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#### 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.

#### Constraining targeted killing’s role in the war on terror causes extinction

Beres 11

Louis Rene Beres 11, Professor of Political Science and International Law at Purdue, 2011, “After Osama bin Laden: Assassination, Terrorism, War, and International Law,” Case Western Reserve Journal of International Law, 44 Case W. Res. J. Int'l L. 93

Even after the U.S. assassination of Osama bin Laden, we are still left with the problem of demonstrating that assassination can be construed, at least under certain very limited circumstances, as an appropriate instance of anticipatory self-defense. Arguably, the enhanced permissibility of anticipatory self-defense that follows generally from the growing destructiveness of current weapons technologies in rogue hands may be paralleled by the enhanced permissibility of assassination as a particular strategy of preemption. Indeed, where assassination as anticipatory self-defense may actually prevent a nuclear or other highly destructive form of warfare, reasonableness dictates that it could represent distinctly, even especially, law-enforcing behavior.

For this to be the case, a number of particular conditions would need to be satisfied. First, the assassination itself would have to be limited to the greatest extent possible to those authoritative persons in the prospective attacking state. Second, the assassination would have to conform to all of the settled rules of warfare as they concern discrimination, proportionality, and military necessity. Third, the assassination would need to follow intelligence assessments that point, beyond a reasonable doubt, to preparations for unconventional or other forms of highly destructive warfare within the intended victim's state. Fourth, the assassination would need to be founded upon carefully calculated judgments that it would, in fact, prevent the intended aggression, and that it would do so with substantially less harm [\*114] to civilian populations than would all of the alternative forms of anticipatory self-defense.

Such an argument may appear manipulative and dangerous; permitting states to engage in what is normally illegal behavior under the convenient pretext of anticipatory self-defense. Yet, any blanket prohibition of assassination under international law could produce even greater harm, compelling threatened states to resort to large-scale warfare that could otherwise be avoided. Although it would surely be the best of all possible worlds if international legal norms could always be upheld without resort to assassination as anticipatory self-defense, the persisting dynamics of a decentralized system of international law may sometimes still require extraordinary methods of law-enforcement. n71¶ Let us suppose, for example, that a particular state determines that another state is planning a nuclear or chemical surprise attack upon its population centers. We may suppose, also, that carefully constructed intelligence assessments reveal that the assassination of selected key figures (or, perhaps, just one leadership figure) could prevent such an attack altogether. Balancing the expected harms of the principal alternative courses of action (assassination/no surprise attack v. no assassination/surprise attack), the selection of preemptive assassination could prove reasonable, life-saving, and cost-effective.¶ What of another, more common form of anticipatory self-defense? Might a conventional military strike against the prospective attacker's nuclear, biological or chemical weapons launchers and/or storage sites prove even more reasonable and cost-effective? A persuasive answer inevitably depends upon the particular tactical and strategic circumstances of the moment, and on the precise way in which these particular circumstances are configured.¶ But it is entirely conceivable that conventional military forms of preemption would generate tangibly greater harms than assassination, and possibly with no greater defensive benefit. This suggests that assassination should not be dismissed out of hand in all circumstances as a permissible form of anticipatory self-defense under international law. [\*115] ¶ What of those circumstances in which the threat to particular states would not involve higher-order (WMD) n72 military attacks? Could assassination also represent a permissible form of anticipatory self-defense under these circumstances? Subject to the above-stated conditions, the answer might still be "yes." The threat of chemical, biological or nuclear attack may surely enhance the legality of assassination as preemption, but it is by no means an essential precondition. A conventional military attack might still, after all, be enormously, even existentially, destructive. n73 Moreover, it could be followed, in certain circumstances, by unconventional attacks.

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#### Text: The Executive branch of the United States should publically establish transparency standards outlining its legal rationale for its target killing policy, including the standards and procedures for target selection.

#### CP resolves drone legitimacy and resentment

Daskal 13

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

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#### Iran sanctions are at the top of the docket – Obama is spending capital to persuade Democrats to sustain a veto

Lobe, 12-27

Reporter for Inter Press Service(Jim, “Iran sanctions bill: Big test of Israel lobby power”

<http://www.arabamericannews.com/news/index.php?mod=article&cat=World&article=8046>)

WASHINGTON - This week’s introduction by a bipartisan group of 26 senators of a new sanctions bill against Iran could result in the biggest test of the political clout of the Israel lobby here in decades.¶ The White House, which says the bill could well derail ongoing negotiations between Iran and the U.S. and five other powers over Tehran’s nuclear program and destroy the international coalition behind the existing sanctions regime, has already warned that it will veto the bill if it passes Congress in its present form.¶ The new bill, co-sponsored by two of Congress’s biggest beneficiaries of campaign contributions by political action committees closely linked to the powerful American Israel Public Affairs Committee (AIPAC), would impose sweeping new sanctions against Tehran if it fails either to comply with the interim deal it struck last month in Geneva with the P5+1 (U.S., Britain, France, Russia, China plus Germany) or reach a comprehensive accord with the great powers within one year.¶ To be acceptable, however, such an accord, according to the bill, would require Iran to effectively dismantle virtually its entire nuclear program, including any enrichment of uranium on its own soil, as demanded by Israeli Prime Minister Benjamin Netanyahu.¶ The government of President Hassan Rouhani has warned repeatedly that such a demand is a deal-breaker, and even Secretary of State John Kerry has said that a zero-enrichment position is a non-starter.¶ The bill, the Nuclear Weapon Free Iran Act, also calls for Washington to provide military and other support to Israel if its government “is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program.”¶ The introduction of the bill last week by Republican Sen. Mark Kirk and Democratic Sen. Robert Menendez followed unsuccessful efforts by both men to get some sanctions legislation passed since the Geneva accord was signed Nov. 24.¶ Kirk at first tried to move legislation that would have imposed new sanctions immediately in direct contradiction to a pledge by the P5+1 in the Geneva accord to forgo any new sanctions for the six-month life of the agreement in exchange for, among other things, enhanced international inspections of Iran’s nuclear facilities and a freeze on most of its nuclear program.¶ Unable to make headway, Kirk then worked with Menendez to draw up the new bill which, because of its prospective application, would not, according to them, violate the agreement. They had initially planned to attach it to a defense bill before the holiday recess. But the Democratic leadership, which controls the calendar, refused to go along.¶ Their hope now is to pass it – either as a free-standing measure or as an amendment to another must-pass bill after Congress reconvenes Jan. 6.¶ To highlight its bipartisan support, the two sponsors gathered a dozen other senators from each party to co-sponsor it.¶ Republicans, many of whom reflexively oppose President Barack Obama’s positions on any issue and whose core constituencies include Christian Zionists, are almost certain to support the bill by an overwhelming margin. If the bill gets to the floor, the main battle will thus take place within the Democratic majority.¶ The latter find themselves torn between, on the one hand, their loyalty to Obama and their fear that new sanctions will indeed derail negotiations and thus make war more likely, and, on the other, their general antipathy for Iran and the influence exerted by AIPAC and associated groups as a result of the questionable perception that Israel’s security is uppermost in the minds of Jewish voters and campaign contributors (who, by some estimates, provide as much as 40 percent of political donations to Democrats in national campaigns).¶ The administration clearly hopes the Democratic leadership will prevent the bill from coming to a vote, but, if it does, persuading most of the Democrats who have already endorsed the bill to change their minds will be an uphill fight. If the bill passes, the administration will have to muster 34 senators of the 100 senators to sustain a veto – a difficult but not impossible task, according to Congressional sources.¶ That battle has already been joined. Against the 13 Democratic senators who signed onto the Kirk-Menendez bill, 10 Democratic Senate committee chairs urged Majority Leader Harry Reid, who controls the upper chamber’s calendar, to forestall any new sanctions legislation.

#### Obama’s strategy is working but failure scuttles the nuclear deal

Merry 1-1

Robert W. Merry, political editor of the National Interest, is the author of books on American history and foreign policy (Robert, “Obama may buck the Israel lobby on Iran” Washington Times, factiva)

Presidential press secretary Jay Carney uttered 10 words the other day that represent a major presidential challenge to the American Israel lobby and its friends on Capitol Hill. Referring to Senate legislation designed to force President Obama to expand economic sanctions on Iran under conditions the president opposes, Mr. Carney said: “If it were to pass, the president would veto it.”¶ For years, there has been an assumption in Washington that you can’t buck the powerful Israel lobby, particularly the American Israel Public Affairs Committee, or AIPAC, whose positions are nearly identical with the stated aims of Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu doesn’t like Mr. Obama’s recent overture to Iran, and neither does AIPAC. The result is the Senate legislation, which is similar to a measure already passed by the House.¶ With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto.¶ It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement.¶ However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control.¶ Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “an appalling new low in the Israeli government’s grip on the U.S. Congress.”¶ While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.”¶ That brings us back to Mr. Obama’s veto threat. The American people have made clear through polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars.¶ That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.¶ 2014 will mark the 100th anniversary of beginning of World War I, a conflict triggered by entangling alliances that essentially gave the rulers of the Hapsburg Empire power that forced nation after nation into a war they didn’t want and cost the world as many as 20 million lives. Historians have warned since of the danger of nations delegating the power to take their people into war to other nations with very different interests.¶ AIPAC’s political power is substantial, but this is Washington power, the product of substantial campaign contributions and threats posed to re-election prospects. According to the Center for Responsive Politics’ Open Secrets website, Sens. Kirk, Menendez and Schumer each receives hundreds of thousands of dollars a year in pro-Israel PAC money and each of their states includes concentrations of pro-Israel voters who help elect and re-elect them.¶ Elsewhere in the country, AIPAC’s Washington power will collide with the country’s clear and powerful political sentiment against further U.S. adventurism in the Middle East, particularly one as fraught with as much danger and unintended consequence as a war with Iran. If the issue gets joined, as it appears that it will, Mr. Obama will see that it gets joined as a matter of war and peace. If the Menendez-Schumer-Kirk legislation clears Congress and faces a presidential veto, the war-and-peace issue could galvanize the American people as seldom before.¶ If that happens, the strongly held opinions of a democratic public are liable to overwhelm the mechanisms of Washington power, and the vaunted influence of the Israel lobby may be seen as being not quite what it has been cracked up to be.

#### The plan causes an inter-branch fight – saps PC and derails his 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.

#### That causes a US-Iran war and Iranian prolif

WORLD TRIBUNE 11-13

[Obama said to suspend Iran sanctions without informing Congress, http://www.worldtribune.com/2013/11/13/obama-said-to-suspend-iran-sanctions-without-informing-congress/]

The administration has also pressured Congress to suspend plans for new sanctions legislation against Iran. The sources said the White House effort has encountered resistance from both Democrats and Republicans, particularly those in the defense and foreign affairs committees.¶ “I urge the White House and the Senate to learn from the lessons of the past and not offer sanctions relief in return for the false hopes and empty promises of the Iranian regime,” Rep. Ileana Ros-Lehtinen, chairwoman of the House Middle East and North Africa Subcommittee, said. “Instead, new rounds of sanctions must be implemented to gain further leverage because any misstep in calculations at this juncture will have devastating and irreversible consequences that will be difficult to correct retroactively.”¶ On Nov. 12, the White House warned that additional sanctions on Iran would mean war with the United States. White House press secretary Jay Carney, in remarks meant to intensify pressure on Congress, said sanctions would end the prospect of any diplomatic solution to Iran’s crisis. ¶ “The American people do not want a march to war,” Carney said. “It is important to understand that if pursuing a resolution diplomatically is disallowed or ruled out, what options then do we and our allies have to prevent Iran from acquiring a nuclear weapon?”¶ Still, the Senate Banking Committee has agreed to delay any vote on sanctions legislation until a briefing by Secretary of State John Kerry on Nov. 13. The sources said Kerry was expected to brief the committee on the P5+1 talks in Geneva that almost led to an agreement with Teheran.¶ “The secretary will be clear that putting new sanctions in place would be a mistake,” State Department spokeswoman Jen Psaki said on Nov. 12. “We are still determining if there’s a diplomatic path forward. What we are asking for right now is a pause, a temporary pause, in sanctions.”

#### Iran war escalates

White 11

July/August 2011 (Jeffrey—defense fellow at the Washington Institute for Near East Policy, What Would War With Iran Look Like, National Interest, p. http://www.the-american-interest.com/article-bd.cfm?piece=982)

A U.S.-Iranian war would probably not be fought by the United States and Iran alone. Each would have partners or allies, both willing and not-so-willing. Pre-conflict commitments, longstanding relationships, the course of operations and other factors would place the United States and Iran at the center of more or less structured coalitions of the marginally willing. A Western coalition could consist of the United States and most of its traditional allies (but very likely not Turkey, based on the evolution of Turkish politics) in addition to some Persian Gulf states, Jordan and perhaps Egypt, depending on where its revolution takes it. Much would depend on whether U.S. leaders could persuade others to go along, which would mean convincing them that U.S. forces could shield them from Iranian and Iranian-proxy retaliation, or at least substantially weaken its effects. Coalition warfare would present a number of challenges to the U.S. government. Overall, it would lend legitimacy to the action, but it would also constrict U.S. freedom of action, perhaps by limiting the scope and intensity of military operations. There would thus be tension between the desire for a small coalition of the capable for operational and security purposes and a broader coalition that would include marginally useful allies to maximize legitimacy. The U.S. administration would probably not welcome Israeli participation. But if Israel were directly attacked by Iran or its allies, Washington would find it difficult to keep Israel out—as it did during the 1991 Gulf War. That would complicate the U.S. ability to manage its coalition, although it would not necessarily break it apart. Iranian diplomacy and information operations would seek to exploit Israeli participation to the fullest. Iran would have its own coalition. Hizballah in particular could act at Iran’s behest both by attacking Israel directly and by using its asymmetric and irregular warfare capabilities to expand the conflict and complicate the maintenance of the U.S. coalition. The escalation of the Hizballah-Israel conflict could draw in Syria and Hamas; Hamas in particular could feel compelled to respond to an Iranian request for assistance. Some or all of these satellite actors might choose to leave Iran to its fate, especially if initial U.S. strikes seemed devastating to the point of decisive. But their involvement would spread the conflict to the entire eastern Mediterranean and perhaps beyond, complicating both U.S. military operations and coalition diplomacy.

### 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.

### Deterrence

#### 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.

#### Surveillance drones independently cause escalation – aff can’t solve –1AC author

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Boyle 13

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf> (//mtc)

A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them.

**No risk of drone wars**

**Singh 12**

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.

**Lack of predictable rationality means that deterrence fails.**

Keith B. **Payne 08- AFF AUTHOR FROM 3 Years Later** The Great American Gamble: Deterrence Theory and Practice from the Cold War to the Twenty First Century National Institute for Public Policy Department of Defense and Strategic Studies Missouri State Universityp. 256

**The inherent uncertainties in an escalation process are expected to have this powerful, decisive effect on decision making and to ensure the functioning of deterrence**. Ignored in this central tenet, however, is the fact that the **same uncertainties expected to deter must also render unpredictable an opponent's decision-making process and behavior in response to U.S. deterrence threats.** The problem with Schelling's innovative proposition that is so central to balance of terror tenets is that it posits an unerring consistency of prudent leadership and decision making in response to the unavoidable uncertainties of leadership decision making. **The unavoidable uncertainties of decision making and behavior inexplicably fix themselves: in an intense, escalating crisis they somehow miraculously disappear, leaving only the opponent's consistent prudent behavior, and thus the reliable and predictable functioning of deterrence**. This proposition accepts the unavoidable reality of uncertainties in decision making and thus of an escalation process, yet simultaneously posits certainty with regard to how opponents will make decisions and behave in response to those uncertainties. In effect, **crisis decision making is said to include an unavoidable degree of uncertainty and unpredictability, with the exception of how opponents will respond to our deterrence threats; here they are certain to be prudent, cautious and "deterrable**." No explanation is offered or available as to why an opponent's decision making in response to U.S. deterrence threats should somehow uniquely be free of the inherent uncertainties and lack of predictability affecting all other leadership decision making. **The same irreducible imponderables of leadership decision making and behavior that Schelling highlights to emphasize why opponents should choose prudence and caution, and thus be deterred, must instead render uncertain whether they will in fact do so. Again, with balance of terror tenets, it is as if a miracle happens: the inherent uncertainties of crisis decision making and behavior inexplicably no longer apply and we can be confident that opponents reliably and consistently will choose to be deterred. In sum, the basic balance of terror proposition that uncertainties abound in leadership decision making and behavior is sound. The very existenc.e of these uncertainties, however, points not toward a single consistent "rational" mode of opponent decision making-i.e., prudence and caution in the face of uncertainty and thus the reliable working of deterrence-but toward the potential for multiple, unpredictable decisions and behaviors, including surprising decisions to provoke and run great risk.** The irreducible uncertainties in decision making and leadership behavior do not ensure the predictable functioning of deterrence; they preclude it.

#### Nuclear deterrence is dead now

**Adney 2012** (September 27, Kenneth J., “ADNEY: Nuclear arsensal deteriorating” <http://www.washingtontimes.com/news/2012/sep/27/nuclear-arsensal-deteriorating/>)

Last **Sunday passed with little notice. It marked 20 years since the last nuclear test conducted by the United States**. The test, appropriately named “Divider,” was a divider between an era of responsible U.S. nuclear weapon policy and management and the subsequent years of negligence and decline. This **test was the last gasp of a program barely started to bring our nuclear stockpile into the post-Cold War world**. The time to restore and update U.S. nuclear weapon capabilities is long overdue. In **1992**, President George H.W. **Bush reluctantly signed into law a nuclear test moratorium in hopes of saving the Superconducting Super Collider** — a never-to-be-realized particle accelerator planned in Texas. Though the law eventually expired, nuclear tests were prohibited by presidential order throughout the eight Clinton years. Complaints that the stockpile and the quality of the U.S. nuclear weapon complex would decline were muted by promises of generous funding for “non-nuclear” nuclear weapon research. **Legislation was also passed making it illegal for our scientists to work on new nuclear weapons**. For years, nuclear weapon scientists shouldered the unpopular but vital mission of “thinking about the unthinkable” — developing nuclear weapons to assure the credibility and reliability of our deterrent. With the passage of this law, a noble responsibility was declared illegal. **Consumed by the terrorism threat, the eight years of** President George W. **Bush's administration were marked by continued, even if unintended, neglect of U.S. nuclear weapons. Expectations of friendship with Russia led to further reduction**s in the numbers of U.S. weapons, while those remaining grew older and increasingly obsolete, both technically and tactically. The Obama **administration makes little pretense of responsible husbandry, even of a geriatric nuclear stockpile. It fully embraces the goal of nuclear disarmament and measures progress by how fast we dismantle and disarm**. As a long-worshipped leftist goal, no justification is needed for this policy within the administration. It is reinforced by the need to reduce spending in a stagnant economy, to support profligate spending on more popular priorities and a compliant, stressed-out military. **Twenty years have passed, and where are we? The number and variety of weapons in the stockpile have been reduced to levels not seen since the mid-1950s.** If the Obama administration gets its way, the stockpile will soon look like it did in the 1940s. The few nuclear weapon types remaining were appropriate for a Cold War nuclear exchange with the Soviet Union but, frozen in time, it is hard to imagine they are a good fit in today’s more complex world. Our remaining nuclear systems were designed when eight-track tapes were an innovation. Many of the experienced **scientists and engineers at the nuclear weapons laboratories have died, retired or been dismissed** from the team. **Serious thinking about modernizing our arsenal is taboo. Any suggestion that nuclear testing should be resumed is stifled by the layers of managers, bureaucrats and politicians who control the budgets**. Survival is the name of the game, not science in the interest of national security. Some of our newer scientists have convinced themselves they know so much that more nuclear testing is superfluous. True, **labs have computer simulations that rival most video games, but they are not the real world.** The B-52 bomber is an old weapon system, but it is flown quite often. If it sat in a hangar for 20 years and only “flown” by simulator, would you trust it? Would an enemy fear it? Don’t forget that **our nuclear weapon enterprise is “managed” by the Department of Energy, a bureaucracy that may be the most ineffective and mismanaged agency in American history. If you could peek behind the curtain, you shouldn’t be surprised to see a nuclear version of Solyndra**. Also telling, the department’s **Nevada Test Site has been given a new name: the “Nevada National Security** Site.” Despite the test site’s history, political correctness demands avoidance of the “N-word” (nuclear) and the “T-word” (test).

### I-Law

#### 1. Alt causes to international law violations---

#### A.) Guantanamo

Nebehay 13

(Stephanie Nebehay, Reuters staff writer, April 5th 2013, “UN says US violating international law, calls for closure of Guantanamo”, http://worldnews.nbcnews.com/\_news/2013/04/05/17617277-un-says-us-violating-international-law-calls-for-closure-of-guantanamo?lite, AB)

GENEVA -- The UN human rights chief called on the United States on Friday to close down the Guantanamo Bay prison camp, saying the indefinite imprisonment of many detainees without charge or trial violated international law. Navi Pillay said the hunger strike being staged by some inmates at the Guantanamo Bay U.S. Naval Base in southeastern Cuba was a "desperate act" but "scarcely surprising." "We must be clear about this: The United States is in clear breach not just of its own commitments but also of international laws and standards that it is obliged to uphold," the UN high commissioner for human rights said in a statement.

#### B.) Executions

BBC 11

(BBC, July 8th 2011, http://www.bbc.co.uk/news/world-us-canada-14089246, “Texas execution 'violated international law', UN says”, AB)

The US breached international law when the state of Texas executed a Mexican citizen convicted of raping and killing an American girl, the UN's senior human rights official has said. Navi Pillay cited "particular legal concerns" whether Humberto Leal Garcia, 38, had access to consular officials and a fair trial. US Secretary of State Hillary Clinton also said she was "disappointed" that Texas carried out the lethal injection. Leal was executed late on Thursday. He was not told he could have access to Mexican consular officials, in violation of the Vienna Convention. "US compliance with Vienna convention terms is absolutely critical to ensuring our own consular access and our own ability to protect Americans detained abroad," State Department spokeswoman Victoria Nuland said. Ms Nuland said not protecting "the rights of non-Americans in the United States" could lead to a lack of US access to American citizens overseas in the future.

C.) Snowden

Weil 13

(Dr. Danny Weil is an investigative journalist, author and public interest attorney who practiced public interest law for more than twenty years, July 11th 2013, “Obama violates international laws even the Nazis didn’t violate”, http://www.dailycensored.com/obama-violates-international-laws-even-the-nazis-didnt-violate/, AB)

Days after President Obama stated he was not going to scramble jets to catch a 29 year old hacker, Bolivian president Evo Morales’ plane was diverted to Vienna, Austria after France, Portugal, Italy and Spain closed their air space to the plane. It widely believed the US initiated a “lock down” of air space because there was a suspicion that whistle blower Edward Snowden was on board the plane. But he was not. This action violated international law and the sovereignty of Bolivia. Meanwhile the US continues to refuse to extradite Luis Posada Carriles who is wanted in Venezuela and Cuba for the 1976 bombing of a Cuban airliner, despite The US’ alleged commitment to eradicating terrorism. In 1944 The US and Swedish governments collaborated to initiate a program to rescue Jews in Hungary. Raoul Wallenberg led the Swedish mission to rescue Jews in Budapest. Wallenberg issued “protective passports” to thousands of Jews, identifying them as Swedish subjects awaiting repatriation. Wallenberg rented buildings and declared them Swedish territory subject to diplomatic immunity. Up to 10,000 Jews were housed in these buildings. This included future US congressman Tom Lantos. Incredibly the Germans respected the “protective passports” and honored the diplomatic protection conferred by them. Apparently the Germans understood respecting the sanctity of diplomatic immunity and asylum was in their own self interest. http://en.wikipedia.org/wiki/Raoul\_Wallenberg In addition to the Morales plane incident, the failure of the US to respect diplomatic immunity and the right to political asylum includes the revocation of Edward Snowden’s passport without due process, and the refusal to respect the political asylum granted to Julian Assange and allow him safe passage to Ecuador. The US is now engaging in conduct which even Nazi Germany refrained from engaging in.

**Drones follow rules of war – their evidence has a misconception of weaponry**

Reimer ‘13

(University of Southern Denmark, Center for American Studies, “A War in the Shadows: The ObamaAdministration’s Use of Drones” 2013 <http://academia.edu/2453160/_A_War_in_the_Shadows_The_Obama_Administrations_Use_of_Drones_in_Pakistan>, TSW)

To begin with, drones as weapons of choice do not undermine the rules of war, given that they are merely a weapon like any other weapon under international law. Also, the talk on the subject of drones creating a “Playstation-mentality” of warfare misses the point. Remote-pilots are answerable for their actions just as the pilot in the cockpit of a jet is. The same is true for the drone pilot's commanders and everyone else all the way up the system to the president.. The subject of this essay is, however, the use of drones in Pakistan and will begin with the main concept underlying the use of drones – the `war on terror`.

#### No impact - threat overestimated and adaption solves

Mendelsohn 9

(Robert O. the Edwin Weyerhaeuser Davis Professor, Yale School of¶ Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and¶ Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/¶ gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006.) Millions of people might be vulnerable to health effects (IPCC 2007b) crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20-30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people. (Dasgupta et al. 2009) Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and wellbeing may be at risk (Stern 2006). These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the Case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. the net economic impacts from climate change over the next 50 years will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long-run balanced responses.

#### 6 degree warming’s inevitable

AP 9

(Associated Press, Six Degree Temperature Rise by 2100 is Inevitable: UNEP, September 24, <http://www.speedy-fit.co.uk/index2.php?option=com_content&do_pdf=1&id=168>)

Earth's temperature is likely to jump six degrees between now and the end of the century even if every country cuts greenhouse gas emissions as proposed, according to a United Nations update. Scientists looked at emission plans from 192 nations and calculated what would happen to global warming. The projections take into account 80 percent emission cuts from the U.S. and Europe by 2050, which are not sure things. The U.S. figure is based on a bill that passed the House of Representatives but is running into resistance in the Senate, where debate has been delayed by health care reform efforts. Carbon dioxide, mostly from the burning of fossil fuels such as coal and oil, is the main cause of global warming, trapping the sun's energy in the atmosphere. The world's average temperature has already risen 1.4 degrees since the 19th century. Much of projected rise in temperature is because of developing nations, which aren't talking much about cutting their emissions, scientists said at a United Nations press conference Thursday. China alone adds nearly 2 degrees to the projections. "We are headed toward very serious changes in our planet," said Achim Steiner, head of the U.N.'s environment program, which issued the update on Thursday. The review looked at some 400 peer-reviewed papers on climate over the last three years. Even if the developed world cuts its emissions by 80 percent and the developing world cuts theirs in half by 2050, as some experts propose, the world is still facing a 3-degree increase by the end of the century, said Robert Corell, a prominent U.S. climate scientist who helped oversee the update. Corell said the most likely agreement out of the international climate negotiations in Copenhagen in December still translates into a nearly 5-degree increase in world temperature by the end of the century. European leaders and the Obama White House have set a goal to limit warming to just a couple degrees. The U.N.'s environment program unveiled the update on peer-reviewed climate change science to tell diplomats how hot the planet is getting. The last big report from the Nobel Prize-winning Intergovernmental Panel on Climate Change came out more than two years ago and is based on science that is at least three to four years old, Steiner said. Global warming is speeding up, especially in the Arctic, and that means that some top-level science projections from 2007 are already out of date and overly optimistic. Corell, who headed an assessment of warming in the Arctic, said global warming "is accelerating in ways that we are not anticipating." Because Greenland and West Antarctic ice sheets are melting far faster than thought, it looks like the seas will rise twice as fast as projected just three years ago, Corell said. He said seas should rise about a foot every 20 to 25 years.

#### No water wars

Allouche 11

Jeremy Allouche 11 is currently a Research Fellow at the Institute of Development Studies at the University of Sussex. "The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade" Food PolicyVolume 36, Supplement 1, January 2011, Pages S3-S8 Accessed via: Science Direct Sciverse¶ Water/food resources, war and conflict

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that most empirical studies do not support any of these neo-Malthusian arguments. Technological change **and greater inputs of capital** have **dramatically increased labour productivity in agriculture.** More generally, the neo-Malthusian view has suffered because during the last two centuries **humankind has breached many resource barriers that seemed unchallengeable**. Lessons from history: alarmist scenarios, resource wars and international relations In a so-called age of uncertainty, a number of alarmist scenarios have linked the increasing use of water resources and food insecurity with wars. The idea of water wars (perhaps more than food wars) is a dominant discourse in the media (see for example Smith, 2009), NGOs (International Alert, 2007) and within international organizations (UNEP, 2007). In 2007, UN Secretary General Ban Ki-moon declared that ‘water scarcity threatens economic and social gains and is a potent fuel for wars and conflict’ (Lewis, 2007). Of course, this type of discourse has an **instrumental purpose**; security and conflict are here used for raising water/food as key policy priorities at the international level.¶ In the Middle East, presidents, prime ministers and foreign ministers have also used this bellicose rhetoric. Boutrous Boutros-Gali said; ‘the next war in the Middle East will be over water, not politics’ (Boutros Boutros-Gali in Butts, 1997, p. 65). The question is not whether the sharing of transboundary water sparks political tension and alarmist declaration, but rather to what extent water has been a principal factor in international conflicts. The evidence seems quite weak. Whether by president Sadat in Egypt or King Hussein in Jordan, none **of these declarations have been followed up by military action**.¶ The governance of transboundary water has gained increased attention these last decades. This has a direct impact on the global food system as water allocation agreements determine the amount of water that can used for irrigated agriculture. The likelihood of conflicts over water is an important parameter to consider in assessing the stability, sustainability and resilience of global food systems.¶ None **of the** various and extensive databases on the causes of war show water as a casus belli. Using the International Crisis Behavior (ICB) data set and supplementary data from the University of Alabama on water conflicts, Hewitt, Wolf and Hammer found only seven disputes where water seems to have been at least a partial cause for conflict (Wolf, 1998, p. 251). In fact, about 80% of the incidents relating to water were limited purely to governmental rhetoric intended for the electorate (Otchet, 2001, p. 18).¶ As shown in The Basins At Risk (BAR) water event database, **more than two-thirds of over 1800 water-related ‘events’ fall on the ‘cooperative’ scale** (Yoffe et al., 2003). Indeed, if one takes into account a much longer period, the following figures clearly demonstrate this argument. According to studies by the United Nations Food and Agriculture Organization (FAO), organized political bodies signed between the year 805 and 1984 more than 3600 water-related treaties, and approximately 300 treaties dealing with water management or allocations in international basins have been negotiated since 1945 ([FAO, 1978] and [FAO, 1984]).¶ The fear around water wars have been driven by a Malthusian outlook which equates scarcity with violence, conflict and war. There is however **no direct correlation between water scarcity and transboundary conflict**. Most specialists now tend to agree that the major issue is not scarcity per se but rather the allocation of water resources between the different riparian states (see for example [Allouche, 2005], [Allouche, 2007] and [Rouyer, 2000]). Water rich countries have been involved in a number of disputes with other relatively water rich countries (see for example India/Pakistan or Brazil/Argentina). The perception of each state’s estimated water needs really constitutes the core issue in transboundary water relations. Indeed, whether this scarcity exists or not in reality, perceptions of the amount of available water shapes people’s attitude towards the environment (Ohlsson, 1999). In fact, some water experts have argued that scarcity drives the process of co-operation among riparians ([Dinar and Dinar, 2005] and [Brochmann and Gleditsch, 2006]).¶ In terms of international relations, the threat of water wars due to increasing scarcity **does not make much sense in the light of the recent** historical record. Overall, the water war rationale expects conflict to occur over water, and appears to suggest that violence is a viable means of securing national water supplies, an argument which is highly contestable.¶ The debates over the likely impacts of climate change have again popularised the idea of water wars. The argument runs that climate change will precipitate worsening ecological conditions contributing to resource scarcities, social breakdown, institutional failure, mass migrations and in turn cause greater political instability and conflict ([Brauch, 2002] and [Pervis and Busby, 2004]). In a report for the US Department of Defense, Schwartz and Randall (2003) speculate about the consequences of a worst-case climate change scenario arguing that water shortages will lead to aggressive wars (Schwartz and Randall, 2003, p. 15). Despite growing concern that climate change will lead to instability and violent conflict, **the evidence base to substantiate the connections is thin** ([Barnett and Adger, 2007] and [Kevane and Gray, 2008]).

Aff cant solve acid rain or air pollution- quote from their Carrol evidence

But we cannot stop acid rain or other forms of air pollution while continuing to make the lifestyle and consumption and investment decisions that we make daily

**No impact to air pollution**

**Schwartz 7**

(Joel, Senior Scientist @ Reason Foundation’s Environmental Program, October 1, http://www.heartland.org/environmentandclimate-news.org/article/21984/The\_American\_Lung\_Associations\_Fear\_Campaign.html, JM)

**The most serious claim leveled against air pollution is that it prematurely kills tens of thousands of Americans each year,** even at today's record-low levels. But here too, the real-world evidence says otherwise**. Even air pollution at levels many times greater than Americans ever breathe doesn't kill** laboratory **animals**. Researchers can't, of course, do laboratory studies on people to see if air pollution kills them. But they can look for more mild health effects in human volunteers. Such **studies provide little support for claims of serious harm.** Two **major forms of PM2.5**--sulfates and nitrates--**are** simply **nontoxic**. In fact, ammonium sulfate, the main form of particulate matter from coal-fired power plants, is used as an "inert control"--that is, a substance without any health effects--in human studies of harm from acidic particles. Inhaler medications to reduce airway constriction are delivered in the form of sulfate aerosols. **The lack of toxicity of power plant particulate matter is particularly ironic. In a slew of reports with scary titles** like Death, Disease, and Dirty Power and Power to Kill, **environmentalists have been running a vicious multi-year campaign against inexpensive coal-fired electricity, based on the false claim that power plant pollution is deadly**.

**Err neg- their Impact studies are flawed – confounding**

**Green & Schwarz 2**

(Kenneth & Joel, Chief & Senior Scientists @ Reason Foundation’s Environmental Program, May 1, http://www.heartland.org/environmentandclimate-news.org/article/398/Air\_pollution\_risk\_exaggerated.html, JM)

**It is** thus **difficult to tell** in an ecologic study **whether observed health outcomes are the result of pollution** exposure ... **or other differences between people who live in high- and low-pollution areas.** For example, if it turned out that people in high-pollution areas are more likely to drink or smoke, there’s a danger of inadvertently confusing an effect of alcohol consumption or smoking with an effect of pollution. **This problem is known as confounding. Other confounders include diet, exercise frequency, income, marital status,** “body-mass index” **(BMI**, a measure of obesity), **and education**al attainment. The Pope study researchers accounted for most of these confounders in their analysis. But **the factors were assessed only when people entered the study in 1982 and not afterward. If any of these factors changed after 1982, and if the changes were correlated with pollution levels, then the study results would suffer from uncontrolled confounding**. For example, **if people in areas with higher pollution were also likely to get fatter between 1982 and 2000 when compared with people in lower pollution areas, researchers could mistake an effect of body weight for an effect of air pollution**. Similar concerns apply to other confounders, such as diet and smoking. For example, if the prevalence of smoking decreased more slowly in higher pollution areas during the last 20 years, then smoking might have actually been responsible for effects the Pope study attributes to air pollution. **Because the risks of smoking and obesity are so much larger than the risks the Pope study estimated for fine particulates, even a small difference in smoking and obesity trends between areas with differing pollution levels could swamp the claimed effect of differences in air pollution.** For example, the Pope study found that **a 70 percent increase in the concentration of fine, airborne particle levels increases risk of dying prematurely by 6 percent. But for a six foot, 200-pound, non-smoking man, gaining just 15 pounds increases the risk of an early death by 17 percent**. Two other findings in the Pope study suggest the authors’ efforts to control for confounding were incomplete. First, **the study found particulate exposure increases the risk of lung cancer for men, but not for women.** Second**, the association of air pollution and either cancer or cardiopulmonary mortality held only for people with a high school education or less.** There are also other potentially confounding factors the Pope study did not assess at all, including income and wealth, and physical activity levels. These factors also have a strong relationship to health and could have changed over time in ways that could cause misattribution of health effects to air pollution when they were actually due to other factors.

**Ecosystems quickly recover- our ev comes from the most recent and comprehensive study**

**Schmitz and Jones ‘9**

[Oswald J. Schmitz, Oastler Professor of Population and Community Ecology @ Yale School of Forestry and Environmental Studies. Holly P. Jones, Ph.D Yale School of Forestry and Environmental Studies. “Rapid Recovery of Damaged Ecosystems” PLOS One 4(5). ETB]

**Our data set has broad global coverage of** seven different aquatic and terrestrial **ecosystem types** ([Fig. 3](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone-0005653-g003)) **and addresses recovery from major anthropogenic perturbations** that these systems face [[1]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Dobson1): **agriculture, deforestation, eutrophication, invasive species, logging, mining, oil spill, overfishing, power plant, trawling, and interactions of those perturbations** (multiple perturbations). We also compared these recovery times with those for major natural disturbances (hurricanes/cyclones). **Our evidence does not support gloomy predictions** [[3]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Millennium1), [[15]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-The1), **but** rather **shows** that **there may be much hope to restore even heavily degraded ecosystems.** Even more surprising, **recovery can be much faster than the centuries** and millennia **speculated** **previously** ([Fig. 4](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone-0005653-g004)). We found **83 studies** that **demonstrated recovery for all variables**, 90 studies reported a mixture of recovered and non-recovered variables, and 67 studies reported no recovery for any variable whatsoever. Among studies reporting recovery for any variable**, the average recovery time was at most 42 years (for forest ecosystems) and typically much less (on the order of 10 years) when recovery was examined by ecosystem type** ([Fig. 4](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone-0005653-g004) top). **When examined by perturbation type, the average recovery time was no more than 56 years (for systems undergoing multiple interacting perturbations) and typically was 20 years or less** ([Fig. 4](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone-0005653-g004) bottom). Most recovery from human disturbance was, however, slower than from natural causes (hurricanes/cyclones).¶ Because ecosystem variables (chemical and physical) and community variables (attributes of plant and animal species, including biodiversity) may operate on different time scales [[16]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Dudzik1), [[17]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Carpenter1), [[18]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Harrison1), [[19]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Harrison2), we further evaluated recovery for these two kinds of variable separately. **We found no difference in return times between community and ecosystem variables** ([Fig. 2](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone-0005653-g002)), **suggesting that on average they operate on contemporary time scales.¶** Brackish, aquatic, and terrestrial grassland systems had statistically similar recovery times and collectively they recovered faster than terrestrial forest systems (ANOVA, p<0.001, d.f. = 6, 168, F = 7.217; followed by post-hoc Tukey pair-wise tests; [Fig. 4](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone-0005653-g004)). Recovery following agricultural activities and multiple perturbations was significantly slower than all other perturbation types (ANOVA, p<0.001, d.f. = 11, 163, F = 5.606, followed by post-hoc Tukey pair-wise tests: [Fig. 4](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone-0005653-g004)).¶ We found a significant positive relationship between perturbation magnitude and recovery time for variables that had fully recovered (Regression, r2 = 0.22, p<0.05, d.f. = 1, F = 6.3; [Fig. 5](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone-0005653-g005)). However, the significance was entirely determined by one strongly outlying point, implying perhaps that **recovery may be independent of perturbation magnitude** and instead idiosyncratic to the ecosystem type. For instance, turnover times for the longest living species and nutrient pools are shorter in aquatic than terrestrial systems [[17]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Carpenter1), [[18]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Harrison1), [[20]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Harwell1), [[21]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Gunderson1), [[22]](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone.0005653-Shurin1), which may explain why aquatic systems trended towards shorter recovery times than terrestrial systems independently of disturbance magnitude. **Ecosystems recovered more slowly following agriculture, deforestation and logging, but this is confounded by the fact that these disturbances exclusively impact terrestrial systems that generally recover more slowly than other systems**. **Regardless, in the balance, recovery can be quite rapid even from** putatively very **substantial perturbations** (i.e. on the order of 100 to 300% change in variables; [Fig. 5](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0005653#pone-0005653-g005)).

### Solvency

#### No political will to implement the plan

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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 United States 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 United States 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

#### Obama will circumvent

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 Obama administration justifies its use of armed drones with reference to the Authorization for the Use of Military Force that Congress passed just days after the Sept. 11 attacks. In the AUMF, Congress authorized force against groups and countries that had supported the terrorist strikes. But Congress rejected the Bush administration’s request for open-ended military authority ‘to deter and preempt any future acts of terrorism or aggression against the United States,’” said Cohn, former president of the National Lawyers Guild.¶ Congress has placed limitations upon the Bush administration’s use of force and similarly restricted Obama with the passage of the 2012 National Defense Authorization Act (NDAA), denying the president authority to expand the war on terror, including through drone strikes.¶ “Deterrence and preemption are exactly what Obama is trying to accomplish by sending robots to kill ‘suspected militants’ or those who happen to be present in an area where suspicious activity has taken place. Moreover, in the National Defense Authorization Act of 2012, Congress specifically declared, ‘Nothing in this section is intended to … expand the authority of the President or the scope of the Authorization for the Use of Military Force [of September 2001],” Cohn adds.¶ It hasn’t slowed down the president, who has authorized dozens of strikes in Southeast Asia and the Middle East over the course of his two terms in office.

#### He’ll claim Article II

Currier 13

(Cora, Former editor of the New Yorker, "Drone strikes test legal grounds for ’war on terror’", 2/6/13, http://www.pbs.org/wnet/need-to-know/security/drone-strikes-test-legal-grounds-for-war-on-terror/16252/)

Administration officials say strikes against al-Qaida and associated forces are permitted under international law on the basis of self-defense, in addition to the authority the AUMF provides under domestic law. The U.N. has been investigating targeted killings and civilian casualties from drone strikes. In a case where the 2001 AUMF did not apply, the administration could seek a new authorization from Congress or rely on presidential powers to use force against an imminent threat. Gen. Carter Ham, the head of U.S. Africa Command, said in an interview with The Wall Street Journal in December that an authorization to address new threats in North Africa was a “worthy discussion.” But what form that would take is unclear. The Pentagon and White House did not comment to ProPublica on the possibility of a new AUMF. Presidents have used force without Congressional authorization by invoking presidential powers under Article II of the Constitution. Obama ordered airstrikes over Libya in the spring of 2011 citing international cooperation and “national interest” as justification. (Several lawmakers subsequently sued the administration for bypassing them, but the case was dismissed.) He has also claimed authority to launch pre-emptive cyberattacks, the New York Times reported this weekend. President Bill Clinton cited the nation’s right to self-defense when he bombed Afghanistan and Sudan in 1998 in retaliation for the bombing of U.S. embassies in East Africa. Obama officials regularly cite self-defense alongside the AUMF in justifying targeted killing. White House counterterror adviser John Brennan has said that the U.S. uses “a flexible understanding of 2018imminence’ ” in determining what constitutes a threat. The Justice Department memo on targeting U.S. citizens also references a “broader concept of imminence,” which it holds “does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future.”

# 2NC

# 2NR

## K

### 2NR Overview

#### Kritik turns and outweighs the aff ---

#### A) Magnitude – the denial of enmity causes extinction – it creates “wars for humanity” that degrade the enemy into moral categories – they can’t just be defeated, they must be destroyed because they are barbaric and inhuman, literally worthless to the liberal system – it says that no price is too high to pay as long as they are killed – that’s Schmitt and Rasch B) Solves the aff – even if they win the crux of their scenarios, none of their impacts escalate absent U.S. involvement – liberal universalism sets the precondition for conflict by killing those who we believe threaten our interests

#### C) Timeframe – lashout occurs during the process of creating norms/legitimacy to ensure the barbaric follow our rules – we try to make an example out of (x), so we show others what happens if they don’t follow the US

#### D) Try or die – liberal universalism is the predominant mode of politics which makes resolving war in any form impossible because it says that we cannot negotiate with the barbaric Other – Afghanistan and Vietnam prove – the US will believe we are the protector of the world and will throw everything it has to win the world war – cause’s a self-fulfilling prophecy where we create new enemies that we then have to eliminate – alt solves this because it doesn’t try to make the world look or act in a particular way

#### Turns the case --- ALL conceded in the 1AR – no new 2ar arguments because my 2nr is based on 1ar concessions and I don’t get a 3nr

#### Norms DA - any deviation from the drone norms that the aff creates justifies intervention – it says that because the US has disclosed our practices, all other countries must eliminate their drone use – the 1AC calls out India and Pakistan, North and South Korea, Russia and the Baltics, Poland, Georgia, China for being irrational actors, built on destroying international stability, causing nuclear war – any deviation from the norm set up by the US means the US will intervene to calm the conflict – the risk of nuclear war makes intervention preferable in the world of the aff – THAT is the only scenario for a great power war

#### I-law DA – the aff sets up the view what international law must look like, one that contains less targeted killings – this new system must extend across the globe to ensure global cooperation on issues of warming, acid rain, and water scarcity – when the United States’ view of international law is inevitably violated, we’ll lash out in order to make an example out of countries who violate our vision of the world – that destroys broader cooperation on all issues – that’s the only scenario for their impacts to occur

#### Relegitimizing violence DA - that’s Hayes ---

#### The drone program rests within a rhetorical stalemate that has made all opposition normalized and banal - the outcry of civilian death has been commercialized into a necessary evil justified by the efficiency of drone fighting as part and parcel of an asymmetrical strategy in which murder is justified so long as it is one sided.

#### The 1AC enframes drones as a neutral weapon against uncivilized and inhuman enemies which must be destroyed AT ALL COSTS while mass slaughter of civilians is footnoted as a meager consequence.

#### This ethical frame posits the individual as expendable, fungible, and calculable, generating a legal framework in which the loss of innocent life is tolerated so long as it falls beneath an invisible and always shifting threshold.

#### This is proven by Obama's challenge to drone policy - that they be allowed only as long as they can be legally justified, simultaneously stretching interpretations of international law and sanitizing violence by underselling systematic murder.

We have uq for our turns – deterrence and economic ties check escalation but the ideology perpetuated by the aff overwhelms those checks

### AT Perm

Other instances is new in 1ar – reject it – sandbags the 2nr

### AT We increase coop

This was answerd in the overview – that cooperation is never good enough for the liberal system – their pursuit for genuine coop collapses in on itself

### AT Solve Exception

#### This answers our neg on presump arg on solvency but not the gray holes disad which is separate from our kritik of liberalism – the executive exists in a legal black hole now which is comparatively better than the gray hole created by the aff - the aff’s restriction places a veneer of legality on drones – it makes it look reasonable and legitimate by putting a stamp of approval on it from Courts – that’s Dyzenhaus

#### Turns the aff --- it guarantees that we use drones as our response to international crisis across the globe – tanks international law and the drone norms set up by the aff

#### Alternative gives us uniqueness --- you should affirm enmity as the structuring principle of politics – we must distinguish friend from enemy – this causes a radical shift from the framing of good/evil to a historical and political distinction – that’s Rasch – it requires the unchecked authority of the executive – that’s Nagan and Haddad

#### Ignore the 2AR “try or die” spin – the Odysseas evidence solves that the War on Terror is waged under the strive for a perfect world order and an attempt to spread democracy around the globe – the 1AC’s continues that system – it says the fight can never be abandoned until terrorism is rooted out which creates an endless War on Terror – some war is obviously inevitable but the ethic of the alternative makes escalation impossible

#### The alternative rejects their liberal vision of peace and attempt to spread our ideals across the globe – that causes a drawdown in drones because the fight for a perfect world modeled by the US and the desire to kill every last terrorist would be ended

### AT Extinction 1st

Bunch a new cards in the 1ar that aren’t really responsive – not gonna go for the framework arguments to save time – they get to weigh the aff – they’ve conceded multiple extinction DA’s to the aff and the permutation

### AT Delays Political Action

Assumes that political action is a good one – we are impact turning the legal restraints of the 1AC, so we don’t just delay the action, we advocate never using it

### AT Sepcific explanations

#### This was above – 9/11 is a better explanation for the WOT than anything the aff has said – also all of the link work above proves we give a sufficient explanation

### AT consq key

You should evaluate the consq of the aff – all are bad – no disad to the alt

## Solvency

### 2NC Obama Circumvents

#### Obama will circumvent – empirically proven through the restrictions by NDAA and the response was to ramp up strikes – that’s Michaels

### 2NC Article 2

#### Obama will claim Article 2 authority to skirt the restriction – he’ll claim self-defense – proven by Libya – he cited “national interest” as a justification

#### Historical precedence guarantees – Clinton cited self-defense when he bombed Afghanistan and Sudan – that’s Currier

### 2NC Political Will

#### Plan gets circumvented – there’s no political will to enforce it – congressional members want to avoid political risks AND the public won’t hold Congress accountable – that’s Druck – gotta win they enforce it for the ruling to be effective – plan text doesn’t mandate trials so the nnew 1ar arg is irrelevant

#### Court don’t check - the administration overrides court decisions through internal executive actions - courts may appear to have new restrictions but the administration will just shift legal grounds to continue them in the most secret ways - that’s Sheppele

# 2NC

## K

### AT Perm - Do Both

#### Legitimizing violence DA - the affirmative only view drones as problematic in terms of legality and military efficiency - This only serves to legitimate legal strikes as reasonable and renders all life killable

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.

### AT State Engagement Key

#### Only this resolves the violence the affirmative describes

Odysseos ‘07

Louiza Odysseos. “Crossing the Line? Carl Schmitt on the ‘Spaceless Universalism’ of Cosmopolitanism and the War on Terror.” The international political thought of Karl Schmitt. New York: Routledge, 2007. 136.

The first relationship arises from their joint location in a long line of thought and policy offering both a worldview and a political programme of modernity in which violence and war dissipate, in which war is gradually replaced by rules and principled behavior. One might say, in other words, that both the War on Terror and liberal cosmopolitanism are located within the modernist vision of the end of war. Hans Joas has eloquently called this ‘the dream of a modernity without violence’. That cosmopolitanism seeks ‘perpetual’ peace is often acknowledged through cosmopolitanism’s intellectual debt to Immanuel Kant. That the War on Terror is located in this understanding of modernity is less obvious, perhaps, but becomes increasingly apparent when one examines the rhetorical framing and understanding of the War on Terror as a fight that will not be abandoned until terrorism is rooted out. The terrorist acts of 11 September 2001 in the seat of this dream, the United States of America, were an unforgivable affront to this modernist and liberal cosmopolitan vision of perpetual peace. At the same time, modernity’s dream to end war has repeatedly had the opposite effect, signaling a much neglected paradox, that ‘[a] political project based concretely upon an ideal of “peace” has continually produced its nemesis, war’. It is not only that the search for peace has time and again led to war – it is the very intensification of war within the horizon of liberal modernity that is worth investigating. Schmitt’s own assessment in the *Nomos* of prior liberal attempts to abolish war, such as those undertaken by the League of Nations, suggests that ‘any abolition of war without true bracketing [has historically] resulted only in new, perhaps even worse types of war, such as reversions to civil war and other types of wars of annihilation’. Reid, more recently, echoes this insight: Not only does the recurrence of war throughout modernity serve to underline its paradoxical character. But the very forms of war that recur are of such increasing violence and intensity as to threaten the very sustainability of the project of modernity understood in terms of the pursuit of perpetual peace.

### AT Aff Solves

#### That vagueness guarantees circumvention

Pollack, 13

MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to **remake the laws** of war by consciously violating them and then **creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at** this game of **stretching the law to suit the convenience of**, shall we say, the **national interest**? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama **redefined the meaning** of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### 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.”

### AT Conquences Key

#### The K qualitatively outweighs – we control the biggest internal link to macro-level violence - only our evidence is comparative about the scope and quality of violence in what our authors describe as “war”.

Prozorov 2K6

[Sergei, collegium fellow at the Helsinki Collegium for Advanced Studies, University of Helsinki, Professor of International Relations in the Department of International Relations, Faculty of Politics and Social Sciences, Petrozavodsk State University, Russia, 2006, “Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism,” Millennium: Journal of International Studies, Vol. 35, No. 1, p. 75-99]

Schmitt makes a distinction between hostis and inimicus to stress the specificity of the relationship of a properly political enmity. The concept of inimicus belongs to the realm of the private and concerns various forms of moral, aesthetic or economic resentment, revulsion or hate that are connoted by the archaic English word ‘foe’, whose return into everyday circulation was taken by Schmitt as an example of the collapse of the political into the moral.31 In contrast, the concept of hostis is limited to the public realm and concerns the existential threat posed to the form of life of the community either from the inside or from the outside. In simple terms, the enemy (hostis) is what we confront, fight and seek to defeat in the public realm, to which it also belongs, while the foe (inimicus) is what we despise and seek either to transform into a more acceptable life-form or to annihilate. Contrary to Zizek’s attribution of the ‘ultra-politics of the foe’ to Schmitt, he persistently emphasised that the enemy conceptually need not and normatively should not be reduced to the foe: ‘The enemy in the political sense need not be hated personally.’32 In Schmitt’s argument, during the twentieth century such a reduction entailed the destruction of the symbolic framework of managing enmity on the basis of equality and the consequent absolutisation of enmity, i.e. the actualisation of the ‘most extreme possibility’: [Presently] the war is considered to constitute the absolute last war of humanity. Such a war is necessarily unusually intense and inhuman because, by transcending the limits of the political framework, it simultaneously degrades the enemy into moral and other categories and is forced to make of him a monster that must not only be defeated but also utterly destroyed. In other words, he is an enemy who no longer must be compelled to retreat into his borders only.33 Thus, it appears impossible to equate Schmitt’s notion of enmity with the friend–foe politics that was the object of his criticism. The very anti- essentialism, which Zizek’s reading recovers in Schmitt, brings into play a plurality of possible modalities of enmity. To argue, as Schmitt certainly does, that enmity is an ontological presupposition of any meaningful political relation, is certainly not to valorise any specific construction of the friend–enemy distinction. What is at stake is the need to distinguish clearly between what we have termed the transcendental function of the friend–enemy distinction (and in this aspect, Zizek’s own work on politics, particularly his recent ‘Leninist’ turn,34 remains resolutely Schmittian) and the empirical plurality of historical modalities of enmity. Schmitt’s philosophical achievement arguably consists in his affirmation of the irreducibility of the former function and the perils of its disavowal, an achievement that is not tarnished by a plausible criticism of his historical excursus on the Jus Publicum Europaeum as marked by a conservative nostalgia for a system that, after all, combined the sovereign equality of European powers with the manifestly asymmetric structure of colonial domination. At the same time, the objective of this article is not merely to correct manifold misreadings in the exegesis of a ‘properly Schmittian’ conception of enmity. Instead, we shall rely on Schmitt’s political realism and more contemporary philosophical orientations in deconstructing the present, actually existing ultra-politics of the foe, which has acquired a particular urgency in the current ascendancy of American neoconservative exceptionalism but is by no means reducible to it. Against the facile assumption of the unbridgeable gulf between the politics of the Bush administration and the remainder of the transatlantic community, we shall rather posit the ‘ultra-politics of the foe’ as the definitive feature of the transformation of the relation of enmity in Western politics in the twentieth century. Moreover, as our analysis below will demonstrate, the emergence of this ultra-politics is a direct effect of the universalisation of the liberal disposition rather than a resurgence of an ‘archaic’ form of political realism. What we observe presently is not a temporary ‘barbarian’ deviation from the progressive teleology of liberalism, but the fulfilment of Schmitt’s prophecy that liberalism produces its own form of barbarism.

#### The 1AC’s denial of enmity results in extinction

Schmitt ’63

(Carl. The Theory of the Partisan: A Commentary/Remark on the Theory of the Political. Trans. A. C. Goodson. East Lansing, MI: Michigan State University Press, 2004. 67.)

This means concretely that the supra-conventional weapon supposes¶ the supra-conventional man. It presupposes him not merely as a postulate¶ of some remote future; it intimates his existence as an already existent reality. The ultimate danger lies then not so much in the living presence of the¶ means of destruction and a premeditated meanness in man. It consists in¶ the inevitability of a moral compulsion. Men who turn these means against¶ others see themselves obliged/forced to annihilate their victims and¶ objects, even morally. They have to consider the other side as entirely criminal and inhuman, as totally worthless. Otherwise they are themselves¶ criminal and inhuman. The logic of value and its obverse, worthlessness,¶ unfolds its annihilating consequence, compelling ever new, ever deeper discriminations, criminalizations, and devaluations to the point of annihilating all of unworthy life [lebensunwerten Lebens]. In a world in which the partners push each other in this way into the¶ abyss of total devaluation before they annihilate one another physically,¶ new kinds of absolute enmity must come into being. Enmity will be so terrifying that one perhaps mustn’t even speak any longer of the enemy or of¶ enmity, and both words will have to be outlawed and damned fully before¶ the work of annihilation can begin. Annihilation thus becomes entirely¶ abstract and entirely absolute. It is no longer directed [96] against an¶ enemy, but serves only another, ostensibly objective attainment of highest¶ values, for which no price is too high to pay. It is the renunciation of real¶ enmity that opens the door for the work of annihilation of an absolute¶ enmity.

## Solvency

### 2NC Political Will

#### Political partisanship guarantees there’s no enforcement

Cohen ‘12

(Michael A. Cohen is a senior fellow at the American Security Project and is author of "Live From the Campaign Trail: The Greatest Presidential Campaign Speeches of the 20th Century and How They Shaped Modern America" (Walker Books: 2008). Previously, Michael served in the U.S. Department of State as chief speechwriter for U.S. Representative to the United Nations Bill Richardson and Undersecretary of State Stuart Eizenstat. “The Imperial Presidency: Drone Power and Congressional Oversight” 24 Jul 2012 <http://www.worldpoliticsreview.com/articles/12194/the-imperial-presidency-drone-power-and-congressional-oversight>, TSW)

In a sense we are witnessing a perfect storm of executive branch power-grabbing: a broad authorization of military force giving the president wide-ranging discretion to act, combined with a set of tools -- drones, special forces and cyber technology -- that allows him to do so in unprecedented ways. And since few troops are put in harm’s way, there is barely any public scrutiny.¶ ¶ Congress has the ability to stop these excesses. On Libya, it possessed the power to turn off the financial spigot and cut off funding, and indeed, there was a tepid effort in the House of Representatives to do so. On the AUMF, Congress could simply repeal it or more realistically modify it to take into account the new battlefields in the war on terror. Finally, it could conduct greater oversight, in particular public hearings, of how the executive branch is utilizing military force. But not only has Congress not taken these steps, in deliberations over the National Defense Authorization Act earlier this year, it tried to expand the AUMF. On the use of drones and targeted killings, Congress has made little effort to demand greater information from the White House and has not held any public hearings on either of these issues. As Micah Zenko recently noted, claims “that congressional oversight of targeted killings exclusively by the intelligence committees in closed sessions is adequate” are “indefensible.”¶ The reasons for congressional abdication are legion. Partisanship plays an important role. For example, from 2001 to 2006, Republicans largely abstained from overseeing a Republican White House’s wars in Iraq and Afghanistan.¶ Since a Democrat became president, however, congressional oversight and scrutiny of the administration in terms of foreign policy has remained underwhelming, if not nearly as bad. Meanwhile, the White House has treated Congress dismissively and even with contempt. Historically, strong institutional prerogatives have been a check on such parochialism -- think William Fulbright and the Senate Foreign Relations Committee’s apostasy on Vietnam or even the bipartisan Iran-Contra hearings in the 1980s. Today, however, few in Congress have shown much interest in upholding even its most basic foreign policy responsibilities. Quite simply, there are no Frank Churches or even Russ Feingolds in Congress anymore.

#### The drone lobby overwhelms

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.

### 2NC Obama Circumvents

### AT Courts

#### President circumvents the judiciary

Scheppele 12

Professor of Sociology and Public Affairs @ Princeton University [Kim Lane Scheppele (Dir. of the Program in Law and Public Affairs @ Princeton University), “The New Judicial Deference,” Boston University Law Review, 92 B.U.L. Rev. 89, January 2012]

In this Article, I will show that American courts have often approached the extreme policies of the anti-terrorism campaign by splitting the difference between the two sides—the government and suspected terrorists. One side typically got the ringing rhetoric (the suspected terrorists), and the other side got the facts on the ground (the government). In major decisions both designed to attract public attention and filled with inspiring language about the reach of the Constitution even in times of peril, the Supreme Court, along with some lower courts, has stood up to the government and laid down limits on anti-terror policy in a sequence of decisions about the detention and trial of suspected terrorists. But, at the same time, these decisions have provided few immediate remedies for those who have sought the courts' protection. As a result, suspected terrorists have repeatedly prevailed in their legal arguments, and yet even with these court victories, little changed in the situation that they went to court to challenge. The government continued to treat suspected terrorists almost as badly as it did before the suspected terrorists "won" their cases. And any change in terrorism suspects' conditions that did result from these victorious decisions was slow and often not directly attributable to the judicial victories they won. Does this gap between suspected terrorists' legal gains and their unchanged fates exist because administration officials were flouting the decisions of the courts? The Bush Administration often responded with sound and fury and attempted to override the Supreme Court's decisions or to comply minimally with them when they had to. n6 But, as this Article will show, these decisions did not actually require the government to change its practices very quickly. The decisions usually required the government to change only its general practices in the medium term. Judges had a different framework for analyzing the petitioners' situation than the petitioners themselves did; judges generally couched their decisions in favor of the suspected terrorists as critiques of systems instead of as solutions for individuals. In doing so, however, courts allowed a disjuncture between rights and remedies for those who stood before them seeking a vindication of their claims. Suspected terrorists may have won [\*92] in these cases—and they prevailed overwhelmingly in their claims, especially at the Supreme Court—but courts looked metaphorically over the suspects' heads to address the policies that got these suspects into the situation where the Court found them. Whether those who brought the cases actually got to benefit from the judgments, either immediately or eventually, was another question.Bad though the legal plight of suspected terrorists has been, one might well have expected it to be worse. Before 9/11, the dominant response of courts around the world during wars and other public emergencies was to engage in judicial deference. n7 Deference counseled courts to stay out of matters when governments argued that national security concerns were central. As a result, judges would generally indicate that they had no role to play once the bullets started flying or an emergency was declared. If individuals became collateral damage in wartime, there was generally no judicial recourse to address their harms while the war was going on. As the saying goes, inter arma silent leges: in war, the law is mute. After 9/11, however, and while the conflict occasioned by those attacks was still "hot," courts jumped right in, dealing governments one loss after another. n8 After 9/11, it appears that deference is dead. [\*93] But, I will argue, deference is still alive and well. We are simply seeing a new sort of deference born out of the ashes of the familiar variety. While governments used to win national security cases by convincing the courts to decline any serious review of official conduct in wartime, now governments win first by losing these cases on principle and then by getting implicit permission to carry on the losing policy in concrete cases for a while longer, giving governments a victory in practice. n9 Suspected terrorists have received [\*94] from courts a vindication of the abstract principle that they have rights without also getting an order that the abusive practices that have directly affected them must be stopped immediately. Instead, governments are given time to change their policies while still holding suspected terrorists in legal limbo. As a result, despite winning their legal arguments, suspected terrorists lose the practical battle to change their daily lives.Courts may appear to be bold in these cases because they tell governments to craft new policies to deal with terrorism. But because the new policies then have to be tested to see whether they meet the new criteria courts have laid down, the final approval may take years, during which time suspected terrorists may still be generally subjected to the treatment that courts have said was impermissible. Because judicial review of anti-terrorism policies itself drags out the time during which suspected terrorists may be detained, suspected terrorists win legal victories that take a very long time to result in change that they can discern. As a result, governments win the policy on the ground until court challenges have run their course and the courts make decisions that contribute to the time that the litigation takes. This is the new face of judicial deference.This Article will explore why and how American courts have produced so many decisions in which suspected terrorists appear to win victories in national security cases. As we will see, many judges have handled the challenges that terrorism poses for law after 9/11 by giving firm support, at least in theory, to both separation of powers and constitutional rights. Judges have been very active in limiting what the government can do, requiring substantial adjustments of anti-terrorism policy and vindicating the claims of those who have been the targets. But the solutions that judges have crafted—often bold, ambitious, and brave solutions—nonetheless fail to address the plights of the specific individuals who brought the cases.This new form of judicial deference has created a slow-motion brake on the race into a constitutional abyss. But these decisions give the government leeway to tackle urgent threats without having to change course right away with respect to the treatment of particular individuals. New deference, then, is a mixed bag. It creates the appearance of doing something—an appearance not entirely false in the long run—while doing far less in the present to bring counter-terrorism policy back under the constraint of constitutionalism.

## I-Law

### Air

**No impact to air pollution**

**Schwartz 7**

(Joel, Senior Scientist @ Reason Foundation’s Environmental Program, October 1, http://www.heartland.org/environmentandclimate-news.org/article/21984/The\_American\_Lung\_Associations\_Fear\_Campaign.html, JM)

**The most serious claim leveled against air pollution is that it prematurely kills tens of thousands of Americans each year,** even at today's record-low levels. But here too, the real-world evidence says otherwise**. Even air pollution at levels many times greater than Americans ever breathe doesn't kill** laboratory **animals**. Researchers can't, of course, do laboratory studies on people to see if air pollution kills them. But they can look for more mild health effects in human volunteers. Such **studies provide little support for claims of serious harm.** Two **major forms of PM2.5**--sulfates and nitrates--**are** simply **nontoxic**. In fact, ammonium sulfate, the main form of particulate matter from coal-fired power plants, is used as an "inert control"--that is, a substance without any health effects--in human studies of harm from acidic particles. Inhaler medications to reduce airway constriction are delivered in the form of sulfate aerosols. **The lack of toxicity of power plant particulate matter is particularly ironic. In a slew of reports with scary titles** like Death, Disease, and Dirty Power and Power to Kill, **environmentalists have been running a vicious multi-year campaign against inexpensive coal-fired electricity, based on the false claim that power plant pollution is deadly**.

# 1NR

## Politics

**An adverse Court ruling will cause Obama defiance – triggers a Constitutional showdown**

**Posner and Vermeule, 10**

\*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 207-210)

The **9/11** attack **provided a reminder of just how extensive the president’s power is.** The executive claimed the constitutional authority to, in effect, use emergency powers. Because Congress provided redundant statutory authority, and **the Supreme Court has steadfastly refused to address the ultimate merits of the executive’s constitutional claims**, these claims were never tested in a legal or public forum. But **it is worth trying to imagine what would have happened if Congress had refused to pass the Authorization for Use of Military Force and the Supreme Court had ordered the executive to release detainees** in a contested case. We think that **the executive, backed up as it was by popular opinion, would have refused to obey**. And, indeed, **for just that reason, Congress would never have refused** its imprimatur **and the Supreme Court would never have stood in the executive’s way**. **The major check on the executive’s power to declare an emergency and to use emergency powers is—political**.

**Implementation guarantees the link - translating decisions into action is highly politicized**

**Johnson 99**

Charles A. Johnson, Professor of Political Science @ Texas A&M University, and Bradley C. Canon, Professor of Political Science @ University of Kentucky, JUDICIAL POLICIES: IMPLEMENTATION AND IMPACT, 1999, p.3-4

**Political actors and institutions who follow through on these decisions make the judicial policy.** Certainly, the judges who enforced desegregation in southern school districts or busing decisions anywhere were subject to political pressures from a variety of sources. Similar pressures affected school board decisions regarding the role of religion in schools. **Even presidential politics may become intertwined with judicial policies, as did Richard Nixon's 1968 "law and order" presidential campaign** criticizing the Supreme Court's criminal justice decisions or the explosive issue of abortion in the 1980 presidential election. **Like the Congress, the Supreme Court and lower courts must rely on others to translate policy into action. And like the processes of formulating legislative, executive, and judicial policies, the process of translating those decisions into action is often a political one subject to a variety of pressures from a variety of political actors in the system.**

**The plan creates a partisan pushback against Obama – derails his agenda**

**Shane 11**

Shane, Ohio State law school chair 2011¶ (Peter, “ARTICLE: The Obama Administration and the Prospects for a Democratic Presidency in a Post-9/11 World”, 56 N.Y.L. Sch. L. Rev. 27, lexis)

The second is politics. **With the country still grappling with the effects of a devastating recession, as well as the need for pressing action on healthcare, climate change, and immigration, the President might well want to avoid the appearance of diluting his focus**. Moreover, since the Johnson administration**, Republicans have consistently**--and with some success--**cowed the Democrats by portraying them as soft on national security issues. The partisan pushback against any Obama administration effort to reinvigorate the rule of law in the national security context is likely to be vicious, threatening to erode whatever modicum of goodwill might otherwise be available to accomplish seemingly more concrete and immediate objectives. This, of course, is not hypothetical. We can see it in Republican efforts to derail the closing of Guantanamo** and in proposals to prohibit the trial of foreign terrorists in civilian courts n108--a practice that Republicans seemed happier to live with under George W. Bush. n109

### 2NC AT Nuclear Deal Fails

#### The deal will work – it solves prolif and middle east war

TEHRAN TIMES, “White House Opposed to New Iran Sanctions,” 12—4—13, LN.

The White House said on Tuesday it opposes a fresh effort by some members of the U.S. Senate to impose new sanctions against Iran, even if the new restrictions would not take effect for months, according to Reuters. Some senators have been discussing the idea of imposing new sanctions on Iran that would kick in after six months or if the terms of an interim nuclear deal reached on November 24 between Tehran and world powers were not implemented. "If we pass sanctions now, even with a deferred trigger which has been discussed, the Iranians, and likely our international partners, will see us as having negotiated in bad faith," White House spokesman Jay Carney told reporters. Administration officials have been pushing lawmakers not to move ahead with a sanctions package, saying doing so risked alienating Tehran and other countries engaged in the talks by making Washington seem to be acting in bad faith. But many lawmakers are skeptical about the agreement reached in Geneva between negotiators for Iran and the so-called P5+1 - the United States, China, Russia, Britain, France, and Germany - and insist Washington should increase the pressure on Tehran by adding to sanctions. Wendy Sherman, the U.S. undersecretary of state for political affairs, who led the U.S. negotiating team in Geneva, was scheduled to hold a classified briefing on Iran for the entire House of Representatives on Wednesday morning. Seeking to clarify some of the terms of the interim deal, a White House spokeswoman said the United States is prepared to accept some limited uranium enrichment by Iran in exchange for Tehran accepting strict verification procedures. The United States does not recognize that Iran has a right to enrich, but "we are prepared to negotiate a strictly limited enrichment program in the end state," said Bernadette Meehan, a spokeswoman with the White House National Security Council. This is because the Iranians have indicated that they are prepared to accept "rigorous monitoring and limits on level, scope, capacity, and stockpiles," she said. "If we can reach an understanding on all of these strict constraints, then we could have an arrangement that includes a very modest amount of enrichment that is tied to Iran's practical needs," said Meehan. The White House says a six-month window without new sanctions would allow negotiators to work on a comprehensive agreement to resolve the decade-old dispute over Iran's nuclear program, which has stirred fears of a new Middle East war. But lawmakers believe it was tough sanctions pushed by Congress - not the White House - that brought Tehran to the table and see no reason not to impose more sanctions on Iran. "That way we're not negotiating in what-ifs," a Senate aide said. Members of Congress, including many of President Barack Obama's fellow Democrats, are generally more hawkish on Iran than the administration, and influential pro-Israel lobbyists have been pressing lawmakers to keep to a tough line. Carney said there are concerns in the Obama administration that any new sanctions imposed by Congress would serve to undermine the core architecture of the sanctions program. "Passing any new sanctions right now would undermine a peaceful resolution to this issue," he said. Iran rejects allegations that it has sought covertly to develop the capacity to produce nuclear weapons, saying it is enriching uranium solely for civilian purposes. Congressional aides said it was too early to know whether an Iran sanctions package would be introduced as standalone legislation or as an amendment to a measure such as a defense authorization bill being considered by the Senate. It also was not clear how far any legislation would go in the Senate, where Obama's fellow Democrats control a majority of votes.

#### [2ac conceded] sanctions increase Iran prolif - that’s 1nc World Tribune – [no new 1ar answers] - that spills over and goes nuclear

Edelman 11

Edelman, distinguished fellow – Center for Strategic and Budgetary Assessments, ‘11

(Eric S, “The Dangers of a Nuclear Iran,” Foreign Affairs, January/February)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia,Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and di⁄cult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states’ access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.¶ There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several diªerent ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.¶ n-player competition¶ Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly,would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

#### We control timeframe – sanctions cause a global nuclear war in months

Press TV 11/13

“Global nuclear conflict between US, Russia, China likely if Iran talks fail”, <http://www.presstv.ir/detail/2013/11/13/334544/global-nuclear-war-likely-if-iran-talks-fail/>

A global conflict between the US, Russia, and China is likely in the coming months should the world powers fail to reach a nuclear deal with Iran, an American analyst says.¶ “If the talks fail, if the agreements being pursued are not successfully carried forward and implemented, then there would be enormous international pressure to drive towards a conflict with Iran before [US President Barack] Obama leaves office and that’s a very great danger that no one can underestimate the importance of,” senior editor at the Executive Intelligence Review Jeff Steinberg told Press TV on Wednesday. ¶ “The United States could find itself on one side and Russia and China on the other and those are the kinds of conditions that can lead to miscalculation and general roar,” Steinberg said. ¶ “So the danger in this situation is that if these talks don’t go forward, we could be facing a global conflict in the coming months and years and that’s got to be avoided at all costs when you’ve got countries like the United States, Russia, and China with” their arsenals of “nuclear weapons,” he warned. ¶ The warning came one day after the White House told Congress not to impose new sanctions against Tehran because failure in talks with Iran could lead to war. ¶ White House press secretary Jay Carney called on Congress to allow more time for diplomacy as US lawmakers are considering tougher sanctions. ¶ "This is a decision to support diplomacy and a possible peaceful resolution to this issue," Carney said. "The American people do not want a march to war." ¶ Meanwhile, US Secretary of State John Kerry is set to meet with the Senate Banking Committee on Wednesday to hold off on more sanctions on the Iranian economy. ¶ State Department spokeswoman Jen Psaki said Kerry "will be clear that putting new sanctions in place would be a mistake." ¶ "While we are still determining if there is a diplomatic path forward, what we are asking for right now is a pause, a temporary pause in sanctions. We are not taking away sanctions. We are not rolling them back," Psaki added.

#### Secondary sanctions on Iran undermine US leadership - collapses global rules based international order and turns NORMS

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Leverett-professor at Pennsylvania State University's School of International Affairs-7/5/12 ¶ <http://www.worldfinancialreview.com/?p=3490>¶ America’s Iran Policy and the Undermining of International Order

Second, secondary sanctions are a political house of cards. American officials are well aware of their presumptive illegality. Successive U.S. administrations have been reluctant to impose them on non-U.S. entities transacting with Iran, precisely to avoid formal challenges at the WTO. U.S. secondary sanctions are, in effect, an enormous bluff, leveraging the specter of legal and reputational risk in America to bully companies and banks in third countries to stop transacting with Iran, but without pulling the trigger on the threat to punish those that continue doing business in Iran. The UK and European sanctions now facing legal challenges are a product of this bullying campaign. For over a decade, the EU has condemned America’s threatened ‘extraterritorial’ application of national trade law, warning it would go to the WTO if Washington ever sanctioned European companies over Iran-related business. Over the last several years, though, enough British and European businesses stopped transacting with Iran that the EU was no longer under pressure to defend European commercial interests and could begin subordinating its Iran policy to American preferences. By last year, it has imposed a nearly comprehensive economic embargo against the Islamic Republic. While Europe has surrendered on having an independent Iran policy, the U.S. bluff on secondary sanctions will soon be called, most likely by China. To be sure, Beijing does not seek confrontation with America over Iran, and has sought to accommodate Washington in many ways—e.g., by not developing trade and investment positions in the Islamic Republic as rapidly as it might have, and by shifting some Iran-related transactional flows into renminbi to help the Obama administration avoid sanctioning Chinese banks. While China’s imports of Iranian oil appear, in the aggregate, to be growing, Beijing reduces them when the administration is deciding about six-month sanctions waivers for countries buying Iranian crude. The Obama administration, for its part, continues giving China sanctions waivers; the one Chinese bank barred from America for Iran-related transactions is a Chinese energy company subsidiary with no U.S. business. But as Congress legislates more secondary sanctions, Obama’s room to maneuver is shrinking. Obama will soon be in the position of demanding that China cut Iranian oil imports in ways that would harm its economy, and that Chinese banks stop virtually all Iran-related transactions. Beijing will not be able to accommodate such radical demands; it will have to say ‘no’, putting Obama in a classic lose-lose situation. “If America wants a nuclear deal grounded in the NPT, Hassan Rohani is an ideal interlocutor. But this would require Washington to bring its own policy in line with the NPT.” Obama could retreat. But then the world will know that secondary sanctions are a bluff, undercutting their deterrent effect. Alternatively, he could sanction major Chinese firms and banks. But that will force Beijing to respond—at least by taking America to the WTO (where China will win), perhaps by retaliating against U.S. companies. At this point, Beijing has more ways to impose costs on America for violations of international economic law impinging on Chinese interests than Washington has levers to coerce Chinese compliance with U.S. policy preferences. America and its partners will not come out ahead in this scenario. Third, U.S. secondary sanctions accelerate the shift of economic power from West to East. As non-Western economies surpass more Western countries in their relative importance to the global economy, America has a strong interest in keeping non-Western states tied to established, U.S.-dominated mechanisms for conducting, financing, and settling international transactions. Secondary sanctions, though, push in the opposite direction, incentivizing emerging powers to speed up development of non-Western alternatives to existing transactional platforms. “Strategic recovery will also entail reversing Washington’s reliance on secondary sanctions—not because of Iranian surrender (which won’t be forthcoming), but because they delegitimize America’s claim to continuing leadership in international economic affairs.” This trend will diminish Western influence in myriad ways—e.g., reducing the dollar’s role as a transactional currency, lowering the share of cross-border commodity trades on New York and London exchanges, and shrinking the global near-monopoly of Western-based reinsurance companies and P&I clubs. Add the cost of a U.S.-instigated trade dust-up with China, and the self-damaging quality of America’s dysfunctional Iran policy becomes even clearer. Finding a New Approach Putting America on a better strategic trajectory will take thoroughgoing revision of its Iran policy. In this regard, the election of Hassan Rohani—who ran the Islamic Republic’s Supreme National Security Council for sixteen years, was its chief nuclear negotiator during 2003-2005, and holds advanced degrees in Islamic law and civil law—as Iran’s next president is an opportunity. If America wants a nuclear deal grounded in the NPT, Rohani is an ideal interlocutor. But this would require Washington to bring its own policy in line with the NPT—first of all, by acknowledging Iran’s right to safeguarded enrichment. Strategic recovery will also entail reversing Washington’s reliance on secondary sanctions—not because of Iranian surrender (which won’t be forthcoming), but because they delegitimize America’s claim to continuing leadership in international economic affairs. This, however, is even more difficult than revising the U.S. position on Iranian enrichment—for Congress has legislated conditions for lifting sanctions that stipulate Iran’s abandonment of all alleged WMD activities, cutting all ties to those Washington deems terrorists, and political transformation. Overcoming this will require Obama to do what President Nixon did to enable America’s historic breakthrough with China—going to Tehran, strategically if not physically, to accept a previously demonised political order as a legitimate entity representing legitimate national interests. None of this is particularly likely. But if America doesn’t do these things, it condemns itself to a future as an increasingly failing, and flailing, superpower—and as an obstacle, rather than a facilitator, of rules-based international order.

**Spillover**

**Losers-lose**

**Loomis 7**

Dr. Andrew J. Loomis 7 is a Visiting Fellow at the Center for a New American Security, and Department of Government at¶ Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37,¶ <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>

American political analyst Norman Ornstein writes of the domestic context, In a system where a¶ President has limited formal power, **perception matters. The reputation for success**—the belief by¶ other political actors that even when he looks down, a president will find a way to pull out a victory—**is the most valuable**¶ **resource a chief executive can have**. Conversely, **the** widespread **belief that the Oval Office**¶ **occupant is on the defensive**, on the wane or without the ability to win under adversity **can**¶ **lead to disaster**, as individual lawmakers calculate who will be on the winning side and¶ negotiate accordingly. In simple terms, winners win and **losers lose** more often than not. **Failure begets failure.** In short, **a president experiencing declining amounts of political capital has diminished capacity to advance ~~his~~ goals**. As a result, political allies perceive a decreasing benefit¶ in publicly tying themselves to the president, and an increasing benefit in allying with rising¶ centers of authority. **A president’s incapacity and ~~his~~ record of success are interlocked and¶ reinforce each other. Incapacity leads to political failure,** which reinforces perceptions of¶ Presidential War Powers 78 incapacity. **This feedback loop accelerates decay both in leadership capacity and defection** by¶ key allies. The central point of this review of the presidential literature is that the sources of¶ presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond¶ the structural factors imbued by the Constitution. Presidential authority is affected by¶ ideational resources in the form of public perceptions of legitimacy. The public offers and¶ rescinds its support in accordance with normative trends and historical patterns, non-material¶ sources of power that affects the character of U.S. policy, foreign and domestic.