# 1NC

## 1

#### Interpretation and violation: Targeted killings are strikes carried about against pre-meditated, individually designated targets---signature strikes are distinct

Kenneth Anderson 11, Professor at Washington College of Law, American University, Hoover Institution visiting fellow, Non-Resident Visiting Fellow at Brookings, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters,” August 29 2011, http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/

From the US standpoint, it is partly that it does not depend as much as it did on Pakistan’s intelligence. But it is also partly, as a couple of well-publicized incidents a few months ago made clear, that sharing targeting decisions with Pakistan’s military and ISI runs a very considerable possibility of having the targets tipped off (as even The Onion has observed). The article notes in this regard, the U.S. worries that “if they tell the Pakistanis that a drone strike is coming someone within Pakistani intelligence could tip off the intended target.” However, the Journal’s reporting goes from there to emphasize an aspect of targeted killing and drone warfare that is not sufficiently appreciated in public discussions trying to assess such issues as civilian collateral damage, strategic value and uses, and the uses of drones in counterterrorism and counterinsurgency as distinct activities. The article explains:¶ The CIA carries out two different types of drone strikes in the tribal areas of Pakistan—those against so-called high-value targets, including Mr. Rahman, and “signature” strikes targeting Taliban foot-soldiers who criss-cross the border with Afghanistan to fight U.S. forces there.¶ High-value targets are added to a classified list that the CIA maintains and updates. The agency often doesn’t know the names of the signature targets, but it tracks their movements and activities for hours or days before striking them, U.S. officials say.¶ Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency. (I discuss this in the opening sections of this draft chapter on SSRN.)¶ This analytic point affects how one sees the levels of drone attacks going up or down over the years. Neither the total numbers of fighters killed nor the total number of drone strikes – going up or down over months – tells the whole story. Total numbers do not distinguish between the high value targets, being targeted as part of the top down dismantling of Al Qaeda as a transnational terrorist organization, on the one hand, and ordinary Taliban being killed in much larger numbers as part of counterinsurgency activities essentially part of the ground war in Afghanistan, on the other. Yet the distinction is crucial insofar as the two activities are, at the level of truly grand strategy, in support of each other – the war in Afghanistan and the global counterterrorism war both in support of the AUMF and US national security broadly – but at the level of ordinary strategic concerns, quite distinct in their requirements and conduct. If targeted killing against AQ leadership goes well in Pakistan, those might diminish at some point in the future; what happens in the war against the Afghan Taliban is distinct and has its own rhythm, and in that effort, drones are simply another form of air weapon, an alternative to manned aircraft in an overt, conventional war. Rising or falling numbers of drone strikes in the aggregate will not tell one very much without knowing what mission is at issue.

#### Vote neg --- signature strikes and targeted killings are distinct operations with entirely separate lit bases and advantages---they kill precision and limits

Kenneth Anderson 11, Professor at Washington College of Law, American University, Hoover Institution visiting fellow, Non-Resident Visiting Fellow at Brookings, “Efficiency in Bello and ad Bellum: Targeted Killing Through Drone Warfare,” Sept 23 2011, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1812124

Although targeted killing and drone warfare are often closely connected, they are not the same and are not always associated with each other. We need to disaggregate the practices of targeted killing from the technologies of drone warfare.¶ Targeted killing consists of using deadly force, characterized by the identification of and then strike against an individual marked to be killed. It is distinguished, among other things, by making an individualized determination of a person to be killed, rather than simply identifying, for example, a mass of enemy combatants to attack as a whole. Since it is a practice that involves the determination of an identified person, rather than a mass of armed and obvious combatants, it is a use of force that is by its function integrated with intelligence work, whether the intelligence actors involved are uniformed military or a civilian agency such as the CIA.¶ Targeted killing might (and does) take place in the course of conventional warfare, through special operations or other mechanisms that narrowly focus operations through intelligence. But it might also take place outside of a conventional conflict, or perhaps far from the conventional battlefields of that conflict, sufficiently so operationally to best be understood as its own operational category of the use of force – “intelligence-driven,” often covert, and sometimes non-military intelligence agency use of force, typically aimed at “high value” targets in global counterterrorism operations. It might be covert or it might not – but it will be driven by intelligence, because of necessity it must identify and justify the choice of target (on operational, because resources are limited; or legal grounds; or, in practice, both).¶ Targeted killing might use a variety of tactical methods by which to carry out the attack. The method might be by drones firing missiles – the focus of discussion here. But targeted killing – assassination, generically – is a very old method for using force and drones are new. Targeted killing in current military and CIA doctrine might, and often does, take place with covert civilian intelligence agents or military special operations forces – a human team carrying out the attack, rather than a drone aircraft operated from a distance. The Bin Laden raid exemplifies the human team-conducted targeted killing, of course, and in today’s tactical environment, the US often uses combined operations that have available both human teams and drones, to be deployed according to circumstances.¶ Targeted killing is thus a tactic that might be carried out either by drones or human teams. If there are two ways to do targeted killing, there are also two functions for the use of drones – targeted killing as part of an “intelligence-driven” discrete use of force, on the one hand, and a role (really, roles) in conventional warfare. Drones have a role in an ever-increasing range of military operations that have no connection to “targeted killing.” For many reasons ranging from cost-effectiveness to mission-effectiveness, drones are becoming more ramified in their uses in military operations, and will certainly become more so. This is true starting with their fundamental use in surveillance, but is also true when used as weapons platforms.¶ From the standpoint of conventional military operations and ordinary battlefields, drones are seen by the military as simply an alternative air weapons platform. One might use an over-the-horizon manned aircraft – or, depending on circumstances, one might instead use a drone as the weapons platform. It might be a missile launched from a drone by an operator, whether sitting in a vehicle near the fighting or farther away; it might be a weapon fired from a helicopter twenty miles away, but invisible to the fighters; it might be a missile fired from a US Navy vessel hundreds of miles away by personnel sitting at a console deep inside the ship. Future air-to-air fighter aircraft systems are very likely to be remotely piloted, in order to take advantage of superior maneuverability and greater stresses endurable without a human pilot. Remotely-piloted aircraft are the future of much military and, for that matter, civil aviation; this is a technological revolution that is taking place for reasons having less to do with military aviation than general changes in aviation technology.¶ Missiles fired from a remotely-piloted standoff platform present the same legal issues as any other weapons system – the law of war categories of necessity and proportionality in targeting. To military professionals, therefore, the emphasis placed on “remoteness” from violence of drone weapons operators, and presumed psychological differences in operators versus pilots, is misplaced and indeed mystifying. Navy personnel firing missiles from ships are typically just as remote from the fighting, and yet one does not hear complaints about their indifference to violence and their “Playstation,” push-button approach to war. Air Force pilots more often than not fire from remote aircraft; pilots involved in the bombing campaign over Serbia in the Kosovo war sometimes flew in bombers taking off from the United States; bomber crews dropped their loads from high altitudes, guided by computer, with little connection to the “battlefield” and little conception of what they – what their targeting computers - were aiming at. Some of the crews in interviews described spending the flights of many hours at a time, flying from the Midwest and back, as a good chance to study for graduate school classes they were taking – not Playstation, but study hall. In many respects, the development of new sensor technologies make the pilots, targeters, and the now-extensive staff involved in a decision to fire a weapon from a drone far more aware of what is taking place at the target than other forms of remote targeting, from Navy ships or high altitude bombing.¶ Very few of the actors on a technologically advanced battlefield are personally present in a way that makes the destruction and killing truly personal – and that is part of the point. Fighting up close and personal, on the critics’ psychological theories, seems to mean that it has greater significance to the actors and therefore leads to greater restraint. That is extremely unlikely and contrary to the experience of US warfighters. Lawful kinetic violence is more likely to increase when force protection is an issue, and overuse of force is more likely to increase when forces are under personal pressure and risk. The US military has known since Vietnam at least that increased safety for fighting personnel allows them greater latitude in using force, encourages and permits greater willingness to consider the least damaging alternatives, and that putting violence at a remove reduces the passions and fears of war and allows a coolly professional consideration of what kinds, and how much, violence is required to accomplish a lawful military mission. Remote weapon systems, whether robotic or simply missiles launched from a safe distance, in US doctrine are more than just a means for reducing risk to forces – they are an integral part of the means of allowing more time to consider less-harmful alternatives.¶ This is an important point, given that drones today are being used for tasks that involve much greater uses of force than individualized targeted killing. Drones are used today, and with increasing frequency, to kill whole masses of enemy columns of Taliban fighters on the Pakistan border – in a way that would otherwise be carried out by manned attack aircraft. This is not targeted killing; this is conventional war operations. It is most easily framed in terms of the abstract strategic division of counterinsurgency from counterterrorism (though in practice the two are not so distinct as all that). In particular, drones are being deployed in the AfPak conflict as a counterinsurgency means of going after Taliban in their safe haven camps on the Pakistan side of the border. A fundamental tenet of counterinsurgency is that the safe havens have to be ended, and this has meant targeting much larger contingents of Taliban fighters than previously understood in the “targeted killing” deployment. This could be – and in some circumstances today is – being done by the military; it is also done by the CIA under orders of the President partly because of purely political concerns; much of it today seems to be a combined operation of military and CIA.¶ Whoever conducts it and whatever legal issues it might raise, the point is that this activity is fundamentally counterinsurgency. The fighters are targeted in much larger numbers in the camps than would be the case in “targeted killing,” and this is a good instance of how targeted killing and drone warfare need to be differentiated. The targets are not individuated, either in the act of targeting or in the decision of who and where to target: this is simply an alternative air platform for doing what might otherwise be done with helicopters, fixed wing aircraft, or ground attack, in the course of conventional counterinsurgency operations. But it also means that the numbers killed in such operations are much larger, and consist often of ordinary fighters who would otherwise pile into trucks and cross back into Afghanistan, rather than individualized “high value” targets, whether Taliban or Al Qaeda.

#### Signature Strikes are a distinct strategy with unique targeting methods and a goal of territorial denial—artificially lumping the two together leaves the concept of targeted killing incoherent and indefensible.

Anderson ‘13

[Kenneth Anderson, Professor at Washington College of Law, “Denial of Territory to Terrorist Groups in US Counterterrorism Strategy,” Hoover Institute at Stanford, January 25, 2013, <http://www.advancingafreesociety.org/the-briefing/denial-of-territory-to-terrorist-groups-in-us-counterterrorism-strategy/> // wyo-ch]

The Obama administration has not so far been willing to admit that this is what is really going on, preferring instead to treat signature strikes as part of targeted killing programs, presumably because of the perceived political risks of attempting to explain the distinction. Whatever political difficulties making the distinction poses for the administration, however, over the longer term the deliberate conflation of two distinct situations of targeting risks political and legal delegitimation of the crucial paradigm of individualized targeted killing through drones. Signature strikes, whether direct US military operations or conducted by a local government with US support, are not a form of targeted killing; they are part of territorial denial.

## 2

#### Banning one state practice only leads to others—state is a complex system

Crandall 13

[Carla Crandall, Law Clerk to the Honorable Carolyn Dineen King, U.S. Court of Appeals for the Fifth Circuit. J.D., J. Reuben Clark Law School, Brigham Young University, 2013 Seton Hall University School of Law¶ Seton Hall Law Review 2013 Seton Hall Law Review¶ ¶ 43 Seton Hall L. Rev. 595 “If You Can't Beat Them, Kill Them: Complex Adaptive Systems Theory and the Rise in Targeted Killing”, <http://erepository.law.shu.edu/cgi/viewcontent.cgi?article=1466&context=shlr>, \\wyo-bb]

Similarly, targeted killing also may have emerged as a means of self-organization in conjunction with the rejection of enhanced interrogation techniques. Though, as noted above, most observers would classify the tactics pursued under President Bush as torture, some argue that the Obama Administration has gone to the other extreme - instating interrogation policies that have totally neutered the process of any effectiveness. n262 Under President Obama, personnel within the Justice Department have reported, for example, that interrogators have "pulled in [their] claws" because they are "not going to defend [themselves] in terms of using interrogation techniques to acquire intelligence information that goes beyond [what President Obama has authorized], even though the law would permit it." n263 Although "dead terrorists tell no tales," n264 some argue that the rise in targeted killing has emerged in the midst of an already declining utility in interrogation. n265 Further, the debacle surrounding the government's use of enhanced interrogation techniques has created a situation whereby¶ ¶ ¶ the disincentive to capture and instead kill by standoff missile strike ... [is] reinforced by the strong desire - not just at the national policy level but also by midlevel people intensely concerned for down-the-road, backward-looking changes in the rules on ... interrogation ... that might burn them later on - not to hold anyone if at all possible. n266¶ ¶ In other words, based on the view that it is better to kill than torture, the system's agents perhaps have maladapted toward a preference for targeted killing.¶ Though in discussing these issues commentators have not described the increase in targeted killings as a form of self-organizing behavior per se, they at least conceptually have recognized that the practice has emerged as a means of achieving order within the complex system of national security law. One scholar has suggested, [\*639] for example, that the Obama "Administration's opposition to Guantanamo and to enhanced interrogation has led it to see even more clearly the convenience of taking the fight to the enemies' homes and hideouts and killing them before they come within the purview of the U.S. justice system." n267 In this way, the expansion of the drone program has resulted from what has been called a ""balloon effect' in national security law," which is to say that it has emerged "as the result of squeezing out what many experts ... regard as effective wartime domestic policies, such as those permitting detention at Guantanamo and enhanced interrogation techniques." n268¶ Whether this behavior is described with the imagery of squeezing a balloon or squeezing Jell-O, the reality may be that these adaptations toward equilibrium within the realm of national security are representative of the property of self-organization that is inherent in all complex adaptive systems. To the extent this is true, as Professor Anderson alluded to, targeted killing may simply have "popped out" as a result of the "squeeze" being placed on the government's detention policies. n269 Stated differently, the increase in targeted killing via drones arguably has emerged as an unintended consequence of efforts to grant detainees greater rights.¶ Of course while this might suggest that humans have no control over system behaviors, it is worth repeating that humans can influence system outcomes. This, however, evidently is not what has happened with targeted killing, as "senior administration officials say that no policy determination has been made to emphasize kills over captures." n270 Rather, the expanded use of drones seems to have occurred without the deliberative decision-making process one would hope to see as the United States engages in such practices. In other words, the rise of the drone, and the government's emphasis on targeted killing, perhaps is simply an archetypical example of the law of unintended consequences wreaking havoc on the co-evolving complex adaptive systems of war and law.

#### That masks the laws foundation as the cause of violence

BERMAN (Prof of Law at Brooklyn Law School) 2004

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

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

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

Neocleous 2003

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

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

## 3

#### Text: The Executive Branch of the United States should issue an executive order to restrict targets of targeted killing operations using remotely piloted aircraft outside declared zones of conflict to individuals identified as leaders of transnational organizations with direct involvement in past or ongoing violent operations against the United States

#### Executive Orders alter policy quickly to employ flexibility and avoid the legislative process

Barilleaux and Kelley 2010 [Ryan J. , Professor of Political Science at Miami, OH; and Christopher S. , Lecturer (Political Science) at Miami, OH, The Unitary Executive and the Modern Presidency, Texas A&M Press, p. 80, 2010// wyo-sc]

An executive order is one of several unilateral tools presidents may use to carry out their policy objectives. Executive orders direct executive branch officers to "take an action, stop a certain type of activity, alter policy, change management practices, or accept a delegation of authority under which they will henceforth be responsible for the implementation of law."19 Presidents have come to favor the use of executive orders because they provide speed and flexibility and bypass the complicated legislative process, particularly when it appears Congress may be hostile to a president's goals. In *Wilcox v. Jackson* the Supreme Court affirmed that presidents may issue orders through department heads.20 These orders will have the same legal effect as if the president had issued them personally.21 The preamble of a typical modern executive order explains the constitutional and statutory authority of the president to issue the order, and the body of the order explains the actions to be taken or policy changes to be made. Most of the significant developments in presidential regulator review have been initiated by executive orders. (Unless otherwise spec fied, none of the regulatory review orders discussed in this chapter was based on anything besides

## 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.

## 5

#### Immigration is top of docket and will pass now – political momentum

Evan McMorris, Santoro BuzzFeed Staff, “Obama Has Already Won The Shutdown Fight And He’s Coming For Immigration Next,” 10/15/13. http://www.buzzfeed.com/evanmcsan/obama-has-already-won-the-shutdown-fight-and-hes-coming-for

WASHINGTON — As the fiscal fight roiling Washington nears its end, the White House is already signaling that it plans to use the political momentum it has gained during the shutdown fight to charge back into the immigration debate. And this time, Democratic pollsters and advocates say, they could actually win. ¶ The final chapter of the current crisis hasn’t been written yet, but Democrats in Washington are privately confident that they’ll emerge with the upper hand over the conservatives in Congress who forced a government shutdown. And sources say the administration plans to use its victory to resurrect an issue that was always intended to be a top priority of Obama’s second-term agenda. ¶ Advocates argue the post-fiscal crisis political reality could thaw debate on the issue in the House, which froze in earlier this year after the Senate passed a bipartisan immigration bill that was led by Republican Sen. Marco Rubio and Democratic Sen. Chuck Schumer. ¶ “It’s at least possible with sinking poll numbers for the Republicans, with a [GOP] brand that is badly damaged as the party that can’t govern responsibly and is reckless that they’re going to say, ‘All right, what can we do that will be in our political interest and also do tough things?’” said Frank Sharry, executive director of the immigration reform group America’s Voice. “That’s where immigration could fill the bill.”¶ ¶ The White House and Democrats are “ready” to jump back into the immigration fray when the fiscal crises ends, Sharry said. And advocates are already drawing up their plans to put immigration back on the agenda — plans they’ll likely initiate the morning after a fiscal deal is struck.¶ “We’re talking about it. We want to be next up and we’re going to position ourselves that way,” Sharry said. “There are different people doing different things, and our movement will be increasingly confrontational with Republicans, including civil disobedience. A lot of people are going to say, ‘We’re not going to wait.’”¶ The White House isn’t ready to talk about the world after the debt limit fight yet, but officials have signaled strongly they want to put immigration back on the agenda. ¶ Asked about future strategic plans after the shutdown Monday, a senior White House official said, “That’s a conversation for when the government opens and we haven’t defaulted.” But on Tuesday, Press Secretary Jay Carney specifically mentioned immigration when asked “how the White House proceeds” after the current fracas is history.¶ “Just like we wish for the country, for deficit reduction, for our economy, that the House would follow the Senate’s lead and pass comprehensive immigration reform with a big bipartisan vote,” he said. “That might be good for the Republican Party. Analysts say so; Republicans say so. We hope they do it.”¶ The president set immigration as his next priority in an interview with Univision Tuesday.¶ “Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform,” Obama said. He also set up another fight with the House GOP on the issue.¶ “We had a very strong Democratic and Republican vote in the Senate,” Obama said. “The only thing right now that’s holding it back is, again, Speaker Boehner not willing to call the bill on the floor of the House of Representatives.”

#### 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 key to increase high skilled workers:

Esther Yu-Hsi Lee, 10/16/2013 (staff writer, “Class Divide Widens Between Low-Wage And High-Wage Workers In Silicon Valley,” <http://thinkprogress.org/immigration/2013/10/16/2779601/wage-immigrants-silicon-valley/>, Accessed 10/17/2013, rwg)

Faced with a growing need for high-skilled foreign workers, Silicon Valley has taken a pointed interest in immigration reform in the past year, as is made clear by FWD.us, Facebook founder Mark Zuckerberg’s advocacy group lobbying for comprehensive immigration reform. Zuckerberg has emphasized that high-skilled immigration reform is no different than low-skilled immigration reform. Yet as the tech industry pushes for a more diverse workforce, a worsening class divide is pushing the area’s low-wage immigrants out of their homes and marginalizing them in the immigration debate.¶ As NPR reports this week, less than 7 miles from the Facebook headquarters lies a 4.5 acre mobile home park that is valued at $30 million by Silicon Valley real estate developers. Soon, the 400 mobile home park residents, about 80 percent of whom are Latino, may be squeezed out of the increasingly ritzy area, which has some of the most expensive homes in the country. The median household income is $101,471. In comparison, a two-bedroom, two-bath trailer home costs about $79,000.¶ Children living in the mobile home park would also be forced out of the sixth best school district out of 1,000 California public schools. Latino students in Palo Alto have a 52 point gain on standardized test scores over other Latinos statewide.¶ Some Palo Alto parents want the mobile home park to stay. Nancy Krop, a civil rights attorney said to National Public Radio, “I want every child to have the opportunity that my son’s going to have… My son has gone on play dates to homes where he found out his friend didn’t have a bedroom… You learn what they don’t have; you learn the richness of what they do have too — the strength of their community and culture and heritage.”¶ Silicon Valley companies have mainly focused on immigration reform for highly educated foreign workers. Technology companies spent about $13.8 million in just three months to ensure that the Senate immigration bill would expand temporary visas and green cards for technology workers. The industry successfully influencing senators to nearly double its allotment of high-skilled, H-1B visas from 65,000 to 110,000 in the Senate immigration bill.

#### Skilled worker access will determine the future of the biotech industry

**Dahms 3**, executive director of the California State University System Biotechnology Program (CSUPERB); chair of the Workforce Committee, Biotechnology Industry Organization; and a member of the ASBMB Education and Professional Development Committee, (A. Stephen, “ Foreign Scientists Seen Essential to U.S. Biotechnology,” in Pan-Organizational Summit on the U.S. Science and Engineering Workforce: Meeting Summary, National Academy of Sciences, <http://www.ncbi.nlm.nih.gov/bookshelf/picrender.fcgi?book=nap10727&blobtype=pdf>)

The scarcity of skilled technicians is seen by the biotechnology industry in the U.S. and Canada as one of its most serious challenges. The success of this industry is dependent on the quality of its workforce, and the skills and talents of highly trained people are recognized as one of the most vital and dynamic sources of competitive advantage. The U.S. biotechnology industry workforce has been growing 14 to 17 percent annually over the last six years and is now over 190,000 and conservatively estimated to reach 500,000 by 2012. Despite efforts by the industry to encourage U.S. institutions to increase the production of needed specialists, a continual shortfall in the needed expertise requires access to foreign workers. Foreign workers with unique skills that are scarce in the U.S. can get permission to stay in the U.S. for up to six years under the H1B classification, after which they can apply for permanent resident status. There are currently over 600,000 foreign workers in this category across all industries, and they are critical to the success and global competitiveness of this nation. Of these H-1B visa holders, 46 percent are from India and 10 percent are from China, followed in descending order by Canada, Philippines, Taiwan, Korea, Japan, U.K., Pakistan, and the Russian Federation. Our annual national surveys have demonstrated that between 6 and 10 percent of the biotechnology workforce have H-1B visas. The constant shortfall in specialized technical workers that has been experienced by the biotechnology industry over the past six years has been partially alleviated by access to talented individuals from other nations. However, the industry’s need is sufficient to justify a 25 percent increase in H-1Bs in 2004. Biotechnology industry H-1B visa holders are mainly in highly sought after areas such as analytical chemistry, instrumentation specialization, organic synthesis, product safety and surveillance, clinical research/biostatistics, bio/pharm quality, medicinal chemistry, product scale-up, bioinformatics and applied genomics, computer science, cheminformatics, pharmacokinetics, and pharmacodynamics. Forty percent of H-1B foreign workers are at the Ph.D. level, 35 percent M.S., 20 percent B.S., and 5 percent M.D. In comparison, the U.S. biotechnology industry technical workforce is estimated to be 19 percent Ph.D., 17 percent M.S., 50 percent B.S., and 14 percent combined voc-ed/ community college trained. These and other survey data by industry human resource groups clearly show that the H-1B worker skills match the most pressing employment needs of the biotechnology industry. The data demonstrate that maintaining a reasonably-sized H-1B cap is critical to the industry. Although the national annual H-1B visa cap was raised from 115,000 to 195,000 in the 106th Congress via S. 2045, the cap has already been exceeded. The increased cap remains in effect until 2003 and efforts are under way to ensure that it remains high. The Third Annual National Survey of H-1Bs in the biotechnology industry found that 80 percent are from U.S. universities, and 85 percent of those eventually get green cards. Companies now spend, on average, $10,200 in processing fees and legal expenses to obtain each green card, an estimated cost to the industry of more than $150 million over the past 5 years. In the wake of the 9/11 World Trade Center attacks, debate has been focused on more restrictions on foreign students, a development that would have a severe impact upon the competitiveness of the U.S. biotechnology industry. Clearly, the H-1B route provides a temporary solution to shortages in the national and domestic biotechnology labor pools, shortages mirroring the inadequate production of appropriately trained U.S. nationals by U.S. institutions of higher learning. The reality is that universities have inadequate resources for expanding the training pipeline, particularly in the specialized areas of the research phase of company product development. Efforts should be directed toward influencing greater congressional and federal agency attention to these important topics.

#### Solves bioterror

**Bailey, 1** [Ronald, award-winning science correspondent for Reason magazine and Reason.com, where he writes a weekly science and technology column. Bailey is the author of the book Liberation Biology: The Moral and Scientific Case for the Biotech Revolution (Prometheus, 2005), and his work was featured in The Best American Science and Nature Writing 2004. In 2006, Bailey was shortlisted by the editors of Nature Biotechnology as one of the personalities who have made the "most significant contributions" to biotechnology in the last 10 years. 11/7/1, “The Best Biodefense,” Reason, <http://reason.com/archives/2001/11/07/the-best-biodefense>]

But Cipro and other antibiotics are just a small part of the arsenal that could one day soon be deployed in defending America against biowarfare. Just consider what’s in the pipeline now that could be used to protect Americans against infectious diseases, including bioterrorism. A Pharmaceutical Manufacturers and Research Association survey found 137 new medicines for infectious diseases in drug company research and development pipelines, including 19 antibiotics and 42 vaccines. With regard to anthrax, instead of having to rush a sample to a lab where it takes hours or even days to culture, biotech companies have created test strips using antibody technologies that can confirm the presence of anthrax in 15 minutes or less, allowing decontamination and treatment to begin immediately. Similar test strips are being developed for the detection of smallpox as well. The biotech company EluSys Therapeutics is working on an exciting technique which would "implement instant immunity." EluSys joins two monoclonal antibodies chemically together so that they act like biological double-sided tape. One antibody sticks to toxins, viruses, or bacteria while the other binds to human red blood cells. The red blood cells carry the pathogen or toxin to the liver for destruction and return unharmed to the normal blood circulation. In one test, the EluSys treatment reduced the viral load in monkeys one million-fold in less than an hour. The technology could be applied to a number of bioterrorist threats, such as dengue fever, Ebola and Marburg viruses, and plague. Of course, the EluSys treatment would not just be useful for responding to bioterrorist attacks, but also could treat almost any infection or poisoning. Further down the development road are technologies that could rapidly analyze a pathogen’s DNA, and then guide the rapid synthesis of drugs like the ones being developed by EluSys that can bind, or disable, segments of DNA crucial to an infectious organism's survival. Again, this technology would be a great boon for treating infectious diseases and might be a permanent deterrent to future bioterrorist attacks. Seizing Bayer’s patent now wouldn’t just cost that company and its stockholders a little bit of money (Bayer sold $1 billion in Cipro last year), but would reverberate throughout the pharmaceutical research and development industry. If governments begin to seize patents on the pretext of addressing alleged public health emergencies, the investment in research that would bring about new and effective treatments could dry up. Investors and pharmaceutical executives couldn’t justify putting $30 billion annually into already risky and uncertain research if they couldn’t be sure of earning enough profits to pay back their costs. Consider what happened during the Clinton health care fiasco, which threatened to impose price controls on prescription drugs in the early 1990s: Growth in research spending dropped off dramatically from 10 percent annually to about 2 percent per year. A far more sensible and farsighted way to protect the American public from health threats, including bioterrorism, is to encourage further pharmaceutical research by respecting drug patents. In the final analysis, America’s best biodefense is a vital and profitable pharmaceutical and biotechnology industry.

#### Extinction

Steinbrenner, 97

John Steinbrenner, Senior Fellow – Brookings, Foreign Policy, 12-22-1997, Lexis
Although human pathogens are often lumped with nuclear explosives and lethal chemicals as potential weapons of mass destruction, there is an obvious, fundamentally important difference: Pathogens are alive, weapons are not. Nuclear and chemical weapons do not reproduce themselves and do not independently engage in adaptive behavior; pathogens do both of these things. That deceptively simple observation has immense implications. The use of a manufactured weapon is a singular event. Most of the damage occurs immediately. The aftereffects, whatever they may be, decay rapidly over time and distance in a reasonably predictable manner. Even before a nuclear warhead is detonated, for instance, it is possible to estimate the extent of the subsequent damage and the likely level of radioactive fallout. Such predictability is an essential component for tactical military planning. The use of a pathogen, by contrast, is an extended process whose scope and timing cannot be precisely controlled. For most potential biological agents, the predominant drawback is that they would not act swiftly or decisively enough to be an effective weapon. But for a few pathogens - ones most likely to have a decisive effect and therefore the ones most likely to be contemplated for deliberately hostile use - the risk runs in the other direction. A lethal pathogen that could efficiently spread from one victim to another would be capable of initiating an intensifying cascade of disease that might ultimately threaten the entire world population. The 1918 influenza epidemic demonstrated the potential for a global contagion of this sort but not necessarily its outer limit.

## Solvency

#### 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.

## 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.

#### Zero chance that U.S. self-restraint causes any other country to give up their plans for drones

Max Boot 11, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 10/9/11, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, <http://www.commentarymagazine.com/2011/10/09/drone-arms-race/>

The New York Times engages in some scare-mongering today about a drone ams 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.

#### \*China won’t use drones to resolve territorial disputes – fears international backlash and creating a precedent for U.S. strikes in the area

Erickson, associate professor at the Naval War College and Associate in Research at Harvard University's Fairbank Centre, and Strange, researcher at the Naval War College's China Maritime Studies Institute and graduate student at Zhejiang University, 5-29-13 (Andrew and Austin, China has drones. Now how will it use them? Foreign Affairs, McClatchy-Tribune, 29 May 2013, http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html, da 8-3-13) PC

Drones, able to dispatch death remotely, without human eyes on their targets or a pilot's life at stake, make people uncomfortable - even when they belong to democratic governments that presumably have some limits on using them for ill. (On May 23, in a major speech, US President Barack Obama laid out what some of those limits are.) An even more alarming prospect is that unmanned aircraft will be acquired and deployed by authoritarian regimes, with fewer checks on their use of lethal force.¶ Those worried about exactly that tend to point their fingers at China. In March, after details emerged that China had considered taking out a drug trafficker in Myanmar with a drone strike, a CNN blog post warned, "Today, it's Myanmar. Tomorrow, it could very well be some other place in Asia or beyond." Around the same time, a National Journal article entitled "When the Whole World Has Drones" teased out some of the consequences of Beijing's drone programme, asking, "What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea?"¶ Indeed, the time to fret about when China and other authoritarian countries will acquire drones is over: they have them. The question now is when and how they will use them. But as with its other, less exotic military capabilities, Beijing has cleared only a technological hurdle - and its behaviour will continue to be constrained by politics.¶ China has been developing a drone capacity for over half a century, starting with its reverse engineering of Soviet Lavochkin La-17C target drones that it had received from Moscow in the late 1950s. Today, Beijing's opacity makes it difficult to gauge the exact scale of the programme, but according to Ian Easton, an analyst at the Project 2049 Institute, an American think-tank devoted to Asia-Pacific security matters, by 2011 China's air force alone had over 280 combat drones. In other words, its fleet of unmanned aerial vehicles is already bigger and more sophisticated than all but the United States'; in this relatively new field Beijing is less of a newcomer and more of a fast follower. And the force will only become more effective: the Lijian ("sharp sword" in Chinese), a combat drone in the final stages of development, will make China one of the very few states that have or are building a stealth drone capacity.¶ This impressive arsenal may tempt China to pull the trigger. The fact that a Chinese official acknowledged that Beijing had considered using drones to eliminate the Myanmar drug trafficker, Naw Kham, makes clear that it would not be out of the question for China to launch a drone strike in a security operation against a non-state actor. Meanwhile, as China's territorial disputes with its neighbours have escalated, there is a chance that Beijing would introduce unmanned aircraft, especially since India, the Philippines and Vietnam distantly trail China in drone funding and capacity, and would find it difficult to compete. Beijing is already using drones to photograph the Senkaku/Diaoyu islands it disputes with Japan, as the retired Chinese major-general Peng Guangqian revealed earlier this year, and to keep an eye on movements near the North Korean border.¶ Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.

#### Politics checks china drone use

**Anderson ‘13** [Brian, former Legal Assistant at ZS Associates, editor for Motherboard, “Just a Little Heads Up: China Can Also Kill People with Drones,” March, <http://motherboard.vice.com/blog/china-can-also-kill-people-with-drones>]

When the US decides to engage weaponized drones in its shadow wars throughout Pakistan, Yemen, Somalia, or wherever else, it does so by bringing those government's to the table, by seeking their support (or at the least, their begrudging, behind-closed-doors approval) of its targetted killing plans. Failing that, it goes ahead with the strikes anyway by claiming that, say, Pakistan's government won't play ball or is simply too inept, militarily, to smash threats. ¶ China could've done the same with a drone hit on Naw Kham, the Myanmese drug lord suspected of being behind the 2011 river attacks. It could have either sought the support of Naypyidaw or "credibly claimed," as J. Dana Stuster points out at Foreign Policy, that Myanmar, to borrow language from the Obama administration memo, was "unwilling or unable to suppress the threat posed by the individual being targeted."¶ So too could it have pulled the imminency card. Kham is a ruthless drug trafficker by all accounts. As Liu Yuejin, director of the public security ministry's anti-drug bureau, told the Global Times, Kham was at-large somewhere in the opium-producing Golden Triangle at the time of China's mulling over whether to use an unmanned aerial vehicle to pulverize the region with 20kg of TNT. For as much sleep China already loses over shoring up its homeland security, it could've easily undergirded a lethal strike with the white paper's nebulous and much-criticized definition of an "imminent threat of violent attack" on domestic soil. ¶ True, China presumably would've drawn the rebuke of the West had it actually gone through with drone-striking Kham, though it's not like the People's Republic has ever really cared much for marching to anything but its own drum when it comes to, well, just about anything. With Beidou and the Wing Loon, China's global-positioning service and Reaper-style hunter-killer drone, respectively, growing sharper and sharper, the opportunity was there for the taking. ¶ But the only thing to stop China was China itself. The plan to use the killer drone to track and kill Kham was axed "because we were ordered to catch him alive," Liu told the Global Times. Kham, who was captured last April, now faces the death penalty. ¶ If anything, pulling the plug suggests that China still would rather take pains to capture bad guys alive than kill them outright. Beijing may just end up killing Kham in the end, of course, after who knows what sort of interrogations or jailtime handlings.¶ But the initial restraint is pretty remarkable. Whereas the US probably would've gone the other way--indeed, it's doing so more and more, insisting that its drone strikes abroad are permissible because nine times out of 10 capture simply is not feasible--Chinese authorities trekked out into the bush outside the country's borders to find the man. To think: for all the well-warranted criticism China gets for human rights abuses and agressive behaviors along its borders, it comes out here looking cleaner than the U.S., turning down the quick-and-painless drone option in favor of capturing a suspect and bringing him before the courts, justice served, thank you very much. It could've taken a page from the Obama's administration drone memos, but it didn't.

#### No Asian war – in no one’s rational interest.

Ba, Professor IR Delaware, ’11

[Alice, December, “Staking Claims and Making Waves in the South China Sea: How Troubled Are the Waters?” Contemporary Southeast Asia: A Journal of International and Strategic Affairs, Vol 33 No 3, Project Muse]

Conclusion To varying degrees, authors in this issue generally agree that conflict can be avoided and that there are spaces for potential compromise. Fravel, for example, cites historical precedents where China has been willing to make territorial compromises in support of larger strategic and political objectives; he also sees opportunities in China’s exclusion of the Spratlys from its drawing of its baselines.52 Goldstein draws attention to the concern for moderation and compromise from China’s senior leadership, as well as key naval higher-ups; Thayer highlights the mechanisms and interests that exist to counter more emotional and violent reactions. Womack, along with Fravel and Thayer, sees China and ASEAN states’ 2011 agreement and attention to implementing the DoC as a significant recognition by states of the need to reduce tensions, especially as it involved critical and symbolic concessions, especially on the parts of China and Vietnam. Much like the original DoC, the 2011 agreement and [End Page 285] states’ ability to overcome their stalemate expressed a common interest to ratchet down the dispute from where it was in 2009 and 2010. While acknowledging the need for “bolder” measures, Womack sees the DoC as both “reasonable” and “promising” as a framework that moreover can provide the basis for “a more robust Spratly Management Authority”. Most of all, authors mostly see the prospects for major conflict being mitigated by an unfavourable cost-benefit calculus where the costs of conflict and militarization will be high and the benefits far from clear. Certainly, this is true of Southeast Asia’s weaker states, but it is also true of the major powers — China and the United States. For China, for example, Womack is strongest in seeing militarization of the dispute as contrary to China’s “quarter century of broad and peaceful development” and reform-era policies and diplomacy that have served it very well. A South China Sea conflict scenario would also likely have ripple effects along China’s periphery among other neighbouring and lesser states that are most vulnerable to Chinese power. Given the attention and priority that has been given to stabilizing China’s periphery these past two decades, it hardly seems in China’s interest to militarize the South China Sea in such a way that invites more active interventions from others in the seas around it, especially given its own reliance on those waters to get goods in and out. At minimum, militarization would divert resources and attention from both domestic and other global objectives, with active defence of claims requiring “diplomatic and military efforts of the utmost magnitude”.53 Womack is blunt in his argument that the Spratlys, in the larger scheme of Chinese objectives, is insignificant: “[T]here is no threshold of military superiority that would make it beneficial for China to establish its control over all the Spratlys at the cost of strategic hostility with Southeast Asia.” By one argument, China has the most to lose with the militarization of the South China Sea dispute. As for the United States, Goldstein is most direct in considering the risks and costs of US involvement. Much as is the case in his discussion on US assessments of China, Goldstein’s concern is that too much is assumed of US power and attraction, and too much weight has already been placed on a dispute that is not that important to US larger interests or global balance of power. As already noted, Washington’s diplomatic intervention has already been at cost to US-China relations in other areas. US-China tensions also [End Page 286] potentially push away Southeast Asian states who fear great power conflict more than they want the US to balance China.54 Most of all, Goldstein warns the United States against “competing for the sake of competing” and to guard against over-involving itself in a conflict that risks US credibility, if not lives (as it did forty years ago in Vietnam).

#### 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.

## Pakistan

#### No signature strikes causes raiding—causes excessive killing and spurs extortive governments

Dan Trombly 13, National Security/International Affairs Analyst, Caerus Analytics, LLC, 5/29/13, “I Might Need You To Kill: Signatures, Patterns, and Alternatives,” http://www.cnas.org/blogs/abumuqawama/2013/05/i-might-need-you-kill-signatures-patterns-and-alternatives.html

Of course, it is important to note these violent dynamics are hardly unique to signature strikes or aerial assassinations. Though improper targeting and munitions selection can rapidly magnify the danger of collateral damage in those operations, it is important to remember the enormous potential costs of seeking to kill or capture militants with any instruments that are unable to ensure security for civilians. ¶ Night raids, such as the infamous botched Gardez raid, can easily falter on poor intelligence and the mistaken use of force against civilians. While the U.S. has learned much since Black Hawk Down, compare the amount of force the U.S. has had to bring down to ensure adequate force protection in operations on or across the border with Pakistan. In 2008, the Angor Ada raid, involving dozens of US ground troops and multiple aircraft, killed at least several civilians, and meant that the next raid provoked a major standoff that threatened to cause large-scale firefights and civilian displacement. Or take the example of 2011, NATO and Afghan forces reported fire from Pakistani positions. The result was that NATO unleashed more airpower to protect its troops in contact than MQ-1s or MQ-9s ever could. Two Apache attack helicopters, two F-15Es, and an AC-130 gunship pummeled targets on the Pakistani border, killing as many as two dozen Pakistani soldiers. ¶ Even then, a regime of raiding into territories where we are not willing to actually create a sustained military presence does nothing to mitigate the dangerous dynamics for civilian cooperation and intelligence collection. Raids that leave territorial control an open question for host governments and militants do not give civilians much incentive to provide the intelligence necessary for more precise targeting, leaving them to try their luck at the dangerous game of avoiding militant counterintelligence efforts. The solution to such a quandary, especially when providing security to positively incentivize informers, is to remove potential informers from enemy retaliation through detention or concentration, and the use of high-tempo raiding operations to generate as much actionable intelligence as possible through the raiding process itself. ¶ The face of a robust capture program is not the FBI effort which retrieved the 1993 CIA shooter, which in the relatively sanguine climate of 1997, the Pakistani government was unwilling to publicly admit its role in handing over a citizen to the US. American law enforcement wisely worked with the ISI to lure the suspect into Punjab. In today’s climate, against targets part of active militant networks, an operation that relies on relatively unsavvy suspects and highly compliant host government security and intelligence seems less than forthcoming. ¶ The face of a capture program in Pakistan’s border regions with Afghanistan, Yemen, Somalia, and similar environments, is not going to be law enforcements, but the types of programs that, past and present, we praise with intimidation or decry with disgust as “industrial-scale killing machines” or “executive assassination rings.” Wartime friction ensures that any well-intentioned capture program in denied or contested areas will live on as an assassination program. Just ask those involved in the Phoenix Program, who had even their own President thinking they were running a massive assassination machine.¶ Of course, programs like the CIA-Vietnamese Provincial Reconnaissance Units, for all the reputation they gained as an unstoppable assassination machine, pale in comparison to the sanguinary behavior of other paramilitary efforts to dismantle insurgent infrastructure and disrupt irregular opponents. While the Anbar Awakening receives massive praise, enlisting irregular forces with relatively little opportunity to control their behavior,¶ and far less “skin in the game” with regard to the political situation on the ground, frequently results in incredibly excessive killing and the incorporation of civilian populations into horrific, racket-like forms of extortive governance. Even relatively antiseptic terms such as extending the reach of governance and strengthening the state, in the context of civil wars or internal conflict against irregular opponents, frequently involves the tacit or explicit cooperation between host government and paramilitary forces to purge not just insurgent infrastructure, but political sympathizers and threats to elite interests. Extending the reach of the state under such conditions is frequently a nasty thing, and while it is in vogue to speak of the death or decline of counterinsurgency, the clean language of empowering local partners and expanding state capacity is still counterinsurgency, just of a much different sort than the kind wealthy liberal 3rd-party interventions might try to steer their clients towards.

#### Signature strikes are key to thin the ranks of Al-Qaeda---they make it impossible for militants to keep pace with their rates of losses

Philip Mudd 13, was a senior official at the CIA and the FBI, now director of global risk at SouthernSun Asset Management, 5/24/13, “Fear Factor,” http://www.foreignpolicy.com/articles/2013/05/24/fear\_factor\_signature\_strikes

The impact of armed drones during the decade-plus of this intense global counterterrorism campaign is hard to overestimate: Without operational commanders and visionary leaders, terror groups decay into locally focused threats, or disappear altogether. Targeted strikes against al Qaeda leaders and commanders in the years immediately after 9/11 deprived the group of the time and stability required to plot a major strike. But the London subway attacks in July 2005 illustrated the remaining potency of al Qaeda's core in the tribal areas of Pakistan. The threat was fading steadily. But not fast enough.

So-called signature strikes -- in which target selection is based not on identification of an individual but instead on patterns of behavior or unique characteristics that identify a group -- accelerated this decline for simple reasons. Targeting leadership degrades a small percentage of a diffuse terror group, but developing the tactical intelligence required to locate an individual precisely enough to stage a pinpoint strike, in a no-man's land half a world away, is time-consuming and difficult. And it's not a perfect science; the leaders of groups learn over time how to operate more securely. Furthermore, these leaders represent only a fraction of the threat: Osama bin Laden might have been the public face of al Qaeda, but he was supported by a web of document-forgers, bombmakers, couriers, trainers, ideologues, and others. They made up the bulk of al Qaeda and propelled the apparatus that planned the murder of innocents. Bin Laden was the revolutionary leader, but it was the troops who executed his vision. Signature strikes have pulled out these lower-level threads of al Qaeda's apparatus -- and that of its global affiliates -- rapidly enough that the deaths of top leaders are now more than matched by the destruction of the complex support structure below them. Western conceptions of how organizations work, with hierarchal structures driven by top-level managers, do not apply to al Qaeda and its affiliates. These groups are instead conglomerations of militants, operating independently, with rough lines of communication and fuzzy networks that cross continents and groups. They are hard to map cleanly, in other words. Signature strikes take out whole swaths of these network sub-tiers rapidly -- so rapidly that the groups cannot replicate lost players and their hard-won experience. The tempo of the strikes, in other words, adds sand to the gears of terror organizations, destroying their operational capability faster than the groups can recover.

#### Pakistan instability inevitable – economy, education, poor governance

Javaid ’11 (Umbreen, Director Center of Asian Studies & Chairperson Department of political science University of Punjab, “Thriving Fundamentalism and Militancy in Pakistan An Analytical Overview of their Impact on the Society,” South Asian Studies, Vol. 26 No. 1. Pg. 16-17)
 ‘The recent increase of violence by jihadi groups, including suicide bombing of ¶ innocent bystanders as well attacks on the police and military, has perhaps brought ¶ more Pakistanis to consider how to strike a new balance between Islam and ¶ politics’ (Oldenburg, 2010: 158). ‘The Pakistani people also need to change their ¶ attitude, especially their outlook on religion. Suffered with anti-Americanism and ¶ religious fervor, Pakistanis are filtering their worldview through the prism of ¶ religion and the tensions between Islam and the West, making them to the radical ¶ propaganda and paralyzing their will to act against forces of extremism’ (Hussain, ¶ 2009: 11). mbreen Javaid Thriving Fundamentalism and ¶ 17¶ It is not only the task of the government to control this growing ¶ fundamentalism but the whole society needs to completely shun off these ¶ extremists. The political parties, intellectuals, sectarian and religious parties and ¶ the masses all have to openly condemn the extremists, so that they do not find any ¶ space to flourish. ‘Much still needs to be done on the home front curb religious ¶ zealotry and sectarianism, policies towards minorities, revision of school curricula, ¶ reconstructing ‘official’ history, promotion of universal education, and ¶ overhauling of the madrassah system’ (Niaz, 2011: 181). The best way to curtail the thriving fundamentalism in Pakistan is to look ¶ deeply into its causes. The whole society and especially the government needs to ¶ put in serious efforts in controlling on checking the causes if not diminishing ¶ them. It should also be understand that the issue of fundamentalism is very ¶ complex which entails number of factors which are playing their part. These ¶ include economic disparity, lack of education, religious ignorance, unemployment, ¶ extremism, judicial system, poor governance, ethnicity and sectarianism, ¶ corruption and alignment with United States, each of these have played their role ¶ separately and also a combined mix of all in flourishing militant fundamentalism ¶ in Pakistan. To control fundamentalism is not an easy task especially when it is ¶ now combined with militancy. Another major challenge for the government is that ¶ earlier the various militant extremist groups were operating separately and had ¶ divergent aims and objectives from each other but lately various local groups, AlQaeda and Taliban have all joined hands and helping each other irrespective of ¶ their particular objectives. These alignments have made these militant groups more ¶ lethal, thus making things more difficult for the government. ¶ Militant fundamentalism not only has the ability to destabilize Pakistan but it ¶ can, if not controlled, bring about serious security concerns for the region and also ¶ towards the global security and peace.

#### \*The U.S. has already agreed to leave equipment behind in Uzbekistan

Kucero in 13

[Joshua, freelance writer and journalist specializing in foreign affairs, “What Military Equipment Should The U.S. Give Uzbekistan?”, The Open Society Institute, 5-10-2013 <http://www.eurasianet.org/node/66667//wyo> CTL]

The question of whether, or how, to give military aid to Uzbekistan is probably the hottest question among Central Asia policymakers in Washington these days. The U.S. has agreed to leave some equipment behind for its partners in Central Asia after its forces withdraw from Afghanistan, and Uzbekistan has made clear that it has high expectations for the sort of equipment that it will get. But some in Washington are concerned that giving military equipment to Uzbekistan would only abet the misrule of President Islam Karimov, who heads one of the most repressive governments on the planet. This question will undoubtedly be at the top of the agenda this week when a large delegation from Uzbekistan, headed by Foreign Minister Abdulaziz Komilov, visits Washington.

#### U.S. has already given Uzbekistan aid.

Lumpe in 10

[Lora, senior policy analyst at the Open Society Foundations, consultant for Amnesty International, former PRIO consultant, “A Timeline of U.S. Military Aid Cooperation with Uzbekistan”, Open Society Foundations, October 2010 <http://www.opensocietyfoundations.org/sites/default/files/OPS-No-2-20101015_0.pdf//wyo> CTL]

Uzbekistan has the largest population and the largest military in Central Asia, with 65,000 ¶ soldiers.1¶ Given Uzbekistan’s size, centrality in the region, and proximity to Afghanistan, ¶ the U.S. government prioritized Uzbekistan for military assistance and cooperation in ¶ the region early on. Military aid relations developed rapidly in the latter half of the 1990s, ¶ but they were constrained by concerns about political repression and severe human rights ¶ failures. ¶ Following 9/11 and Uzbekistan’s positive response to a U.S. request for use of ¶ the Karshi-Khanabad (K2) airbase, bilateral U.S. aid, according to the State Department ¶ inspector general, trebled to approximately $162 million in FY 2002, with seven U.S. ¶ entities providing assistance to Uzbek police and military that year.2¶ (On the next page, a ¶ chart from the State Department’s Central Asia Bureau gives a higher number for total ¶ U.S. Assistance, which is one example of how difficult it is to account for the money ¶ actually being spent.) The State Department tried to pursue a dual policy that promoted the ¶ strategic aims of the DOD (access to the theater of conflict and “stability” in Uzbekistan) ¶ while emphasizing that the cooperation would only be sustainable if Uzbekistan undertook ¶ political and economic reforms. However, as demonstrated in the State Department ¶ graph on the next page, funding priorities indicated a significantly greater focus on the ¶ counterterrorism agenda than on the democratization/reform agenda. The non–Freedom ¶ Support Act funding line shows military assistance

#### No central Asian war

Weitz 06

[Richard Weitz, senior fellow and associate director of the Center for Future Security Strategies at the Hudson Institute, Summer 2006. The Washington Quarterly, lexis.]

Central Asian security affairs have become much more complex than during the original nineteenth-century great game between czarist Russia and the United Kingdom. At that time, these two governments could largely dominate local affairs, but today a variety of influential actors are involved in the region. The early 1990s witnessed a vigorous competition between Turkey and Iran for influence in Central Asia. More recently, India and Pakistan have pursued a mixture of cooperative and competitive policies in the region that have influenced and been affected by their broader relationship. The now independent Central Asian countries also invariably affect the region's international relations as they seek to maneuver among the major powers without compromising their newfound autonomy. Although Russia, China, and the United States substantially affect regional security issues, they cannot dictate outcomes the way imperial governments frequently did a century ago. Concerns about a renewed great game are thus exaggerated. The contest for influence in the region does not directly challenge the vital national interests of China, Russia, or the United States, the most important extraregional countries in Central Asian security affairs. Unless restrained, however, competitive pressures risk impeding opportunities for beneficial cooperation among these countries. The three external great powers have incentives to compete for local allies, energy resources, and military advantage, but they also share substantial interests, especially in reducing terrorism and drug trafficking. If properly aligned, the major multilateral security organizations active in Central Asia could provide opportunities for cooperative diplomacy in a region where bilateral ties traditionally have predominated.

#### No Indo-Pak war

Mutti 9— Master’s degree in International Studies with a focus on South Asia, U Washington. BA in History, Knox College. over a decade of expertise covering on South Asia geopolitics, Contributing Editor to Demockracy journal (James, 1/5, Mumbai Misperceptions: War is Not Imminent, http://demockracy.com/four-reasons-why-the-mumbai-attacks-wont-result-in-a-nuclear-war/)

Fearful of imminent war, the media has indulged in frantic hand wringing about Indian and Pakistani nuclear arsenals and renewed fears about the Indian subcontinent being “the most dangerous place on earth.” As an observer of the subcontinent for over a decade, I am optimistic that war will not be the end result of this event. As horrifying as the Mumbai attacks were, they are not likely to drive India and Pakistan into an armed international conflict. The media frenzy over an imminent nuclear war seems the result of the media being superficially knowledgeable about the history of Indian-Pakistani relations, of feeling compelled to follow the most sensationalistic story, and being recently brainwashed into thinking that the only way to respond to a major terrorist attack was the American way – a war. Here are four reasons why the Mumbai attacks will not result in a war: 1. For both countries, a war would be a disaster. India has been successfully building stronger relations with the rest of the world over the last decade. It has occasionally engaged in military muscle-flexing (abetted by a Bush administration eager to promote India as a counterweight to China and Pakistan), but it has much more aggressively promoted itself as an emerging economic powerhouse and a moral, democratic alternative to less savory authoritarian regimes. Attacking a fledgling democratic Pakistan would not improve India’s reputation in anybody’s eyes. The restraint Manmohan Singh’s government has exercised following the attacks indicates a desire to avoid rash and potentially regrettable actions. It is also perhaps a recognition that military attacks will never end terrorism. Pakistan, on the other hand, couldn’t possibly win a war against India, and Pakistan’s military defeat would surely lead to the downfall of the new democratic government. The military would regain control, and Islamic militants would surely make a grab for power – an outcome neither India nor Pakistan want. Pakistani president Asif Ali Zardari has shown that this is not the path he wants his country to go down. He has forcefully spoken out against terrorist groups operating in Pakistan and has ordered military attacks against LeT camps. Key members of LeT and other terrorist groups have been arrested. One can hope that this is only the beginning, despite the unenviable military and political difficulties in doing so. 2. Since the last major India-Pakistan clash in 1999, both countries have made concrete efforts to create people-to-people connections and to improve economic relations. Bus and train services between the countries have resumed for the first time in decades along with an easing of the issuing of visas to cross the border. India-Pakistan cricket matches have resumed, and India has granted Pakistan “most favored nation” trading status. The Mumbai attacks will undoubtedly strain relations, yet it is hard to believe that both sides would throw away this recent progress. With the removal of Pervez Musharraf and the election of a democratic government (though a shaky, relatively weak one), both the Indian government and the Pakistani government have political motivations to ease tensions and to proceed with efforts to improve relations. There are also growing efforts to recognize and build upon the many cultural ties between the populations of India and Pakistan and a decreasing sense of animosity between the countries. 3. Both countries also face difficult internal problems that present more of a threat to their stability and security than does the opposite country. If they are wise, the governments of both countries will work more towards addressing these internal threats than the less dangerous external ones. The most significant problems facing Pakistan today do not revolve around the unresolved situation in Kashmir or a military threat posed by India. The more significant threat to Pakistan comes from within. While LeT has focused its firepower on India instead of the Pakistani state, other militant Islamic outfits have not. Groups based in the tribal regions bordering Afghanistan have orchestrated frequent deadly suicide bombings and clashes with the Pakistani military, including the attack that killed ex-Prime Minister Benazir Bhutto in 2007. The battle that the Pakistani government faces now is not against its traditional enemy India, but against militants bent on destroying the Pakistani state and creating a Taliban-style regime in Pakistan. In order to deal with this threat, it must strengthen the structures of a democratic, inclusive political system that can also address domestic problems and inequalities. On the other hand, the threat of Pakistani based terrorists to India is significant. However, suicide bombings and attacks are also carried out by Indian Islamic militants, and vast swaths of rural India are under the de facto control of the Maoist guerrillas known as the Naxalites. Hindu fundamentalists pose a serious threat to the safety of many Muslim and Christian Indians and to the idea of India as a diverse, secular, democratic society. Separatist insurgencies in Kashmir and in parts of the northeast have dragged on for years. And like Pakistan, India faces significant challenges in addressing sharp social and economic inequalities. Additionally, Indian political parties, especially the ruling Congress Party and others that rely on the support of India’s massive Muslim population to win elections, are certainly wary about inflaming public opinion against Pakistan (and Muslims). This fear could lead the investigation into the Mumbai attacks to fizzle out with no resolution, as many other such inquiries have. 4. The international attention to this attack – somewhat difficult to explain in my opinion given the general complacency and utter apathy in much of the western world about previous terrorist attacks in places like India, Pakistan, and Indonesia – is a final obstacle to an armed conflict. Not only does it put both countries under a microscope in terms of how they respond to the terrible events, it also means that they will feel international pressure to resolve the situation without resorting to war. India and Pakistan have been warned by the US, Russia, and others not to let the situation end in war. India has been actively recruiting Pakistan’s closest allies – China and Saudi Arabia – to pressure Pakistan to act against militants, and the US has been in the forefront of pressing Pakistan for action. Iran too has expressed solidarity with India in the face of the attacks and is using its regional influence to bring more diplomatic pressure on Pakistan.

#### Terrorists aren’t pursuing nukes

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

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

# 2NC

## CP

#### Self-Restraint solves signature strikes

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.

### A2 Perm

#### First, -Doesn’t solve prez powers - congressional silence is key

Bellia 2

[Patricia, Professor of Law @ Notre Dame, “Executive Power in Youngstown’s Shadows” Constitutional Commentary, , 19 Const. Commentary 87, Spring, Lexis]

To see the problems in giving dispositive weight to inferences from congressional action (or inaction), we need only examine the similarities between courts' approach to executive power questions and courts' approach to federal-state preemption questions. If a state law conflicts with a specific federal enactment, n287 or if Congress displaces the state law by occupying the field, n288 a court cannot give the state law effect. Similarly, if executive action conflicts with a specific congressional policy (reflected in a statute or, as Youngstown suggests, legislative history), or if Congress passes related measures not authorizing the presidential conduct, courts cannot give the executive action effect. n289 When Congress is silent, however, the state law will stand; when Congress is silent, the executive action will stand. This analysis makes much sense with respect to state governments with reserved powers, but it makes little sense with respect to an Executive Branch lacking such powers. **The combination of** congressional silence **and judicial inaction** has the **practical** effect of creating power. Courts' reluctance to face questions about the scope of the President's constitutional powers - express and implied - creates three other problems. First, **the implied** presidential power given **effect** by virtue ofcongressional silence **and judicial inaction** can solidify into a broader claim**. When the Executive exercises an "initiating"** or "concurrent" **power, it will tie that power to a textual provision or to a claim about the structure of the Constitution.** Congress's silence **as a practical matter** tends to validate theexecutive rationale, and the Executive **Branch** maythen claim a power not only to exercise the **disputed** authority in the face of congressional silence, but also **to exercise the disputed authority** inthe face of congressional opposition. In other words, a power that the Executive Branch claims is "implied" in the Constitution may soon become an "implied" and "plenary" one. Questions about presidential power to terminate treaties provide a  [\*151]  ready example. The Executive's claim that the President has the power to terminate a treaty - the power in controversy in Goldwater v. Carter, where Congress was silent - now takes a stronger form: that congressional efforts to curb the power are themselves unconstitutional. n290

#### 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.

#### 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.

#### Third, Executive action, not congressional *inaction,* is what is setting the international precedent on executive war powers-drones prove

Roberts 2013

[Kristin Roberts, News editor, March 22nd, 2013, When the Whole World Has Drones, <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>, uwyo//amp]

America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts. To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones to kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order. “I don’t think there is enough transparency and justification so that we remove not the secrecy, but the mystery of these things.”—Dennis Blair, former director of national intelligence Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you. In Pakistan, Yemen, and Afghanistan. This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation.

### 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

Jeffrey A. Fine, assistant professor of political science at Clemson University. He has published articles in the Journal of Politics, Political Research Quarterly, and Political Behavior. Adam L. Warber is an associate professor of political science at Clemson University. He is the author of Executive Orders and the Modern Presidency, Presidential Studies Quarterly, June 2012, " Circumventing Adversity: Executive Orders and Divided Government", Vol. 42, No. 2, Ebsco

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.

**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**

## 2NC Pakistan

#### Pakistan unstable – economy, education, blackouts, water, floods, inadequate growth

Bruce Riedel, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy, Center for 21st Century Security and Intelligence, “Pakistan’s Impossible Year: Elections, Army Intrigue, and More,” December 29, 2012.

If Sharif returns to the prime minister's job for a third time, it will be a remarkable next turn in his own odyssey. Sharif was removed from the office in 1999 in an illegal coup and barely escaped alive to go into exile in Saudi Arabia. His decision to withdraw Pakistan's troops in 1999 during the Kargil War prompted his fall from power, but it also may have saved the world from nuclear destruction. It was a brave move. I remember talking to him and his family in the White House the day after he made the decision to pull back. You could see in his eyes that he knew the Army would defame him, but he knew he was in the right.¶ But many Pakistanis want a new face to lead their country. Out of desperation, some are turning to cricket star Imran Khan to save Pakistan. The ISI is probably helping his campaign behind the scenes to stir up trouble for the others. He is a long shot at best. He is much more anti-American, anti-drone, and ready to make deals with the Taliban to stop the terror at home. Yet he understands well that Pakistan is a country urgently in need of new thinking.¶ Whoever wins will inherit an economy and government that is in deep trouble. Two thirds of the 185 million Pakistanis are under 30; 40 million of the 70 million ages 5 to 19 years old are not in school. Fewer than 1 million Pakistanis paid taxes last year. Power blackouts are endemic. Clean water is increasingly scarce, even as catastrophic floods are more common. Growth is 3 percent, too little to keep up with population demand.

#### Pakistan failed state by 2030

Bruce Riedel, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy, Center for 21st Century Security and Intelligence, “Pakistan’s Impossible Year: Elections, Army Intrigue, and More,” December 29, 2012.

Bilawal Bhutto Zardari, son of Pakistan President Asif Ali Zardari and former prime minister Benazir Bhutto, stepped onto the national stage for the first time this week, to give a speech marking the fifth anniversary of Benazir's murder. Still too young to run for office, the 24-year-old Bhutto's coming out adds more drama to what will be a pivotal year for Pakistan. National elections, turnover at the top military position, and the denouement in the war in Afghanistan all promise to make 2013 a critical year for a country that is both under siege by terrorism and the center of the global jihadist movement.¶ Bilawal's grandfather, uncles, and mother all were murdered in political violence. Zulfikar Bhutto was hung in 1979 by Gen. Mohammad Zia ul-Haq, his two uncles died in mysterious plots, and his mother was assassinated by al Qaeda and the Taliban. His family story resembles Pakistan's reality. Pakistan is a country in the midst of a long and painful crisis. Since 2001, according to the government, 45,000 Pakistanis have died in terrorist-related violence, including 7,000 security personnel. Suicide bombings were unheard of before the 9/11 attacks; there have been 300 since then. The country's biggest city, Karachi, is a battlefield. One measure of Pakistan's instability is that the country now has between 300 and 500 private-security firms, employing 300,000 armed guards, most run by ex-generals. The American intelligence community's new global estimate rates Pakistan among the most likely states in the world to fail by 2030.

to do something. Our new Africa Command, for example, hasn't led us to anything beyond advising and training local forces.

#### Pakistan instability inevitable – Afghan wars

Bruce Riedel, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy, Center for 21st Century Security and Intelligence, Panel “THE BROOKINGS INSTITUTION¶ THE UNITED STATES, INDIA, AND PAKISTAN:¶ TO THE BRINK AND BACK,” Brookings, February 26, 2013.

MS. BROWN: How much has the war in Afghanistan been a bad thing ¶ for Pakistan? If you talk to certain people who are friendly towards Pakistan they say, ¶ well, so much of their turbulence and instability and terrorism has been caused by ¶ refugees coming from Afghanistan, radical elements coming from Afghanistan. Is there ¶ any truth in that?¶ MR. RIEDEL: There is, there's a lot of truth.¶ We see this as a war that's now 10 years old. Afghans and Pakistanis ¶ see this as a war that's 30 years old. If you look at it in those terms, Pakistan has ¶ suffered tremendously. The coalition across culture that dominates Pakistani cities today ¶ that makes places like Quetta or Karachi murder capitals of the world is a product of the ¶ spillover from all of these Afghan wars. Not just the current one, but all of these Afghan ¶ wars.

far to produce the wave of coups and regime failures that some observers had anticipated, in spite of the expected and apparent uptick in social unrest associated with the crisis.

#### No Escalation—No Vital Interests for Great Power War In Central Asia.

Weitz 06

[Richard Weitz, senior fellow and associate director of the Center for Future Security Strategies at the Hudson Institute, Summer 2006. The Washington Quarterly, lexis.]

Central Asian security affairs have become much more complex than during the original nineteenth-century great game between czarist Russia and the United Kingdom. At that time, these two governments could largely dominate local affairs, but today a variety of influential actors are involved in the region. The early 1990s witnessed a vigorous competition between Turkey and Iran for influence in Central Asia. More recently, India and Pakistan have pursued a mixture of cooperative and competitive policies in the region that have influenced and been affected by their broader relationship. The now independent Central Asian countries also invariably affect the region's international relations as they seek to maneuver among the major powers without compromising their newfound autonomy. Although Russia, China, and the United States substantially affect regional security issues, they cannot dictate outcomes the way imperial governments frequently did a century ago. Concerns about a renewed great game are thus exaggerated. The contest for influence in the region does not directly challenge the vital national interests of China, Russia, or the United States, the most important extraregional countries in Central Asian security affairs. Unless restrained, however, competitive pressures risk impeding opportunities for beneficial cooperation among these countries. The three external great powers have incentives to compete for local allies, energy resources, and military advantage, but they also share substantial interests, especially in reducing terrorism and drug trafficking. If properly aligned, the major multilateral security organizations active in Central Asia could provide opportunities for cooperative diplomacy in a region where bilateral ties traditionally have predominated.

#### 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.

#### No Armenia-Azerbaijan war- lack of money and capability

Stratfor ‘11

[Why Russia, Turkey Look Toward Armenia and Azerbaijan” http://www.stratfor.com/geopolitical\_diary/20110331-why-russia-and-turkey-are-looking-towards-armenia-and-azerbaijan]

Though simmering hostilities have continued, there are two reasons the conflict has remained frozen. First, beginning in the mid-1990s, neither Armenia nor Azerbaijan had the resources to continue fighting. Armenia’s economy was, and is, non-existent for the most part. Without the financial means, it would be impossible for Armenia to launch a full-scale war. At the same time, Azerbaijan’s military has been too weak, thus far, to assert control over the occupied lands.

#### Russia and Turkey check escalation

Stratfor ‘11

[Why Russia, Turkey Look Toward Armenia and Azerbaijan” <http://www.stratfor.com/geopolitical_diary/20110331-why-russia-and-turkey-are-looking-towards-armenia-and-azerbaijan> ETB]

The involvement of Turkey and Russia is the main cause of deterrence that is holding the two sides back. Both Ankara and Moscow know that any Azerbaijani-Armenian conflict would not remain contained within the region. Each power would be expected by Baku and Yerevan to defend their respective ally — whether they actually would is unclear. Therefore, the standoff has become more about Moscow and Ankara holding back each side and not allowing the instability to become exacerbated to the extent of an open conflict or war.

#### Armenian Azerbaijan war empirically denied – they both have drones and have used them against each other already – this is their evidence from a year ago

**Global Post 12,** “Drone violence along Armenian-Azerbaijani border could lead to war,” Global Post, Oct 23rd, 2012, http://www.globalpost.com/dispatch/news/regions/europe/121022/drone-violence-along-armenian-azerbaijani-border-could-lead-war?page=0,1

To some extent, these countries are already being pulled towards conflict. Last September, Armenia shot down an Israeli-made Azerbaijani drone over Nagorno-

Karabakh and the government claims that drones have been spotted ahead of recent incursions by Azerbaijani troops into Armenian-held territory. Richard Giragosian, director of the Regional Studies Center in Yerevan, said in a briefing that attacks this summer showed that Azerbaijan is eager to “play with its new toys” and its forces showed “impressive tactical and operational improvement.” The International Crisis Group warned that as the tit-for-tat incidents become more deadly, “there is a growing risk that the increasing frontline tensions could lead to an accidental war.” With this in mind, the UN and the Organization for Security and Co-operation in Europe (OSCE) have long imposed a non-binding arms embargo on both countries, and both are under a de facto arms ban from the United States. But, according to the Stockholm International Peace Research Institute (SIPRI), this has not stopped Israel and Russia from selling to them. After fighting a bloody war in the early 1990s over the disputed territory of Nagorno-Karabakh, Armenia and Azerbaijan have been locked in a stalemate with an oft-violated ceasefire holding a tenuous peace between them. And drones are the latest addition to the battlefield. In March, Azerbaijan signed a $1.6 billion arms deal with Israel, which consisted largely of advanced drones and an air defense system. Through this and other deals, Azerbaijan is currently amassing a squadron of over 100 drones from all three of Israel’s top defense manufacturers. Armenia, meanwhile, employs only a small number of domestically produced models. Intelligence gathering is just one use for drones, which are also used to spot targets for artillery, and, if armed, strike targets themselves. Armenian and Azerbaijani forces routinely snipe and engage one another along the front, each typically blaming the other for violating the ceasefire. At least 60 people have been killed in ceasefire violations in the last two years, and the Brussels-based International Crisis Group claimed in a report published in February 2011 that the sporadic violence has claimed hundreds of lives.

# 1NR

## Politics

#### Bio-weapons outweigh the impact of nuclear attack – risk extinction

***Ochs 2002*** (Richard; Naturalist – Grand Teton National Park with a Masters in Natural Resource Management from Rutgers) “Biological Weapons must be abolished immediately” 6/9 www.freefromterror.net/other\_articles/abolish.html

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

#### Biotech innovation k2 maintain ag crops during crises- no tech collapses ag and results in extinction

**Trewavas 00**

[Anthony, Institute of Cell and Molecular Biology – University of Edinburgh, “GM Is the Best Option We Have”, AgBioWorld, 6-5, <http://www.agbioworld.org/biotech-info/articles/biotech-art/best_option.html>]

But these are foreign examples; global warming is the problem that requires the UK to develop GM technology. 1998 was the warmest year in the last one thousand years. Many think global warming will simply lead to a wetter climate and be benign. I do not. Excess rainfall in northern seas has been predicted to halt the Gulf Stream. In this situation, average UK temperatures would fall by 5 degrees centigrade and give us Moscow-like winters. There are already worrying signs of salinity changes in the deep oceans. Agriculture would be seriously damaged and necessitate the rapid development of new crop varieties to secure our food supply. We would not have much warning. Recent detailed analyses of arctic ice cores has shown that the climate can switch between stable states in fractions of a decade. Even if the climate is only wetter and warmer new crop pests and rampant disease will be the consequence. GM technology can enable new crops to be constructed in months and to be in the fields within a few years. This is the unique benefit GM offers. The UK populace needs to much more positive about GM or we may pay a very heavy price. In 535A.D. a volcano near the present Krakatoa exploded with the force of 200 million Hiroshima A bombs. The dense cloud of dust so reduced the intensity of the sun that for at least two years thereafter, summer turned to winter and crops here and elsewhere in the Northern hemisphere failed completely. The population survived by hunting a rapidly vanishing population of edible animals. The after-effects continued for a decade and human history was changed irreversibly. But the planet recovered. Such examples of benign nature's wisdom, in full flood as it were, dwarf and make miniscule the tiny modifications we make upon our environment. There are apparently 100 such volcanoes round the world that could at any time unleash forces as great. And even smaller volcanic explosions change our climate and can easily threaten the security of our food supply. Our hold on this planet is tenuous. In the present day an equivalent 535A.D. explosion would **destroy** much of our **civilisation**. Only those with agricultural technology sufficiently advanced would have a chance at **survival**. Colliding asteroids are another problem that requires us to be forward-looking accepting that **technological advance may be the only buffer between us and annihilation**.

####  [\_\_] Immigration reform will pass now – 60 percent support, civil disobedience campaign, political capital, this year key

Laura Matthews, “2013 Immigration Reform: Another Casualty Of Government Shutdown?,” 10/10/13. http://www.ibtimes.com/2013-immigration-reform-another-casualty-government-shutdown-1421442

Before House Democrats released their comprehensive immigration reform bill last week, they, along with pro-immigration reform advocates, promised to increase pressure on House Republicans to act. But Congress is focused on other matters, with a possible U.S. sovereign default coming in a matter of days, and reforming immigration laws has lost the urgency it had some weeks ago. ¶ At the moment, it appears that a 2013 immigration reform bill has become another casualty of the government shutdown, now in its 10th day, and a debt limit that must be raised by Oct. 17. However, in order to keep the issue alive, advocates of reform are engaging in what they call campaigns of civil disobedience across the country.¶ ¶ The latest was a march on Capitol Hill on Tuesday, when eight lawmakers and more than 200 activists were arrested while protesting Congress' inability to pass immigration reform. Supporters of the overhaul, like America’s Voice Executive Director Frank Sharry, have called on pro-reform House Republicans who were present at the rally to turn rhetoric into action.¶ ¶ “Lending support at rallies and delivering speeches are important measures of support,” Sharry said in a statement, “but only if followed and complemented by taking real action and expending real political capital.” ¶ The organization's deputy director, Lynn Tramonte, said on Thursday it would be shameful if Congress spent the rest of the session trying to figure out how to pay the nation's bills.¶ ¶ “I think we’re encouraged that the House leadership continue to say they want to do something this year on immigration,” she said. “We’re still waiting to see proposals. ... I want to see what the policy details are as far as the outlines they’ve been talking about.”¶ ¶ But opponents of reform -- at least the kind envisioned by Democrats, that is, one that includes a path to citizenship for the undocumented 11 million -- said the prospects of a bill leaving the House have been dead for some time now. Not because Americans and even opponents don’t want reform, but because there was too much optimism that a bill including what they call “amnesty” for the undocumented could pass.¶ ¶ “Passing immigration reform (...) is something we absolutely need to do, but tying it to amnesty makes it almost impossible to get through the House,” said Dan Holler, communication director at Heritage Action, the political arm of conservative think tank Heritage Foundation.¶ ¶ “The problem with the debate in Washington has been folks are insistent -- from the president to the Democrats in the Senate and including some Republicans -- that amnesty must be part of any immigration reform efforts. That’s the wrong way to go.”¶ ¶ Holler said he is confident that if a path to citizenship is taken out of the equation, an overhaul of the legal immigration system could be passed into law. ¶ ¶ “So until the president is willing to take that off the table, we are going to be in this situation where there won’t be movement,” Holler said, adding that details matter in order to attract more conservatives to the cause of reform. “The whole push for immigration reform is dead because President Obama’s insistence on passing amnesty. That’s what killed immigration reform,” he said.¶ ¶ Polls show that more than 60 percent of Americans would support legislation that provides a legal pathway to citizenship for those without papers who are already in America. Numbers like these are probably why some advocates aren’t ready to call it quits just yet. For them, there is power in numbers -- both in the polls and in the rallies.¶ ¶ Take for instance Rep. Charles Rangel, D-N.Y., who was among the lawmakers arrested at the D.C. rally. Rangel told International Business Times on Tuesday that immigration reform not only brings people out of the shadows, which Rangel said “is a moral thing to do,” but that “it raises revenue” as well, as the Congressional Budget Office stated, by expanding the taxpayer base. ¶ ¶ Rangel represents New York’s 13th district, which includes neighborhoods with a sizable Latino population such as Harlem, Spanish Harlem and Washington Heights.¶ ¶ “Quite frankly, I felt good that I was there” at the rally, Rangel said. “It’s hard to explain to my wife that I never intended to go to jail. (...) I knew what was going on but I didn’t come to the Capitol that day to get arrested. I came to support.”¶ ¶ Rangel is optimistic the government will reopen soon and cooler heads will prevail on the budget matters, at which point Congress could focus its attention elsewhere. “I hope after taking a deep breath we can go back to immigration reform,” he said. At that point, Rangel hopes, business organizations and others will further increase the pressure to demand more from Congress on immigration.¶ ¶ Jon Feere, a legal policy analyst at Center For Immigration Studies, thinks it is the intention of lawmakers in Congress to get to reform as quickly as possible, especially because they dont want to deal with the issue during an election year next year.¶ ¶ “The longer this debate over budgets and the government shutdown goes on the less time there is for a debate on an immigration bill,” Feere said. “They know the issue is way too hot to have a debate about it in 2014, and many members of Congress, who are up for re-election, fully understand that doubling legal immigration at time when tens of millions of Americans are out of work is not so popular with the voters.”

#### Plan spoils working relationship and momentum that is key to passing immigration – now is key window of opportunity

Ben Wolfgang, “Obama’s second-term agenda could hinge on shutdown resolution,” Washington Times, 10/10/13. http://www.washingtontimes.com/news/2013/oct/10/obamas-second-term-agenda-could-hinge-on-shutdown-/#ixzz2i1n7uFZT

Some of president's key goals hang in balance¶ ¶ The eventual resolution to the government shutdown and debt-ceiling standoff carries serious consequences for the U.S. economy, but it also could make or break President Obama's second-term agenda.¶ ¶ Expanded background checks on gun purchases, immigration reform and other key goals for the president over the next three years hang in the balance, analysts say, and threaten to be crowded out and ultimately relegated to the political graveyard if Mr. Obama is unable to make a deal with Republicans.¶ ¶ On the flip side, the president could emerge from the current impasse with renewed political capital and a stronger hand to help shepherd his aims through Congress.¶ ¶ "It depends on how this plays out He's got three years left. One spinout of the likely resolution is the possibility of creating that big deal — the grand bargain — which itself would be quite an achievement," said Bruce Buchanan, a political-science professor at the University of Texas at Austin and a specialist in the presidency and public policy.¶ ¶ "And after that, you'll still have two years of his agenda left, but you're running out the clock and getting into lame-duck status," he added. "It's an open question whether controversial stuff like immigration reform is going to have a new shelf life, or especially gun control But if this explodes and there's ill will, then all bets are off."¶ ¶ In recent days, Mr. Obama has reiterated that he is asking for nothing from Republicans in exchange for reopening the federal government — which has had its nonessential functions closed for 10 days — and raising the nation's debt ceiling, a limit the U.S. is expected to hit as soon as next week.¶ ¶ Mr. Obama specifically has cited background checks for gun purchases and immigration reform as two issues he feels passionately about but has refused to include in current negotiations with House Republicans.¶ ¶ The viability of those goals, along with reforms to the nation's student loan system, spending on infrastructure and research, and other matters, rests with how the next few weeks play out in Washington.¶ ¶ On Thursday, the administration expressed openness to a Republican proposal that would offer a short-term increase in the nation's debt limit but would keep the government partially shut down.¶ ¶ Such a deal presumably would offer both sides time to work together on a larger agreement.¶ ¶ The White House repeatedly has said it's willing to engage in such big-picture budget talks with the GOP, but only after the current crises have passed. If and when those talks begin, Mr. Obama has indicated that parts of his second-term wish list will be on the table.¶ ¶ "I'll talk about ways to improve the health care system. I'll talk about ways we can shrink our long-term deficits. I'll also want to talk about how we're going to help the middle class and strengthen early childhood education and improve our infrastructure and research and development. There are a whole bunch of things I want to talk about," Mr. Obama said earlier this week when he addressed reporters in the White House briefing room.¶ ¶ For now, however, all of those issues continue to be overshadowed by partisan bickering and fiscal gridlock.¶ ¶ Even before the current fiscal crisis began, it already was an uphill battle for the White House to push through measures such as gun control and immigration reform; the fact that they've been pushed to the back burner makes it even more difficult, though not impossible, for them to come to fruition.¶ ¶ "It's very hard, especially in a second term. But this situation is unusual. While [the current standoff] could have a horrible ending, if it has anything like a workable ending, it could create a bit of momentum," Mr. Buchanan said. "If there is an agreement to get past the debt ceiling and shutdown they may have developed a working relationship that could be continued."¶ ¶ The gun control issue is especially daunting, according to analysts. Previous attempts to pass expanded background checks failed in the Senate, despite some bipartisan support and Mr. Obama's repeated use of the bully pulpit. It has been made even harder since gun-rights supporters recently showed their power at the ballot box by recalling two Colorado state senators who helped pass gun restrictions.¶ ¶ But on immigration reform, supporters still see a window of opportunity coming later this year and don't believe the current animosity between the administration and House Republicans necessarily means the issue is dead.

#### Obama’s political capital key to passage of immigration reform

Laura Matthews, 10/16/2013 (staff writer, “2013 Immigration Reform Bill: 'I'm Going To Push To Call A Vote,' Says Obama,” <http://www.ibtimes.com/2013-immigration-reform-bill-im-going-push-call-vote-says-obama-1429220>, Accessed 10/17/2013, rwg)

Still, pro-immigration advocates are hopeful they can attain their goal soon. “With more prodding from the president and the American people,” Gutierrez said, “we can get immigration reform legislation passed in the House and signed into law.”

#### Framing issue—capital gets it through—the plan drains his capital and destroys his agenda prioritization

Chris Cillizza, WaPo, 1/21/13, President Obama’s second term starts today. It ends sooner than you think., www.washingtonpost.com/blogs/the-fix/wp/2013/01/21/president-obama-second-term-starts-today-it-ends-in-sooner-than-you-think/

At the moment, President Obama is at the height of his political influence. He is less than three months removed from a convincing reelection victory and freed from concerns about ever having to run for office again. He is coming off of two straight legislative wins — fiscal cliff and debt ceiling — and has a huge polling edge over his congressional Republican adversaries. That means that now is the time for Obama to move on his major legislative priorities — the first of which appears to be winning some sort of tightening of existing gun laws in the wake of the Newtown, Conn., tragedy. Obama also seems likely to push on immigration. And then there is the triple-headed economic monster: sequestration, a potential government shutdown and the debt ceiling. The president must choose carefully how hard he pushes on each of his priorities — and for how long. Much of his first term — and the political capital he brought into it — was spent on fights over the economic stimulus package and his health-care plan. While both of those legislative initiatives became law, it was at considerable political cost to Obama and his party — and at the expense of other priorities like energy, for example. No matter what pieces of the Obama agenda mentioned above make it through Congress as spring turns to summer in 2014, the attention of the political world will turn away from legislative fights and to the coming midterm campaign. (Prepare to hear a lot about the so-called “six-year itch” election.) In expectation of that election, Congress will avoid any sort of major legislative action from the summer on as both parties seek to avoid exposure as they make their case to voters in the fall. Once the midterms end, the 2016 presidential race, which is already showing signs of getting started, will burst out into the open with a few candidates likely declaring their intent to run by the close of 2014. With the race expected to be open on both sides — assuming Vice President Biden decides not to run — the level of interest in the contest to come will be substantial. (Human nature dictates that we love the next big thing more than the current big thing.) Add it all up and what you get is this: By the start of 2015, Obama’s power to drive his legislative agenda will be significantly less than it is today. What his second term meant (or didn’t) will have already be largely determined by then. The president has 18 months, then — give or take a few months — to build out his political legacy. Which means he needs to get moving as quickly as possible or run the risk of running out of political power before he can get done even most of what he hopes will round out his presidency in this second term.

#### Obama’s capital is key

Shifter, 12/27/2012 --- adjunct professor of Latin American politics at Georgetown University’s School of Foreign Service (12/27/2012, Michael, Revista Ideel, “Will Obama Kick the Can Down the Road?” <http://www.thedialogue.org/page.cfm?pageID=32&pubID=3186>) CMR

There is, however, a notable change in Obama’s style compared to the first term. He is far more confident and is proclaiming clear positions on key issues, such as raising tax rates on the most wealthy. Previously, Obama had been quite passive and would ask the Congress to present him with a proposal. Today, buoyed by a decisive win in November and more enthusiastic and expectant Democratic supporters, Obama is more inclined to take the initiative and draw some clear lines.¶ How the “fiscal cliff” question is managed and ultimately resolved will likely shape the tenor and climate for Obama’s second-term agenda. If it leaves a bitter taste, then the rest of Obama’s domestic priorities will be more difficult to achieve. If both parties think they gained something in the bargain, prospects for results in other areas will improve.¶ Not surprisingly, Obama has been explicit that reforming the US’s shameful and broken immigration system will be a top priority in his second term. There is every indication that he intends to use some of his precious political capital – especially in the first year – to push for serious change. The biggest lesson of the last election was that the “Latino vote” was decisive. No one doubts that it will be even more so in future elections. During the campaign, many Republicans -- inexplicably -- frightened immigrants with offensive rhetoric. But the day after the election, there was talk, in both parties, of comprehensive immigration reform.¶ Despite the sudden optimism about immigration reform, there is, of course, no guarantee that it will happen. It will require a lot of negotiation and deal-making. Obama will have to invest a lot of his time and political capital -- twisting some arms, even in his own party. Resistance will not disappear. **¶** There is also a chance that something unexpected could happen that would put off consideration of immigration reform. Following the horrific massacre at a Connecticut elementary school on December 14, for example, public pressure understandably mounted for gun control, at least the ban of assault weapons. But a decision to pursue that measure -- though desperately needed -- would take away energy and time from other priorities like immigration.

#### 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)](http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester%29))¶ 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.

#### Reducing war powers will end Obama’s credibility with Congress – it causes stronger GOP pushback

Seeking Alpha, 9/10/13(“Syria Could Upend Debt Ceiling Fight”, <http://seekingalpha.com/article/1684082-syria-could-upend-debt-ceiling-fight>)

Unless President Obama can totally change a reluctant public's perception of another Middle-Eastern conflict, it seems unlikely that he can get 218 votes in the House, though he can probably still squeak out 60 votes in the Senate. This defeat would be totally unprecedented as a President has never lost a military authorization vote in American history. To forbid the Commander-in-Chief of his primary power renders him all but impotent. At this point, a rebuff from the House is a 67%-75% probability.¶ I reach this probability by looking within the whip count. I assume the 164 declared "no" votes will stay in the "no" column. To get to 218, Obama needs to win over 193 of the 244 undecided, a gargantuan task. Within the "no" column, there are 137 Republicans. Under a best case scenario, Boehner could corral 50 "yes" votes, which would require Obama to pick up 168 of the 200 Democrats, 84%. Many of these Democrats rode to power because of their opposition to Iraq, which makes it difficult for them to support military conflict. The only way to generate near unanimity among the undecided Democrats is if they choose to support the President (recognizing the political ramifications of a defeat) despite personal misgivings. The idea that all undecided Democrats can be convinced of this argument is relatively slim, especially as there are few votes to lose. In the best case scenario, the House could reach 223-225 votes, barely enough to get it through. Under the worst case, there are only 150 votes. Given the lopsided nature of the breakdown, the chance of House passage is about one in four.¶ While a failure in the House would put action against Syria in limbo, I have felt that the market has overstated the impact of a strike there, which would be limited in nature. Rather, investors should focus on the profound ripple through the power structure in Washington, which would greatly impact impending battles over spending and the debt ceiling.¶ Currently, the government loses spending authority on September 30 while it hits the debt ceiling by the middle of October. Markets have generally felt that Washington will once again strike a last-minute deal and avert total catastrophe. Failure in the Syrian vote could change this. For the Republicans to beat Obama on a President's strength (foreign military action), they will likely be emboldened that they can beat him on domestic spending issues.¶ Until now, consensus has been that the two sides would compromise to fund the government at sequester levels while passing a $1 trillion stand-alone debt ceiling increase. However, the right wing of Boehner's caucus has been pushing for more, including another $1 trillion in spending cuts, defunding of Obamacare, and a one year delay of the individual mandate. Already, Conservative PACs have begun airing advertisements, urging a debt ceiling fight over Obamacare. With the President rendered hapless on Syria, they will become even more vocal about their hardline resolution, setting us up for a showdown that will rival 2011's debt ceiling fight.¶ I currently believe the two sides will pass a short-term continuing resolution to keep the government open, and then the GOP will wage a massive fight over the debt ceiling. While Obama will be weakened, he will be unwilling to undermine his major achievement, his healthcare law. In all likelihood, both sides will dig in their respective trenches, unwilling to strike a deal, essentially in a game of chicken. If the House blocks Syrian action, it will take America as close to a default as it did in 2011. Based on the market action then, we can expect massive volatility in the final days of the showdown with the Dow falling 500 points in one session in 2011.¶ As markets panicked over the potential for a U.S. default, we saw a massive risk-off trade, moving from equities into Treasuries. I think there is a significant chance we see something similar this late September into October. The Syrian vote has major implications on the power of Obama and the far-right when it comes to their willingness to fight over the debt ceiling. If the Syrian resolution fails, the debt ceiling fight will be even worse, which will send equities lower by upwards of 10%. Investors must be prepared for this "black swan" event.¶ Looking back to August 2011, stocks that performed the best were dividend paying, less-cyclical companies like Verizon (VZ), Wal-Mart (WMT), Coca-Cola (KO) and McDonald's (MCD) while high beta names like Netflix (NFLX) and Boeing (BA) were crushed. Investors also flocked into treasuries despite default risk while dumping lower quality bonds as spreads widened. The flight to safety helped treasuries despite U.S. government issues. I think we are likely to see a similar move this time.¶ Assuming there is a Syrian "no" vote, I would begin to roll back my long exposure in the stock market and reallocate funds into treasuries as I believe yields could drop back towards 2.50%. Within the stock market, I think the less-cyclical names should outperform, making utilities and consumer staples more attractive. For more tactical traders, I would consider buying puts against the S&P 500 and look toward shorting higher-beta and defense stocks like Boeing and Lockheed Martin (LMT). I also think lower quality bonds would suffer as spreads widen, making funds like JNK vulnerable. Conversely, gold (GLD) should benefit from the fear trade.¶ I would also like to address the potential that Congress does not vote down the Syrian resolution. First, news has broken that Russia has proposed Syria turn over its chemical stockpile. If Syria were to agree (Syria said it was willing to consider), the U.S. would not have to strike, canceling the congressional vote. The proposal can be found here. I strongly believe this is a delaying tactic rather than a serious effort. In 2005, Libya began to turn over chemical weapons; it has yet to complete the hand-off. Removing and destroying chemical weapons is an exceptionally challenging and dangerous task that would take years, not weeks, making this deal seem unrealistic, especially because a cease-fire would be required around all chemical facilities. The idea that a cease-fire could be maintained for months, essentially allowing Assad to stay in office, is hard to take seriously. I believe this is a delaying tactic, and Congress will have to vote within the next two weeks.¶ The final possibility is that Democrats back their President and barely ram the Syria resolution through. I think the extreme risk of a full-blown debt stand-off to dissipate. However, Boehner has promised a strong fight over the debt limit that the market has largely ignored. I do believe the fight would still be worse than the market anticipates but not outright disastrous. As such, I would not initiate short positions, but I would trim some longs and move into less cyclical stocks as the risk would still be the debt ceiling fight leading to some drama not no drama.¶ Remember, in politics everything is connected. Syria is not a stand-alone issue. Its resolution will impact the power structure in Washington. A failed vote in Congress is likely to make the debt ceiling fight even worse, spooking markets, and threatening default on U.S. obligations unless another last minute deal can be struck.