### 1NC- Executive Reform

#### Text: The Executive branch of the United States of America should establish an intra-executive drone tribunal to rule on the legality of targeting decisions.

#### Executive review solves

Murphy & Radsan 09

[Richard Murphy is the AT&T Professor of Law, Texas Tech University School of Law. Afsheen John Radsan is a Professor, William Mitchell College of Law. He was assistant general counsel at the Central Intelligence Agency from 2002-2004., DUE PROCESS AND TARGETED KILLING OF TERRORISTS, uwyo//amp]

This Article has explored the implications of the due process model that the Supreme Court developed in Hamdi v. Rumsfeld252 and Boumediene v. Bush253 for targeted killing—particularly Predator strikes by the CIA. Contrary to Justice Thomas‘s charge,254 this model does not break down in the extreme context of targeted killing but, instead, suggests useful means to control this practice and heighten accountability. One modest control is for appropriate plaintiffs to bring Bivens-style actions to challenge the legality of targeted killings, no matter where they may have occurred in the world. Resolution of any such action that surmounted all the practical and legal obstacles in its way—including the state-secrets privilege and qualified immunity—would enhance accountability without causing substantial risk to national security. Yet as a practical matter, this role for the courts is vanishingly small. It is therefore all the more important that the executive branch itself develop fair, rational procedures for its use of targeted killing. Under Boumediene, it has a constitutional obligation to do so. To implement this duty, the executive should, following the lead of the Supreme Court of Israel and the European Court of Human Rights, require an independent, intra-executive investigation of targeted killing by the CIA. Even in a war on terror, due process demands at least this level of accountability for the power to kill suspected terrorists.

### 1NC- Prez Powers

**Obama has built a solid basis for expanded Executive authority by pushing statutory and judicial limitations – Syria continues the trend**

Gordon **Silverstein**, Assistant Dean and Lecturer in Law at Yale Law School, and author of Law’s Allure: How Law Shapes, Constrains, Saves and Kills Politics, “Obama Just Increased Executive Power—Again,” New Republic, **9/4**/2013

Bush-Cheney Administration alumni have risen from the ashes to denounce President Obama’s decision to force Congress to play its constitutional role in a decision to use military force in Syria. It is, they insist, yet another surrender of power by a feckless President presiding over the degradation of the Executive Branch itself, the empowerment of which was one of their central goals.¶ This is wrong on two dimensions: First, despite their aggressive efforts, **the Bush-Cheney administration left the Presidency weaker, and not stronger. And** second, far from degrading the power of the Executive, the **Obama** administration **has steadily, and significantly built up and exploited presidential power.¶** While it is too early to know if **Obama’s Syrian plan will continue this** trend, there are powerful reasons to think it will.¶ **The Bush-Cheney administration** famously asserted that when it came to foreign policy and national security, the President possessed nearly unlimited, autonomous, and unreviewable power. They insisted that the President could seize and hold prisoners at Guantanamo Bay; that the President alone could decide what and how much due process they were entitled to seek and that together with Congress, they could deny the independent federal courts, the third branch of government, the right to review their decisions. And they declared that the administration had the authority to redefine the meaning of torture.¶ All these **claims** and more were built on novel and poorly supported constitutional theories. **When** they were **challenged in Court, far from** enshrining the administration’s and **permanently shifting formal power to the Executive branch, these theories and claims were rejected, and** what had once been ambiguous and contested questions about **the allocation of power was settled, not by assigning it to the Executive but**, in fact, **by ruling that it belonged exclusively to Congress.¶** Jack Goldsmith, the head of the Office of Legal Counsel in the Bush-Cheney Justice Department, would later write that the administration advanced broad and unsupportable claims and arguments because “the President and Vice President wanted to leave the presidency stronger than they found it.” But, he concludes, “the approach they took achieved exactly the opposite effect. The central irony is that **people whose explicit goal was to expand presidential power have diminished it.”¶** Consider: In 2004 the Supreme Court ruled that the Executive could not independently order the detention of prisoners at Guantanamo, but could do so in this case because Congress had implicitly delegated this power to the President through the very open-ended language of the 2001 Authorization for the Use of Military Force. This was, in short, a power that now explicitly was assigned to Congress.¶ 2004 also was the year in which Goldsmith had to repudiate and withdraw a series of legal opinions his office had released—many authored by John Yoo—including the infamous memos ostensibly offering a legal rationale for the use of torture in interrogations.¶ The Bush-Cheney legal dream team failed again in 2006 in Hamdan v. Rumsfeld when the Supreme Court rejected their assertion that those same detainees could be tried by military commissions established by Executive Order. Commissions were possible, the Court ruled, but only if they were the produce of explicit congressional authorization. Another win for Congress. Another loss for fans of Executive prerogative.¶ But this dance was far from over. In Boumediene v. Bush in 2008, Justice Anthony Kennedy delivered a stinging blow to the Bush-Cheney project, ruling that prisoners at Guantanamo Bay had the right to file petitions for habeas corpus; that Congress and Congress alone could suspend habeas, but had to do so explicitly and could not simply forbid the Courts from hearing these appeals. A question that had been left in some shroud of ambiguity since Lincoln suspended the Great Writ in the Civil War was now clear: The power belongs to Congress alone.¶ John Yoo, one of the Bush-Cheney administration’s leading lawyers, realized in 2006 that the **Supreme Court would** actually **be a major barrier on their path to the constitutional fortification of Executive power.¶** After the Court handed the administration a defeat in the military commissions decision in Hamdan v. Rumsfeld, Yoo told the New York Times that the Justices were “attempting to suppress creative thinking.” The 2006 Hamdan decision, Yoo said, could undercut the entire legal edifice that had been built by the Bush lawyers.¶ What Yoo failed to acknowledge then (and fails to acknowledge even now) is that it was the Bush-Cheney overreach, their “creativity,” that had pressed even a conservative and friendly Supreme Court to undercut the administration’s claims to power, leaving the Executive weaker than it had been when Bush and Cheney walked into the White House in January 2001.¶ And Obama? While the Bush claims actually eroded and undercut Executive power which had built up steadily since World War II, it was the administration of Barack **Obama** that actually, quietly, **efficiently and with unerring focus has expanded, embedded and solidified Executive power.** And it has done so not by making “creative” constitutional claims, but instead **by steadily (and aggressively) building and exercising Executive power**—but doing so **by pressing existing statutes and judicial rulings, rather than unsupportable constitutional theories.**¶ **Turning to Congress now for formal authorization** to use military force **in Syria could** well be another example of this effort—and it may yet **have the same effect.¶** As I wrote in 2009, less than six months into the new administration, **in areas ranging from** the assertion of **the State Secrets privilege** in efforts **to** shut down lawsuits over warrantless **wiretapping and** extraordinary **rendition to** those concerning lawsuits over **detention and treatment in Guantanamo, and** the reach of habeas corpus to **Bagram** Air Force Base in Afghanistan, **Obama’s legal team was building up a far more impressive, far stronger and far more difficult to reverse set of precedents—winning in court after court—a trend that has continued ever since, including memos defending the legality of drone strikes** targeting U.S. citizens, **and** the sweeping authority for the **electronic surveillance** among many others. **Even** in their defense of **the use of force for limited strikes in Libya**, the Obama administration seemed to state that Congress must have a role in major military actions.¶ **These are aggressive claims. They are significant. They are new assertions of power—but they rest** far more squarely **on statutes, statutory interpretation and interpretations of judicial rulings than** did the military rationale offered by **Bush and Cheney**.¶ So—we have two models. The Bush-Cheney model, full of sound and fury which ultimately left the Executive branch weaker and not stronger, and the Obama model, which builds its case for executive power on the back of statutory authorization and judicial rulings.¶ And so, what are we to make of Obama’s decision to force Congress to play a role in a decision to use military force in Syria? Are the Bush apologists right? Is this—though a very difficult needle to thread—of a piece with Obama’s successful efforts to build executive power on a vastly firmer foundation than the constitutional “creativity” of the Bush legal team?¶ It may be, and here’s why:¶ Presidents in the modern era have turned to Congress for a fig-leaf of authorization before—in the 1964 Tonkin Gulf Resolution, or the 2001 Authorization for the Use of Military Force. But these were passed in the shadow of what was perceived to be a genuine emergency. There was no time for deliberation, no time to inspect the evidence. A vote for these authorizations was one that was all too easy for a regretful Congress to abandon as the wars they had ostensibly authorized dragged on and on.¶ This time there is time. Despite withering criticism from the Bush-Cheney apologists, Obama refused to call Congress back for an emergency session. Rather than giving them just hours to support the Commander in Chief in time of crisis, he has assured the nation that the military is confident that a few weeks will make no difference in our ability to achieve our military objectives.¶ A yes vote under this scenario means Congress fully shares the ownership of this policy (and its results). It means that whatever horror comes next in the Middle East, America’s policy there will be just that—America’s policy: The product of Congress acting together with the President, under the traditional rules and process laid out by the U.S. Constitution.¶ And if Congress votes no? Then we have one of two scenarios: The blame for the next atrocity, or the next deployment of chemical weapons in the Middle East or elsewhere is as much their heavy burden as it is Obama’s or, to prevent that, Congress will be compelled to actually deal with a serious policy issue and not simply vote a few dozen more times to repeal Obamacare.¶ **Turning to Congress in this fashion is** very much **in Obama’s self-interest**. But is also **in the national interest, and** quite possibly in **the best interest of those concerned about** preserving and **enhancing Executive power. Future Presidents** who will no doubt face complicated and risky security challenges, **will require the full force of a nation united behind them and** may now be more willing to **follow the precedent Obama has set**.

#### There’s no middle ground-congressional action on targeted killing hampers the president’s constitutional authority to respond to security threats

Posner 2012

[Eric Posner, a professor at the University of Chicago Law School, October 17th, 2012, The Drones Are Coming to Libya, <http://www.slate.com/articles/news_and_politics/view_from_chicago/2012/10/drones_attacks_in_libya_an_unprecedented_expansion_of_presidential_power.2.html>, uwyo//amp]

And even if the president wants to fling drones at non-al-Qaida targets, he can. Although President Obama initially distanced himself from President Bush’s claim that Article 2 of the Constitution gives the president the authority to use force unilaterally to protect American interests, he used this justification for the 2011 Libya intervention, which was not authorized by Congress, and he would likely use it to justify an indefinite expansion of drone warfare against any security threat, including Iran, for example. Congress will not try to stop him. New threats emerge constantly, leaving no time for a congressional debate before each strike is authorized. Thus, Congress must either hand the president blanket authority to use drones as necessary—the implicit status quo today—or block him, which would outrage Americans who fear terrorism. The choice for our pusillanimous legislature, which so far has acted mainly to prevent President Obama from cutting back on some Bush-era tactics, is obvious.

#### Presidential power is zero-sum- the branches compete

Barilleaux and Kelley 2010 [Ryan J. , Professor of Political Science at Miami, OH; and Christopher S. , Lecturer (Political Science) at Miami, OH, The Unitary Executive and the Modern Presidency, Texas A&M Press, p. P 196-197, 2010// wyo-sc]

In their book *The Broken Branch,* Mann and Ornstein paint a different view. They discuss a wider range of public policy areas than just uses of force. Their argument is that although party is important as a conditioning factor for times when Congress might try to restrain an aggressive or noncompliant executive, there has also been a broader degrading of institutional power that has allowed, in a zero-sum context, the president to expand executive power at the expense of Congress. Mann and Ornstein thus posit that congressional willingness to subordinate its collective power to that of the president has occurred across domestic politics and foreign affairs. They argue that a variety of factors are at fault for this trend, including the loss of institutional identity, the willingness to abdicate responsibility to the president, the demise of "regular order," and most importantly that Congress has lost its one key advantage as a legislative body—the decay of the deliberative process. Thus, they do recognize that party politics has played an important role in the degrading of congressional power, but they see a larger dynamic at work, one that reaches beyond partisanship. While we agree with Howell and Pevehouse that Congress retains important mechanisms for constraining the president, we tend to agree with the Mann and Ornstein view that there has been a significant and sustained decline in Congress's willingness to use these mechanisms to challenge presidential power. This tendency has been more prevalent in foreign affairs but has occurred noticeably across the spectrum of public policy issues. Building from both of those perspectives, and others, we argue that it is helpful to understand the pattern of congressional complicity in the rise of presidential power by viewing Congress's aiding and abetting as the logical outcomes of a collective action problem.31 By constitutional design, the legislative branch is in competition with the president for institutional power, yet Congress is less than ideally suited for such a political conflict. Congress's comparative disadvantage begins with its 535 "interests" that are very rarely aligned, and if so, only momentarily. Because individual reelection overshadows all other goals, members of Congress naturally seek to take as much credit and avoid as much blame from their constituencies as possible.32 The dilemma this creates for members is how to use or delegate its collective powers in order to maximize credit and minimize blame in the making of public policy. Congress can choose to delegate power internally to committees and party leaders or externally to the executive branch. One can conceptualize the strategic situation of members of Congress in terms of a prisoner's dilemma.33 If members cooperate (that is, in Mann and Ornstein's parlance, if members identify with the institution), they could maintain and advance Congress's institutional power. But they would have to bypass some potential individual payoffs that could come from defection, such as "running against Congress" as an electoral strategy. A stronger institution should make all members of Congress better off, but it also makes them responsible for policymaking. If members defect from the institution, they thus seek to maximize constituency interests either by simply allowing power to fall by the wayside or by simply delegating it to the president. As more and more members choose to defect over time, the "public good" of a strong Congress is not provided for or maintained—and Congress's institutional authority erodes and presidential power fills in the gap. Why, in other words, is congressional activism so often "less than meets the eye," as Barbara Hinckley maintained in her book by that title? Or why has the ''culture of deference" that Stephen Weissman identified developed as it has?34 We argue that the collective action problem that exists in Congress leads to the development of these trends away from meaningful congressional stewardship of foreign policy and spending.

#### Strong executive key to contain WMD threat of North Korea/rogue states

Nzelibe & Yoo 06

[Jide Nzelibe and John C. Yoo. , Yoo is a professor of law at the University of California at Berkeley School of Law , ,Rational war and constitutional design.(Symposium on Executive Power).

Yale Law Journal 115.9 (July 2006): p2512(30), uwyo//amp]

The declining value of costly signals is counterbalanced by the benefit of using preemptive force against terrorists and rogue states. As September 11 showed, terrorist attacks can occur without warning because their unconventional nature allows their preparation to be concealed within the normal activities of civilian life. Terrorists have no territory or regular armed forces from which to detect signs of an impending attack. To defend itself from such an enemy, the United States might need to use force earlier and more often than was the norm during a time when nation-states generated the primary threats to American national security. (63) As with terrorism, the threat posed by rogue nations may again require the United States to use force earlier and more often than it would like. (64) Rogue nations may very well be immune to pressure short of force designed to stop their quest for WMD or their threat to the United States. Rogue nations, for example, have isolated themselves from the international system, are less integrated into the international political economy, and repress their own populations. This makes them less susceptible to diplomatic or other means of resolving disputes short of force, such as economic sanctions. Lack of concern for their own civilian populations renders the dictatorships that often govern rogue nations more resistant to deterrence. North Korea, for example, appears to have continued its development of nuclear weapons despite years of diplomatic measures to change its course. (65) These new threats to American national security change the way we think about the relationship between the process and substance of the warmaking system. The international system as it existed at the end of the Cold War allowed the United States to choose a warmaking system that could have placed a premium on deliberation and the approval of multiple institutions, whether for purposes of political consensus (and hence institutional constraints that lower the expected value of war) or for purposes of signaling private information in the interests of reaching a peaceful bargain. If, however, the nature of threats has changed and the level of threats has increased, and military force is the most effective means for responding to those threats, then it may make more sense for the United States to use force preemptively. Given the threats posed by WMD proliferation, rogue nations, and international terrorism, at the very least it seems clear that we should not adopt a warmaking process that contains a built-in presumption against using force abroad or that requires long and deliberate procedures. These developments in the international system may demand that the United States have the ability to use force earlier and more quickly than in the past. In order to forestall a WMD attack, or to take advantage of a window of opportunity to strike at a terrorist cell, the executive branch needs the flexibility to act quickly, possibly in situations in which congressional consent cannot be obtained in time to act on the intelligence. These cases suggest that a permanent constitutional rule requiring congressional permission to use force would be over-inclusive. In certain situations, particularly when the United States is facing a nation-state with a similar political system or one that can draw on a sophisticated understanding of foreign nations, signaling through congressional participation may prove valuable. But costly signals may prove ineffective in other situations, particularly when the opponent is a rogue state or an international terrorist organization. There may be little value in revealing private information through legislative commitments if the opponent does not understand the meaning of congressional participation or does not share a common value system that would allow a bargain to be struck. In other words, the signaling model that underwrites the value of congressional participation breaks down when confronted with these opponents. In such cases, we might conclude that the benefits of swift, even preemptive military action might outweigh the potential effectiveness of signaling. These considerations suggest that a two-tier approach to war powers might be desirable, in which conflicts with similar nation-states should involve congressional authorization, which can only assist the executive branch in reaching a bargain with a foreign nation. But if the opponent is a terrorist organization or a rogue nation, the United States might be better off retaining a system of executive initiative in war. We should make an important clarification. Our argument does not preclude the possibility that some nondemocractic regimes could understand the informational value of legislative signaling, but it assumes that democratic regimes are more likely to appreciate such signals. In some circumstances, the President might seek legislative authorization for the use of force against nondemocractic states to improve the chances of a peaceful settlement. But it will depend on the circumstances and on whether the benefits of such a signal would be outweighed by the costs of delay. We believe that the President is best suited, as a structural matter, to determine whether to seek to signal a nondemocractic regime with legislative authorization.

**An unchecked North Korea causes global catastrophe**

**Hayes and Green, 10**

[\*Victoria University AND Executive Director of the Nautilus Institute (Peter and Michael, “-“The Path Not Taken, the Way Still Open: Denuclearizing the Korean Peninsula and Northeast Asia”, 1/5, http://www.nautilus.org/fora/security/10001HayesHamalGreen.pdf) uwyo//amp]

**The consequences of failing to address the proliferation threat posed by the North Korea developments, and related political and economic issues, are serious, not only for the Northeast Asian region but for the whole international community. At worst, there is the possibility of nuclear attack1, whether by intention, miscalculation, or merely accident, leading to the resumption of Korean War hostilities.** On the Korean Peninsula itself, **key population centres are well within short or medium range missiles.** **The whole of Japan is likely to come within North Korean missile range**. Pyongyang has a population of over 2 million, Seoul (close to the North Korean border) 11 million, and Tokyo over 20 million. **Even a limited nuclear exchange would result in a holocaust of unprecedented proportions. But the catastrophe within the region would not be the only outcome. New research indicates that even a limited nuclear war in the region would rearrange our global climate far more quickly than global warming.** Westberg draws attention to new studies modelling the effects of even a limited nuclear exchange involving approximately 100 Hiroshima-sized 15 kt bombs2 (by comparison it should be noted that the United States currently deploys warheads in the range 100 to 477 kt, that is, individual warheads equivalent in yield to a range of 6 to 32 Hiroshimas).The studies indicate that **the soot from the fires produced would lead to a decrease in global temperature by 1.25 degrees Celsius for a period of 6-8 years**.3 In Westberg’s view: **That is not global winter, but the nuclear darkness will cause a deeper drop in temperature than at any time during the last 1000 years.** The temperature over the continents would decrease substantially more than the global average. **A decrease in rainfall over the continents would also follow…The period of nuclear darkness will cause much greater decrease in grain production than 5% and it will continue for many years...hundreds of millions of people will die from hunger…To make matters even worse, such amounts of smoke injected into the stratosphere would cause a huge reduction in the Earth’s protective ozone.4** These, of course, are not the only consequences. **Reactors might also be targeted, causing further mayhem and downwind radiation effects, superimposed on a smoking, radiating ruin left by nuclear next-use.** Millions of refugees would flee the affected regions. **The direct impacts, and the follow-on impacts on the global economy via ecological and food insecurity, could make the present global financial crisis pale by comparison. How the great powers, especially the nuclear weapons states respond to such a crisis, and in particular, whether nuclear weapons are used in response to nuclear first-use, could make or break the global non proliferation and disarmament regimes. There could be many unanticipated impacts on regional and global security relationships5, with subsequent nuclear breakout and geopolitical turbulence, including possible loss-of-control over fissile material or warheads in the chaos of nuclear war, and aftermath chain-reaction affects involving other potential proliferant states.** The Korean nuclear proliferation issue is not just a regional threat but a global one that warrants priority consideration from the international community.

### 1NC- Politics

**Obama is pushing Congress to resolve the debt ceiling – political capital is key to success**

**Pace 9/12**

Julie, AP White House correspondent, Syria debate on hold, Obama refocuses on agenda, The Fresno Bee, 9/12/13, http://www.fresnobee.com/2013/09/12/3493538/obama-seeks-to-focus-on-domestic.html

**With** a military strike against **Syria on hold**, President Barack **Obama tried** Thursday **to reignite momentum for his second-term domestic agenda. But his progress could hinge on the strength of his standing on Capitol Hill** after what even allies acknowledge were missteps in the latest foreign crisis.¶ "It is still important to recognize that we have a lot of things left to do here in this government," **Obama** told his Cabinet, **starting a sustained White House push to refocus the nation on matters at home as key benchmarks on the budget** and health care rapidly approach.¶ "The American people are still interested in making sure that our kids are getting the kind of education they deserve, that we are putting people back to work," Obama said.¶ **The White House plans to use next week's five-year anniversary of the 2008 financial collapse to warn Republicans that shutting down the government or failing to raise the debt limit could drag down the still-fragile economy**. With Hispanic Heritage Month to begin Monday, Obama is also expected to press for a stalled immigration overhaul and urge minorities to sign up for health care exchanges beginning Oct. 1.¶ Among the events planned for next week is a White House ceremony highlighting Americans working on immigrant and citizenship issues. Administration officials will also promote overhaul efforts at naturalization ceremonies across the country. On Sept. 21, Obama will speak at the Congressional Black Caucus Gala, where he'll trumpet what the administration says are benefits of the president's health care law for African-Americans and other minorities.¶ Two major factors are driving Obama's push to get back on track with domestic issues after three weeks of Syria dominating the political debate. **Polls show the economy, jobs and health care remain Americans' top concerns**. And **Obama has a limited window to make progress on those matters in a second term, when lame-duck status can quickly creep up on presidents, particularly if they start losing public support**.¶ Obama already is grappling with some of the lowest approval ratings of his presidency. A Pew Research Center/USA Today poll out this week put his approval at 44 percent. That's down from 55 percent at the end of 2012.¶ Potential military intervention in Syria also is deeply unpopular with many Americans, with a Pew survey finding that 63 percent opposing the idea. And the president's publicly shifting positions on how to respond to a deadly chemical weapons attack in Syria also have confused many Americans and congressional lawmakers.¶ "In times of crisis, the more clarity the better," said Sen. Lindsey Graham, R-S.C., a strong supporter of U.S. intervention in Syria. "This has been confusing. For those who are inclined to support the president, it's been pretty hard to nail down what the purpose of a military strike is."¶ For a time, the Obama administration appeared to be barreling toward an imminent strike in retaliation for the Aug. 21 chemical weapons attack. But Obama made a sudden reversal and instead decided to seek congressional approval for military action.¶ Even after administration officials briefed hundreds of lawmakers on classified intelligence, there appeared to be limited backing for a use-of-force resolution on Capitol Hill. Rather than face defeat, **Obama asked lawmakers this week to postpone any votes while the U.S. explores the viability of a deal to secure Syria's chemical weapons** stockpiles.¶ **That pause comes as a relief to Obama and many Democrats eager to return to issues more in line with the public's concerns**. The most pressing matters are a Sept. 30 deadline to approve funding to keep the government open — the new fiscal year begins Oct. 1 — and the start of sign-ups for health care exchanges, a crucial element of the health care overhaul.¶ On Wednesday, a revolt by tea party conservatives forced House Republican leaders to delay a vote on a temporary spending bill written to head off a government shutdown. Several dozen staunch conservatives are seeking to couple the spending bill with a provision to derail implementation of the health care law.¶ **The White House** also **may face a fight with Republicans over raising the nation's debt ceiling this fall. While Obama has insisted he won't negotiate over the debt limit**, House Speaker John **Boehner** on Thursday **said the GOP will insist on curbing spending**.

**There is fierce opposition from both republicans and democrats concerning drone courts-concerns of it not being a judicial question and national security concerns**

**Munoz 13**

(Carlo, Staff writer in Defense and National Security at the Hill. “No court for drone oversight, says GOP” 2-13-13 http://thehill.com/blogs/defcon-hill/policy-and-strategy/282687-no-court-for-drones-says-gop//wyoccd)

**FISA established a special federal court to approve surveillance on suspected foreign spies** working inside the United States. **Feinstein, the chairwoman of the Senate Intelligence Committee, suggested a similar federal court could be created to review possible targets compiled by the CIA for lethal drone attacks**.¶ **But the creation of a FISA-like court for drone strikes has been met with fierce resistance from Republicans who say protecting the nation must always come first.** ¶ **“We don’t allow [the judicial branch] to control the commander in chief’s decision to send people into battle,”** Graham said. “**Courts are not trained for this. They are not in the targeting business. Who the enemy is composed of and who represents a threat is a military decision, not a criminal decision.”**¶ Asked whether he would support McCain’s notion of fully transitioning the program to the Pentagon, Graham replied: “That might make a lot of sense [and] I might be open to that.” ¶ Sen. Chuck Grassley (R-Iowa), who was one of several Republicans pushing for the release of the classified legal rulings on drones, also rejected a court as the wrong approach. ¶ “There would have to be an analysis other than FISA,” Grassley said. “I am not saying there should not be some curbs on the [administration’s] power over drones, but I do not think it can be a court [system].” ¶ **One powerful Democrat said he shares concerns about bureaucratic red tape hampering the president. Senate Armed Services Committee Chairman Carl Levin** (D-Mich.) **said some kind of “independent review” of the White House counterterrorism program was necessary — but not necessarily involving a judge**.¶ “We have got to at least consider some ways ... to have some kind of independent review of the targets,” he said, “[but] I **am not sure courts are the right way to do it.**”¶ **One problem with a courts-based approach, according to Levin and Grassley, is the lengthy review process that comes with it.**¶ **Many times, the window of time to take out suspected terror targets via drone strikes is very small. Grassley said a drawn-out review process in the courts could result in U.S. military and intelligence officials missing an opportunity to take out a terror suspect.**

**Failure collapses the economy – goes global and past events don’t disprove**

**Davidson 9/10**

Adam, co-founder of NPR’s “Planet Money,” Our Debt to Society, New York Times, 9/10/13, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all

**If the debt ceiling isn’t lifted** again **this fall, some serious financial decisions will have to be made**. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but **eventually the big-ticket items**, like Social Security and Medicare, **will have to be cut**. At some point, **the government won’t be able to pay interest on its bonds** and will enter what’s known as sovereign default, **the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina** (and now Greece). **In the case of the United States**, though, **it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be**, by most accounts, **the largest self-imposed financial disaster in history.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans** (one political analyst told me it’s no more than 20) **appear willing to see what happens if the debt ceiling isn’t raised** — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, **the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government**, desperate to hold on to investment, **would then raise interest rates far higher**, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — **which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years**.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, **if the U.S. comes within shouting distance of a default** (which Auwaerter is confident won’t happen), **the world’s investors** — absent a safer alternative, given the recent fates of the euro and the yen — **might actually buy even more Treasury bonds**. Indeed, interest rates would fall and the bond markets would soar.¶ While **this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined**. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, **the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable**. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, **the U.S. would lose its unique role in the global economy**.¶ **The U.S. benefits enormously from its status as global reserve currency and safe haven**. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. **If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper**; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, **no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier**.

**Nuclear war**

**Friedberg and Schoenfeld 8**

Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America” <http://online.wsj.com/article/SB122455074012352571.html>

Then **there are** the dolorous **consequences of a** potential **collapse of the world's financial architecture**. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. **Iran and North Korea are continuing on their bellicose paths**, while **Pakistan and Afghanistan are progressing** smartly **down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern**. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario **there are shades of the 1930s, when global trade** and finance **ground** nearly **to a halt,** the peaceful democracies failed to cooperate, a**nd aggressive powers led by** the remorseless **fanatics** who **rose up on the crest of economic disaster exploited their divisions**. Today we run the risk that **rogue states may** choose to **become** ever more **reckless with their nuclear toys**, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. **None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures**.

### 1NC- K

#### LINK—THE AFF FETISHIZES THE LAW AND ITS ABILITY TO RESOLVE PRESIDENTIAL POWERS, THEIR CALL RESULTS IN A RETURN TO LAW THAT DESTROYS THE POSSIBILITY FOR RADICAL POLITICS

NEOCLEOUS 2006

(Mark Neocleous, Politics & History @ Brunel University, “the Problem with Normality”, Alternatives, no. 31 //wyo-tjc)

To criticize the use of emergency powers in terms of a suspension of the law, then, is to make the mistake of counterpoising normality and emergency, law and violence. In separating “normal” from “emergency,” with the latter deemed “exceptional,” this approach parrots the conventional wisdom that posits normalcy and emergency as two discrete and separable phenomena. This essentially liberal paradigm assumes that there is such a thing as “normal” order governed by rules, and that the emergency constitutes an “exception” to this normality. “Normal” here equates with the separation of powers, entrenched civil liberties, an ongoing debate about public policy and law, and the rule of law, while “emergencies” are thought to require strong executive rule, little time for discussion, and are premised on the supposedly necessary suspension of the law and thus the discretion to suspend key liberties and rights. But this rests on two deeply ideological assumptions: first, the assumption that emergency rule is aberrational; and, second, an equation of the emergency/nonemergency dichotomy with a distinction between constitutional and nonconstitutional action. Thus liberalism seeks to separate emergency rule from the normal constitutional order, thereby preserving the Constitution in its pristine form while providing the executive with the power to act in an emergency.47 But the historical evidence suggests that emergency powers are far from exceptional; rather, they are an ongoing aspect of normal political rule. Emergency, in this sense, is what emerges from the rule of law when violence needs to be exercised and the limits of the rule of law overcome. The genealogy of “emergency” is instructive here. “Emergency” has its roots in the idea of “emerge.” The Oxford English Dictionary suggests that “emerge” connotes “the rising of a submerged body out of the water” and “the process of coming forth, issuing from concealment, obscurity, or confinement.” Both these meanings of “emerge” were once part of the meaning of “emergency,” but the first is now rare and the second obsolete. Instead, the modern meaning of “emergency” has come to the fore, namely a sudden or unexpected occurrence demanding urgent action and, politically speaking, the term used to describe a condition close to war in which the normal constitution might be suspended. But what this tells us is that in “emergency” lies the idea of something coming out of concealment or issuing from confinement by certain events. This is why “emergency” is a better category than exception: Where “emergency” has this sense of “emergent,” exception instead implies a sense of ex capere, that is, of being taken outside. Far from being outside the rule of law, emergency powers emerge from within it. They are thus as important as the rule of law to the political management of the modern state. There is, however, an even wider argument to be made. The idea that the permanent emergency involves a suspension of the law encourages the idea that resistance must involve a return to legality, a return to the normal mode of governing through the rule of law. But this involves a serious misjudgment in which it is simply assumed that legal procedures, both international and domestic, are designed to protect human rights from state violence. Law itself comes to appear largely unproblematic. What this amounts to is what I have elsewhere called a form of legal fetishism, in which law becomes a universal answer to the problems posed by power. Law is treated as an independent or autonomous reality, explained according to its own dynamics. This produces the illusion that law has a life of its own, abstracting the rule of law from its origins in class domination and oppression and obscuring the ideological mystification of these processes in the liberal trumpeting of the rule of law.48 To demand the return to the “rule of law” is to seriously misread the history of the relation between the rule of law and emergency powers and, consequently, to get sucked into a less-than-radical politics in dealing with state violence. Part of what I am suggesting is that emergency measures, as state violence, are part of the everyday exercise of powers, working alongside and from within rather than against the rule of law, as part of a unified political strategy in the fabrication of social order.

#### SOCIETY CONFOUNDED AT THE FAILURE OF LAW TO CONTAIN VIOLENCETHE LAWS OF WAR LEGITIMIZE AND PROTECT STATIST FORMS OF VIOLENCE AND CRUSH DISSENT

BERMAN (Prof of Law at Brooklyn Law School) 2004

[Nathaniel, “Privleging Combat?”, Columbia Journal of Transnational Law, p. ln //wyo-tjc]

**Through examining the legal doctrines crucial to defining the combatants' privilege**, in my view the key concept of jus in bello, **this Article seeks to undo the circumlocutions that often block frank discussion of the relationship of law to war. Contrary to conventional wisdom**, I argue that **it is misleading to see law's relationship to war as primarily one of the limitation of organized violence, and even more misleading to see the laws of war as historically progressing toward an ever-greater** **limitation of violence. n6 Instead**, I put forward three central propositions. First, **rather than standing in opposition to war, law has long been directly involved in the construction of war - the construction of war as a separate sphere of human activity in [\*5] which the "normal" rules of social life, codified, for example, in the domestic criminal law regulating violence, do not operate. n7 Rather than opposing violence, the legal construction of war n8 serves to channel violence into certain forms of activity engaged in by certain kinds of people, while excluding other forms** engaged in by other people. n9

#### The Alternative is to write against the state.

#### Exposing the law as violence is necessary to create space for rethinking that makes social relations outside of statist violence possible

Neocleous 2003

[Mark, Teaches politics @ Brunel, Imagining the state, Philadelphia: Open University Press, 6-7/uwyo-ajl]

The last point should indicate to the reader that this is a polemical book about a polemical topic. As such, I should be clear about my intentions. If a hidden agenda seems nasty, then an exposed one looks downright impudent.13 Writers these days increasingly like to stand aside from the affray. This is nowhere more obvious than in books in which affray is a central issue-namely books on issues such as the state, power and capital. On the one hand, this is no doubt due to the fate of the academy in contemporary capitalism-academic research assessment exercises which seem to have knocked the political stuffing out of seemingly political writers (best not write anything too political about this political topic, in case it damages one's promotion prospects). On the other hand, it is also clearly connected to the demise of any coherence the Left once had. Writers on the Left appear to be happier to retreat into ever more exegetical work on text after text, with little sense as to the purpose of reading political writers in the first place. Or, worse, they have bought into the stunningly naive socio-political claim that we have moved into a world in which there is politics without enemies.4 (And if there are no enemies, then there is no ground for any fundamental disagreement and thus no real need to say anything interesting at all.) Too many intellectuals on the Left have thus developed an instrumental inability to think beyond the instructions and parameters provided for them by the state and one of its key ideological apparatuses - the university. So let me say that this book is written from outside the statist political imaginary (or at least as much as one can be outside it), and also against it. To write against the statist imaginary is thus intended as an act of resistance - though admittedly not the bravest act of resistance one might imagine, since the state aims to dominate the thought of even those who oppose it (indeed, one might say especially those who oppose it). Pierre Bourdieu has argued that `to endeavour to think the state is to risk either taking over, or being taken over by, the thought of the state','~ and as I argue in Chapter 2, as part of its administration of civil society the state aims to structure the way we view the world by generating the categories through which citizens come to imagine collective identity and thus their own political subjectivity. One of the implications of this is that the statist political imaginary has assisted the state in setting limits on the theoretical imagination, acting as a block on the possibility of conceiving of a society beyond the state.This is a book that tries to think the state without either taking over or being taken over by the thought of the state. It therefore rests on a different political imaginary, one which I mention here and return to only briefly at the very end of the book, which arises out of the tradition of the oppressed which teaches us that the `state of exception' in which we live is not the exception but the rule. As Walter Benjamin recognized, to write against the state of exception in this way is to aim to bring about a real state of emergency which imagines the end of the state, and thus an end to the possibility of fascism.

### 1NC- Terrorism

**Drone courts ineffective—ill-suited to weigh all necessary factors in a timely manner, must address fundament questions, and is insufficient to appease detractors**

**Groves 13**

[Groves, Stephen: Bernard and Barbara Lomas Senior Research Fellow. "Drone Strikes: The Legality of U.S. Targeting Terrorists Abroad." *Heritage Foundation*. Heritage Foundation, 10 Apr 2013. Web. 31 Aug 2013. <http://www.heritage.org/research/reports/2013/04/drone-strikes-the-legality-of-us-targeting-terrorists-abroad>. //Wyo-BF]

In sum, no evidence indicates that U.S. targeted drone strikes violate the law of war principles of necessity, distinction, or proportionality, much less in any intentional, systematic, or chronic manner. To the contrary, the use of drones, which can loiter over a target for hours waiting for the optimal moment to strike, is a particularly effective method of eliminating individual terrorist threats while adhering to the law of war. The publicly available evidence indicates that the U.S. government chooses its targets carefully and regularly reassesses the threats posed by those targets. While there is no guarantee that all civilian casualties can be eliminated, the use of drone strikes, as opposed to an armed invasion or use of large munitions, vastly minimizes the exposure of civilians. A Drone Court? Certain former Obama Administration officials, the editorial board of The New York Times, and at least one U.S. Senator have called for the establishment of a special oversight panel or court to review the Administration’s targeting determinations, particularly in instances in which a U.S. citizen is targeted.[49] Essentially, such a court would scrutinize the Administration’s targeting decisions, presumably including its decisions to place individuals on the “disposition matrix.” The court would apparently have the authority to overrule and nullify targeting decisions. The creation of such a court is ill advised and of doubtful constitutionality. **The proponents of a drone court apparently do not appreciate the potential unintended consequences of establishing such an authority. The idea is wrongheaded and raises more questions than it answers.** For instance, **could the drone court decide as a matter of law that a targeted strike is not justified because the United States is not engaged in an armed conflict with al-Qaeda**? **Could the drone court rule that members of a force associated with al-Qaeda** (e.g., AQAP) **may not be targeted because AQAP was not directly involved in the September 11 attacks and therefore the strike is not authorized under the AUMF**? **The proposed drone court cannot avoid these fundamental questions since the justification for the targeted strikes is dependent on the answers to these questions**. **Even if the proposed drone court attempts to eschew intervention into foundational questions such as the existence of an armed conflict, it still would not be in a position to rule on the “easy” questions involved in each and every drone strike**. Does the target constitute an “imminent threat” to the United States? When civilian casualties may occur as a result of the strike, does the drone court have the authority to overrule the targeting decision as a violation of the principle of proportionality? Is the target an innocent civilian or a civilian “directly participating in hostilities”? Should U.S. forces attempt to capture the target before resorting to a drone strike? Is capture feasible? **Any drone court, even if constituted with former military and intelligence officials, is ill suited to weigh all of the competing factors that go into a decision to target an al-Qaeda operative and make a timely decision, particularly when there is often only a short window of time to order a strike. Regardless, creating a judicial or quasi-judicial review process will not ameliorate, much less resolve, objections to U.S. targeted killing practices. Critics will continue to demand more judicial process, including appeals from the proposed drone court, and additional transparency no matter what kind of forum is established to oversee targeting decisions.**

**Terrorists aren’t pursuing nukes**

**Wolfe 12 –** Alan Wolfe is Professor of Political Science at Boston College. He is also a Senior Fellow with the World Policy Institute at the New School University in New York. A contributing editor of The New Republic, The Wilson Quarterly, Commonwealth Magazine, and In Character, Professor Wolfe writes often for those publications as well as for Commonweal, The New York Times, Harper's, The Atlantic Monthly, The Washington Post, and other magazines and newspapers. March 27, 2012, "Fixated by “Nuclear Terror” or Just Paranoia?" [http://www.hlswatch.com/2012/03/27/fixated-by-“nuclear-terror”-or-just-paranoia-2/](http://www.hlswatch.com/2012/03/27/fixated-by-)

If one were to read the most recent unclassified report to Congress on the acquisition of technology relating to weapons of mass destruction and advanced conventional munitions, it does have a section on CBRN terrorism (note, not WMD terrorism). The intelligence community has a very toned down statement that says “several terrorist groups … probably remain interested in [CBRN] capabilities, but not necessarily in all four of those capabilities. … mostly focusing on low-level chemicals and toxins.” They’re talking about terrorists getting industrial chemicals and making ricin toxin, not nuclear weapons. And yes, Ms. Squassoni, it is primarily al Qaeda that the U.S. government worries about, no one else. The trend of worldwide terrorism continues to remain in the realm of conventional attacks. In 2010, there were more than 11,500 terrorist attacks, affecting about 50,000 victims including almost 13,200 deaths. None of them were caused by CBRN hazards. Of the 11,000 terrorist attacks in 2009, none were caused by CBRN hazards. Of the 11,800 terrorist attacks in 2008, none were caused by CBRN hazards.

**No successful detonation**

**Schneidmiller 9**(Chris, Experts Debate Threat of Nuclear, Biological Terrorism, 13 January 2009, http://www.globalsecuritynewswire.org/gsn/nw\_20090113\_7105.php)

There is an "almost vanishinglysmall" likelihood that terrorists would ever be able to acquire and detonate a nuclear weapon, one expert said here yesterday (see GSN, Dec. 2, 2008). In even the most likely scenario of nuclear terrorism, there are 20 barriers between extremists and a successful nuclear strike on a major city, said John Mueller, a political science professor at Ohio State University. The process itself is seemingly straightforward but exceedingly difficult -- buy or steal highly enriched uranium, manufacture a weapon, take the bomb to the target site and blow itup. Meanwhile, variables strewn across the path to an attack would increase the complexity of the effort, Mueller argued. Terrorists would have to bribe officials in a state nuclear program to acquire the material, while avoiding a sting by authorities or a scam by the sellers. The material itself could also turn out to be bad. "Once the purloined material is purloined, [police are] going to be chasing after you. They are also going to put on a high reward, extremely high reward, on getting the weapon back or getting the fissile material back," Mueller said during a panel discussion at a two-day Cato Institute conference on counterterrorism issues facing the incoming Obama administration. Smuggling the material out of a country would mean relying on criminals who "are very good at extortion" and might have to be killed to avoid a double-cross, Mueller said. The terrorists would then have to find scientists and engineers willing to giveup their normal lives to manufacture a bomb, which would require an expensive and sophisticated machine shop. Finally, further technological expertise would be needed to sneak the weapon across national borders to its destination point and conduct a successful detonation, Mueller said. Every obstacle is "difficult but not impossible" to overcome, Mueller said, putting the chance of success at no less than one in three for each. The likelihood of successfully passing through each obstacle, in sequence, would be roughly one in 3 1/2 billion, he said, but for argument's sake dropped it to 3 1/2 million. "It's a total gamble. This is a very expensive and difficult thing to do," said Mueller, who addresses the issue at greater length in an upcoming book, *Atomic Obsession*. "So unlike buying a ticket to the lottery ... you're basically putting everything, including your life, at stake for a gamble that's maybe one in 3 1/2 million or 3 1/2 billion." Other scenarios are even less probable, Mueller said. A nuclear-armed state is "exceedingly unlikely" to hand a weapon to a terrorist group, he argued: "States just simply won't give it to somebody they can't control." Terrorists are also not likely tobe able to steala whole weapon, Mueller asserted, dismissingthe idea of "loose nukes." Even Pakistan, which today is perhaps the nation of greatest concern regarding nuclear security, keeps its bombs in two segments that are stored at different locations, he said (see *GSN*, Jan. 12). Fear of an "extremely improbable event" such as nuclear terrorism produces support for a wide range of homeland security activities, Mueller said. He argued that there has been a major and costly overreaction to the terrorism threat -- noting that the Sept. 11 attacks helped to precipitate the invasion of Iraq, which has led to far more deaths than the original event. Panel moderator Benjamin Friedman, a research fellow at the Cato Institute, said academic and governmental discussions of acts of nuclear or biological terrorism have tended to focus on "worst-case assumptions about terrorists' ability to use these weapons to kill us." There is need for consideration for what is probable rather than simply what is possible, he said. Friedman took issue withthe finding late last year of an experts' report that an act of WMD terrorism would "more likely than not" occurin the next half decade unless the international community takes greater action. "I would say that the report, if you read it, actually offers no analysis to justify that claim**,** which seems to have been made to change policy by generating alarm in headlines." One panel speaker offered a partial rebuttal to Mueller's presentation. Jim Walsh, principal research scientist for the Security Studies Program at the Massachusetts Institute of Technology, said he agreed that nations would almost certainly not give anuclear weapon to a nonstate group, that most terrorist organizations have no interest in seeking out the bomb, and that it would be difficult to build a weaponor use one that has been stolen.

**No impact to terrorism – too hard to pull off post 9/11, not enough personnel to carry out an attack, too much pressure because of security restrictions**

**Schneier 10**

(Bruce, a security technologist and author of "Beyond Fear: Thinking Sensibly About Security in an Uncertain World.", “Opinion: Where Are All the Terrorist Attacks?”, March 2010, <http://www.aolnews.com/opinion/article/opinion-why-arent-there-more-times-square-style-terrorist-attacks/19463843>)

Hard to Pull Off **Terrorism sounds easy**, but the actual attack is the easiest part. **Putting together the people, the plot and the materials is hard. It's hard to sneak terrorists into the U.S. It's hard to grow your own inside the U.S. It's hard to operate; the general population, even the Muslim population, is against you.** Movies and television make terrorist plots look easier than they are. It's hard to hold conspiracies together. It's easy to make a mistake. **Even 9/11, which was planned before the climate of fear that event engendered, just barely succeeded. Today, it's much harder to pull something like that off without slipping up and getting arrested.** Few Terrorists **But even more important than the difficulty of executing a terrorist attack, there aren't a lot of terrorists out there. Al-Qaida isn't a well-organized global organization** with movie-plot-villain capabilities; it's a loose collection of people using the same name. **Despite the post-9/11 rhetoric, there isn't a terrorist cell in every major city. If you think about the major terrorist plots we've foiled in the U.S. -- the JFK bombers, the Fort Dix plotters -- they were mostly** [**amateur terrorist wannabes**](http://www.schneier.com/essay-174.html) **with no connection to any sort of al-Qaida central command, and mostly no ability to effectively carry out the attacks they planned. The successful terrorist attacks** -- the Fort Hood shooter, the guy who flew his plane into the Austin IRS office, the anthrax mailer -- **were largely nut cases operating alone**. Even the unsuccessful shoe bomber, and the equally unsuccessful Christmas Day underwear bomber, had minimal organized help -- and that help originated outside the U.S. **Terrorism doesn't occur without terrorists, and they are far rarer than popular opinion would have it.**

#### Drones don’t cause blowback – in-depth interviews in Yemen show pragmatic acceptance of US drone strikes against AQAP and alternative causes for insurgent recruitment

Christopher Swift, fellow at the University of Virginia’s Center for National Security Law, “The Drone Blowback Fallacy”: Strikes in Yemen Aren’t Pushing People into al-Qaeda, Foreign Affairs, July 1, 2012.

Recent revelations that the White House keeps a secret terrorist kill list, which it uses to target al Qaeda leaders, have spurred a debate over drone warfare. Progressive pundits excoriate the Obama administration for expanding the power of the executive branch. Senate Republicans, in turn, have demanded the appointment of a special counsel to probe the alleged leaks of classified information that brought the kill list to light. As the political drama unfolds in Washington, however, the United States is intensifying its drone campaign in the arid mountains and remote plateaus of Yemen.¶ With al Qaeda’s center of gravity shifting from Pakistan to Yemen, the Central Intelligence Agency recently sought authority to conduct “signature strikes,” in which drone pilots engage targets based on behavioral profiles rather than on positive identifications. The move marks a significant increase in the intensity and extensity of the drone campaign — in the first six months of 2012, the Obama administration conducted approximately 43 drone strikes in Yemen, nearly twice the total from the three preceding years.¶ Critics argue that drone strikes create new adversaries and drive al Qaeda’s recruiting. As the Yemeni youth activist Ibrahim Mothana recently wrote in The New York Times, “Drone strikes are causing more and more Yemenis to hate America and join radical militants; they are not driven by ideology but rather by a sense of revenge and despair.” The Washington Post concurs. In May, it reported that the “escalating campaign of U.S. drone strikes [in Yemen] is stirring increasing sympathy for al Qaeda-linked militants and driving tribesmen to join a network linked to terrorist plots against the United States.” The ranks of al Qaeda in the Arabian Peninsula (AQAP) have tripled to 1,000 in the last three years, and the link between its burgeoning membership, U.S. drone strikes, and local resentment seems obvious.¶ Last month, I traveled to Yemen to study how AQAP operates and whether the conventional understanding of the relationship between drones and recruitment is correct. While there, I conducted 40 interviews with tribal leaders, Islamist politicians, Salafist clerics, and other sources. These subjects came from 14 of Yemen’s 21 provinces, most from rural regions. Many faced insurgent infiltration in their own districts. Some of them were actively fighting AQAP. Two had recently visited terrorist strongholds in Jaar and Zinjibar as guests. I conducted each of these in-depth interviews using structured questions and a skilled interpreter. I have withheld my subjects’ names to protect their safety — a necessity occasioned by the fact that some of them had survived assassination attempts and that others had recently received death threats.¶ These men had little in common with the Yemeni youth activists who capture headlines and inspire international acclaim. As a group, they were older, more conservative, and more skeptical of U.S. motives. They were less urban, less wealthy, and substantially less secular. But to my astonishment, none of the individuals I interviewed drew a causal relationship between U.S. drone strikes and al Qaeda recruiting. Indeed, of the 40 men in this cohort, only five believed that U.S. drone strikes were helping al Qaeda more than they were hurting it.¶ Al Qaeda exploits U.S. errors, to be sure. As the Yemen scholar Gregory Johnsen correctly observes, the death of some 40 civilians in the December 2009 cruise missile strike on Majala infuriated ordinary Yemenis and gave AQAP an unexpected propaganda coup. But the fury produced by such tragedies is not systemic, not sustained, and, ultimately, not sufficient. As much as al Qaeda might play up civilian casualties and U.S. intervention in its recruiting videos, the Yemeni tribal leaders I spoke to reported that the factors driving young men into the insurgency are overwhelmingly economic.¶ From al Hudaydah in the west to Hadhramaut in the east, AQAP is building complex webs of dependency within Yemen’s rural population. It gives idle teenagers cars, khat, and rifles — the symbols of Yemeni manhood. It pays salaries (up to $400 per month) that lift families out of poverty. It supports weak and marginalized sheikhs by digging wells, distributing patronage to tribesmen, and punishing local criminals. As the leader of one Yemeni tribal confederation told me, “Al Qaeda attracts those who can’t afford to turn away.”¶ Religious figures echoed these words. Though critical of the U.S. drone campaign, none of the Islamists and Salafists I interviewed believed that drone strikes explain al Qaeda’s burgeoning numbers. “The driving issue is development,” an Islamist parliamentarian from Hadramout province said. “Some districts are so poor that joining al Qaeda represents the best of several bad options.” (Other options include criminality, migration, and even starvation.) A Salafi scholar engaged in hostage negotiations with AQAP agreed. “Those who fight do so because of the injustice in this country,” he explained. “A few in the north are driven by ideology, but in the south it is mostly about poverty and corruption.”¶ Despite Yemenis’ antipathy toward drones, my conversations also revealed a surprising degree of pragmatism. Those living in active conflict zones drew clear distinctions between earlier U.S. operations, such as the Majala bombing, and more recent strikes on senior al Qaeda figures. “Things were very bad in 2009,” a tribal militia commander from Abyan province told me, “but now the drones are seen as helping us.” He explained that Yemenis could “accept [drones] as long as there are no more civilian casualties.” An Islamist member of the separatist al-Harak movement offered a similar assessment. “Ordinary people have become very practical about drones,” he said. “If the United States focuses on the leaders and civilians aren’t killed, then drone strikes will hurt al Qaeda more than they help them.”¶ Some of the men I interviewed admitted that they had changed their minds about drone strikes. Separatists in Aden who openly derided AQAP as a proxy of Yemen’s recently deposed president, Ali Abdullah Saleh, privately acknowledged the utility of the U.S. drone campaign. “Saleh created this crisis in order to steal from America and stay in power,” a former official from the now-defunct People’s Democratic Republic of Yemen told me. “Now it is our crisis, and we need every tool to solve it.”¶ Yemeni journalists, particularly those with firsthand exposure to AQAP, shared this view: “I opposed the drone campaign until I saw what al Qaeda was doing in Jaar and Zinjibar,” an independent reporter in Aden said. “Al Qaeda hates the drones, they’re absolutely terrified of the drones … and that is why we need them.”

**The worst case scenario for bioterror happened – no extinction**

**Dove 12** [Alan Dove, PhD in Microbiology, science journalist and former Adjunct Professor at New York University, “Who’s Afraid of the Big, Bad Bioterrorist?” Jan 24 2012, http://alandove.com/content/2012/01/whos-afraid-of-the-big-bad-bioterrorist/]

The second problem is much more serious. Eliminating the toxins, we’re left with a list of infectious bacteria and viruses. With a single exception, these organisms are probably near-useless as weapons, and history proves it.¶ There have been at least three well-documented military-style deployments of infectious agents from the list, plus one deployment of an agent that’s not on the list. I’m focusing entirely on the modern era, by the way. There are historical reports of armies catapulting plague-ridden corpses over city walls and conquistadors trying to inoculate blankets with Variola (smallpox), but it’s not clear those “attacks” were effective. Those diseases tended to spread like, well, plagues, so there’s no telling whether the targets really caught the diseases from the bodies and blankets, or simply picked them up through casual contact with their enemies.¶Of the four modern biowarfare incidents, two have been fatal. The first was the 1979 Sverdlovsk anthrax incident, which killed an estimated 100 people. In that case, a Soviet-built biological weapons lab accidentally released a large plume of weaponized Bacillus anthracis (anthrax) over a major city. Soviet authorities tried to blame the resulting fatalities on “bad meat,” but in the 1990s Western investigators were finally able to piece together the real story. The second fatal incident also involved anthrax from a government-run lab: the 2001 “Amerithrax” attacks. That time, a rogue employee (or perhaps employees) of the government’s main bioweapons lab sent weaponized, powdered anthrax through the US postal service. Five people died.¶ That gives us a grand total of around 105 deaths, entirely from agents that were grown and weaponized in officially-sanctioned and funded bioweapons research labs. Remember that.¶Terrorist groups have also deployed biological weapons twice, and these cases are very instructive. The first was the 1984 Rajneeshee bioterror attack, in which members of acult in Oregon inoculated restaurant salad bars with Salmonella bacteria (an agent that’s not on the “select” list). 751 people got sick, but nobody died. Public health authorities handled it as a conventional foodborne Salmonella outbreak, identified the sources and contained them. Nobody even would have known it was a deliberate attack if a member of the cult hadn’t come forward afterward with a confession. Lesson: our existing public health infrastructure was entirely adequate to respond to a major bioterrorist attack.¶ The second genuine bioterrorist attack took place in 1993. Members of the Aum Shinrikyo cult successfully isolated and grew a large stock of anthrax bacteria, then sprayed it as an aerosol from the roof of a building in downtown Tokyo. The cult was well-financed,and had many highly educated members, so **this** release over the world’s largest city really **represented a worst-case scenario**.¶ **Nobody got sick** or died. From the cult’s perspective, it was a complete and utter failure. Again, the only reason we even found out about it was a post-hoc confession. Aum members later demonstrated their lab skills by producing Sarin nerve gas, with far deadlier results. Lesson: one of the top “select agents” is extremely hard to grow and deploy even for relatively skilled non-state groups. It’s a really crappy bioterrorist weapon.¶ Taken together, these events point to an uncomfortable but inevitable conclusion: our biodefense industry is a far greater threat to us than any actual bioterrorists.

#### Studies prove no impact

Perumal, business reporter – Gulf Times, 9/14/’11

(Santhosh, <http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=458158&version=1&template_id=48&parent_id=28>)

Oil price shocks are not always costly for oil-importing countries as a 25% increase in oil prices causes their GDP (gross domestic product) to fall by about half of 1% or less, according to an International Monetary Fund (IMF) working paper. “Across the world, oil price shock episodes have generally not been associated with a contemporaneous decline in output but, rather, with increases in both imports and exports,” the paper said. There is evidence of lagged negative effects on output, particularly for the Organisation for Economic Cooperation and Development (OECD) economies, but the magnitude has typically been small, said the paper, authored by Tobias N Rasmussen and Agustín Roitman. For a given level of world GDP, the paper found that oil prices have a negative effect on oil-importing countries and also that cross-country differences in the magnitude of the impact depend to a large extent on the relative magnitude of oil imports.  “The effect is still not particularly large, however, with our estimates suggesting that a 25% increase in oil prices will cause a loss of real GDP in oil-importing countries of less than half of 1%, spread over 2–3 years,” the authors said.  One likely explanation for this relatively modest impact is that part of the greater revenue accruing to oil exporters will be recycled in the form of imports or other international flows, thus contributing to keep up demand in oil-importing economies, the paper said. “The negative impact of oil price shocks on oil-importing countries is partly offset by concurrent increases in exports and other income flows,” it said.

**There is no causal relationship between the economy and conflict—the best study proves.**

**Brandt and Ulfelder 11**—\*Patrick T. Brandt, Ph.D. in Political Science from Indiana University, is an Assistant Professor of Political Science in the School of Social Science at the University of Texas at Dallas. \*\*Jay Ulfelder, Ph.D. in political science from Stanford University, is an American political scientist whose research interests include democratization, civil unrest, and violent conflict. [April, 2011, “Economic Growth and Political Instability,” Social Science Research Network]

These statements anticipating political fallout from the global economic crisis of 2008–2010 reflect a widely held view that economic growth has rapid and profound effects on countries’ political stability. When economies grow at a healthy clip, citizens are presumed to be too busy and too content to engage in protest or rebellion, and governments are thought to be flush with revenues they can use to enhance their own stability by producing public goods or rewarding cronies, depending on the type of regime they inhabit. When growth slows, however, citizens and cronies alike are presumed to grow frustrated with their governments, and the leaders at the receiving end of that frustration are thought to lack the financial resources to respond effectively. The expected result is an increase in the risks of social unrest, civil war, coup attempts, and regime breakdown.

Although it is pervasive, the assumption that countries’ economic growth rates strongly affect their political stability has not been subjected to a great deal of careful empirical analysis, and evidence from social science research to date does not unambiguously support it.Theoretical models of civil wars, coups d’etat, and transitions to and from democracy often specify slow economic growth as an important cause or catalyst of those events, but empirical studies on the effects of economic growth on these phenomena have produced mixed results. Meanwhile, the effects of economic growth on the occurrence or incidence of social unrest seem to have **hardly been studied in recent years**, as empirical analysis of contentious collective action has concentrated on political opportunity structures and dynamics of protest and repression. This paper helps fill that gap by rigorously re-examining the effects of short-term variations in economic growth on the occurrence of several forms of political instability in countries worldwide over the past few decades. In this paper, we do not seek to develop and test new theories of political instability. Instead, we aim to subject a hypothesis common to many prior theories of political instability to more careful empirical scrutiny. The goal is to provide a detailed empirical characterization of the relationship between economic growth and political instability in a broad sense. In effect, we describe the conventional wisdom as seen in the data. We do so with statistical models that use smoothing splines and multiple lags to allow for nonlinear and dynamic effects from economic growth on political stability. We also do so with an instrumented measure of growth that explicitly accounts for endogeneity in the relationship between political instability and economic growth. To our knowledge, ours is the first statistical study of this relationship to simultaneously address the possibility of nonlinearity and problems of endogeneity. As such, we believe this paper offers what is probably the most rigorous general evaluation of this argument to date. As the results show, some of our findings are surprising. Consistent with conventional assumptions, we find that social unrest and civil violence are more likely to occur and democratic regimes are more susceptible to coup attempts around periods of slow economic growth. At the same time, our analysis shows no significant relationship between variation in growth and the risk of civil-war onset, and results from our analysis of regime changes contradict the widely accepted claim that economic crises cause transitions from autocracy to democracy. While we would hardly pretend to have the last word on any of these relationships, our findings do suggest that the relationship between economic growth and political stability is neither as uniform nor as strong as the conventional wisdom(s) presume(s). We think these findings also help explain why the global recession of 2008–2010 has failed thus far to produce the wave of coups and regime failures that some observers had anticipated, in spite of the expected and apparent uptick in social unrest associated with the crisis.

### 1NC- Drone Prolif

**1. No impact —aggressors don’t have the intel or experience to be capable of attack**

Admiral Dennis **Blair**, Former Director of National Intelligence, “U.S. Drone Strike Policies: Speakers: Admiral Dennis Blair, Former Director of National Intelligence, and Micah Zenko, Douglas Dillon Fellow,” Conversation at CFR, January 22, **2013**.

OPERATOR: Our next question comes from KT McFarland with Fox News.¶ QUESTIONER: Hi. Thank you very much for doing this.¶ Has anybody, either you or others, given thought to what happens next? I mean, the United States owns the drone wars now, but technology tends to only trump temporarily. What happens down the road five years from now when other countries get drones, other countries have the ability to target American diplomats traveling around in cars in rural Yemen? Are we -- are we -- have we really thought through what kind of a world it's going to be when we have proliferating drone powers?¶ BLAIR: I think that --¶ MASTERS: (Micah, you want ?) --¶ BLAIR: This is Dennis Blair again.¶ QUESTIONER: Hi, Dennis.¶ BLAIR: I think we've partly thought that -- thought that through, but this is a -- this is a familiar syndrome in the sort of military technology cycle. When a new weapons program comes in, it's often introduced by the more advanced countries, the high-tech ones, and -- who take full advantage of that while they can and don't worry too much about what happens when others -- when others get it.¶ When you -- when you think about it, there are a couple of things that make me believe that this -- **when drones do proliferate, they will not be** as **effective weapons against us as we are able to use them against others right now.**¶ One is that they are -- that **they are very dependent** on a -- **on an intelligence system which is incredibly worldwide, complicated and expensive**. It uses the entire U.S. global intelligence system. **No other country can afford that**. It's not just the -- **it's not just the money; it's the years of practice** it takes to do that.¶ The second one is that -- what I do fear the most, though, is that a terrorist -- and let me say **I don't fear** too much **other nation- states that gain this capability**. It's very -- you know if another country has it and is using it against you and then you can use the full -- the full array of both **defensive systems and** of **retaliation** to keep it **from being used** against you **effectively**.¶ I do fear that -- and **if al-Qaida can develop a drone, its first thought will be to use it to kill** our president, **senior officials**, senior military officers. **And it's possible, without a great deal of intelligence, to be able to do something with a drone that you can't** do **with a** -- with a high-speed -- with a high-powered **rifle o**r with -- driving a **car full of explosives** or the other ways that terrorists now use to try to kill senior officials¶ And I think that there are ways to deal with that that -- but it -- and I also think that **whether we use them or not -- the way in which we use them or not won't affect the zeal of terrorists groups to be able to get them and to be able to kill senior officials** for all of the reasons that we are familiar with.¶ So I think **this is not opening up a huge Pandora's box** which will make us wish that we'd never invented the drone, but **it will cause us to have to take some more defensive measures in the future.**

**2. No prolif – no major prolif over next 10 years – too costly and not effective enough**

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

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

**3. Expansion of drones is inevitable—Manufacturers want money and human operated aircraft aren’t being developed anymore**

**Right Vision News 2012**

[Pakistani news agency, “Pakistan: 76 countries acquire drones, pose new threat to global security,” 03 Oct 2012, proquest, wyo-sc]

¶Recently, in an unconfirmed report, it was alleged that Israel used a drone to strike and kill in the territory of Egypt. According to the research: "Reportedly, **Iran has supplied** the **Assad** regime (Syrian) **with drones**, which **it has** apparently already **employed** to conduct **surveillance on the opposition**."¶ Non-state organisations like **Hezbollah**, the report added, **have also entered the fray**, reportedly **deploying** **an** **Iranian**-designed **drone**; similarly **the Free Syria Army** **also** reportedly recently **built a small armed drone**.¶ Peter Singer of the Brookings Institution is quoted by the report to have observed: "I think of where the airplane was at the start of World War I: at first it was unarmed and limited to a handful of countries....¶ Then it was armed and everywhere. That is the path we're on."¶ It adds the **drone manufacturers are heavily pushing their products internationally** **and into new markets,** and **global spending on drones** **is expected to total** **more than $94 billion over the next decade.**¶Indeed, **there is not a** single new **manned combat aircraft under research** **and development at any major Western aerospace company**, **and the Air Force is training more operators of** **unmanned** **aerial systems than fighter and bomber pilots combined**, the report added

**Other countries won’t model the nature of our drones—they don’t have the intelligence or need for global strike capabilities**

**Roberts 2013** [Kristin, News Editor for *National Journal*, “When the Whole World Has Drones,” National Journal, 3/22/2013, Academic Search Premier, wyo-sc]

**Other countries**, groups, and even individuals can and do **fly drones**. **But no state or group has** nearly **the sophisticated network of intelligence** and data analysis **that gives the U**nited **S**tates **its** **strategic advantage**. Although **it would be foolish to dismiss** **the notion that** potential U.S. **adversaries** **aspire to attain** that type of war-from-afar, **pinpoint-strike capability**, **they have** **neither the income nor the perceived need to do so**.¶ That's true, at least today. It's also irrelevant. **Others who employ drones** are likely to **carry a different** **agenda**, one **more concerned with employing** a relatively **inexpensive** **and** ruthlessly **efficient tool** **to dispatch an enemy close** **at hand**.¶ "**It would be very difficult for them to create the global-strike architecture we have**, **to have a control cell in Nevada flying a plane over Afghanistan**. The reality is that **most nations don't** **want or need that**," said Peter Singer, director of the Brookings Institution's Center for 21st Century Security and Intelligence and one of the foremost experts in advanced military technology. "**Turkey's not** **looking to conduct strikes into the Philippines**…. But Turkey is looking to be able to carry out long-duration surveillance and potentially strike inside and right on its border."

## 2NC

#### Allies only perceive Obama’s actions on drones-want to preserve broad executive power while setting international drone standards

The Economist 2013

[The Economist, June 21st, 2013, Out of the shadows, http://www.economist.com/news/united-states/21578689-barack-obamas-rules-drones-could-shape-new-global-laws-war-out-shadows, uwyo//amp]

WHEN it comes to lethal drone strikes against foreign targets, America’s government and Congress should be aware that “what is sauce for the goose is sauce for the gander”, says John Bellinger, for eight years a government lawyer charged with explaining George W. Bush’s global war on terror to allies. China and Russia are just two of the powers that may soon launch their own fleets of unmanned aircraft against suspected foes. It is not too far-fetched to imagine a near future in which a Russian drone targets a Chechen radical based in neighbouring Georgia, say, who appears immune from capture while apparently plotting an imminent strike on Russian targets. Experts such as Mr Bellinger have warned Congress in public hearings that unless America sets clear, internationally accepted rules for its own drone strikes, it can hardly condemn Russian or Chinese aerial killings with any credibility. Such advice has been echoed, privately, by diplomats from some of America’s closest partners, who fret about the legal underpinnings of Barack Obama’s war on terror. A few phrases passed by Congress days after the September 11th 2001 attacks give the president broad war-making powers in the name of self-defence. But such allies are worried not just about Mr Obama’s ability to stare down alarming, fast-rising powers such as China. The other reason why they want him to lead America back onto higher moral ground is that they fear for their own reputations, if they lend help to drone attacks. Even supportive governments face some hard choices about passing intelligence to America, when the ensuing drone strikes may leave spooks and spymasters facing public anger and even lawsuits.

#### Unilateral action by Obama key to set international norms

The Economist 2013

[The Economist, June 21st, 2013, Out of the shadows, http://www.economist.com/news/united-states/21578689-barack-obamas-rules-drones-could-shape-new-global-laws-war-out-shadows, uwyo//amp]

Mr Obama left himself wriggle-room, for example over how an imminent threat should be defined. Much damage has already been done to America’s diplomatic standing worldwide and to its image among Muslims. But if, by binding America unilaterally to higher standards, Mr Obama helps set norms for other countries as they acquire drones, that would be something. Such example-setting is a slow process, says Mr Bellinger, but “this is how customary international law is made”. Mr Obama had several aims, says Benjamin Rhodes, a deputy national security adviser who wrote the president’s speech. Since the war on terror has lasted for so long and shows no sign of ending, it was time to “bring in” the American public by explaining the rules for drones, he says. The swift spread of technology also provided a spur. Other countries will soon have killer drones. Only if America can describe the international legal framework for its own strikes with “specificity” will it be able to shape the new laws of war.

#### executive orders

Kumar 2013

[Anita Kumar, journalist, March 19, 2013, Obama turning to executive power to get what he wants

: [http://www.mcclatchydc.com/2013/03/19/186309/obama-turning-to-executive-power.html#.Uexodo1tOyQ#storylink=cpy](http://www.mcclatchydc.com/2013/03/19/186309/obama-turning-to-executive-power.html#.Uexodo1tOyQ), uwyo//amp]

WASHINGTON — President Barack Obama came into office four years ago skeptical of pushing the power of the White House to the limit, especially if it appeared to be circumventing Congress. Now, as he launches his second term, Obama has grown more comfortable wielding power to try to move his own agenda forward, particularly when a deeply fractured, often-hostile Congress gets in his way. He’s done it with a package of tools, some of which date to George Washington and some invented in the modern era of an increasingly powerful presidency. And he’s done it with a frequency that belies his original campaign criticisms of predecessor George W. Bush, invites criticisms that he’s bypassing the checks and balances of Congress and the courts, and whets the appetite of liberal activists who want him to do even more to advance their goals. While his decision to send drones to kill U.S. citizens suspected of terrorism has garnered a torrent of criticism, his use of executive orders and other powers at home is deeper and wider. He delayed the deportation of young illegal immigrants when Congress wouldn’t agree. He ordered the Centers for Disease Control and Prevention to research gun violence, which Congress halted nearly 15 years ago. He told the Justice Department to stop defending the Defense of Marriage Act, deciding that the 1996 law defining marriage as between a man and a woman was unconstitutional. He’s vowed to act on his own if Congress didn’t pass policies to prepare for climate change. Arguably more than any other president in modern history, he’s using executive actions, primarily orders, to bypass or pressure a Congress where the opposition Republicans can block any proposal.

#### Intra-executive drone tribunals solves-ensures accountability and prevents errors while maintaining the legitimacy of national security secrets

Crandall, 2012

[Carla, Law Clerk to the Honorable Laura Denvir Stith, Supreme Court of Missouri and the author was previously employed by the National Geospatial-Intelligence Agency, READY . . . FIRE . . . AIM! A CASE FOR APPLYING AMERICAN DUE PROCESS PRINCIPLES BEFORE ENGAGING IN DRONE STRIKES, April, 2012 Florida Journal of International Law 24 Fla. J. Int'l L. 55, Lexis] /Wyo-MB

4. CSRTs as a Framework for Governing the Use of Drones

Ultimately, then, the inquiry into whether more robust procedural protections are in order before the U.S. government engages in future drone attacks may rest on the Boumediene Court's signal that the answer depends on "whether there are suitable alternative processes in place." n176 Arguably, regarding drone strikes, these are lacking; but they do appear feasible. Indeed, in practically implementing the general principles outlined above in the context of a drone strike, the procedures of the CSRTs-foreshadowed in broad strokes by the Hamdi Court, and at least tacitly supported in Boumediene n177 -might offer a general framework under which the United States might operate in order to legitimize drone strikes.In suggesting the possibility of creating a pre-strike review tribunal, there are several threshold matters to be addressed. Most fundamentally, while it may indeed be unreasonable for a terrorist himself to appear before a tribunal to challenge his status as a legitimate drone target, it does not appear unreasonable to require the executive to develop internal procedures affording a limited parallel. For example, given that the individuals listed on the U.S. strike list are subject to unlimited military force, n178 the government arguably ought to be required to prove before a tribunal that listed persons are in fact legitimate drone targets. As with CSRTs, it appears to make imminent sense that pre-strike reviews be conducted entirely within the executive. While one "could envision a system where the judiciary would review the discretion of the attacker" n179 to launch a drone strike, such a scheme ignores the realities of the war on terror and the role of the executive in commanding wartime military operations. n180 It would not appear prudent, for example, to force the government to publicly disclose its methods and sources in submitting evidentiary proof against a particular suspect. Moreover, as noted above, the Boumediene Court arguably signaled support for an intra-executive review process related to drone targeting [\*87] methods. n181In order to ensure that the government is in fact meeting its burden of proof, however, the executive could appoint an ombudsman or personal representative with advocacy responsibilities for each potential drone target. n182 An advocacy role for such an individual-in contrast to the limited role of a CSRT Personal Representative-would be necessary in light of the absence during the proceeding of the suspect himself. To state it another way, given that the potential target would essentially be "tried" in absentia, these advocates would bear the responsibility of contesting the evidence of the government, and ensuring that the United States in fact met its burden of proving that it possessed enough evidence to warrant use of a drone against a particular individual. While this proceeding would obviously not afford the same protections as habeas review, the reality is that such review is plainly impossible if drones are to be used at all. A "drone tribunal" at least provides some level of review to correct potential errors in the target identification process.

#### Intra-Executive review post-targeted killing ensures accountability while also protecting national security

Murphy & Radsan 09

[Richard Murphy is the AT&T Professor of Law, Texas Tech University School of Law. Afsheen John Radsan is a Professor, William Mitchell College of Law. He was assistant general counsel at the Central Intelligence Agency from 2002-2004., DUE PROCESS AND TARGETED KILLING OF TERRORISTS, uwyo//amp]

Internal investigations, however, do not always pose a plausible threat to national security. Consider the Predator program. Within the CIA, the task of investigating the legality of its actions is entrusted to the CIA‘s Inspector General (IG). He holds an office created by statute, is subject to Senate confirmation, and can only be removed by the President.244 Where the IG‘s investigation finds evidence of criminality, he or she refers the matter to the Department of Justice for further investigation and possible prosecution.245 One could easily impose a categorical requirement that all CIA targeted killings be subject to IG review. To support the IG, review teams could be established within the CIA‘s Clandestine Service or existing ―accountability boards‖ could be used. The CIA‘s Office of General Counsel could also play a role. And the National Security Council, a link between the CIA and the White House, could coordinate the internal oversight. Review within the CIA ensures the proper handling of classified information. Plus, internal review protects private interests by encouraging careful, sparing use of targeted killing and by ensuring some accountability when mistakes or abuses do occur. The increasing accountability on Predator strikes, in turn, serves an even broader interest in the legitimacy and fairness of deadly government action. Thus, the Mathews balance favors an intra-executive review at least as intrusive as IG review.

#### Drone court doesn’t solve blowback or separation of powers – won’t appease detractors, will be a rubber stamp court, and slippery slope of unconstitutional constraint

Bloomberg 13

[Bloomberg staffwriters: premier site for business and financial market news. "Why a ‘Drone Court’ Won’t Work."*Bloomberg*. Bloomberg, 18 Feb 2013. Web. 31 Aug 2013. <http://www.bloomberg.com/news/2013-02-18/why-a-drone-court-won-t-work.html>. //Wyo-BF]

President Barack Obama’s drone war is in danger of becoming an Abu Ghraib-style public-relations nightmare, drawing criticism at home from left and right (and, it seems, even many U.S. troops), spurring angry protests in Pakistan and Yemen, and becoming a recruiting tool for al-Qaeda. Hence the interest in putting the program under some sort of judicial scrutiny. Unfortunately, as good as that idea sounds, it runs into insurmountable practical and constitutional hurdles. As loosely proposed by Senator Angus King of Maine at John Brennan’s confirmation hearings to lead the Central Intelligence Agency, the U.S. could create a system similar to that involving the Foreign Intelligence Surveillance Act, under which a secret court hears government warrant requests for electronic surveillance of suspected foreign intelligence agents in the U.S. Given the ticking-time-bomb nature of drone strikes, seeking judicial approval for an individual strike is impractical. More likely, a judge would have to sign off on adding an individual to the administration’s “kill list” of targets. To get approval, the administration would be obligated to make a case that the person is an imminent threat and that capture wouldn’t be possible. (It’s unclear whether the protocol would apply to all targeted people or just to U.S. citizens such as Anwar al-Awlaki.) Such a system would ostensibly have two benefits: increasing the legitimacy of the drone war and placing a check on the executive branch’s power to decide life and death. On closer examination, both advantages prove illusory. First, few outraged Pakistanis would be assuaged by the distinction of judicial scrutiny, and civil libertarians would point out that the target is never given a chance to make a case before the judge. This lack of an “adversarial setting” for the subject might be defensible in the case of FISA warrants, but the stakes here are far higher than a simple wiretap. As for the balance of powers, that is where we dive into constitutional hot water. Constitutional scholars agree that the president is sworn to use his “defensive power” to protect the U.S. and its citizens from any serious threat, and nothing in the Constitution gives Congress or the judiciary a right to stay his hand. It also presents a slippery slope: If a judge can call off a drone strike, can he also nix a raid such as the one that killed Osama bin Laden? If the other branches want to scrutinize the president’s national security decisions in this way, they can only do so retrospectively.

There is also a human problem: Few judges would be eager to find themselves in this role. “That’s not the business of judges,” James Robinson, a former federal appeals judge, told the Washington Post, “to sign a death warrant for somebody who is on foreign soil.” Those who did would face such tremendous pressure to side with the government that the process would probably become a rubber stamp. And why exactly do we think a judge is any better suited to discerning terrorist threats than senior executive branch officials? There is an alternative, albeit a somewhat unsatisfying one: Congress could create a “cause of action” that would give the families of those killed the ability to seek damages. Clearly, no amount of money is going to make up for a wrongful death. But, as Stephen I. Vladeck of American University’s law school points out, the threat of potential liability might make an administration that much more careful in deciding both the imminence of the threat and the feasibility of capture as an alternative. Although any suit would probably have to be heard in secret for national-security reasons, it would afford a layer of judicial scrutiny to government actions, and would allow a lawyer to make an adversarial case on behalf of the target.

**ZERO risk of WMD terror – their evidence is alarmist**

**Mueller ’12 (John, Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute. Mark G. Stewart is Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, The Terrorism Delusion, *International Security*, Vol. 37, No. 1 (Summer 2012), pp. 81–110)**

Over the course of time, such essentially delusionary thinking has been internalized and institutionalized in a great many ways. For example, an extrapolation of delusionary proportions is evident inthe common observation that, because terroristswere able, mostly by thuggish means, to crash airplanes into buildings, they mighttherefore be able to construct a nuclear bomb.In 2005 an FBI report found that, despite years of well-funded sleuthing, the Bureau had yet to uncover a single true al-Qaida sleeper cell in the United States. The report was secret but managed to be leaked. Brian Ross, “Secret FBI Report Questions Al Qaeda Capabilities: No ‘True’ Al Qaeda Sleeper Agents Have Been Found in U.S.,” ABC News, March 9, 2005. Fox News reported that the FBI, however, observed that “just because there’s no concrete evidence of sleeper cells now, doesn’t mean they don’t exist.” “FBI Can’t Find Sleeper Cells,” Fox News, March 10, 2005. Jenkins has run an internet search to discover how often variants of the term “al-Qaida” appeared within ten words of “nuclear.” There were only seven hits in 1999 and eleven in 2000, but the number soared to 1,742 in 2001 and to 2,931 in 2002. 47 By 2008, Defense Secretary Robert Gates was assuring a congressional committee that what keeps every senior government leader awake at night is “the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.” 48 Few of the sleepless, it seems, found much solace in the fact that an al-Qaida computer seized in Afghanistan in 2001 indicated that the group’s budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was $2,000 to $4,000. 49 In the wake of the killing of Osama bin Laden, officials now have many more al-Qaida computers, and nothing in their content appears to suggestthat the group had the timeor inclination, let alone the money, toset up and staffa uranium-seizing operation, as well as a fancy, super-high-technology facility to fabricate a bomb. This is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew—all while attracting no attention from outsiders. 50 If the miscreants in the American cases have been unable to create and set off even the simplest conventional bombs, it stands to reason that **none of them were**very **close to**creating, or having anything to do with,**nuclear weapons**—or for that matter **biological**, **radiological**, **or chemical ones**. In fact, with perhaps one exception, none seems to have even dreamed of the prospect; and the exception is José Padilla (case 2), who apparently mused at one point about creating a dirty bomb—a device that would disperse radiation—or even possibly an atomic one. His idea about isotope separation was to put uranium into a pail and then to make himself into a human centrifuge by swinging the pail around in great arcs. Even if a weapon were made abroad and then brought into the United States, its detonation would require individualsin-country with the capacity toreceive and handle the complicated weapons andthen to set them off. Thus far, the talent pool appears, to put mildly, very thin. There is delusion, as well, in the legal expansion of the concept of “weapons of mass destruction.” The concept had once been taken as a synonym for nuclear weapons or was meant to include nuclear weapons as well as weapons yet to be developed that might have similar destructive capacity. After the Cold War, it was expanded to embrace chemical, biological, and radiological weapons even though those weapons for the most part are incapable of committing destruction that could reasonably be considered “massive,” particularly in comparison with nuclear ones. 52

**Terrorists have had limited incentive to go nuclear – no ability to build their own couldn’t steal fissile material, or buy from corrupt insiders.**

**Mueller ‘10**

John Mueller, professor of political science at Ohio State University. “Calming Our Nuclear Jitters”. Issues in Science and Technology. 1/1/2010. Vol.26,Iss.2;p.58-66. Academic Search Premiere.

In contrast to these predictions, terrorist groups seem to have exhibited only limited desire and even less progress in going atomic. This may be because, after brief exploration of the possible routes, they, unlike generations of alarmists, have discovered that the tremendous effort required is scarcely likely to be successful. The most plausible route for terrorists, according to most experts, would be to manufacture an atomic device themselves from purloined fissile material (plutonium or, more likely, highly enriched uranium). This task, however, remains a daunting one, requiring that a considerable series of difficult hurdles be conquered and in sequence. Outright armed theft of fissile material is exceedingly unlikely not only because of the resistance of guards, but because chase would be immediate. A more promising approach would be to corrupt insiders to smuggle out the required substances. However, this requires the terrorists to pay off a host of greedy confederates, including brokers and money-transmitters, any one of whom could turn on them or, either out of guile or incompetence, furnish them with stuff that is useless. Insiders might also consider the possibility that once the heist was accomplished, the terrorists would, as analyst Brian Jenkins none too delicately puts it, “have every incentive to cover their trail, beginning with eliminating their confederates.”

# 1NR

## Prez Power DA

#### Timeframe- Syrian chemical weapons use lowers threshold for NK lashout

Bodeen 09/10

[Christopher Bodeen, 09/10/13, U.S. warns of North Korean chemical weapons threat, <http://www.armytimes.com/article/20130910/NEWS08/309100003/U-S-warns-North-Korean-chemical-weapons-threat>, uwyo//amp]

Miller said he emphasized to his Chinese counterpart that lowering the threshold for chemical weapons use could put U.S. troops at risk and threaten China’s security and that of the entire globe. “I emphasized the massive chemical weapons arsenal that North Korea has and that we didn’t want to live in a world in which North Korea felt that the threshold for chemical weapons usage had been lowered,” Miller told reporters at a briefing following his talks Monday with Wang Guanzhong, the Chinese army’s deputy chief of staff. It was strongly in China’s interest that there be a “strong response to Assad’s clear and massive use of chemical weapons,” Miller said he told Wang.

#### Probability- capable of in nuclear detonation in the American heartland, killing millions

Pry 2013

[Peter Vincent Pry is executive director of the Task Force on National and Homeland Security, and served on the Congressional EMP Commission and the House Armed Services Committee and at the CIA., April 15th, 2013, The danger of dismissing North Korea’s nuclear threat, http://www.washingtontimes.com/news/2013/apr/15/the-danger-of-dismissing-north-koreas-nuclear-thre/#ixzz2alIMb9Qg

Follow us: @washtimes on Twitter, uwyo//amp]

North Korea could deliver a nuclear bomb in the hold of a freighter under a foreign flag to destroy a U.S. port city such as New York or Los Angeles. They could give a bomb to terrorist groups such as al Qaeda or Hezbollah to deliver by truck or plane across the porous U.S. border. They could use a false-flagged freighter to move a Scud or their medium-range Nodong missile close enough to make a nuclear strike on the U.S. mainland. What about North Korea’s claim that it has long-range nuclear missiles that can strike the United States right now? If our current crop of leaders is as prudent as were President Dwight Eisenhower and Sen. Lyndon Johnson in 1957, they would warn the American people that North Korean nuclear threats to the U.S. heartland may be real. After all, North Korea has had at least three successful nuclear tests and successfully orbited a satellite the latter being the usual indicator that a nuclear power has achieved intercontinental reach. A recently leaked Defense Intelligence Agency briefing concludes North Korea probably has miniaturized nuclear warheads for ballistic missiles. The Obama administration is desperately backpedaling from this assessment, trying to downplay and even deny the existence of a North Korean nuclear-missile threat in sad contrast to the example of strategic prudence, realism and honesty set by Eisenhower and Johnson. After the Soviet Union successfully tested a nuclear weapon in 1949 and then launched into orbit its Sputnik satellite in 1957, a bipartisan national consensus quickly emerged that the USSR had achieved a technological breakthrough, and would soon possess intercontinental ballistic missiles (ICBMs) capable of delivering nuclear annihilation against the American heartland. Consequently, the United States launched a crash program to develop ICBMs and other systems to deter this emerging Soviet missile threat. Liberal historians often criticize those Republican and Democratic leaders of 1957 for “overreacting” to an allegedly exaggerated “missile gap” that spurred the United States to outrace the Soviet Union in ICBM production. President John F. Kennedy was glad, though, to have a 5-to-1 advantage over the Soviets in ICBMs during the 1962 Cuban Missile Crisis. There is no such thing as an excess of caution when it comes to anticipating and preparing to deter or defeat the existential threat represented by nuclear weapons. Prudence, caution and preparedness are the watchwords that enabled the United States to avoid a thermonuclear holocaust and ultimately prevail in the Cold War. Contrary to most press reporting, that North Korea has nuclear missiles is old news. Previously, the DIA (2011), European intelligence agencies (2009), and a CIA official (2008) have all stated publicly that North Korea has miniaturized nuclear warheads and deployed them on its Nodong medium-range missile. This is a conservative, sound assessment, since North Korea has been working on nuclear warheads for nearly 20 years, and has had three nuclear tests. Israel and South Africa developed nuclear warheads for their missiles without any nuclear tests. North Korea’s long-range missile orbited a satellite that weighs only 220 pounds. Can a nuclear warhead weigh so little? North Korea’s so-called Space Launch Vehicle could deliver against the U.S. heartland any of the following nuclear weapons: Using the technology of 56 years ago, the United States in 1957 deployed the MK-9, a nuclear weapon weighing 120 pounds with a yield of 15 kilotons, as powerful as the 9,000-pound Hiroshima bomb (10 to 15 kilotons), but with weight reduced to nearly 1 percent. Using the technology of 51 years ago, the United States in 1962 deployed the W-45 missile warhead, which weighed 150 pounds with a yield of 15 kilotons. Using the technology of 49 years ago, the United States in 1964 deployed the W-58 Polaris warhead, which weighed 257 pounds and had a yield of 200 kilotons some 20 times more powerful than the Hiroshima bomb. The W-58 was deployed 19 years after Hiroshima. North Korea has been working on nuclear weapons for 19 years, but using modern 21st-century technology, with access to copious declassified U.S. materials on nuclear-weapons design, and with help from Russia, China, Pakistan, Iran and others. The W-58 was a thermonuclear warhead, while North Korea is assessed as having only plutonium- and uranium-fission atomic weapons. Might North Korea have the H-bomb? In 2010, North Korea may have conducted two clandestine tests of fusion nuclear devices, according to credible European analysis of radionuclides. The United States focuses on North Korea’s plutonium and uranium programs because that is all we can see. Hiding advancement to thermonuclear weapons is relatively easy. The U.S. did not know Israel developed thermonuclear weapons, and assessed Israel as having only atomic weapons until the defection of Israeli nuclear weapons expert Mordechai Vanunu exposed that Israel has thermonuclear weapons, too developed clandestinely without testing. The worst case for the United States is if North Korea has super-electromagnetic pulse weapons. A single such nuclear warhead detonated over America would generate a powerful electromagnetic pulse that would assuredly collapse the national electric grid and other critical infrastructures necessary to sustain modern society and the lives of 310 million Americans. Such a super-warhead would likely be small enough for delivery against the U.S. mainland by North Korea’s long-range missiles. Russia, South Korea, China and the U.S. EMP Commission have all warned that North Korea has super-electromagnetic pulse nuclear weapons. Prudence and caution dictate that North Korea’s threats to make nuclear attacks on the U.S. mainland should not be lightly dismissed as mere “bluster.” If we are prepared to be so misled by our leaders, then we should be ready to hear from the White House and Congress in the near future that Iran despite orbiting several satellites, and even if it conducts three successful nuclear tests is still not a real threat to the American heartland.

#### B) Turns terror- Constrained executive makes it impossible to respond to the rapid and existential nature of the threat posed by terrorism-strong, flexible executive key to check nuclear, chemical, and biological attacks

Royal 2011

[John Paul, Fellow of the Institute for World Politics, 2011, War Powers and the Age of Terrorism, <http://www.thepresidency.org/storage/Fellows2011/Royal-_Final_Paper.pdf>, uwyo//amp]

The international system itself and national security challenges to the United States in particular, underwent rapid and significant change in the first decade of the twenty-first century. War can no longer be thought about strictly in the terms of the system and tradition created by the Treaty of Westphalia over three and a half centuries ago. Non-state actors now possess a level of destructiveness formerly enjoyed only by nation states. Global terrorism, coupled with the threat of weapons of mass destruction developed organically or obtained from rogue regimes, presents new challenges to U.S. national security and place innovative demands on the Constitution’s system of making war. In the past, as summarized in the 9/11 Commission Report, threats emerged due to hostile actions taken by enemy states and their ability to muster large enough forces to wage war: “Threats emerged slowly, often visibly, as weapons were forged, armies conscripted, and units trained and moved into place. Because large states were more powerful, they also had more to lose. They could be deterred" (National Commission 2004, 362). This mindset assumed that peace was the default state for American national security. Today however, we know that threats can emerge quickly. Terrorist organizations half-way around the world are able to wield weapons of unparalleled destructive power. These attacks are more difficult to detect and deter due to their unconventional and asymmetrical nature. In light of these new asymmetric threats and the resultant changes to the international system, peace can no longer be considered the default state of American national security. Many have argued that the Constitution permits the president to use unilateral action only in response to an imminent direct attack on the United States. In the emerging security environment described above, pre-emptive action taken by the executive branch may be needed more often than when nation-states were the principal threat to American national interests. Here again, the 9/11 Commission Report is instructive as it considers the possibility of pre-emptive force utilized over large geographic areas due to the diffuse nature of terrorist networks: In this sense, 9/11 has taught us that terrorism against American interests “over there” should be regarded just as we regard terrorism against America “over here.” In this sense, the American homeland is the planet (National Commission 2004, 362). Furthermore, the report explicitly describes the global nature of the threat and the global mission that must take place to address it. Its first strategic policy recommendation against terrorism states that the: U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power (National Commission 2004, 367). Thus, fighting continues against terrorists in Afghanistan, Yemen, Iraq, Pakistan, the Philippines, and beyond, as we approach the tenth anniversary of the September 11, 2001 attacks. Proliferation of weapons of mass destruction (WMD), especially nuclear weapons, into the hands of these terrorists is the most dangerous threat to the United States. We know from the 9/11 Commission Report that Al Qaeda has attempted to make and obtain nuclear weapons for at least the past fifteen years. Al Qaeda considers the acquisition of weapons of mass destruction to be a religious obligation while “more than two dozen other terrorist groups are pursing CBRN [chemical, biological, radiological, and nuclear] materials” (National Commission 2004, 397). Considering these statements, rogue regimes that are openly hostile to the United States and have or seek to develop nuclear weapons capability such as North Korea and Iran, or extremely unstable nuclear countries such as Pakistan, pose a special threat to American national security interests. These nations were not necessarily a direct threat to the United States in the past. Now, however, due to proliferation of nuclear weapons and missile technology, they can inflict damage at considerably higher levels and magnitudes than in the past. In addition, these regimes may pursue proliferation of nuclear weapons and missile technology to other nations and to allied terrorist organizations. The United States must pursue condign punishment and appropriate, rapid action against hostile terrorist organizations, rogue nation states, and nuclear weapons proliferation threats in order to protect American interests both at home and abroad. Combating these threats are the “top national security priority for the United States…with the full support of Congress, both major political parties, the media, and the American people” (National Commission 2004, 361). Operations may take the form of pre-emptive and sustained action against those who have expressed hostility or declared war on the United States. Only the executive branch can effectively execute this mission, authorized by the 2001 AUMF. If the national consensus or the nature of the threat changes, Congress possesses the intrinsic power to rescind and limit these powers.

#### C) Turns Econ - **Policy coordination is impossible in congress—it’s key to prevent economic crisis and deter terrorism. Only self-created, succinct executive implementation solves**

Posner and Vermeule 2010 [Eric A. , Professor of Law at the University of Chicago Law School and Editor of The Journal of Legal Studies; Adrian , Harvard Law Professor, The Executive Unbound: After the Madisonian Republic, Oxford Press, p. 60//wyo-sc]

Finally, we mention a dynamic that further tightens the political constraints on legislatures and courts in times of crisis. Precisely because markets expected the House to pass the EESA, its initial failure to do so created a perceived "crisis of authority"87 suggesting a risk that dysfunctional political institutions would not be able to coordinate on any economic policy at all. That second-order crisis supervened on the underlying economic crisis, but acquired force independent of it. The Senate had to scramble to undo the damage and did so in world-record time. The House quickly fell into line. In this way, measures urged by the executive to cope with a crisis of unclear magnitude acquired a kind of self-created momentum. Rejection of those measures would themselves create a political crisis that might, in turn, reduce confidence and thus trigger or exacerbate the underlying financial crisis. A similar process occurred in the debates over the AUMF and the Patriot Act, where proponents of the bills urged that their rejection would send terrorist groups a devastating signal about American political willpower and unity, thereby encouraging more attacks. These political dynamics, in short, create a self-fulfilling crisis of authority that puts legislative institutions under tremendous pressure to accede to executive demands, at least where a crisis is even plausibly alleged. Critics of executive power contend that the executive exploits its focal role during crises in order to bully and manipulate Congress, defeating Madisonian deliberation when it is most needed. On an alternative account, the legislature rationally submits to executive leadership because a crisis can be addressed only by a leader. Enemies are emboldened by institutional conflict or a divided government; financial markets are spooked by it. A government riven by internal conflict will produce policy that varies as political coalitions rise and fall. Inconsistent policies can be exploited by enemies, and they generate uncertainty at a time that financial markets are especially sensitive to agents' predictions of future government action. It is a peculiar feature of the 2008 financial crises that a damaged president could not fulfill the necessary leadership role, but that role quickly devolved to the Treasury secretary and Fed chair who, acting in tandem, did not once express disagreement publicly.

#### Flexible presidency key to OCO

Munoz 12

[Carlo Munoz, writer for The Hill, 11/14/12, Obama authorizes new cyber warfare directive, [http://thehill.com/blogs/defcon-hill/policy-and-strategy/267879-report-obama-authorizes-new-cyber-warfare-directive//](http://thehill.com/blogs/defcon-hill/policy-and-strategy/267879-report-obama-authorizes-new-cyber-warfare-directive/), uwyo//amp]

Specifically, the new presidential directive differentiates between network defense capabilities and other so-called "cyber operations" which address DOD's recently disclosed offensive capabilities in the digital realm. “What [the directive] does, really for the first time, is it explicitly talks about how we will use cyber operations,” a senior White House official told the Post on Wednesday. “Network defense is what you’re doing inside your own networks. ... Cyber operations is stuff outside that space," the official added. The Pentagon in October acknowledged that U.S. military forces are able to carry out preemptive or retaliatory acts of cyber warfare. "Our mission is to defend this nation. We defend. We deter. And if called upon, we take decisive action," Defense Secretary Leon Panetta said during his keynote address to the Business Executives For National Security conference in New York. "If a crippling cyber attack were launched against our nation, the American people must be defended," he said. "And if the commander in chief orders a response, the Defense Department must be ready to act." The senior administration official said the directive signed by Obama would enable the administration to be “flexible” in dealing with cyber threats. “It continues to be our policy that we shall undertake the least action necessary to mitigate threats and that we will prioritize network defense and law enforcement as the preferred courses of action.”

**Grid attacks causes retaliation and nuclear war**

**Tilford 12** Robert, Graduate US Army Airborne School, Ft. Benning, Georgia, “Cyber attackers could shut down the electric grid for the entire east coast” 2012, <http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa>

To make matters worse a cyber attack that can take out a civilian power grid, for example could also cripple the U.S. military.¶ The senator notes that is that the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power “every military base in our country.”¶ “Although bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out”, he said.¶ Which means military **command and control centers could go dark**.¶ Radar systems that detect air threats to our country **would shut Down completely**.¶ “Communication between commanders and their troops would also go silent. And many weapons systems would be left without either fuel or electric power”, said Senator Grassley.¶ “So in a few short hours or days, the mightiest military in the world would be left scrambling to maintain base functions”, he said.¶ We contacted the Pentagon and officials confirmed the threat of a cyber attack is something very real.¶ Top national security officials—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director— have said, “preventing a cyber attack and improving the nation’s electric grids is among the most urgent priorities of our country” (source: Congressional Record).¶ So how serious is the Pentagon taking all this?¶ Enough to start, or end a war over it, for sure (see video: Pentagon declares war on cyber attacks http://www.youtube.com/watch?v=\_kVQrp\_D0kY&feature=relmfu ).¶ A cyber attack today against the US could very well be seen as an “Act of War” and could be met with a “full scale” US military response.¶ That could include the use **of “nuclear weapons**”, if authorized by the President.

### UQ

#### Mass expansion-DADT repeal, Women in combat repeal, DREAMER’s order, drone strikes

Roussey 2013

[February 10th, 2013, Obama's Commandments: How the president is wielding executive power in 2nd term, <http://www.wjla.com/articles/2013/02/obama-s-commandments-how-the-president-is-wielding-executive-power-in-2nd-term-85070.html#ixzz2alLaj29S>, uwyo//amp]

Regulations give teeth and specificity to laws are essential to their functioning even as they create bureaucratic bloat. Congress-skirting executive orders and similar presidential directives are less numerous and generally have less reach than laws. But every president uses them and often tests how far they can go, especially in times of war and other crises. President Harry Truman signed an executive order in 1952 directing the Commerce Department to take over the steel industry to ensure U.S. troops fighting in Korea were kept supplied with weapons and ammunition. The Supreme Court struck it down. Other significant actions have stood. President Franklin D. Roosevelt issued an order in February 1942 to relocate more than 110,000 Japanese-Americans living on the West Coast to internment camps after Japan's attack on the Pearl Harbor naval base. Decades later, Congress passed legislation apologizing and providing $20,000 to each person who was interned. After the terrorist attacks of Sept. 11, 2001, President George W. Bush approved a series of executive orders that created an office of homeland security, froze the assets in U.S. banks linked to al-Qaida and other terrorist groups, and authorized the military services to call reserve forces to active duty for as long as two years. Bush's most contentious move came in the form of a military order approving the use of the military tribunals to put accused terrorists on trial faster and in greater secrecy than a regular criminal court. Obama also has wielded considerable power in secret, upsetting the more liberal wing of his own party. He has carried forward Bush's key anti-terrorism policies and expanded the use of unmanned drone strikes against terrorist targets in Pakistan and Yemen. When a promised immigration overhaul failed in legislation, Obama went part way there simply by ordering that immigrants brought illegally to the United States as children be exempted from deportation and granted work permits if they apply. So, too, the ban on gays serving openly in the military was repealed before the election, followed now by the order lifting the ban on women serving in combat. Those measures did not prove especially contentious. Indeed, the step on immigration is thought to have helped Obama in the election. It may be a different story as the administration moves more forcefully across a range of policy fronts that sat quiet in much of his first term.

#### -Libya

Meckler ‘12

[Laura Meckler, writer for WSJ, March 30th, 2012, Obama Shifts View of Executive Power, <http://online.wsj.com/article/SB10001424052702303812904577292273665694712.html>, uwyo//amp]

When he ran for president, Barack Obama promised to roll back President George W. Bush's use of executive power, a defining point of the Bush presidency. The pledge was part of a broader pitch about Mr. Obama's governing style, which he said would focus on solving problems in a pragmatic, cooperative way. The allure of executive power, it turns out, is hard to resist. Most every chief executive has found ways to escape the shackles of the legislature and expand the power of the presidency. Three years into his first term, Mr. Obama has developed his own expansive view of going it alone, asserting new executive powers and challenging members of Congress in both parties. "He's using executive orders as a political tool—'I can't work with this Congress so I'm going to do it myself,'" said Sen. Lindsey Graham (R., S.C.), who has worked with the White House on selective issues. "That's not the way he campaigned." He generally supports Mr. Obama's executive actions in national security but not on domestic affairs. Traditionally, clashes about executive power have centered on national security and foreign policy. In Mr. Obama's case, he pursued military action in Libya without congressional authorization, saying the action was limited. And he significantly expanded a drone campaign aimed at al Qaeda figures, where suspects—including U.S. citizens—have been targeted and killed based on the judgment of the executive branch alone.

### LX

#### Second, encroaches upon presidential power

Newton 2012

[Michael A. Newton, 2012, Professor of the Practice of Law, Vanderbilt University Law School, Inadvertent Implications of the War Powers Resolution, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012, <http://law.case.edu/journals/JIL/Documents/45CaseWResJIntlL1&2.pdf>, uwyo//amp]

The history of heated political and legal debates between congressional and executive officials has been well summarized in the literature, and time does not permit undue regurgitation today. The tenor of the political debates and the constitutional passion with which they were framed should not in itself be surprising. This extensive history itself leads to judicial abstention, despite the repeated efforts of congressional leaders to force the federal courts to align themselves with legislative branch equities. In the words of the El-Shifa majority: By asserting the authority to decide questions the Constitution reserves to Congress and the Executive, some would expand judicial power at the expense of the democratically elected branches. And by stretching beyond all precedent the limited category of claims so frivolous as not to involve a federal question, all would permit courts to decide the merits of disputes under the guise of a jurisdictional holding while sidestepping obstacles that are truly jurisdictional.16 The War Powers Resolution fails in the first instance on that level alone, as it seeks to eliminate the healthy inter-branch tensions and debates that should guide the use of American power.

#### Third, Even small incursions on presidential authority threaten the unitary executive

Calabresi and Yoo 2008 [Stephen G,, Law Professor at Northwestern; Christopher S. , professor of Law, Communication, and Computer and Information Science at the University of Pennsylvania Law School, and founding director of the Center for Technology, Innovation, and Competition, The Unitary Executive: Presidential Power From Washington to Bush, Yale University Press, 2008, p.9 //wyo-sc]

Second, we believe that President George W. Bush and all future presidents should recognize the existence of a strong, internal, executive branch precedent, established over the entire history of our republic, whereby all forty-three presidents have always resisted serious incursions on the principle of the unitary executive. For this reason, President Clinton was right to let the independent counsel law expire without his support in June 1999, and President George W. Bush was right to insist on broad removal power over the newly created Department of Homeland Security. Future presidents should veto statutes presented to them that infringe upon the unitariness of the executive, and they should enforce such statutes as are already on the books with the greatest circumspection.

#### Drone court creates executive unaccountability

McNeal and Martin 13

[Martin, Rachel: NPR Host, and Gregory McNeal: professor of national security law at Pepperdine University School of Law. "How A 'Drone Court' Might Work." *NPR*. National Public Radio, 31 Mar 2013. Web. 31 Aug 2013. <http://www.npr.org/2013/03/31/175829140/how-a-drone-court-might-work>. //Wyo-BF]

This is WEEKEND EDITION from NPR News. I'm Rachel Martin. The drone attacks carried out under the Obama administration have for years been one of the biggest open secrets in Washington. It was only last year that the president's then-counterterrorism chief, John Brennan, acknowledge the program publicly for the first time. In recent months, there have been calls from both Democrats and Republicans to make the program more transparent. One suggestion floating around Capitol Hill is the idea of something called a drone court, which would examine the legality of a drone attack. Gregory McNeal has been writing about accountability and oversight of the drone program for Lawfare. It's a blog covering national security law. He also teaches that same subject at Pepperdine University's School of Law. We asked him to explain the different ways a court like this could work. GREGORY MCNEAL: A drone strike happens against an individual. It turns out, based on journalist reports, whatever, that it was wrong or a family member says, you know, this person was not involved in terrorism at all. You've taken his life, you've destroyed our property - that could be part of the suit as well - you owe us some compensation for what you've done. This one is the least controversial in my mind because it's the type of thing that courts are able to do; review facts after the fact and it's not second-guessing the judgment of the commander in chief, at least it's not second-guessing it before a strike happens. MARTIN: So, let's walk through another option that you outline. It would be a court modeled after what are called FISA courts. These are the courts formed out of the Foreign Intelligence Surveillance Act, essentially a secret group of judges who can hear very highly classified cases and decide, for example, whether or not the government can open a wiretap or otherwise monitor a person of interest. MCNEAL: This category of before-the-fact review, I think, is much more difficult. First, it's problematic because a court doesn't have competence in this, which is sometimes OK because a court can call forth experts. But what experts exist in commander in chief targeting? People in the military and people in the intelligence community. And so you'd have a court that I think oftentimes would defer to the experts that the executive branch brought forth. And soon you'll have a situation where if a strike goes bad, the commander in chief could say, well, hey, the court signed off on it. It's not my fault. And if a strike doesn't occur, the court denied the strike against that person and then they end up doing the second Christmas Day bombing plot but they actually succeed, the president can wipe his hands of it and say, hey, look, not my fault, we tried and the court said no.

#### Turn is unique - Drone court would be a rubber stamp that legitimizes expansive drone operations and undermines ex post criticism

Vladeck 2013 (Steve Vladeck, professor of law and the associate dean for scholarship at American University Washington College of Law, February 10, 2013, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…,” Lawfare Blog, http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/)

That brings me to perhaps the biggest problem we should all have with a “drone court”–the extent to which, even if one could design a legally and practically workable regime in which such a tribunals could operate, its existence would put irresistible pressure on federal judges to sign off even on those cases in which they have doubts.¶As a purely practical matter, it would be next to impossible meaningfully to assess imminence, the existence of less lethal alternatives, or the true nature of a threat that an individual suspect poses ex ante. Indeed, it would be akin to asking law enforcement officers to obtain judicial review before they use lethal force in defense of themselves or third persons–when the entire legal question turns on what was actually true in the moment, as opposed to what might have been predicted to be true in advance. At its core, that’s why the analogy to search warrants utterly breaks down–and why it would hardly be surprising if judges in those circumstances approved a far greater percentage of applications than they might have on a complete after-the-fact record. Judges, after all, are humans.¶In the process, the result would be that such ex ante review would do little other than to add legitimacy to operations the legality of which might have otherwise been questioned ex post. Put another way, ex ante revew in this context would most likely lead to a more expansive legal framework within which the targeted killing program could operate, one sanctioned by judges asked to decide these cases behind closed doors; without the benefit of adversary parties, briefing, or presentation of the facts; and with the very real possibility that the wrong decision could directly lead to the deaths of countless Americans. Thus, even if it were legally and practically possible, a drone court would be a very dangerous idea.

#### Violates Article II powers

Murphy & Radsan 2013

[Richard W. Murphy Texas Tech University School of Law Afsheen John Radsan William Mitchell College of Law, July 14, 2013 , Notice and an Opportunity to Be Heard Before the President Kills You, Wake Forest Law Review, Vol. 48, 2013, Forthcoming, Social Science Research Network, uwyo//amp]

Adapting this template to targeted killing is relatively straightforward. The President could issue an order to government officials that, as part of their target selection, they need to make their cases to an AJ.253 To protect against bias, the AJ would not participate in “building the case” against the target and would not be subject to discipline by officials playing an investigatory or prosecutorial role.254 To enhance accuracy, fairness, and legitimacy, the AJ would decide the matter based on an adversarial proceeding between “prosecutors” and officials charged with defending the interests of the proposed target. The exemplary conduct of military lawyers defending alleged terrorists at Guantanamo Bay suggests that these lawyers would make especially suitable “defense counsel.” 255Plus, they are more likely than an ordinary defense lawyer to have a security clearance or to be eligible for a clearance. Having heard from “defense lawyers” among others, the AJ would render an initial decision on the legality of the target selection, complete with formal findings of fact and conclusions of law. Yet this decision would not bind the President.256 Unlike the orders of an Article III judge from a FISA-style court, AJ decisions would not infringe the President’s Article II power as Commander-in-Chief. Presumably, the President would only overrule the AJ’s decision where other trusted officials make a strong case for reversal. Revelations about the targeted killing campaign imply that its decisionmaking process is vulnerable to problems our proposal could alleviate. Targeting procedures should encourage full, frank discussion by officials with relevant information to share. Otherwise, once substantial resources have been sunk into an operation, it can be difficult for anyone to object.257 Strong hierarchies, as exist within the executive branch, compound this problem.258

### ZS

#### [1.] Power between congress and the president is zero-sum, any gain or loss proportionally impacts the other branch-that’s Kelley ‘10

## Drone Prolif Adv

#### No drone prolif – armed drone exports low – MTCR and Israeli constraints

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

In the absence of an indigenous armed drone capacity, interested states are looking to buy. Thus far, the United States has refrained from selling armed drones to states, such as Pakistan, Turkey, Saudi Arabia, and the United Arab Emirates (UAE), that have requested the technol- ogy, though it has made exceptions for Great Britain and possibly Italy. U.S. aerospace companies have lobbied to relax the export regulations for drones, primarily those that conduct surveillance missions.56 One hurdle is that the United States is a member of the 1987 Missile Technology Con- trol Regime (MTCR), an informal and voluntary multilateral arrange- ment comprising thirty-four states that attempts to constrain ballistic missile proliferation. Under the MTCR, drones capable of delivering at least a five-hundred-kilogram payload a minimum of three hundred kilo- meters are classified as Category I items, for which “there will be a strong¶ presumption to deny such transfers.” So far, the United States has largely followed the Category I guidelines. General Atomics, manufacturer of the Predator, recently unveiled the Predator XP surveillance drone, which lacks the hard points—or mounting brackets for aerial munitions—wing strength, and fire control system required for weaponization.¶ There are also few examples of armed drone sales by other countries. After the United States, Israel has the most developed and varied drone capabilities; according to the Stockholm International Peace Research Institute (SIPRI), Israel was responsible for 41 percent of drones exported between 2001 and 2011.57 While Israel has used armed drones in the Palestinian territories and is not a member of the MTCR, it has pre- dominantly sold surveillance drones that lack hard points and electri- cal engineering. Israel reportedly sold the Harop, a short-range attack drone, to France, Germany, Turkey, and India. Furthermore, Israel allows the United States to veto transfers of weapons with U.S.-origin technology to select states, including China.58 Other states invested in developing and selling surveillance drones have reportedly refrained from selling fully armed versions. For example, the UAE spent five years building the armed United-40 drone with an associated Namrod missile, but there have been no reported deliveries.59 A March 2011 analysis by the mar- keting research firm Lucintel projected that a “fully developed [armed drone] product will take another decade.”60

#### No risk of Drone Wars—Antiquated air defense and simple jamming check back

Lewis 2012 [Michael W. Lewis, Associate Professor of Law at Ohio Northern University Pettit College of Law, “SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield,” Spring, 2012, Texas International Law Journal, wyo-sc]

Like any weapons system drones have significant limitations in what they can achieve. Drones are extremely vulnerable to any type of sophisticated air defense system. They are slow. Even the jet-powered Avenger recently purchased by the Air Force only has a top speed of around 460 miles per hour, [n20](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n20) meaning that it cannot escape from any manned fighter aircraft, not even the outmoded 1970s-era fighters that are still used by a number of nations. [n21](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n21) Not only are drones unable to escape manned fighter aircraft, they also cannot hope to successfully fight them. Their air-to-air weapons systems are not as sophisticated as those of manned fighter aircraft, [n22](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n22) and in the dynamic environment of an air-to-air engagement, the drone operator could not hope to match the situational awareness [n23](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n23) of the pilot of manned fighter aircraft. As a result, the outcome of any air-to-air engagement between drones and manned fighters is a foregone conclusion. Further, drones are not only vulnerable to manned fighter aircraft, they are also vulnerable to jamming. Remotely piloted aircraft are dependent upon a continuous signal from their operators to keep them flying, and this signal is vulnerable to disruption and jamming. [n24](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n24) If drones were  [\*299]  perceived to be a serious threat to an advanced military, a serious investment in signal jamming or disruption technology could severely degrade drone operations if it did not defeat them entirely. [n25](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n25) These twin vulnerabilities to manned aircraft and signal disruption could be mitigated with massive expenditures on drone development and signal delivery and encryption technology, [n26](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n26) but these vulnerabilities could never be completely eliminated. Meanwhile, one of the principal advantages that drones provide - their low cost compared with manned aircraft [n27](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n27) - would be swallowed up by any attempt to make these aircraft survivable against a sophisticated air defense system. As a result, drones will be limited, for the foreseeable future, [n28](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n28) to use in "permissive" environments in which air defense systems are primitive [n29](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n29) or non-existent. While it is possible to find (or create) such a permissive environment in an inter-state conflict, [n30](http://www.lexisnexis.com.libproxy.uwyo.edu/lnacui2api/frame.do?tokenKey=rsh-20.161059.30216781973&target=results_DocumentContent&returnToKey=20_T18058676090&parent=docview&rand=1378078662361&reloadEntirePage=true" \l "n30) permissive environments that will allow for drone use will most often be found in counterinsurgency or counterterrorism operations.