# Wake Round 3

## 1AC

### 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 counterterrorism oversight court with jurisdiction over targeted killing orders.

### Drone Prolif

#### Drone Prolif Now

Zenko, 2013

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

It is estimated that the number of states that have acquired a com- plete drone system has grown from forty-one in 2005 to seventy-six in 2012.49 Over that same period of time, the number of total drone pro- grams within those states increased from one hundred ninety-five to nine hundred.50 Like the United States, the vast majority of all drones developed by other countries will be used exclusively for government or civilian intelligence, surveillance, and reconnaissance (ISR) missions. Some advanced industrial economies—such as Russia, Taiwan, and South Korea—have developed increasingly sophisticated and largely indigenous drone capabilities, but they have also missed deadlines for when they would field armed drones, according to their own defense ministries. There is no international association for drone manufactur- ers and operators—similar to those that exist for civilian nuclear facili- ties or commercial space launches—that provides reliable information on drones or serves as a forum to exchange best practices to limit the associated risks and costs. Since most publicly available information is limited to air shows and the defense trade press, it is possible that there have been intentionally hidden advances toward states’ development of weaponized drones.

#### Establishing a precedent of transparency and accountability spills over globally– a non-executive framework is key

Brooks 13 (Rosa, Professor of Law – Georgetown University Law Center, Bernard L. Schwartz Senior Fellow – New America Foundation, Former Counselor to the Undersecretary of Defense for Policy – Department of Defense, “The Constitutional and Counterterrorism Implications of Targeted Killing,” Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, 4-23, <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>)

5. Setting Troubling International Precedents Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter, 43 or in self-defense "in the event of an armed attack." The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an illdefined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

#### Drone courts are key limit executive behavior and solve transparency

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.

#### Plan solves international norms for drone use, US norms provide the ability to apply diplomatic pressure

Zenko, 2013

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

History shows that how states adopt and use new military capabili- ties is often influenced by how other states have—or have not—used them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone prolifera- tion and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international norma- tive framework, and U.S. compliance with that framework, would pre- serve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space.

#### Unfettered drone prolif causes deterrence crises that lead to nuclear conflict

Boyle, 13 [“The costs and consequences of drone warfare”, MICHAEL J. BOYLE, International Affairs 89: 1 (2013) 1–29, assistant professor of political science at LaSalle University]

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to developand deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own. A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them. Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an international incident if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will spiral out of control and lead to an armed confrontation.143 An accident would be even more dangerous if the US were to pursue its plans for nuclear-powered drones, which can spread radioactive material like a dirty bomb if they crash.144 Third, lethal drones create the possibility that the norms on the use of force will erode, creating a much more dangerous world and pushing the international system back towards the rule of the jungle. To some extent, this world is already being ushered in by the United States, which has set a dangerous precedent that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 Given this precedent, there is nothing to stop other states from following the American lead and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government. One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, due process or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the legal and evidentiary difficulties associated with giving them a fair trial.147 Fourth, there is a distinct danger that the world will divide into two camps: developed states in possession of drone technology, and weak states and rebel movements that lack them. States with recurring separatist or insurgent problems may begin to police their restive territories through drone strikes, essentially containing the problem in a fixed geographical region and engaging in a largely punitive policy against them. One could easily imagine that China, for example, might resort to drone strikes in Uighur provinces in order to keep potential threats from emerging, or that Russia could use drones to strike at separatist movements in Chechnya or elsewhere. Such behaviour would not necessarily be confined to authoritarian governments; it is equally possible that Israel might use drones to police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers to Palestinian attacks on the ground. The extent to which Israel might be willing to use drones in combat and surveillance was revealed in its November 2012 attack on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari and employed a number of armed drones for strikes in a way that was described as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel concluding that drones over Gaza were the best way to deal with the problem of Hamas, even if their use left the Palestinian population subject to constant, unnerving surveillance. All of the consequences of such a sharp division between the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to negotiate and grant concessions if drones allowed them to police their internal enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result might be a situation where such conflicts are contained but not resolved, while citizens in developed states grow increasingly indifferent to the suffering of those making secessionist or even national liberation claims, including just ones, upon them. Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus tilting the balance of power in authoritarian regimes even more decisively towards those who wield the coercive instruments of power and against those who dare to challenge them. Conclusion Even though it has now been confronted with blowback from drones in the failed Times Square bombing, the United States has yet to engage in a serious analysis of the strategic costs and consequences of its use of drones, both for its own security and for the rest of the world. Much of the debate over drones to date has focused on measuring body counts and carries the unspoken assumption that if drone strikes are efficient—that is, low cost and low risk for US personnel relative to the terrorists killed—then they must also be effective. This article has argued that such analyses are operating with an attenuated notion of effectiveness that discounts some of the other key dynamics—such as the corrosion of the perceived competence and legitimacy of governments where drone strikes take place, growing anti-Americanism and fresh recruitment to militant networks—that reveal the costs of drone warfare. In other words, the analysis of the effectiveness of drones takes into account only the ‘loss’ side of the ledger for the ‘bad guys’, without asking what America’s enemies gain by being subjected to a policy of constant surveillance and attack. In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public.154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified.155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.156 A final, and crucial, step towards mitigating the strategic consequences of drones would be to develop internationally recognized standards and norms for their use and sale. It is not realistic to suggest that the US stop using its drones altogether, or to assume that other countries will accept a moratorium on buying and using drones. The genie is out of the bottle: drones will be a fact of life for years to come. What remains to be done is to ensure that their use and sale are transparent, regulated and consistent with internationally recognized human rights standards. The Obama administration has already begun to show some awareness that drones are dangerous if placed in the wrong hands. A recent New York Times report revealed that the Obama administration began to develop a secret drones ‘rulebook’ to govern their use if Mitt Romney were to be elected president.157 The same logic operates on the international level. Lethal drones will eventually be in the hands of those who will use them with fewer scruples than President Obama has. Without a set of internationally recognized standards or norms governing their sale and use, drones will proliferate without control, be misused by governments and non-state actors, and become an instrument of repression for the strong. One remedy might be an international convention on the sale and use of drones which could establish guidelines and norms for their use, perhaps along the lines of the Convention on Certain Conventional Weapons (CCW) treaty, which attempted to spell out rules on the use of incendiary devices and fragment-based weapons.158 While enforcement of these guidelines and adherence to rules on their use will be imperfect and marked by derogations, exceptions and violations, the presence of a convention may reinforce norms against the flagrant misuse of drones and induce more restraint in their use than might otherwise be seen. Similarly, a UN investigatory body on drones would help to hold states accountable for their use of drones and begin to build a gradual consensus on the types of activities for which drones can, and cannot, be used.159 As the progenitor and leading user of drone technology, the US now has an opportunity to show leadership in developing an international legal architecture which might avert some of the worst consequences of their use.

#### China’s drone proliferation will cause war in the region—multiple flashpoints

Standaert, 2012

[Michael, Global Post, Stage set for drone chess match in Asia-Pacific, http://www.globalpost.com/dispatch/news/regions/asia-pacific/121102/china-drone-UAV-proliferation?page=0,1] /Wyo-MB

SHENZHEN, China — China’s plans to deploy surveillance drones in the East China and South China seas hint at the future of warfare in the region, but are also a reminder of how far ahead leading drone manufacturing nations like the United States and Israel remain on aviation technology.¶ Experts say interest in unmanned aerial vehicles (UAVs) is surging throughout the Asia-Pacific region without a framework of controls curtailing their proliferation and use.¶ Add the Obama administration’s policy refocusing American attention on the region — the so-called “Asia Pivot” — along with US announcements of further deployments of advanced UAVs to the area, and a massive game of drone chess looks increasingly likely.¶ In September, China commissioned its first aircraft carrier, the Liaoning, and announced plans to use drones to monitor disputed territories including the Senkaku Islands that have caused recent friction with Japan. China detailed further plans to develop drone bases in 11 coastal provinces to be operational by 2015.¶ China has been playing catch-up with drone technology leaders, having purchased some technology from Israel already and showing strong interest in increasing its own share of the global UAV market, currently estimated at $6.6 billion per year and climbing.¶ Later this month the Zhuhai Air Show will be an important place to see what technology advancements Chinese companies have made as well as what countries might be interested in purchasing Chinese UAVs. Pakistan is known to have ordered drones from China, and countries such as Brunei and Malaysia in Southeast Asia have shown interest in China's drones.¶ Dennis Gormley, a senior research fellow at the Ridgway Center for International Security Studies, said that US defense and aviation industry logic is that if it doesn’t “satisfy the growing requirement for UAVs, other states will develop their own or turn to Israel or other developers.”¶ “Of greatest concern are the intentions of China,” said Gormley, author of the book “Missile Contagion,” published in 2010.¶ In the Asia-Pacific region, the list of countries who have developed or purchased drones already includes Australia, China, India, Indonesia, Japan, South Korea, Russia, Singapore, Malaysia, Taiwan, Thailand and the Philippines, according to a report published by the US Government Accountability Office (GAO) in July this year.¶ In June, a Chinese frigate was also photographed testing a helicopter UAV, said Wilson VornDick, a lieutenant commander in the US Navy Reserves and an analyst on China’s military for the Jamestown Foundation.¶ At the end of August, China’s State Oceanic Administration (SOA) announced plans to set up UAV patrols out of 11 airbases in coastal provinces for maritime surveillance. According to state media reports a pilot program last year ran UAVs out of Liaoning province to monitor an ocean area of around 380 square miles.¶ More recently, immediately following renewed conflict with Japan over the Senkakus, the SOA announced on Sep. 23 that it was deploying UAVs to monitor specifically monitor the disputed islands as well as territories in the South China Sea, which China claims almost in its entirety.¶ Reports also indicate that Japan is using drones to monitor the Senkakus, and the Philippines is reportedly looking to purchase more UAVs from the US for monitoring its own claims in the South China Sea.

#### SCS conflict causes nuke war

Glaser 12 Bonnie S., Senior Fellow – Center for Strategic and International Studies, “Armed Clash in the South China Sea,” CFR, April, http://www.cfr.org/east-asia/armed-clash-south-china-sea/p27883

The risk of conflict in the South China Sea is significant. China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have competing territorial and jurisdictional claims, particularly over rights to exploit the region's possibly extensive reserves of oil and gas. Freedom of navigation in the region is also a contentious issue, especially between the United States and China over the right of U.S. military vessels to operate in China's two-hundred-mile exclusive economic zone (EEZ). These tensions are shaping—and being **shaped by—rising apprehensions about** the growth of China's military power and its regional intentions. China **has embarked on a substantial modernization of its maritime paramilitary forces as well as naval capabilities** to enforce its sovereignty and jurisdiction claims by force if necessary. At the same time, it is developing capabilities that would put U.S. forces in the region at risk in a conflict, thus potentially denying access to the U.S. Navy in the western Pacific. Given the growing importance of the U.S.-China relationship, and the Asia-Pacific region more generally, to the global economy, the United States has a major interest in preventing any one of the various disputes in the South China Sea from **escalating militarily**. The Contingencies Of the many conceivable contingencies involving an armed clash in the South China Sea, three especially threaten U.S. interests and could potentially prompt the United States to use force. The **most likely** and **dangerous contingency** is a clash stemming from U.S. military operations within China's EEZ that provokes an **armed Chinese response**. The United States holds that nothing in the United Nations Convention on the Law of the Sea (UNCLOS) or state practice negates the right of military forces of all nations to conduct military activities in EEZs without coastal state notice or consent. China insists that reconnaissance activities undertaken without prior notification and without permission of the coastal state violate Chinese domestic law and international law. China routinely intercepts U.S. reconnaissance flights conducted in its EEZ and periodically does so in **aggressive ways that increase the risk of an accident** similar to the April 2001 collision of a U.S. EP-3 reconnaissance plane and a Chinese F-8 fighter jet near Hainan Island. A comparable maritime incident could be triggered by Chinese vessels harassing a U.S. Navy surveillance ship operating in its EEZ, such as occurred in the 2009 incidents involving the USNS Impeccable and the USNS Victorious. The large growth of Chinese submarines has also **increased the danger of an incident**, such as when a Chinese submarine collided with a U.S. destroyer's towed sonar array in June 2009. Since neither U.S. reconnaissance aircraft nor ocean surveillance vessels are armed, the United States might respond to dangerous behavior by Chinese planes or ships by dispatching armed escorts. A **miscalculation** or misunderstanding could then result in a **deadly exchange of fire**, leading to further **military escalation** and precipitating a major political crisis. Rising U.S.-China mistrust and intensifying bilateral strategic competition would likely make managing such a crisis more difficult.

#### Senkaku Conflict goes nuclear

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.

#### The best scholarship validates our theory of arms races – unless norms precede formal agreements, they’ll be ineffective

Robert Farley 11, assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky, Over the Horizon: U.S. Drone Use Sets Global Precedent, October 12, http://www.worldpoliticsreview.com/articles/10311/over-the-horizon-u-s-drone-use-sets-global-precedent

Is the world about to see a "drone race" among the United States, China and several other major powers? Writing in the New York Times, Scott Shane argued that just such an arms race is already happening and that it is largely a result of the widespread use of drones in a counterterror role by the United States. Shane suggests that an international norm of drone usage is developing around how the United States has decided to employ drones. In the future, we may expect that China, Russia and India will employ advanced drone technologies against similar enemies, perhaps in Xinjiang or Chechnya. Kenneth Anderson agrees that the drone race is on, but disagrees about its cause, arguing that improvements in the various drone component technologies made such an arms race inevitable. Had the United States not pursued advanced drone technology or launched an aggressive drone campaign, some other country would have taken the lead in drone capabilities. ¶ So which is it? Has the United States sparked a drone race, or was a race with the Chinese and Russians inevitable? While there's truth on both sides, on balance Shane is correct. Arms races don't just "happen" because of outside technological developments. Rather, they are embedded in political dynamics associated with public perception, international prestige and bureaucratic conflict. China and Russia pursued the development of drones before the United States showed the world what the Predator could do, but they are pursuing capabilities more vigorously because of the U.S. example. Understanding this is necessary to developing expectations of what lies ahead as well as a strategy for regulating drone warfare.¶ States run arms races for a variety of reasons. The best-known reason is a sense of fear: The developing capabilities of an opponent leave a state feeling vulnerable. The Germany's build-up of battleships in the years prior to World War I made Britain feel vulnerable, necessitating the expansion of the Royal Navy, and vice versa. Similarly, the threat posed by Soviet missiles during the Cold War required an increase in U.S. nuclear capabilities, and so forth. However, states also "race" in response to public pressure, bureaucratic politics and the desire for prestige. Sometimes, for instance, states feel the need to procure the same type of weapon another state has developed in order to maintain their relative position, even if they do not feel directly threatened by the weapon. Alternatively, bureaucrats and generals might use the existence of foreign weapons to argue for their own pet systems. All of these reasons share common characteristics, however: They are both social and strategic, and they depend on the behavior of other countries. ¶ Improvements in technology do not make the procurement of any given weapon necessary; rather, geostrategic interest creates the need for a system. So while there's a degree of truth to Anderson's argument about the availability of drone technology, he ignores the degree to which dramatic precedent can affect state policy. The technologies that made HMS Dreadnought such a revolutionary warship in 1906 were available before it was built; its dramatic appearance nevertheless transformed the major naval powers' procurement plans. Similarly, the Soviet Union and the United States accelerated nuclear arms procurement following the Cuban Missile Crisis, with the USSR in particular increasing its missile forces by nearly 20 times, partially in response to perceptions of vulnerability. So while a drone "race" may have taken place even without the large-scale Predator and Reaper campaign in Pakistan, Yemen and Somalia, the extent and character of the race now on display has been driven by U.S. behavior. Other states, observing the effectiveness -- or at least the capabilities -- of U.S. drones will work to create their own counterparts with an enthusiasm that they would not have had in absence of the U.S. example.¶ What is undeniable, however, is that we face a drone race, which inevitably evokes the question of arms control. Because they vary widely in technical characteristics, appearance and even definition, drones are poor candidates for "traditional" arms control of the variety that places strict limits on number of vehicles constructed, fielded and so forth. Rather, to the extent that any regulation of drone warfare is likely, it will come through treaties limiting how drones are used. ¶ Such a treaty would require either deep concern on the part of the major powers that advances in drone capabilities threatened their interests and survival, or widespread revulsion among the global public against the practice of drone warfare. The latter is somewhat more likely than the former, as drone construction at this point seems unlikely to dominate state defense budgets to the same degree as battleships in the 1920s or nuclear weapons in the 1970s. However, for now, drones are used mainly to kill unpleasant people in places distant from media attention. So creating the public outrage necessary to force global elites to limit drone usage may also prove difficult, although the specter of "out of control robots" killing humans with impunity might change that. P.W. Singer, author of "Wired for War," argues that new robot technologies will require a new approach to the legal regulation of war. Robots, both in the sky and on the ground, not to mention in the sea, already have killing capabilities that rival those of humans. Any approach to legally managing drone warfare will likely come as part of a more general effort to regulate the operation of robots in war.¶ However, even in the unlikely event of global public outrage, any serious effort at regulating the use of drones will require U.S. acquiescence. Landmines are a remarkably unpopular form of weapon, but the United States continues to resist the Anti-Personnel Mine Ban Convention. If the United States sees unrestricted drone warfare as being to its advantage -- and it is likely to do so even if China, Russia and India develop similar drone capabilities -- then even global outrage may not be sufficient to make the U.S. budge on its position. This simply reaffirms the original point: Arms races don't just "happen," but rather are a direct, if unexpected outcome of state policy. Like it or not, the behavior of the United States right now is structuring how the world will think about, build and use drones for the foreseeable future. Given this, U.S. policymakers should perhaps devote a touch more attention to the precedent they're setting.

### Terror

#### Squo expansion of drone warfare 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.

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 un~~manned~~ 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.

#### Expansive use of targeted killing causes blowback, collateral damage, and operational errors— new guidelines key

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

Morality in armed conflict is not a mere mantra: it imposes significant demands on the nation state that must adhere to limits and considerations beyond simply killing "the other side." For better or worse, drone warfare of today will become the norm of tomorrow. Multiply the number of attacks conducted regularly in the present and you have the operational reality of future warfare. It is important to recall that drone policy is effective on two distinct levels: it takes the fight to terrorists directly involved, either in past or future attacks, and serves as a powerful deterrent for those considering involvement in terrorist activity. (53) However, its importance and effectiveness must not hinder critical conversation, particularly with respect to defining imminence and legitimate target. The overly broad definition, "flexible" in the Obama Administration's words, (54) raises profound concerns regarding how imminence is applied. That concern is concrete for the practical import of Brennan's phrasing is a dramatic broadening of the definition of legitimate target. It is also important to recall that operators--military, CIA or private contractors--are responsible for implementing executive branch guidelines and directives. (55) For that very reason, the approach articulated by Brennan on behalf of the administration is troubling. This approach, while theoretically appealing, fails on a number of levels. First, it undermines and does a profound injustice to the military and security personnel tasked with operationalizing defense of the state, particularly commanders and officers. When senior leadership deliberately obfuscates policy to create wiggle room and plausible deniability, junior commanders (those at the tip of the spear, in essence) have no framework to guide their operational choices. (56) The results can be disastrous, as the example of Abu Ghraib shows all too well. (57) Second, it gravely endangers the civilian population. What is done in the collective American name poses danger both to our safety, because of the possibility of blow-back attacks in response to a drone attack that caused significant collateral damage, and to our values, because the policy is loosely articulated and problematically implemented.(58) Third, the approach completely undermines our commitment to law and morality that defines a nation predicated on the rule of law. If everyone who constitutes "them" is automatically a legitimate target, then careful analysis of threats, imminence, proportionality, credibility, reliability, and other factors become meaningless. Self-defense becomes a mantra that justifies all action, regardless of method or procedure.

#### 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.

#### And drones first policy undermines cooperation and counterterror credibility

Boyle 13

(Michael, International Affairs, “The costs and consequences of drone warfare,” 2013, <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>) /wyo-mm

Much of the existing debate on drones has focused on their legality under international and domestic law and their ethical use as a weapon of war.10 Setting these issues largely aside, this article will make a different case: that the Obama administration’s growing reliance on drone strikes has adverse strategic effects that have not been properly weighed against the tactical gains associated with killing terrorists. The article will focus primarily on the strategic costs of the CIA-run drone campaigns outside active theatres of war (specifically, Pakistan, Yemen and Somalia) and will not examine the benefits and costs of drones in active theatres of war such as Afghanistan.11 It will challenge the conventional wisdom that drone strikes in the ungoverned spaces of these countries are highly effective by contrasting claims about their relative efficiency at killing ‘bad guys’ with their political effects in the states where they are used. It will argue that drone strikes corrode the stability and legitimacy of local governments, deepen anti-American sentiment and create new recruits for Islamist networks aiming to overthrow these governments. Despite the fact that drone strikes are often employed against local enemies of the governments in Pakistan and Yemen, they serve as powerful signals of these governments’ helplessness and subservience to the United States and undermine the claim that these governments can be credible competitors for the loyalties of the population. This dynamic makes the establishment of a stable set of partnerships for counterterrorism cooperation difficult, if not impossible, because these partnerships depend upon the presence of capable and legitimate governments that can police their territory and efficiently cooperate with the United States. In this respect, American counterterrorism policy operates at cross-purposes: it provides a steady flow of arms and financial resources to governments whose legitimacy it systematically undermines by conducting unilateral drone strikes on their territory. This article will further argue that a drones-first counterterrorism policy is a losing strategic proposition over the long term. The Obama administration’s embrace of drones is encouraging a new arms race for drones that will empower current and future rivals and lay the foundations for an international system that is increasingly violent, destabilized and polarized between those who have drones and those who are victims of them.

#### Effective drones key- need to change our strats to avoid 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.”

#### Global terror threat is high and attacks are immanent

ETN, 9-26-13

[E Turbo News Global Travel News Industry Reporting on information from the State department, US State Department issues worldwide travel warning, http://www.eturbonews.com/38306/us-state-department-issues-worldwide-travel-warning] /Wyo-MB

The US State Department recently released a statement cautioning Americans traveling abroad of potential terror attacks in Europe, Asia, Africa and the Middle East by al-Qaeda and its affiliated groups.¶ According to the report published on US State Government website, The Department of State has issued this Worldwide Caution to update information on the continuing threat of terrorist actions and violence against US citizens and interests throughout the world.¶ U.S. citizens are reminded to maintain a high level of vigilance and to take appropriate steps to increase their security awareness. This replaces the Worldwide Caution dated February 19, 2013, to provide updated information on security threats and terrorist activities worldwide.¶ The Department of State remains concerned about the continued threat of terrorist attacks, demonstrations, and other violent actions against U.S. citizens and interests overseas. Current information suggests that al-Qaeda, its affiliated organizations, and other terrorist groups continue to plan terrorist attacks against US interests in multiple regions, including Europe, Asia, Africa, and the Middle East. These attacks may employ a wide variety of tactics including suicide operations, assassinations, kidnappings, hijackings, and bombings.¶ Extremists may elect to use conventional or non-conventional weapons, and target both official and private interests. Examples of such targets include high-profile sporting events, residential areas, business offices, hotels, clubs, restaurants, places of worship, schools, public areas, shopping malls, and other tourist destinations both in the United States and abroad where US citizens gather in large numbers, including during holidays.¶ In early August 2013, the Department of State instructed certain US embassies and consulates to remain closed or to suspend operations August 4 through August 10 because of security information received. The US government took these precautionary steps out of an abundance of caution and care for our employees and others who may have planned to visit our installations.¶ US citizens are reminded of the potential for terrorists to attack public transportation systems and other tourist infrastructure.¶ Extremists have targeted and attempted attacks on subway and rail systems, aviation, and maritime services. In the past, these types of attacks have occurred in cities such as Moscow, London, Madrid, Glasgow, and New York City.¶ “Extremists may elect to use conventional or nonconventional weapons, and target both official and private interests,” the department said yesterday. Potential targets may include high-profile sports events, residences, businesses, hotels, clubs, restaurants, schools, places of worship, shopping malls and tourist destinations where Americans congregate.¶ Two US officials familiar with the warning said that while it’s a routine renewal of the department’s worldwide caution, it also reflects mounting intelligence that suggests Islamic terrorist groups loosely affiliated with what remains of al-Qaeda’s core leadership in Pakistan may be planning a new series of attacks against Western targets.

#### Nuclear terrorism is feasible---high risk of theft and attacks escalate

Vladimir Z. Dvorkin ‘12 Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

the entire counterterrorist effort, or become a national obsession that creates needless terror.

#### Nuclear terrorism causes extinction

Morgan 9

[Hankuk University of Foreign Studies, Yongin Campus – South Korea (Dennis, Futures, November, “World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race,” Science Direct), accessed 9-16-2011,WYO/JF]

In a remarkable website on nuclear war, Carol Moore asks the question “Is Nuclear War Inevitable??” In Section , **Moore points out what most** **terrorists** obviously **already know about the nuclear tensions between powerful countries**. No doubt, **they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange**. As Moore points out, **all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel**. **Because of the Russian “dead hand” system, “where regional nuclear commanders would be given full powers should Moscow be destroyed,”** **it is likely that any attack would be blamed on the United States”**Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal “Samson option” against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even “anti-Semitic” European cities**In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia.China would probably be involved as well,** **as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere**. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or “lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the “use them or lose them” strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to “win” the war. In other words, once Pandora's Box is opened, it will spread quickly, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, “everyone else feels free to do so.**The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites’ needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons**. And as long as large nations oppress groups who seek self-determination, some of those groups will look for any means to fight their oppressors”  **In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons**, and once even just one is used, it is very likely that many, if not all, will be used, **leading to horrific scenarios of global death and the destruction of much of human civilization while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter.**

#### Current terror blowback results in bioterror

Nader 11

(Ralph, Stop the War Coaltion, “How Obama's drone warfare increases the likelihood of blowback,” November 13, 2011, <http://www.stopwar.org.uk/index.php/afghanistan-and-pakistan/933-how-drone-warfare-increases-the-likelihood-of-terrorist-blowback->) /wyo-mm

People who see invaders occupying their land with military domination that is beyond reach will resort to ever more desperate counterattacks, however primitive in nature. When the time comes that robotic weapons of physics cannot be counteracted at all with these simple handmade weapons because the occupier’s arsenals are remote, deadly and without the need for soldiers, what will be the blowback? Already, people like retired Admiral Dennis Blair, former director of National Intelligence under President Obama is saying, according to POLITICO, that the Administration should curtail US-led drone strikes on suspected terrorists in Pakistan, Yemen and Somalia because the missiles fired from unmanned aircraft are fueling anti-American sentiment and undercutting reform efforts in those countries. While scores of physicists and engineers are working on refining further advances in UAVs, thousands of others are staying silent. In prior years, their counterparts spoke out against the nuclear arms race or exposed the unworkability of long-range missile defense. They need to re-engage. Because the next blowback may soon move into chemical and biological resistance against invaders. Suicide belts may contain pathogens—bacterial and viral—and chemical agents deposited in food and water supplies. Professions are supposed to operate within an ethical code and exercise independent judgment. Doctors have a duty to prevent harm. Biologists and chemists should urge their colleagues in physics to take a greater role as to where their knowhow is leading this tormented world of ours before the blowback spills over into even more lethally indefensible chemical and biological attacks.

#### Causes extinction

Ochs 2002

(Richard; Naturalist – Grand Teton National Park with a Masters in Natural Resource Management from Rutgers) “Biological Weapons must be abolished immediately” 6/9 www.freefromterror.net/other\_articles/abolish.html

 **Of all** the **w**eapons of **m**ass **d**estruction, **the** genetically engineered **biological weapons**, many without a known cure or vaccine, **are an extreme danger to the continued survival of life on earth**. Any perceived military value or deterrence pales in comparison to the great risk these weapons pose just sitting in vials in laboratories. **While a** "**nuclear winter**," **resulting from a massive exchange of nuclear weapons, could also kill off most of life on earth and severely compromise the health of future generations, they are easier to control**. **Biological weapons, on the other hand, can get out of control very easily**, as the recent anthrax attacks has demonstrated. There is no way to guarantee the security of these doomsday weapons because very tiny amounts can be stolen or accidentally released and then grow or be grown to horrendous proportions. **The Black Death of the Middle Ages would be small in comparison to the potential damage bioweapons could cause**. **Abolition of chemical weapons is less of a priority because, while they can also kill millions of people outright, their persistence in the environment would be less tha**n nuclear or **biological agents or more localized**. **Hence, chemical weapons would have a lesser effect on future generations of innocent people and the natural environment**. Like the Holocaust, once a localized chemical extermination is over, it is over. **With** nuclear and **biological weapons, the killing will probably never end**. Radioactive elements last tens of thousands of years and will keep causing cancers virtually forever. Potentially worse than that, **bio-engineered agents by the hundreds with no known cure could wreck even greater calamity on the human race than could persistent radiation**. AIDS and ebola viruses are just a small example of recently emerging plagues with no known cure or vaccine. Can we imagine hundreds of such plagues? HUMAN EXTINCTION IS NOW POSSIBLE.

#### Newest developments take out all impact defense

Jordans, 2011

[Frank, Associated Press, 12-7-11, Clinton warns of bioweapon threat from gene tech, http://www.nbcnews.com/id/45584359/ns/#.UkkMV2T72Ik] /Wyo-MB

GENEVA — New gene assembly technology that offers great benefits for scientific research could also be used by terrorists to create biological weapons, U.S. Secretary of State Hillary Rodham Clinton warned Wednesday.¶ The threat from bioweapons has drawn little attention in recent years, as governments focused more on the risk of nuclear weapons proliferation to countries such as Iran and North Korea.¶ But experts have warned that the increasing ease with which bioweapons can be created might be used by terror groups to develop and spread new diseases that could mimic the effects of the fictional global epidemic portrayed in the Hollywood thriller "Contagion."¶ Speaking at an international meeting in Geneva aimed at reviewing the 1972 Biological Weapons Convention, Clinton told diplomats that the challenge was to maximize the benefits of scientific research and minimize the risks that it could be used for harm.¶ "The emerging gene synthesis industry is making genetic material more widely available," she said. "This has many benefits for research, but it could also potentially be used to assemble the components of a deadly organism."¶ Gene synthesis allows genetic material — the building blocks of all organisms — to be artificially assembled in the lab, greatly speeding up the creation of artificial viruses and bacteria.¶ The U.S. government has cited efforts by terrorist networks such as al-Qaeda to recruit scientists capable of making biological weapons as a national security concern.¶ Advertise¶ "A crude but effective terrorist weapon can be made using a small sample of any number of widely available pathogens, inexpensive equipment, and college-level chemistry and biology," Clinton told the meeting.¶ "Less than a year ago, al-Qaeda in the Arabian Peninsula made a call to arms for, and I quote, 'brothers with degrees in microbiology or chemistry ... to develop a weapon of mass destruction,'" she said.¶ Clinton also mentioned the Aum Shinrikyo cult's attempts in Japan to obtain anthrax in the 1990s, and the 2001 anthrax attacks in the United States that killed five people.¶ Washington has urged countries to be more transparent about their efforts to clamp down on the threat of bioweapons. But U.S. officials have also resisted calls for an international verification system — akin to that for nuclear weapons — saying it is too complicated to monitor every lab's activities.

### Solvency

#### The creation of a federal counterterror oversight court solves all problems with the targeted killing program and all disads to judicial review

Plaw, 2007

[Avery, Assistant Professor of Political Science at the University of Massachusetts at Dartmouth. He has taught at Concordia University and was also a Visiting Scholar at New York University. His primary research and teaching interests are in contemporary political theory and the history of moral and political thought, and he has published widely on these subjects. "Terminating terror: the legality, ethics and effectiveness of targeting terrorists." Theoria 114 (2007): Academic OneFile. Web. 3 Oct. 2013] /Wyo-MB

This final section offers a briefcase that there is room for a principled compromise between critics and advocates of targeting terrorists. The argument is by example--a short illustration of one promising possibility. It will not satisfy everyone, but I suggest that it has the potential to resolve the most compelling concerns on both sides.¶ The most telling issues raised by critics of targeting fall into three categories: (1) the imperative need to establish that targets are combatants; (2) the need in attacking combatants to respect the established laws of war; and (3) the overwhelming imperative to avoid civilian casualties. The first issue seems to demand an authoritative judicial determination that could only be answered by a competent court. The second issue requires the openly avowed and consistent implementation of targeting according to standards accepted in international law--a requirement whose fulfillment would best be assured through judicial oversight. The third issue calls for independent evaluation of operations to assure that standards of civilian protection are robustly upheld, a role that could be effectively performed by a court.¶ The first issue, then, must, and the second and third can, be resolved by the introduction of credible judicial oversight. But what kind of court could be expected to maintain secrecy around sensitive intelligence and yet render authoritative determinations as to, for example, individuals' combat status? An independent international court would doubtless be ideal, but even apart from all the technical and administrative difficulties such a solution would entail and the secrecy concerns it would evoke, it seems clear that the United States and Israel would refuse to have their national security subject to the authority of a foreign body, however judicious. They would argue, as indeed they have in regard to the ICC, that the final authority in this supremely important domain must derive ultimately from the will of their own people, whose lives and community are at stake. On the other hand, critics of targeting would certainly demand an independent, competent and internationally credible body. All the more so since the court's proceedings, for obvious reasons, could not be open to public scrutiny.¶ On this difficult question Michael Ignatieff offers a helpful idea. He suggests the possibility of setting up a national court to address counterterrorism issues loosely based on the model on the Foreign Intelligence Surveillance Court (FISC), which considers surveillance and physical search requests from the Department of Justice and U.S. intelligence agencies related to foreign intelligence operations in the U.S. (Ignatieff 2004:134). Developing Ignatieff's suggestion, the new court could be called the Federal Counterterrorism Oversight Court (FCOC).¶ The institutional features of the FCOC could be designed to assure credibility and independence on one side, and secure and efficient contribution to national policy on the other. For example, like the FISC, the FCOC could be composed of seven federal court judges selected by the Chief Justice of the Supreme Court and serving staggered seven years terms. Like the FISC, the FCOC could hold its proceedings in camera, ensuring the secrecy of sensitive intelligence information. The FCOC could then consider requests from military and intelligence organizations to designate suspected terrorists as enemy combatants, assessing whether the intelligence presented warranted such a designation. It could also be assigned the responsibility to automatically review any actions that resulted in civilian casualties, and could be given the power to publicly censure operations that inadequately protected civilians, as well as to suspend, or even to terminate, targeting operations. Finally, it could also be authorized to review charges brought by other governments or private persons that targeting operations violated humanitarian law, in particular, by engaging in perfidy or employing disproportionate force.¶ 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.¶ In the second place, the FISC foregoes adversarial legal proceedings because potential subjects of surveillance can obviously not participate. It has been much criticized on this count. The FCOC should not follow this precedent which, in the views of many jurists and scholars, flies in the face of the core of the Western legal tradition. Evidently, the trials of terrorists who cannot otherwise be brought to justice will be conducted in absentia. This does not, however, necessitate the abandonment of adversarial procedure. In addition to the seven judges appointed to the court, an independent counsel should be appointed by the President of the National Bar Association to represent the interests of the accused before the court. Evidently, appropriate precautions will need to be taken to ensure the secrecy of court proceedings. But the independent counsel should also not be barred from offering general assessments of the performance of the court. Obviously this is an imperfect resolution to an intractable problem, but it should contribute significantly to ensuring the fairness of the FCOC.¶ Finally, the FCOC must be distinguished from the FISC in a third crucial sense. The recent 'domestic surveillance' scandal in the United States involving the Executive Branch's circumvention of the FISC approval process suggests safeguards would need to be built into the FCOC mandate. In the case of the FISC, President Bush issued an Executive Order which authorized the National Security Agency to carry out surveillance of any Americans suspected of links with al Qaeda without FISC approval (Risen and Lichtblau 2005). The scandal and legal consequences that ensued for the administration once this information became public in 2005 have significantly reduced the likelihood of a similar course being taken in the future. Nonetheless, the possibility should be explicitly precluded by specifying in the enabling legislation that no targeting action can be considered legally authorized without approval of the court. In response to the argument that immediate action may sometimes be required in emergency situations, the presiding justice could be permitted to issue a provisional approval based on prima facie evidence, but only subject to full subsequent review by the court.¶ 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).¶ On the other hand, some advocates will certainly worry that a requirement of FCOC approval will hinder the efficiency of targeting and that publishing lists of targets will render them more difficult to find. On the former point, however, there is little evidence that the incorporation of reasonable judicial procedures, such as those of the FISC, need render related policy ineffective. After all, as the 9/11 commission observed, the intelligence community succeeded in gathering the data necessary to anticipate the September 11 attack (National Commission on Terrorist Attacks upon the United States 2004: 254-77). The failure was in the domains of analysis and response. What is evident, however, is that carrying out extensive and dangerous counter-terrorist programs without judicial oversight generates widespread public skepticism and opposition (which tends to undermine the effectiveness of the programs) and leads to enormous legal difficulties in the long run--as exemplified by the American torture/rendition program.¶ On the second point, while it is true that targets may 'go to ground' if tipped off, the fact is that all or virtually all potential targets are already on most wanted lists (often with hefty price tags connected to information leading to them). In essence, they have already gone to ground--that is in part why targeting is required in the first place. Moreover, a retreat into even deeper obscurity is likely to further disrupt their ability to organize and carry out attacks. Finally, the Israeli experience suggests that targets will break cover eventually, and a little patience seems like a small price to pay for ensuring the justice of state-administered killing.¶ These answers will not fully satisfy either all critics or all advocates. But the burden of this section has been only to show that compromises are possible that address their most legitimate concerns. I think that the suggestion of an FCOC shows that a plausible and principled compromise is possible. In this light, the pertinent question becomes not whether terrorist targeting as currently practiced is uniformly legal, moral and practical or the reverse, but how institutions can best be designed to assure that terrorist targetings carried out in the future are uniformly legitimate and effective.

#### And, independent courts are key—only checks on unilateral executive power can provide legitimacy to the United States and credibility to our counterterror policies

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

Rather, balancing the needs of security against the imperatives of liberty is a traditional¶ role for judges to play as recognized by the founders in the Fourth Amendment.110 Two scholars of national security law have highlighted the value of judicial inclusion in this process:¶ Judicial control of targeted killing could increase the accuracy of target selection, reducing the danger of mistaken or illegal destruction of lives, limbs, and property. Independent judges who double-check targeting decisions could catch errors and cause executive officials to avoid making them in the first place.”111¶ Judges are also both knowledgeable in the vagaries of the law and accustomed to dealing with sensitive security considerations.112 These qualifications make them ideal candidates to ensure that the executive exercises constitutional and international legal restraint when targeting individuals abroad. Reforming the decision-making process to allow for judicial oversight would accomplish numerous other important goals as well. Aside from providing a valuable check on executive power to take away the most fundamental of freedoms guaranteed by our Constitution—the right to life—judicial oversight would reinforce the separation of powers framework of American government and increase democratic legitimacy by placing these determinations on more predictable and accountable legal grounds. For those fearful of judicial encroachment on executive war-making powers, there is a strong argument that this will actually strengthen the President and empower him to take decisive action without worrying about the judicial consequences. As Justice Kennedy put it, “the exercise of [executive] powers is vindicated, not eroded, when confirmed by the judicial branch.”113 Moreover, though it may be technically legal under international and domestic law, the targeted killing program has become a black spot on American credibility around the globe. The introduction of significant checks on unilateral executive power to target known terrorists can help reform that image and reinstate American moral legitimacy in its use of force against global terrorism.114

## 2AC

**CP**

**Drone Courts key – Congress should establish Judicial Review, it is the best check on the president, all other mechanisms insufficient**

**Bazzle 12**

(Timothy, George Mason University Civil Rights Law Journal, “Shutting the courthouse doors: invoking the state secrets privilege to thwart judicial review in the age of terror,” 2012, Hein Library Online) /wyo-mm

By design, **courts serve as a bulwark against the excesses of the political branches**. The challenge courts face when confronted with a claim of state secrets is reconciling their Article III duties with the Executive’s potentially competing Article II duties.212 **While the temptation for the Executive to concentrate its power is understandable, a robust state secrets privilege insulates an overreaching Executive from meaningful oversight. To the extent courts are able to fashion judicial devices for determining when and how the states privilege applies, they** may **represent the most important method of controlling Executive Branch activity**.213 **Given the inability of Congress to enact legislation to constrain the application of the privilege**,214 **courts are perhaps also the best equipped to block the Executive Branch from self-interestedly invoking the privilege to protect itself from embarrassment and potential civil and criminal liability**.215 **Academic arguments claiming that courts should automatically defer to the Executive’s expertise in national security and foreign affairs matters**216 **ignore the potentially more serious—and structural—conflict of interest problem that occurs when an Executive**, accused of wrongdoing, **can self-servingly invoke the state secretes privilege to conceal its action from public view**.217 **Reinforcing judicial review of state secrets claim represents an important check on the potential for Executive Branch abuse of the privilege**.

**Judicial review is essential to judicial independence**

**Gerber, 2007**

[Scott D. Gerber is an associate professor at Ohio Northern University College of Law and a senior research scholar in law and politics at the Social Philosophy and Policy Center, The Political Theory of an Independent Judiciary, 116 YALE L.J. POCKET PART 223 (2007), http://thepocketpart.org/2007/01/09/gerber.html] /Wyo-MB

**Judicial review fits into the political theory of an independent judiciary in at least two ways**. **First, judicial review is a core component of the Constitution’s system of checks and balances, a system in which each branch of the federal government is endowed with**, in the words of The Federalist No. 48, “a constitutional control over the others.” The President has, among other checks, a veto over congressional bills and the power to nominate federal judges. Congress has, among other checks, the power to override presidential vetoes and to control the size and jurisdiction of the federal courts, as well as the power to impeach all federal officials**. Without the power of judicial review, what check—what “constitutional control”—would the federal judiciary have on the President or Congress? The answer is none**. As a consequence**, judicial review is an inevitable component of the Constitution’s commitment to checks and balances.¶ Judicial review also fits into the political theory of an independent judiciary in another, equally straightforward, fashion: judicial review is the ultimate expression of judicial independence, because without judicial independence no court could safely void an act of a coordinate political branch**. Bluntly stated, the risk to a judge who exercises judicial review when he or she is not independent of the executive and the legislature is either removal from the bench or a reduction in salary. John Adams knew this, and so did the Framers who met in Philadelphia during the summer of 1787 when they wrote Adams’s theory of judicial independence into Article III of the Constitution.

**Judicial independence is critical to democratic consolidation**

**Herron and Randazzo, 2003**

[Erik, University of Kansas and Kirk, University of Kentucky, The Relationship Between Independence and Judicial Review in Post-Communist Courts, THE JOURNAL OF POLITICS, Vol. 65, No. 2, May 2003, Pp. 422–438, http://people.cas.sc.edu/randazzo/herron\_randazzo\_2003\_jop.pdf] /Wyo-MB

Although **independent judiciaries are important actors in democratic consolidation**, how expressions of judicial independence evolve in transitional societies¶ remains unclear. Ideally, **courts review legislation and government decisions¶ under the rubric of constitutionality**. That is, **the judiciary is able to declare laws¶ and actions unconstitutional and serve as a check against excesses by other¶ branches of government. A strong judiciary in newly independent countries helps¶ the state break with its authoritarian past and develop a constitutional culture that¶ teaches state actors that the legal system cannot be transgressed for political gain**¶ (Brewer-Carias 1989; Larkins 1996). However, the development of an independent judiciary can be constrained by a weak institutional legacy, limited training¶ and support for judges, and the strength of other political actors. **If the judiciary¶ does not have the authority to make independent decisions, democratic progress may falter, potentially returning the country to “the darkness and chaos of a totalitarian and dictatorial regime**” (Mohan 1982, 110).1

**Solves global wars,**

**Epstien et al, 2007**

[Susan B. Epstein, Nina M. Serafino, and Francis T. Miko Specialists in Foreign Policy Foreign Affairs, Defense, and Trade Division Congressional research service, Democracy Promotion: Cornerstone of U.S. Foreign Policy?, 12-26-7, http://www.au.af.mil/au/awc/awcgate/crs/rl34296.pdf] /Wyo-MB

**A common rationale offered by proponents of democracy promotion**, including¶ former Secretary of State Madeleine Albright and current Secretary of State¶ Condoleezza Rice, **is that democracies do not go to war with one another. This is¶ sometimes referred to as the democratic peace theory. Experts point to European¶ countries, the United States, Canada, and Mexico as present-day examples.¶** According to President Clinton’s National Security Strategy of Engagement and¶ Enlargement: “**Democracies create free markets that offer economic opportunity,¶ make for more reliable trading partners, and are far less likely to wage war on one¶ another.**”22¶ Some have refined this democracy peace theory by distinguishing between¶ mature democracies and those in transition, suggesting that **mature democracies do¶ not fight wars with each other,** but that countries transitioning toward democracy are¶ more prone to being attacked (because of weak governmental institutions) or being¶ aggressive toward others. States that made transitions from an autocracy toward¶ early stages of democracy and were involved in hostilities soon after include France¶ in the mid-1800s under Napoleon III, Prussia/Germany under Bismarck (1870-1890),¶ Chile shortly before the War of the Pacific in 1879, Serbia’s multiparty constitutional¶ monarchy before the Balkan Wars of the late 20th Century, and Pakistan’s military guided pseudo-democracy before its wars with India in 1965 and 1971.23¶ The George W. Bush Administration asserts that **democracy promotion is a¶ long-term antidote to terrorism. The Administration’s Strategy for Winning the War¶ on Terror asserts that inequality in political participation and access to wealth¶ resources in a country, lack of freedom of speech, and poor education all breed¶ volatility. By promoting basic human rights**, freedoms of speech, religion, assembly,¶ association and press, **and** **by maintaining order within their borders and providing¶ an independent justice system, effective democracies can defeat terrorism in the long¶ run,** according to the Bush White House.24¶ Another reason given to encourage democracies (although debated by some¶ experts) is the belief that **democracies promote economic prosperity**. From this¶ perspective, **as the rule of law leads to a more stable society and as equal economic¶ opportunity for all helps to spur economic activity, economic growth, particularly of¶ per capita income, is likely to follow. In addition, a democracy under this scenario¶ may be more likely to be viewed by other countries as a good trading partner** and by¶ outside investors as a more stable environment for investment, according to some¶ experts. Moreover**, countries that have developed as stable democracies are viewed¶ as being more likely to honor treaties,** according to some experts.25

**And, Drone courts key to solve separation of powers**

**Bandow, 2012**

[Doug, Senior Fellow at the Cato Institute, America as Constitutional Republic: When Can the President Kill?, 2-28-12, http://www.huffingtonpost.com/doug-bandow/america-as-constitutional\_b\_1307524.html] /Wyo-MB

These are reasonable arguments. But **allowing the president and his aides to compile "kill lists" in secret with no charges filed, no outside review of evidence, and no oversight of decisions should leave every American more than uncomfortable. Unreviewable and unaccountable power is inconsistent with a constitutional republic**.¶ Events like 9/11 may justify expanding government power. However, **officials still must be held accountable for their use of that power**. Yet in cases like al-Aulaqi **there is no accountability so long as the government is careful to assert arguments which offer a constitutional justification for targeted killings -- that the person posed an imminent threat which could be dealt with no other way -- and the courts refuse to exercise oversight**.¶ **Even if the president can get away with acting unilaterally, he should not do so**. **The administration could create a formal process with internal checks and balances**. Afsheen John Radsan and Richard Murphy, of the William Mitchell School of Law and Texas Tech University School of Law, respectively, argued that "the government must take reasonable steps based on individualized facts to ensure accuracy before depriving any person of life, liberty, or property," but suggested that **this** requirement "might be satisfied by independent, **intra-executive review**." In fact, Jeh Johnson contended: "Within the executive branch the views and opinions of the lawyers on the president's national security team are debated and heavily scrutinized."¶ **However honest such an internal review, it is not enough**. In the case of al-Aulaqi, **the administration should have released its decision memo. It need not reveal any sensitive intelligence. But the government's arguments should be available for public review**. Chicago Tribune columnist Steve Chapman complained that the president "saw no need to bother" to make the case that al-Aulaqi "posed a clear threat to American lives and that the missile was the only feasible way to avert it." The president should have made the case. Moreover, **the nation's founders created a system with numerous checks and balances to constrain government irrespective of who was in office**. Argued Robert Levy: "**The separation of powers doctrine, if it means anything, stands for the proposition that citizens cannot be killed on command of the executive branch alone, without regard to the Fourth and Fifth Amendments." Institutionalizing stricter safeguards is imperative today, with the new forms of warfare which has come to dominate U.S. policy.**

**Impact is nuclear war**

**Forrester 89** - Professor, Hastings College of the Law (Ray, August 1989, ESSAY: Presidential Wars in the Nuclear Age: An Unresolved Problem, 57 Geo. Wash. L. Rev. 1636)

On the basis of this report, the startling fact is that **one** man **[person] alone has the ability to start a nuclear war**. A basic theory--if not the basic theory of our Constitution--is that **concentration of power** in any one person, or one group, **is dangerous to** mankind **[humanity]. The Constitution**, therefore, **contains a strong system of checks and balances, starting** **with the separation of powers** between the President, Congress, and the Supreme Court. The message is that no one of them is safe with unchecked power. Yet, in what is probably the most dangerous governmental power ever possessed, we find the potential for world destruction lodged in the discretion of one person. As a result of public indignation aroused by the Vietnam disaster, in which tens of thousands lost their lives in military actions initiated by a succession of Presidents, Congress in 1973 adopted, despite presidential veto, the War Powers Resolution. Congress finally asserted its checking and balancing duties in relation to the making of presidential wars. Congress declared in section 2(a) that its purpose was to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations. The law also stated in section 3 that [t]he President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated. . . . Other limitations not essential to this discussion are also provided. The intent of the law is clear. Congress undertook to check the President, at least by prior consultation, in any executive action that might lead to hostilities and war.  [\*1638]  President Nixon, who initially vetoed the resolution, claimed that it was an unconstitutional restriction on his powers as Executive and Commander in Chief of the military. His successors have taken a similar view. Even so, some of them have at times complied with the law by prior consultation with representatives of Congress, but obedience to the law has been uncertain and a subject of continuing controversy between Congress and the President. Ordinarily, the issue of the constitutionality of a law would be decided by the Supreme Court. But, despite a series of cases in which such a decision has been sought, the Supreme Court has refused to settle the controversy. The usual ground for such a refusal is that a "political question" is involved. The rule is well established that the federal judiciary will decide only "justiciable" controversies. "Political questions" are not "justiciable." However, the standards established by the Supreme Court in 1962 in [Baker v. Carr, 369 U.S. 186,](http://www.lexisnexis.com/us/lnacademic/mungo/lexseestat.do?bct=A&risb=21_T9842011382&homeCsi=7338&A=0.48452774259109876&urlEnc=ISO-8859-1&&citeString=369%20U.S.%20186&countryCode=USA) to determine the distinction between "justiciable controversies" and "political questions" are far from clear. One writer observed that the term "political question" [a]pplies to all those matters of which the court, at a given time, will be of the opinion that it is impolitic or inexpedient to take jurisdiction. Sometimes this idea of inexpediency will result from the fear of the vastness of the consequences that a decision on the merits might entail. Finkelstein, Judicial Self-Limitation, 37 HARV. L. REV. 338, 344 (1924)(footnote omitted). It is difficult to defend the Court's refusal to assume the responsibility of decisionmaking on this most critical issue. The Court has been fearless in deciding other issues of "vast consequences" in many historic disputes, some involving executive war power. It is to be hoped that the Justices will finally do their duty here. But **in the meantime the spectre of single-minded power persists, fraught with all of the frailties** of human nature **that each human possesses, including the President**. World history is filled with tragic examples. Even if the Court assumed its responsibility to tell us whether the Constitution gives Congress the necessary power to check the President, the War Powers Resolution itself is unclear. Does the Resolution require the President to consult with Congress before launching a nuclear attack? It has been asserted that "introducing United States Armed Forces into hostilities" refers only to military personnel and does not include the launching of nuclear missiles alone. In support of this interpretation, it has been argued that Congress was concerned about the human losses in Vietnam and in other presidential wars, rather than about the weaponry. Congress, of course, can amend the Resolution to state explicitly that "the introduction of Armed Forces" includes missiles as well as personnel. However, the President could continue to act without prior consultation by renewing the claim first made by President  [\*1639]  Nixon that the Resolution is an unconstitutional invasion of the executive power. Therefore, the real solution, in the absence of a Supreme Court decision, would appear to be a constitutional amendment. All must obey a clear rule in the Constitution. The adoption of an amendment is very difficult. Wisely, Article V requires that an amendment may be proposed only by the vote of two-thirds of both houses of Congress or by the application of the legislatures of two-thirds of the states, and the proposal must be ratified by the legislatures or conventions of three-fourths of the states. Despite the difficulty, the Constitution has been amended twenty-six times. Amendment can be done when a problem is so important that it arouses the attention and concern of a preponderant majority of the American people. But the people must be made aware of the problem. It is hardly necessary to belabor the relative importance of the control of nuclear warfare. A constitutional amendment may be, indeed, the appropriate method. But the most difficult issue remains. What should the amendment provide? How can the problem be solved specifically? The Constitution in section 8 of Article I stipulates that "[t]he Congress shall have power . . . To declare War. . . ." The idea seems to be that only these many representatives of the people, reflecting the public will, should possess the power to commit the lives and the fortunes of the nation to warfare. This approach makes much more sense in a democratic republic than entrusting the decision to one person, even though he may be designated the "Commander in Chief" of the military forces. His power is to command the war after the people, through their representatives, have made the basic choice to submit themselves and their children to war. **There is a recurring relevation of a paranoia of power**throughout human history **that has impelled one leader after another** to draw their people **into wars** which, in hindsight, were foolish, unnecessary, and, in some instances, downright insane. Whatever may be the psychological influences that drive the single decisionmaker to these irrational commitments of the lives and fortunes of others, the fact remains that the **behavior is a predictable** one **in any government that does not provide an effective check and balance against uncontrolled power in the hands of one human**. We, naturally, like to think that our leaders are above such irrational behavior. Eventually, however, human nature, with all its weakness, asserts itself whatever the setting. At least that is the evidence that experience and history give us, even in our own relatively benign society, where the Executive is subject to the rule of law.  [\*1640]  Vietnam and other more recent engagements show that it can happen and has happened here. But the "nuclear football"--the ominous "black bag" --remains in the sole possession of the President. And, most important, his **[the] decision to launch a nuclear missile would be**, in fact if not in law, a **declaration of nuclear war, one which** the nation and, indeed, **humanity** in general, probably **would be unable to survive**.

**First, perm do both-**

**Second, Links to politics- causes massive controversy**

**Goldsmith 13**

(Jack, Lawfare, “More on Drone Shift from CIA to DOD,” March 21, 2013, <http://www.lawfareblog.com/2013/03/more-on-drone-shift-from-dod-to-cia/>) /wyo-mm

Following up on Wells’ post, I increasingly think that **the shift in drone authorities from CIA to DOD** first reported by Dan Klaidman might not amount to much in substance, and that any proposed changes **face many hurdles** in any event. In addition to the suggestions to this effect in the NYT story that Wells discusses, **the WSJ reports that any CIA wind down in Yemen and especially Pakistan will be slow at best. It also notes that the possible shift from CIA to DOD “remains controversial on Capitol Hill, within the CIA and in some military circles among people who think the program is more effective under the agency’s control.”** **And it describes disagreements about the shift between** Senator **McCain**, who is on the Arms Services Committee and **who** (unsurprisingly) **favors the shift, and Senator Feinstein, who is on the Intelligence Committee and** who (unsurprisingly) **opposes it. This congressional jurisdictional battle** (more details here) **could have large consequences for the success of any shift.**

**Third, No solvency for terrorism or drone prolif**

**Zakaria 13**

(Rafia, Aljazeera, “President Obama: The drones don't work, they just make it worse,” March 26, 2013, <http://www.aljazeera.com/indepth/opinion/2013/03/201332685936147309.html>) /wyo-mm

**Moving the drone program from the CIA to the Department of Defense is** thus **being painted as a victory**, even a capitulation, to those critics who have criticised the lack of transparency, accountability, and legal basis of the drone program. **However, the details of the move do not suggest a reversal or even a rethinking of the strategic imperatives that the Obama Administration and the CIA have used to justify the drone program**. First, **the gradual process of the transition without any publicly disclosed details of how and when it will be completed are likely to create a situation in which**, at least for a time, **it would be** difficult if not **impossible to tell which agency, the D**epartment **o**f **D**efense **or** the **CIA, would actually be responsible for a strike**. Second, according to a government official who spoke to the Washington Post, **the CIA program in Pakistan would be phased out even later “because of the complexities there” and because the program**, unlike the ones in Yemen and Somalia, was actually **begun by the CIA**. Finally, **even if the drone program is actually moved to the D**epartment **o**f Defense, **it will be incorporated into its most secret portion, the Joint Special Operations Command, whose top-secret operations are also covert and never released to the public. When these factors are considered, the effort to provide more transparency and an institutional framework for the drone program seem chimerical at best and deceptive at worst**. All of them point to a continuation of a national security mindset, within the Obama Administration and the State Department, both believing that drones, cheaply bought and unmanned, are a perfect way to bombard other countries with minimal cost the United States. With the risk of dead American soldiers reduced to nothing, military officials are also gobbling up the idea of waging remote-control wars all over the world, wherever a possible or even supposed threat can be identified.

**Iran**

**Sanctions coming now, they are bipart and being pushed aggressively**

**Zengerle 11-15**

(Patrick, writer for Reuters. “Bid for more sanctions on Iran could reach Senate next week” 11-15-13 http://www.reuters.com/article/2013/11/15/us-iran-nuclear-sanctions-idUSBRE9AE13320131115//wyoccd)

(Reuters) - **Legislation to impose tough new sanctions on Iran could come to the Senate floor next week, j**ust as diplomats head to Geneva for a third round of talks aimed at curbing Tehran's suspected nuclear weapons work.¶ President Barack Obama has appealed to Congress to hold off on new sanctions to allow time to pursue a diplomatic deal. But Congress is generally more hawkish about Iran than the administration, and both Republicans and some of Obama's fellow Democrats have balked at any further delay.¶ Frustrated that the Senate Banking Committee has delayed a tough new sanctions package at the White House's request, **several Republicans said they were considering forcing the issue by offering more restrictions on Iran as an amendment to a defense authorization bill expected to come to the Senate floor by the middle of next week**.¶ "That means we get the defense bill on the eve of Geneva Part three and all of this back-and-forth between Congress and the White House comes to a head," a senior Senate aide said.¶ **Western nations fear that Iran's nuclear program is aimed at developing nuclear weapons, while Tehran says it is purely peaceful**.¶ **The issue of sanctions on Iran is a rare area where U.S. Republicans and Democrats work together.¶ Supported by the influential pro-Israel lobby, measures condemning Iran pass both houses of Congress by overwhelming margins**. The House of Representatives approved its tighter sanctions bill in July by a vote of 400 to 20.¶ It could be challenging politically for Democratic Senate leaders to refuse a vote on a sanctions amendment to the National Defense Authorization Act. The multi-billion-dollar bill, which sets annual defense policy, also would be difficult for Obama to veto.¶ LAYING DOWN MARKERS AHEAD OF VOTE¶ As the debate went on, lawmakers on both sides of the issue issued statements spelling out their positions.¶ Four Republican senators - Mark Kirk of Illinois, Marco Rubio of Florida, John Cornyn of Texas and Kelly Ayotte of New Hampshire - wrote to Obama expressing deep concern about the negotiations, citing reports that Iran would obtain up to $20 billion in sanctions relief but not be required to shut down centrifuges, close facilities or get rid of enriched uranium.¶ In the letter obtained by Reuters on Friday, they spelled out their concerns and said that tough new sanctions should be put in place to increase pressure on Iran.¶ "**Rather than forfeiting our diplomatic leverage, we should increase it by intensifying sanctions until Iran suspends its nuclear and ballistic missile programs in accordance with multiple Security Council resolutions**," the four senators wrote.¶ But California Senator Dianne Feinstein, a senior Democrat who is chairwoman of the Senate Intelligence Committee, said she "strongly opposed" any attempt to increase sanctions on Iran while the "P5+1" talks with Tehran, western powers, China and Russia continue.¶

**New fears renew push for sanctions despite Obama statements-and doesn’t solve for Israeli strikes**

**VOA 11-14**

(“Obama: Possible Iran Deal Won't Touch Core Sanctions” 11-14-13 http://www.voanews.com/content/obama-possible-iran-deal-wont-touch-core-sanctions/1790304.html//wyoccd)

U.S. President Barack **Obama urged Congress on Thursday not to add new sanctions against Iran as world powers attempt to negotiate a deal on Iran's controversial nuclear program**,¶ But Obama warned that Washington is not changing its bottom line despite the potential for a nuclear deal with Tehran.¶ "Iran cannot have nuclear weapons and I'm leaving all options on the table to make sure that we meet that goal."¶ President Obama's comment at a news conference Thursday in Washington follows a surge in optimism among top U.S. diplomats that a deal with Iran is within reach.¶ But that **optimism has alarmed U.S. lawmakers, many of whom say Iran cannot be trusted and that new sanctions are needed**.¶ Obama says hitting Iran with new sanctions could scuttle a deal and that they are not necessary.¶ "**We would leave in place the core sanctions that are most effective and have the most impact on the Iranian economy, specifically oil sanctions and sanctions in respect to banks and financing.**"¶ Iran insists its nuclear program is for peaceful purposes but the U.S. and others have accused Iran of seeking nuclear weapons.¶ The president said the proposed short-term deal would call for Tehran to stop advancing its nuclear program and subject Iran to more rigorous inspections in exchange for minimal sanctions relief. He said sanctions could then be ramped up again if Iran failed to comply.¶ Separately Thursday, the United Nations' nuclear agency said Iran has frozen expansion of its uranium enrichment capacity since August, when President Hassan Rouhani took office.¶ But Reuters reported Israeli Prime Minister Benjamin **Netanyahu** said Thursday he **was "not impressed" by the IAEA report, saying Iran already has all the capacity it needs.¶ Israel has repeated warned against any deal with Tehran that does not completely eliminate Iran's ability to enrich uranium and produce a nuclear weapon.**

**1st, Restrictions on targeted killing coming now—debates on transparency and oversight thump the disad**

**Stangler, 9-16-13**

[Cole, In These Times staff writer based in northeast D.C., covering Congress, corruption and politics in Washington. His reporting has appeared in The Huffington Post and The American Prospect, Will Syria Re-Energize the Anti-Drone Movement?, http://inthesetimes.com/article/15627/will\_syria\_re\_energize\_the\_anti\_drone\_movement/] /Wyo-MB

 **“It can be enough to have champions in Congress who are going to really push these issues with the administration, especially if they’re on key committees**,” Benjamin says. “**We’re having a Drone Summit** November 16 and 17, and before these issues around Syria, I was saying, ‘Oh, it’s not even worth it to try and get Congress people to come; they’re not going to want to be seen as speaking out against the administration’s policies.’ And now I feel totally differently. Now I feel like, ‘**Yes, let’s push them to come to the drone summit. Let’s get them to be our champions.’ ”**¶ **One of those champions, at least on the issue of targeted killings, could very well be Grayson, who sits on the House Committee on Foreign Affairs**. In These Times asked the congress member if **he was interested in addressing and reining in the administration’s use of drones.**¶ “Yes, that’s up for debate,” Grayson answered. ”It’s clear now that we’ve killed over 100 children in these drone attacks. It’s difficult to characterize these children as, in any sense, Al-Qaeda members. And the problem with drone attacks is that it makes warfare almost invisible to everyone except the victims. The Obama administration has used drones according to published reports over 100 times in Pakistan and in Yemen. And what they’ve created was the same sort of secret war that we ended up condemning Nixon for in Cambodia. This is a war that kills, this is a war that maims, this is a war that has its collateral damage and its victims in spades—even the occasional American citizen who ends up being killed in these attacks without due process.”¶ **Congressional oversight over the administration’s use of drones is restricted to the House and Senate Intelligence Committees, and even committee members receive only limited classified information**. For the most part, Congress has shown little interest in drones, **holding its first-ever hearings on the topic this year**—although the U.S. government adopted drones for targeted killings over a decade ago, shortly after 9/11. **The Senate Judiciary Committee held the first two hearings**—one in March on the coming introduction of drones into domestic airspace, while the Subcommittee on the Constitution, Civil Rights and Human Rights held another in April devoted to targeted killings (which the administration notably skipped out on). In May, **the Congressional Progressive Caucus organized a separate hearing on drones. These hearings generated calls for greater transparency and federal oversight.**

**2nd, 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, 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.

### Security K

**Preventing extinction is the highest ethical priority – we should take action to prevent the Other from dying FIRST, only THEN can we consider questions of value to life**

Paul **Wapner**, associate professor and director of the Global Environmental Policy Program at American University, Winter **2003**, Dissent, online: http://www.dissentmagazine.org/menutest/archives/2003/wi03/wapner.htm

All attempts to listen to nature are social constructions-except one**. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence**. As I have said, postmodernists accept that **there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character**. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But **we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world**-in all its diverse embodiments-**must be seen by eco-critics as a fundamental good. Eco-critics must be supporters,** in some fashion, **of environmental preservation. Postmodernists reject the idea of a universal good. They rightly acknowledge the difficulty of identifying a common value given the multiple contexts of our value-producing activity**. In fact, **if there is one thing they vehemently scorn, it is the idea that there can be a value that stands above the individual contexts of human experience. Such a value would present itself as a metanarrative** and, as Jean-François Lyotard has explained, postmodernism is characterized fundamentally by its "incredulity toward meta-narratives." Nonetheless**, I can't see how postmodern critics can do otherwise than accept the value of preserving the** nonhuman **world**. The nonhuman **is the extreme "other"; it stands in contradistinction to humans** as a species**. In understanding the constructed quality of human experience and** the dangers of reification, postmodernism inherently advances an ethic of **respecting the "other.**" At the very least, respect **must involve ensuring that the "other"** actually **continues to exist.** In our day and age, **this requires us to take responsibility for protecting the actuality of the nonhuman. Instead, however, we are running roughshod over the earth'**s diversity of plants, animals, and ecosystems. Postmodern critics should find this particularly disturbing. If they don't, they deny their own intellectual insights and compromise their fundamental moral commitment.

**The prioritization of method over all else, trades off with real world change and creates a vicious cycle that prevents concrete solutions to problems**

**Owen 02**, Reader in Political Theory at the University of Southampton (David, “Reorienting International Relations: On Pragmatism, Pluralism and Practical Reasoning”, Millennium: Journal of International Studies, Vol. 31, No. 3, <http://mil.sagepub.com/cgi/reprint/31/3/653>)

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

**Reps don’t cause war**

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A criticism of assessing the frequency of preemptive wars by looking only at wars themselves is that this misses the non-events, that is, instances in which preemption would be predicted but did not occur. However, excluding non-events should bias the results in favor of finding that preemptive war is an important path to war, as the inclusion of non-events could only make it seem that the event was less frequent. **There**fore, if preemptive wars seem infrequent within the set of wars alone, then this would have to be considered strong evidence in favor of the third, **most skeptical view of preemptive war**, because even when the sample is rigged to make preemptive wars seem frequent (by including only wars), they are still rare events. Below, a few cases in which preemption did not occur are discussed to illustrate factors that constrain preemption.¶ The rarity of preemptive wars offers preliminary support for the third, most skeptical view, that the preemption scenario does not tell us much about how war breaks out. **Closer examination** of the three cases of preemption, set forth below, **casts doubt on the validity of** the two preemption **hypotheses** discussed earlier: **that hostile images of the enemy increase the chances of preemption**, and that belief in the dominance of the offense increases the chances of preemption. In each case there are motives for war aside from fear of an imminent attack, indicating that **such fears may** not be sufficient to cause war. In addition, in these cases of war **the** two **conditions hypothesized to stimulate preemption—hostile images of the adversary** and belief in the military advantages of striking first—**are present to a very high degree**. This implies that **these are** insubstantial causal forces, as they are associated with theoutbreak of war only when they are present to a very high degree. **This reduces even further the significance of these forces as causes of war.** To illustrate this point, consider an analogy: say there is a hypothesis that saccharin causes cancer. Discovering that rats who were fed a lot of saccharin and also received high levels of X-ray exposure, which we know causes cancer, had a higher risk for cancer does not, however, set off alarm bells about the risks of saccharin. Though there might be **a relationship** between saccharin consumption and cancer, this **is not demonstrated by the results of such a test.**

**Discourse doesn’t shape reality, it describes it**

**Rodwell, 05** (Jonathan, PhD student at Manchester Met. researching U.S. Foreign Policy, 49th parallel, Spring, “Trendy but empty: A Response to Richard Jackson”,

http://www.49thparallel.bham.ac.uk/back/issue15/rodwell1.htm)

The larger problem is that without clear causal links between materially identifiable events and factors any assessment within the argument actually becomes nonsensical. Mirroring the early inability to criticise, if we have no traditional causational discussion how can we know what is happening? For example, Jackson details how the rhetoric of anti-terrorism and fear is obfuscating the real problems. It is proposed that the real world killers are not terrorism, but disease or illegal drugs or environmental issues. The problem is how do we know this? It seems we know this because there is evidence that illustrates as much – Jackson himself quoting to Dr David King who argued global warming is a greater that than terrorism. The only problem of course is that discourse analysis has established (as argued by Jackson) that King’s argument would just be self-contained discourse designed to naturalise another arguments for his own reasons. Ultimately it would be no more valid than the argument that excessive consumption of Sugar Puffs is the real global threat. It is worth repeating that I don’t personally believe global terrorism is the world’s primary threat, nor do I believe that Sugar Puffs are a global killer. But without the ability to identify real facts about the world we can simply say anything, or we can say nothing. This is clearly ridiculous and many post-structuralists can see this. Their argument is that there “are empirically more persuasive explanations.”[xi] The phrase ‘empirically persuasive’ is however the final undermining of post-structural discourse analysis. It is a seemingly fairly obvious reintroduction of traditional methodology and causal links. It implies things that can be seen to be right regardless of perspective or discourse. It again goes without saying that logically in this case if such an assessment is possible then undeniable material factors about the word are real and are knowable outside of any cultural definition. Language or culture then does not wholy constitute reality. How do we know in the end that the world not threatened by the onslaught of an oppressive and dangerous breakfast cereal? Because empirically persuasive evidence tells us this is the case. The question must then be asked, is our understanding of the world born of evidential assessment, or born of discourse analysis? Or perhaps it’s actually born of utilisation of many different possible explanations.

**Relying on the heuristic of scenario planning is best – it allows us to cope with impossibly complex systems and use that complexity to our advantage**

**Gorka et al 12** (Dr. Sebastian L. V., Director of the Homeland Defense Fellows Program at the College of International Security Affairs, National Defense University, teaches Irregular Warfare and US National Security at NDU and Georgetown, et al., Spring 2012, “The Complexity Trap,” Parameters, <http://www.carlisle.army.mil/USAWC/parameters/Articles/2012spring/Gallagher_Geltzer_Gorka.pdf>)

Once we abandon complexity and begin to talk of prioritization, diffusion of power, and speed of change, we start to see that there is a deep irony in the complexity trap. Proclaiming complexity to be the bedrock principle of today’s approach to strategy indicates a failure to understand that the very essence of strategy is that it allows us to cope with complexity—or at least good strategy does. Strategy is a commitment to a particular course of action, a heuristic blade that allows us to cut through large amounts of data with an overriding vision of how to connect certain available means with certain desired ends. **By winnowing the essential from the extraneous, such heuristics often outperform more complicated approaches to complex** (or even allegedly “wicked”) **problems that end up being computationally intractable**. **The more complex the system, the more important it is to rely on heuristics to deal with it**. Whether through the use of heuristics or otherwise, **the ability to peer through seemingly impenetrable complexity and to identify underlying patterns and trends is richly rewarded when others remain confused or intimidated by the apparent inscrutability of it all**—especially when that ability is coupled with a recognition that **small changes can have a big impact when amplified throughout an interconnected system**. If complexity, whether real or perceived, is truly the defining characteristic of the current strategic environment, then we should be witnessing a corresponding renaissance in grand strategy design and longterm strategic planning. 40 Not so, unfortunately—or at least not yet. More to the point, **because strategy copes with complexity, complexity actually rewards truly strategic actors**. Those who are prepared, organized, and rich in physical and human capital can exploit complexity to secure their interests. For example, **international regime complexity enables “chessboard politics**” whereby strategic actors can shop among forums for the best international venue to promote their policy preferences or can use cross-institutional political strategies to achieve a desired outcome. 41 Due to its high concentration of technical and legal expertise, the United States is ideally suited to exploit this complexity and to thrive in an age of chessboard politics. 42 The first step is replacing the current reactive worship of complexity with proactive prioritization. To escape the complexity trap, let us dare to decide—that is, let us strategize.

**One speech act doesn’t cause securitization – it’s an ongoing process**

**Ghughunishvili 10**

Securitization of Migration in the United States after 9/11: Constructing Muslims and Arabs as Enemies Submitted to Central European University Department of International Relations European Studies In partial fulfillment of the requirements for the degree of Master of Arts Supervisor: Professor Paul Roe <http://www.etd.ceu.hu/2010/ghughunishvili_irina.pdf>

As provided by the Copenhagen School securitization theory is comprised by speech act, acceptance of the audience and facilitating conditions or other non-securitizing actors contribute to a successful securitization. The causality or a one-way relationship between the speech act, the audience and securitizing actor, where politicians use the speech act first to justify exceptional measures, has been criticized by scholars, such as Balzacq. According to him, the one-directional relationship between the three factors, or some of them, is not the best approach. To fully grasp the dynamics, it will be more beneficial to “rather than looking for a one-directional relationship between some or all of the three factors highlighted, it could be profitable to focus on the degree of congruence between them. 26 Among other aspects of the Copenhagen School’s theoretical framework, which he criticizes, the thesis will rely on the criticism of the lack of context and the rejection of a ‘one-way causal’ relationship between the audience and the actor. The process of threat construction, according to him, can be clearer if external context, which stands independently from use of language, can be considered. 27 Balzacq opts for more context-oriented approach when it comes down to securitization through the speech act, where a single speech does not create the discourse, but it is created through a long process, where context is vital. 28 He indicates: In reality, the speech act itself, i.e. literally a single security articulation at a particular point in time, will at best only very rarely explain the entire social process that follows from it. In most cases a security scholar will rather be confronted with a process of articulations creating sequentially a threat text which turns sequentially into a securitization. 29 This type of approach seems more plausible in an empirical study, as it is more likely that a single speech will not be able to securitize an issue, but it is a lengthy process, where a the audience speaks the same language as the securitizing actors and can relate to their speeches.

**States will inevitably compete for relative status–only primacy can prevent conflict**

**Wohlforth 9**,

Professor of government at Dartmouth, (William, “Unipolarity, Status Competition, and Great Power War” World Politics, 61:1, January, Project Muse)

Second, I question the dominant view that status quo evaluations are relatively independent of the distribution of capabilities. If the status of states depends in some measure on their relative capabilities, and if states derive utility from status, then different distributions of capabilities may affect levels of satisfaction, just as different income distributions may affect levels of status competition in domestic settings. 6 Building on research in psychology and sociology, I argue that even capabilities distributions among major powers foster ambiguous status hierarchies, which generate more dissatisfaction and clashes over the status quo. And the more stratified the distribution of capabilities, the less likely such status competition is. Unipolarity thus generates far fewer incentives than either bipolarity or multipolarity for direct great power positional competition over status. Elites in the other major powers continue to prefer higher status, but in a unipolar system they face comparatively weak incentives to translate that preference into costly action. And the absence of such incentives matters because social status is a positional good—something whose value depends on how much one has in relation to others.7 “If everyone has high status,” Randall Schweller notes, “no one does.”8 While one actor might increase its status, all cannot simultaneously do so. High status is thus inherently scarce, and competitions for status tend to be zero sum.9 I begin by describing the puzzles facing predominant theories that status competition might solve. Building on recent research on social identity and status seeking, I then show that under certain conditions the ways decision makers identify with the states they represent may prompt them to frame issues as positional disputes over status in a social hierarchy. I develop hypotheses that tailor this scholarship to the domain of great power politics, showing how the probability of status competition is likely to be linked to polarity. The rest of the article investigates whether there is sufficient evidence for these hypotheses to warrant further refinement and testing. I pursue this in three ways: by showing that the theory advanced here is consistent with what we know about large-scale patterns of great power conflict through history; by [End Page 30] demonstrating that the causal mechanisms it identifies did drive relatively secure major powers to military conflict in the past (and therefore that they might do so again if the world were bipolar or multipolar); and by showing that observable evidence concerning the major powers’ identity politics and grand strategies under unipolarity are consistent with the theory’s expectations. Puzzles of Power and War Recent research on the connection between the distribution of capabilities and war has concentrated on a hypothesis long central to systemic theories of power transition or hegemonic stability: that major war arises out of a power shift in favor of a rising state dissatisfied with a status quo defended by a declining satisfied state.10 Though they have garnered substantial empirical support, these theories have yet to solve two intertwined empirical and theoretical puzzles—each of which might be explained by positional concerns for status. First, if the material costs and benefits of a given status quo are what matters, why would a state be dissatisfied with the very status quo that had abetted its rise? The rise of China today naturally prompts this question, but it is hardly a novel situation. Most of the best known and most consequential power transitions in history featured rising challengers that were prospering mightily under the status quo. In case after case, historians argue that these revisionist powers sought recognition and standing rather than specific alterations to the existing rules and practices that constituted the order of the day. In each paradigmatic case of hegemonic war, the claims of the rising power are hard to reduce to instrumental adjustment of the status quo. In R. Ned Lebow’s reading, for example, Thucydides’ account tells us that the rise of Athens posed unacceptable threats not to the security or welfare of Sparta but rather to its identity as leader of the Greek world, which was an important cause of the Spartan assembly’s vote for war.11 The issues that inspired Louis XIV’s and Napoleon’s dissatisfaction with the status quo were many and varied, but most accounts accord [End Page 31] independent importance to the drive for a position of unparalleled primacy. In these and other hegemonic struggles among leading states in post-Westphalian Europe, the rising challenger’s dissatisfaction is often difficult to connect to the material costs and benefits of the status quo, and much contemporary evidence revolves around issues of recognition and status.12 Wilhemine Germany is a fateful case in point. As Paul Kennedy has argued, underlying material trends as of 1914 were set to propel Germany’s continued rise indefinitely, so long as Europe remained at peace.13 Yet Germany chafed under the very status quo that abetted this rise and its elite focused resentment on its chief trading partner—the great power that presented the least plausible threat to its security: Great Britain. At fantastic cost, it built a battleship fleet with no plausible strategic purpose other than to stake a claim on global power status.14 Recent historical studies present strong evidence that, far from fearing attacks from Russia and France, German leaders sought to provoke them, knowing that this would lead to a long, expensive, and sanguinary war that Britain was certain to join.15 And of all the motivations swirling round these momentous decisions, no serious historical account fails to register German leaders’ oft-expressed yearning for “a place in the sun.” The second puzzle is bargaining failure. Hegemonic theories tend to model war as a conflict over the status quo without specifying precisely what the status quo is and what flows of benefits it provides to states.16 Scholars generally follow Robert Gilpin in positing that the underlying issue concerns a “desire to redraft the rules by which relations among nations work,” “the nature and governance of the system,” and “the distribution of territory among the states in the system.”17 If these are the [End Page 32] issues at stake, then systemic theories of hegemonic war and power transition confront the puzzle brought to the fore in a seminal article by James Fearon: what prevents states from striking a bargain that avoids the costs of war? 18 Why can’t states renegotiate the international order as underlying capabilities distributions shift their relative bargaining power? Fearon proposed that one answer consistent with strict rational choice assumptions is that such bargains are infeasible when the issue at stake is indivisible and cannot readily be portioned out to each side. Most aspects of a given international order are readily divisible, however, and, as Fearon stressed, “both the intrinsic complexity and richness of most matters over which states negotiate and the availability of linkages and side-payments suggest that intermediate bargains typically will exist.”19 Thus, most scholars have assumed that the indivisibility problem is trivial, focusing on two other rational choice explanations for bargaining failure: uncertainty and the commitment problem.20 In the view of many scholars, it is these problems, rather than indivisibility, that likely explain leaders’ inability to avail themselves of such intermediate bargains. Yet recent research inspired by constructivism shows how issues that are physically divisible can become socially indivisible, depending on how they relate to the identities of decision makers.21 Once issues surrounding the status quo are framed in positional terms as bearing on the disputants’ relative standing, then, to the extent that they value their standing itself, they may be unwilling to pursue intermediate bargaining solutions. ß Marked 15:21 ß Once linked to status, easily divisible issues that theoretically provide opportunities for linkages and side payments of various sorts may themselves be seen as indivisible and thus unavailable as avenues for possible intermediate bargains. The historical record surrounding major wars is rich with evidence suggesting that positional concerns over status frustrate bargaining: expensive, protracted conflict over what appear to be minor issues; a propensity on the part of decision makers to frame issues in terms of relative rank even when doing so makes bargaining harder; decision-makers’ [End Page 33] inability to accept feasible divisions of the matter in dispute even when failing to do so imposes high costs; demands on the part of states for observable evidence to confirm their estimate of an improved position in the hierarchy; the inability of private bargains to resolve issues; a frequently observed compulsion for the public attainment of concessions from a higher ranked state; and stubborn resistance on the part of states to which such demands are addressed even when acquiescence entails limited material cost. The literature on bargaining failure in the context of power shifts remains inconclusive, and it is premature to take any empirical pattern as necessarily probative. Indeed, Robert Powell has recently proposed that indivisibility is not a rationalistic explanation for war after all: fully rational leaders with perfect information should prefer to settle a dispute over an indivisible issue by resorting to a lottery rather than a war certain to destroy some of the goods in dispute. What might prevent such bargaining solutions is not indivisibility itself, he argues, but rather the parties’ inability to commit to abide by any agreement in the future if they expect their relative capabilities to continue to shift.22 This is the credible commitment problem to which many theorists are now turning their attention. But how it relates to the information problem that until recently dominated the formal literature remains to be seen.23 The larger point is that positional concerns for status may help account for the puzzle of bargaining failure. In the rational choice bargaining literature, war is puzzling because it destroys some of the benefits or flows of benefits in dispute between the bargainers, who would be better off dividing the spoils without war. Yet what happens to these models if what matters for states is less the flows of material benefits themselves than their implications for relative status? The salience of this question depends on the relative importance of positional concern for status among states. Do Great Powers Care about Status? Mainstream theories generally posit that states come to blows over an international status quo only when it has implications for their security or material well-being. The guiding assumption is that a state’s satisfaction [End Page 34] with its place in the existing order is a function of the material costs and benefits implied by that status.24 By that assumption, once a state’s status in an international order ceases to affect its material wellbeing, its relative standing will have no bearing on decisions for war or peace. But the assumption is undermined by cumulative research in disciplines ranging from neuroscience and evolutionary biology to economics, anthropology, sociology, and psychology that human beings are powerfully motivated by the desire for favorable social status comparisons. This research suggests that the preference for status is a basic disposition rather than merely a strategy for attaining other goals.25 People often seek tangibles not so much because of the welfare or security they bring but because of the social status they confer. Under certain conditions, the search for status will cause people to behave in ways that directly contradict their material interest in security and/or prosperity.

## 1AR

**New fears renew push for sanctions despite Obama statements-and doesn’t solve for Israeli strikes**

**VOA 11-14**

(“Obama: Possible Iran Deal Won't Touch Core Sanctions” 11-14-13 http://www.voanews.com/content/obama-possible-iran-deal-wont-touch-core-sanctions/1790304.html//wyoccd)

U.S. President Barack **Obama urged Congress on Thursday not to add new sanctions against Iran as world powers attempt to negotiate a deal on Iran's controversial nuclear program**,¶ But Obama warned that Washington is not changing its bottom line despite the potential for a nuclear deal with Tehran.¶ "Iran cannot have nuclear weapons and I'm leaving all options on the table to make sure that we meet that goal."¶ President Obama's comment at a news conference Thursday in Washington follows a surge in optimism among top U.S. diplomats that a deal with Iran is within reach.¶ But that **optimism has alarmed U.S. lawmakers, many of whom say Iran cannot be trusted and that new sanctions are needed**.¶ Obama says hitting Iran with new sanctions could scuttle a deal and that they are not necessary.¶ "**We would leave in place the core sanctions that are most effective and have the most impact on the Iranian economy, specifically oil sanctions and sanctions in respect to banks and financing.**"¶ Iran insists its nuclear program is for peaceful purposes but the U.S. and others have accused Iran of seeking nuclear weapons.¶ The president said the proposed short-term deal would call for Tehran to stop advancing its nuclear program and subject Iran to more rigorous inspections in exchange for minimal sanctions relief. He said sanctions could then be ramped up again if Iran failed to comply.¶ Separately Thursday, the United Nations' nuclear agency said Iran has frozen expansion of its uranium enrichment capacity since August, when President Hassan Rouhani took office.¶ But Reuters reported Israeli Prime Minister Benjamin **Netanyahu** said Thursday he **was "not impressed" by the IAEA report, saying Iran already has all the capacity it needs.¶ Israel has repeated warned against any deal with Tehran that does not completely eliminate Iran's ability to enrich uranium and produce a nuclear weapon.**

#### Widespread opposition to Obamas plan now-seen as dangerous and anti-Israel

Bresnahan and Everett 11-14

(John Bresnahan and Burgess Everett, reporters for Politico. “Senate Republicans reject White House plea on Iran” 11-14-13 http://www.politico.com/story/2013/11/senate-republicans-white-house-iran-99818.html#ixzz2kf359tUH//wyoccd)

Senate Republicans are strongly rejecting a White House plea for a delay in a new round of economic sanctions against Iran and are vowing to move forward with additional restrictions over the country’s nuclear weapons program.¶ One Republican — Sen. Mark Kirk (Ill.) — angrily compared the Obama administration’s appeal to Neville Chamberlain’s “appeasement” of Nazi Germany before World War II.¶ Read more: http://www.politico.com/story/2013/11/senate-republicans-white-house-iran-99818.html#ixzz2kf2tuBYm¶ Vice President Joe Biden, Secretary of State John Kerry, and top officials from the State and Treasury departments held a classified briefing on Wednesday afternoon for members of the Senate Banking Committee in an attempt to preempt congressional action on sanctions while Western leaders negotiate with Iranian officials. That panel would take the lead on any Senate consideration of such legislation.¶ (Also on POLITICO: Susan Rice on Iran deal: French ‘on board’)¶ Yet Republicans on the committee — and a number of Senate Democrats — remain unconvinced by the White House’s position following the briefing. After the classified meeting that included updates on diplomatic progress in Geneva last week, Sen. Chuck Schumer (D-N.Y.) was unmoved.¶ “I am dubious of the proportionality of the deal. While I am exploring further details, I am worried that we are reducing sanctions while Iran is not reducing its nuclear capabilities,” Schumer said.¶ The committee’s top Republican, Sen. Mike Crapo of Idaho, said he prefers more sanctions but will continue to listen to the administration before making a final decisions. Kirk was even more forceful.¶ “I do think we ought to accelerate sanctions,” said Kirk, a leading Israel supporter in the Senate. “The pitch was very unconvincing. It was fairly anti-Israeli.” Kirk told reporters that he’d met with Israeli officials earlier in the day who said a proposed deal with Iran would only set back their nuclear research effort by “24 days.”¶ He added: “This administration, like Neville Chamberlain, is yielding a large and bloody conflict in the Middle East involving Iranian nuclear weapons, which will now be part of our children’s future.”¶ A

#### Winners Win

Jonathan Singer, J.D. University of California @ Berkeley and editor of MyDD, 3-3-2009, “By Expending Capital, Obama Grows His Capital,” MyDD, http://mydd.com/story/2009/3/3/191825/0428

"What is amazing here is how much political capital Obama has spent in the first six weeks," said Democratic pollster Peter D. Hart, who conducted this survey with Republican pollster Bill McInturff. "And against that, he stands at the end of this six weeks with as much or more capital in the bank." Peter Hart gets at a key point. Some believe that political capital is finite, that it can be used up. To an extent that's true. But it's important to note, too, that political capital can be regenerated -- and, specifically, that when a President expends a great deal of capital on a measure that was difficult to enact and then succeeds, he can build up more capital. Indeed, that appears to be what is happening with Barack Obama, who went to the mat to pass the stimulus package out of the gate, got it passed despite near-unanimous opposition of the Republicans on Capitol Hill, and is being rewarded by the American public as a result. Take a look at the numbers. President Obama now has a 68 percent favorable rating in the NBC-WSJ poll, his highest ever showing in the survey. Nearly half of those surveyed (47 percent) view him very positively. Obama's Democratic Party earns a respectable 49 percent favorable rating. The Republican Party, however, is in the toilet, with its worst ever showing in the history of the NBC-WSJ poll, 26 percent favorable. On the question of blame for the partisanship in Washington, 56 percent place the onus on the Bush administration and another 41 percent place it on Congressional Republicans. Yet just 24 percent blame Congressional Democrats, and a mere 11 percent blame the Obama administration. So at this point, with President Obama seemingly benefiting from his ambitious actions and the Republicans sinking further and further as a result of their knee-jerked opposition to that agenda, there appears to be no reason not to push forward on anything from universal healthcare to energy reform to ending the war in Iraq.

#### Wins build momentum

Jeff Mason, staff writer for Reuters, 3-26-2010, “Obama's health win could boost foreign policy,” http://www.reuters.com/article/idUSTRE62P4H820100326

WASHINGTON (Reuters) - President Barack Obama's domestic success on healthcare reform may pay dividends abroad as the strengthened U.S. leader taps his momentum to take on international issues with allies and adversaries. More than a dozen foreign leaders have congratulated Obama on the new healthcare law in letters and phone calls, a sign of how much attention the fight for his top domestic policy priority received in capitals around the world. Analysts and administration officials were cautious about the bump Obama could get from such a win: Iran is not going to rethink its nuclear program and North Korea is not going to return to the negotiating table simply because more Americans will get health insurance in the coming years, they said. But the perception of increased clout, after a rocky first year that produced few major domestic or foreign policy victories, could generate momentum for Obama's agenda at home and in his talks on a host of issues abroad. "It helps him domestically and I also think it helps him internationally that he was able to win and get through a major piece of legislation," said Stephen Hadley, former national security adviser to Republican President George W. Bush. "It shows political strength, and that counts when dealing with foreign leaders." Obama's deputy national security adviser Ben Rhodes said the Democratic president's persistence in the long healthcare battle added credibility to his rhetoric on climate change, nuclear nonproliferation and other foreign policy goals. "It sends a very important message about President Obama as a leader," Rhodes told Reuters during an interview in his West Wing office. "The criticism has been: (He) sets big goals but doesn't close the deal. So, there's no more affirmative answer to that criticism than closing the biggest deal you have going."