as to preclude any judicial determination of whether the targeted killing program is prohibited by the Due Process Clause, we stand to lose the benefits of a seven-hundred year old tradition of resistance to arbitrary power.¶

**You should also evaluate the alternative in terms of the way to it will change and affect the institutions that it claims are bad.**

#### And, Drones are inevitable

Henning, 2-20-12

[Job, NYT, Embracing the Drone, http://www.nytimes.com/2012/02/21/opinion/embracing-the-drone.html?pagewanted=all&\_r=0] /Wyo-MB

Drones — more formally armed Unmanned Aerial Vehicles, or UAVs — are “in.” Since a Predator strike in Yemen against Al Qaeda in November 2002 — the first known use of a drone attack outside a theater of war — the United States has made extensive use of drones. There were nearly four times as many drone strikes in Pakistan during the first two years of the Obama administration as there were during the entire Bush administration.¶ The United States is now conducting drone strikes in Somalia as well, and their use is expected to dramatically increase in Afghanistan over the next five years as NATO troops withdraw from there.¶ Armed drones are both inevitable, since they allow the fusing of a reconnaissance platform with a weapons system, and, in many respects, highly desirable. They can loiter, observe and strike, with a far more precise application of force. They eliminate risk to pilots and sharply reduce the financial costs of projecting power. Moreover, polls show that a vast majority of Americans support the use of drones.¶

Our aff is a step in the right direction for the k

#### Attempting to solve the root cause of terror is impossible, encourages more terrorism and casualties, only way to defeat is to incapacitate terrorism completely

Dershowitz 02

(Alan M., Why Terrorism Works: Understanding the Threat, Responding to the Challenge, Pgs. 24-26//wyo-mm)

The reason terrorism works—and will persist unless there are significant changes in the response to it—is precisely because its perpetrators believe that by murdering innocent civilians they will succeed in attracting the attention of the world to their perceived grievances and their demand that the world “understand them” and “eliminate their root causes.” To submit to this demand is to send the following counterproductive message to those with perceived grievances: if you resort to terrorism, we will try harder to understand your grievances and respond to them than we would have if you employed less violent methods. This is precisely the criterion for success established by the terrorist themselves. Listen to the words of Zehdi Labib Terzi, the Palestine Liberation Organization’s chief observer at the United Nations: “The first several hijackings aroused the consciousness of the world and awakened the media and the world opinion much more—and more effectively—than twenty years of pleading at the United Nations.” If this is true—and the Palestinians surely believe it is—then it should come as no surprise that hijackings and other forms of terrorism increased dramatically after the Palestinians were rewarded for their initial terrorism by increased world attention to its “root causes”—attention that quickly resulted in their leader being welcomed by the U.N. General Assembly, their organization being granted observer status at the United Nations, and their “government” being recognized by dozens of nations.9 We must take precisely the opposite approach to terrorism. We must commit ourselves never to try to understand or eliminate its alleged root causes, but rather to place it beyond the pale of dialogue and negotiation. Our message must be this: even if you have legitimate grievances, if you resort to terrorism as a means toward eliminating them we will simply not listen to you, we will not try to understand you, and we will certainly never change any of our policies toward you. Instead, we will hunt you down and destroy your capacity to engage in terror. Any other approach will encourage the use of terrorism as a means toward achieving ends—whether those ends are legitimate, illegitimate, or anything in between. Nor is there any single substantive root cause of all, or even most, terrorism. If there were—if poverty, for example, were the root cause of all terrorism—then by fixing that problem we could address the root cause of specific terrorist groups without encouraging others. But the reality is that the “root causes” of terrorism are as varied as human nature. Every single “root cause” associated with terrorism has existed for centuries, and the vast majority of groups with equivalent or more compelling causes—and with far greater poverty and disadvantage—have never resorted to terrorism. The search for “root causes” smacks more of after-the-fact political justification than inductive scientific inquiry. The variables that distinguish aggrieved groups willing to target innocent civilians from equally situated groups unwilling to murder children have far less to do with the legitimacy of their causes or the suffering of their people than with religious, cultural, political, and ethical differences.10 They also relate to universalism versus parochialism and especially to the value placed on human life. To focus on such favors as poverty, illiteracy, disenfranchisement, and others all too common around our imperfect world is to fail to explain why so many groups with far greater grievances and disabilities have never resorted to terrorism.11 Instead, the focus must be on the reality that using an act of terrorism as the occasion for addressing the root causes of that act only encourages other groups to resort to terrorism in order to have their root causes advanced on the international agenda. Put another way, the “root cause” of terrorism that must be eliminated is its success.

Perm: do the plan then the alt

**War short-circuits transition to alternate foreign policy methodologies**Linklater ’89

(Andrew-, Beyond Realism and Marxism, P. 32)

These theoretical disagreements with Marxism generate major differences at the practical level. It is necessary to conclude that a post-Marxist critical theory of international relations must concede that technical and practical orientations to foreign policy are inescapable at least at this juncture. Such an approach must appreciate the need for classical realist methods of protecting the state under conditions of insecurity and distrust, and recognise the importance of the rationalist defence of order and legitimacy in the context of anarchy. It is important to take account of the rationalist claim that order is unlikely to survive if the major powers cannot reconcile their different national security interests. In a similar vein, a critical approach to international relations is obliged to conclude that the project of emancipation will not make significant progress if international order is in decline. One of its principal tasks would then be to understand how the community of states can be expanded so that it approximates a condition which maximises the importance of freedom and universality. In this case, a critical theory of international relations which recognises the strengths of realism and Marxism must aim for a political practice which deals concurrently with the problem of power, the need for order and the possibility of emancipation through the extension of human community.

**Perm: do the plan and the alt in all other instances**

# 1ar

## Solvency

1ar s

#### Names of targets will be public—solves openness and transparency

Plaw, 2006

[Avery, associate professor of political science at the University of Massachusetts, Dartmouth, Fighting Terror Ethically and Legally: The Case of Targeting Terrorists, (A working paper prepared for the CPSA Conference, June 2006), http://www.cpsa-acsp.ca/papers-2006/Plaw.pdf] /Wyo-MB

In at least three key respects, however, the design of the FCOC should differ from the ¶ model of the FISC. As the FISC is charged with assessing surveillance requests from ¶ government agencies, its writs and rulings remain permanently sealed from civilian ¶ review. But in the interests of resolving the second issue of openness, the findings of the ¶ FCOC should be made public, including the names of those judged to be combatants, as ¶ well as any reprimand from the court regarding targeting operations.

#### Your defense doesn’t apply- drone courts are suitable for targeted killing due to the unconventional nature of terrorism

Weinberger 13

(Seth, Associate Professor in the Department of Politics & Government at the University of Puget Sound, Global Security Studies Review, “Enemies Among Us: The Targeted Killing of American Members of al Qaeda and the Need for Congressional Leadership,” May 7, 2013, <https://blogs.commons.georgetown.edu/globalsecuritystudiesreview/2013/05/07/enemies-among-us-the-targeted-killing-of-american-members-of-al-qaeda-and-the-need-for-congressional-leadership/>) /wyo-mm

Several people have voiced objections to the creation of a FISA-style “drone court.” One worries that a court of “generalist federal judges” will lack “national security expertise,” “are not accustomed to ruling on lightning-fast timetables,” and should not be able to involve themselves in “questions about whether to target an individual for assassination by a drone strike.”[22] Another writes that, “the determination of whether a person is a combatant to judicial review would seem to rather clearly violate the separation of powers requirements in the Constitution,” as in Ex Parte Milligan, the Supreme Court ruled that the congressional war power “extends to all legislation essential to the prosecution of the war…except such as interferes with the command of the forces and the conduct of campaigns,” which includes, the author argues, the “sole authority to determine who the specific combatants are when conducting a campaign.”[23] While in a traditional war such objections are almost certainly correct, in the context of the Hamdi decision and with the unconventional nature of the armed conflict against al Qaeda, they become less compelling. First, if properly defined, the new court could be limited solely to questions of eligibility, not the decision of whether and when to conduct a drone strike. The court would carry out a function quite similar to the FISA courts, judging whether the Executive Branch has sufficient evidence to support its claim that a citizen has become a senior operational member of a group covered under the AUMF and 2012 NDAA. This would differ little from the FISA courts’ assessments of Executive Branch requests to wiretap individuals believed to be agents of a foreign power without a warrant. Second, given the definition of imminent threat in the Department of Justice’s white paper – a definition that incorporates “considerations of the relevant window of opportunity, the possibility of reducing collateral damage to civilians, and the likelihood of heading off future disastrous attacks on Americans”[24] – such eligibility decisions are not likely to be made in the moments immediately prior to a drone strike. Rather, eligibility decisions are likely made in the process of long investigations and in light of much intelligence. Finally, while Anthony Arend is almost certainly correct that in nearly every other incidence of armed conflict, Congress would not be permitted to involve itself in determinations of who is and who is not an eligible target for the American military, as Hamdi makes clear, the armed conflict against al Qaeda is not like every other armed conflict. The Supreme Court has already inserted a judicial proceeding into the determination of whether an American citizen seized on the battlefield is actually an enemy combatant and therefore eligible for indefinite detention, a determination that traditionally has been solely within the purview of executive power. It would be counterintuitive – to say the least – if an American citizen could be killed, but not detained, without judicial involvement.

## Politics

**No dc passage—Obama won’t negotiate, and he’s passed all responsibility to congress—no risk of pc key args**

**Felsenthal Sept 15**

[Mark, reuters,“Obama will deal on budget, not on debt limit –ABC interview¶ “http://www.reuters.com/article/2013/09/15/usa-fiscal-obama-idUSL2N0HB08R20130915]

(Reuters) - President Barack Obama, in an interview broadcast on Sunday, blamed conservative Republicans for a stalemate on the budget and insisted that while he is willing to haggle over taxes and spending, he will not make a deal would that would impose conditions on increasing the nation's debt limit.¶ With a possible government shutdown looming in two weeks, and the threat of a U.S. debt default as early as mid-October, Obama said On ABC's "This Week with George Stephanopoulos" that it is up to lawmakers to work out a budget.¶ But he insisted the budget should contain enough spending to help support economic growth, and added that he will not allow Republicans to attach conditions to raising the $16.7 trillion U.S. borrowing cap.¶ "We've presented our budget," Obama said. "Now it's the job of Congress to come up with a budget that keeps our long-term trends of ... reducing the deficit moving forward, but also allows us to invest in the things we need to grow."

## cp

#### Only Ex-ante review of killings through specialized courts solve

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

While the current process afforded to U.S. citizens is lacking, it is highly impracticable to provide either notice or an adversarial hearing before a neutral decision maker to a suspected terrorist operating in a remote location in the Horn of Africa or the rugged mountains of Pakistan. Apart from the obvious complications in establishing standing, traditional Article III courts would likely defer to the executive in such a case on non-justiciability grounds.115 Solutions calling for the expatriation of citizens deemed to be terrorists are fraught with judicial complications and set very dangerous precedents for citizenship revocation.116 Any ex post litigation, such as a Bivens style action, for a targeted attack would also be problematic.117 Those in the government charged with carrying out these attacks might be hesitant to do so if there were a threat of prosecution. Moreover, any post-deprivation process would be virtually meaningless in the wake of a successful attack, as the individual would presumably be dead at such point. Instead, the creation of a specialized court to adjudicate these claims ex ante would be a better course of action to consider.