## 1

#### Text: The Executive Branch of the United States should issue an executive order to restrict targeted killing to individuals who are engaged in direct participation in hostilities. “Direct participation in hostilities” should be defined as proof of: (1) geographic proximity of service provided to units in contact with the enemy, (2) proximity of relationship between services provided and harm resulting to enemy, and (3) temporal relation of support to enemy contact or harm resulting to enemy.

#### Executive action is De Facto and De Jure self-binding create accountability from the courts and risk political alienation for going back on promises

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. 138-139//wyo-sc]

Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.59 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is "yes, at least to the same extent that a legislature can." Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.60 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of selfbinding: 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so. 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.61 However, there may be political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it. In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal.

## 2

#### Obama pushing immigration—it’ll get through

Reid Epstein, Politico, 11/13/13, Obama: Don't let ACA problems stop immigration, dyn.politico.com/printstory.cfm?uuid=D92FF3A4-19D5-41D2-A8F1-C56D6BC23E08

President Barack Obama gave immigration reform advocates a simple message Wednesday: Don’t let Obamacare get you down. In an Oval Office meeting with eight Christian faith leaders, the president said he remains engaged on immigration legislation and hopes the reform effort can get a fair hearing despite his other political problems, several faith leaders told POLITICO. “He said he doesn’t want other debates that are going on to hurt this,” said Jim Wallis, the president and CEO of the Christian social justice agency Sojourners. “He doesn’t want all the other debates going on to prevent this from passing. It’s caught up in all the other debates and he wants this to be looked at on his own merits.” Obama’s exhortation came during a meeting just hours before his administration released the first batch of Affordable Care Act enrollment numbers – a figure the White House had for weeks telegraphed as far lower than expected. Much of Obama’s Oval Office conversation with the faith leaders, Biden and top aides Valerie Jarrett, Cecilia Munoz and Melissa Rogers centered around the idea that contemporary Washington politics is blocking reform efforts, the faith leaders said. Obama, they said, didn’t make a direct ask for them to press Congress to back the reform effort, as Vice President Joe Biden implored Catholic leaders to do during a call Tuesday night. Instead he asked for their input on how the current immigration system is harming their communities and echoed the urgency to pass reform legislation by the end of the year. But with House Speaker John Boehner (R-Ohio) announcing earlier in the day that he has “no intention of ever going to conference on the Senate bill,” it was clear to all in the room that immigration reform has lost momentum it had after the Senate immigration bill passed. “This can be a companion issue that also deserves some attention because we’ve come so far on this issue and we can’t let it get lost in the battle du jour,” said Joel Hunter, the senior pastor at Northland Church in suburban Orlando. “I think all of us are hoping that the headlines of the daily accusations don’t bury what is a very important and urgent issue in our time.” And still, Obama told the faith leaders he remains optimistic there will be progress by the end of December. “I did get the sense that he was wanting to reassure us that this is a priority for him,” said Russell Moore, the president of the Southern Baptist Ethics and Religious Liberty Commission. “He actually does want to work with Congress to get a bill, not to just to have an issue.” White House officials declined to comment on specifics of the meeting. In an official readout, the White House said Obama once again blamed House Republicans for blocking a vote. “The president and the leaders discussed their shared commitment to raise the moral imperative for immigration reform and said they will continue keeping the pressure on Congress so they can swiftly pass commonsense reform,” the statement said. “The president commended the faith leaders for their tireless efforts in sharing their stories with Congress. He noted there is no reason for House Republicans to continue to delay action on this issue that has garnered bipartisan support. Moore, a conservative evangelical leader, said he warned Obama not to make immigration a partisan political issue. “I did say to the president that I think he needs to take seriously that the Republicans in Congress are operating out of what I believe to be good motives and that there needs to be a sense of cooperation and not divisiveness on this issue,” Moore said. “I think that was well received. I think the president seemed to indicate that that’s what he wants to do.” Wallis said there was a discussion during the meeting that the upcoming holiday season could give a boost to the reform efforts as families and churches gather. “The holiday season now happens to be coming in the end game. Here are the holidays, religious holidays, maybe there is something there,” Wallis said. “We are hearing a president say, ‘I don’t want politics to prevent this. How can we transcend and reach people to make this not just political. What can you do to help us get this beyond the politics?’” Biden on Tuesday night told Catholic officials to make their opinions known forcefully to House Republicans. He said they can’t repeat the mistakes of the gun control fight, when opponents of expanding background checks on gun purchases outnumbered White House allies in calls and e-mails to senators debating the legislation. “Thank the representatives when you call who are already in favor of reform, especially the 32 Republicans who have expressed for a path to citizenship,” Biden said. “Give them a little bit of love and appeal to their better angels, the better angels of those who are still on the fence to take a politically courageous decision.” Hunter said the push will require some help from the public to spur House Republican leadership to call a vote. “We think that the votes are there and we think it is tricky for folks to vote the way they want to,” Hunter said. “They just need some momentum from the public in order to have the justification for voting the way they already want to.”

#### Fighting to defend his war power will sap Obama’s capital, trading off with rest of agenda

**Kriner, 10** --- assistant professor of political science at Boston University

(Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69)

**While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives**. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 **In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic.** Scholars have long noted that President Lyndon **Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking** the requisite funds in a war-depleted treasury and **the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away** as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, **many of** President **Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.**61 **When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies.** If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena

**Immigration reform is key to generate jobs and attract high skilled workers that solves for competitiveness and the econ**

**Johnson 13**

(Simon Johnson, former chief economist of the International Monetary Fund, is the Ronald A. Kurtz Professor of Entrepreneurship at the M.I.T. Sloan School of Management and co-author of “White House Burning: The Founding Fathers, Our National Debt, and Why It Matters to You.” “How Immigration Reform Would Help the Economy” 6-20-13 http://economix.blogs.nytimes.com/2013/06/20/how-immigration-reform-would-help-the-economy//wyoccd)

The assessment is positive. This precise **immigration proposal would improve the budget picture** (see this helpful chart) **and stimulate economic growth. The immediate effects are good and the more lasting effects even better. If anything, the long-run positive effects are likely to be even larger than the C.B.O. is willing to predict**, in my assessment. (I’m a member of the office’s Panel of Economic Advisers but I was not involved in any way in this work.)¶ The debate over immigration is emotionally charged and, judging from recent blog posts, the Heritage Foundation in particular seems primed to dispute every detail in the C.B.O. approach – and to assert that it is underestimating some costs (including what happens when illegal immigrants receive an amnesty and subsequently claim government-provided benefits, a point Heritage has emphasized in its own report).¶ There is good reason for the C.B.O.’s careful wording in its analysis; it operates within narrow guidelines set by Congress, and its staff is wise to stick to very well-documented points. Still, as the legislation gains potential traction, it is worth keeping in mind why there could be an even larger upside for the American economy.¶ In 1776, the population of the United States was around 2.5 million; it is now more than 316 million (you can check the real-time Census Bureau population clock, but of course that is only an estimate).¶ Think about this: What if the original inhabitants had not allowed immigration or imposed very tight restrictions – for example, insisting that immigrants already have a great deal of education? It’s hard to imagine that the United States would have risen as an economy and as a country. How many United States citizens reading this column would be here today? (I’m proud to be an immigrant and a United States citizen.)¶ **The long-term strength of the United States economy lies in its ability to create jobs.** For more than 200 years as a republic (and 400 years in total) immigrants have not crowded together on a fixed amount of existing resources – land (in the early days) or factories (from the early 1800s) or the service sector (where most modern jobs arise). Rather the availability of resources essential for labor productivity has increased sharply. Land is improved, infrastructure is built and companies develop.¶ Most economic analysis about immigration looks at wages and asks whether natives win or lose when more immigrants show up in particular place or with certain skills. At the low end of wage distribution, there is reason to fear adverse consequences for particular groups because of increased competition for jobs. In fact, the C.B.O. does find that income per capita would decline slightly over the next 10 years before increasing in the subsequent 10 years: “Relative to what would occur under current law, S. 744 would lower per capita G.N.P. by 0.7 percent in 2023 and raise it by 0.2 percent in 2033, according to C.B.O.’s central estimates.”¶ And it is reasonable to ask who will pay how much into our tax system – and who will receive what kind of benefits. This is the terrain that the C.B.O. and the Heritage Foundation are contesting. (See, too, a letter to Senator Marco Rubio, Republican of Florida, from Stephen Gross, the chief actuary of the Social Security Administration. Mr. Gross said immigration reform would be a net positive; of the current 11.5 million illegal immigrants, “many of these individuals already work in the country in the underground economy, not paying taxes, and will begin paying taxes**” if the immigration legislation are adopted. New illegal immigration would decline but not be eliminated.**)¶ But the longer-run picture is most obviously quite different. **The process of creating businesses and investing – what economists like to call capital formation – is much more dynamic than allowed for in many economic models.¶ People will save and they will invest. Companies will be created. The crucial question is who will have the ideas that shape the 21st century.** (See, for example, the work of Charles I. Jones of Stanford University on this point and a paper he and Paul Romer wrote for a broader audience.)¶ This is partly about education – **and the proposed legislation would tilt new visas more toward skilled workers,** **particularly those in** science, technology, engineering, and math (often referred to as **STEM**).¶ But it would be a mistake to limited those admitted – or those allowed legal status and eventual citizenship – to people who already have or are in the process of getting a university-level education. To be clear, under the new system there may well be more low-wage immigrants than high-wage immigrants, but the transition to a point system for allocating green cards is designed to increase the share of people with more education and more scientific education, relative to the situation today and relative to what would otherwise occur.¶ Many people have good ideas. The Internet has opened up the process of innovation. I don’t know anyone who can predict where the next big technologies will come from. I also don’t know who will figure out how to organize production – including the provision of services – in a more effective manner.¶ **We are competing in a world economy based on human capital, and people’s skills and abilities are the basis for our productivity. What we need more than anything, from an economic point of view, is more people** (of any age or background) **who want to acquire and apply new skills.¶** Increasing the size of our domestic market over the last 400 years has served us well. **Allowing in immigrants in a fiscally responsible manner makes a great deal of sense** — and the reports from the Joint Committee on Taxation and C.B.O. are very clear that this is now what is on the table. If the children of immigrants want to get more education, we should welcome the opportunity that this presents**. When you cut off the path to higher education, you are depriving people of opportunity – and you are also hurting the economy**.¶ The deeper political irony, of course, is that if the Heritage Foundation and its allies succeed in defeating immigration legislation, there are strong indications that this will hurt the Republican Party at the polls over the next decade and beyond. Yet, even so, House Republicans seem inclined to oppose immigration reform. That would be a mistake on both economic and political grounds.¶ We are 316 million people in a world of more than 7 billion – on its way to 10 billion or more (read this United Nations report if you like to worry about the future).¶ **We should reform immigration along the lines currently suggested and increase the supply of skilled labor in the world. This will both improve our economy and, at least potentially, help ensure the world stays more prosperous and more stable.**

**Nuclear war**

**Harris and Burrows ‘9**

**(**Mathew, PhD European History at Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>, AM)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, **history may be more instructive than ever**. While we continue to believe that **the Great Depression** is not likely to be repeated, the **lessons** to be drawn from that period **include the harmful effects on fledgling democracies and multiethnic societies** (think Central Europe in 1920s and 1930s) **and** on the **sustainability of multilateral institutions** (think League of Nations in the same period). **There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century.** For that reason, the ways in which **the potential for greater conflict could grow** would seem to be even more apt **in a constantly volatile economic environment** as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced.** For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. **Terrorist groups** in 2025 **will** likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks\_and newly emergent collections of the angry and disenfranchised that **become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would** almost certainly **be the Middle East**. Although Iran’s acquisition of nuclear weapons is not inevitable, **worries** about a nuclear-armed Iran **could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity **conflict** and terrorism taking place under a nuclear umbrella **could lead to an** unintended escalation **and broader conflict** if clear red lines between those states involved are not well established. **The close proximity of potential nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also **will produce inherent difficulties** in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, **short warning and missile flight times, and uncertainty** of Iranian intentions **may place more focus on preemption** rather than defense, potentially **leading to** escalatingcrises**.** 36 Types of **conflict** that the world continues to experience, such as **over resources, could reemerge**, particularly if **protectionism grows and there is a resort to neo-mercantilist practices. Perceptions** of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this **could result in interstate conflicts if government leaders deem assured access to energy resources,** for example, to be **essential for** maintaining domestic stability and the **survival of their regime**. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. **If** the **fiscal stimulus focus for** these **countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional** naval **capabilities could lead to increased tensions, rivalries, and counterbalancing moves**, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. **With water** also **becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.**

## 3

#### **Exploring the legality of war leads focus away from whether or not war should be allowed at all– ensures a military mentality**

Cady 10

[Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 22-23]

The widespread, unquestioning acceptance of warism and the corresponding reluctance to consider pacifism as a legitimate option make it difficult to propose a genuine consideration of pacifist alternatives. Warism may be held implicitly or explicitly. Held in its implicit form, it does not occur to the warist to challenge the view that war is morally justified; war is taken to be natural and normal. No other way of understanding large-scale human conflict even comes to mind. In this sense warism is like racism, sexism, and homophobia: a prejudicial bias built into conceptions and judgments without the awareness of those assuming it. In its explicit form, warism is openly accepted, articulated, and deliberately chosen as a value judgment on nations in conflict. War may be defended as essential for justice, needed for national security, as “the only thing the enemy understands,” and so on. In both forms warism misguides judgments and institutions by reinforcing the necessity and inevitability of war and precluding alternatives. Whether held implicitly or explicitly, warism obstructs questioning the conceptual framework of the culture. If we assume (without realizing it) that war itself is morally justifiable, our moral considerations of war will be focused on whether a particular war is justified or whether particular acts within a given war are morally acceptable. These are important concerns, but addressing them does not get at the fundamental issue raised by the pacifist: the morality of war as such. In Just and Unjust Wars Michael Walzer explains that “war is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt.”8 The pacifist suggestion is that there is a third judgment of war that must be made prior to the other two: might war, by its very nature, be morally wrong? This issue is considered by Walzer only as an afterthought in an appendix, where it is dismissed as naïve. Perhaps Walzer should not be faulted for this omission, since he defines his task as describing the conventional morality of war and, as has been argued above, conventional morality does take warism for granted. To this extent Walzer is correct. And this is just the point: our warist conceptual frameworks— our warist normative lenses— blind us to the root question. The concern of pacifists is to expose the hidden warist bias and not merely describe cultural values. Pacifists seek to examine cultural values and recommend what they ought to be. This is why the pacifist insists on judging war in itself, a judgment more fundamental than the more limited assessments of the morality of a given war or the morality of specific acts within a particular war.

#### Awareness of militarism key – our internalized acceptance of war guarantees endless violence that ensures planetary destruction and structural violence

Lawrence 9

[Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27]

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is dripping violence. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a war consciousness that allows it to prosper. That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### The alternative is to reject the 1AC in favor of a pacifistic solution to problems.

#### The only way to solve is by adopting a pacifistic mindset—the shift away from militarism is key

Demenchonok 9

[Worked as a senior researcher at the Institute of Philosophy of the Russian Academy of Sciences, Moscow, and is currently a Professor of Foreign Languages and Philosophy at Fort Valley State University in Georgia, listed in 2000 Outstanding Scholars of the 21st Century and is a recipient of the Twenty-First Century Award for Achievement in Philosophy from the International Biographical Centre --Edward, Philosophy After Hiroshima: From Power Politics to the Ethics of Nonviolence and Co-Responsibility, February, American Journal of Economics and Sociology, Volume 68, Issue 1, Pages 9-49]

Where, then, does the future lie? Unilateralism, hegemonic political anarchy, mass immiseration, ecocide, and global violence—a Hobbesian bellum omnium contra omnes? Or international cooperation, social justice, and genuine collective—political and human—security? Down which path lies cowering, fragile hope?¶ Humanistic thinkers approach these problems from the perspective of their concern about the situation of individuals and the long-range interests of humanity. They examine in depth the root causes of these problems, warning about the consequences of escalation and, at the same time, indicating the prospect of their possible solutions through nonviolent means and a growing global consciousness. Today's world is in desperate need of realistic alternatives to violent conflict. Nonviolent action—properly planned and executed—is a powerful and effective force for political and social change. The ideas of peace and nonviolence, as expressed by Immanuel Kant, Leo Tolstoy, Mahatma Gandhi, Martin Luther King, and many contemporary philosophers—supported by peace and civil rights movements—counter the paralyzing fear with hope and offer a realistic alternative: a rational approach to the solutions to the problems, encouraging people to be the masters of their own destiny.¶ Fortunately, the memory of the tragedies of war and the growing realization of this new existential situation of humanity has awakened the global conscience and generated protest movements demanding necessary changes. During the four decades of the Cold War, which polarized the world, power politics was challenged by the common perspective of humanity, of the supreme value of human life, and the ethics of peace. Thus, in Europe, which suffered from both world wars and totalitarianism, spiritual-intellectual efforts to find solutions to these problems generated ideas of "new thinking," aiming for peace, freedom, and democracy. Today, philosophers, intellectuals, progressive political leaders, and peace-movement activists continue to promote a peaceful alternative. In the asymmetry of power, despite being frustrated by war-prone politics, peaceful projects emerge each time, like a phoenix arising from the ashes, as the only viable alternative for the survival of humanity. The new thinking in philosophy affirms the supreme value of human and nonhuman life, freedom, justice, and the future of human civilization. It asserts that the transcendental task of the survival of humankind and the rest of the biotic community must have an unquestionable primacy in comparison to particular interests of nations, social classes, and so forth. In applying these principles to the nuclear age, it considers a just and lasting peace as a categorical imperative for the survival of humankind, and thus proposes a world free from nuclear weapons and from war and organized violence.44 In tune with the Charter of the United Nations, it calls for the democratization of international relations and for dialogue and cooperation in order to secure peace, human rights, and solutions to global problems. It further calls for the transition toward a cosmopolitan order.¶ The escalating global problems are symptoms of what might be termed a contemporary civilizational disease, developed over the course of centuries, in which techno-economic progress is achieved at the cost of depersonalization and dehumanization. Therefore, the possibility of an effective "treatment" today depends on whether or not humankind will be able to regain its humanity, thus establishing new relations of the individual with himself or herself, with others, and with nature. Hence the need for a new philosophy of humanity and an ethics of nonviolence and planetary co-responsibility to help us make sense not only of our past historical events, but also of the extent, quality, and urgency of our present choices.

## 4

#### Executive war power primacy now—the plan flips that

Posner 13

[Eric Posner, 9/3/13, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html]

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President **Obama has reaffirmed the primacy of the executive** in matters of war and peace. **The war powers of the presidency remain as mighty as ever**.

It would have been different if the president had announced that **only Congress can authorize** the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. **That would have been** worthy of notice, **a reversal of the ascendance of executive power over Congress**. **But the president said no such thing**. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”

Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.

The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.)

People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.

#### Congressional restraints spill over to destabilize all presidential war powers.

Heder ’10

(Adam, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan. 122 A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question. 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is **no constitutional provision** on whether Congress has the legislative power to **limit, end, or otherwise redefine the scope of a war**. Though Justice Powell argues in Goldwater that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,” 126 **the same cannot be said about Congress’s legislative authority** to terminate or **limit a war** in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully **declined to grant Congress such powers**. And as this Article argues, granting Congress this power would be **inconsistent with the general war powers structure of the Constitution.** Such a reading of the Constitution would **unnecessarily empower Congress** and **tilt the scales heavily in its favor**. More over, it **would strip the President of his Commander in Chief authority** to direct the movement of troops at a time **when the Executive’s expertise is needed.** 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

#### That goes nuclear

Li ‘9

[Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

1. The Emergence of Non-State Actors]

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the **institution** of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that **conventional wars** remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight **as a life-and-death struggle**, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, **was not designed** to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of **rogue states**, and the potentially wide proliferation of easily deployable **w**eapons of **m**ass **d**estruction, **nuclear and otherwise.** B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"**then clearly [the modem state] does not have a future in front of it**.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' **That era is now over**. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" **is a struggle for survival** and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, **quick reactions**, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a **faster tempo** or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a **fatal hindrance** to achieving the initiative **necessary** for victory. As a **slow-acting**, deliberative **body**, Congress does not have the ability to adequately deal with **fast-emerging situations** in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch **must** have the ability to operate by taking offensive military action even without congressional authorization, because **only the executive branch** is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

## Drone Prolif

#### **U.S. drone use doesn’t cause prolif – no international precedent**

Etzioni 13, Professor of International Relations @ George Washington University

(Aimtai Etzioni, adviser to the Carter administration, “The Great Drone Debate”, Military Review, 4/2013, http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview\_20130430\_art004.pdf)

Other critics contend that by the United States ¶ using drones, it leads other countries into making and ¶ using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK ¶ and author of a book about drones argues that, “The ¶ proliferation of drones should evoke reﬂection on the ¶ precedent that the United States is setting by killing ¶ anyone it wants, anywhere it wants, on the basis of ¶ secret information. Other nations and non-state entities are watching—and are bound to start acting in ¶ a similar fashion.”60 Indeed scores of countries are ¶ now manufacturing or purchasing drones. There can ¶ be little doubt that the fact that drones have served ¶ the United States well has helped to popularize them. ¶ However, it does not follow that United States ¶ should not have employed drones in the hope that such a show of restraint would deter others. First ¶ of all, this would have meant that either the United ¶ States would have had to allow terrorists in hard-to-reach places, say North Waziristan, to either ¶ roam and rest freely—or it would have had to use ¶ bombs that would have caused much greater collateral damage. ¶ Further, the record shows that even when the ¶ United States did not develop a particular weapon, ¶ others did. Thus, China has taken the lead in the ¶ development of anti-ship missiles and seemingly ¶ cyber weapons as well. One must keep in mind ¶ that the international environment is a hostile ¶ one. Countries—and especially non-state actors—¶ most of the time do not play by some set of selfconstraining rules. Rather, they tend to employ ¶ whatever weapons they can obtain that will further ¶ their interests. The United States correctly does ¶ not assume that it can rely on some non-existent ¶ implicit gentleman’s agreements that call for the ¶ avoidance of new military technology by nation X ¶ or terrorist group Y—if the United States refrains ¶ from employing that technology. I am not arguing that there are no natural norms ¶ that restrain behavior. There are certainly some ¶ that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of ¶ diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of ¶ mass destruction). However drones are but one ¶ step—following bombers and missiles—in the ¶ development of distant battleﬁeld technologies. ¶ (Robotic soldiers—or future ﬁghting machines—¶ are next in line). In such circumstances, the role ¶ of norms is much more limited.

#### No US precedent---not causal

Kenneth Anderson 11, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday Times predicting an “arms race” in military drones. The methodology essentially looks at the US as the leader, followed by Israel – countries that have built, deployed and used drones in both surveillance and as weapons platforms. It then looks at the list of other countries that are following fast in US footsteps to both build and deploy, as well as purchase or sell the technology – noting, correctly, that the list is a long one, starting with China. The predicament is put this way:

Eventually, the United States will face a military adversary or terrorist group armed with drones, military analysts say. But what the short-run hazard experts foresee is not an attack on the United States, which faces no enemies with significant combat drone capabilities, but the political and legal challenges posed when another country follows the American example. The Bush administration, and even more aggressively the Obama administration, embraced an extraordinary principle: that the United States can send this robotic weapon over borders to kill perceived enemies, even American citizens, who are viewed as a threat.

“Is this the world we want to live in?” asks Micah Zenko, a fellow at the Council on Foreign Relations. “Because we’re creating it.”

By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it – and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?)

It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be.

Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project). UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable – and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this – the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so.

But the point is that this was happening anyway, and the technology was already available. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is not a credible understanding of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it.

Moving on from the avionics, weaponizing the craft is also not difficult. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do – but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.

#### Norms fail – international manipulation

Lerner 13 (Ben, is Vice President for Government Relations at the Center for Security Policy in Washington, D.C. “Judging ‘Drones’ From Afar,” http://spectator.org/archives/2013/03/25/judging-drones-from-afar/1

Whatever the potential motivations for trying to codify international rules for using UAVs, such a move would be ill advised. While in theory, every nation that signs onto a treaty governing UAVs will be bound by its requirements, it is unlikely to play out this way in practice. It strains credulity to assume that China, Russia, Iran, and other non-democratic actors will not selectively apply (at best) such rules to themselves while using them as a cudgel with which to bash their rivals and score political points. The United States and its democratic allies, meanwhile, are more likely to adhere to the commitments for which they signed up. The net result: we are boxed in as far as our own self-defense, while other nations with less regard for the rule of law go use their UAVs to take out whomever, whenever, contorting said “rules” as they see fit. One need only look at China’s manipulation of <<LOST>>the Law of the Sea Treaty to justify its vast territorial claims at the expense of its neighbors to see how this often plays out. And who would enforce the treaty’s rules — a third party tribunal? Would it be an apparatus of the United Nations, the same U.N. that assures us that it is not coming after the United States or its allies specifically, even as its investigation takes on as its “immediate focus” UAV operations recently conducted by those countries? The United States already conducts warfare under the norms of centuries of practice of customary international law in areas such as military necessity and proportionality, as well as the norms to which we committed ourselves when we became party to the 1949 Geneva Conventions and the United Nations Charter. These same rules can adequately cover the use of UAVs in the international context. But if the United States were to create or agree to a separate international regime for UAVs, we would subject ourselves to new, politicized “rules” that would needlessly hold back countries that already use UAVs responsibly, while empowering those that do not.

#### 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.

#### No impact --- drones are ineffective and there’s no incentive for them be used on a wide-scale --- they’ll be easily countered even if they are with limited escalation

Lewis 11

(Michael W. Lewis, professor of international law and the law of war at Ohio Northern University School of Law, former Navy fighter pilot, and coauthor of ‘The War on Terror and the Laws of War: A Military Perspective,’ “Unfounded Drone Fears,” Los Angeles Times, October 17, 2011, http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017)

Almost since the United States began using the unmanned aerial vehicles known as drones, their use has drawn criticism. The latest criticism, which has received considerable attention in the wake of the drone strike on Anwar Awlaki, is that America's use of drones has sparked a new international arms race.¶ While it is true that some other nations have begun developing their own unmanned aerial vehicles, the extent of the alarm is unjustified. Much of it rests on myths that are easily dispelled.¶ Myth 1: Drones will be a threat to the United States in the hands of other nations. Drones are surveillance and counter-terrorism tools; they are **not effective weapons** of conventional warfare. The unmanned aerial vehicles are slow and **extremely vulnerable** to even basic air defense systems, illustrated by the fact that a U.S. surveillance drone was shot down by a 1970s-era MIG-25 Soviet fighter over Iraq in 2002. Moreover, drones are dependent on constant telemetry signals from their ground controllers to remain in flight. Such signals can be easily jammed or disrupted, causing the drone to fall from the sky. It's even possible that a party sending stronger signals could take control of the drone. The drones, therefore, have limited usefulness. And certainly any drone flying over the U.S. while being controlled by a foreign nation could be easily detected and either destroyed or captured.¶ Myth 2: Terrorists could effectively use drones to strike targets that are otherwise safe. Though it would be preferable if terrorist groups did not acquire drones, the technology required to support them is not particularly advanced. If organizations such as Al Qaeda were intent on acquiring the technology, they probably could. One of the reasons Al Qaeda may not have spent the time and resources necessary to do so is that drones would be of limited value. In addition to being very vulnerable to even basic air defense systems, drones require a great deal of logistical support. They have to be launched, recovered and controlled from a reasonably large and secure permanent facility. Wherever Al Qaeda's drones landed would immediately become a target.¶ It is true that a small, hand-launched drone capable of delivering a small warhead over a reasonably short distance could be, like radio-controlled model airplanes, launched in a public park or other open area and flown to a target several miles away. However, the amount of explosives that such a drone can carry is very limited (at most a few pounds) and pales in comparison to the amount of explosives that can be delivered by a vehicle or even a suicide bomber. It seems likely that terrorist groups will continue to deliver their explosives by vehicle or suicide bomber.¶ Myth 3: The U.S. use of drones in cases such as the Awlaki killing in Yemen serves to legitimize their use by China or Russia. International law places the same restrictions on the use of drones that it places on any other use of military force. The U.S. used a drone on Yemeni territory to kill Awlaki because it was given permission to do so by the Yemeni government, and because Awlaki was an active member of an Al Qaeda affiliate who had repeatedly been involved in operations designed to kill Americans at home and abroad. With such permission, the U.S. could instead have employed special forces or a conventional airstrike.¶ Numerous commentators have suggested that U.S. drone use legitimizes Russian drone use in Chechnya or Chinese drone use against the Uighurs. If China or Russia were facing genuine threats from Chechen or Uighur separatists, they might be allowed under international law to use drones in neighboring states if those states gave them permission to do so. However, given the fact that Chechen separatists declared an end to armed resistance in 2009, and that the greatest concern Russians currently have with Chechnya is with the lavish subsidies that Russia is currently providing it, the likelihood of armed Russian drones over Chechnya seems **remote at best.**¶ Likewise, there is no Uighur separatist organization that even remotely resembles Al Qaeda. Uighur unrest has taken the form of uprisings in Urumqi and other areas, similar to the Tibetan unrest of a few years ago. The Chinese eliminated such unrest with widespread arrests and disappearances, which raised serious human rights concerns. But there has been no time in which Uighur opposition has met the threshold established by international law that would allow for the use of armed drones in response to Uighur actions.¶ It is important to recognize drones for what they are: slow, relatively low-tech anti-terrorism tools that would be of limited use on most modern battlefields and are particularly unsuited to use by terrorist organizations.

#### No risk of drone war—deterrence, diplomatic costs, lack of operators, and empirics disprove instability

**Singh ’12** [Joseph, researcher at the Center for a New American Security, an independent and non-partisan organization that focuses on researching and analyzing national security and defense policies, also a research assistant at the Institute for Near East and Gulf Military Analysis (INEGMA) North America, is a War and Peace Fellow at the Dickey Center, a global research organization, “Betting Against a Drone Arms Race,” 8-13-12, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>, wyo-sc]

Bold predictions of a coming drones arms race are all the rage since the uptake in their deployment under the Obama Administration. Noel Sharkey, for example, argues in an August 3 op-ed for the Guardian that rapidly developing drone technology — coupled with minimal military risk — portends an era in which states will become increasingly aggressive in their use of drones.¶ As drones develop the ability to fly completely autonomously, Sharkey predicts a proliferation of their use that will set dangerous precedents, seemingly inviting hostile nations to use drones against one another. Yet, the narrow applications of current drone technology coupled with what we know about state behavior in the international system lend no credence to these ominous warnings.¶ Indeed, critics seem overly-focused on the domestic implications of drone use.¶ In a June piece for the Financial Times, Michael Ignatieff writes that “virtual technologies make it easier for democracies to wage war because they eliminate the risk of blood sacrifice that once forced democratic peoples to be prudent.”¶ Significant public support for the Obama Administration’s increasing deployment of drones would also seem to legitimate this claim. Yet, there remain equally serious diplomatic and political costs that emanate from beyond a fickle electorate, which will prevent the likes of the increased drone aggression predicted by both Ignatieff and Sharkey.¶ Most recently, the serious diplomatic scuffle instigated by Syria’s downing a Turkish reconnaissance plane in June illustrated the very serious risks of operating any aircraft in foreign territory.¶ States launching drones must still weigh the diplomatic and political costs of their actions, which make the calculation surrounding their use no fundamentally different to any other aerial engagement.¶ This recent bout also illustrated a salient point regarding drone technology: most states maintain at least minimal air defenses that can quickly detect and take down drones, as the U.S. discovered when it employed drones at the onset of the Iraq invasion, while Saddam Hussein’s surface-to-air missiles were still active.¶ What the U.S. also learned, however, was that drones constitute an effective military tool in an extremely narrow strategic context. They are well-suited either in direct support of a broader military campaign, or to conduct targeted killing operations against a technologically unsophisticated enemy.¶ In a nutshell, then, the very contexts in which we have seen drones deployed. Northern Pakistan, along with a few other regions in the world, remain conducive to drone usage given a lack of air defenses, poor media coverage, and difficulties in accessing the region.¶ Non-state actors, on the other hand, have even more reasons to steer clear of drones:¶ – First, they are wildly expensive. At $15 million, the average weaponized drone is less costly than an F-16 fighter jet, yet much pricier than the significantly cheaper, yet equally damaging options terrorist groups could pursue.¶ – Those alternatives would also be relatively more difficult to trace back to an organization than an unmanned aerial vehicle, with all the technical and logistical planning its operation would pose.¶ – Weaponized drones are not easily deployable. Most require runways in order to be launched, which means that any non-state actor would likely require state sponsorship to operate a drone. Such sponsorship is unlikely given the political and diplomatic consequences the sponsoring state would certainly face.¶ – Finally, drones require an extensive team of on-the-ground experts to ensure their successful operation. According to the U.S. Air Force, 168 individuals are needed to operate a Predator drone, including a pilot, maintenance personnel and surveillance analysts.¶ In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.¶ Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.¶ Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.¶ What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.¶ Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.¶ Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.¶ Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

## Blowback

#### Drones are winning the war for us now – Kerry’s statements

Levine and Karimi 8/2, Adam Levine and Faith Karimi, “Kerry says Pakistan drone strikes to end ‘very soon’,” August 2, 2013, <http://www.cnn.com/2013/08/01/politics/pakistan-drones>

Following talks with the Pakistani government, Secretary of State John Kerry said the United States is making progress in the war on terror, and hopes to end the use of drone strikes "very soon."¶ The secretary of state told a Pakistani television station that President Barack Obama has a "very real timeline" for ending the strikes.¶ He did not provide specifics on the timeline.¶ "We hope it's going to be very, very soon," Kerry said Thursday, according to a transcript provided by the State Department.¶ "I believe that we're on a good track. I think the program will end as we have eliminated most of the threat and continue to eliminate it," Kerry said.¶ He added that the cessation depends on "a number of factors" and that Washington is working on it with the Pakistani government.¶ A State Department statement later addressed Kerry's remarks.¶ "Today, the secretary referenced the changes that we expect to take place in that program over the course of time, but there is no exact timeline to provide," the statement said.¶ However, it said, the goal is to get to a place where threats are eliminated and drones are not needed.¶ "Now, we're all realistic about the fact that there is a threat that remains and that we have to keep up ... the fight in this and other places around the world," Marie Harf, a State Department spokeswoman, said. "So this was in no way indicating a change in policy. It's really been reinforcing things I think we've said for months on this."¶ The United States ramped up strikes in the tribal region in the first few years of Obama's presidency. But the number of strikes in Pakistan has since dropped partly because of al Qaeda's decline in the country and more U.S. focus on threats from al Qaeda groups in other countries, such as Yemen.¶ In May, Obama defended the use of drone strikes as a necessary evil, but one that must be used with more temperance as the United States' security situation evolves.¶ America prefers to capture, interrogate and prosecute terrorists, but there are times when this isn't possible, Obama said in a speech at the National Defense University in Washington.¶ Terrorists intentionally hide in remote locations and putting boots on the ground is often out of the question, he said.¶ However, he urged caution and discipline.¶ "To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance," Obama said at the time. "For the same progress that gives us the technology to strike half a world away also demands the discipline to constrain that power -- or risk abusing it."¶ Increased oversight is important, but not easy, Obama said.¶ Drone strikes in the tribal regions bordering Afghanistan have drawn heated opposition in Pakistan because of civilian casualties.¶ The drone strikes have further roiled relations between the two nations, which flared following a 2011 raid by U.S. commandos on a compound in Abbottabad, Pakistan, that killed al Qaeda leader Osama bin Laden.¶

**Drones warfare is key – targeted drone strikes have been effective in addressing terrorism and is best way to address terrorist safe havens**

**Anderson, 13**

Kenneth Anderson, professor of international law at American University and a member of the Task Force on National Security and Law at the Hoover Institution, “The Case for Drones,” Commentary, June 2013.

1. When Obama Embraced Drone Warfare¶ How, exactly, did drone warfare and targeted killing become key elements in America’s counterterrorism strategy? And why should we care about them as essential national-security tools for the future?¶ Barack Obama campaigned for his first presidential term on the platform of ending America’s wars. Obama voters and much of the rest of the world figured this promise referred not only to the conventional conflicts in Iraq and Afghanistan, but also to what liberals considered the long and unnecessary national nightmare of the war on terror. It now seems clear he was misunderstood—though we don’t know yet whether the misunderstanding was by Obama’s design or due to changes that took place after he assumed office. Obama’s policy proved not to be “peace breaks out.” It was, rather, that America would wind down its two counterinsurgency, boots-on-the-ground wars and undertake a refocused effort against the terrorists who had set this all in motion. He framed it this way during the 2008 race. “If Pakistan cannot or will not take out al-Qaeda leadership when we have actionable intelligence about their whereabouts,” he said on the campaign trail, “we will act to protect the American people. There can be no safe haven for al-Qaeda terrorists.” **No safe havens**—that **has been Barack Obama’s strategic lodestar in the war on terror.¶ It is this proposition, more than any other, that gets us to drone warfare.¶ Even as Obama publicly disdained the institutions and methodologies of Bush’s war on terror, he was issuing a new call to arms in that war. Taking the fight directly to the enemy required a means of combat other than counterinsurgency warfare on the ground, and the United States turned to a technology the Israelis had used effectively in their war against Palestinian terrorists: unmanned surveillance drones, now weaponized.¶ This tool had been used during the Bush administration, but sparingly-**—largely due to geopolitical fears, but also because it was only by the second Bush term that the CIA had established ground-level human-intelligence networks in Afghanistan and Pakistan sufficient for making independent targeting decisions without having to rely on the questionable and self-interested information coming from Pakistan’s intelligence services.¶ **The strategy has worked** far better than anyone expected. **It is effective, and has** rightfully **assumed an indispensable place on the list of strategic elements of U.S. counterterrorism-on-offense.¶** **But it is not only a strategy of effectiveness, convenience, and necessity. Drone warfare offers ethical advantages** as well, **allowing for increased discrimination in time, manner, and targeting not available via any other comparable weapon platform**. As such, **it lends civilians in the path of hostilities vastly greater protection than does any other fighting tool. Drone warfare is an honorable attempt to seek out terrorists and insurgents who hide among civilians.¶** The expansion into automated and robotic military equipment owes much to the ethical impulse to create new technologies of discrimination when fighting enemies for whom unwitting civilian shields were their main materiel of war. Moreover, these are weapons that gain much of their discrimination in use from the fact that U.S. forces are not directly at personal risk and are thus able to take time to choose a moment to attack when civilians might be least at risk. Remoteness—the fact that the drone user is nowhere near the target, as the pilot is probably sitting in an air-conditioned room in Nevada—actually enables precision.

Ethical and effective—and yet today drone warfare is coming under increasingly strong public attack as being neither. Opponents of drones are seeking to raise the political costs of drone warfare to the United States, portraying it as a symbol of an arrogant, reprobate superpower dating back to the days of the “ugly American.” **Steve Coll**, writing in the New Yorker, says drone use is “unnervingly reminiscent of Eisenhower’s enthusiasm for poisoning schemes and coup plots.” And though, in a recent **Gallup poll**, two-thirds of those surveyed said they supported drone strikes, **there is no question that the political, legal, and moral legitimacy of drone warfare is increasingly at risk. The delegitimators are the international community, both its UN officials and NGO advocates**; a sizable portion of academic **international lawyers**; much of the elite international **media; and** Obama’s **American left**.¶ These delegitimators also include a number of conservatives **and Republicans, chief among them** Kentucky Senator **Rand Paul**. They claim the core issue is constitutional—that drones violate due process. This argument focuses specifically on the case of a radical cleric and terrorist operative in Yemen, **Anwar al-Awlaki**, who inspired a terrorist assault at Fort Hood in 2009, designed an al-Qaeda effort to detonate a plane over Detroit on Christmas Day in the same year, and was deeply involved in a plot to load printer ink cartridges with explosives for detonation on a plane. Awlaki was killed in a targeted drone strike in Yemen in 2011—and he was an American citizen.¶ His **citizenship**, some argue (most vigorously on the libertarian right), **should have prevented the Obama administration from performing** the **targeted killing**. But as an enemy combatant in the war on terror authorized by Congress in 2001, Awlaki could not be granted some special get-out-of-a-drone-strike-free card. Given the inherently unsympathetic nature of the Awlaki example, the due-process arguments of those on the right who stand in opposition to drone strikes took a markedly populist and anti-government turn. When the Republican senator Rand Paul decided to stage a 13-hour filibuster on the question of the legality of drone strikes, he and others spent a great deal of time talking not about the violated rights of a terrorist in Yemen but about the theoretical use of drones on American soil against a suspected domestic terrorist “sitting in a café.”¶ **Paul’s critique delighted many conservatives and libertarians. They loved seeing him and others engage the Obama administration in a direct and seemingly high-minded manner, denouncing the “imperial” presidency. But they confused and conflated the Obama administration’s arguably imperial domestic policies with policies on national security, war, and foreign affairs—spheres in which the president has many and capacious constitutional powers.** Moreover, those who were thrilled did not give much thought to whether they might see a need for a president they liked better to have access to those same policies—and whether, in making common cause with those who have opposed the war on terror since it began, **they are working to destroy one of its most effective tools not only for Obama, but for future residents of the White House**.

#### Blowback arguments are wrong and outweighed by conducting the war against terror

Kenneth Anderson, professor of international law at American University and a member of the Task Force on National Security and Law at the Hoover Institution, “The Case for Drones,” Commentary, June 2013.

4. Blowback ¶ The most prominent critique today, however, is that drone warfare is counterproductive because it produces “blowback.” What is blowback?¶ Blowback comprises the supposed bad consequences of drones that swamp the benefits, if any, of drone warfare itself—the anger of villagers whose civilian relatives have been killed, for instance, or the resentment among larger populations in Pakistan or Yemen over drone strikes. The anger, we are told, is fanned by Islamist preachers, local media, and global Web communities, and then goes global in the ummah about the perceived targeting of Muslims and Islam. This leads to radicalization and membership recruitment where the strikes take place. Or maybe it leads to independently organized violence—perhaps the case of the Boston bombers, though it is too early to say. All this bad public perception outweighs whatever tactical value, if any, drone strikes might have.¶ Blowback can never be dismissed, because it might be true in some cases. But even when true, it would exist as a matter of degree, to be set against the benefits of the drone strikes themselves. By definition, blowback is a second-order effect, and its diffuse nature makes its existence more a matter of subjective judgment than any other evaluation of drone warfare. As a hypothesis, the possibility of blowback arises in two distinct settings: “narrow” counterinsurgency and “broad” global counterterrorism.¶ The narrow blowback hypothesis concerns those in communities directly affected by global counterterrorism drone strikes while the United States is trying to carry out a ground-level counterinsurgency campaign. The question is whether civilians, women and children especially, are being killed by drones in such numbers—because collateral damage is a fact, including from drone strikes—that they make these local communities even more fertile ground for anti-American operations. Do the drone strikes make things unacceptably more difficult for ground forces attempting to carry out a hearts-and-minds campaign to win over the local population?¶ Direct and immediate concerns about villagers’ perceptions during the counterinsurgencies in Iraq and Afghanistan led, at some points, to extraordinary (from the standpoint of lawful targeting and acceptable collateral damage) measures against using air power and even infantry to fire back at insurgents. But local counterinsurgency is not the long-term concern today; global counterterrorism is. Village-level resentments fueling recruitment might be a concern, but this type of blowback matters far less in terms of war fighting when the United States no longer has infantry in those places (and is no longer making its counterterrorism policy rest upon the chimera of a stable, democratic Afghanistan).¶ It is sharply contested, to say the least, whether and to what extent drone strikes are creating blowback among villagers, or whether and to what extent, as a former British soldier recently returned from Afghanistan remarked to me, villagers are sad to see the Taliban commander who just insisted on marrying someone’s young daughter blown up in an airstrike. There is also debate about the degree to which villagers are aware that the American drones are undertaking strikes that the Pakistani government might otherwise undertake. Critics often neglect to focus on the Pakistani government’s regular and brutal assaults in the tribal zones. Despite a general perception that all of Pakistan is united against drone strikes, voices in the Pakistani newspapers have often made note that the tribal areas fear the Pakistani army far more than they fear U.S. drones, because, despite mistakes and inevitable civilian casualties, they see them as smaller and more precise. But the blunt reality is that as the counterinsurgency era ends for U.S. forces, narrow blowback concerns about whether villages might be sufficiently provoked against American infantry are subsiding.¶ That leaves the broader claim of global blowback—the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the evidence is so diffuse as to be pointless. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes—or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism—Mark Mazzetti’s new book, The Way of the Knife, is a good example—because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. The blowback argument is also peculiarly susceptible to raising the behavioral bar the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up.¶ From a strategic standpoint, however, the trouble with the blowback theory is simple: It will always counsel doing nothing rather than doing something. It’s the kibitzer’s lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blowback scenario.¶ There might be situations in which to give it priority; Gregory Johnsen, a Yemen expert, for example, says that a particular form of strike in Yemen causes blowback because it hits low-level fighters whose families cannot understand the American justification. (The response is, usually, that we are effectively fighting as the air arm of the Yemen government against its insurgents, including its low-level fighters.) That bears attention; whether it outweighs the strategic concern of supporting the Yemeni government, which does have to fight even low-level insurgents who in effect offer protection to the transnational terrorist wing, is another question. But we should consider it carefully.¶ Blowback is a form of the precautionary principle. But it’s awfully difficult to conduct war, after all, on the basis of “first do no harm.” As it happens, the United States once had a commander driven largely by considerations of blowback from a restive local population. His name was George McClellan. If he had not been replaced by Abraham Lincoln, the Union would have lost the Civil War.

#### Instability is inevitable but wont escalate

Finel 9 [Dr. Bernard I. Finel, an Atlantic Council contributing editor, is a senior fellow at the American Security Project, “Afghanistan is Irrelevant,” Apr 27 http://www.acus.org/new\_atlanticist/afghanistan-irrelevant]

It is now a deeply entrenched conventional wisdom that the decision to “abandon” Afghanistan after the Cold War was a tragic mistake. In the oft-told story, our “abandonment” led to civil war, state collapse, the rise of the Taliban, and inevitably terrorist attacks on American soil. This narrative is now reinforced by dire warnings about the risks to Pakistan from instability in Afghanistan. Taken all together, critics of the Afghan commitment now find themselves facing a nearly unshakable consensus in continuing and deepen our involvement in Afghanistan. The problem with the consensus is that virtually every part of it is wrong. Abandonment did not cause the collapse of the state. Failed states are not always a threat to U.S. national security. And Pakistan’s problems have little to do with the situation across the border. First, the collapse of the Afghan state after the Soviet withdrawal had little to do with Western abandonment. Afghanistan has always been beset by powerful centrifugal forces. The country is poor, the terrain rough, the population divided into several ethnic groups. Because of this, the country has rarely been unified even nominally and has never really had a strong central government. The dominant historical political system in Afghan is warlordism. This is not a consequence of Western involvement or lack thereof. It is a function of geography, economics, and demography. Second, there is no straight-line between state failure and threats to the United States. Indeed, the problem with Afghanistan was not that it failed but rather that it “unfailed” and becameruled by the Taliban. Congo/Zaire is a failed state. Somalia is a failed state. There are many parts of the globe that are essentially ungoverned. Clearly criminality, human rights abuses, and other global ills flourish in these spaces. But the notion that any and all ungoverned space represents a core national security threat to the United States is simply unsustainable. Third, the problem was the Taliban regime was not that it existed. It was that it was allowed to fester without any significant response or intervention. We largely sought to ignore the regime — refusing to recognize it despite its control of 90% of Afghan territory. Aside from occasional tut-tutting about human rights violations and destruction of cultural sites, the only real interaction the United States sought with the regime was in trying to control drugs. Counter-drug initiatives are not a sound foundation for a productive relationship for reasons too numerous to enumerate here. Had we recognized the Taliban and sought to engage the regime, it is possible that we could have managed to communicate red lines to them over a period of years. Their failure to turn over bin Laden immediately after 9/11 does not necessarily imply an absolute inability to drive a wedge between the Taliban and al Qaeda over time. Fourth, we are now told that defeating the Taliban in Afghanistan is imperative in order to help stabilize Pakistan. But, most observers seem to think that Pakistan is in worse shape now — with the Taliban out of power and American forces in Afghanistan — than it was when the Taliban was dominant in Afghanistan. For five years from 1996 to 2001, the Taliban ruled Afghanistan and the Islamist threat to Pakistan then was unquestionably lower. This is not surprising actually. Insurgencies are at their most dangerous — in terms of threat of contagion — when they are fighting for power. The number of insurgencies that actually manage to sponsor insurgencies elsewhere after taking power is surprising low. The domino theory is as dubious in the case of Islamist movements as it was in the case of Communist expansion. There is a notion that “everything changed on 9/11.” We are backing away as a nation from that concept in the case of torture. Perhaps we should also come to realize that our pre-9/11 assessment of the strategic value and importance of Afghanistan was closer to the mark that our current obsession with it. We clearly made some mistakes in dealing with the Taliban regime. But addressing those mistakes through better intelligence, use of special forces raids, and, yes, diplomacy is likely a better solution than trying to build and sustain a reliable, pro-Western government in Kabul with control over the entire country.

#### Proliferation is slow, doesn’t cascade, and doesn’t cause conflict – 60 years of empirics prove

DeGarmo 2011

Denise, professor of international relations at Southern Illinois University, “Proliferation Leads to Peace” ”< http://www.policymic.com/articles/1463/nuclear-proliferation-leads-to-peace>]

Unfortunately, while **the fear of proliferation is pervasive, it is unfounded and lacks an understanding of the evidence. Nuclear proliferation has been slow**. From [1945 to 1970](http://en.wikipedia.org/wiki/List_of_states_with_nuclear_weapons), only six countries acquired nuclear weapons: United States, Russia, United Kingdom, France, China, and Israel. **Since the Nuclear Non-Proliferation Treaty came into effect in 1970, only three countries have joined the nuclear club: India, Pakistan, and North Korea. In total, only .05% of the world’s states have nuclear weapons in their possession.** Supporters of non-proliferation seem to overlook the fact that there are states currently capable of making nuclear weapons and have chosen not to construct them, which illustrates the seriousness with which states consider their entrance into the nuclear club. Included on this list are such actors as: [Japan, Argentina, Brazil, Egypt, Iran, South Korea, Taiwan, and South Africa](http://www.fas.org/irp/threat/svr_nuke.htm). The attraction of nuclear weapons is multifold. Nuclear weapons enhance the international status of states that possess them and help insecure states feel more secure. States also seek nuclear capabilities for offensive purposes. It is important to point out that **while nuclear weapons have spread very slowly, conventional weapons have proliferated exponentially across the globe. The wars of the 21st century are being fought in the peripheral regions of the globe that are undergoing conventional weapons proliferation**. What the pundits of non-proliferation forget to mention are the many lessons that are learned from the nuclear world. Nuclear weapons provide stability just as they did during the Cold War era. The fear of [Mutual Assured Destruction (MAD)](http://atomicarchive.com/History/coldwar/page15.shtml) loomed heavily on the minds of nuclear powers through out the Cold War and continues to be an important consideration for nuclear states today. States do not strike first unless they are assured of a military victory, and the probability of a military victory is diminished by fear that their actions would prompt a swift retaliation by other states. In other words, states with nuclear weapons are deterred by another state’s second-strike capabilities. During the Cold War, the United States and Soviet Union could not destroy enough of the other’s massive arsenal of nuclear weapons to make a retaliatory strike bearable. Even the prospect of a small number of nuclear weapons being placed in Cuba by the Soviets had a great deterrent effect on the United States. Nothing can be done with nuclear weapons other than to use them for deterrent purposes. **If deterrence works reliably, as it has done over the past 60 plus years, then there is less to be feared from nuclear proliferation than there is from convention warfare**.

#### Revisions create uncertainty.

Stimson, 13

former Deputy Assistant Secretary of Defense for Detainee Affairs [Charles, "Law of Armed Conflict and the Use of Military Force," www.heritage.org/research/testimony/2013/05/the-law-of-armed-conflict, accessed 8-20-13, mss]

Fourth, Congress must build on the AUMF, not replace it. To replace the AUMF would be risky and unwise at this time, because doing so would cast uncertainty on the legal basis for so many aspects of our campaign against al Qaeda. Any modification to the core AUMF grant of authority is risky for that reason. Over time, the AUMF will obsolete itself, as al Qaeda and the Taliban fade into oblivion, and when that process is finally complete, the AUMF will no longer have any purpose or meaning. We are not yet at that day, however. Therefore Congress may need to build on the AUMF, expanding its authority to reach new threats, rather than altering it at this time.

#### Collapses counter-terror

Barnes, 12

J.D. Candidate, Boston University School of Law

[Beau, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874, accessed 8-23-13, mss]

Any approach to reauthorizing the AUMF should identify which specific “incidents of warfare” it contemplates.200 **Uncertainty regarding the extent of authority diminishes the potential for military success**; those charged with fighting the global armed conflict against terrorist groups should know precisely what is authorized. Moreover, policy clarity is a virtue in a democracy, allowing the citizenry to more effectively monitor the actions of its military. The reauthorized AUMF should specifically include authorization for both detention and the lethal use of force, as well as clear standards for both. These standards, discussing, for example, how targeting decisions are made, should be public and describe the differences in their application to U.S. citizens and noncitizens. 201 The government need not disclose the specific weaponry employed or tactics used, but it should indicate when lethal force will be used against a threat that is not strictly imminent. To monitor potential abuses, internal executive branch oversight should be intensified, empowering either an independent board or inspector general to investigate abuses of targeting authority. In the detention context, meaningful review should be available for those detained; the word of the Executive Branch alone should not be sufficient to render an individual detainable.

## S

#### US has significantly decreased strikes and has a narrow and legal use of drones –

FoxNews.com, “Concerns raised about fewer US drone strikes amid continuing terror attacks,” 9/26/13

New statistics from the West Point Counterterroism Center show more than 60 terror attacks across the world since July 1 -- most recently, the attack at a Kenya mall last weekend in which more than 60 people were killed.¶ Meanwhile, the number of U.S. drone strikes in Pakistan and Yemen – the hotbed for Al Qaeda and other terror groups -- appears to have decreased significantly over roughly the same period.¶ The publication The Long War Journal reports a total of 22 strikes since May in those countries.¶ The apparent trend of fewer strikes amid perceptions of a weakened Al Qaeda and diminished terror threats is drawing concern from Rep. Mike Rogers, chairman of the House Permanent Select Committee on Intelligence.¶ “It's not diminishing,” the Michigan Republican told Fox News on Tuesday. “There have been counterterrorism changes made by the administration that have concerned us all, things that we've been working on for a period of months that we're trying to work through that are very, very concerning. This is no time to retreat.”¶ The White House has not commented on the apparent decrease in drone strikes but has referred reporters to President Obama’s May 23 speech at the National Defense University in which he discussed the county’s evolving efforts to combat the war on terror.¶ The president said the United States will continue to “dismantle [terror] networks that pose a direct danger to us” but can no longer define its efforts as a “boundless global war on terror.”¶ He said the fight is entering a “new phase” in which legal and necessary drone strikes will be more narrowly focused to avoid civilian casualties and backlash in Pakistan and neighboring countries.¶ “By narrowly targeting our action against those who want to kill us and not the people they hide among, we are choosing the course of action least likely to result in the loss of innocent life,” Obama said.¶ Bill Roggio, The Long War Journal’s managing editor, said on Wednesday that the speech shows the administration “has a very narrow view of what makes up Al Qaeda and believes that killing a handful of legacy leaders involved in 9/11 will cause the collapse of the group.”¶ The magazine reports the number of recent strikes in Pakistan as: one in May, one in June, three in July, one in August and two in September.¶ The numbers in Yemen are: two in May, two in June, two in July, eight in August and zero in September.¶ Roggio points out the sharp increase in August was at about the same time a terror threat led to the temporary closure of 22 U.S. embassies and consulates across the Middle East and North Africa.¶ “But they were reactive strikes,” he said.¶ Roggio also says the US. launched 117 drone strikes in Pakistan in 2010, compared to 21 so far this year, which translates into one about every three of four days to about one every 15 days in 2013.¶ Obama repeated the U.S.’s position Tuesday at United Nations General Assembly speech, saying the county has shifted away from “a perpetual war-footing.”¶ “We have limited the use of drones so they target only those who pose a continuing, imminent threat to the United States where capture is not feasible, and there is a near certainty of no civilian casualties,” the president said.

## CP

#### Self-Restraint solves

Zenko 13 (Micah, Dr. Zenko is a Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR), he worked for five years at Harvard University’s Kennedy School of Government, and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning, Council Special Report No.65, January 2013, Reforming US Drone Strike Policies, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf)

History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone prolifera- tion and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international norma- tive framework, and U.S. compliance with that framework, would pre- serve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space. In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would under- mine core U.S. interests, such as preventing armed conflict, promoting human rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies. Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama admin- istration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations. The president of the United States should ■■ limit targeted killings to individuals who U.S. officials claim are being targeted—the leadership of al-Qaeda and affiliated forces or individ- uals with a direct operational role in past or ongoing terrorist plots against the United States and its allies—and bring drone strike prac- tices in line with stated policies; ■■ either end the practice of signature strikes or provide a public account- ing of how it meets the principles of distinction and proportionality that the Obama administration claims; ■■ review its current policy whereby the executive authority for drone strikes is split between the CIA and JSOC, as each has vastly different legal authorities, degrees of permissible transparency, and oversight; ■■ provide information to the public, Congress, and UN special rappor- teurs—without disclosing classified information—on what proce- dures exist to prevent harm to civilians, including collateral damage mitigation, investigations into collateral damage, corrective actions based on those investigations, and amends for civilian losses; and ■■ never conduct nonbattlefield targeted killings without an account- able human being authorizing the strike (while retaining the poten- tial necessity of autonomous decisions to use lethal force in warfare in response to ground-based antiaircraft fire or aerial combat).

#### CP solves better- statutory is bound to fail and makes the impacts worse- executive exploits increasing Congressional limits

Moe and Howell 99

(Terry, prof of political science @ Stanford, and William, Associate Prof @ Harvard, "The Presidental Power of Unilateral Action") KH

While Congress will sometimes have incentives to make broad delegations, legislators are more often likely to see the value in putting statutory restrictions on what presidents can do. Presidents, after all, have broad national constituencies, are less susceptible to pressures from special interest groups, are concerned about their historical legacies as strong national leaders, and in general have different political stakes in policy than parochially oriented legislators do-and the coalitions behind particular pieces of legislation, especially on domestic issues, will often have good reason to fear that presidents might use any discretion delegated them in unwanted ways. If so, they will want to constrain the president's powers of unilateral action through narrow and strategically crafted delegations (Moe, 1990; Epstein and O'Halloran, 1999).

How well can this be expected to work? To begin with, legislators can only go so far with a strategy of truly narrow delegations. They are fundamentally concerned with making constituents happy, and thus with ensuring the flow of benefits. For policies of even moderate complexity in an ever-changing world, this unavoidably calls for placing most decisions in the hands of executives and allowing them to use their own expert judgment in fleshing out the details. Like the founders, then, the best legislators can do is to write statutory analogues to incomplete contracts, and thus to set up governing structures that, while perhaps restrictive in certain ways, still contain substantial discretion. And once these statutory governing structures are set up, it is the president and the agencies who do the governing, not the Congress.

To the extent that legislators find themselves proposing highly restrictive delegations, moreover, they have to reckon with the fact that presidents are pivotal players in the legislative process. They can veto any piece of legislation they want, and if they do, it is exceedingly difficult for Congress to override them. (Empirically, only about 7% of presidential vetoes have been overridden; see Cronin and Genovese, 1998). Since everyone is aware ex ante of how consequential the veto can be, presidents will have a major say in shaping the content of legislation, and as they do they will be highly sensitive to how legislation stands to affect their own formal power. Among other things, they will push hard for provisions that give them as much discretion as possible, and they will seriously discourage provisions that limit their prerogatives.

Even when restrictions are included in final bills, Congress faces the problem of making them stick in practice-for a president will not be easy to control once governing shifts to his bailiwick. In part, this is due to the same problem that owners face in trying to control the management of a private firm, for managers-like presidents and their agencies-have expertise, experience, and operational leverage that allow them to engineer outcomes to their own advantage. Although expected to faithfully execute the laws, managers have a very substantial capacity to shirk. The problem that Congress faces, however, is even more severe than this classic economic analogy can suggest. The president possesses all the resources for shirking that the corporate manager does, but his position is far stronger, precisely because he is not really Congress's agent. He is not a subordinate, but a coequal authority. As a result, Congress cannot hire him, cannot fire him, and cannot structure his powers and incentives in any way it might like, yet it is forced to entrust the execution of the laws to his hands. From a control standpoint, this is a nightmare come true.

Finally, whatever the discretion contained in specific pieces of legislation, and whatever opportunities for shirking they open up, it is crucial to recognize that the president is greatly empowered by the sheer proliferation of statutes over time. In part, the reasons are pretty obvious. When new statutes are passed, almost whatever they are, they increase the president's total responsibilities and give him a formal basis for extending his authoritative reach into new realms. At the same time, they add to the total discretion available for presidential control, as well as to the resources contained within the executive.

Less obviously, though, the proliferation of statutes creates substantial ambiguity about what the "take care" clause ought to mean in operation, ambiguity that presidents can use to their great advantage (Corwin, 1973, 1984). While it may seem that the burgeoning corpus of legislative requirements would tie the president up in knots, the aggregate impact is liberating. For the president, as chief executive, is responsible for all the laws, and inevitably the laws turn out to be interdependent and conflicting in ways that the individual statutes themselves do not recognize. In the aggregate, what they require of him is ambiguous. The president's proper role, as would be true for any executive, is to rise above a myopic focus on each statute in isolation, to coordinate policies by taking account of their interdependence, and to resolve statutory conflicts by balancing their competing requirements. All of this affords him enormous discretion to impose his own priorities on government unilaterally and to push out the boundaries of his own power-claiming all the while that he is faithfully executing the laws.

Even though presidents are mere executives, then, charged with "taking care that the laws be faithfully executed," Congress cannot be expected to use statutory constraints with great effectiveness in restricting the expansion of presidential power.

**AT: Object Fiat Theory**

**No link: Object of the resolution is “authority” not “war powers”--restricting authority requires reducing the permission to act, not the ability to act.**

Taylor**, 19**96 **(Ellen, 21 Del. J. Corp. L. 870 (1996), Hein Online)**

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 **Power refers to an agent's** ability or **capacity to produce a change** in a legal relation (whether or not the principal approves of the change), **and authority refers to the power given (permission granted) to the agent** by the principal to affect the legal relations of the principal; **the distinction is between what the agent can do and what the agent may do**.

**This is a core legal distinction**

Rob **Jenkins**.—associate professor of English at Georgia Perim¶ 27-year veteran of higher education, as both a faculty member and an administrator April 3, **2012**, 12:22 pm¶ How Much Do You Work? <http://chronicle.com/blogs/onhiring/author/rjenkins/page/5>. **Gender edited**

**Anytime the President** of the United States **sends** American **servicemen and** **women into harm’s way**, politicians and **pundits** are sure to **argue over whether or not [s]he has the authority** to do so. I’m not qualified to participate in that kind of constitutional debate. But I can offer the following observation: **whether or not the President has the authority to deploy troops in a given situation, [s]he certainly has the power to do so.**  **That’s because authority and power are not the same thing**, even though many leaders fail to grasp the distinction. In particular, an alarming number of academic administrators these days don’t seem to understand the difference between exercising duly constituted authority and merely wielding power. **Authority is essentially the capacity to carry out one’s duties and responsibilities**. Faculty members have the authority to assign final grades, because doing so is one of their responsibilities. Likewise, department chairs have authority to evaluate faculty members, deans have authority to assign faculty lines, presidents have authority to determine budgets, and so on. **For authority to be valid**, **it must be ceded**, which is to say **derived from something larger than itself**. The officers of a college, for instance, typically derive their authority from elected or appointed boards. At an institution that truly embraces the principles of shared governance, other stakeholders are also ceded authority in certain areas by the properly constituted bylaws and policies of the institution–for example, the faculty’s authority over curricular issues. Even a college president does not have the authority, outside of the policies by which all are bound, to tell faculty members how to teach, how to conduct research, or what to write. However, this does not mean that presidents and other administrators do not sometimes take such authority upon themselves. They can do so, even if illegitimately, because of the enormous power they wield. **Power is something quite different from authority. It tends to be seized rather than ceded**. **It is** essentially **the ability to force others to conform to one’s wishes,** whether they want to or not, because of what might happen to them if they don’t. People with power can make other people’s lives miserable, prevent them from getting promotions and raises, perhaps cost them their jobs–even when such actions are not strictly within their properly ceded authority.

**If they win the link-**

**Interpretation: CP’s can’t fiat the direct object of the resolution.**

**The president is the beneficiary of the direct object, which is presidential war powers- means the CP restricts the INDIRECT object of the resolution.**

**Ground-impossible to compete without the counterplan -private bodies can’t affect statutes or courts AND impossible to predict aff mechanisms due to multitude of ways congress/courts can limit presidential powers – need the cp to soak all of them up**

**OR limits us to international actor counterplans which is infinitely worse- we’ll just pick a new country every round, impossible to predict**

**Education- Executive self-restraint versus oversight by congress or the courts is the core of the topic- comparative solvency lit also solves your education and abuse claims**

**Sales 2012** – Assistant Professor of Law, George Mason University School of Law (7/3, Nathan Alexander, Journal of National Security Law & Policy, 6.227, “Self-Restraint and National Security”)

With this framework in mind, we can begin to offer some preliminary ¶ hypotheses about why national security officials sometimes adopt selfrestraints. From a policymaker’s standpoint, the expected benefits of a ¶ national security operation often will be dwarfed by its expected costs ¶ (enemy propaganda, loss of national prestige, individual criminal liability, ¶ and so on). For **rational policymakers**, the welfare maximizing choice ¶ sometimes will be to avoid bold and aggressive operations. Reviewers ¶ likewise can find inaction to be welfare maximizing. For an influence- and ¶ autonomy-maximizing reviewer, vetoing an operation proposed by a ¶ bureaucratic competitor can redistribute power and turf away from one’s ¶ rival and to oneself. Operators, by contrast, are likely to have a very ¶ different cost-benefit calculus. An operator’s expected benefits typically ¶ will be larger than a policymaker’s or a reviewer’s, because he will account ¶ for the psychic income (such as feelings of exhilaration and satisfaction)¶ that accrues to those who personally participate in a mission. As a result, ¶ rational operators may regard a given operation as welfare-enhancing even ¶ when policymakers and reviewers regard the same mission as welfarereducing. ¶ A few observations are needed about the public choice framework ¶ sketched out above – its possibilities and its limitations – before applying it. ¶ This article emphasizes restraints imposed by elements **within the executive** ¶ branch. But the framework also might be used to explain why Congress ¶ sometimes adopts restraints for the government as a whole – i.e., why ¶ Congress enacts legislation restricting the executive’s operational authority ¶ more severely than is required by domestic law (in this case the ¶ Constitution) or international law. First, there may be an asymmetry in the ¶ legislators’ expected value calculations. Members of Congress might ¶ conclude, for example, that the expected costs of conducting mildly ¶ coercive interrogations outweigh the expected benefits and thus enact ¶ legislation banning the military from using any technique not listed in the ¶ Army Field Manual, as it did in the Detainee Treatment Act of 2005.33¶ Second, members might engage in a form of empire building, allocating to ¶ themselves a greater portion of the war powers they share with the ¶ President. For example, Congress might assert its primacy over covert ¶ operations by passing a law prohibiting the President from approving ¶ assassinations, as the Church Committee proposed in the late 1970s.34 Still, ¶ the Executive probably is more likely to adopt restraints than Congress is, ¶ because the Executive’s expected costs of an operation gone wrong usually ¶ will be greater.35 Unlike legislators, executive branch officials face the ¶ prospect of personal legal liability for approving or participating in ¶ operations that are alleged to violate domestic or international law.36

**If you focus topic on the nature of the restriction, it achieves the legal purpose of the topic- which is the goal of the topic- not about determining actions good/bad but if his authority is**

**-legal education is good- every other topic is a policy question, never learn about the ways policy interacts with law**

**Reject the argument not the team**

**Always evaluate the status quo because losing the cp doesn’t prove the aff is a good idea**

**And executive orders have the force of law:**

**Oxford** Dictionary of English **2010**

(Oxford Reference, Georgetown Library)

executive order

▶ noun US (Law) a rule or order issued by the President to an executive branch of the government and having the **force of law**.

**Executive orders are permanent**

**Duncan**, Associate Professor of Law at Florida A&M, Winter **2010**

(John C., “A Critical Consideration of Executive Orders,” 35 Vt. L. Rev. 333, Lexis)

The trajectory of the evolution of the executive power in the United States, as seen through the prism of the growing edifice of executive orders have become increasingly **formal and permanent**. The evolution of executive power in the United States has shifted executive orders from mere legislative interpretation to ancillary legislation. **Executive orders continue to influence subsequent presidents**. The elaboration of executive order promulgation, as an autopoietic process was necessary to the very existence of presidential power. That is, the mechanisms for formalizing executive orders have always existed in the executive power in a government whose legitimacy lives in written pronouncements treated as delicate, sacred, and worth protecting at all cost. **Part of this formalization is** a consequence of **the reverence for precedent**. Thus, **prior presidents influence future presidents**, less because future presidents wish to mimic their predecessors, but more **because future presidents act within an edifice their predecessors have already erected**. Thus, the growth and elaboration of an ever more robust structure of executive orders resembles an autopoietic process. n561

## Modeling

#### Executive action on drones is sufficient—solves backlash and modeling

Roth, executive director – Human Rights Watch, April ‘13

(Kenneth, “What Rules Should Govern US Drone Attacks?” The New York Review of Books)

At the very least, the CIA’s drone program, the source of most of the controversy, should be transferred to the Pentagon, with its stronger tradition of accountability to the law. That should be accompanied by a new policy of transparency about which laws govern drone attacks, and about why people are targeted, as well as prompt investigation whenever there is a credible allegation of civilian casualties or inappropriate targeting. The aim should be to open to independent scrutiny—by Congress, the courts, the press, and the public—many aspects of the drone program that have unjustifiably been kept secret (however open that secret may be) and treat drone attacks like normal military or police operations.

Any program that kills on the basis of secret intelligence risks abuse. The administration could go a long way toward minimizing the possibility of illegal killings—and discouraging others from acting in kind—if it explicitly recognized clear limits in the law governing drone attacks and allowed as much independent consideration of its compliance as possible.

#### Solves drone modeling

Twomey, JD candidate – Trinity College Dublin, 3/14/’13

(Laura, “Setting a Global Precedent: President Obama's Codification of Drone Warfare,” Cambridge Journal of International and Comparative Law Blog)

It is clear that, as the first State to deploy remote targeting technology in a non international armed conflict, the legal framework forged by the US during President Obama's second term will set significant precedent for the future practice of the estimated 40 States developing their own drone technology.

On 7 March 2013, members of the European Parliament expressed deep concern about the “unwelcome precedent” the programme sets, citing its “destabilising effect on the international legal framework” that “destroys ... our common legal heritage.” This 'destabilising effect' arises from the classified and seemingly amorphous substantive legal basis for the programme and the apparent lack of procedural standards in place. It remains to be seen if the classified 'rulebook' will be released for public scrutiny, and allay these concerns.

Reliance on international law in world order is based on consent, consensus, good faith and, crucially in this instance, reciprocity. The US programme may harbour short term gains in the pursuit of al-Qaeda operatives, however, if the aforementioned substantive legal justifications continue to be invoked, it risks engendering long term disadvantages. Pursuing this policy encourages other States to adopt similar policies. Administration officials have cited particular concern about setting precedent for Russia, Iran and China, all of which are developing their own remote targeting technology.

It is therefore suggested that the Administration should take this opportunity to codify the rules, clarify terms where ambiguity may currently allow for broader interpretations, and to bring its regulations in line with the existing framework of international law. This legal framework should then be made available to the public, with covert operational necessities redacted. This could set a valuable legal precedent, of particular importance at this turning point wherein international law must adapt to the 21st century model of warfare, a model which lacks a clear enemy and a demarcated battlefield.

#### Congress doesn’t solve signal – Presidential leadership is key

Tobin, Senior Online Editor of *Commentary* magazine, 9/3/2013

(Jonathan, Congress Can’t Fill Obama’s Leadership Void, http://www.commentarymagazine.com/2013/09/03/congress-cant-fill-obamas-leadership-void-syria/)

The implications of the congressional debate that will ensue on the future of American foreign policy are clear. Given the growth of isolationism on the right and the left, Obama’s decision to punt on Syria has opened the gates for those who have advocated for an American retreat from global responsibilities to gain more influence. Even if, as it is to be hoped, a majority of both houses of Congress vote to back American action in Syria, it’s not likely that the result of what will follow in the coming days will convince the world that America is still prepared to lead. Although there are good reasons to worry about any intervention in Syria, the arguments for inaction are unpersuasive. Given the stakes involved in letting Assad survive in terms of increasing the power of his Iranian and Hezbollah allies and the precedent set in terms of allowing the use of chemical weapons, the case for action in Syria is powerful.

Boehner deserves credit for speaking up after meeting with the president and making it clear the leadership of the House of Representatives is not prepared to bow to the growing chorus of politicians who are more concerned with placing limits on the executive or opposing Obama at every turn than the need to stand up against genocidal dictators. Given the refusal of many Republicans to stand up to the Rand Paul wing of their party, it is refreshing for the normally cautious House speaker to show his willingness to put the national interest above partisan concerns.

But no matter what Boehner or people like John McCain or Peter King say this week, there is no substitute for presidential leadership. As I wrote last week, it is axiomatic that liberal Democrats are far better placed to convince a majority of Americans that military action is needed in any circumstance than a conservative Republican. Though the left is just as uncomfortable with the assertion of American power as many on the right, there is little doubt that the president is far better placed than his predecessor was or any Republican might be to rally the country behind a policy that would draw a line in the sand about weapons of mass destruction. But with Obama faltering, no one should labor under the illusion that a divided Congress can either stiffen his spin or step into the leadership vacuum he has left.

#### Congress has zero credibility – ruins the signal

Cook, Editor of *The Cook Political Report*, Columnist for the *National Journal*, 2011

(Charlie, “Congress Becomes a Laughingstock,” http://cookpolitical.com/story/3210)

My wife told me recently about a Facebook post by an acquaintance that held Congress up to ridicule. Apparently, the sentiment was enthusiastically endorsed by people who spanned her entire network of friends—from the most liberal to the most conservative. My wife couldn’t recall anything else that had been so universally embraced by such a politically diverse group of people.

If this debt-ceiling debate is producing any political winners or beneficiaries, they have no connection to Congress or the White House. The unfavorable ratings for both parties are climbing, and President Obama’s job-approval rating in the Gallup Poll fell to 43 percent in one recent week, tied for the lowest of his presidency. (At this writing, it is at 46 percent approval/46 percent disapproval, hardly what a president seeking reelection wants to see.) The debt-ceiling debacle has become like a bomb that keeps exploding in Washington, hurting both sides and each end of Pennsylvania Avenue, effectively damaging everyone in sight.

Sadly, my view is that it will probably take a significant stock-market plunge of 500 or 1,000 points in the Dow Jones industrial average, perhaps triggered by a bond-ratings downgrade, to focus minds and cut through the political posturing. The stock and bond markets, neurotic and skittish under the best of circumstances, have been remarkably patient, looking the other way and quietly assuming that everything will work out. They may reach the end of their patience any day. Even a modest deal on deficit reduction and a short-term increase in the debt ceiling may not bring enough confidence to the markets.

A significant market plunge would cause great pain to 401(k) retirement plans, other personal savings, and the economy in general. The negative wealth effect would be great, but another type of loss would be just as bad—just not as obvious.

Washington is now sullying America’s long-deserved reputation as the leading country in the world to such an extent that we are becoming a laughingstock. The renowned, late journalist A.J. Liebling, a fixture for many years in The New Yorker and a chronicler of then-Louisiana Gov. Earl Long, once wrote that the home state I share with Long was “the northernmost of the banana republics.” If Liebling were alive today, he might expand his “northernmost” banana republic to include the whole United States, with Washington as its sorry capital. My guess is that most members of Congress and their aides are too close to the process and don’t fully appreciate what they are doing to themselves, the institution, and the nation’s political process. The Pictorial Directory test will determine if I’m right.

#### Second, unilateralism key

Singer 13

[Singer, director – Center for 21st Century Security and Intelligence @ Brookings, and Wright, senior fellow – Brookings, 2/7/’13

(Peter W. and Thomas, "Obama, own your secret wars", www.nydailynews.com/opinion/obama-secret-wars-article-1.1265620])

It is time for a new approach. And **all that is required** of the President is to do the thing that he does perhaps best of all: to speak.

Obama has a unique opportunity — in fact, an urgent obligation — to create a new doctrine, unveiled in a major presidential speech, for the use and deployment of these new tools of war.

While the Republicans tried to paint the President as weak on security issues in the 2012 elections, history will record instead that his administration pushed into new frontiers of war, most especially in the new class of technologies that move the human role both geographically and chronologically further from the point of action on the battlefield.

The U.S. military’s unmanned systems, popularly known as “drones,” now number more than 8,000 in the air and 12,000 on the ground. And in a parallel development, the U.S. Cyber Command, which became operational in 2010, has added an array of new (and controversial) responsibilities — and is set to quintuple in size.

This is not just a military matter. American intelligence agencies are increasingly using these technologies as the tips of the spear in a series of so-called “shadow wars.” These include not only the more than 400 drone strikes that have taken place from Pakistan to Yemen, but also the deployment of the Stuxnet computer virus to sabotage Iranian nuclear development, the world’s first known use of a specially designed cyber weapon.

Throughout this period, the administration has tried to have it both ways — leaking out success stories of our growing use of these new technologies but not tying its hands with official statements and set policies.

This made great sense at first, when much of what was happening was ad hoc and being fleshed out as it went along.

But that position has become unsustainable. The less the U.S. government now says about our policies, the more that vacuum is becoming filled by others, in harmful ways.

By acting but barely explaining our actions, we’re creating precedents for other states to exploit. More than 75 countries now have military robotics programs, while another 20 have advanced cyber war capacities. Rest assured that nations like Iran, Russia and China will use these technologies in far more crude and indiscriminate ways — yet will do so while claiming to be merely following U.S. footsteps.

In turn, international organizations — the UN among them — are pushing ahead with special investigations into potential war crimes and proposing new treaties.

Our leaders, meanwhile, stay mum, which isolates the U.S. and drains its soft power.

The current policy also makes it harder to respond to growing concerns over civilian casualties. Indeed, Pew polling found 96% levels of opposition to U.S. drones in the key battleground state of Pakistan, a bellwether of the entire region. It is indisputable than many civilians have been harmed over the course of hundreds of strikes. And yet it is also indisputable that various groups have incentives to magnify such claims.

Yet so far, U.S. officials have painted themselves into a corner — either denying that any collateral losses have occurred, which no one believes, or reverting to the argument that we cannot confirm or deny our involvement, which no one believes, either.

Finally, the domestic support and legitimacy needed for the use of these weapons is in transition. Polling has found general public support for drone strikes, but only to a point, with growing numbers in the “not sure” category and growing worries around cases of targeting U.S. citizens abroad who are suspected of being terrorists.

The administration is so boxed in that, even when it recently won a court case to maintain the veil of semi-silence that surrounds the drone strike program, the judge described the current policy as having an “Alice in Wonderland” feel.

The White House seems to be finally starting to realize the problems caused by this disconnect of action but no explanation. After years of silence, occasional statements by senior aides are acknowledging the use of drones, while lesser-noticed working level documents have been created to formalize strike policies and even to explore what to do about the next, far more autonomous generation of weapons.

These efforts have been good starts, but they have been disjointed and partial. Most important, they are missing the **much-needed stamp of the President’s voice and authority**, which is essential to turn tentative first steps into established policy.

Much remains to be done — and said — out in the open.

This is why it’s time for Obama’s voice to ring loud and clear. Much as Presidents Harry Truman and Dwight Eisenhower were able keep secret aspects of the development of nuclear weapons, even as they articulated how and when we would use them, Obama should publicly lay out criteria by which the United States will develop, deploy and use these new weapons.

The President has a strong case to make — if only he would finally make it. After all, the new weapons have worked. They have offered new options for military action that are more accurate and proportionate and less risky than previously available methods.

But they have also posed many new complications. Explaining our position is about embracing both the good and the bad. It is about acknowledging the harms that come with war regardless of what technology is being used and making clear what structures of accountability are in place to respond.

It’s also about finally defining where America truly stands on some of the most controversial questions. These include the tactics of “signature” strikes, where the identity is not firmly identified, and “double tap” strikes, where rescuers aiding victims of a first attack are also brought under fire. These have been reported as occurring and yet seem to run counter to the principles under which the programs have been defended so far.

The role of the President is not to conduct some kind of retrospective of what we have done and why, but to lay out a course of the future. What are the key strategic goals and ethical guidelines that should drive the development and use of these new technologies? Is current U.S. and international law sufficient to cover them?

There are also crucial executive management questions, like where to draw the dividing line between military and civilian intelligence agency use of such technologies, and how to keep a growing range of covert actions from morphing into undeclared and undebated wars.

And, finally, the President must help resolve growing tensions between the executive branch and an increasingly restive Congress, including how to handle situations where we create the effect of war but no U.S. personnel are ever sent in harm’s way.

Given the sprawling complexity of these matters, only the President can deliver an official statement on where we stand. If only we somehow had a commander in chief who was simultaneously a law professor and Nobel Peace Prize winner!

The President’s voice on these issues won’t be a cure-all. But it will lay down a powerful marker, shaping not just the next four years but the actions of future administrations.

### AT: LX to Politics F/L

**Only Congressional moves to reclaim war power authority triggers the war power and politics disad**

William **Howell**, Sydney Stein professor in American politics at the University of Chicago, **9/3/13**, All Syria Policy Is Local, www.foreignpolicy.com/articles/2013/09/03/all\_syria\_policy\_is\_local\_obama\_congress?page=full

From a political standpoint, **seeking congressional approval** for a limited military strike against the Syrian regime, as President Barack Obama on Saturday announced he would do**, made lots of sense**. And let's be clear, this call has everything to do with political considerations, and close to nothing to do with a newfound commitment to constitutional fidelity. The first reason is eminently local. Obama has proved perfectly willing to exercise military force without an express authorization, as he did in Libya -just as he has expanded and drawn down military forces in Afghanistan, withdrawn from Iraq, significantly expanded the use of drone strikes, and waged a largely clandestine war on terrorism with little congressional involvement. **The totality of Obama's record**, which future presidents may selectively cite as precedent, hardly **aligns with a plain reading of the war powers** described in the first two articles of the constitution. Obama isn't new in this regard. Not since World War II has Congress declared a formal war. And since at least the Korean War, which President Harry Truman conveniently called a "police action," commanders-in-chief have waged all sorts of wars -small and large -without Congress's prior approval. **Contemporary debates about** Congress's **constitutional obligations on** matters involving **war have lost a good deal of their luster**. Constitutional law professors continue to rail against the gross imbalances of power that characterize our politics, and **members of whichever party happens to be in opposition can be counted on to decry the abuses of war powers** propagated by the president. But these criticisms -no matter their interpretative validity -rarely gain serious political traction. Too often they appear as arguments of convenience, duly cited in the lead-up to war, but **serving primarily as footnotes rather than banner headlines** in the larger case against military action. Obama's recent decision to seek congressional approval is not going to upend a half-century of practice that has shifted the grounds of military decision-making decisively in the president's favor**,** any more than it is going to imbue the ample war powers outlined in Article I with newfound relevance and meaning. **For that to happen, Congress itself must claim for itself its constitutional powers regarding war.** Obama did not seek Congress's approval because on that Friday stroll on the White House lawn he suddenly remembered his Con Law teaching notes from his University of Chicago days**. He did so for political reasons**. Or more exactly, **he did so to force members of Congress to go on the record today in order to mute** their **criticisms** tomorrow. And let's be clear, Congress -for all its dysfunction and gridlock -still has the capacity to kick up a good dust storm over the human and financial costs of military operations. Constitutional musings from Capitol Hill -of the sort a handful of Democrats and Republicans engaged in this past week -rarely back the president into a political corner. The mere prospect of members of Congress casting a bright light on the human tolls of war, however, will catch any president's attention. Through hearings, public speeches, investigations, and floor debates, members of Congress can fix the media's attention -and with it, the public's -on the costs of war, which can have political repercussions both at home and abroad. Think, then, about the stated reasons for some kind of military action in Syria. No one is under the illusion that a short, targeted strike is going to overturn the Assad regime and promptly restore some semblance of peace in the region. In the short term, the strike might actually exacerbate and prolong the conflict, making the eventual outcome even more uncertain. And even the best-planned, most-considered military action won't go exactly according to plan. Mishaps can occur, innocent lives may be lost, terrorists may be emboldened, and anti-American protests in the region will likely flare even hotter than they currently are. The core argument for a military strike, however, centers on the importance of strengthening international norms and laws on chemical and biological weapons, with the hope of deterring their future deployment. The Assad regime must be punished for having used chemical weapons, the argument goes, lest the next autocrat in power considering a similar course of action think he can do so with impunity. But herein lies the quandary. The most significant reasons for military action are abstract, largely hidden, and temporally distant. The potential downsides, though, are tangible, visible, and immediate. And in a domestic political world driven by visual imagery and the shortest of time horizons, it is reckless to pursue this sort of military action without some kind of political cover. **Were Obama to proceed without congressional authorization, he would invite House Republicans to make all sorts of hay about his misguided, reckless foreign policy**. **But by putting the issue before Congress, these same Republicans** either **must explain why the use of chemical weapons** against one's people **does not warrant** some kind of military **intervention; or they must concede** that some form of exacting punishment is needed. Both options present many of the same risks for members of Congress as they do for the president. But crucially, if they come around to supporting some form of military action -and they just might -members of Congress will have an awfully difficult time criticizing the president for the fallout. **Will the decision** on Saturday **hamstring the president** in the final few years of his term? **I doubt it**. **Having gone to Congress on this crisis, must he do so on every future one? No.** Consistency is hardly the hallmark of modern presidents in any policy domain, and certainly not military affairs. Sometimes presidents seek Congress's approval for military action, other times they request support for a military action that is already up and running, and occasionally they reject the need for any congressional consent at all. And for good or ill, it is virtually impossible to discern any clear principle that justifies their choices. **The particulars of every specific crisis** -its urgency, perceived threat to national interests, connection to related foreign policy developments, and what not -**can be expected to furnish the president with ample justification for pursuing whichever route he would like**. Like jurists who find in the facts of a particular dispute all the reasons they need for ignoring inconvenient prior case law, presidents can characterize contemporary military challenges in ways that render past ones largely irrelevant. Partisans and political commentators will point out the inconsistencies, but their objections are likely to be drowned out in rush to war. Obama's decision does not usher in a new era of presidential power, nor does it permanently remake the way we as a nation go to war. It reflects a temporary political calculation -and in my view, the right one -of a president in a particularly tough spot. Faced with a larger war he doesn't want, an immediate crisis with few good options, and yet a moral responsibility to act, he is justifiably expanding the circle of decision-makers. But don't count on it to remain open for especially long.

#### CP is executive action—obviously avoids Congressional fights

Fine 12

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We also should expect presidents to prioritize and be strategic in the types of executive orders that they create to maneuver around a hostile Congress. There are a variety of reasons that can drive a president’s decision. For example, presidents can use an executive order to move the status quo of a policy issue to a position that is closer to their ideal point. By doing so, presidents are able to pressure Congress to respond, perhaps by passing a new law that represents a compromise between the preferences of the president and Congress. Forcing Congress’s hand to enact legislation might be a preferred option for the president, if he perceives Congress to be unable or unwilling to pass meaningful legislation in the ﬁrst place. While it is possible that such unilateral actions might spur Congress to pass a law to modify or reverse a president’s order, such responses by Congress are rare (Howell 2003, 113-117; Warber 2006, 119). Enacting a major policy executive order allows the president to move the equilibrium toward his preferred outcome without having to spend time lining up votes or forming coalitions with legislators. As a result, and since reversal from Congress is unlikely, presidents have a greater incentive to issue major policy orders to overcome legislative hurdles.

### A2 Perm

#### No perm solvency-

**Voluntary executive consultation improves decision-making and captures all of the benefits of the aff without constraining authority to act**

**Baker, 7 -** Chief Judge to the United States Court of Appeals for the Armed Forces, former Special Assistant to the President and Legal Advisor to the National Security Council (James, IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES, p. 25-27)

Understanding process also entails an appreciation as to how to effectively engage the constitutional process between branches. Unilateral executive action has advantages in surprise, speed, and secrecy. In context, it is also **functionally imperative**. As discussed in Chapter 8, for example, military command could hardly function if it were subject to interagency, let alone, interbranch application. Unilateral decision and action have other advantages. Advantage comes in part from the absence of objection or dissent and in the avoidance of partisan political obstruction. In the view of some experts, during the past fifteen years, “party and ideology routinely trump institutional interests and responsibilities” in the Congress.6 These years coincide with the emergence of the jihadist threat.

However, there are also security benefits that derive from the operation of external constitutional appraisal. These include the foreknowledge of objection and the improvements in policy or execution that dissent might influence. Chances are, if the executive cannot sell a policy to members of Congress, or persuade the courts that executive actions are lawful, the executive will not be able to convince the American public or the international community.

A sustained and indefinite conflict will involve difficult public policy trade-offs that will require sustained public support; that means support from a majority of the population, not just a president’s political base or party. Such support is found in the effective operation of all the constitutional branches operating with transparency. Where members of Congress of both parties review and validate a policy, it is more likely to win public support. Likewise, where the government’s legal arguments and facts are validated through independent judicial review, they are more likely to garner sustained public support. Thus, where there is more than one legal and effective way to accomplish the mission, as a matter of legal policy, the president and his national security lawyers should espouse the inclusive argument that is more likely to persuade more people for a longer period of time. The extreme and divisive argument should be reserved for the extraordinary circumstance. In short, congressional and judicial review, **not necessarily decision**, offers a source of independent policy and legal validation that is not found in the executive branch alone.

Further, while the president alone has the **authority** to wield the tools of national security and the bureaucratic efficiencies to do so effectively, that is not to say the president does not benefit from maximizing his authority through the involvement and validation of the other branches of government. Whatever can be said of the president’s independent authority to act, as the Jacksonian paradigm recognizes, when the president acts with the express or implied authorization of the Congress in addition to his own inherent authority, he acts at the zenith of his powers. Therefore, those who believe in the necessity of executive action to preempt and respond to the terrorist threat, as I do, should favor legal arguments that maximize presidential authority. In context, this means the meaningful and transparent participation of the Congress and the courts.

## 2

**Blowback arguments are wrong and outweighed by conducting the war against terror**

Kenneth **Anderson**, professor of international law at American University and a member of the Task Force on National Security and Law at the Hoover Institution, “The Case for Drones,” Commentary, June **2013**.

#### No global blowback

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

That leaves the broader claim of global blow-back -- the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the evidence is so diffuse as to be pointless. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes -- or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism -- Mark Mazzetti's new book, The Way of the Knife, is a good example -- because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. The blowback argument is also peculiarly susceptible to raising the behavioral bar the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up.

From a strategic standpoint, however, the trouble with the blowback theory is simple: It will always counsel doing nothing rather than doing something. It's the kibitzer's lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blow-back scenario.

There might be situations in which to give it priority; Gregory Johnsen, a Yemen expert, for example, says that a particular form of strike in Yemen causes blowback because it hits low-level fighters whose families cannot understand the American justification. (The response is, usually, that we are effectively fighting as the air arm of the Yemen government against its insurgents, including its low-level fighters.) That bears attention; whether it outweighs the strategic concern of supporting the Yemeni government, which does have to fight even low-level insurgents who in effect offer protection to the transnational terrorist wing, is another question. But we should consider it carefully.

Blowback is a form of the precautionary principle. But it's awfully difficult to conduct war, after all, on the basis of "first do no harm." As it happens, the United States once had a commander driven largely by considerations of blowback from a restive local population. His name was George McClellan. If he had not been replaced by Abraham Lincoln, the Union would have lost the Civil War.

#### Blowback inevitable AND drones prevent worse alternatives

Etzioni, 13

George Washington University international affairs professor

[Amitai, "Drones: Say it With Figures," UPI, 4-30-13, www.upi.com/Top\_News/Analysis/Outside-View/2013/04/30/Outside-View-Drones-Say-it-with-figures/UPI-25571367294880/?spt=hs&or=an, accessed 6-11-13, mss]

Drones: Say it with figures

Attacking drones, the most effective counter-terrorism tool the United States has found thus far, is a new cause celebre among progressive public intellectuals and major segments of the media. Their arguments would deserve more of a hearing if, instead of declaring their contentions as fact, they instead coughed up some evidence to support their claims. One argument that is repeated again and again is that killing terrorists with drones generates resentment from Pakistan to Yemen, thereby breeding many more terrorists than are killed. For example, Akbar Ahmed, a distinguished professor at American University, told the BBC on April 9 that, for "every terrorist drones kill, perhaps 100 rise as a result." The key word is "perhaps"; Ahmed cites no data to support his contention. Similarly, in The New York Times, Jo Becker and Scott Shane write that "Drones have replaced Guantanamo as the recruiting tool of choice for militants," citing as their evidence one line Faisal Shahzad, who had tried to set off a car bomb in Times Square, used in his 2010 trial seeking to justify targeting civilians. At the same time, when HBO interviewed children who carry suicide vests, they justified their acts by the presence of foreign troops in their country and burning of Korans. No such self-serving statements can be taken as evidence in themselves. And Peter Bergen, a responsible and serious student of drones, quotes approvingly in The Washington Post a new book by Mark Mazzetti, who claims that the use of drone strikes "creates enemies just as it has obliterated them." Again, however, Mazzetti presents no evidence. One may at first consider it obvious that, when American drones kill terrorists who are members of a tribe or family, other members will resent the United States. And hence if the United States would stop targeting people from the skies, that resentment would abet and ultimately vanish. In reality, ample evidence shows that large parts of the population of several Muslim countries resent the United States for numerous and profound reasons, unrelated to drone attacks. These Muslims consider the United States to be the "Great Satan" because it violates core religious values they hold dear; it promotes secular democratic liberal regimes; it supports women's rights; and it exports a lifestyle that devout Muslims consider hedonistic and materialistic to their countries. These feelings, data show, are rampant in countries in which no drones attacks have occurred, were common in those countries in which the drones have been employed well before any attacks took place, and continue unabated, even when drone attacks are greatly scaled back. As Marc Lynch notes in Foreign Affairs: "A decade ago, anti-Americanism seemed like an urgent problem. Overseas opinion surveys showed dramatic spikes in hostility toward the United States, especially in the Arab world ... It is now clear that even major changes, such as Bush's departure, Obama's support for some of the Arab revolts of 2011, the death of Osama bin Laden, and the U.S. withdrawal from Iraq, have had surprisingly little effect on Arab attitudes towards the United States. Anti-Americanism might have ebbed momentarily, but it is once again flowing freely." The Pew Global Attitudes Project says anti-American sentiments were high and on the rise in countries where drone strikes weren't employed. In Jordan, for example, U.S. unfavorability rose from 78 percent in 2007 to 86 percent in 2012 while Egypt saw a rise from 78 percent to 79 percent over the same period. Notably, the percentage of respondents reporting an "unfavorable" view of the United States in these countries is as high, or higher, than in drone-targeted Pakistan. In Pakistan, a country that has been subjected to a barrage of strikes over the last five years, the United States' unfavorability held steady at 68 percent from 2007-10 (dropping briefly to 63 percent in 2008), but then began to increase, rising to 73 percent in 2011 and 80 percent in 2012 -- a two-year period in which the number of drone strikes was actually dropping significantly. It is also worth noting that these critics attribute resentment to drones rather than military strikes. Do they really think that resentment would be lower if the United States were using cruise missiles? Or bombers? Or Special Forces? If they mean that we should grant these suspected terrorists a free pass if they cannot be brought to a court in New York City to be tried, they should say so. Another frequent claim of drone opponents is that the use of drones greatly lowers the costs of war (at least for the United States) and, thus, promotes military adventurism. For example, Mazzetti (as quoted by Bergen) claims that the use of drones has "lowered the bar for waging war, and it is now easier for the United States to carry out killing operations at the ends of the earth than at any other time in its history." However, there is no evidence that the introduction of drones (and before that, high-level bombing and cruise missiles that were criticized on the same grounds) made going to war more likely or its extension more acceptable. On the contrary, anybody who followed the American disengagement in Vietnam after the introduction of high-level bombing (which was subject to criticism similar to that of drones) or the U.S. withdrawal from Afghanistan -- despite the considerable increase in the use of drone strikes elsewhere -- knows better. In effect, the opposite argument may well hold: If the United States couldn't draw on drones in Yemen and the other new theaters of the counterterrorism campaign, the nation might well have been forced to rely more on conventional troops, a choice that would greatly increase our casualties as well as the resentment by the locals, who particularly object to the presence of foreign troops.

#### Broad geographical reach sustains AQ and allows WMD attack—constant global attrition key to victory

Pressman, assistant professor of political science – U Connecticut, ‘7

(Jeremy, “Rethinking Transnational Counterterrorism: Beyond a National Framework,” The Washington Quarterly, 30:4 pp. 63–73)

The distinction between national and transnational terrorist groups largely stems from a fundamental difference in geographic scope: transnational terrorist objectives are not tied to a single state. Although national organizations are not easy to tame or defeat, the range of options is even more circumscribed in dealing with transnational ones because their agendas and fields of play are much larger. National organizations may use the world as a stage, as Palestinian terrorist organizations have done, but their objectives are defined by a national territorial home, as in the case of the IRA in Ireland, the Palestine Liberation Organization (PLO) in Palestine, and the Liberation Tigers of Tamil Eelam in Sri Lanka. If the national territorial home disappeared, the organization would lose its raison d’etre. Contrast that with al Qaeda or any worldwide movement. These groups are not bound by any one country, and they aspire to have a regional, if not global, impact. Al Qaeda would like to topple regimes across the Middle East as well as send home the world’s lone superpower, the United States. These transnational groups may be based in many countries, whether simultaneously or moving from one to the next. A non-national group could operate in North America, Europe, East Asia, and increasingly in cities around the world; it could coordinate and launch attacks from almost anywhere. Technological advances, especially the low cost of communications and transportation, have opened up many new avenues for clandestine operators. These changes empower the individual or small groups. At the same time, plenty of weak governments with only a tenuous hold on their territory are situated around the globe. Failed states and other gray zones offer additional spaces and opportunities for transnational terrorist organizations. Globalizing forces are seen at work in the leadership of al Qaeda’s core group, even leaving aside the many organizations inspired by or loosely affiliated with it. Al Qaeda is led by a Saudi, Osama bin Laden, with an Egyptian, Ayman al-Zawahiri, as the second in command. Khalid Sheikh Muhammad, a key planner of the September 11, 2001, attacks and others, is Pakistani. The late Abu Musab al-Zarqawi, leader of al Qaeda in the Iraqi theater, was Jordanian. Because transnational organizations are networked and distributed, they are less hierarchical and can survive without central command and control. Analysts Steven Simon and Daniel Benjamin have called them “non-group groups.”3 Furthermore, Daniel Byman suggested that bin Laden’s world view of confronting the United States and legitimizing violent attacks “has gained remarkable currency.”4 As a result, shutting down al Qaeda in Afghanistan does not shut down al Qaeda, especially now that it has an established track record in the international arena of successfully attacking the United States. Fundraising, recruitment, indoctrination, and training may take place in many countries simultaneously for transnational groups. New locales such as Iraq or the tribal regions of Pakistan can replace old bases of operation such as Afghanistan. Britons travel to Pakistan for inspiration and perhaps guidance and training. Militants train in Iraq and then head to Algeria, Jordan, or Saudi Arabia for operations. Iraq has emerged as the latest training ground, as Barry Posen explains: “Indeed, the [United States] has inadvertently created in Anbar a Darwinian school for insurgents and terrorists. They learn from fighting the U.S. Marine Corps; the best fighters survive to train others; the techniques are honed all the time; and they are spread throughout Iraq.”5 Globalization, technological change, and the growth of institutional and informal interactions across international borders have created fertile ground for many kinds of transnational activity. Transnational terrorists draw on some of the same processes, such as the growing ease of communications and travel, which allow farmers, environmentalists, or trade unionists to resist international financial institutions, multinational corporations, or political hegemons. These abstract global processes manifest themselves in everyday technology such as cell phones, laptop computers, e-mail, and Web sites. What is clearly different from other protestors is how the terrorist organizations choose to utilize the new technologies and linkages.6 The cyber-attacks against Estonian Web sites in April–May 2007 provide a recent example of this transnational phenomenon. In the initial stages, the identity of the attackers was unknown, although clearly computers around the world were being used, often unwittingly, to attack. If the attacks in Estonia were the work only of Russians in Russia, Estonia, and perhaps elsewhere, it would be an example of a national group using transnational means. If the Russians were joined by hackers and other malicious computer thrill-seekers from around the world, however, the case becomes one of a transnational group using transnational means. Although these transnational means are also available to national terrorist organizations, national networks are less likely to seek mass casualty attacks or employ weapons of mass destruction. They are tied to one territorial unit and would be wary of causing mass destruction to that territory. If ETA exploded a nuclear bomb in Spain, for example, the nuclear fallout would likely affect the Basque region as well as the target. National organizations that seek to capture the central state have even less leeway than secessionist movements such as ETA. The PLO, for example, could not poison Jerusalem, and the IRA could not use weapons of mass destruction in Belfast. Furthermore, in the past most national organizations limited the type of violence used to attract political support from third parties rather than alienate them. National organizations want help in their cause in order to pressure their state adversary. It is difficult to imagine transnational terrorists warning police of a bomb, as the IRA often did in London. A bomb with minimal or no casualties could draw attention to the group and demonstrate its coercive potential without evoking sympathy for victims and thereby provoking a public backlash. Even when national organizations moved to a wider geographic scope, such as the PLO’s international terrorism of the 1970s, the fact that they were seeking international political support conditioned the nature of their operations. In contrast, al Qaeda could destroy Washington or another major target without physically harming its support and membership base because their battles do not take place in confined geographic and demographic spaces. On September 11, 2001, al Qaeda leveled the World Trade Center without fear of harming its own supporters and with the hope that the United States would think twice about remaining engaged in the Middle East. To some extent, transnational groups lack a territory populated by civilians that is vulnerable to counterattack. They thus can be more reckless. For this reason, moreover, the danger of an escalatory spiral is high, as they seek both to provoke counterattacks and to prove that great powers are vulnerable. They are playing to many audiences across many countries, some of whom they want to antagonize. They can afford to alienate some third parties and to wreak havoc on some territories. Al Qaeda welcomed being defined as enemy number one of the world’s only superpower. This designation has brought problems and U.S. attacks, but it has also brought prestige, widespread media coverage, new recruits, and funding. Whereas geography shapes many transnational-national differences, factors such as ideology and state sponsorship are less meaningful in differentiating between the two types of terrorist groups. First, either type may embrace an extreme ideology. Many Israelis, for example, see Hamas as quite radical. “Extreme” is often associated with the use of violence and the pursuit of seemingly unattainable goals; both aspects may be linked either to national or transnational organizations. Second, either may seek state sponsorship, although transnational organizations could survive and adapt more easily if they lose state support. The idea that national organizations would not adapt easily is difficult to prove definitively, but some cases are suggestive. Hizballah’s military capabilities and position vis-à-vis Israel, for example, would be greatly diminished if Iran and Syria cut off shipments of missiles and other arms. National terrorist groups would still have grievances, but their capabilities for action would be weaker. Turning to a transnational example, al Qaeda was dealt a setback when the Taliban government in Afghanistan was ousted by U.S.-led forces in late 2001. Although the Taliban have made a partial comeback, al Qaeda has also come to rely on supportive elements in Pakistan. Despite this need to adapt, today’s modified al Qaeda is arguably as strong or stronger than it was pre–September 11. This ability to adapt mitigates many potential policies that squeeze sponsoring or host states. Policy Implications Transnational terrorism’s adaptability calls for a reexamination of U.S. counterterrorism policies. The standard tools of sanctions, negotiations, democratization, poverty remediation, and deterrence decrease in value when their target is not limited to a single state. Sanctions generally aim to curtail the financial and commercial flows of the state sponsoring or harboring terrorism. Over the past few decades, much U.S. counterterrorism legislation has been directed against state sponsors. The Export Administration Act of 1979, for example, bars aid to those countries on the U.S. terrorism list. Transnational terrorist organizations render this tool somewhat irrelevant. It is still costly for transnational organizations to adjust, as with al Qaeda when it lost its Taliban sponsor in Afghanistan in 2001–2002, so pressuring their allies is not meaningless. Yet, transnational groups’ adaptation is neither implausible nor prohibitively costly. On a related note, some countries in which transnational terrorists operate may have both helpful and adversarial factions, complicating a decision to sanction. The United States is working with the Pakistani government, for example, even as elements of that government and of nongovernmental groups in Pakistan facilitate the presence of al Qaeda leaders and members in Pakistan. Washington can hardly afford to break with Islamabad given its crucial importance in the war against terrorism. Yet, the Pakistani government fears being seen as merely an American stooge. Because of these tricky domestic politics, it has chosen not to crack down on allies of al Qaeda to the degree the United States would like. In theory, transnational groups may also be aware of bureaucratic schisms or the potential for such splits and try to use them to their advantage, seeking out organizations or agencies that share their concerns. Some sanctions do focus on organizations rather than governments. The United States maintains a list of foreign terrorist organizations subject to financial and travel restrictions. The list includes groups such as Aum Shinrikyo, ETA, Hamas, Jaish-e-Mohammed, and al Qaeda. For these sanctions to be effective, the organization has to be structurally coherent and make some explicit use of regular economic markets. If an organization became so fractured that its actions seemed like the activity of individuals or its activities were already part of the black market, sanctions would be less likely to work. It appears, for example, that many of the Britons involved in attacks in 2005 and 2007 in the United Kingdom were either not on anyone’s radar screen or were just on the edge of counterterrorism efforts. If governments do not know of such individuals’ or groups’ activities, they certainly cannot enforce sanctions. Negotiations are not an option because the transnational goal is so expansive. The objectives of such groups are so broad that the national governments would have to agree to incredibly extensive and unlikely concessions. Al Qaeda seeks a U.S. withdrawal from the Middle East, for example, but it is incredibly difficult to imagine that any U.S. administration would concede, given its interests in the region and those of its allies.7 Bush has often made this very point: “[W]e’re not facing a set of grievances that can be soothed and addressed. We’re facing a radical ideology with inalterable objectives: to enslave whole nations and intimidate the world. No act of ours invited the rage of the killers—and no concession, bribe, or act of appeasement would change or limit their plans for murder.”8 That is not to say that negotiations with national organizations are easy or that the division between national and transnational on the negotiations issue is absolute. Some domestic actors will argue that national terrorist organizations are pushing for unfathomable concessions on fundamental issues. At the same time, national organizations are often pushing for divisible assets, such as a piece of territory or a share of government rather than the entire territory, political dominance, or complete ideological victory. The original goal of a national organization may not lend itself to compromise, but further amendments to that goal over time could lead in the direction of a compromise acceptable to both sides. This dynamic in national organizations is clearly demonstrated in the Israeli-Palestinian case. Israelis have balked at PLO demands for the implementation of the Palestinian right of return if that means the Palestinian refugees have the automatic right to settle in Israel. Most Israelis see that as an existential threat. The entrance of millions of Palestinian refugees into Israel would undermine, if not destroy, Israel as a Jewish state. Many Israelis, however, would accept a Palestinian state in the Gaza Strip and West Bank, even though that would require an Israeli territorial withdrawal from close to 22 percent of the land that is today Israel, Gaza, and the West Bank. Israel offered one version of such a state in 2000–2001. In short, the PLO’s refugee demand is seen as altering the very definition of Israel whereas an amended territorial withdrawal is seen as a feasible concession. Transnational groups’ provocative and deadly tactics also complicate the response of their targets because domestic politics reduce the room for maneuverability. The scale and symbolism of their attacks create domestic pressure for a major response. After the September 11 attacks, Bush could hardly have taken a low-key response against al Qaeda. A third approach to national terrorist organizations has been to reformulate the society from which the terrorists are drawn by improving its political or socioeconomic structure. The aim is to reduce support for terrorist organizations by opening up and democratizing the political system or by alleviating poverty. Even if these strategies are effective, which some scholars doubt, one would need to improve many countries to respond to transnational terrorists, in a world in which improving just one is difficult.9 Finally, supporters of transnational groups are ideologically, rather than materially, motivated. National terrorist movements may, on the other hand, provide goods and services to build a base of support. Hamas has a large social welfare network that helps its existing members and draws in new ones. Transnational terrorists cannot “buy” support as easily, as their diffuse and noninstitutionalized nature makes such a network unlikely. The absence of material incentives also makes transnational members difficult to deter. They will not become disaffected due to material loss or the threat of material loss or destruction. Al Qaeda leaders on the run have probably survived with limited comforts. The leaders want power and the victory of their ideology more than they want material gains. Although an ideology could arise that was dedicated to the pursuit of material gain or that at least saw that as a positive by-product of its other aims, this is not the case with the enemy the United States currently faces. Transnational groups’ lack of ties to a single territorial unit only compounds the difficulty in deterring them. They may have few concerns about bringing a destructive response down onto the heads of their hosts, being able as they are to shift their operations anywhere, be it another failed state or a modern metropolis with high technology and urban anonymity. The limited value of economic sanctions, negotiations, poverty alleviation, democratization, and deterrence in combating transnational terrorists leaves few options. Policymakers can go on the offensive against transnational terrorists, as the United States has done with al Qaeda, but they do not have ways of reducing the grievances, civilian casualties, and property destruction highlighted by the transnational terrorists and thus, for many, the motivation for joining in the first place. Consequently, such an offensive strategy by default actually can backfire, producing counterproductive sympathies that help transnational networks recruit more members. Ideologically motivated transnational terrorism is not easy to root out, and as a result, “the United States and other countries ... will therefore be forced to play defence against religious terrorism for some time to come. They will have to hope that broader historical developments will begin to ameliorate, rather than inflame, the grievances behind the new terrorism.”10 Even if broader historical developments transform religious terrorism, a new group could arise that embraces the same means that al Qaeda has used so successfully but is motivated by a different ideological agenda. Although the present U.S. focus on al Qaeda may lead some observers to think in religious terms, transnational terrorist organizations need not be religiously motivated by definition. One could plug in a number of antisystemic or antisuperpower ideologies, such as anarchism, neo-Marxism, or radical environmentalism, that could use the same means of resistance and confrontation with a motivation other than religion. Even if political Islam loses its appeal, the transnational terrorist model is still viable. Adjusting Expectations On September 20, 2001, Bush predicted “a lengthy campaign” that would “not end until every terrorist group of global reach has been found, stopped, and defeated.”11 Such a goal, to state the obvious, is politically more popular than claiming the objective is to limit the damage from al Qaeda and fight a lengthy war of attrition. Yet, given the intricate nature of the enemy, refining public expectations in the United States is necessary for any measure of success to be achieved. A complete victory is unlikely in the short term, but counterterrorism advances are possible, if fleeting. The idea of a “long war,” a term favored by some U.S. officials, begins to get at this notion.12 Perhaps an even better way of thinking is a war of attrition, of constant friction and skirmishes. Less technically speaking, the fight may end up looking like a game of whack-a-mole. Rather than outright victory, the best that countries countering transnational terrorists may hope for is to keep the terrorists off-balance and in constant need of repair, replenishment, and rebuilding. An ideology with mass regional or global appeal is difficult to will out of existence.

#### Geographic limits undermine the effectiveness of US counter-terror ops

Corn 13 (Geoffrey, South Texas College of Law Presidential Research Professor of Law, former JAG officer and chief of the law of war branch of the international law division of the US Army, Lieutenant Colonel, U.S. Army (Retired), Senate Armed Services Committee Hearing, "The law of armed conflict, the use of military force, and the 2001 Authorization for Use of Military Force," Congressional Documents and Publications, 6-16-13, lexis)

In my opinion, there is no need to amend the AUMF to define the geographic scope of military operations it authorizes. On the contrary, I believe doing so would fundamentally undermine the efficacy of U.S. counter-terror military operations by overtly signaling to the enemy exactly where to pursue safe-haven and de facto immunity from the reach of U.S. power. This concern is similar to that associated with explicitly defining co-belligerents subject to the AUMF, although I believe it is substantially more significant. It is an operational and tactical axiom that insurgent and non-state threats rarely seek the proverbial "toe to toe" confrontation with clearly superior military forces. Al Qaeda is no different. Indeed, their attempts to engage in such tactics in the initial phases of Operation Enduring Freedom proved disastrous, and ostensibly caused the dispersion of operational capabilities that then necessitated the co-belligerent assessment. Imposing an arbitrary geographic limitation of the scope of military operations against this threat would therefore be inconsistent with the strategic objective of preventing future terrorist attacks against the United States. I believe much of the momentum for asserting some arbitrary geographic limitation on the scope of operations conducted to disrupt or disable al Qaeda belligerent capabilities is the result of the commonly used term "hot battlefield." This notion of a "hot" battlefield is, in my opinion, an operational and legal fiction. Nothing in the law of armed conflict or military doctrine defines the meaning of "battlefield." Contrary to the erroneous assertions that the use of combat power is restricted to defined geographic locations such as Afghanistan (and previously Iraq), the geographic scope of armed conflict must be dictated by a totality assessment of a variety of factors, ultimately driven by the strategic end state the nation seeks to achieve. The nature and dynamics of the threat -including key vulnerabilities - is a vital factor in this analysis. These threat dynamics properly influence the assessment of enemy capabilities and vulnerabilities, which in turn drive the formulation of national strategy, which includes determining when, where, and how to leverage national power (including military power) to achieve desired operational effects. Thus, threat dynamics, and not some geographic "box", have historically driven and must continue to drive the scope of armed hostilities. The logic of this premise is validated by (in my opinion) the inability to identify an armed conflict in modern history where the scope of operations was legally restricted by a conception of a "hot" battlefield. Instead, threat dynamics coupled with policy, diplomatic considerations and, in certain armed conflicts the international law of neutrality, dictate such scope. Ultimately, battlefields become "hot" when persons, places, or things assessed as lawful military objectives pursuant to the law of armed conflict are subjected to attack. I do not, however, intend to suggest that it is proper to view the entire globe as a battlefield in the military component of our struggle against al Qaeda, or that threat dynamics are the only considerations in assessing the scope of military operations. Instead, complex considerations of policy and diplomacy have and must continue to influence this assessment. However, suggesting that the proper scope of combat operations is dictated by a legal conception of "hot" battlefield is operationally irrational and legally unsound. Accordingly, placing policy limits on the scope of combat operations conducted pursuant to the legal authority provided by the AUMF is both logical and appropriate, and in my view has been a cornerstone of U.S. use of force policy since the enactment of the AUMF. In contrast, interpreting the law of armed conflict to place legal limits on the scope of such operations to "hot" battlefields, or imposing such a legal limitation in the terms of the AUMF, creates a perverse incentive for the belligerent enemy by allowing [them]~~him~~ to dictate when and where [they]~~he~~ will be subject to lawful attack.

#### That destroys drone effectiveness

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

ARE DRONE TECHNOLOGY AND TARGETED KILLING really so strategically valuable? The answer depends in great part not on drone technology, but on the quality of the intelligence that leads to a particular target in the first place. The drone strike is the final kinetic act in a process of intelligence-gathering and analysis. The success -- and it is remarkable success -- of the CIA in disrupting al-Qaeda in Pakistan has come about not because of drones alone, but because the CIA managed to establish, over years of effort, its own ground-level, human-intelligence networks that have allowed it to identify targets independent of information fed to it by Pakistan's intelligence services. The quality of drone-targeted killing depends fundamentally on that intelligence, for a drone is not much use unless pointed toward surveillance of a particular village, area, or person.

#### Plan destroys the integrity of the chain of command---destroys strategic clarity that’s key to operational effectiveness

Larry Maher 10, Quartermaster General, Veterans of Foreign Wars, et al, 9/30/10, BRIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS AND DISMISSAL, Nasser al-Aulaqi, Plaintiff, vs. Barack H. Obama, et al., Defendants, <http://www.lawfareblog.com/wp-content/uploads/2010/10/VFW_Brief_PACER.pdf>

A. Adjudication Of This Case Would Compromise The Military Principle Of “Unity Of Command,” And Undermine The Chain Of Command

“Unity of command,” and its corollary, “unity of effort,” are fundamental principles of warfare which are central to the effectiveness of Western militaries. See Carl von Clausewitz, On War 200-210 (Michael Howard & Peter Paret, ed. and trans., Princeton University Press 1976) (1832) (hereinafter “Clausewitz”). There “is no higher and simpler law of strategy” than to apply this principle in order to concentrate a nation’s military power its adversaries’ “center of gravity.” Id. at 204. This principle was first embraced by the American military during the 19th Century, and has subsequently shaped the organizational structure of American warfighting through two world wars and countless other conflicts. See James F. Schnabel, History of the Joints Chiefs of Staff, Vol. 1 at 80-87 (1996); Russell F. Weigley, History of the United States Army at 422-423 (Bloomington: Indiana University Press, 1984). Unity of command requires the integration of all combat functions into a single organizational element, with command authority vested in a single individual. See U.S. Joint Chiefs of Staff, Joint Pub. 3-0, Joint Operations at Appx. A, p. A-2 (2010), available at http://www.dtic.mil/doctrine/new\_pubs/jp3\_0.pdf.

The U.S. military implements “unity of command” through its chain of command—a hierarchical organizational structure which transmits command authority from the President through the Secretary of Defense, through subordinate military officers, down to the lowest ranking soldier, sailor, airman or Marine on the frontlines of America’s armed conflicts. This chain of command serves important organizational purposes, by vesting command authority in individual officers who are responsible for specific missions, and are empowered to command their personnel to achieve those missions. The chain of command also supports important normative and legal policy purposes, such as the doctrine of “command responsibility,” which renders battlefield commanders responsible for all their units do or fail to do, whether they knew about such conduct, or should have known about it. See Application of Yamashita, 327 U.S. 1, 14-16 (1946); see also Army Field Manual 27-10, The Law of Land Warfare at ¶ 501 (1956) (stating U.S. Army doctrine on “command responsibility”).

“Everything in war is very simple,” Clausewitz noted, “but the simplest thing is difficult.” Clausewitz at 119. The dangers of war, the fatigue of close combat, and the uncertainty which lurks within the fog of war, all combine to create a kind of “friction” which impedes the progress of armies. Id. A more contemporary author and veteran describes this fog:

For the common soldier, at least, war has the feel, the spiritual texture, of a great ghostly fog, thick and permanent. There is no clarity. Everything swirls. The old rules are no longer binding, the old truths no longer true. Right spills over into wrong. Order blends into chaos, love into hate, ugliness into beauty, law into anarchy, civility into savagery. The vapor sucks you in. You can’t tell where you are, or why you’re there, and the only certainty is overwhelming ambiguity . . . . You lose your sense of the definite, hence your sense of truth itself.

Tim O’Brien, The Things They Carried 88 (1990).

The military chain of command is designed to counteract this fog and friction of war, by providing clarity of orders and purpose to individual soldiers and their units. Similarly, this organizational structure exists to impose some order on the behavior and actions of soldiers and units, aligning their conduct with national goals, framing their actions in the context of strategic and operational campaigns, and focusing their efforts on the missions which support these broader endeavors. It is this structure which differentiates the armed forces of a nation from an armed group of thugs, and which ensures that national armed forces conduct themselves in accordance with the laws of armed conflict. Cf. Annex to the Convention, Hague Convention No. IV Respecting the Laws and Customs of War on Land, art. 1, Oct. 18, 1907, 36 Stat. 2277, 205 Consol. T.S. 277; Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 4, Aug. 12, 1949, 6 U.S.T. 3316, T.I.A.S. No. 3364.

Our nation’s military personnel depend on their chain of command to provide them with certainty, clarity and authority in the heat of battle. Into this ordered system, Plaintiff wishes to inject the uncertainty of the American adversarial litigation process, by seeking, inter alia, that this Court declare there is no armed conflict in Yemen, and that orders issued by the President in response to that conflict should be enjoined. Not only would this force the court to go far beyond the “limited institutional competence of the judiciary” by involving it in sensitive matters of national security, cf. Arar v. Ashcroft, 585 F.3d 559, 576 (2d Cir. 2009) (citations omitted), but this also would undermine the chain of command by literally interposing this Court between the President and his subordinate officers, thereby contravening the core doctrinal principle of “unity of command,” which has served American military forces in good stead since the Civil War.

In asking the Court to hear this case, and to entertain the extraordinary remedy of injunctive relief against the President and his cabinet, the Plaintiff is asking the court to overturn the political judgment of the President and Congress that the nation is at war; that this war is an armed conflict against Al Qaeda; and that it is appropriate to use a blend of military, intelligence and diplomatic force to wage this war. All three branches of Government have decided that “[w]e are [] at war with al Qaeda and its affiliates.” Remarks of the President on National Security, May 21, 2009; see also Authorization for Use of Military Force (“AUMF”), Pub. L. No. 107-40, 115 Stat. 224 (2001); Hamdan v. Rumsfeld, 548 U.S. 557, 628-31 (2006). Political leaders from both political parties, over the course of two presidencies and five elected Congresses, have agreed upon, authorized, and appropriated funds for this war against Al Qaeda.

**Al Qaeda’s actions, statements, and internal documents prove they want nuclear weapons and mass casualty attacks---if the US relents, it guarantees nuclear attacks**

Larry J. **Arbuckle 8**, Naval Postgraduate School, "The Deterrence of Nuclear Terrorism through an Attribution Capability", Thesis for master of science in defense analysis, approved by Professor Robert O'Connell, and Gordon McCormick, Chairman, Department of Defense Analysis, Naval Postgraduate School, June

However, there is evidence that a small number of terrorist organizations in recent history, and at least one presently, have nuclear ambitions. These groups include Al Qaeda, Aum Shinrikyo, and Chechen separatists (Bunn, Wier, and Friedman; 2005). Of these, Al Qaeda appears to have made the most serious attempts to obtain or otherwise develop a nuclear weapon. Demonstrating these intentions, in 2001 Osama Bin Laden, Ayman al Zawahiri, and two other al Qaeda operatives met with two Pakistani scientists to discuss weapons of mass destruction development (Kokoshin, 2006). Additionally, Al Qaeda has made significant efforts to justify the use of mass violence to its supporters. Sulaiman Abu Ghaith, an al Qaeda spokesman has stated that al Qaeda, “has the right to kill 4 million Americans – 2 million of them children,” in retaliation for deaths that al Qaeda links to the U.S. and its support of Israel (as cited in Bunn, Wier, and Friedman; 2005). Indeed Bin Laden received a fatwa in May 2003 from an extreme Saudi cleric authorizing the use of weapons of mass destruction against U.S. civilians (Bunn, Wier, and Friedman; 2005). Further evidence of intent is the following figure taken from al Qaeda documents seized in Afghanistan. **It depicts a workable design for a nuclear weapon.** Additionally, the text accompanying the design sketch includes some **fairly advanced weapons design parameters** (Boettcher & Arnesen, 2002). Clearly **maximizing the loss of life is key among al Qaeda’s goals**. Thus their use of conventional means of attack presently appears to be a **result of their current capabilities** and **not a function of their** pure **preference** (Western Europe, 2005).

**WMD terrorism is feasible and dangerous**

**Bunn, et al, 10/2/13** [Bunn, Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998.<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>]

I. Introduction **In 2011, Harvard’s Belfer Center** for Science and International Affairs **and the Russian Academy** **of Sciences’** Institute for U.S. and Canadian Studies **published “The U.S. – Russia Joint Threat** **Assessment** on Nuclear Terrorism.” **The assessment analyzed the means, motives, and access of would-be nuclear terrorists**, **and concluded that the threat of nuclear terrorism is urgent and real.** **The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated** a **consensus** **among political leaders from around the world that nuclear terrorism poses** **a serious threat to the peace**, security, and prosperity of **our planet.** **For any country, a terrorist** **attack** **with a nuclear device would be an immediate and catastrophic disaster**, **and** the negative effects **would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires** **international cooperation** to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • **Nuclear terrorism is a real and urgent threat**. Urgent actions are required to reduce the risk. **The risk is driven by the rise of terrorists who seek to inflict unlimited damage**, many of whom have sought justification for their plans in radical interpretations of Islam; **by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world.** • **Making a crude nuclear bomb** would not be easy, but **is potentially within the capabilities of a technically sophisticated terrorist group**, **as numerous government studies have confirmed**. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). **Terrorists could**, however, **cut open a stolen** **nuclear weapon and make use of its nuclear material for a bomb of their own**. • **The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen**. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • **Al-Qaeda has** sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit **nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program** in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. **Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use.** While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, **there is no sign the group has abandoned its nuclear ambitions.** On the contrary, **leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.**

**Nuclear war**

**Barrett et al 13**—PhD in Engineering and Public Policy from Carnegie Mellon University, Fellow in the RAND Stanton Nuclear Security Fellows Program, and Director of Research at Global Catastrophic Risk Institute—AND Seth Baum, PhD in Geography from Pennsylvania State University, Research Scientist at the Blue Marble Space Institute of Science, and Executive Director of Global Catastrophic Risk Institute—AND Kelly Hostetler, BS in Political Science from Columbia and Research Assistant at Global Catastrophic Risk Institute (Anthony, 24 June 2013, “Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia,” Science & Global Security: The Technical Basis for Arms Control, Disarmament, and Nonproliferation Initiatives, Volume 21, Issue 2, Taylor & Francis)

**War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have globally catastrophic effects such as severely reducing food production for years,** 1 potentially **leading to collapse of modern civilization worldwide, and** even **the extinction of humanity.** 2 **Nuclear war between the U**nited **S**tates **and Russia could occur by various routes, including accidental** or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. **In an** accidental or **unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders.** In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack. 3 (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches. 4 ) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, and numerous measures also were taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. **For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter-attack**. However, **concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides’ development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack**. 5 **Many people believe that with the end of the Cold War and with improved relations between the U**nited **S**tates **and Russia, the risk of East-West nuclear war was significantly reduced**. 6 **However, it also has been argued that inadvertent nuclear war between the U**nited **S**tates **and Russia has continued to present a substantial risk.** 7 **While the U**nited **S**tates **and Russia are not actively threatening each other** with war, **they have remained ready to launch nuclear missiles in response to indications of attack.** 8 False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time. 9 Second, **terrorist groups or other actors might cause attacks on either the U**nited **S**tates **or Russia that resemble some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb**, 10 **especially if such an event occurs during a crisis between the U**nited **S**tates **and Russia.** 11 **A variety of nuclear terrorism scenarios are possible.** 12 **Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the U**nited **S**tates. 13 Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security. 14 It has long been argued that **the probability of inadvertent nuclear war is significantly higher during U.S.–Russian crisis conditions**, 15 with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.–Russian relations will significantly deteriorate in the future, increasing nuclear tensions. **There are a variety of ways for a third party to raise tensions between the U**nited **S**tates **and Russia, making one or both nations more likely to misinterpret events as attacks**. 16

**Instability is inevitable but wont escalate**

**Finel 9** [Dr. Bernard I. Finel, an Atlantic Council contributing editor, is a senior fellow at the American Security Project, “Afghanistan is Irrelevant,” Apr 27 http://www.acus.org/new\_atlanticist/afghanistan-irrelevant]

#### Instability inevitable – factionalism and corruption and no US plan

David Wood, Huffington Post, “Leon Panetta On Afghanistan War Withdrawal: 'We're Not Gonna Walk Backward'”, 1/10/2013

"Afghanistan is hurtling toward a devastating political crisis," the International Crisis Group reported this fall, concluding, "Plagued by factionalism and corruption, Afghanistan is far from ready to assume responsibility for security when U.S. and NATO forces withdraw in 2014."¶ In an equally glum assessment, Anthony Cordesman, a senior fellow at the Center for Strategic and International Studies in Washington, writes that "there has been no meaningful military progress since the end of 2010." With Afghan presidential elections scheduled for April, 2014, Cordesman said he worries that there are "no public U.S. plans that show how the Obama administration will deal with either the civil or military aspects of this transition between now and the end of 2014, or in the years that follow."

#### Regional cooperation deescalates conflict

Innocent, foreign policy – Cato, ‘9

(Malou, <http://www.cato.org/pubs/wtpapers/escaping-graveyard-empires-strategy-exit-afghanistan.pdf>)

Additionally, regional stakeholders, especially Russia and Iran,have an interest in a stable Afghanistan. Both countries possess the capacity to facilitate development in the country and may even be willing to assist Western forces. In July, leaders in Moscow allowed the United States to use Russian airspace to transport troops and lethal military equipment into Afghanistan. Yet another relevant regional player is the Collective Security Treaty Organization, made up of Russia, Kazakhstan, Tajikistan, Kyrgyzstan, Uzbekistan, Armenia, and Belarus. At the moment, CSTOappears amenableto forging a security partnership with NATO. CSTO secretary general Nikolai Bordyuzha told journalists in March 2009 of his bloc’s intention to cooperate. “The united position of the CSTO is that we should give every kind of aid to the anti-terror coalition operating in Afghanistan. . . . The interests of NATO and the CSTO countries regarding Afghanistan conform unequivocally.”83 Mutual interests between Western forces and Afghanistan’s surrounding neighborscan converge on issues of transnational terrorism, the Caspian and Central Asia region’s abundant energy resources, cross-border organized crime, and weapons smuggling. Enhancedcooperation alone will not stabilize Afghanistan, but engaging stakeholders may lead to tighter regional security.

Their Afghanistan I/L is about COIN and governance in Afghanistan, lolz not what the aff does

## Drolif

#### **U.S. drone use doesn’t cause prolif – no international precedent**

Etzioni 13, Professor of International Relations @ George Washington University

(Aimtai Etzioni, adviser to the Carter administration, “The Great Drone Debate”, Military Review, 4/2013, http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview\_20130430\_art004.pdf)

#### No US precedent---not causal

Kenneth Anderson 11, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

#### Zero chance of precedent setting – other countries don’t act based on the United States policy

Wright 12

(Robert Wright, finalist for the Pulitzer Prize, former writer and editor at The Atlantic, “The Incoherence of a Drone-Strike Advocate” NOV 14 2012, <http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/>, KB)

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.¶ Boot started out with this observation:¶ I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.¶ That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?¶ As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:¶ You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

#### Self restraint won’t ensure others follow

Boot 11 (Max Boot, Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations in New York, leading military historian and foreign-policy analyst, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, October 9, 2011, <http://www.commentarymagazine.com/2011/10/09/drone-arms-race/)>

This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran.¶ The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example. In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests.¶ Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected [assassination](http://www.independent.co.uk/news/world/europe/former-chechen-rebel-boss-assassinated-in-dubai-1657758.html) of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone

#### No reverse casual modeling internal link --- we can’t reverse the precedent that has already been set

Boot 11

(Max Boot, Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations in New York, leading military historian and foreign-policy analyst, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, October 9, 2011, http://www.commentarymagazine.com/2011/10/09/drone-arms-race/)

The New York Times engages in some scare-mongering today about a drone arms race. Scott Shane notes correctly other nations such as China are building their own drones and in the future U.S. forces could be attacked by them–our forces will not have a monopoly on their use forever. Fair enough, but he goes further, suggesting our current use of drones to target terrorists will backfire:

If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them.¶ “The problem is that we’re creating an international norm” — asserting the right to strike preemptively against those we suspect of planning attacks, argues Dennis M. Gormley, a senior research fellow at the University of Pittsburgh and author of Missile Contagion, who has called for tougher export controls on American drone technology. “The copycatting is what I worry about most.”¶ This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran.¶ **The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example.** In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests.¶ Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone?¶ While a decision on our part to stop drone strikes would be unlikely to alter Russian or Chinese thinking, it would have one immediate consequence: al-Qaeda would be strengthened and could regenerate the ability to attack our homeland. Drone strikes are the only effective weapon we have to combat terrorist groups in places like Pakistan or Yemen where we don’t have a lot of boots on the ground or a lot of cooperation from local authorities. We cannot afford to give them up in the vain hope it will encourage disarmament on the part of dictatorial states.

**First, Setting modeling standards doesn’t solve—other countries will cheat and manipulate, while the standards limit effective UAV capacity for the US and allies. That’s lerner 13**

**Second, Modeling won’t work**

A. politics determines usage

Singer 6-19-13 [Peter Warren, Brookings Institution 21st century security and intelligence director, “The Proliferation of Drones” <https://ip-journal.dgap.org/en/ip-journal/topics/proliferation-drones>, wyo-sc]

Unmanned aerial systems continue to develop, outpacing efforts at nonproliferation. Politicians singularly debate the military use of drones, overlooking both the civilian and non-state aspects of the technology's future. Now is the time to consider the fundamental questions posed by these advancements and regulate the systems not yet in existence.¶ "One plan was to use an unmanned aerial vehicle to carry 20 kg of TNT to bomb the area, but the plan was rejected because we were ordered to catch him alive."¶ This is how a senior government official described of one of the most important manhunts in recent history. But the official wasn’t American, nor was he talking about the hunt for Osama Bin Laden recently captured in the movie Zero Dark Thirty. Instead, it is how Liu Yuejin, director of China’s public security ministry's anti-drug bureau, described the manhunt for Sai Naw Kham, the ringleader of a large drug trafficking outfit based in the Golden Triangle, who was suspected of killing 13 Chinese sailors. Ultimately, they got Naw Kham via a crossborder nighttime ambush, the Chinese version of the Abbottabad raid.¶ This case, where it was politics not technology determining the use of an unmanned aerial system (UAS, or drone), is instructive. Too often in policy and media circles, we discuss a supposed American monopoly on drones. Or, as Time magazine entitled a story, “Drone Monopoly: Hope You Enjoyed It While It Lasted.” The article goes on to ask,"It is going to happen; the only question is when." The answer is "Several years ago" "It is going to happen; the only question is when?"

#### B. US doesn’t want to model and can’t send a consistent signal

Sueldo 12 **[**Alejandro, J.D. candidate and Dean’s Fellow at the University of California, Berkeley, School of Law and a PhD candidate at the Department of War Studies at King’s College London of the University of London, 4/11/12, “The coming drone arms race,” <http://dyn.politico.com/printstory.cfm?uuid=70B6B991-ECA7-4E5F-BE80-FD8F8A1B5E90>]  
Of particular concern are the legal and policy challenges posed if other states imitate the U.S. targeted killing program. For Washington is setting a precedent whereby states can send drones, often over sovereign borders, to kill foreigners or their own citizens, who are deemed threats. Other states may also follow Washington’s example and develop their own criteria to define imminent threats and use drones to counter them. Washington will find it increasingly difficult to protest other nations’ targeted killing programs — particularly when the United States has helped define this lethal practice. U.S. opposition will prove especially difficult when other states justify targeted killings as a matter of domestic affairs. Should enough states follow the U.S. example, the practice of preemptively targeting and killing suspected threats may develop into customary international law. Such a norm, however, which requires consistent state practice arising out of a sense of legal obligation, now looks unlikely. While targeted killing policies are arguably executed by states citing a legal obligation to protect themselves from imminent threats, widespread state practice is still uncommon. But international law does not forbid drones. And given the lack of an international regime to control drones, state and non-state actors are free to determine their future use. This lack of international consensus about how to control drones stems from a serious contradiction in incentives. Though drones pose grave challenges, they also offer states lethal and non-lethal capabilities that are of great appeal. Because the potential for drone technology is virtually limitless, states are now unwilling to control how drones evolve.

**No risk of drone war—deterrence, diplomatic costs, lack of operators, and empirics disprove instability**

**Singh ’12** [Joseph, researcher at the Center for a New American Security, an independent and non-partisan organization that focuses on researching and analyzing national security and defense policies, also a research assistant at the Institute for Near East and Gulf Military Analysis (INEGMA) North America, is a War and Peace Fellow at the Dickey Center, a global research organization, “Betting Against a Drone Arms Race,” 8-13-12, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/>, wyo-sc]

# 1NR – Politics

### Overview

#### CIR is key to provide skilled workers that innovate the US economy, while also creating business, providing capital, and boosting investor confidence, this outweighs

#### The timeframe for econ decline wars is fast

Turpin 8 (Craig, Executive editor of New Jersey newspapers, 10/14, “Critical Mass: Economic leadership or dictatorship,” http://www.nj.com/cranford/index.ssf/2008/10/critical\_mass\_economic\_leaders.html)

A global economic collapse will also increase the chance of global conflict. As economic systems shut down, so will the distribution systems for resources like petroleum and food. It is certainly within the realm of possibility that nations perceiving themselves in peril will, if they have the military capability, use force, just as Japan and Nazi Germany did in the mid-to-late 1930s. Every nation in the world needs access to food and water. Industrial nations -- the world powers of North America, Europe, and Asia -- need access to energy. When the world economy runs smoothly, reciprocal trade meets these needs. If the world economy collapses, the use of military force becomes a more likely alternative. And given the increasingly rapid rate at which world affairs move; the world could devolve to that point very quickly.

**Probability: Statistical analysis proves global economic crisis makes conflict likely---small conflicts escalate to global war**

Michael T **Klare 9**, Professor of Peace and World Security Studies at Hampshire College in Amherst, Massachusetts, The Morung Express, 2-28-09, http://www.morungexpress.com/express\_review/15698.html

For the most part, such upheavals, even when violent, are likely to remain localized in nature, and disorganized enough that government forces will be able to bring them under control within days or weeks, even if - as with Athens for six days last December - urban paralysis sets in due to rioting, tear gas, and police cordons. That, at least, has been the case so far. It is entirely possible, however, that, **as the economic crisis worsens, some of these incidents will metastasize into far more intense and long-lasting events: armed rebellions, military takeovers, civil conflicts, even economically fueled wars between states.** Every outbreak of violence has its own distinctive origins and characteristics. All, however, are driven by a similar combination of anxiety about the future and lack of confidence in the ability of established institutions to deal with the problems at hand. And just **as the economic crisis has proven global in ways not seen before, so local incidents** - especially given the almost instantaneous nature of modern communications - **have a potential to spark others in far-off places**, linked only in a virtual sense. [continues…24 paragraphs later] Some sense of this new reality appears to have percolated up to the highest reaches of the US intelligence community. In testimony before the Senate Select Committee on Intelligence on February 12th, Admiral Dennis C Blair, the new Director of National Intelligence, declared, “The **primary near-term security concern** of the United States is the global economic crisis and its **geopolitical implications** ... **Statistical modeling** shows that economic crises increase the risk of **regime-threatening instability** if they persist over a one to two year period” - certain to be the case in the present situation.Blair did not specify which countries he had in mind when he spoke of “regime-threatening instability” - a new term in the American intelligence lexicon, at least when associated with economic crises - but it is clear from his testimony that US officials are **closely** **watching dozens of shaky nations in Africa, the Middle East, Latin America, and Central Asia.** Now go back to that map on your wall with all those red and orange pins in it and proceed to color in appropriate countries in various shades of red and orange to indicate recent striking declines in gross national product and rises in unemployment rates. Without 16 intelligence agencies under you, you’ll still have a pretty good idea of the places that Blair and his associates are eyeing **in terms of instability as the future darkens on a planet at the brink.**

#### Magnitude: Economic collapse causes global instability that creates conflicts that draw in major powers and makes nuclear war likely

**Turns legitimacy and the plans signal**

**O’Hanlon 12** — Kenneth G. Lieberthal, Director of the John L. Thornton China Center and Senior Fellow in Foreign Policy and Global Economy and Development at the Brookings Institution, former Professor at the University of Michigan, served as special assistant to the president for national security affairs and senior director for Asia on the National Security Council, holds a Ph.D. from Columbia University, and Michael E. O'Hanlon, Director of Research and Senior Fellow in Foreign Policy at the Brookings Institution, Visiting Lecturer at Princeton University, Adjunct Professor at Johns Hopkins University, holds a Ph.D. from Princeton University, 2012 (“The Real National Security Threat: America's Debt,” *Los Angeles Times*, July 10th, Available Online at http://www.brookings.edu/research/opinions/2012/07/10-economy-foreign-policy-lieberthal-ohanlon, Accessed 07-12-2012)

Lastly, **American economic weakness undercuts U.S. leadership abroad. Other countries sense our weakness and wonder about our purported decline. If this perception becomes more widespread, and the case that we are in decline becomes more persuasive, countries will begin to take actions that reflect their skepticism about America's future. Allies and friends will doubt our commitment and may pursue nuclear weapons for their own security**, for example; **adversaries will sense opportunity and be less restrained in throwing around their weight in their own neighborhoods. The crucial Persian Gulf and Western Pacific regions will likely become less stable. Major war will become more likely**. When running for president last time, **Obama eloquently articulated big foreign policy visions: healing America's breach with the Muslim world, controlling global climate change,** dramatically curbing **global poverty through development aid**, moving toward a world free of **nuclear weapons. These were, and remain, worthy if elusive goals. However**, for Obama or his successor, **there is now a much more urgent big-picture issue: restoring U.S. economic strength. Nothing else is really possible if that fundamental prerequisite to effective foreign policy is not reestablished**.

#### Turns Terrorism – Econ decline that results in poverty is the root cause of terrorist recruitment

Schaefer 2001 (Brett D., Jay Kingham Fellow in International Regulatory Affairs in the Center for International Trade and Economics at The Heritage Foundation, Heritage Foundation Backgrounder “Expand Freedom to Counter Terrorism,” The Heritage Foundation, December 6, http://www.heritage.org/Research/Reports/2001/12/Expand-Freedom-to-Counter-Terrorism)

There is ample evidence, however, that the poverty caused by a lack of economic freedom fuels the resentment, desperation, and hopelessness that terrorist organizations utilize to recruit new members and muster support for their activities. A key component of any long-term solution to terrorism, therefore, must be eliminating the circumstances under which people are susceptible to the enticement of terrorists by promoting economic freedom around the world. Specifically, the Administration and Congress should cooperate in reforming U.S. foreign policy to advance economic freedom through these steps

#### Turns Prolif- Economic growth solves proliferation

Burrows and Windram 94 (William & Robert, Critical Mass, p. 491-492) LL

Economics is in many respects proliferation’s catalyst. As we have noted, economic desperation drives Russia and some of the former Warsaw Pact nations to peddle weapons and technology. The possibility of considerable profits or at least balanced international payments also prompts Third World countries like China, Brazil, and Israel to do the same. Economics, as well as such related issues as overpopulation, drive proliferation just as surely as do purely political motives. Unfortunately, that subject is beyond the scope of this book. Suffice it to say that, all things being equal, well-of, relatively secure societies like today’s Japan are less likely to buy or sell superweapon technology than those that are insecure, needy, or desperate. Ultimately, solving economic problems, especially as they are driven by population pressure, is the surest way to defuse proliferation and enhance true national security.

#### Turns Heg- Undermines domestic economic and political support

**Khalilzad 96** (Zalmay, Senior Fellow at Rand, Strategic Appraisal, p.31)

Whether the United States retains its global leadership position will depend in large part on what happens in the United states. One factor that will be key will be the state of the U.S. economy. The United States is unlikely to preserve its military and technological dominance if the U.S. economy declines seriously or if the balance of economic power shifts decisively to another country. In such an environment, the domestic economic and political base for global leadership would diminish, and the United States would probably incrementally withdraw from the world. As the United States weakened, others would try to fill the vacuum. The world is likely then to become multipolar. Therefore, leadership requires a strong U.S. economy.

#### Shortage of skilled workers in cyber fields undermines defense against attacks

Reuters, 2012

(“Experts warn of shortage of U.S. cyber pros”, 6-13, <http://www.reuters.com/article/2012/06/13/us-media-tech-summit-symantec-idUSBRE85B1E220120613>,)

Leading cyber experts warned of a shortage of talented computer security experts in the United States, making it difficult to protect corporate and government networks at a time when attacks are on the rise.¶ Symantec Corp Chief Executive Enrique Salem told the Reuters Media and Technology Summit in New York that his company was working with the U.S. military, other government agencies and universities to help develop new programs to train security professionals.¶ "We don't have enough security professionals and that's a big issue. What I would tell you is it's going to be a bigger issue from a national security perspective than people realize," he said on Tuesday.¶ Jeff Moss, a prominent hacking expert who sits on the U.S. Department of Homeland Security Advisory Council, said that it was difficult to persuade talented people with technical skills to enter the field because it can be a thankless task.¶ "If you really look at security, it's like trying to prove a negative. If you do security well, nobody comes and says 'good job.' You only get called when things go wrong."¶ The warnings come at a time when the security industry is under fire for failing to detect increasingly sophisticated pieces of malicious [software](http://www.reuters.com/sectors/industries/overview?industryCode=174&lc=int_mb_1001) designed for financial fraud and espionage and failing to prevent the theft of valuable data.¶ Moss, who goes by the hacker name "Dark Tangent," said that he sees no end to the labor shortage.¶ "None of the projections look positive," said Moss, who serves as chief security officer for ICANN, a group that helps run some of the Internet's infrastructure. "The numbers I've seen look like shortages in the 20,000s to 40,000s for years to come."¶ Reuters last month reported that the National Security Agency was setting up a new cyber-ops program at select universities to expand U.S. cyber expertise needed for secret intelligence operations against computer networks of adversaries. The cyber-ops curriculum is geared to providing the basic education for jobs in intelligence, military and law enforcement.¶ The comments echo those of other technology industry executives who complain U.S. universities do not produce enough math and science graduates.

**Cyber-vulnerability causes great power nuclear war**

**Fritz 9** Researcher for International Commission on Nuclear Nonproliferation and Disarmament [Jason, researcher for International Commission on Nuclear Nonproliferation and Disarmament, former Army officer and consultant, and has a master of international relations at Bond University, “Hacking Nuclear Command and Control,” July, <http://www.icnnd.org/latest/research/Jason_Fritz_Hacking_NC2.pdf>]

This paper will analyse the threat of **cyber terrorism** in regard to nuclear weapons. Specifically, this research will use open source knowledge to identify the structure of nuclear command and control centres, how those structures might be compromised through computer network operations, and how doing so would fit within established cyber terrorists’ capabilities, strategies, and tactics. If access to command and control centres is obtained, terrorists could fake or actually cause one nuclear-armed state to attack another, thus provoking a nuclear response from another nuclear power. This may be an easier alternative for terrorist groups than building or acquiring a nuclear weapon or dirty bomb themselves. This would also act as a force equaliser, and provide terrorists with the asymmetric benefits of high speed, removal of geographical distance, and a relatively low cost. Continuing difficulties in developing computer tracking technologies which could trace the identity of intruders, and difficulties in establishing an internationally agreed upon legal framework to guide responses to computer network operations, point towards an inherent weakness in using computer networks to manage nuclear weaponry. This is particularly relevant to reducing the hair trigger posture of existing nuclear arsenals. All computers which are connected to the internet are susceptible to infiltration and remote control. Computers which operate on a closed network may also be compromised by various hacker methods, such as privilege escalation, roaming notebooks, wireless access points, embedded exploits in software and hardware, and maintenance entry points. For example, e-mail spoofing targeted at individuals who have access to a closed network, could lead to the installation of a virus on an open network. This virus could then be carelessly transported on removable data storage between the open and closed network. Information found on the internet may also reveal how to access these closed networks directly. Efforts by militaries to place increasing reliance on computer networks, including experimental technology such as autonomous systems, and their desire to have multiple launch options, such as nuclear triad capability, enables multiple entry points for terrorists. For example, if a terrestrial command centre is impenetrable, perhaps isolating one nuclear armed submarine would prove an easier task. There is evidence to suggest multiple attempts have been made by hackers to compromise the extremely low radio frequency once used by the US Navy to send nuclear launch approval to submerged submarines. Additionally, the alleged Soviet system known as Perimetr was designed to automatically launch nuclear weapons if it was unable to establish communications with Soviet leadership. This was intended as a retaliatory response in the event that nuclear weapons had decapitated Soviet leadership; however it did not account for the possibility of cyber terrorists blocking communications through computer network operations in an attempt to engage the system. Should a warhead be launched, damage could be further enhanced through additional computer network operations. By using proxies, multi-layered attacks could be engineered. Terrorists could remotely commandeer computers in China and use them to launch a US nuclear attack against Russia. Thus Russia would believe it was under attack from the US and the US would believe China was responsible. Further, emergency response communications could be disrupted, transportation could be shut down, and disinformation, such as misdirection, could be planted, thereby hindering the disaster relief effort and maximizing destruction. Disruptions in communication and the use of disinformation could also be used to provoke uninformed responses. For example, a nuclear strike between India and Pakistan could be coordinated with Distributed Denial of Service attacks against key networks, so they would have further difficulty in identifying what happened and be forced to respond quickly. Terrorists could also knock out communications between these states so they cannot discuss the situation. Alternatively, amidst the confusion of a traditional large-scale terrorist attack, claims of responsibility and declarations of war could be falsified in an attempt to instigate a hasty military response. These false claims could be posted directly on Presidential, military, and government websites. E-mails could also be sent to the media and foreign governments using the IP addresses and e-mail accounts of government officials. A sophisticated and all encompassing combination of traditional terrorism and cyber terrorism could be enough to launch nuclear weapons on its own, without the need for compromising command and control centres directly.

### UQ

#### Immigration reform is not dead, backdoor deals still likely- it is so close that any loss of PC gets everyone off board

Rubin 11-14

(Jennifer Rubin, columnist for the Washinton Post. “Immigration reform outlook” 11-14-13 http://www.washingtonpost.com/blogs/right-turn/wp/2013/11/14/immigration-reform-outlook//wyoccd)

There were some theatrics on Wednesday from liberal immigration reform advocates, claiming the speaker of the House was now refusing to go to conference with the Senate on immigration reform. Immigration reform dead! Really? No.¶ In fact, this morning at the U.S. Chamber of Commerce Headquarters, a collection of conservatives — Thomas J. Donohue, president and chief executive of the U.S. Chamber of Commerce; Dr. Russell Moore, president of the Ethics and Religious Liberty Commission of the Southern Baptist Convention; Grover Norquist, president of Americans for Tax Reform; Jay Timmons, president and chief executive of the National Association of Manufacturers; Bishop John C. Wester, bishop of Salt Lake City; and Greg Zoeller, the attorney general of Indiana (R) — will be holding a press conference to push for further action on immigration reform.¶ As for Speaker John Boehner, those familiar with his thinking tell Right Turn that he still supports taking up discrete immigration issues (border security, internal enforcement, visas, undocumented etc.) for debate and passage. This has been his position for some time. Whether the Senate will be willing to break up its bill into separate legislative chunks (passed in succession) is an open question, but Boehner is not going to engage on one massive bill. As for the prospects of those separate bills getting through this year, House leadership is realistic that months have now been chewed up on the shutdown and Obamacare.¶ Boehner and other Republicans nevertheless maintain that whether taken up in December or after the first of the year, something will come out of the House. Politico quoted Boehner yesterday as saying, “I’ve made it clear since the day after the election that it’s time to get this done.” His spokesman clarified, according to the report, that he was referring to his “taking up reform with a collection of bills, not a sweeping comprehensive bill like the Senate passed in June.”¶ From my vantage point, there really isn’t time in the next month and a half to get immigration done. But immigration reform opponents are mistaken if they think the issue is dead as of December 31. Immigration reform is still doable, albeit not in as sweeping a fashion as the Senate bill attempted.¶ In fact, I would argue that with the president on the ropes and anxious for something other than scandal, defeat and chaos, he and the Democrats might be willing to deal in ways they weren’t earlier this year. A pro-immigration reform GOP senator with whom I spoke a couple of weeks ago said he was more optimistic lately that Sen. Chuck Schumer (D-N.Y.) and the president could deal with Republicans on something other than, as he put it, a “special path to citizenship.” (“Special” here is the variable.) I would add that with the bruising taken by the far-right in the shutdown and Nov. elections and the re-engagement of Main Street Republicans (evidence by today’s press conference), the House may have more votes for immigration reform than before the disastrous shutdown.¶ In any event, immigration reform didn’t die yesterday. It continues to limp along just has it has for the last few months.

#### Boehners statement proves nothing and adds to Obama PC-fractures GOP more, PC key to move vote to the floor

Lillis 11-14

(Mark Lillis, reporter for The Hill. “Pelosi blasts Boehner on immigration” 11-14-13 http://thehill.com/homenews/house/190277-pelosi-outrageous-boehner-would-drop-immigration-reform//wyoccd)

Speaker John Boehner's (R-Ohio) recent suggestion that the push for comprehensive immigration reform is over this year is "outrageous," House Minority Leader Nancy Pelosi (D-Calif.) charged Thursday.¶ The Democratic leader said there's plenty of House support for such a proposal and called on GOP leaders to revive the issue before the end of the year.¶ "The very idea that there wouldn't be an immigration bill, I think that that's outrageous," Pelosi said during a press briefing in the Capitol. "I don't know whether people are taking it seriously, or not. But if that's the indication, well that's just a dereliction of duty."¶ ADVERTISEMENT¶ Piling on, Pelosi said an abandonment of the issue "removes any credible moral authority on the subject of immigration from any of the Republicans." ¶ "Because either their vote doesn't count in their caucus or their word means nothing to their Speaker, but many of them have said they they would … support comprehensive immigration reform," she said.¶ Boehner has nominally supported immigration reform all year, but he's declined to put his weight behind it – a dynamic that's undermined the strong momentum generated by Obama's re-election last November.¶ With broad bipartisan support, the Senate in June passed a comprehensive immigration reform bill that combines billions of dollars in enhanced border security with a pathway to citizenship for millions of immigrants currently living in the country illegally. But Boehner has refused to bring it up or go to conference on it with an alternative GOP bill – a position he amplified this week.¶ "I'll make clear we have no intention of ever going to conference on the Senate bill," Boehner told reporters Wednesday.¶ Pelosi was incredulous Thursday, suggesting that Boehner's statement was simply political and arguing that there's still time to pass a bill through the House this year.¶ "I don't even accept that as a serious statement," she said, "because if it were a serious statement, there'd be much more uproar over it."

### Link

#### Plan means immigration reform doesn’t pass:

#### [\_\_]Obama has built up momentum and racked up a big win – plan flips the momentum and forces Obama to spend time and energy defending his policies which saps capital necessary for immigration.

#### Historical examples prove restrictions on presidential war authority are a loss that jacks the agenda - Kriner 10

#### Plan is a perceived loss for Obama that saps his capital

Loomis, 7 --- Department of Government at Georgetown

(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>)

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, ¶ In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. ¶ Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. ¶ The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.¶ This brief review of the literature suggests how legitimacy norms enhance presidential influence in ways that structural powers cannot explain. Correspondingly, increased executive power improves the prospects for policy success. As a variety of cases indicate—from Woodrow Wilson’s failure to generate domestic support for the League of Nations to public pressure that is changing the current course of U.S. involvement in Iraq—the effective execution of foreign policy depends on public support. Public support turns on perceptions of policy legitimacy. As a result, policymakers—starting with the president—pay close attention to the receptivity that U.S. policy has with the domestic public. In this way, normative influences infiltrate policy-making processes and affect the character of policy decisions.¶ **Political capital is finite --- the plan would tradeoff with domestic economic priorities** ¶ **Moore, 9/10** --- Guardian's US finance and economics editor¶ (Heidi, 9/10/2013, “Syria: the great distraction; Obama is focused on a conflict abroad, but the fight he should be gearing up for is with Congress on America's economic security,” <http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester)>)¶ Before President Obama speaks to the nation about Syria tonight, take a look at what this fall will look like inside America.¶ There are 49 million people in the country who suffered inadequate access to food in 2012, leaving the percentage of "food-insecure" Americans at about one-sixth of the US population. At the same time, Congress refused to pass food-stamp legislation this summer, pushing it off again and threatening draconian cuts.¶ **The country will crash into the debt ceiling in mid-October, which would be an economic disaster, especially with a government shutdown looming at the same time. These are deadlines that Congress already learned two years ago not to toy with, but memories appear to be preciously short.**¶ The Federal Reserve needs a new chief in three months, someone who will help the country confront its raging unemployment crisis that has left 12 million people without jobs. The president has promised to choose a warm body within the next three weeks, despite the fact that his top pick, Larry Summers, would likely spark an ugly confirmation battle – the "fight of the century," according to some – with a Congress already unwilling to do the President's bidding.¶ Congress was supposed to pass a farm bill this summer, but declined to do so even though the task is already two years late. As a result, the country has no farm bill, leaving agricultural subsidies up in the air, farmers uncertain about what their financial picture looks like, and a potential food crisis on the horizon.¶ The two main housing agencies, Fannie Mae and Freddie Mac, have been in limbo for four years and are desperately in need of reform that should start this fall, but there is scant attention to the problem.¶ These are the problems going unattended by the Obama administration while his aides and cabinet members have been wasting the nation's time making the rounds on television and Capitol Hill stumping for a profoundly unpopular war. The fact that all this chest-beating was for naught, and an easy solution seems on the horizon, belies the single-minded intensity that the Obama White House brought to its insistence on bombing Syria.¶ More than one wag has suggested, with the utmost reason, that if Obama had brought this kind of passion to domestic initiatives, the country would be in better condition right now. As it is, public policy is embarrassingly in shambles at home while the administration throws all of its resources and political capital behind a widely hated plan to get involved in a civil war overseas.¶ The upshot for the president may be that it's easier to wage war with a foreign power than go head-to-head with the US Congress, even as America suffers from neglect.¶ This is the paradox that President Obama is facing this fall, as he appears to turn his back on a number of crucial and urgent domestic initiatives in order to spend all of his meager political capital on striking Syria.¶ Syria does present a significant humanitarian crisis, which has been true for the past two years that the Obama administration has completely ignored the atrocities of Bashar al-Assad.¶ Two years is also roughly the same amount of time that key domestic initiatives have also gone ignored as Obama and Congress engage in petty battles for dominance and leave the country to run itself on a starvation diet imposed by sequestration cuts. Leon Panetta tells the story of how he tried to lobby against sequestration only to be told:¶ Leon, you don't understand. The Congress is resigned to failure.¶ Similarly, those on Wall Street, the Federal Reserve, those working at government agencies, and voters themselves have become all too practiced at ignoring the determined incompetence of those in Washington.¶ **Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor.** It's fair to say that **congressional Republicans**, particularly in the House, **have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.**¶The president is scheduled to speak six times this week, mostly about Syria. That includes evening news interviews, an address to the nation, and numerous other speeches. Behind the scenes, he is calling members of Congress to get them to fall into line. Secretary of State John Kerry is omnipresent, so ubiquitous on TV that it may be easier just to get him his own talk show called Syria Today.¶ It would be a treat to see White House aides lobbying as aggressively – and on as many talk shows – for a better food stamp bill, an end to the debt-ceiling drama, or a solution to the senseless sequestration cuts, as it is on what is clearly a useless boondoggle in Syria.¶ **There's no reason to believe that Congress can have an all-consuming debate about Syria and then, somehow refreshed, return to a domestic agenda** that has been as chaotic and urgent as any in recent memory. The President should have judged his options better. As it is, he should now judge his actions better.