# 1NC

### 1NC

#### Interpretation - Targeted killings are directed at specific persons

Alston 2011

[Philip, John Norton Pomeroy Professor of Law, New York University School of Law. The author was UN Special Rapporteur on extrajudicial, summary or arbitrary executions from 2004 until 2010. “ARTICLE: The CIA and Targeted Killings Beyond Borders” Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, Nexis

In a targeted killing, the specific goal of the operation is to use lethal force. This distinguishes targeted killings from unintentional, accidental, or reckless killings, or killings made without conscious choice. It also distinguishes them from law enforcement operations, e.g., against a suspected suicide bomber. Under such circumstances, it may be legal for law enforcement personnel to shoot to kill based on the imminence of the threat, but the goal of the operation, from its inception, should not be to kill.¶ Although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal. This is in contrast to other terms with which "targeted killing" has sometimes been interchangeably used, such as "extrajudicial execution," "summary execution," and "assassination," all of which are, by definition, illegal. n44 Consistent with the detailed analysis developed by Nils Melzer, n45 this Article adopts the following definition: a targeted killing is the intentional, premeditated, and deliberate use of lethal force, by States or their agents acting under color of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator. n46

#### B. Violation: The plan restricts signature strikes.

#### C. Standards

#### Ground. Our interp allows all parts of targeted killings to be restricted, while reserving assassinations, summary executions, and signature strikes as CP ground.

#### Precision – it’s key to topic education

Anderson 2011

[Kenneth, Professor at Washington College of Law, American University; and Hoover Institution visiting fellow, member of Hoover Task Force on National Security and Law; nonresident senior fellow, Brookings Institution. “Inside Executive Branch Policy-Making on Drone Strikes” The Volokh Conspiracy, Nexis]

A crucial distinction - one first made public, so far as I know, by these Wall Street Journal reporters a couple of years ago - is between targeting "high value" terrorist targets, "personality strikes," on the one hand, and so-called "signature strikes" on groups of fighters, on the other, often low level fighters who, for example, might be moving from Pakistan to Afghanistan to fight US and Aghan forces there. The personality strikes are at the core of the US's counterterrorism program, whereas the signature strikes are much more part of the counterinsurgency campaign - attacking safe havens, fighters who would otherwise wind up in Afghanistan, etc. (A distinct legal debate, as Charlie Savage has reported in the Times, took place over the legal authority for engaging in signature strikes in places outside of Afghanistan and Pakistan's border regions, such as Yemen, but it appear to have been resolved at this point in favor of a legal view that such strikes are permitted, but as a policy matter do not make sense for the United States at this point.) Much of the policy debate within the administration seems to have revolved around the extent of signature strikes which, by their nature, attack a group of people who the US has identified as fighters, rather than individual as in a targeted killing. Indeed, this illustrates the important point that as drone uses ramify, targeted killing is only one such use (and targeted killing, too, might be carried out with a human team; targeted killing and drone warfare only partly overlap). Signature strikes are supposed to produce a larger number of people killed, because the people being targeted are supposed to be groups of fighters. But the larger number of casualties raised these other concerns within the administration: Officials asked what precautions were being taken to aim at highly valued targets, rather than foot soldiers. "Donilon and others said, 'O.K., I got it; it's war and it's confusing. Are we doing everything we can to make sure we are focused on the target sets we want?'" said a participant in the discussions. "You can kill these foot soldiers all day, every day and you wouldn't change the course of the war." A senior Obama administration official declined to comment on Mr. Donilon's closed-door discussions but said that he wasn't second-guessing the CIA's targeting methodology and pointed to his long-standing support for the program. The official said the White House wanted to use the drone program smartly to pick off al Qaeda leaders and the Haqqanis. "It's about keeping our eyes on the ball," the official said.¶ In the end, it appears that there is greater discussion over interagency concerns about targeting, but the final decisions remain with the CIA. Or, as the article's closing quote put it:¶ "It's not like they took the car keys away from the CIA," a senior official said. "There are just more people in the car."

#### D. T is a voter for fairness and topic education, and extra T is voter because the aff dejustifies the resolution.

### 1NC

#### The votes for immigration reform have been secured - it’s Obama’s top priority

Epstein 10-17

(Reid Epstein, writer for POLITICO, “Obama’s latest push features a familiar strategy” 10/17/13, <http://www.politico.com/story/2013/10/barack-obama-latest-push-features-familiar-strategy-98512_Page2.html>, KB)

President Barack Obama made his plans for his newly won political capital official — he’s going to hammer House Republicans on immigration.¶ And it’s evident from his public and private statements that Obama’s latest immigration push is, in at least one respect, similar to his fiscal showdown strategy: yet again, the goal is to boost public pressure on House Republican leadership to call a vote on a Senate-passed measure.¶ “The majority of Americans think this is the right thing to do,” Obama said Thursday at the White House. “And it’s sitting there waiting for the House to pass it. Now, if the House has ideas on how to improve the Senate bill, let’s hear them. Let’s start the negotiations. But let’s not leave this problem to keep festering for another year, or two years, or three years. This can and should get done by the end of this year.”¶ And yet Obama spent the bulk of his 20-minute address taking whack after whack at the same House Republicans he’ll need to pass that agenda, culminating in a jab at the GOP over the results of the 2012 election — and a dare to do better next time.¶ “You don’t like a particular policy or a particular president? Then argue for your position,” Obama said. “Go out there and win an election. Push to change it. But don’t break it. Don’t break what our predecessors spent over two centuries building. That’s not being faithful to what this country’s about.”¶ Before the shutdown, the White House had planned a major immigration push for the first week in October. But with the shutdown and looming debt default dominating the discussion during the last month, immigration reform received little attention on the Hill.¶ Immigration reform allies, including Obama’s political arm, Organizing for Action, conducted a series of events for the weekend of Oct. 5, most of which received little attention in Washington due to the the shutdown drama. But activists remained engaged, with Dream Act supporters staging a march up Constitution Avenue, past the Capitol to the Supreme Court Tuesday, to little notice of the Congress inside.¶ Obama first personally signaled his intention to re-emerge in the immigration debate during an interview Tuesday with the Los Angeles Univision affiliate, conducted four hours before his meeting that day with House Democrats.¶ Speaking of the week’s fiscal landmines, Obama said: “Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform.”¶ When he met that afternoon in the Oval Office with the House Democratic leadership, Obama said that he planned to be personally engaged in selling the reform package he first introduced in a Las Vegas speech in January.¶ Still, during that meeting, Obama knew so little about immigration reform’s status in the House that he had to ask Rep. Xavier Becerra (D-Calif.) how many members of his own party would back a comprehensive reform bill, according to a senior Democrat who attended.¶ The White House doesn’t have plans yet for Obama to participate in any new immigration reform events or rallies — that sort of advance work has been hamstrung by the 16-day government shutdown.¶ But the president emerged on Thursday to tout a “broad coalition across America” that supports immigration reform. He also invited House Republicans to add their input specifically to the Senate bill — an approach diametrically different than the House GOP’s announced strategy of breaking the reform into several smaller bills.¶ White House press secretary Jay Carney echoed Obama’s remarks Thursday, again using for the same language on immigration the White House used to press Republicans on the budget during the shutdown standoff: the claim that there are enough votes in the House to pass the Senate’s bill now, if only it could come to a vote.¶ “When it comes to immigration reform … we’re confident that if that bill that passed the Senate were put on the floor of the House today, it would win a majority of the House,” Carney said. “And I think that it would win significant Republican votes.”¶ Before the resolution of the shutdown and default standoff, Carney was more circumspect about the prospect of immigration reform passing the House. Earlier in the week, Carney wouldn’t venture a guess about whether the White House believes a new immigration push from the president would actually work.¶ “Congress is a difficult institution to make predictions about,” Carney said Wednesday. “Our view is simply that it’s the right thing to do, and we’re going to push for it.”

#### The plan causes an inter-branch fight that derails Obama’s agenda

Kriner 10

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 67-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea." 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." 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.6° 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 both 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 priorities, such as Social Security and immigration reform, failedperhaps 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. 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

#### PC is key

Wilson and Eilperin 10-17

(Scott and Juliet, Washington Post, 10-17-13, “Obama to refocus on key aspects of agenda,” Lexis, accessed 10-18-13, BS)

New York University public service professor Paul C. Light is pessimistic that Obama can accomplish much in coming months. He said Obama is running out of time to get things done in the face of GOP resistance and the decline of influence that comes with a second term. "I don't think that he'll get anything. His agenda is finished," Light said. "It's a political tragedy, because he's got more knowledge about the job and less juice to get it done." Keith Hennessey, who served as President George W. Bush's top economic adviser, said people shouldn't overstate the significance of Wednesday's political accord. "Substantively, the net result is they've pressed 'pause.' And that's it," said Hennessey, adding that while Obama "played defense successfully," that does not mean he will now be able to go on offense. Hennessey said it will be hard for the president and congressional Republicans to reconcile their competing fiscal goals - Obama wants to ease across-the-board budget cuts, known as the sequester, while the GOP wants broad entitlement reforms. In addition, he said, the way the White House will likely campaign for its priorities could deepen the partisan divide. "If the president portrays this as this battle between light and dark, it's hard for people to be simultaneously cooperating across party lines on other issues," he said. Obama sounded a conciliatory tone Wednesday night. "We could get all these things done even this year if everybody comes together in a spirit of how are we going to move this country forward and put the last three weeks behind us," he said. But the president's greatest opportunities in coming months are likely to come in areas where he can act on his own, both domestically and in foreign affairs. "His path to success is going to come through every single place that you can squeeze some authority which he has," said John Podesta, who chairs the liberal think tank Center for American Progress. "That is where you've got to focus your attention and where you could spend your political capital."

#### Immigration reform is key to the economy

Krudy 13

(Edward, “Analysis: Immigration reform could boost U.S. economic growth” Jan 29, 2013, Reuters)

The sluggish U.S. economy could get a lift if President Barack Obama and a bipartisan group of senators succeed in what could be the biggest overhaul of the nation's immigration system since the 1980s. Relaxed immigration rules could encourage entrepreneurship, increase demand for housing, raise tax revenues and help reduce the budget deficit, economists said. By helping more immigrants enter the country legally and allowing many illegal immigrants to remain, the United States could help offset a slowing birth rate and put itself in a stronger demographic position than aging Europe, Japan and China. "Numerous industries in the United States can't find the workers they need, right now even in a bad economy, to fill their orders and expand their production as the market demands," said Alex Nowrasteh, an immigration specialist at the libertarian Cato Institute. The emerging consensus among economists is that immigration provides a net benefit. It increases demand and productivity, helps drive innovation and lowers prices, although there is little agreement on the size of the impact on economic growth. President Barack Obama plans to launch his second-term push for a U.S. immigration overhaul during a visit to Nevada on Tuesday and will make it a high priority to win congressional approval of a reform package this year, the White House said. The chances of major reforms gained momentum on Monday when a bipartisan group of senators agreed on a framework that could eventually give 11 million illegal immigrants a chance to become American citizens. Their proposals would also include means to keep and attract workers with backgrounds in science, technology, engineering and mathematics. This would be aimed both at foreign students attending American universities where they are earning advanced degrees and high-tech workers abroad. An estimated 40 percent of scientists in the United States are immigrants and studies show immigrants are twice as likely to start businesses, said Nowrasteh. Boosting legal migration and legalizing existing workers could add $1.5 trillion to the U.S. economy over the next 10 years, estimates Raul Hinojosa-Ojeda, a specialist in immigration policy at the University of California, Los Angeles. That's an annual increase of 0.8 percentage points to the economic growth rate, currently stuck at about 2 percent. REPUBLICANS' HISPANIC PUSH Other economists say the potential benefit to growth is much lower. Richard Freeman, an economist at Harvard, believes most of the benefits to the economy from illegal immigrants already in the United States has already been recorded and legalizing their status would produce only incremental benefits. While opposition to reform lingers on both sides of the political spectrum and any controversial legislation can easily meet a quick end in a divided Washington, the chances of substantial change seem to be rising. Top Republicans such as Governor Bobby Jindal of Louisiana are not mincing words about the party's need to appeal to the Hispanic community and foreign-born voters who were turned off by Republican candidate Mitt Romney's tough talk in last year's presidential campaign. A previous Obama plan, unveiled in May 2011, included the creation of a guest-worker program to meet agricultural labor needs and something similar is expected to be in his new proposal. The senators also indicated they would support a limited program that would allow companies in certain sectors to import guest workers if Americans were not available to fill some positions. An additional boost to growth could come from rising wages for newly legalized workers and higher productivity from the arrival of more highly skilled workers from abroad. Increased tax revenues would help federal and state authorities plug budget deficits although the benefit to government revenues will be at least partially offset by the payment of benefits to those who gain legal status. In 2007, the Congressional Budget Office estimated that proposed immigration reform in that year would have generated $48 billion in revenue from 2008 to 2017, while costing $23 billion in health and welfare payments. There is also unlikely to be much of a saving on enforcement from the senators' plan because they envisage tougher border security to prevent further illegal immigration and a crackdown on those overstaying visas. One way to bump up revenue, according to a report co-authored by University of California, Davis economist Giovanni Peri, would be to institute a cap-and-trade visa system. Peri estimated it could generate up to $1.2 billion annually. Under such a system, the government would auction a certain number of visas employers could trade in a secondary market. "A more efficient, more transparent and more flexible immigration system would help firms expand, contribute to more job creation in the United States, and slow the movement of operations abroad," according to a draft report, soon to be published as part of a study by the Hamilton Project, a think tank. There was no immediate sign that either the Obama or the senators' plan would include such a system. The long-term argument for immigration is a demographic one. Many developed nations are seeing their populations age, adding to the burden of pension and healthcare costs on wage-earners. Immigration in the United States would need to double to keep the working-age population stable at its current 67 percent of total population, according to George Magnus, a senior independent economic adviser at UBS in London, While Magnus says a change of that magnitude may prove too politically sensitive, the focus should be on attracting highly skilled and entrepreneurial immigrants in the way Canada and Australia do by operating a points system for immigrants rather than focusing mainly on family connections. "The trick is to shift the balance of migration towards those with education (and) skills," he added. HARD ROAD Academics at major universities such as Harvard and the Massachusetts Institute of Technology often lament that many of their top foreign graduates end up returning to their home countries because visas are hard to get. "We have so much talent that is sitting here in the universities," said William Kerr, a professor at Harvard Business School. "I find it very difficult to swallow that we then make it so hard for them to stay." The last big amnesty for illegal immigrants was in 1986 when President Ronald Reagan legalized about 3 million already in the country. Numerous studies have shown that subsequently their wages rose significantly. Research on how immigration affects overall wages is inconclusive. George Borjas at Harvard says immigration has created a small net decrease in overall wages for those born in the United States, concentrated among the low-skilled, while Giovani Peri at UC Davis found that immigration boosts native wages over the long run. Hinojosa-Ojeda stresses that any reform needs to make it easier for guest workers to enter the country to avoid a new build-up of illegal workers. "If we don't create a mechanism that can basically bring in 300,000 to 400,000 new workers a year into a variety of labor markets and needs, we could be setting ourselves up for that again," said Hinojosa-Ojeda. Nowrasteh at Cato also believes an expanded guest worker program would stem illegal immigration and allow industries to overcome labor shortages. He found that harsher regulations in recent years in Arizona were adversely affecting agricultural production, increasing financial burdens on business and even negatively impacting the state's struggling real estate market. Some large companies have fallen foul of tougher enforcement regulations. Restaurant chain Chipotle Mexican Grill Inc fired roughly 500 staff in 2010 and 2011 after undocumented workers were found on its payrolls. Putting the chill on other employers, it is now subject of an ongoing federal criminal investigation into its hiring. "The current system doesn't seem to work for anyone," Chipotle spokesman Chris Arnold said.

#### Collapse causes nuclear conflicts

Harris and Burrows 9

Mathew J. Burrows counselor in the National Intelligence Council and Jennifer Harris a member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” The Washington Quarterly 32:2 https://csis.org/files/publication/twq09aprilburrowsharris.pdf

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

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#### Text: The Executive branch of the United States should make necessary adjustments to its targeted killing policy to ensure compliance with relevant domestic and international law, including principles of necessity, distinction, and proportionality. The Executive branch should publicly articulate its legal rationale for its targeted killing policy, including the process and safeguards in place for target selection.

#### CP resolves drone legitimacy and resentment

Daskal 13 – THEIR AUTHOR

Jennifer Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April 2013, ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE, 161 U. Pa. L. Rev. 1165

4. Procedural Requirements¶ Currently, officials in the executive branch carry out all such ex ante review of out-of-battlefield targeting and detention decisions, reportedly with the involvement of the President, but without any binding and publicly articulated standards governing the exercise of these authorities. n163 All ex post review of targeting is also done internally within the executive branch. There is no public accounting, or even acknowledgment, of most strikes, their success and error rates, or the extent of any collateral damage. Whereas the Department of Defense provides solatia or condolence payments to Afghan civilians who are killed or injured as a result of military actions in Afghanistan (and formerly did so in Iraq), there is no equivalent effort in areas outside the active conflict zone. n164¶ Meanwhile, the degree of ex post review of detention decisions depends on the location of detention as opposed to the location of capture. Thus, [\*1219] Guantanamo detainees are entitled to habeas review, but detainees held in Afghanistan are not, even if they were captured far away and brought to Afghanistan to be detained. n165¶ Enhanced ex ante and ex post procedural protections for both detention and targeting, coupled with transparency as to the standards and processes employed, serve several important functions: they can minimize error and abuse by creating time for advance reflection, correct erroneous deprivations of liberty, create endogenous incentives to avoid mistake or abuse, and increase the legitimacy of state action.¶ a. Ex Ante Procedures¶ Three key considerations should guide the development of ex ante procedures. First, any procedural requirements must reasonably respond to the need for secrecy in certain operations. Secrecy concerns cannot, for example, justify the lack of transparency as to the substantive targeting standards being employed. There is, however, a legitimate need for the state to protect its sources and methods and to maintain an element of surprise in an attack or capture operation. Second, contrary to oft-repeated rhetoric about the ticking time bomb, few, if any, capture or kill operations outside a zone of active conflict occur in situations of true exigency. n166 Rather, there is often the time and need for advance planning. In fact, advance planning is often necessary to minimize damage to one's own troops and nearby civilians. n167 Third, the procedures and standards employed must be transparent and sufficiently credible to achieve the desired legitimacy gains.¶ These considerations suggest the value of an independent, formalized, ex ante review system. Possible models include the Foreign Intelligence [\*1220] Surveillance Court (FISC), n168 or a FISC-like entity composed of military and intelligence officials and military lawyers, in the mode of an executive branch review board. n169¶ Created by the Foreign Intelligence Surveillance Act (FISA) in 1978, n170 the FISC grants ex parte orders for electronic surveillance and physical searches, among other actions, based on a finding that a "significant purpose" of the surveillance is to collect "foreign intelligence information." n171 The Attorney General can grant emergency authorizations without court approval, subject to a requirement that he notify the court of the emergency authorization and seek subsequent judicial authorization within seven days. n172 The FISC also approves procedures related to the use and dissemination of collected information. By statute, heightened restrictions apply to the use and dissemination of information concerning U.S. persons. n173 Notably, the process has been extraordinarily successful in protecting extremely sensitive sources and methods. To date, there has never been an unauthorized disclosure of an application to or order from the FISC court.¶ An ex parte review system for targeting and detention outside zones of active hostility could operate in a similar way. Judges or the review board would approve selected targets and general procedures and standards, while still giving operators wide rein to implement the orders according to the approved standards. Specifically, the court or review board would determine whether the targets meet the substantive requirements and would [\*1221] evaluate the overarching procedures for making least harmful means-determinations, but would leave target identification and time-sensitive decisionmaking to the operators. n174¶ Moreover, there should be a mechanism for emergency authorizations at the behest of the Secretary of Defense or the Director of National Intelligence. Such a mechanism already exists for electronic surveillance conducted pursuant to FISA. n175 These authorizations would respond to situations in which there is reason to believe that the targeted individual poses an imminent, specific threat, and in which there is insufficient time to seek and obtain approval by a court or review panel as will likely be the case in instances of true imminence justifying the targeting of persons who do not meet the standards applicable to operational leaders. As required under FISA, the reviewing court or executive branch review board should be notified that such an emergency authorization has been issued; it should be time-limited; and the operational decisionmakers should have to seek court or review board approval (or review, if the strike has already taken place) as soon as practicable but at most within seven days. n176¶ Finally, and critically, given the stakes in any application namely, the deprivation of life someone should be appointed to represent the potential target's interests and put together the most compelling case that the individual is not who he is assumed to be or does not meet the targeting criteria.¶ The objections to such a proposal are many. In the context of proposed courts to review the targeting of U.S. citizens, for example, some have argued that such review would serve merely to institutionalize, legitimize, and expand the use of targeted drone strikes. n177 But this ignores the reality of their continued use and expansion and imagines a world in which targeted [\*1222] killings of operational leaders of an enemy organization outside a zone of active conflict is categorically prohibited (an approach I reject n178). If states are going to use this extraordinary power (and they will), there ought to be a clear and transparent set of applicable standards and mechanisms in place to ensure thorough and careful review of targeted-killing decisions. The formalization of review procedures along with clear, binding standards will help to avoid ad hoc decisionmaking and will ensure consistency across administrations and time.¶ Some also condemn the ex parte nature of such reviews. n179 But again, this critique fails to consider the likely alternative: an equally secret process in which targeting decisions are made without any formalized or institutionalized review process and no clarity as to the standards being employed. Institutionalizing a court or review board will not solve the secrecy issue, but it will lead to enhanced scrutiny of decisionmaking, particularly if a quasi-adversarial model is adopted, in which an official is obligated to act as advocate for the potential target.¶ That said, there is a reasonable fear that any such court or review board will simply defer. In this vein, FISC's high approval rate is cited as evidence that reviewing courts or review boards will do little more than rubber-stamp the Executive's targeting decisions. n180 But the high approval rates only tell part of the story. In many cases, the mere requirement of justifying an application before a court or other independent review board can serve as an internal check, creating endogenous incentives to comply with the statutory requirements and limit the breadth of executive action. n181 Even if this system does little more than increase the attention paid to the stated requirements and expand the circle of persons reviewing the factual basis for the application, those features in and of themselves can lead to increased reflection and restraint.¶ Additional accountability mechanisms, such as civil or criminal sanctions in the event of material misrepresentations or omissions, the granting of far-reaching authority to the relevant Inspectors General, and meaningful ex post review by Article III courts, n182 are also needed to help further minimize abuse.¶ Conversely, some object to the use of courts or court-like review as stymying executive power in wartime, and interfering with the President's Article II powers. n183 According to this view, it is dangerous and potentially unconstitutional to require the President's wartime targeting decisions to be subject to additional reviews. These concerns, however, can be dealt with through emergency authorization mechanisms, the possibility of a presidential override, and design details that protect against ex ante review of operational decisionmaking. The adoption of an Article II review board, rather than an Article III-FISC model, further addresses some of the constitutional concerns.¶ Some also have warned that there may be no "case or controversy" for an Article III, FISC-like court to review, further suggesting a preference for an Article II review board. n184 That said, similar concerns have been raised with respect to FISA and rejected. n185 Drawing heavily on an analogy to courts' roles in issuing ordinary warrants, the Justice Department's Office of Legal Counsel concluded at the time of enactment that a case and controversy existed, even though the FISA applications are made ex parte. n186 [\*1224] Here, the judges would be issuing a warrant to kill rather than surveil. While this is significant, it should not fundamentally alter the legal analysis. n187 As the Supreme Court has ruled, killing is a type of seizure. n188 The judges would be issuing a warrant for the most extreme type of seizure. n189¶ It is also important to emphasize that a reviewing court or review board would not be "selecting" targets, but determining whether the targets chosen by executive branch officials met substantive requirements much as courts do all the time when applying the law to the facts. Press accounts indicate that the United States maintains lists of persons subject to capture or kill operations lists created in advance of specific targeting operations and reportedly subject to significant internal deliberation, including by the President himself. n190 A court or review board could be incorporated into the existing ex ante decisionmaking process in a manner that would avoid interference with the conduct of specific operations reviewing the target lists but leaving the operational details to the operators. As suggested above, emergency approval mechanisms could and should be available to deal with exceptional cases where ex ante approval is not possible.¶ Additional details will need to be addressed, including the temporal limits of the court's or review board's authorizations. For some high-level operatives, inclusion on a target list would presumably be valid for some set period of [\*1225] time, subject to specific renewal requirements. Authorizations based on a specific, imminent threat, by comparison, would need to be strictly time-limited, and tailored to the specifics of the threat, consistent with what courts regularly do when they issue warrants.¶ In the absence of such a system, the President ought to, at a minimum, issue an executive order establishing a transparent set of standards and procedures for identifying targets of lethal killing and detention operations outside a zone of active hostilities. n192 To enhance legitimacy, the procedures should include target list reviews and disposition plans by the top official in each of the agencies with a stake in the outcome the Secretary of Defense, the Director of the CIA, the Secretary of State, the Director of Homeland Security, and the Director of National Intelligence, with either the Secretary of Defense, Director of National Intelligence, or President himself, responsible for final sign-off. n193 In all cases, decisions should be unanimous, or, in the absence of consensus, elevated to the President of the United States. n194 Additional details will need to be worked out, including critical questions about the standard of proof that applies. Given the stakes, a clear and convincing evidentiary standard is warranted. n195¶ While this proposal is obviously geared toward the United States, the same principles should apply for all states engaged in targeting operations. n196 States would ideally subject such determinations to independent review or, alternatively, clearly articulate the standards and procedures for their decisionmaking, thus enhancing accountability.¶ b. Ex Post Review¶ For targeted-killing operations, ex post reviews serve only limited purposes. They obviously cannot restore the target's life. But retrospective review either by a FISC-like court or review board can serve to identify errors or overreaching and thereby help avoid future mistakes. This can, and ideally would, be supplemented by the adoption of an additional Article III damages mechanism. n197 At a minimum, the relevant Inspectors General should engage in regular and extensive reviews of targeted-killing operations. Such post hoc analysis helps to set standards and controls that then get incorporated into ex ante decisionmaking. In fact, post hoc review can often serve as a more meaningful and often more searching inquiry into the legitimacy of targeting decisions. Even the mere knowledge that an ex post review will occur can help to protect against rash ex ante decisionmaking, thereby providing a self-correcting mechanism.¶ Ex post review should also be accompanied by the establishment of a solatia and condolence payment system for activities that occur outside the active zone of hostilities. Extension of such a system beyond Afghanistan and Iraq would help mitigate resentment caused by civilian deaths or injuries and would promote better accounting of the civilian costs of targeting operations. n198

### 1NC

#### Restrictions on executive war powers DO NOTHING for the state of political legal exception we live in and only gives further justification for violent intervention on the basis of legality

Dyzenhaus 05

(David, is a professor of Law and Philosophy at the University of Toronto, and a Fellow of the Royal Society of Canada, “Schmitt v. Dicey: Are States of Emergency Inside or Outside the Legal Order?” Cardozo Law Review 27)

Rossiter had in mind Lincoln's actions during the Civil War, including the proclamation by which Lincoln, without the prior authority of Congress, suspended habeas corpus. n35 Lincoln, he said, subscribed to a theory that in a time of emergency, the President could assume whatever legislative, executive, and judicial powers he thought necessary to preserve the nation, and could in the process break the "fundamental laws of the nation, if such a step were unavoidable." n36 This power included one ratified by the Supreme Court: "an almost unrestrained power to act toward insurrectionary citizens as if they were enemies of the United States, and thus place them outside the protection of the Constitution." Rossiter's difficulties here illustrate rather than solve the tensions inherent in the idea of constitutional dictatorship. On the one hand, he wants to assert that emergency rule in a liberal democracy can be constitutional in nature. "Constitutional" implies restraints and limits in accordance not only with law, but with fundamental laws. These laws are not the constitution that is in place for ordinary times; rather, they are the laws that govern the management of exceptional times - the eleven criteria that he developed for constitutional dictatorship. The criteria are either put within the discretion of the dictator - they are judgments about necessity - or are couched as limits that should be enshrined either in the constitution or in legislation. However, Rossiter does not properly address the fact that judgments about necessity are for the dictator to make, which means that these criteria are not limits or constraints but merely factors about which the dictator will have to decide. Other criteria look more like genuine limits. Moreover, they are limits that could be constitutionally enshrined - for example, the second criterion, which requires that the person who makes the decision that there is an emergency should not be the person who assumes dictatorial powers. Yet, as we have seen, Rossiter's foremost example of the modern constitutional dictator, Lincoln, not only gave himself dictatorial powers but, Rossiter supposes, had no choice but to do this. Moreover, if these criteria are constitutionally enshrined, so that part of the constitution is devoted to the rules that govern the time when the rest of the constitution might be suspended, they still form part of the constitution. So, no less than the ordinary constitution, what we can think of as the exceptional or emergency constitution - the constitution that governs the state of emergency - is subject to suspension should the dictator deem this necessary. This explains why, on the other hand, Rossiter equated emergency rule with potentially unlimited dictatorship, with Locke's idea of prerogative. And Rossiter said, "whatever the theory, in moments of extreme national emergency the facts have always been with ... John Locke." So Rossiter at one and the same time sees constitutional dictatorship as unconstrained in nature and as constrainable by principles - his eleven criteria. The upshot is that "constitutional" turns out not to mean what we usually take it to mean; rather, it is a misleading name for the hope that the person who assumes dictatorial powers does so because of a good faith evaluation that this is really necessary and with the honest and steadfast intention to return to the ordinary way of doing things as soon as possible. Giorgio Agamben is thus right to remark that the bid by modern theorists of constitutional dictatorship to rely on the tradition of Roman dictatorship is misleading. n39 They rely on that tradition in an effort to show that dictatorship is constitutional or law-governed. But in fact they show that dictatorship is in principle absolute - the dictator is subject to whatever limits he deems necessary, which means to no limits at all. As H.L.A. Hart described the sovereign within the tradition of legal positivism, the dictator is an uncommanded commander. n40 He [\*2015] operates within a black hole, in Agamben's words, "an emptiness of law." n41 Agamben thus suggests that the real analogue to the contemporary state of emergency is not the Roman dictatorship but the institution of iustitium, in which the law is used to produce a "juridical void" - a total suspension of law. n42 And in coming to this conclusion, Agamben sides with Carl Schmitt, his principal interlocutor in his book. However, it is important to see that Schmitt's understanding of the state of exception is not quite a legal black hole, a juridically produced void. Rather, it is a space beyond law, a space which is revealed when law recedes, leaving the state, represented by the sovereign, to act. In substance, there might seem to be little difference between a legal black hole and space beyond law since neither is controlled by the rule of law. But there is a difference in that nearly all liberal legal theorists find the idea of a space beyond law antithetical, even if they suppose that law can be used to produce a legal void. This is so especially if such theorists want to claim for the sake of legitimacy that law is playing a role, even if it is the case that the role law plays is to suspend the rule of law. Schmitt would have regarded such claims as an attempt to cling to the wreckage of liberal conceptions of the rule of law brought about by any attempt to respond to emergencies through the law. They represent a vain effort to banish the exception from legal order. Because liberals cannot countenance the idea of politics uncontrolled by law, they place a veneer of legality on the political, which allows the executive to do what it wants while claiming the legitimacy of the rule of law. We have seen that Rossiter presents a prominent example which supports Schmitt's view, and as I will now show, it is a depressing fact that much recent post 9/11 work on emergencies is also supportive of Schmitt's view. II. Responding to 9/11 For example, Bruce Ackerman in his essay, The Emergency Constitution, n43 starts by claiming that we need "new constitutional concepts" in order to avoid the downward spiral in protection of civil liberties that occurs when politicians enact laws that become increasingly repressive with each new terrorist attack. n44 We need, he says, to rescue the concept of "emergency powers ... from fascist thinkers like Carl Schmitt, who used it as a battering ram against liberal [\*2016] democracy." n45 Because Ackerman does not think that judges are likely to do, or can do, better than they have in the past at containing the executive during an emergency, he proposes mainly the creative design of constitutional checks and balances to ensure, as did the Roman dictatorship, against the normalization of the state of emergency. Judges should not be regarded as "miraculous saviors of our threatened heritage of freedom." n46 Hence, it is better to rely on a system of political incentives and disincentives, a "political economy" that will prevent abuse of emergency powers. He calls his first device the "supramajoritarian escalator" n48 - basically the requirement that a declaration of a state of emergency requires legislative endorsement within a very short time, and thereafter has to be renewed at short intervals, with each renewal requiring the approval of a larger majority of legislators. The idea is that it will become increasingly easy with time for even a small minority of legislators to bring the emergency to an end, thus decreasing the opportunities for executive abuse of power. n49 The second device requires the executive to share security intelligence with legislative committees and that a majority of the seats on these committees belong to the opposition party. Ackerman does see some role for courts. They will have a macro role should the executive flout the constitutional devices. While he recognizes both that the executive might simply assert the necessity to suspend the emergency constitution and that this assertion might enjoy popular support, he supposes that if the courts declare that the executive is violating the constitution, this will give the public pause and thus will decrease incentives on the executive to evade the constitution. n51 In addition, the courts will have a micro role in supervising what he regards as the inevitable process of detaining suspects without trial for the period of the emergency. Suspects should be brought to court and some explanation should be given of the grounds of their detention, not so that they can contest it - a matter which Ackerman does not regard as practicable - but in order both to give the suspects a public identity so that they do not disappear and to provide a basis for compensation once the emergency is over in case the executive turns out to have fabricated [\*2017] its reasons. He also wishes to maintain a constitutional prohibition on torture, which he thinks can be enforced by requiring regular visits by lawyers. Not only is the judicial role limited, but it is clear that Ackerman does not see the courts as having much to do with preventing a period of "sheer lawlessness." n53 Even within the section on the judiciary, he says that the real restraint on the executive will be the knowledge that the supramajoritarian escalator might bring the emergency to an end, whereupon the detainees will be released if there is no hard evidence to justify detaining them. In sum, according to Ackerman, judges have at best a minimal role to play during a state of emergency. We cannot really escape from the fact that a state of emergency is a legally created black hole, a lawless void. It is subject to external constraints, controls on the executive located at the constitutional level and policed by the legislature. But internally, the rule of law does next to no work; all that we can reasonably hope for is decency. But once one has conceded that internally a state of emergency is more or less a legal black hole because the rule of law, as policed by judges, has no or little purchase, it becomes difficult to understand how external legal constraints, the constitutionally entrenched devices, can play the role Ackerman sets out. Recall that Ackerman accepts that the reason we should not give judges more than a minimal role is the history of judicial failure to uphold the rule of law during emergencies in the face of executive assertions of a necessity to operate outside of law's rule. For that reason, he constructs a political economy to constrain emergency powers. But that political economy still has to be located in law in order to be enforceable, which means that Ackerman cannot help but rely on judges. But why should we accept his claim that we can rely on judges when the executive asserts the necessity of suspending the exceptional constitution, the constitution for the state of emergency, when one of his premises is that we cannot so rely? Far from rescuing the concept of emergency powers from Schmitt, Ackerman's devices for an emergency constitution, an attempt to update Rossiter's model of constitutional dictatorship, fails for the same reasons that Rossiter's model fails. Even as they attempt to respond to Schmitt's challenge, they seem to prove the claim that Schmitt made in late Weimar that law cannot effectively enshrine a distinction between constitutional dictatorship and dictatorship. They appear to be vain attempts to find a role for law while at the same time conceding that law has no role. Of course, this last claim trades on an ambiguity in the idea of the rule of law between, on the one hand, the rule of law, understood as the rule of substantive principles, and, on the other, rule by law, where as long as there is a legal warrant for what government does, government will be considered to be in compliance with the rule of law. Only if one holds to a fairly substantive or thick conception of the rule of law will one think that there is a point on a continuum of legality where rule by law ceases to be in accordance with the rule of law. Ackerman's argument for rule by law, by the law of the emergency constitution, might not answer Schmitt's challenge. But at least it attempts to avoid dignifying the legal void with the title of rule of law, even as it tries to use law to govern what it deems ungovernable by law. The same cannot be said of those responses to 9/11 that seem to suggest that legal black holes are not in tension with the rule of law, as long as they are properly created. While it is relatively rare to find a position that articulates so stark a view, it is quite common to find positions that are comfortable with grey holes, as long as these are properly created. A grey hole is a legal space in which there are some legal constraints on executive action - it is not a lawless void - but the constraints are so insubstantial that they pretty well permit government to do as it pleases. And since such grey holes permit government to have its cake and eat it too, to seem to be governing not only by law but in accordance with the rule of law, they and their endorsement by judges and academics might be even more dangerous from the perspective of the substantive conception of the rule of law than true black holes.

#### Our alternative is to recognize the necessity of the opposition. Sovereignty necessarily functions in exception to the law. This exception is necessary to avoid the universal violence of the Law and the affirmative.

Rasch 2k

(William. "Conflict as a Vocation: Carl Schmitt and the Possibility of Politics." Theory Culture Society 17.1)

It is not difficult to see that the polemical elevation of sovereignty over the rule of law replicates a lively historical opposition, one that can be perhaps best evoked by that happy pair, Hobbes and Locke. Within the liberal tradition, the rule of law invokes reason and calculability in its battles against the arbitrary and potentially despotic whim of an unrestrained sovereign. The legitimacy of the sovereign is thus replaced by a legality that claims to provide its own immanent and unforced legitimacy. Predictable and universally accessible reason - the normative validity of an "uncorked consensus", to use the words of a prominent modern exponent - gently usurps, so it is claimed, the place that would otherwise be occupied by a cynical, pragmatic utilitarianism and the tyranny of a dark, incalculable will. The rule of law brings all the comforts of an uncontroversial, rule-based, normative security as if legality preceded by way of simple logical derivation, abolishing above all the necessity of decisions. Schmitt clearly will have none of this and in various writings attempts to expose what he considers to be the two-fold fallacy of the liberal position. As we have seen, if taken at its word, legality, or the rule of law, is seen by Schmitt to be impotent; it can neither legitimize nor effectively defend itself against determined enemies in times of crisis. Were law truly the opposite of force, it would cease to exist. But this self-description is deceptive, for if judged by its deeds, the same liberal regime that enunciates the self-evidence validity of universal norms strives to enact a universal consensus that is, indeed, far from uncorked. The rule of law inevitably reveals itself, precisely during moments of crisis, as the force of law, perhaps, not every bit as violent and "irrational" as the arbitrary tyrant, but nonetheless compelling and irresistible - indeed, necessarily so. Thus, Schmitt would argue the distinction between "decision", "force" and sovereignty", on the one hand, and the "rule of law", on the other, is based on a blithe and simple illusion. What agitates Schmitt is not the force, but the deception. More precisely, what agitates Schmitt is what he perceives to be the elimination of politics in the name of a higher legal or moral order. In its claim to a universal, normative, rule-bound validity, the liberal sleight-of-hand reveals itself to be not the opposite of force, but a force that outlaws opposition. In resurrecting the notion of sovereignty, therefore, Schmitt sees himself as one who rescues a legitimate notion of politics. Of course, this rescue attempt is itself political, a battle over the correct definition of politics. That is, we are not merely dealing with a logical problem, and not merely dealing with a desire to provide constitutional mechanisms that would prevent the self-dissolution of the constitution. Rather, we are dealing with a contest between a particularist notion of politics, in which individual conflicts can be resolved, but in which antagonism as a structure and reservoir of possible future conflicts is never destroyed, versus politics as the historical unfolding and pacific expansion of the universal morality. To evoke the long shadows of an ongoing contemporary debate, we are dealing with the difference between a politics of dissensus and a politics of consensus. Whereas the latter ideology entails an explicit or implicit belief in the "highest good" that can be rationally discerned and achieved, a "right regime", to use Leo Strauss's term, or the "just society" that hopes to actualize aspects of the City of God here on earth, the former stresses the necessity of determining a workable order where no single order bears the mantle of necessity, in fact, where all order is contingent, hence imperfect, and thus seeks to make the best of an inherently contradictory world by erecting structures that minimize self-inflicted damage. In Schmitt's eyes, the elements of such a structure must be the manifold of sovereign states. The liberal says there can only be one world-wide sovereign, the sovereignty of a universal moral and legal order. Schmitt counters with a plurality of equal sovereigns, for only in this way, he believes, can the economic and moral extinction of politics be prevented. Politics, on this view, is not the means by which the universally acknowledged good is actualized, but the mechanism that negotiates and limits disputes in the absence of any universally acknowledged good. Politics exists, in other words, because the just society does not.

#### This requires the unchecked authority of the executive to respond to the exception.

Nagan and Haddad 12

(Winston and Aitza, "Sovereignty in Theory and Practice." San Diego International Law Journal 13)

Although Schmitt was German, his ideas about sovereignty, and the political exception have had influence on the American theory and practice of sovereignty. Carl Schmitt was a philosophic theorist of sovereignty during the Third Reich. n375 His ideas about sovereignty and its above the law placement in the political culture of the State have important parallels in the developing discourse in the United States about the scope of presidential authority and power. His views have attracted the attention of American theorists. Schmitt developed his view of sovereignty on the concept described as "the exception". n376 This idea suggests that the sovereign or executive may invoke the idea of exceptional powers which are distinct from the general theory of the State. In Schmitt's view, the normal condition of the functions of the theory of a State, rides with the existence of the idea of the "exception." The exception is in effect intrinsic to the idea of a normal State. In his view, [\*487] the normal legal order of a State depends on the existence of an exception. n377 The exception is based on the continuing existence of an existential threat to the State and it is the sovereign that must decide on the exception. n378 In short, the political life of a State comprises allies and enemies. For the purpose of Statecraft, "an enemy exists only when at least potentially, one fighting collectivity of people confronts another similar collectivity." n379 In this sense, the political reality of the State always confronts the issue of the survival of the group. This reality is explained as follows. The political is the most intense and extreme antagonism, and every concrete antagonism becomes that much more political the closer it approaches the most extreme point, that of the friend-enemy grouping. \*\*\* As an ever present possibility [war] is the leading presupposition which determines in a characteristic way human action and thinking and hereby creates a specifically political behavior.\*\*\* A world in which the possibility of war is utterly eliminated, a completely pacified globe, would be a world without the distinction between friend and enemy and hence a world without politics. n380 Schmitt's view bases the supremacy of the exception on the supremacy of politics and power. n381 Thus, the exception, as rooted in the competence of the executive, is not dependent on law for its authority but on the conditions of power and conflict, which are implicitly pre-legal. n382 The central idea is that in an emergency, the power to decide based on the exception accepts its normal superiority over law on the basis that the suspension of the law is justified by the pre-legal right to self-preservation. n383 Schmitt's view is a powerful justification for the exercise of extraordinary powers, which he regards as ordinary, by executive authority. This is a tempting view for executive officers but it may not be an adequate explanation of the interplay of power, legitimacy, and the constitutional foundations of a rule of law State. In a later section, we draw on insights from the New Haven School, which deals empirically with the problem of power and the problem of constituting authority using the methods of contextual mapping. Nonetheless, Schmitt's view provides support for theorists who seek to enlarge executive power on the unitary presidency theory.

## Case

### Norms

#### Drone prolif now AND US restrictions don’t solve

Anderson 10 (Kenneth Anderson is a law professor at Washington College of Law, American University, a research fellow of the Hoover Institution at Stanford University and a Non-Resident Visiting Fellow at the Brookings Institution, April 10th 2010, “Acquiring UAV Technology”, http://www.volokh.com/2010/04/09/acquiring-uav-technology/, AB)

I’ve noticed a number of posts and comments around the blogosphere on the spread of UAV technology. Which indeed is happening; many states are developing and deploying UAVs of various kinds. The WCL National Security Law Brief blog, for example, notes that India is now acquiring weaponized UAVs: India is reportedly preparing to have “killer” unmanned aerial vehicles (UAVs) in response to possible threats from Pakistan and China. Until now India has denied the use of armed UAVs, but they did use UAVs that can detect incoming missile attacks or border incursions. The importance of obtaining armed UAVs grew enormously after the recent attack on paramilitary forces in Chhattisgarh that killed 75 security personnel. Sources reveal that the Indian Air Force (IAF) has been in contact with Israeli arms suppliers in New Delhi recently. The IAF is looking to operate Israeli Harop armed UAVs from 2011 onwards, and other units of the armed forces will follow. I’ve also read comments various places suggesting that increased use of drone technologies by the United States causes other countries to follow suit, or to develop or acquire similar technologies. In some cases, the dangling implication is that if the US would not get involved in such technologies, others would not follow suit. In some relatively rare cases of weapons technologies, the US refraining from undertaking the R&D, or stopping short of a deployable weapon, might induce others not to build the same weapon. Perhaps the best example is the US stopping its development of blinding laser antipersonnel weapons in the 1990s; if others, particularly the Chinese, have developed them to a deployable weapon, I’m not aware of it. The US stopped partly in relation to a developing international campaign, modeled on the landmines ban campaign, but mostly because of a strong sense of revulsion and pushback by US line officers. Moreover, there was a strong sense that such a weapon (somewhat like chemical weapons) would be not deeply useful on a battlefield – but would be tremendously threatening as a pure terrorism weapon against civilians. In any case, the technologies involved would be advanced for R&D, construction, maintenance, and deployment, at least for a while. The situation is altogether different in the case of UAVs. The biggest reason is that the flying-around part of UAVs – the avionics and control of a drone aircraft in flight – is not particularly high technology at all. It is in range of pretty much any functioning state military that flies anything at all. The same for the weaponry, if all you’re looking to do is fire a missile, such as an anti-tank missile like the Hellfire. It’s not high technology, it is well within the reach of pretty much any state military. Iran? Without thinking twice. Burma? Sure. Zimbabwe? If it really wanted to, probably. So it doesn’t make any substantial difference whether or not the US deploys UAVs, not in relation to a decision by other states to deploy their own. The US decision to use and deploy UAVs does not drive others’ decisions one way or the other. They make that decision in nearly all cases – Iran perhaps being an exception in wanting to be able to show that they can use them in or over the Iraqi border – in relation to their particular security perceptions. Many states have reasons to want to have UAVs, for surveillance as well as use of force. It is not as a counter or defense to the US use of UAVs. The real issue is not flying the plane or putting a missile on it. The question is the sensor technology (and related communication links) – for two reasons. One is the ability to identify the target; the other is to determine the level, acceptable or not, of collateral damage in relation to the target. That’s the technologically difficult part. And yet it is not something important to very many of the militaries that might want to use UAVs, because not that many are going to be worried about the use of UAVs for discrete, targeted killing. Not so discrete and not so targeted will be just fine – and that does not require super-advanced technology. China might decide that it wants an advanced assassination platform that would depend on such sensors, and in any case be interested in investing in such technology for many reasons – but that is not going to describe Iran or very many other places that are capable of deploying and using weaponized UAVs. Iran, for example, won’t have super advanced sensor technology (unless China sells it to them), but they will have UAVs. (The attached weaponry follows the same pattern. Most countries will find a Hellfire type missile just fine. The US will continue to develop smaller weapons finally capable of a single person hit. Few others will develop it, partly because they don’t care and partly because its effectiveness depends on advanced sensors that they are not likely to have.) Robots are broadly defined by three characteristics – computation, sensor inputs, and gross movement. Movement in the case of a weaponized robot includes both movement and the use of its weapon – meaning, flying the UAV and firing a weapon. The first of those, flying the UAV, is available widely; primitive weapons are available widely as well, and so is the fundamental computational power. Sensors are much, much more difficult – but only to the extent that a party cares about discretion in targeting. But it is not the case that they are making these decisions on account of US decisions about UAVs; UAVs are useful for many other reasons for many other parties, all on their own.

#### They don’t solve Chinese drone deployment- their Gertz evidence says China already deployed drones in hotspots and they’re planning to do more- norms cant reverse squo deployments and don’ts pillover fast enough to prevent future deployments

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

**Erickson and Strange 5-29**

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 U**nited **S**tates **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.

#### No Asian war

Kato ‘8

(Yoichi, bureau chief of the American General Bureau of the Asahi Shimbun, “Return from 9/11 PTSD to Global Leader,” Washington Quarterly, Fall 2008, lexis)

The challenges that the Asia Pacific will face in the foreseeable future will not likely require the actual use of force or will likely be low intensity if they do. Both major potential flashpoints--North Korea and the Taiwan Strait--are showing a decline in tension. North Korea has recently provided a report of its nuclear facilities, although the contents have turned out to be far from satisfactory to other members of the six-party talks and the path to final denuclearization is not yet clear. Taiwan has elected a new president, Ma Ying-jeou, who has demonstrated more willingness for and flexibility in working with mainland China; and as a result, cross-strait tension has substantially declined. China has been continuing its military buildup and has engaged in some provocative actions, such as its January 2007 antisatellite test, but it has not shown any intention to challenge U.S. supremacy openly in the immediate future. For the time being, especially with the Beijing Olympic Games this year and the Shanghai World Exposition in 2010, it is widely speculated that China will concentrate on the peaceful growth of its economy while avoiding any military adventurism against the United States.

#### No US-China War – econ, deterrence, resilient relations

Harding 12

(Harry, American political scientist specializing in Chinese politics and foreign affairs, founding dean of the Batten School of Leadership and Public Policy at the University of Virginia, previously served as dean of the Elliott School of International Affairs, advised several US Presidents on developments in the PRC; August, “American Visions of the Future of U.S.-China Relations: Competition, Cooperation, and Conflict,” in Tangled Titans, ed. David Shambaugh, Rowland & Littlefield, p. 406 – Kurr)

Fortunately, an essentially confrontational relationship is also unlikely, especially in the sense of a direct military conflict. The high degree of economic interdependence between the two countries has already created a relatively resilient relationship since the costs of a fundamental break between the two countries would be very high for each of them.24 Equally important, the cost of military conflict, especially given the fact that both China and the U.S. are nuclear powers, will be a significant deterrent against military conflict. Although China and the U.S. may not be compelled to cooperate, in other words, they may be compelled to avoid confrontation. Moreover, the probability of the most worrying of the triggers events identified above – a unilateral declaration of independence by Taiwan – is presently quite low, as is the risk that China would try to compel unification through the use of force. In this case a system of mutual deterrence prevents any party from crossing any of the other’s “red lines,” which have been clearly identified and communicated. Another possible trigger event, the collapse of the North Korean regime, has a somewhat higher probability, and the two countries’ red lines are less clear, but their ability to communicate quickly and avoid open conflict over that issue, while worth bolstering, is probably adequate, unless the overall relationship had deteriorated further prior to the event. Here again, mutual deterrence will play an important role in preventing the descent into military confrontation.

#### No escalation over Taiwan– China won’t use nuclear weapons

Pike ’04 (John, Global Security, China’s Options in the Taiwan Confrontation, http://www.globalsecurity.org/military/ops/taiwan-prc.htm)

China would almost certainly not contemplate a nuclear strike against Taiwan, nor would Beijing embark on a course of action that posed significant risks of the use of nuclear weapons. The mainland's long term goal is to liberate Taiwan, not to obliterate it, and any use of nuclear weapons by China would run a substantial risk of the use of nuclear weapons by the United States. An inability to control escalation beyond "demonstrative" detonations would cause utterly disproportionate destruction.

**No risk of drone wars**

Joseph **Singh 12**, researcher at the Center for a New American Security, 8/13/12, “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2eSvaZnfQ

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology. ¶ Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team. ¶ Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones. ¶ What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use. ¶ Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best. ¶ Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations. ¶ Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

**Internal and external accountability mechanisms are effective now---and they’ll stay that way as drone missions increase**

Jack **Goldsmith 12**, Harvard Law professor and a member of the Hoover Task Force on National Security and Law, 3/19/12, “Fire When Ready,” http://www.foreignpolicy.com/articles/2012/03/19/fire\_when\_ready

In this new age of drone warfare, probing the constitutional legitimacy of targeted killings has never been more vital. The Obama administration has carried out well over 200 drone strikes in its first three years, and the practice promises to ramp up even more in the next few years as the United States decreases its footprint in Afghanistan and relies even more heavily on special operations and covert actions centered around the use of drones. There are contested legal issues surrounding drone strikes, and -- in contrast to issues like military detention and military commissions -- courts have not pushed back against the presidency on this issue. But judicial review is not the only constitutional check on the presidency, especially during war. Awlaki's killing and others like it have solid legal support and are embedded in an unprecedentedly robust system of legal and political accountability that includes courts but also includes other institutions and actors as well.

When the Obama administration made the decision to kill Awlaki, it did not rely on the president's constitutional authority as commander in chief. Rather, it relied on authority that Congress gave it, and on guidance from the courts. In September 2001, Congress authorized the president "to use all necessary and appropriate force against those nations, organizations, or persons he determines" were responsible for 9/11. Whatever else the term "force" may mean, it clearly includes authorization from Congress to kill enemy soldiers who fall within the statute. Unlike some prior authorizations of force in American history, the 2001 authorization contains no geographical limitation. Moreover, the Supreme Court, in the detention context, has ruled that the "force" authorized by Congress in the 2001 law could be applied against a U.S. citizen. Lower courts have interpreted the same law to include within its scope co-belligerent enemy forces "associated" with al Qaeda who are "engaged in hostilities against the United States."

International law is also relevant to targeting decisions. Targeted killings are lawful under the international laws of war only if they comply with basic requirements like distinguishing enemy soldiers from civilians and avoiding excessive collateral damage. And they are consistent with the U.N. Charter's ban on using force "against the territorial integrity or political independence of any state" only if the targeted nation consents or the United States properly acts in self-defense. There are reports that Yemen consented to the strike on Awlaki. But even if it did not, the strike would still have been consistent with the Charter to the extent that Yemen was "unwilling or unable" to suppress the threat he posed. This standard is not settled in international law, but it is sufficiently grounded in law and practice that no American president charged with keeping the country safe could refuse to exercise international self-defense rights when presented with a concrete security threat in this situation. The "unwilling or unable" standard was almost certainly the one the United States relied on in the Osama bin Laden raid inside Pakistan.

These legal principles are backed by a system of internal and external checks and balances that, in this context, are without equal in American wartime history. Until a few decades ago, targeting decisions were not subject to meaningful legal scrutiny. Presidents or commanders typically ordered a strike based on effectiveness and, sometimes, moral or political considerations. President Harry Truman, for example, received a great deal of advice about whether and how to drop the atomic bomb on Hiroshima and Nagasaki, but it didn't come from lawyers advising him on the laws of war. Today, all major military targets are vetted by a bevy of executive branch lawyers who can and do rule out operations and targets on legal grounds, and by commanders who are more sensitive than ever to legal considerations and collateral damage. Decisions to kill high-level terrorists outside of Afghanistan (like Awlaki) are considered and approved by lawyers and policymakers at the highest levels of the government.

### Pakistan

#### Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

Byman 2013

(Daniel L., Research Director of Saban Center for Middle East Policy, “Why Drones Work: The Case for Washington's Weapon of Choice”, Foreign Affairs, July/August 2013, <http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman>)

The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban—top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers.¶ Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders.

#### Restricting targeted killing as a first resort outside active hostilities collapses counter-terrorism by signaling availability of safe havens and immunity from strikes

Corn 13

Geoffrey Corn 13, Professor of Law and Presidential Research Professor, South Texas College of Law, 5/16/13, Statement before the Senate Armed Services Committee, CQ Congressional Testimony, lexis

3. What is the geographic scope of the AUMF and under what circumstances may the United States attack belligerent targets in the territory of another country?¶ In my opinion, there is no need to amend the AUMF to define the geographic scope of military operations it authorizes. On the contrary, I believe doing so would fundamentally undermine the efficacy of U.S. counter-terror military operations by overtly signaling to the enemy exactly where to pursue safe-haven and de facto immunity from the reach of U.S. power. This concern is similar to that associated with explicitly defining co- belligerents subject to the AUMF, although I believe it is substantially more significant. It is an operational and tactical axiom that insurgent and non-state threats rarely seek the proverbial "toe to toe" confrontation with clearly superior military forces. Al Qaeda is no different. Indeed, their attempts to engage in such tactics in the initial phases of Operation Enduring Freedom proved disastrous, and ostensibly caused the dispersion of operational capabilities that then necessitated the co-belligerent assessment. Imposing an arbitrary geographic limitation of the scope of military operations against this threat would therefore be inconsistent with the strategic objective of preventing future terrorist attacks against the United States.¶ I believe much of the momentum for asserting some arbitrary geographic limitation on the scope of operations conducted to disrupt or disable al Qaeda belligerent capabilities is the result of the commonly used term "hot battlefield." This notion of a "hot" battlefield is, in my opinion, an operational and legal fiction. Nothing in the law of armed conflict or military doctrine defines the meaning of "battlefield." Contrary to the erroneous assertions that the use of combat power is restricted to defined geographic locations such as Afghanistan (and previously Iraq), the geographic scope of armed conflict must be dictated by a totality assessment of a variety of factors, ultimately driven by the strategic end state the nation seeks to achieve. The nature and dynamics of the threat -including key vulnerabilities - is a vital factor in this analysis. These threat dynamics properly influence the assessment of enemy capabilities and vulnerabilities, which in turn drive the formulation of national strategy, which includes determining when, where, and how to leverage national power (including military power) to achieve desired operational effects. Thus, threat dynamics, and not some geographic "box", have historically driven and must continue to drive the scope of armed hostilities. The logic of this premise is validated by (in my opinion) the inability to identify an armed conflict in modern history where the scope of operations was legally restricted by a conception of a "hot" battlefield. Instead, threat dynamics coupled with policy, diplomatic considerations and, in certain armed conflicts the international law of neutrality, dictate such scope. Ultimately, battlefields become "hot" when persons, places, or things assessed as lawful military objectives pursuant to the law of armed conflict are subjected to attack.¶ I do not, however, intend to suggest that it is proper to view the entire globe as a battlefield in the military component of our struggle against al Qaeda, or that threat dynamics are the only considerations in assessing the scope of military operations. Instead, complex considerations of policy and diplomacy have and must continue to influence this assessment. However, suggesting that the proper scope of combat operations is dictated by a legal conception of "hot" battlefield is operationally irrational and legally unsound. Accordingly, placing policy limits on the scope of combat operations conducted pursuant to the legal authority provided by the AUMF is both logical and appropriate, and in my view has been a cornerstone of U.S. use of force policy since the enactment of the AUMF. In contrast, interpreting the law of armed conflict to place legal limits on the scope of such operations to "hot" battlefields, or imposing such a legal limitation in the terms of the AUMF, creates a perverse incentive for the belligerent enemy by allowing him to dictate when and where he will be subject to lawful attack.¶ I believe this balance between legal authority and policy and diplomatic considerations is reflected in what is commonly termed the "unable or unwilling" test for assessing when attacking an enemy belligerent capability in the territory of another country is permissible. First, it should be noted that the legality of an attack against an enemy belligerent is determined exclusively by the law of armed conflict when the country where he is located provides consent for such action (is the target lawful within the meaning of the law and will attack of the target comply with the targeting principles of distinction, proportionality and precautions in the attack). In the unusual circumstance where a lawful object of attack associated with al Qaeda and therefore falling within the scope of the AUMF is identified in the territory of another country not providing consent for U.S. military action, policy and diplomacy play a decisive role in the attack decision-making process. Only when the U.S. concludes that the country is unable or unwilling to address the threat will attack be authorized, which presupposes that the nature of the target is determined to be sufficiently significant to warrant a non-consensual military action in that territory. I believe the Executive is best positioned to make these judgments, and that to date they have been made judiciously. I also believe that imposing a statutory scope limitation would vest terrorist belligerent operatives with the benefits of the sovereignty of the state they exploit for sanctuary. It strikes me as far more logical to continue to allow the President to address these sovereignty concerns through diplomacy, focused on the strategic interests of the nation.

#### Plan doesn’t solve Pakistan relations- their Rodriguez ev and their Cavalaro ev says any strikes trigger a collapse of relations by violating pakistan’s sovereignty-, plan doesn’t end all strikes

#### No Central Asian war – the SCO checks conflict

Maksutov ‘6

**(**Ruslan, Stockholm International Peace Research Institute, “The Shanghai Cooperation Organization: A Central Asian Perspective”, August, http://www.sipri.org/contents/worldsec/Ruslan.SCO.pdf/download)

As a starting point, it is fair to say that all Central Asian countries—as well as China and Russia—are interested in security cooperation within a multilateral framework, such as the SCO provides. For Central Asia this issue ranks in importance with that of economic development, given the explosive environment created locally by a mixture of external and internal threats. Central Asia is encircled by four of the world’s eight known nuclear weapon states (China, India, Russia and Pakistan), of which Pakistan has a poor nuclear non-proliferation profile and Afghanistan is a haven for terrorism and extremism. Socio-economic degradation in Central Asian states adds to the reasons for concern and makes obvious the interdependence between progress in security and in development. Some scholars argue that currently concealed tendencies evolving in various states of Central Asia—such as the wide-ranging social discontent with oppressive regimes in the region, and the growing risks of state collapse and economic decline—all conducive to the quick growth of radical religious movements, could have far-reaching implications for regional stability once they come more into the light. 41 At first sight, the instruments established by the SCO to fulfil its declared security- building objectives seem to match the needs that Central Asian states have defined against this background. While the existence of the SCO further reduces the already remote threat of conventional interstate war in the region, 42 it allows for a major and direct focus on the non-state, non-traditional and transnational threats that now loom so large by comparison.

#### No escalation—no vital interests for great power war in Central Asia.

Weitz ‘6

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 notdirectly 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.

#### They can’t solve Pakistan instability- their Rafiq ev say current gains by insurgents are collapsing stability, the plan doesn’t reverse that

**Alt causes overwhelm**

**Yusuf ‘13**

(Humua, former Pakistan Scholar at the Woodrow Wilson International Center; February, “Tahirul Qadri’s rise and its potential impact on Pakistan’s stability,” NOREF, <http://www.peacebuilding.no/var/ezflow_site/storage/original/application/61c24c70cd70df8c8d96ced4f1e7e88e.pdf> - JAK)

**In terms of** political **stability in Pakistan, the most dangerous trend** highlighted by Qadri’s protest **is** **the** growing **disconnect between Pakistan’s political elite**, whether civilian or military, **and the public**. While elite considerations focused on institutional power plays and sectarian counterbalances, Qadri’s supporters endured freezing temperatures and rain to demand improved governance. ¶ The majority of protesters hailed from Pakistan’s expanding middle class, which amounts to 70 million people, or 40% of the population, if the undocumented economy is also included in the estimate (Sherani, 2012). In a country urbanising at the fastest rate in South Asia – 50% of the population will live in cities by 2025, up from one-third at present – this demographic is key to Pakistan’s political future. ¶ According to news reports, Qadri’s supporters included teachers, civil servants and small-business owners from second-tier cities such as Multan, Sheikhupura and Bahawalpur or semi-urban towns with basic health-care and education facilities. Many supporters were mobilised through Qadri’s MQI charity. MQI has attracted a middleclass support base by offering affordable secular education and health care: in addition to 572 schools and 42 colleges, MQI runs cultural centres, 3,000 libraries, and more than 100 free health clinics and blood banks, while the Minhaj University in Lahore offers courses in business administration, mathematics, information technology and Islamic studies (Mustafa, 2013). ¶ These supporters were attracted by Qadri’s call for the preelection screening of all candidates to prevent law breakers and tax evaders from running for office. In interviews with the media during the protest Qadri’s supporters repeatedly demanded employment opportunities, fewer power outages, consistent gas supply, inflation control and decreased corruption – in other words, better governance and service delivery. This is the same constituency that made cricketer-turned-politician Imran Khan a serious political contender on the basis of his campaign promise to eradicate government corruption within 90 days. ¶ Conclusion ¶ Qadri’s January protest thus demonstrated how **Pakistan’s leadership is becoming** increasingly **disconnected** from public sentiment **at a time when a progressively politicised**, urban middle **class is seeking** democratic rule, **good governance** and effective service delivery. Institutional power plays are undermining the consolidation of a durable civilian government, which is necessary to address issues of service delivery, law and order, and social cohesion. **As Pakistan’s population is increasingly polarised** along sectarian, ethnic and linguistic lines, **the failure to redress genuine grievances about governance is likely to fuel divisiveness and violence, and points to** continued political **instability** **in Pakistan’s** medium-term **future**.

#### No Pakistan collapse

Bandow 09- Senior Fellow @ Cato, former special assistant to Reagan (11/31/09, Doug, “Recognizing the Limits of American Power in Afghanistan,” Huffington Post, http://www.cato.org/pub\_display.php?pub\_id=10924)

From Pakistan's perspective, limiting the war on almost any terms would be better than prosecuting it for years, even to "victory," whatever that would mean. In fact, the least likely outcome is a takeover by widely unpopular Pakistani militants. The Pakistan military is the nation's strongest institution; while the army might not be able to rule alone, it can prevent any other force from ruling. Indeed, Bennett Ramberg made the important point: "Pakistan, Iran and the former Soviet republics to the north have demonstrated a brutal capacity to suppress political violence to ensure survival. This suggests that even were Afghanistan to become a terrorist haven, the neighborhood can adapt and resist." The results might not be pretty, but the region would not descend into chaos. In contrast, warned Bacevich: "To risk the stability of that nuclear-armed state in the vain hope of salvaging Afghanistan would be a terrible mistake."

#### Transition will be peaceful and won’t cause war with India.

Puntambekar, Indian Defence Review, 1/14/11 (Puntambekar, Ashish, "Possible Collapse of Pakistan: Quantifying the fallout," http://www.indiandefencereview.com/geopolitics/Possible-Collapse-of-Pakistan-Quantifying-the-Fallout.html)

The Stratfor article however has important strategic implications for South Asia , If Stratfor’s information is correct, it would mean that the US and Europe have no real interest or strategic rationale any more for keeping Pakistan together. They will let it fail as it will then allow them to independently target the militants in the various breakaway states. Balochistan has been wanting independence for a long time now. It is a movement which has found renewed strength since last year when Musharraf killed the Balochi leader Akbar Khan Bugti. The most likely scenario then would be that sensing a weak central government, the Balochis, who are warriors, will make the first move and declare independence. If Sindh also simultaneously decides to pull out of the union, or if there is civil war in the province, there is no way that the Pakistani Military will be able to fight on two or three different fronts and still keep its troops on the Indian border. This kind of scenario is not impossible. The Pakistani army is already demoralized after the defeat it suffered at the hands of the Taliban in southern Waziristan. In that incident the Taliban captured more than 200 regular army troops, and later released them in what amounted to a humiliating reversal for the army. This may have had a lasting impact on troop morale throughout Pakistan, and in any case, fighting on three different fronts is difficult for any army from a logistical standpoint.

#### Pakistan’s arsenal is secure, even if there is instability military control continues

HSNW 09(Homeland Security Newswire,”The security of Pakistan's nuclear arsenal” May 8th, 2009

http://homelandsecuritynewswire.com/security-pakistans-nuclear-arsenal-dinshaw-mistry)

Over the past decade, Pakistan has strengthened its nuclear command and control mechanisms, and this suggests that its nuclear weapons are generally secure. In 1999-2000, Pakistan established a National Command Authority (NCA) to control its nuclear assets. The Strategic Plans Division (SPG) of the NCA oversees an estimated 10,000 security personnel who guard Pakistan’s strategic infrastructure. The SPG is under the military’s Joint Chiefs of Staff Committee, and is headed by a three-star general. Thus, while Pakistan’s civilian leaders head the NCA (which is chaired by Pakistan’s president with the prime minister serving as vice-chairman), Pakistan’s military retains significant control of its nuclear assets. While the NCA was established in 1999-2000, key aspects of Pakistan’s nuclear security were strengthened only after revelations in 2003 of Pakistani scientist A. Q. Khan’s nuclear technology exports. The NCA then monitored more closely the activities of Pakistan’s nuclear laboratories and scientists. It also developed a personnel reliability program, and strengthened its protection and accounting mechanism for nuclear fissile material. Further, Pakistan’s nuclear weapons are now believed to be fitted with permissive action links (PALs) that create additional barriers against unauthorized use — these were originally absent from Pakistan’s nuclear devices.Thus, Pakistan has significantly strengthened its nuclear command and control mechanisms.

**Indo-Pak war does not cause extinction**

**Ball ‘6**

(Desmond, prof at the Strategic and Defense Studies Centre at the Australian National Univ, “The Probabilities of On the Beach: Assessing ‘Armageddon Scenarios’ in the 21st Century,” Working Paper No. 401, Strategic and Defence Studies Centre at The Australian National University, <http://rspas.anu.edu.au/papers/sdsc/wp/wp_sdsc_401.pdf>)

Analysis of these incidents suggests that nuclear war is in fact more likely between India and Pakistan than it ever was between the United States and the Soviet Union during the Cold War. On the other hand, the relatively **small nuclear stockpiles mean that** the resultant **casualties would be much less than would have occurred in a**n all-out **US-Soviet strategic nuclear exchange**. Pakistan is especially vulnerable. Its total population is about 150 million, of whom more than half are under fifteen years of age and nearly a third are under nine. Only five cities have more than a million people—Karachi (15 million), Lahore (6 million), the Islamabad/Rawalpindi conurbation (2 million), Faisalabad (3 million) and Hyderabad (2 million). In-house **studies by India’s nuclear planners have shown that only about 15 weapons would ever be required** against these cities.34 Three warheads with nominal yields of only 20 kilotons each targeted on each of the five cities would kill perhaps 2-3 million people. Fifteen 1 megaton weapons, also allocated three to each city, could kill perhaps 10- 12 million. In June 2002 US Defense Secretary Donald Rumsfeld visited both New Delhi and Islamabad and briefed his counterparts about a Pentagon study that concluded that a nuclear war between the two countries could result in 12 million deaths. A detailed study of the consequences of a nuclear conflict between India and Pakistan was published in June 2002. It assumed two scenarios. The first involved the explosion of ten 15 kiloton bombs over five Indian and five Pakistani cities (Bangalore, Bombay, Calcutta, Madras and New Delhi in India and Faisalabad, Islamabad, Karachi, Lahore and Rawalpindi in Pakistan). This produced around 1.7 million immediate deaths and 0.9 million severe injuries in India and 1.2 million deaths and 0.6 million severe injuries in Pakistan. The second scenario involved 24 25 kiloton weapons, 12 detonated on eight Pakistani cities and 12 on seven Indian cities. The immediate deaths from blast and fire were estimated to be around 8 million, but the ground-bursts would also produce substantial fallout. About 22.1 million people would die fairly quickly from exposure to lethal radiation doses, while another eight million would suffer severe radiation sickness; most of the very young, old and infirm would die. About half of the 30-35 million deaths would be in Pakistan and half in India. **About 99 percent of the Indian population and 93 percent of the Pakistani population would survive**.35

**Deterrence prevents war**

**Waltz ‘00**

(Kenneth, poli sci prof at Columbia University, research associate of the Institute of War and Peace Studies, Winter/Spring, Georgetown Journal of International Affairs, Vol. 1, No. 1, “Interview: Is Kenneth Waltz Still M.A.D. about Nukes?” Interviewed by Jeremy Goldberg and Parag Khanna, http://www.ciaonet.org/olj/gjia/gjia\_winspr00f.html)

Stability in the subcontinent now exists; it had not existed since World War II and the partition of India and Pakistan. Now **with nuclear weapons on both sides, India and Pakistan can no longer fight even a conventional war** over Kashmir, as former General Beg and former General Sardarji both admitted. But we still fear instability such as the intractable dispute over the Kashmir. Yet the bitterness between the United States and the Soviet Union was deep enough during the Cold War, and **deterrence worked. Why would India and Pakistan be different?** Does India and Pakistan’s common border increase the risk? Probably not in a modern world where there are airplanes and missiles that can reach anywhere. What difference does it make that you’ve got a common border as long as it’s perfectly easy for the two countries in an adversarial relationship to reach each other? **Geographic proximity may shrink warning time, but nuclear deterrence does not depend on being able to react with split–second timing.** What’s the hurry? If you have received a damaging blow from another country and you’re going to retaliate, what difference does it make if you retaliate now, ten minutes from now, or tomorrow? A country still has that same fear of the retaliation, and it’s that fear of retaliation that deters.

### Solvency

**Obama will inevitably use drone strikes despite [congressional/court] oversight**

**CNN 13**

(Eliott McLaughlin, Jamie Crawford and Joe Sterling, 05/23/13, “Obama: U.S. will keep deploying drones -- when they are only option”, http://www.cnn.com/2013/05/23/politics/obama-terror-speech, AB)

Washington (CNN) -- **Drone strikes are a necessary evil**, **but one that must be used** with **more** temperance **as the United States' security situation evolves**, President Barack **Obama said** Thursday.¶ **America prefers to** capture, interrogate and **prosecute terrorists, but there are times when this isn't possible**, Obama said in a speech at the National Defense University in Washington. Terrorists intentionally hide in hard-to-reach locales and putting boots on the ground is often out of the question, he said.¶ Thus, **when the United States is faced with a threat from terrorists** in a country where the government has only tenuous or no influence, **drones strikes are the only option** -- and they're legal because **America "is at war with al Qaeda, the Taliban and their associated forces**," Obama said.¶ He added, however, "**To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance**. For the same progress that gives us the technology to strike half a world away also demands the discipline to constrain that power -- or risk abusing it."¶ **Increased oversight is important, but not easy**, Obama said. **While he has considered a special court** or independent oversight board, those **options are problematic**, so he plans to talk with Congress to determine how best to handle the deployment of drones, he said.¶ The nation's image was a theme throughout the speech, as Obama emphasized some actions in recent years -- drone strikes and Guantanamo Bay key among them -- risk creating more threats. **The nature of threats against the United States have changed since he took** **office** -- **they've become** more **localized** -- **and** so, too, **must efforts to combat them**, he said.¶ "From our use of drones to the detention of terror suspects, the decisions that we are making now will define the type of nation and world that we leave to our children," he said.¶ Today, **al Qaeda** **operatives** in Pakistan and Afghanistan **worry more about protecting their own skin than attacking America**, he said, **but the threat is more diffuse,** extending into places such as Yemen, Iraq, Somalia and North Africa. And **al Qaeda's ideology helped fuel attacks like the ones at the Boston Marathon and** U.S. diplomatic compound in **Benghazi**.¶ Obama said the use of lethal force extends to U.S. citizens as well.¶ On Wednesday, his administration disclosed for the first time that four Americans had been killed in counterterrorist drone strikes overseas, including one person who was targeted by the United States.¶ "When a U.S. citizen goes abroad to wage war against America -- and is actively plotting to kill U.S. citizens; and when neither the United States, nor our partners are in a position to capture him before he carries out a plot -- his citizenship should no more serve as a shield than a sniper shooting down on an innocent crowd should be protected from a SWAT team," Obama said.¶ To stop terrorists from gaining a foothold, drones will be deployed, Obama said, but only when there is an imminent threat; no hope of capturing the targeted terrorist; "near certainty" that civilians won't be harmed; and "there are no other governments capable of effectively addressing the threat." Never will a strike be punitive, he said.¶ Those who die as collateral damage "will haunt us for as long as we live," the president said, but he emphasized that the targeted individuals aim to exact indiscriminate violence, "and the death toll from their acts of terrorism against Muslims dwarfs any estimate of civilian casualties from drone strikes."¶ **It's not always feasible to send in Special Forces**, as in the Osama bin Laden raid, **to stamp out terrorism**, and even if it were, the introduction of troops could mean more deaths on both sides, Obama said.¶ "**The result would be more U.S. deaths, more Blackhawks down**, more **confrontations with local** **populations and an inevitable mission creep** in support of such raids **that could easily escalate into new wars**," he said.¶ **The American public is split** on where and how drones should be used, according to a March poll by Gallup.¶ Although **65% of respondents said drones should be used against suspected terrorists** abroad, only 41% said drones should be used against American citizens who are suspected terrorists in foreign countries.

**No political will to implement the plan**

**Druck**, JD – Cornell Law, **‘12**

(Judah, 98 Cornell L. Rev. 209)

There are obvious similarities between the causes and effects of the public scrutiny associated **with** the **larger wars** discussed above. In each situation, **the** **U**nited **S**tates **was faced with** some, or even all, of **the traditional costs associated with war: a draft, an increasingly large military industry, logistical sacrifices** (such as rationing and other noncombat expenses), **and significant military casualties.** n114 Americans looking to keep the United States out of foreign affairs ob-viously had a great deal on the line, **which provided sufficient incentive to scrutinize military policy.** In the face of these potentially colossal harms, **the public was willing to assert a significant voice, which** in turn **increased the willingness of politicians to challenge and** subsequently **shift presidential policy.** As a result, public scrutiny and activism placed a President under constant scrutiny in one war, delayed U.S. intervention in another, and even helped end two wars entire-ly. Thus, we may extract a general principle from these events: when faced with the prospect of a war requiring heavy domestic sacrifices, and absent an incredibly compelling reason to engage in such a war (as seen in World War II, for example), n115 the public is properly incentivized to emerge and exert social (and, consequently, political) pressure in order to engage and shift foreign policy. However, as we will see, the converse is true as well. B. The Introduction of Technology-Driven Warfare and Shifting Wartime Doctrines The recent **actions in Libya illustrate the culmination of a shift toward a new era of warfare, one that upsets the system of social and political checks on presidential military action.** Contrary to the series of larger conflicts fought in the twen-tieth century, **this new era has ushered in a system of war devoid of** some of the fundamental aspects of war, including the **traditional costs** discussed above. Specifically, through the advent of military technology, especially in the area of robotics, **modern-day hostilities no longer require domestic sacrifices**, thereby **concealing the burden of war from main-stream consciousness.** n116 **By** using fewer troops and **introducing drones** and other [\*228] forms of mechanized warfare **into hostile areas** more frequently, n117 **an increased number of recent conflicts have managed to avoid** many **domestic casualties, economic damages, and drafts.** n118 In a way, **less is on the line when drones**, rather than people, **take fire** from enemy combatants, and this reality displaces many hindrances and considerations when deciding whether to use drones in the first place. n119 This move toward a limited form of warfare has been termed **the "Obama Doctrine**," which "**emphasizes air power and surgical strikes, rather than boots on the ground."** n120 Under this military framework, as indicated by the recent use of drones in the Middle East, the traditional harms associated with war might become increasingly obsolete as technolo-gy replaces the need for soldiers. Indeed, given the increased level of firepower attached to drones, we can imagine a situation where large-scale military engagements are fought without any American soldiers being put in harm's way, without Americans having to ration their food purchases, and without teenagers worrying about being drafted. n121 For example, "with no oxygen-and sleep-needing human on board, Predators and other [unmanned aerial vehicles] can watch over a potential target for 24 hours or more - then attack when opportunity knocks." n122 Thus, **if** the recent **actions in Libya are any indication** of what the future will look like, **we can predict a major shift in the way the** **U**nited **S**tates **carries out wars .** n123 [\*229] C. The Effects of Technology-Driven Warfare on Politics and Social Movements The practical effects of this move toward a technology-driven, and therefore limited, proxy style of warfare are mixed. On the one hand, the removal of American soldiers from harm's way is a clear benefit, n124 as is the reduced harm to the American public in general. For that, we should be thankful. But there is another effect that is less easy to identify: pub-lic apathy. By increasing the use of robotics and decreasing the probability of harm to American soldiers, modern war-fare has "affected the way the public views and perceives war" by turning it into "the equivalent of sports fans watching war, rather than citizens sharing in its importance." n125 As a result, **the American public has** slowly **fallen victim to the numbing effect of technology-driven warfare; when the risks of harm to American soldiers** abroad and civilians at home **are diminished, so too is the public's level of interest in foreign military policy.** n126 **In the political sphere, this effect snowballs into both an uncaring public not able** (**or willing**) **to** effectively **mobi-lize in order to challenge presidential action** and enforce the WPR, **and a Congress whose own willingness to check presidential military action is heavily tied to public opinion.** n127 **Recall**, for example, **the case of the Mayaguez, where** potentially **unconstitutional action went unchecked because the mission was** perceived to be **a success.** n128 Yet we can imagine that **most missions involving drone strikes will be "successful" in the eyes of** [\*230] **the public**: even if a strike misses a target, the only "loss" one needs to worry about is the cost of a wasted missile, and the ease of deploying another drone would likely provide a quick remedy. **Given** the **political risks associated with making critical statements about military action**, especially if that action results in success, n129 **we can expect even less congressional** WPR **en-forcement as more military engagements are supported** (**or**, at the very least, **ignored**) **by the public.** In this respect, the political reaction to the Mayaguez seems to provide an example of the rule, rather than the exception, in gauging politi-cal reactions within a technology-driven warfare regime. Thus, **when the public becomes more apathetic** about foreign affairs as a result of the limited harms associated with technology-driven warfare, and Congress's incentive to act consequently diminishes, **the President is freed from any possible** WPR **constraints** we might expect him to face, **regardless of any potential legal issues.** n130 Perhaps unsurpris-ingly, nearly all of the constitutionally problematic conflicts carried out by presidents involved smaller-scale military actions, rarely totaling more than a few thousand troops in direct contact with hostile forces. n131 Conversely, conflicts that have included larger forces, which likely provided sufficient incentive for public scrutiny, have generally complied with domestic law. n132 The result is that **as wars become more limited**, n133 **unilateral presidential action will likely become even more un-checked as the triggers for** WPR **enforcement** **fade away.** In contrast with the social and political backlash witnessed during the Civil War, World War I, the Vietnam War, and the Iraq War, **contemporary military actions provide insuffi-cient incentive to prevent something as innocuous and limited as a drone strike.** Simply put, **technology-driven warfare is not conducive to the formation of a substantial check on presidential action.** n134

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## K

### AT Perm

#### 4 - The 1AC operates under the assumption that the problem with drones is that they operate in zones of conflict that shouldn’t be used because they kill low-level militants – the aff’s restriction only services to legitimate strikes as reasonable – it renders all life killable and turns the aff – this card is super long but it smokes their aff

Hayes 2013

(Heather Ashley Hayes, Asst Prof of Rhetoric, Whitman College. “Violent Subjects: A Rhetorical Cartography of Bodies, Spaces, and Technologies in the Global War on Terror.” A Dissertation SUBMITTED TO THE FACULTY OF UNIVERSITY OF MINNESOTA BY Heather Ashley Hayes IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY Ronald Walter Greene, Adviser, April 2013)

Another line of argument over drone production and use centers around whether or not U.S. drone strikes are counterproductive in terms of diminishing adherence to and recruitment for militant groups in the Pakistani and Afghani regions. As Owen Bowcott, a legal affairs correspondent with The Guardian explains, “the CIA’s programme of ‘targeted’ drone killings in Pakistan’s tribal heartlands is counterproductive, kills large numbers of civilians, and undermines respect for international law.”139 He goes on to note that the research he cites is particularly powerful, namely because “coming from American lawyers rather than overseas human rights groups, the criticisms are likely to be more influential in U.S. domestic debates over the legality of drone warfare.” Additionally, Leila Hudson, Colin S. Owens, and Matt Flannes, all affiliated with the School of Middle Eastern and North African Studies at the University of Arizona note that drone use can be critiqued in another realm: military efficiency. As they note, “the erosion of trust and lack of clarity in U.S. drone policy produces strategic and tactical confusion within U.S. defense and intelligence agencies. This confusion proves unhelpful as exit strategies for the Afghan war are debated and continuing evaluation of U.S.- Pakistani relations are assessed behind closed doors.”140 Yet another interesting approach to drone critique comes from Daniel Klaidman, former Newsweek journalist and author, who, in June of 2012, gave an account of how President Barack Obama was first informed of a newly emerging (and now common) practice of “signature striking.” Signature strikes target groups of suspected militants, without determining identity. These stem from different procedural norms than targeted strikes, which identify individuals with ties to militant organizations and aim for a surgical missile launch against the individual rather than the group. Klaidman recounts the moment that the president was informed about the nature of signature strikes:

Sometimes called “crowd killing,” signature strikes are deeply unpopular in Pakistan. Obama struggled to understand the concept. Steve Kappes, the CIA’s deputy director, offered a blunt explanation. “Mr. President, we can see that there are a lot of military-age males down there, men associated with terrorist activity, but we don’t always know who they are.” Obama reacted sharply. “That’s not good enough for me,” he said. But he was still listening. Hayden forcefully defended the signature approach. You could take out a lot more bad guys when you targeted groups instead of individuals, he said. And there was another benefit: the more afraid militants were to congregate, the harder it would be for them to plot, plan, or train for attacks against America and its interests...Obama remained unsettled. “The president’s view was ‘OK, but what assurances do I have that there aren’t women and children there?” according to a source familiar with his thinking. “How do I know that this is working? Who makes these decisions? Where do they make them, and where’s my opportunity to intervene?”141

As per Klaidman’s depiction, further developed in his recent book-length treatment of the subject,142 President Obama remained the voice of concern and dissent in many of the discussions about unmanned aerial vehicles and their deployment, particularly over the killing of women and children and over the legal and procedural mandates necessary for the program to “be legal”. This is a sharply contrasted position to Obama’s chief counterterrorism advisor, now CIA Director, John Brennan, quoted as replying to Obama’s misgivings about the program: “We’re killing these sons of bitches faster than they can grow them.”143 Additionally, this new discourse supplements the growing idea of legal drone processes by making a distinction among various genres of strikes. Overall, dissent and critique around the program has come from many sites, ranging from Obama’s own concerns about legality and particular “innocent bodies” (i.e. women and children) to academic qualms with international law and United States military efficiency. Yet few, if any, voices indict the program beyond its legality and its judicial and processual implications. Even in Obama’s concern over signature strike action, innocent life is reconfigured as young in the body of a child and feminine in the body of a woman. His own authority as president in making decisions is a primary rationale for interrogating strike deployment. A discourse of reasonability is normalized, even in dissent. Journalists, politicians, and academics harp on the drone program’s effectiveness in targeting the terrorists it is supposed to target and its legality in adhering to an always already established system of transnational legal norms. When leading American news outlets publish forums on the topic (e.g. The New York Times forum of September 2012, cited above) these mechanisms for objection are further embedded in the circulation of knowledges and practices with regard to drones. The January 2013 announcement of John Brennan’s transition from counterterrorism advisor into a more legally articulated role of CIA Director points to the very practices of this normalization. Yet, while forms of dissent against drones become normalized in particular discourses and practices, others evaporate from view. Circulatory exploration, with a look to the rhetoricoviolence of the space of drone warfare, allows several longtime drone activists to emerge, who are/have been organizing in the regions most affected by unmanned aerial vehicle attack. Among these activists is Pakistani politician and former cricketer Imran Khan.

Pakistani drone activist and leader of the Tehreek-e-Insaf party (Pakistan Movement for Justice), Imran Khan, leading a drone protest in Pashtun Tribal Lands of Pakistan, Khan has remained mostly ignored by Western media, politicians, and academics discussing the implication of drone attacks, despite being an ardent opponent of drone use since 1998, before the American election of George W. Bush and before the September 11, 2001 attacks by al-Qaeda against U.S. targets. His only mentions in U.S. and British media came after Khan led a protest against drone use in the tribal region of Pakistan in October of 2012. While Khan had led more than a hundred similar protests in the same region since 2002, this one was halted by the Pakistani government, due to the fact that Khan allowed leaders from the United States anti-war organization Code Pink to be a part of the protest, namely vocal anti-drone activist Medea Benjamin. Expressing fear that a￼￼￼ large rally featuring American protesters could safely be held in the South Waziristan region, the Pakistani government blocked access to the protest, and shut it down. Benjamin, Code Pink’s founder, hailed the trip as a success directly as a result of American involvement rather than Khan’s organizing efforts, noting the value as: “to show the face of the American people that believe that the lives of Pakistanis are as valuable as the lives of any American.”145

Khan becomes an even more fascinating case study in the normalizing power of everyday practice and discourse over drones when looking to his few remarks in English on the drone program. In two interviews with American media (one on a CNN video logged program and one on a CNN program airing at 8am EST), Khan offered powerful critiques of the unmanned aerial vehicle program that differ from the normalized discourses I have discussed. In an interview with Jim Clancey on CNN’s News Stream (now cancelled due to low ratings), Khan remarked, “According to many international reports, only 2% of high level targets are killed. So who are these 98%?...I just do not understand how anyone can sit in front of a computer screen, press some buttons, and kill people...this is inhuman.”146 Khan went on to expand his position on drones in an interview with Elliot Spitzer on CNN’s In the Arena (also cancelled in late 2011 due to

low ratings): “Look, I’m sitting in Pakistan. I’m telling you the impact drone attacks are having in this country. And I’m telling you that the more drone attacks the more anti- Americanism, the more anti-Americanism the more radicalization. The more radicalization, there is only one beneficiary, and that’s al-Qaeda.”147

While Khan adheres to the discourse of effectiveness in his comments about drone attack’s ability to boost membership in militant Islamic organizations found in some Western sources, he also cites his positional authority as a member of the Pakistani population as a primary vantage point. And, the differences in his tone between 2011 and 2012 are notable, where he grows much more hostile to drones from a human, rather than legal, perspective, venturing to call their very use inhuman. Additionally, Khan’s political efforts in Pakistan have been in the name of an Islamist republic. Throughout the 2000s, while protesting the increasing use and development of U.S. drone technology, Khan also sided with Muttahida Majlis-e-Amal, a coalition of theocratic parties in Pakistan, on a number of controversial anti-American positions. These included strong opposition of U.S. military presence in Pakistan and the abolition of corporate use of any Pakistani lands so that there could be a redistribution of that wealth back to peasant populations of the tribal regions. For all practical purposes, his prominent disagreement with al-Qaeda appears to be over their mass scale violence, not over violence more generally. In fact, in May of 2005, when Khan learned of a case of Qur’an desecration at the United States’ Guantánamo Bay’s detention facility, he made a sweeping appeal to Islamic journalists that Islam was “under attack” by the United States, a claim which has been credited with the deaths of over 16 people in anti-American riots in the neighboring Afghanistan. Khan defends the violence, arguing “To throw the Qur'an in the toilet is the greatest violation of a Muslim's human rights...When you speak out, people react. Violence is regrettable, but that's not the point.”148 In this sense, it is clear that the violence of the drone attacks are not what Khan necessarily opposes but rather the particular type of constituted violence against human beings. In this case, the violence is perpetrated against Pakistani citizens.  
With both Western critique of drone attacks and Khan’s position in mind, what does this normalization of some and exclusion of other forms of protest and dissent mean for understanding the circulation of drone warfare and its relationship to rhetoricoviolence? Judith Butler has offered one frame for consideration here, in her fundamental question about what human life is grievable. As she argues, “lives are supported and maintained differently, and there are radically different ways in which human vulnerability is distributed across the globe. Certain lives will be highly protected, and the abrogation of their claims to sanctity will be sufficient to mobilize the forces of war. Other lives will not find such fast and furious support and will not even qualify as ‘grievable’.”149 To return to Jackson’s opening arguments about remaking the world in particular ways, Butler’s claims are realized in the circulation and culture of drone warfare through the United States. Khan finds the lives lost in drone strikes highly grievable, and a compelling piece of the map that should operate to end their use in his view. Most Western critics of the program find the same lives lost grievable only insofar as they represent violations of international law and/or the standards of military operational efficiency. I argue that more than being a materialist rhetoric, the U.S. drone program has generated a new set of everyday practices, institutions, and subjects that flow through a larger network of power within the global war on terror. This flow has endless directions and functions to not only open up available spigots but also to close some of them off. In other words, the program allows for subject positions to appear on a map in one place, while simultaneously possessing the power to move those subject positions into other available spaces. In this case, the two available subject positions could be understood as grievable or not grievable. The drone program demonstrates the falsity and impotence an oppositional binary between rhetoric and violence offers in helping explicate increasingly complex problems of the global war on terror, particularly in transnational contexts. As a materialist rhetoric, rhetoricoviolence lends itself to working outside of the bounds of this binary, particularly in its assumptions that rhetoric and violence are most potent when they travel together, indistinguishable from one another. So if Butler’s precarity of life is well reflected in the revelations and concealments within the circulation of the drone program, how does that precarity get extended to the technological politics of governance in which the U.S. drone program is steeped? As she notes, “when we think that others have taken themselves out of the human community as we know it, is a test of our very humanity.” This test of humanity strikes at the heart of many discursive moves about drones’ legality and processual articulation, and echoes another argument by Martin Luther King, Jr. In discussing the Vietnam War, King predicted, “When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, militarism and economic exploitation are incapable of being conquered.” While the concealing capability found in the rhetoricoviolence of drones begins to articulate one possible realization of King’s claims in practice, next I look to the ways technological warfare (in this case, the drone program) uses these revelations and concealments to reconfigure modes of governance.

#### PERM IMPOSSIBLE - we must choose between universalization of values or recognition of enmity

Moreiras 04

[Director of European Studies at Duke, Alberto, “A God without Sovereignty. Political Jouissance. The Passive Decision”, CR: The New Centennial Review 4.3, p. 79-80, Project MUSE]

The friend/enemy division is peculiar at the highest level, at the level of the order of the political. This peculiarity ultimately destroys the under- standing of the political as based on and circumscribed by the friend/enemy division. The idea of **an order of the political presupposes that the enemies of the order as such**—that is, the enemy configuration that can overthrow a given order, or even the very idea of an order of the political—**are generated from the inside**: enemies of the order are not properly external enemies. This is so **because the order of the political**, as a principle of division, as division itself, **always already** regulates, and thus **subsumes, its** externality: **externality is produced by the order** as such, and it is a function of the order. Or rather: a principle of division can have no externality. Beyond the order, there can be enemies, if attacked, but they are not necessarily enemies of the order: they are simply ignorant of it. At the highest level of the political, at the highest level of the friend/ enemy division, there where the very existence of a given order of the political is at stake, the order itself secretes its own enmity. Enmity does not precede the order: it is in every case produced by the order. **The friend/enemy division is** therefore a division that is **subordinate to the primary ordering division**, produced from itself. The friend/enemy division is therefore not supreme: **a nomic antithesis generates it**, **and** thus **stands above** it. The order of the political rules over politics. The political ontology implied inthe notion ofan order of the political deconstructs the **political** ontology ciphered in the friend/enemy division, and vice versa. They are mutually incompatible**. Either the friend/enemy division is supreme**, for a determination of the political, **or the order of the political is** supreme**. Both** of them **cannot simultaneously be supreme. The gap between them is** strictly **untheorizable.** If the friend/enemy division obtains independently of all the other antitheses as politically primary, then there is no order of the political. If there is an order of the political, the order produces its own political divisions.

### Impact

#### Universalism effaces the us/them distinction to form a unified whole – it causes global psychosis, resulting in genocidal war and lashout

Reinhard 2k4

[Kenneth, Professor of Jewish Studies at UCLA, 2004, “Towards a Political Theology- Of the Neighbor,” online: <http://www.cjs.ucla.edu/Mellon/Towards_Political_Theology.pdf>]

If the concept of the political is defined, as Carl Schmitt does, in terms of the Enemy/Friend opposition, the world we find ourselves in today is one from which the political may have already disappeared, or at least has mutated into some strange new shape. A world not anchored by the “us” and “them” binarisms that flourished as recently as the Cold War is one subject to radical instability, both subjectively and politically, as Jacques Derrida points out in The Politics of Friendship: The effects of this destruction would be countless: the ‘subject’ in question would be looking for new reconstitutive enmities; it would multiply ‘little wars’ between nation states; it would sustain at any price so-called ethnic or genocidal struggles; it would seek to pose itself, to find repose, through opposing still identifiable adversaries – China, Islam? Enemies without which … it would lose its political being … without an enemy, and therefore without friends, where does one then find oneself, qua a self? (PF 77) If one accepts Schmitt’s account of the political, the disappearance of the enemy results in something like global psychosis: since the mirroring relationship between Us and Them provides a form of stability, albeit one based on projective identifications and repudiations, the loss of the enemy threatens to destroy what Lacan calls the “imaginary tripod” that props up the psychotic with a sort of pseudo-subjectivity, until something causes it to collapse, resulting in full-blown delusions, hallucinations, and paranoia. Hence, for Schmitt, a world without enemies is much more dangerous than one where one is surrounded by enemies; as Derrida writes, the disappearance of the enemy opens the door for “an unheard-of violence, the evil of a malice knowing neither measure nor ground, an unleashing incommensurable in its unprecedented – therefore monstrous –forms; a violence in the face of which what is called hostility, war, conflict, enmity, cruelty, even hatred, would regain reassuring and ultimately appeasing contours, because they would be identifiable” (PF 83).

### AT Restraints Work

#### Their framing of emergencies guarantee the limitation fails

Vermeule 6

Adrian Vermeule, Professor of Law, Harvard Law School, 2006, “THE EMERGENCY CONSTITUTION IN THE POSTSEPTEMBER¶ 11 WORLD ORDER: SELF‐DEFEATING PROPOSALS: ACKERMAN ON EMERGENCY POWERS,” Fordham Law¶ Review, Nov., pp. LN.

A statute could, in principle, perform such constitutional functions by aligning the various parties' expectations about the¶ future, which then provide a basis for objecting to usurpations or interference when the emergency occurs. However,¶ history shows that statutory limitations are weak during emergencies. The War Powers Resolution , which limited the¶ circumstances under which the President could use military force and imposed various reporting requirements when the¶ President did use force, has been ignored. As I mentioned above, the National Emergencies Act similarly imposed¶ restrictions and reporting requirements on the President's power to declare emergencies, and the International Emergency¶ Economic Powers Act limited the President's power to impose economic sanctions during emergencies. None of these¶ statutes has had much of an impact on the behavior of executives. n61 Finally, after 9/11 the President undertook a¶ program of domestic warrantless surveillance, one that in the view of many commentators clearly violates the Foreign¶ Intelligence Surveillance Act. n62 Public opinion, however, is divided about the program's legality. n63 As of this writing,¶ there seems little prospect that Congress will retaliate; the most likely outcome is some sort of legislative ratification of the¶ program, which means that the President will have effectively annulled the Foreign Intelligence Surveillance Act as well as¶ the other framework statutes governing executive action in emergencies.”

## Norms

### 2NC No Modeling

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

Wright 12

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

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

#### No one will follow US lead on drones – especially Russia and China

Boot ‘11

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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.

### 2NC No Drone Wars

#### Drones will only ever be used in highly permissive environments that lack air defense

Michael W. Lewis 12, Associate Professor of Law at Ohio Northern University Pettit College of Law, Spring 2012, “ARTICLE: SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield,” Texas International Law Journal, p. lexis

Like any weapons system drones have significant limitations in what they can achieve. Drones are extremely vulnerable to any type of sophisticated air defense system. They are slow. Even the jet-powered Avenger recently purchased by the Air Force only has a top speed of around 460 miles per hour, n20 meaning that it cannot escape from any manned fighter aircraft, not even the outmoded 1970s-era fighters that are still used by a number of nations. n21 Not only are drones unable to escape manned fighter aircraft, they also cannot hope to successfully fight them. Their air-to-air weapons systems are not as sophisticated as those of manned fighter aircraft, n22 and in the dynamic environment of an air-to-air engagement, the drone operator could not hope to match the situational awareness n23 of the pilot of manned fighter aircraft. As a result, the outcome of any air-to-air engagement between drones and manned fighters is a foregone conclusion. Further, drones are not only vulnerable to manned fighter aircraft, they are also vulnerable to jamming. Remotely piloted aircraft are dependent upon a continuous signal from their operators to keep them flying, and this signal is vulnerable to disruption and jamming. n24 If drones were [\*299] perceived to be a serious threat to an advanced military, a serious investment in signal jamming or disruption technology could severely degrade drone operations if it did not defeat them entirely. n25

These twin vulnerabilities to manned aircraft and signal disruption could be mitigated with massive expenditures on drone development and signal delivery and encryption technology, n26 but these vulnerabilities could never be completely eliminated. Meanwhile, one of the principal advantages that drones provide - their low cost compared with manned aircraft n27 - would be swallowed up by any attempt to make these aircraft survivable against a sophisticated air defense system. As a result, drones will be limited, for the foreseeable future, n28 to use in "permissive" environments in which air defense systems are primitive n29 or non-existent. While it is possible to find (or create) such a permissive environment in an inter-state conflict, n30 permissive environments that will allow for drone use will most often be found in counterinsurgency or counterterrorism operations.

### 2NC US-China

#### No US-China war – economic interdependence has created resiliency, the cost is too high, and deterrence checks – that’s Harding 12

#### They know it would be economic suicide

Bremmer, 10

president of Eurasia Group and author (Ian Bremmer, “China vs. America: Fight of the Century,” Prospect, March 22, 2010, <http://www.prospectmagazine.co.uk/2010/03/china-vs-america-fight-of-the-century/>)

China will not mount a military challenge to the US any time soon. Its economy and living standards have grown so quickly over the past two decades that it’s hard to imagine the kind of catastrophic event that could push its leadership to risk it all. Beijing knows that no US government will support Taiwanese independence, and China need not invade an island that it has largely co-opted already by offering Taiwan’s business elite privileged investment opportunities.

#### Their impact ev is about nuking Taiwwain – that wont happen

Pike ’04 (John, Global Security, China’s Options in the Taiwan Confrontation, http://www.globalsecurity.org/military/ops/taiwan-prc.htm)

China would almost certainly not contemplate a nuclear strike against Taiwan, nor would Beijing embark on a course of action that posed significant risks of the use of nuclear weapons. The mainland's long term goal is to liberate Taiwan, not to obliterate it, and any use of nuclear weapons by China would run a substantial risk of the use of nuclear weapons by the United States. An inability to control escalation beyond "demonstrative" detonations would cause utterly disproportionate destruction.

### SCS

#### Double bind – either war won’t escalate or miscalc makes it inevitable

Branigan 12

(Tania, writer for the Guardian, "Chinese frigate runs aground in disputed part of South China Sea," 2012, http://www.guardian.co.uk/world/2012/jul/13/chinese-frigate-runs-aground-sea)

Ian Storey of the Institute of South-east Asian Studies in Singapore said that while the grounding was in itself unlikely to escalate tensions, it indicated the growing militarisation of the waters. "Resolution of the dispute is even further out of reach," he added. "No one seriously envisages a major conflict in the South China Sea because it's not in anyone's interests. They depend on those sea lanes for the continued functioning of their economies.¶ "The real risk is that an accidental clash occurs and escalates. In my mind, it is just a matter of time before one of these standoffs gets really ugly and people get killed."¶ Tensions have been building in the area since 2007, with increasing keenness to claim the energy resources, and growing pressure from nationalists in several of the countries. Vietnam has seen unusual street protests over the dispute in the past few weeks.

### at: Caucasus

#### No escalation—great powers don’t want it

**Kucera 10**—regular contributor to U.S. News and World Report, Slate and EurasiaNet (Joshua, Central Asia Security Vacuum, 16 June 2010, http://the-diplomat.com/2010/06/16/central-asia%E2%80%99s-security-vacuum/)

Note – CSTO = Collective Security Treaty Organization

Yet when brutal violence broke out in one of the CSTO member countries, Kyrgyzstan, just days later, the group didn’t respond rapidly at all. Kyrgyzstan’s interim president, Roza Otunbayeva, even asked Russia to intervene, but Russian President Dmitry Medvedev responded that Russians would only do so under the auspices of the CSTO. And nearly a week after the start of the violence—which some estimate has killed more than 1000 people and threatens to tear the country apart—the CSTO has still not gotten involved, but says it is ‘considering’ intervening. ‘We did not rule out the use of any means which are in the CSTO’s potential, and the use of which is possible regardless of the development of the situation in Kyrgyzstan,’ Russian National Security Chief Nikolai Patrushev said Monday. On June 10-11, another regional security group, the Shanghai Cooperation Organisation, held its annual summit in Tashkent, Uzbekistan. The SCO has similar collective security aims as the CSTO, and includes Russia, China and most of the Central Asian republics, including Kyrgyzstan. But despite the violence that was going on even as the SCO countries’ presidents met in Uzbekistan, that group also didn’t involve itself in the conflict, and made only a tepid statement calling for calm. Civil society groups in Kyrgyzstan and Uzbekistan (much of the violence is directed toward ethnic Uzbeks in Kyrgyzstan, and the centre of the violence, the city of Osh, is right on the border of Uzbekistan) called on the United Nations to intervene. And Otunbayeva said she didn’t ask the US for help. Even Uzbekistan, which many in Kyrgyzstan and elsewhere feared might try to intervene on behalf of ethnic Uzbeks, has instead opted to stay out of the fray, and issued a statement blaming outsiders for ‘provoking’ the brutal violence. The violence has exposed a security vacuum in Central Asia that no one appears interested in filling. In spite of all of the armchair geopoliticians who have declared that a ‘new Great Game’ is on in Central Asia, the major powers seem distinctly reluctant to expand their spheres of influence there. Why? It’s possible that, amid a tentative US-Russia rapprochement and an apparent pro-Western turn in Russian foreign policy, neither side wants to antagonize the other. The United States, obviously, also is overextended in Iraq and Afghanistan and has little interest in getting in the middle of an ethnic conflict in Kyrgyzstan. It’s possible that the CSTO Rapid Reaction Force isn’t ready for a serious intervention as would be required in Kyrgyzstan. (It’s also possible that Russia’s reluctance is merely a demure gesture to ensure that they don’t seem too eager to get involved; only time will tell.)

## Solvency

#### Executive branch lawyers will circumvent

Cheng, co-director – Institute for Global Law, Justice, & Policy and professor @ NYU Law, ‘12

(Tai-Heng, 106 A.J.I.L. 710)

Lubell's analysis of drone attacks shows the limits of his method in clarifying the law as it stands. He explains that "IHL and human rights law can lead to differing conclusions" about the legality of drone attacks (p. 258). Under human rights law, "the intentional killing of the individuals is likely to have been unlawful" (p. 255). In contrast, in an armed conflict, "[t]argeting [persons] could be lawful under IHL if they are seen to be non-civilians" (p. 257). Although he proposes various criteria for selecting between human rights law and IHL, Lubell ultimately concludes: "While the concurrent applicability of human rights and IHL is a legal reality, the lack of an agreed approach to interpretation leads to difficulties of implementation in practice" (pp. 258-59), resulting in "difficulty in achieving certainty on this matter" (p. 258). Ruys's survey of state practice to determine whether customary international law currently permits the use of force against nonstate actors in a foreign state illustrates the limits of his method in identifying clear legal rules, even within a single legal regime. He concedes that the legal significance of relevant incidents is open to interpretation. For example, whether the invasion of Afghanistan by the United States and its allies extended the right of self-defense to armed attacks by nonstate actors is open to "a wide range of possible interpretative outcomes depending on one's point of view" (p. 442). Similarly, a "possible interpretation" of Turkey's attacks on Iraqi Kurds in 2008 (p. 461) is that it changed the law to authorize force against nonstate actors, but an observer could also conclude that "States felt uncomfortable about setting a new precedent" (p. 462). Likewise, when Ethiopian troops were sent in 2006 into Somalia to fight the Union of Islamic Courts that threatened Ethiopia, the lack of legal debates among states about Ethiopia's actions "impede[s] the analysis" of that incident (p. 470). Based on his review of events, Ruys proposes that the attack **[\*713]** on these nonstate actors is "not unambiguously illegal" (p. 487). This triple negative assessment of legality leaves much room for further clarification of the law. Lubell's and Ruys's analyses of preemptive self-defense also show how policy appraisals of what the law ought to be can shape the law as it stands. Both authors argue that customary international law prohibits the use of preemptive force against a nonimminent threat. Lubell supports his contention with a Security Council resolution that "strongly condemn[ed] Israel for carrying out a pre-emptive strike [in 1981] against the Osiraq nuclear reactor in Iraq" (p. 61). However, he also concedes that this evidence of *opinio juris* against preemptive attacks is inconclusive because the resolution "can be the result of a number of factors, including a perception that the circumstances of that particular case may not have warranted an attack due to a lack of exhaustion of viable alternatives as well as no imminent need" (*id.*). Faced with this inconclusive evidence of state practice and *opinio juris*, the reader might infer that Lubell believes that preemptive self-defense is legally prohibited for policy reasons. Quoting Rosalyn Higgins, he emphasizes a "primary and fundamental concern . . . that preemption will become 'a pretext for unprovoked aggression'" (p. 62). Ruys similarly rejects the legality of preemptive self-defense on policy grounds. As noted, Ruys argues that the 2003 invasion of Iraq by the United States and its allies did not constitute state practice and *opinio juris* permitting preemptive self-defense because, inter alia, the states that supported the invasion did not justify it with a broad reading of Article 51 of the UN Charter and "a majority of States apparently held the opinion that the operation violated the UN Charter" (pp. 317-18). His footnotes show, however, that, while many states opposed the invasion, the number was far short of "a majority of States" in the world and that some of those states criticized the invasion as illegitimate rather than a violation of the Charter (p. 317 nn.338-39). Ruys also acknowledges that Michael Reisman has found numerous statements by states about the legality of preemptive force but minimizes their importance as "political sabre-rattling . . . rather than as reliable manifestations of States' *opinio juris*" (pp. 333-34). Based on these interpretations of evidence, Ruys concludes that "it is impossible to identify *de lege lata* a general right of pre-emptive--and a fortiori preventive--self-defence" (p. 342). Taken alone, this analysis of preemptive self-defense might persuade some readers. Yet when studied alongside Ruys's analysis of the use of force against terrorists, doubts emerge. Just as Ruys's evidence for the acceptance of preemptive self-defense is mixed, his evidence for the legality of use of force against nonstate actors is not entirely persuasive. While Ruys dismisses statements by states in favor of preemptive self-defense as political and not legal, he characterizes the acquiescence of some states to the use of force against nonstate actors to be "a fickle barometer of *opinio juris*" (p. 462). However, although he claims that a right of preemptive self-defense does not exist because no evidence clearly supports it, Ruys concludes in contrast, as noted, that the use of force against nonstate actors is "not unambiguously illegal" (p. 487) in spite of the equivocal evidence. Although his assessment about the legality of force against nonstate actors is couched in qualified terms, the practical difference with his position on preemptive force is sharp. If policy makers accept his view, they may choose to attack, without clearly breaking the law, nonstate actors who have attacked the state of those policy makers. However, if they use force preemptively against a state or nonstate actor, they will have acted unlawfully. Certainly, one might finely parse the evidence to argue that state practice as well as *opinio juris* in support of the use of force against nonstate actors was stronger than the evidence in support of preemptive force, thereby justifying Ruys's conclusions that the former is "not unambiguously illegal" while the latter remains clearly illegal. However, another equally plausible--and perhaps more compelling--explanation is that Ruys was guided by his differing policy appraisals of the use of force against nonstate actors versus the use of preemptive force. When considering the use of force against nonstate actors, Ruys emphasizes "the delicacy of balancing the national security interests of a State that falls victim to non-State attacks and the fundamental rights to sovereignty" **[\*714]** (*id.*). He explicitly acknowledges the competing policy concerns of magnified "destructive potential" of terrorists through modern technologies (p. 488) versus the risks of "increased legitimacy of the non-State group [once they are attacked] or a further degradation of the authority of the 'host State' . . . [or] military escalation" (*id.*). In contrast, Ruys appraises preemptive force as "highly undesirable from a *de lege ferenda* perspective" because it would usurp the Security Council's responsibility for keeping international peace and because the right to use preemptive force would be open to abuse (p. 324). While acknowledging that supporters of preemptive self-defense "stress time and again . . . the increasing speed and destructive potential of modern weaponry" (p. 257), Ruys neither explicitly assesses the weight of this policy concern relative to the potential for abuse nor explains why he chose not to do so. These methodological observations about Ruys's and Lubell's findings do not significantly diminish their contribution to international legal scholarship. Quite the contrary. Their books are not just studies on the use of force. They are also case studies of contemporary positivism. Ruys's and Lubell's methods reveal how much it has in common with other international legal theories. As discussed earlier, Lubell recognizes that the choice between IHL and human rights law can lead to different conclusions about the legality *vel non* of drone attacks, but the methods of choosing among legal theories remain unclear. This conclusion is consistent with Martii Koskemenmi's recent critical legal studies research showing uncertainty about the legality of actions where different legal regimes may apply to the same international problem and where each regime may lead to a different legal conclusion. n1 Ruys asserts that the legal significance of "incidents"--a term of art proposed by Reisman to describe basic epistemic units in international law n2 --is determined by claims and counterclaims among states (p. 51). This view comes close to the conceptualization of law in policy-oriented jurisprudence as an ongoing process of communication among relevant actors, n3 with which international legal process and constructivist international relations theories also seem to agree. n4

#### POTUS wants to circumvent

Spencer Ackerman, Wired DangerRoom, 3/20/13, Little Will Change If the Military Takes Over CIA’s Drone Strikes, www.wired.com/dangerroom/2013/03/military-drones/

If the Obama administration decides to give the U.S. military control of the CIA’s drone effort, the institutional changes to the controversial global drone strikes will be minor. That’s because the important leverage points over the drones — and the global, targeted-killing program they support — are political, not institutional. Daniel Klaidman at The Daily Beast reports that President Barack Obama is nearing a decision to divest the CIA of its lethal drone fleet. According to Klaidman, the CIA will “remain involved in lethal targeting,” but uniformed personnel will pull the trigger from now on. “It looks like the White House may now be preparing to launch a campaign to counter the growing perception — with elites if not the majority of the public — that Obama is running a secretive and legally dubious killing machine,” Klaidman writes. Except he’ll still be running one. The CIA conducts armed drone strikes in Pakistan and Yemen, among other places. The U.S. military conducts armed drone strikes in Afghanistan, Yemen and Somalia, and has extensive airbases and support networks for drone strikes in east Africa and now in Niger. Military launchpads are often — but not always — launchpads for the CIA’s drones, too. And the CIA sometimes borrows the Air Force’s drone fleet. In short, the military infrastructure for the drone strikes is robust and global. In the near future, those drone launchpads will move out to sea. A newly reconfigured Navy ship, the USS Ponce, is the first of a new kind of floating staging ground for commandos and the armed robots they’ll operate. Later in the decade, the Navy plans to launch an armed, stealthy drone from an aircraft carrier. There’s an argument that giving the military control over the drones will lead to greater transparency around them. Maybe, but not necessarily. The congressional reporting requirements for so-called Title 50 programs (stuff CIA does, to be reductive) are more specific than those for Title 10 (stuff the military does, to be reductive). But the armed services committees tend to have unquestioned and broader oversight functions than the intelligence committees enjoy, not to mention better relationships with the committees: Witness the recent anger in the Senate intelligence committee that the CIA lied to it about its torture programs. The military is more likely than the CIA to openly testify about future drone operations, allow knowledgeable congressional staff into closed-door operational briefings and allow members of Congress to take tours of drone airbases. But that’s not to say that there will necessarily be more transparency of the military’s drone programs. Much depends on congressional prerogative, rather than institutional requirements. A summary offered by a former Special Operations Command lawyer last year (.pdf), piggybacking off one from a former CIA lawyer, was: “If the activity is defined as a military activity (‘Title 10′) there is no requirement to notify Congress, while intelligence community activities (‘Title 50′) require presidential findings and notice to Congress.” (For a good overview of how how the military can compartmentalize and limit access to information on its activities, including to Congress, read this blog post from Robert Caruso.) “Moving lethal drone operations exclusively to DOD might bring benefits. But DOD’s lethal operations are no less secretive than the CIA’s, and congressional oversight of DOD ops is significantly weaker,” former Justice Department lawyer Jack Goldsmith tells Klaidman. Mieke Eoyang, a former House intelligence and armed services committee staffer, tells Danger Room that oversight “depends on the the level of interest of the committee chairman on the Title 10 [military] side. It depends on how detailed he wants to get, down in the weeds.” Nor does the change to military drone control restrict the relevant legal authorizations in place. The Obama administration relies on an expansive interpretation of a 2001 congressional authorization to run its global targeted-killing program. If that authorization constrains the military to the “hot” battlefield of Afghanistan, someone forgot to tell the Joint Special Operations Command to get out of Yemen. What matters more than which bureaucratic entity operates the drones is what the politicians ostensibly in charge of those bureaucracies want to do with them. Sen. Rand Paul (R-Kentucky)’s 13-hour filibuster earlier this month vented congressional dissatisfaction with the secrecy, scope and intensity of the global targeted-killing program. It remains to be seen if Paul and his colleagues wish to trim the edges of that lethal program or constrain it more substantially. Congress has been more bellicose than the Obama administration. Then there’s Obama. His rhetoric centers on drawing down the wars; his record is about intensifying and institutionalizing the targeted-killing campaign. His intelligence apparatus points to a diminished al-Qaida, yet there is no such diminution of the security apparatus established to bring about that action. It might be that putting the military in charge of the drone strikes is an early and tentative step in that direction. But it will take a decision on Obama’s part that the war on terrorism is nearing an end to make the shift more than a bureaucratic one.

#### Empirics are conclusive

James, national security reporter – NPR, 2/8/’13

(Frank, “Death By Drone, And The Sliding Scale Of Presidential Power,” http://www.npr.org/blogs/itsallpolitics/2013/02/08/171467519/death-by-drone-and-the-sliding-scale-of-presidential-power)

The controversy over President Obama's targeted-killings-by-drone policy is a reminder that the default position of presidents in times of crisis is generally to side with national security over civil liberties.Whether it has been Great Emancipator Abraham Lincoln sidestepping Congress and suspending habeas corpus to enable the arrests of scores of Confederate sympathizers, or that great liberal Franklin D. Roosevelt placing his imprimatur on the internment in camps of hundreds of thousands of Japanese Americans after Pearl Harbor, presidents have often used their power as military commander-in-chief in ways profoundly at odds with constitutional protections of the individual. If truth is the first casualty of war, civil liberties often come second. A 2008 collection of essays titled , published by the Russell Sage Foundation, examines this tension throughout the nation's history. It found no shortage of times when national security concerns — as defined by a president who was sometimes abetted by Congress and the courts — infringed on civil liberties.A Legacy Of Power Grabs And the examples go all the way back to the start of the republic. Daniel Farber, the University of California, Berkeley law professor who edited the book, said he came away from the project with the sense that it's more the rule than the exception that civil liberties are early casualties of a president's response to national emergencies.In an interview, Farber said: "My feeling, after looking at all that history in the book, is that that just goes with the office. It's part of what happens when you're sitting in the Oval Office. "Presidents, regardless of political party, or liberal versus conservative, they just don't seem to have a lot of qualms about doing what they think is necessary for national security. So it doesn't surprise me [that Obama has allowed Americans to be targeted in drone strikes overseas]. There have been very few exceptions."

#### The drone lobby makes oversight useless

Michaels 13

(Martin Michaels, Mint Press staff writer, “The Human Side Of Drones: Congress Fails In Oversight” May 13, 2013, <http://www.mintpressnews.com/the-human-side-of-drones-congress-fails-in-oversight/158722/>, KB)

The drone lobby?¶ Standing in the way of proper congressional oversight has been the burgeoning drone lobby, an emerging force contributing to Congressional campaigns.¶ “This is all about money when it comes down to it. The fact that there is an unmanned Aerial Systems Caucus in Congress says it all. It’s shameful when you look at the millions of dollars the industry spends on both lobbying and contributing to Congressional candidates,” Benjamin said¶ “You see the collusion between our elected officials and the drone industry,” Benjamin said.¶ Drones represent big money for manufacturers and local communities promised thousands of manufacturing jobs.¶ A recent study by the Teal Group, an aviation and defense consulting firm, estimated that global spending on unmanned aircraft will almost double over the next decade, from $5.9 billion annually to $11.3 billion. Most of that growth will be in the United States.¶ The same study estimated that the drone industry would create 23,000 new jobs in the U.S. by 2025.¶ Political action committees affiliated with drone manufacturers donated a total of $2.3 million to the nearly 60 members of the bipartisan House Unmanned Systems Caucus, according to First Street Research. Seventy-seven percent of these donations went to Republicans.

# 1NR

### 2NC Will Pass

#### Reform will pass

#### 1) The GOP will cave – they want a popularity boost

Robinson 10/18

(Eugene Robinson “Not a Good Fight” October 18, 2013 <http://www.realclearpolitics.com/articles/2013/10/18/not_a_good_fight_120375.html>, TSW)

Even on a day full of hope and possibility, I remain skeptical that the party is ready to budge from its basic demands -- to focus on deficit reduction, not economic growth, through tax and entitlement cuts, with no new revenue. Unless Republicans are willing to compromise and accept Obama's "balanced approach" of both cuts and revenue, there will be no grand bargain or even a middle-sized one.¶ Instead, we may get a series of small, discrete fiscal deals that do little good but no real harm. That's actually progress. We may also see the sensible, non-suicidal wing of the Republican Party take Obama up on his offer to tackle immigration reform. To put it mildly, the GOP needs a popularity boost.¶ What we won't see is the old pattern of the GOP smashing the crockery and getting its way. Obama has shown that even the most irrational of tantrums can be stilled by the power of no.

#### 2) Historical trends

Taley 10-16

Margaret Taley, 10/16/2013 (staff writer, “Obama’s Debt Fight Win Won’t Secure Agenda Success,” <http://www.businessweek.com/news/2013-10-16/obama-s-win-in-debt-fight-won-t-secure-success-for-future-agenda>, Accessed 10/17/2013, rwg)

Whether Obama gets from Congress a new immigration law or changes he’s seeking in taxes and entitlement programs depends on how Republicans read the outcome of this fight, Plouffe said.¶ He recalled that following their political loss in the 1996 shutdown, House Republicans under Gingrich reached deals with Clinton on welfare reform and the minimum wage.¶ “There was a strategic necessity for them post-shutdown to show they could govern,” Plouffe said. Immigration law “would be the natural place” for Republicans to act, he said.¶ “But I don’t think we know the answer yet,” he said. “They may say, ’We don’t feel the need to do what Gingrich did.’”

#### 3) Political alignment

Blouin News, 10-17

http://blogs.blouinnews.com/blouinbeatpolitics/2013/10/17/democrats-hope-to-capitalize-on-shutdown-win-with-immigration-pivot/

But the logic behind now being the time to act is that Republicans are divided **and conservative activists won’t be able to derail an overhaul of immigration rules the same way they did under George W. Bush**. It’s worth pausing to note, however, that the inability of Washington Republicans to get their way on Obamacare does not mean they are any less secure in their districts or in touch with their constituents’ views. **Immigration** reform remains a heavy lift so long as the Republican coalition is comprised mostly of white voters who will express disapproval on talk radio and to their members of Congress; business interests within the party may want an overhaul, but that was the case in 2007 as well. **What’s different now is that the business community grew so disillusioned with GOP obstruction during the shutdown debacle that it may be willing to more directly** [**train financial muscle**](http://www.nytimes.com/2013/10/10/us/business-groups-see-loss-of-sway-over-house-gop.html) **on Tea Party lawmakers**. The implications for the tension of the atmosphere at subsequent conservative confabs notwithstanding, the stars may be aligned **for the business world, Democrats, and the handful of Republicans determined to win back some Latino support to make this happen.**

#### 4) Evangelicals will push – creates a pathway for passage

UPI, 10-17

<http://www.upi.com/Top_News/US/2013/10/17/Evangelicals-for-immigration-reform-considerable-force-in-House/7441381955719/>

**Evangelical Christians are pulling together to advocate for action on immigration reform by the end of the year -- and** their influence could be substantial.¶ The Evangelical Immigration Table's “[Pray4Reform: Gathered Together in Jesus' Name](http://evangelicalimmigrationtable.com/pray4reform/)” campaign running from Oct. 12 through Oct. 20. includes more than 300 events in 40 states where members of the faith are praying for reform. The Evangelical Immigration Table is a coalition of evangelical Christian groups including World Relief, Bread for the World, and the National Latino Evangelical Coalition.¶ While many Americans who back changes in the immigration law do so for economic or political reasons, the Evangelical Immigration Table does not support any specific legislation or political party. Rather the group favors a pathway to citizenship for undocumented workers for moral reasons.¶ “There is overwhelming evidence in scripture for hospitality and for welcoming the stranger,” said the Rev. Gabriel Salguero who leads the National Latino Evangelical Coalition, a moderate-to-progressive evangelical organization. “The word stranger appears 92 times in the Old Testament and states 'Welcome the stranger because you were once a stranger.'”¶ A Senate-approved immigration bill stalled in House of Representatives passage earlier this year. Unrest in Syria, the roll out of Obamacare and the partial government shutdown have all overshadowed immigration reform efforts.¶ But **in light of the renewed push for reform in 2013** the personal is becoming political for some Christians. Many Evangelical church members and leaders plan to come to Washington for a two-day event on Oct 28-29 to lobby lawmakers and hold a news conference.¶ Jenny Yang, vice president of World Relief, said Evangelicals have come out of the woodwork because they don't want to miss an opportunity at a time when urgent change is needed.¶ “We've never advocated to a specific bill, but there are basic principles that we support,” Yang said.¶ Those principles include offering aid to people in need, keeping families together and welcoming those who are new to the county. But both Yang and Rev. Salguero understand that merging political and personal beliefs is unusual evangelicals.¶ While not every evangelical in the United States supports immigration reform, a CBS poll conducted in July showed that **three out of four evangelicals favor reform efforts.**¶“We know it's a win-win,” Salguero said. “Ours in the moral argument, but we know there is overwhelmingly evidence that there is an economic need for it”¶ The Senate-passed bill would overhaul the immigration system, allowing some of the nearly 12 million undocumented immigrants in the United States to eventually achieve citizenship, provided they pay taxes and learn English. Many economists argue this will boost the U.S. economy and add jobs.¶ William **Galston, a senior fellow at the Brookings Institution thinks Evangelical backing for support for immigration reform is important. Galston reasoned that the mainly Republican group in the House -- those most resistant to changes benefiting** the undocumented -- might also be the most responsive to the Evangelical movement.¶ “If Evangelical leaders walked the halls of Congress and knocked on the doors of Southern Republicans, they won't be turned away,” Galston said.¶ Yang said Evangelicals held over 100 meetings with members of both parties during reform-related events this past summer. October's events in Washington will focus on meeting with even more members of Congress.¶ “For members who do take their faith very seriously, we are trying to reach out to them, and say have you considered this issue through the lens of your faith?” Yang questioned.¶ The role of faith in legislative matters is woven into the history of the United States.¶ “The separation of church and state is one thing, but the separation of religion and politics is another," Galston said. “This is nothing new.”¶ While **the push for immigration reform is intensifying,** time is dwindling to get it passed by the end of the calendar year.¶ “Every day that we don't see legislation, there is a cost to an action,” Yang said.¶ While the question of when immigration reform will pass lingers, Brookings senior fellow Galston says the **Evangelicals are showing a real sign of commitment.**¶ **“They are not going to give this up without a fight**,” he said. “These are some tough, experienced people, so stay tuned.”

### AT B

#### Boehner CAN be moved

Mershon 10-18

(Erin, Communications Daily, “Shutdown Delayed But Didn't Disrupt Tech Agenda, Say Advocates, Lobbyists,” Lexis, accessed 10-18-13, BS)

Others said immigration reform could see movement. But several said a big topic like that could get harder as the 2014 election draws closer. West said House Speaker John Boehner, R-Ohio, might be reluctant to move legislation requiring a lot of Democratic support, following a shutdown deal that leaned on support from the minority party. But Hoffman, Beckerman and Herrera-Flanigan had hope for movement on the subject. "They could put some points on the board by moving a couple of those bills, and teeing things up," Hoffman said. The end of the year would be a kind of "legislative halftime," he said. "It would be great to see a bill introduced that we can respond to, to see some constructive movement in that arena." If things get under way this fall, moving the bills might not be as difficult as people think, even in an election year, said Hoffman. "Election year legislating is always a challenge, but there is precedent for some major pieces of legislation passing."

### PC

#### PC is key – GOP missteps have given Obama the advantage but it can be disrupted

Pace 10-14

Julie Pace, 10/14/2013 (staff writer, “Budget fight is high stakes for Obama agenda,”

<http://www.azcentral.com/news/politics/free/20131014government-shutdown-obama-agenda.html>, Accessed 10/17/2013, rwg)

Questions about Obama’s political clout also deepened last month, when congressional lawmakers, including many Democrats, appeared on the brink of rejecting his request for approving military action against Syria. A last-minute diplomatic overture from Russia prevented Obama from having to hold a vote, saving him from what would have almost certainly been an embarrassing defeat.¶ But missteps by Republicans during the current budget fight have helped Obama regain his footing. Recent polls show GOP lawmakers bearing the brunt of the public’s blame for the shutdown, including a new Washington Post-ABC News survey out Monday that showed 74 percent of Americans disapprove of the way Republicans in Congress have handled the issue, compared to 53 percent who disapprove of Obama’s handling of it.¶ The tilting of responsibility toward Republicans has hardened the White House’s resolve to make no concessions in exchange for Congress lifting the debt ceiling or reopening the government. After years of trying to compromise with the House GOP leadership, many Democrats see the current debate as an opportunity to finally weaken the chamber’s far-right wing, perhaps clearing the way for progress on issues like immigration that have the support of many Republican moderates.

#### PC key to immigration – Obama’s running out of time

Wolfgang 10-11

(Ben, The Washington Times, 10-11-13, “Second-term agenda hinges on shutdown resolution; Some of president's key goals hang in balance,” Lexis, accessed 10-18-13, BS)

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."

#### A continued push is key

Matthews 10-16

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.”

### Econ

#### Collapse is coming

Gittelson 13

(Robert, president, Conservatives for Comprehensive Immigration Reform, 03/26/13, “Immigration reform: Future flow must meet economic need” The Hill)

For me and my colleagues in the Conservatives for Comprehensive Immigration Reform coalition, we want to see a fair, pragmatic, and just immigration reform that respects the rule of law; secures our borders, our businesses, and our visa process; ensures fairness to taxpayers; protects the unity of the immediate family; and especially respects the God­given dignity of every person. Furthermore, we strongly feel that our nation has a moral imperative to assure that any immigration reform establishes a path toward earned legalization and eventual citizenship for those that are currently undocumented, and can qualify for this program. However, at the end of the day, we also want to see a reform of our legal immigration system that will actually work to solve the problems inherent in the broken immigration system that have led us to the dysfunctional situation that America is mired in today. Therefore, it is with some measure of frustration that we find ourselves at a stalemate on the very important issue of "future flow." Make no mistake, one of the main reasons why we now have 11,000,000 undocumented individuals in this country today, is because the legal immigration system that we currently have, did not sufficiently address the issue of future flow when it was enacted in 1986. Other than the issues of a legalization of the undocumented, and the various security and enforcement issues mentioned above, nothing will ensure a successful immigration overhaul more than getting this aspect of an immigration solution correct. Without a sufficient supply of future immigrant workers, we will not be able to achieve the economic expansion that will be mandatory to balance our future budgets, or to save our future entitlement programs. Those are hard facts, but they represent an accurate assessment of the reality of our fiscal requirements in the 21st century.

#### Decline and war are linked – default to the best studies

Royal 10

Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-214

Less intuitive is how periods of economic decline may increase the likelihood of external conflict**.** Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that **rhythms in the** global **economy are associated with the** rise and **fall of a** pre-eminent **power and** the often **bloody transition** from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, **increasing** the **risk of miscalculation** (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the **likelihood for conflict increases,** as **states will be inclined to use force to gain** access to those **resources.** Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) **find a strong correlation between internal** conflict **and external conflict**, particularly **during periods of** economic **downturn**. They write: The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline**,** sitting **governments have increased incentives to fabricate** external military **conflicts to create a 'rally** around the flag' **effect.** Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science **scholarship links** economic **decline with** external **conflict** at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

#### Economic decline causes war with China

Ockham Research, 8

(“Economic Distress and Geopolitical Risks”, November, http://seekingalpha.com/article/106562-economic-distress-and-geopolitical-risks)

China too is threatened by the global economic downturn. There is no doubt that China has emerged during the past decade as a major economic power. Parts of the country have been transformed by its meteoric growth. However, in truth, only about a quarter of the nation’s billion plus inhabitants—those living in the thriving cities on the coast and in Beijing—have truly felt the impact of the economic boom. Many of these people have now seen a brutal bear market and are adjusting to economic loss and diminished future prospects. However, the vast majority of China’s population did not benefit from the economic boom and could become increasingly restive in an economic slowdown. Enough economic hardship could conceivably threaten the stability of the regime and would more than likely make China more bellicose and unpredictable in its behavior, with dangerous consequences for the U.S. and the world.

#### Economic collapse causes war with Russia

Ockham Research, ‘8 (“Economic Distress and Geopolitical Risks”, November, http://seekingalpha.com/article/106562-economic-distress-and-geopolitical-risks)

Russia, whose economy, stock markets and financial system have literally imploded over the past few months, could become increasingly problematic if faced with a protracted economic downturn. The increasingly authoritarian and aggressive Russian regime is already showing signs of anger projection. Its invasion of Georgia this summer and increasing willingness to confront the West reflect a desire to stoke the pride and anger of its people against foreign powers—particularly the United States. It is no accident that the Russians announced a willingness to deploy tactical missile systems to Kaliningrad the day after Barack Obama’s election in the U.S. This was a clear “shot across the bow” of the new administration and demonstrates Russian willingness to pursue a much more confrontational foreign policy going forward. Furthermore, the collapse in the price of oil augers poorly for Russia’s economy. The Russian budget reputedly needs oil at $70 per barrel or higher in order to be in balance. Russian foreign currency reserves, once huge, have been depleted massively over the past few months by ham-fisted attempts to arrest the slide in both markets and the financial system. **Bristling with nuclear weapons** and nursing an ego still badly bruised by the collapse of the Soviet Union and loss of superpower status, **an impoverished and unstable** Russia would be a dangerous thing to behold.

#### Causes instability in Pakistan – government’s on the brink

Ferguson 9

Ferguson, Prof. History @ Harvard, April, ‘9¶ (Niall, <http://www.foreignpolicy.com/story/cms.php?story_id=4681&page=0>)

The democratic governments in Kabul and Islamabad are two of the weakest anywhere. Among the biggest risks the world faces this year is that one or both will break down amid escalating violence. Once again, the economic crisis is playing a crucial role. Pakistan’s small but politically powerful middle class has been slammed by the collapse of the country’s stock market. Meanwhile, a rising proportion of the country’s huge population of young men are staring unemployment in the face. It is not a recipe for political stability.

#### Economic decline causes Pakistani instability – causes nuclear war.

Warrick ‘8 (Joby, staff writer: Washington Post, spent eight years as a member of the investigative unit, specializing in coverage of WMD proliferation and weapons trafficking. articles about international proliferation threats earned him the Overseas Press Club of America’s Bob Considine Award in 2004. His series of articles exposing radioactive hazards at a Kentucky uranium processing plant in 1999 was cited by congressional leaders as an impetus behind the creation of the first national compensation program for ailing nuclear-weapons workers. http://www.washingtonpost.com/wp-dyn/content/article/2008/11/14/ AR2008111403864.html?hpid=topnews)

A protracted financial crisis could threaten the survival of friendly regimes from Pakistan to the Middle East while forcing Western nations to cut spending on defense, intelligence and foreign aid, the sources said. The crisis could also accelerate the shift to a more Asia-centric globe, as rising powers such as China gain more leverage over international financial institutions and greater influence in world capitals. Some of the more troubling and immediate scenarios analysts are weighing involve nuclear-armed Pakistan, which already was being battered by inflation and unemployment before the global financial tsunami hit. Since September, Pakistan has seen its national currency devalued and its hard-currency reserves nearly wiped out. Analysts also worry about the impact of plummeting crude prices on oil-dependent nations such as Yemen, which has a large population of unemployed youths and a history of support for militant Islamic groups. The underlying problems and trends -- especially regional instability and the waning influence of the West -- were already well established, but they are now "being accelerated by the current global financial crisis," the nation's top intelligence official, Director of National Intelligence Mike McConnell, said in a recent speech. McConnell is among several top U.S. intelligence officials warning that deep cuts in military and intelligence budgets could undermine the country's ability to anticipate and defend against new threats. Annual spending for U.S. intelligence operations currently totals $47.5 billion, a figure that does not include expensive satellites that fall under the Pentagon's budget. At a recent gathering of geospatial intelligence officials and contractors in Nashville, the outlook for the coming fiscal cycles was uniformly grim: fewer dollars for buying and maintaining sophisticated spy systems. "I worry where we'll be five or 10 years from now," Charles Allen, intelligence director for the Department of Homeland Security, said in an interview. "I am deeply worried that we will not have the funding necessary to operate and build the systems already approved." Intelligence officials say they have no hard evidence of a pending terrorist attack, and CIA Director Michael V. Hayden said in a news conference Thursday that his agency has not detected increased al-Qaeda communications or other signs of an imminent strike. But many government and private terrorism experts say the financial crisis has given al-Qaeda an opening, and judging from public statements and intercepted communications, senior al-Qaeda leaders are elated by the West's economic troubles, which they regard as a vindication of their efforts and a sign of the superpower's weakness. "Al-Qaeda's propaganda arm is constantly banging the drum saying that the U.S. economy is on the precipice -- and it's the force of the jihadists that's going to push us over the edge," said Bruce Hoffman, a former scholar-in-residence at the CIA and now a professor at Georgetown University. Whether terrorist leader Osama bin Laden is technically capable of another Sept. 11-style attack is unclear, but U.S. officials say he has traditionally picked times of transition to launch major strikes. The two major al-Qaeda-linked attacks on U.S. soil -- the World Trade Center bombing in 1993 and the 2001 hijackings -- occurred in the early months of new administrations. This year, the presidential transition is occurring as American households and financial institutions are under severe economic strain, and political leaders are devoting great time and effort to that crisis. Frances Fragos Townsend, who previously served as Bush's homeland security adviser, told a gathering of terrorism experts last month that the confluence of events is "not lost" on bin Laden. "We know from prior actions that this is a period of vulnerability," Townsend said. As bad as economic conditions are in the United States and Europe, where outright recessions are expected next year, they are worse in developing countries such as Pakistan, a state that was already struggling with violent insurgencies and widespread poverty. Some analysts warn that a prolonged economic crisis could trigger a period of widespread unrest that could strengthen the hand of extremists and threaten Pakistan's democratically elected government -- with potentially grave consequences for the region and perhaps the planet. Pakistanis were hit by soaring food and energy prices earlier in the year, and the country's financial problems have multiplied since late summer. Islamabad's currency reserves have nearly evaporated, forcing the new government to seek new foreign loans or risk defaulting on the country's debt. The national currency, the rupee, has been devalued, and inflation is squeezing Pakistan's poor and middle class alike. Shahid Javed Burki, a native Pakistani and former World Bank official, said job cuts and higher food costs are behind much of the anger and desperation he witnessed during a recent trip. "I'm especially worried about the large urban centers," said Burki, author of several books on Pakistan's economy. "If they are badly hurt, it creates incentives for people to look to the extremists to make things better. It's a very dicey situation." U.S. officials are following developments with particular concern because of Pakistan's critical role in the campaign against terrorism, as well as the country's arsenal of dozens of nuclear weapons. Al-Qaeda has appealed directly to Pakistanis to overthrow their government, and its Taliban allies have launched multiple suicide bombings, some aimed at economic targets such as the posh Marriott hotel in Islamabad, hit in September. Economic and social unrest has helped drive recruiting for militant groups that cross into Afghanistan to attack U.S. troops. The Bush administration has counterpunched by striking unilaterally at al-Qaeda-allied militants in the autonomous tribal region along the Afghan border. More than 15 such strikes, using unmanned Predator aircraft piloted remotely by the CIA, have killed dozens of suspected insurgents since late August

#### Decline spurs terrorism

Warrick 8

Joby Warrick, Washington Post Staff Writer [November 15, 2008, “Experts Warn of Security Risks in Financial Downturn,” http://www.washingtonpost.com/wp-dyn/content/article/2008/11/14/AR2008111403864.html]

Intelligence officials say they have no hard evidence of a pending terrorist attack, and CIA Director Michael V. Hayden said in a news conference Thursday that his agency has not detected increased al-Qaeda communications or other signs of an imminent strike.¶ But many government and private terrorism experts say the financial crisis has given al-Qaeda an opening, and judging from public statements and intercepted communications, senior al-Qaeda leaders are elated by the West's economic troubles, which they regard as a vindication of their efforts and a sign of the superpower's weakness.¶ "Al-Qaeda's propaganda arm is constantly banging the drum saying that the U.S. economy is on the precipice -- and it's the force of the jihadists that's going to push us over the edge," said Bruce Hoffman, a former scholar-in-residence at the CIA and now a professor at Georgetown University.¶ Whether terrorist leader Osama bin Laden is technically capable of another Sept. 11-style attack is unclear, but U.S. officials say he has traditionally picked times of transition to launch major strikes. The two major al-Qaeda-linked attacks on U.S. soil -- the World Trade Center bombing in 1993 and the 2001 hijackings -- occurred in the early months of new administrations.¶ This year, the presidential transition is occurring as American households and financial institutions are under severe economic strain, and political leaders are devoting great time and effort to that crisis. Frances Fragos Townsend, who previously served as Bush's homeland security adviser, told a gathering of terrorism experts last month that the confluence of events is "not lost" on bin Laden.¶ "We know from prior actions that this is a period of vulnerability," Townsend said.¶ As bad as economic conditions are in the United States and Europe, where outright recessions are expected next year, they are worse in developing countries such as Pakistan, a state that was already struggling with violent insurgencies and widespread poverty. Some analysts warn that a prolonged economic crisis could trigger a period of widespread unrest that could strengthen the hand of extremists and threaten Pakistan's democratically elected government -- with potentially grave consequences for the region and perhaps the planet.¶ Pakistanis were hit by soaring food and energy prices earlier in the year, and the country's financial problems have multiplied since late summer. Islamabad's currency reserves have nearly evaporated, forcing the new government to seek new foreign loans or risk defaulting on the country's debt. The national currency, the rupee, has been devalued, and inflation is squeezing Pakistan's poor and middle class alike.¶ Shahid Javed Burki, a native Pakistani and former World Bank official, said job cuts and higher food costs are behind much of the anger and desperation he witnessed during a recent trip. "I'm especially worried about the large urban centers," said Burki, author of several books on Pakistan's economy. "If they are badly hurt, it creates incentives for people to look to the extremists to make things better. It's a very dicey situation."

### Pakistan Adv

#### 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.

#### No escalation—no vital interests for great power war in Central Asia.

Weitz ‘6

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 notdirectly 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 risk of war- militaries wont launch strikes even during times of tension

Louden 08 [Bruce, The Australian's South Asia correspondent. http://www.theaustralian.news.com.au/story/0,25197,24746635-25837,00.html]

THE doomsayers' published assessments tell the grim story: upwards of 12 million people killed on the first day of a nuclear exchange, more than 150 million dead in a longer nuclear conflict. Devastation and destruction on a scale that is almost unimaginable. A catastrophe that would vastly transcend that seen at Hiroshima and Nagasaki at the end of World War II. That is why, as India and Pakistan muscle up to each other after the Mumbai massacre and leaders from across the world hurry to counsel cool heads and caution in New Delhi and Islamabad, the unspoken fear everywhere is that the two South Asian neighbours could be pushed into the unthinkable: their fourth war, and one in which they would mobilise their nuclear arsenals. It is, it must be said, an unlikely prospect. No one in either capital -- even among the hotheads -- is thinking in those terms. Experienced strategic analysts rule it out. "Don't even think about it. It ain't going to happen," one says. But as the crisis over terrorism across South Asia deepens and jihadist groups linked to al-Qa'ida launch devastating attacks such as the one in Mumbai last week -- attacks designed to exacerbate tensions between India and Pakistan -- there is, in the view of most analysts, always the potential for events to tumble out of control and lead to a doomsday nuclear conflagration, with enormous loss of life. "South Asia's a nuclear tinderbox," a leading military analyst in New Delhi tells The Australian. "Yes, of course, I'd just about rule it out in the context of the face-off following the Mumbai attack. "But it's always there, always nagging at the edges of the constant tensions in the subcontinent. And there's no doubt that Osama (bin Laden) is doing his bit to stir the pot and do what he can to increase those tensions, since conflict between India and Pakistan serves the jihadist cause." Yesterday, US military officials in Washington, DC, closely monitoring the situation described the military temperature between the two neighbours as "pretty low right now", adding that although Pakistan has moved some aircraft and air defence units closer to the Indian border since the Mumbai attack, "on the nuclear side there is nothing". Which is hardly surprising, for the political will in both sides, despite the muscle-flexing, is overwhelmingly against resort to their nuclear arsenals. India, since it demonstrated its nuclear capability in 1998, has maintained a firm no-first-strike policy and a few days ago Pakistan's President Asif Ali Zardari turned longstanding Pakistani policy on its head (some believe to the annoyance of the country's powerful generals) by articulating a similar stance. On both sides there is a mood of extreme caution on the subject of any possible use of nuclear weapons, matched only by the intense secrecy that surrounds their arsenals.

### 