# 1NC

## T – Signature Strikes

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

Alston 2011

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

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

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

Anderson 2011

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

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

## CMR DA

#### U.S. civil-military relations are on the brink; new restrictions that go against military opinion will collapse CMR

**Zenko 9/29**/**13**

[Micah, Sr. Fellow @ Council on Foreign Relations, <http://www.journalgazette.net/article/20130929/EDIT05/309299977/1147/EDIT07>, mg]

**Washington has found itself in a** crisis **over the proper relationship between** senior **civilian and military** officials. It’s a tension that shows little sign of abating, regardless of how the Syria issue plays out: Underlying forces seem guaranteed to make it worse. Every administration has its share of disputes with the Pentagon, but when it comes to where and how U.S. armed forces will be used, civil-military relations **have not been this** tense and precarious **since the** end of the Cold War. **Military officers are increasingly willing to express their personal opinions about interventions, while** civilian policymakers **are increasingly willing to** disregard **professional** military advice. Worse, a growing number of individuals from both “sides” seem unaware of the appropriate civilian and military roles and relationships, and their conflicts play out in public more prominently and immediately than ever before.

#### Military relies heavily on targeted strikes against low-level targets, they would oppose the plan

**Schmitt & Sanger 08**

[Eric & David, New York Times, <http://geographicalimaginations.com/2012/11/06/targeted-killings-and-signature-strikes/>, mg]

[A] series of meetings among President Bush’s national security advisers resulted in a significant relaxation of the rules under which American forces could aim attacks at suspected Qaeda and Taliban fighters in the tribal areas near Pakistan’s border with Afghanistan.¶ ¶ **The change**, described by senior American and Pakistani officials who would not speak for attribution because of the classified nature of the program, **allows American military commanders** greater leeway **to choose from** what one official who took part in the debate called “**a** Chinese menu” of strike options.¶ ¶ **Instead of having to confirm the identity of a suspected militant leader before attacking, this shift allowed American operators to strike convoys of vehicles that bear the characteristics of Qaeda or Taliban leaders** on the run, for instance, so long as the risk of civilian casualties is judged to be low.¶

#### IMPACTS:

#### 1.Rollback

**Owens 13**

[Mackubin Owens is Editor of *Orbis,* FPRI’s quarterly journal of international affairs, and Senior Fellow at its Program on National Security, Professor of National Security Affairs at the Naval War College; July, <https://www.fpri.org/articles/2013/07/what-military-officers-need-know-about-civil-military-relations>, mg]

All too often, **US military officers seem to believe that** if the United States does not face the prospect of a Latin-American or African style military coup d’état, then **all is well in** the realm of **civil-military relations.** But this is a straw man. A number of scholars, including Richard Kohn, Peter Feaver, the late Russell Weigley, Michael Desch, and Eliot Cohen have argued that although there is no threat of a coup on the part of the US military, **American civil-military relations have** nonetheless **deteriorated over the past two decade**s.¶ ¶ For example, **the US military has “pushed back” against civilian leadership** on numerous occasions during the last two decades. **This pushback has manifested itself in** “foot dragging,” “slow rolling” and leaks to the press designed to undercut policy **or individual policy-makers**. Such actions were rampant during the Clinton presidency and during the tenure of Donald Rumsfeld as secretary of defense. **Such** pushback **is based on the claim that** civilians were making decisions without paying sufficient attention to the military point of view.

#### 2. CMR collapse causes global nuclear war

**Cohen 97**

[Elliot, Professor @ Paul Nitze School of International Studies, *Orbis,* April, mg]

Left **uncorrected, the trends in American civil-military relations could breed certain pathologies. The most serious possibility is that of a** dramatic civil-military split during a crisis **involving the use of force**. In the recent past, such tensions did not result in open division; for example, Franklin Roosevelt insisted that the United States invade North Africa in 1942, though the chiefs of both the army and the navy vigorously opposed such a course, favoring instead a buildup in England and an invasion of the continent in 1943. Back then it was inconceivable that a senior military officer would leak word of such a split to the media, where it would have reverberated loudly and destructively. To be sure, from time to time individual officers broke the vow of professional silence to protest a course of action, but in these isolated cases the officers paid the accepted price of termination of their careers. **In the modern environment,** such cases might no longer be isolated. Thus, presidents might try to shape U.S. strategy so that it complies with military opinion, and rarely in the annals of statecraft has military opinion alone been an adequate guide to sound foreign policy choices. Had Lincoln followed the advice of his senior military advisors there is a good chance that the Union would have fallen. Had Roosevelt deferred to General George C. Marshall and Admiral Ernest J. King there might well have been a gory debacle on the shores of France in 1943. **Had** Harry S **Truman heeded the advice of his theater commander** in the Far East (and it should be remembered that the Joint Chiefs generally counseled support of the man on the spot) **there might have been a** third world war**.** Throughout much of its history, the U.S. military was remarkably politicized by contemporary standards. One commander of the army, Winfield Scott, even ran for president while in uniform, and others (Leonard Wood, for example) have made no secret of their political views and aspirations. But until 1940, and with the exception of periods of outright warfare, the military was a negligible force in American life, and America was not a central force in international politics. That has changed. Despite the near halving of the defense budget from its high in the 198Os, it remains a significant portion of the federal budget, and the military continues to employ millions of Americans. More important, **civil-military relations in the United States now no longer affect merely the closet-room politics of Washington, but the** relations of countries around the world**. American choices about the use of force**, the shrewdness of American strategy, the soundness of American tactics, and the will of American leaders **have** global consequences. **What might have been petty squabbles in bygone years are now magnified into** quarrels of a far larger scale**, and conceivably with** far more grievous consequences. To ignore the problem would neglect one of the cardinal purposes of the federal government: “to provide for the common defense” in a world in which security cannot be taken for granted.

## Warfighting DA

#### Obama’s Syria maneuver has maximized presidential war powers because it’s on his terms

Posner 9/3

(Eric, Law Prof at University of Chicago, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

President **Obama’s** surprise **announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making**, even by critics. **But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever**. It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.” Thus, **the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him**. The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.) **People who celebrate the president for humbly begging Congress for approval** also apparently **don’t realize that his understanding of the law—that it gives him the option to go to Congress**—**maximizes executive power vis-à-vis Congress**. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. **If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.**

#### The plan destroys causes countries to doubt the credibility of our threats – collapses security guarantees and deterrence – causes nuclear war

Zeisberg 4

(MARIAH ZEISBERG, Research Fellow, The Political Theory Project, Department of Political Science, "INTERBRANCH CONFLICT AND CONSTITUTIONAL MAINTENANCE: THE CASE OF WAR POWERS" SEPTEMBER 22, 2004, KB)

The first significant argument of pro-Presidency insularists is that flexibility is a prime value in the conduct of foreign affairs, and especially war. Implicit in this argument is the recognition that the executive is functionally superior to Congress in achieving flexibility and swiftness in war operations, a recognition I share. The Constitution cannot be meant to curtail the very flexibility that may be necessary to preserve the nation; and yet, according to the insularists, any general norm which would include Congress in decision-making about going to war could only undermine that flexibility. Writing on the War Powers Act, Eugene Rostow predicts that it would, “put the Presidency in a straightjacket of a rigid code, and prevent new categories of action from emerging, in response to the necessities of a tense and unstable world.” In fact, Rostow believes, “[t]he centralization of authority in the president is particularly crucial in matters of national defense, war, and foreign policy, where a unitary executive can evaluate threats, consider policy choices, and mobilize national resources with a speed and energy that is far superior to any other branch.” Pro-presidency insularists are fond of quoting Hamilton, who argued that “[o]f all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.” ¶ This need for flexibility, some insularists argue, is especially acute given modern conditions, where devastating wars can develop quickly. Today, “many foreign states have the power to attack U.S. forces - and some even the U.S. mainland - almost instantly,” and in such a world it is impracticable to require the President to seek advance authorization for hostilities. Such a requirement would simply be too risky to U.S. security. We furthermore face a nuclear age, and the system of deterrence that operates to contain that threat requires that a single person be capable of responding to nuclear attack with nuclear weapons immediately. Rostow writes, “the requirement for advance authorization would collapse the system of deterrence, making preemptive strikes by our enemies more likely.” Hence, “modern conditions” require the President to “act quickly, and often alone.” ¶ While this does not mean that Congress has no role to play in moments of crisis, it does mean that Congress should understand its role largely in terms of cooperating with the President to support his negotiations and decisions regarding relationships with foreign powers. Rostow writes,¶ “Congress should be able to act effectively both before and after moments of crisis or potential crisis. It may join the President in seeking to deter crisis by publicly defining national policy in advance, through the sanctioning of treaties or other legislative declarations. Equally, Congress may participate formally in policymaking after the event through legislative authorization of sustained combat, either by means of a declaration of war, or through legislative action having more limited legal and political consequences. Either of these devices, or both in combination, should be available in situations where cooperation between the two branches is indicated at many points along an arc ranging from pure diplomacy at one end to a declaration of war at the other.” ¶ In other words, for Congress to understand itself as having any justifiable role in challenging executive security determinations, especially at moments of crisis, would be to undermine the strength that the executive requires in order to protect the nation. Conflict in this domain represents political degradation.¶ Flexibility is also a key value to support the stability of the global security order, some pro-Presidency insularists argue. International security systems require guarantees that an attack on an ally will be retaliated as quickly as possible. Given such a system, the requirement of congressional consultation “vitiates the security guarantee.” It is important to note that the US does not simply play a role in international collective security systems: it is a central player in those systems, and hence “it is necessary for the system that U.S. participation be assured and credible. But this means that in order to support collective security, the fundamental function for Congress is to support the executive in ways that send a clear message of national resolve, so unequivocal and unmistakable that international pillagers and those who advise them can have no doubts.” ¶ This value of flexibility is sometimes applied to the mechanisms for foreign policy themselves. John Yoo, for example, argues that there must be a diversity of mechanisms for going to war, including unilateral action by the President. On Yoo’s account, Congress is granted authority in foreign affairs in times of peace, the President for times of danger. Yoo interprets the understructured nature of war powers to indicate that “the Framers did not intend the Constitution to establish a single, correct method for going to war. . . [d]uring times of relative peace, Congress can use its authority over funding and the raising of the military to play a leading role in foreign policy. In times of emergency or national danger, however, the President can seize the initiative in warmaking.” ¶ A second insularist argument is that the “nature of foreign affairs” is such that this domain cannot be guided by law. Jefferson’s oft-cited quote, that “[t]he transaction of business with foreign nations is Executive altogether,” is sometimes used in support of this argument, although I do not believe Jefferson understood himself to be making this point. Robert Bork is instead the most prominent insularist arguing this position. Far from believing that the President’s use of force can be bound by law, Bork denies that law governing foreign affairs—whether domestic or international—even exists. In Bork’s own words,¶ “[T]here are areas of life, and the international use of armed force seems to be one of them, in which the entire notion of law—law conceived as a body of legal principles declared in advance to control decisions to be made in the future—where that conception of law is out of place. The pretense that there is such a law and that it has been constantly violated, has debilitating effects upon our foreign policy . . . [t]wo examples come to mind: one is international law about the use of force, and the other is domestic law, that is, the War Powers Act. These two bodies of ‘law’ arise from different sources, but they are alike in that they are not law in any recognizable sense. They are not enforceable.” ¶ Since law in this domain simply cannot exist, the idea of a legislative body playing any role in guiding decisions here is simply senseless. Bork points us to the simple fact of the matter—that “Presidential use or support of force abroad will succeed when the public approves and fail when it disapproves. Law has little to do with the outcome.” ¶ The third important argument on behalf of insularity is that Congress already possesses all the power it needs to contain a wayward executive. This power is wielded mainly through Congress’ “power of the purse,” but also through Congress’ power to raise the military and commission (or de-commission) troops. It is in the course of approving Presidential requests for funding measures that Congress discusses the merits of his actions, and Congress retains the simple power to block the president’s actions simply by refusing him funds or military resources. Yoo argues,¶ “One might respond that it is unreasonable to expect Congress to use its appropriations powers to cut off troops in the field. Surely members of Congress will not take actions that might be interpreted as undermining the safety and effectiveness of the military, once committed and in the midst of hostilities. We should not mistake a failure of political will, however, for a violation of the Constitution. Congress undoubtedly possessed the power to end the Kosovo war, it simply chose not to. Affirmatively providing funding for a war, or at the very least refusing to cut off previous appropriations, represents a political determination by Congress that it will provide minimal support for a war, but that ultimately it will leave it to the President to receive the credit either for success or failure.” ¶ Furthermore, it is simply a fact that the President relies upon Congress to wage the wars he wishes to pursue. As Bobbit points out, unless Congress “by statute, provides an army, transport, weapons, and materials . . . there is nothing for the President to command.” Bobbit insists, though, that this does not mean that Congress can appropriately “interfere in the operation of that power” once handed over. Just as Congress, once it has established and vested the judiciary, has no authority to interfere in the operation of the judicial power, so too Congress, once it vests the President with command of a military, has no authority to interfere in how that command is used. Hence Bobbit believes that the only constitutionally legitimate way for Congress to engage in decisionmaking on the use of the sovereign war power is to remove forces from the command of the President. Bobbit continues, “[a]s a structural matter, Congress has the first and last word. It must provide forces before the President can commence hostilities, and it can remove those forces, by decommissioning them or by forbidding their use in pursuit of a particular policy at any time.” Bobbit is quite explicit about the implications of his position:¶ “Does this mean that presidents can simply ransack the current Defense Appropriations Act for available forces and that Congress then has no way to stop a president from unilaterally making war so long as one-third plus one of the members of one House sustains his veto - for the balance of the biennium? It may well mean that.” ¶ The fourth argument is that the kind of challenging characteristic of interbranch deliberation would endanger the well-being of troops in the field, as foreign nations interpret Congressional challenging to mean that we lack the will to support our soldiers. This argument is not about the comparative advantages of the presidency as an institution, or about the meaning of law: rather, it directly challenges the value of conflict itself. In fact, as we saw in chapter two, settlement theorists and realists seem to believe that the conditions of war and insecurity are the most congenial territory for their claims about the importance of deference and settlement, precisely because peace, stability, and the very possibility of rights-protection are all at stake in this issue. Rostow cites Dean Acheson’s comments on the Korean War:¶ “An incredulous country and world held its breath and read the mounting casualties suffered by these gallant troops, most of them without combat experience. In the confusion of the retreat even their divisional commander, Major General William F. Dean, was captured. Congressional hearings on a resolution of approval at such a time, opening the possibility of endless criticism, would hardly be calculated to support the shaken morale of the troops or the unity that, for the moment, prevailed at home. The harm it could do seemed to me to outweigh the little good that might ultimately accrue.”

## Security K

#### The affirmative’s call to SECURITY only FEEDS THE APORIAS by which security apparatuses CONTINUOUSLY ORDER AND PROBLEMATIZE LIFE

Dillon and Reid 2K0

Professor of Politics at the University of Lancaster and lecturer in international relations at Kings College in London, 2000 [Michael and Julian, Alternatives vol. 25, issue 1, spring, EbscoHost]

As a precursor to global governance, governmentality, according to Foucault's initial account, poses the question of order not in terms of the origin of the law and the location of sovereignty, as do traditional accounts of power, but in terms instead of the management of population. The management of population is further refined in terms of specific problematics to which population management may be reduced. These typically include but are not necessarily exhausted by the following topoi of governmental power: economy, health, welfare, poverty, security, sexuality, demographics, resources, skills, culture, and so on. Now, where there is an operation of power there is knowledge, and where there is knowledge there is an operation of power. Here discursive formations emerge and, as Foucault noted, ¶ in every society the production of discourse is at once controlled, selected, organised and redistributed by a certain number of procedures whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality.[ 34] ¶ More specifically, where there is a policy problematic there is expertise, and where there is expertise there, too, a policy problematic will emerge. Such problematics are detailed and elaborated in terms of discrete forms of knowledge as well as interlocking policy domains. Policy domains reify the problematization of life in certain ways by turning these epistemically and politically contestable orderings of life into "problems" that require the continuous attention of policy science and the continuous resolutions of policymakers. Policy "actors" develop and compete on the basis of the expertise that grows up around such problems or clusters of problems and their client populations.¶ Here, too, we may also discover what might be called "epistemic entrepreneurs." Albeit the market for discourse is prescribed and policed in ways that Foucault indicated, bidding to formulate novel problematizations they seek to "sell" these, or otherwise have them officially adopted. In principle, there is no limit to the ways in which the management of population may be problematized. All aspects of human conduct, any encounter with life, is problematizable. Any problematization is capable of becoming a policy problem. Governmentality thereby creates a market for policy, for science and for policy science, in which problematizations go looking for policy sponsors while policy sponsors fiercely compete on behalf of their favored problematizations. ¶ Reproblematization of problems is constrained by the institutional and ideological investments surrounding accepted "problems," and by the sheer difficulty of challenging the inescapable ontological and epistemological assumptions that go into their very formation. There is nothing so fiercely contested as an epistemological or ontological assumption. And there is nothing so fiercely ridiculed as the suggestion that the real problem with problematizations exists precisely at the level of such assumptions. Such "paralysis of analysis" is precisely what policymakers seek to avoid since they are compelled constantly to respond to circumstances over which they ordinarily have in fact both more and less control than they proclaim. What they do not have is precisely the control that they want. Yet serial policy failure—the fate and the fuel of all policy--compels them into a continuous search for the new analysis that will extract them from the aporias in which they constantly find themselves enmeshed.[ 35] ¶ Serial policy failure is no simple shortcoming that science and policy--and policy science--will ultimately overcome. Serial policy failure is rooted in the ontological and epistemological assumptions that fashion the ways in which global governance encounters and problematizes life as a process of emergence through fitness landscapes that constantly adaptive and changing ensembles have continuously to negotiate. As a particular kind of intervention into life, global governance promotes the very changes and unintended outcomes that it then serially reproblematizes in terms of policy failure. Thus, global liberal governance is not a linear problem-solving process committed to the resolution of objective policy problems simply by bringing better information and knowledge to bear upon them. A nonlinear economy of power/knowledge, it deliberately installs socially specific and radically inequitable distributions of wealth, opportunity, and mortal danger both locally and globally through the very detailed ways in which life is variously (policy) problematized by it.

#### The discourse of the 1AC contributes to the emergence of destructive security-state that becomes indistinguishable from the forms of violence it seeks to prevent.

Agamben 2K2,

[ Professor of Philosophy at the Collège International de Philosophie in Paris, [Giorgio, Theory & Event 5:4, ProjectMuse]

Security as the basic principle of state politics dates back to the birth of the modern state. Hobbes already mentions it as the opposite of the fear which compels human beings to unite and form a society together. But not until the 18th century does the paradigm of security reach its fullest development. In an unpublished lecture at the Collège de France in 1978, Michel Foucault showed how in the political and economic practice of the Physiocrats security opposes discipline and the law as instruments of governance.¶ Neither Turgot and Quesnay nor the Physiocratic officials were primarily concerned with the prevention of famine or the regulation of production, but rather wanted to allow for their development in order to guide and "secure" their consequences. While disciplinary power isolates and closes off territories, measures of security lead to an opening and globalisation; while the law wants to prevent and prescribe, security wants to intervene in ongoing processes to direct them. In a word, discipline wants to produce order, while security wants to guide disorder. Since measures of security can only function within a context of freedom of traffic, trade, and individual initiative, Foucault can show that the development of security coincides with the development of liberal ideology.¶ Today we are facing extreme and most dangerous developments of this paradigm of security. In the course of a gradual neutralisation of politics and the progressive surrender of traditional tasks of the state, security imposes itself as the basic principle of state activity. What used to be one among several decisive measures of public administration until the first half of the twentieth century, now becomes the sole criterion of political legitimation. Security reasoning entails an essential risk. A state which has security as its only task and source of legitimacy is a fragile organism; it can always be provoked by terrorism to turn itself terroristic.¶ We should not forget that the first major organisation of terror after the war, the Organisation de l'Armée Secrète (OAS) was established by a French General who thought of himself as patriotic and who was convinced that terrorism was the only answer to the guerilla phenomenon in Algeria and Indochina. When politics, the way it was understood by theorists of the "Polizeiwissenschaft" in the eighteenth century, reduces itself to police, the difference between state and terrorism threatens to disappear. In the end it may lead to security and terrorism forming a single deadly system in which they mutually justify and legitimate each others' actions.¶ The risk is not merely the development of a clandestine complicity of opponents but that the hunt for security leads to a worldwide civil war which destroys all civil coexistence. In the new situation -- created by the end of the classical form of war between sovereign states -- security finds its end in globalisation: it implies the idea of a new planetary order which is, in fact, the worst of all disorders. But there is yet another danger. Because they require constant reference to a state of exception, measures of security work towards a growing depoliticization of society. In the long run, they are irreconcilable with democracy.¶ Nothing is therefore more important than a revision of the concept of security as the basic principle of state politics. European and American politicians finally have to consider the catastrophic consequences of uncritical use of this figure of thought. It is not that democracies should cease to defend themselves, but the defense of democracy demands today a change of political paradigms and not a world civil war which is just the institutionalization of terror. Maybe the time has come to work towards the prevention of disorder and catastrophe, and not merely towards their control. Today, there are plans for all kinds of emergencies (ecological, medical, military), but there is no politics to prevent them. On the contrary, we can say that politics secretly works towards the production of emergencies. It is the task of democratic politics to prevent the development of conditions which lead to hatred, terror, and destruction -- and not to reduce itself to attempts to control them once they occur.

#### ALTERNATIVE: VOTE NEGATIVE. ONLY TOTALLY ESCHEWING THE LOGIC OF SECURITY SOLVES.

NEOCLEOUS 2K8.

[Mark, Professor of Critique of Political Economy at Brunel University (UK), “Critique of Security.” Pg. 185-186]

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of security altogether – to reject it as so ideologically loaded in favor of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that cannot be achieved within the limits of bourgeois thought and thus could never even begin to be imagined by the security intellectual. It is also something that the constant iteration of the refrain ‘this is an insecure world’ and reiteration of one fear, anxiety and insecurity after another will also make it hard to do. But it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security. This impasse exists because security has now become so all-encompassing that it marginalizes all else, most notably the constructive conflicts, debates and discussions that animate political life. The constant prioritizing of a mythical security as a political end – as the political end – constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conflicts and struggles that arise from such differences can be fought for and negotiated, in which people might come to believe that another world is possible – that they might transform the world and in turn be transformed. Security politics is, in this sense, an anti-politics, dominating political discourse in much the same manner as the security state tries to dominate human beings, reinforcing security fetishism and the monopolistic character of security on the political imagination. We therefore need to get beyond security politics, not add yet more ‘sectors’ to it in a way that simply expands the scope of the state and legitimizes state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text *Critical Security Studies*, in which the latter asks: if you take away security, what do you put in the hole that’s left behind? But I’m inclined to agree with Dalby: there is no hole. The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilized or gendered or humanized or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up re-affirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That’s the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding ‘more security’ (while meekly hoping that this increased security doesn’t damage our liberty) is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitizing of social and political issues, debilitating in the sense that ‘security’ helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centered on a different conception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipator in the true sense of the word. What this might mean, precisely, must be open to debate. But it certainly requires recognizing that security is an illusion that has forgotten it is an illusion; it requires recognizing that security is not the same as solidarity; it requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and ‘insecurities’ that come with being human; it requires accepting that ‘securitizing’ an issue does not mean dealing with it politically, but bracketing it out and handing it to the state; it requires us to be brave enough to return the gift.

## Solvency

#### Their restriction is a smokescreen and won’t be enforced

Nzelibe 7—Professor of Law @ Northwestern University [Jide Nzelibe, “Are Congressionally Authorized Wars Perverse?” Stanford Law Review, Vol. 59, 2007] we reject the use of ableist language in this card

These assumptions are all questionable. As a preliminary matter, there is not much causal evidence that supports the institutional constraints logic. As various commentators have noted, Congress's bark with respect to war powers is often much greater than its bite. Significantly, skeptics like Barbara Hinckley suggest that any notion of an activist Congress in war powers is a myth and members of Congress will often use the smokescreen of "symbolic resolutions, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" to create the illusion of congressional participation in foreign policy.' 0 Indeed, even those commentators who support a more aggressive role for Congress in initiating conflicts acknowledge this problem," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12 Yet, even if Congress were equipped with better institutional tools to constrain and monitor the President's military initiatives, it is not clear that it would significantly alter the current war powers landscape. As Horn and Shepsle have argued elsewhere: "[N]either specificity in enabling legislation ... nor participation by interested parties is necessarily optimal or self-fulfilling; therefore, they do not ensure agent compliance. Ultimately, there must be some enforcement feature-a credible commitment to punish ....Thus, no matter how much well-intentioned and specific legislation Congress passes to increase congressional oversight of the President's military initiatives, it will come to naught if members of Congress lack institutional incentives to monitor and constrain the President's behavior in an international crisis. Various congressional observers have highlighted electoral disincentives that members of Congress might face in constraining the President's military initiatives. 14 Others have pointed to more institutional obstacles to congressional assertiveness in foreign relations, such as collective action problems. 15 Generally, lawmaking is a demanding and grueling exercise. If one assumes that members of Congress are often obsessed with the prospect of reelection, 16 then such members will tend to focus their scarce resources on district-level concerns and hesitate to second-guess the President's response in an international crisis. 17 Even if members of Congress could marshal the resources to challenge the President's agenda on national issues, the payoff in electoral terms might be trivial or non-existent. Indeed, in the case of the President's military initiatives where the median voter is likely to defer to the executive branch's judgment, the electoral payoff for members of Congress of constraining such initiatives might actually be negative. In other words, regardless of how explicit the grant of a constitutional role to Congress in foreign affairs might be, few members of Congress are willing to make the personal sacrifice for the greater institutional goal. Thus, unless a grand reformer is able to tweak the system and make congressional assertiveness an electorally palatable option in war powers, calls for greater congressional participation in war powers are likely to fall on deaf ears. Pg. 912-913

#### But the resistance to the plan collapses rule of law and causes interbranch conflict

Lobel, Pittsburgh law professor,2008

(Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, Ohio State Law Journal, vol 69, lexis, ldg)

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53 The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority. Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law. Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary. If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute. Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

**Interbranch conflict causes extinction**

Jamison 93

Linda S. Jamison, Deputy Director of Governmental Relations @ CSIS, Spring 1993, Executive-Legislative Relations after the Cold War, Washington Quarterly, v.16, n.2, p. 189

Indeed there are very few domestic issues that do not have strong international implications, and likewise there are numerous transnational issues in which all nations have a stake. Environmental degradation, the proliferationof weapons of mass destruction, population control, migration, international narcotics trafficking, the spread of AIDS, andthe deterioration of the human condition in the less developed world are circumstancesaffecting all corners ofthe globe. Neither political isolation nor policy bifurcation is an option for the United States. Global circumstances have drastically changed with the end of the Cold War and the political and policy conditions that sustained bipartisan consensus are not applicable to the post-war era. The formulation of a new foreign policy must be grounded in broad-based principles that reflect domestic economic, political and social concerns while providing practical solutions to new situations. Toward a cooperative US Foreign Policy for the 1990s: Ifthe federalgovernment is to meetthenewinternational policychallengesof the post-cold war era, institutional dissension caused by partisan competition and executive-legislative friction must give way to a new way of business**.** Policy flexibility must be the watchword of the 1990s in the foreign policy domainif the United States is to have any hope of securing its interests in theuncertainyears ahead**.** One former policymaker, noting the historical tendency of the United States to make fixed “attachments,” has argued that a changing world dictates policy flexibility, where practical solutions can be developed on principles of broad-based policy objectives (Fulbright 1979). Flexibility, however, will not be possible without interbranch cooperation. The end of the Cold War and the new single-party control of the White House and Congress provide a unique opportunity to reestablish foreign policy cooperation. Reconfiguring post cold war objectives requires comprehension of the remarkable transformations in world affairs and demands an intense political dialogue that goes beyond the executive branch (Mann 1990, 28-29).

#### No solvency – CIA is exempt from limitations

Anderson 13

(Brian, longform editor focusing on Drones, Vice, February 2013, “CIA Drones Have Free Rein in Pakistan for the Next Year,” <http://motherboard.vice.com/blog/cia-drones-have-free-reign-in-pakistan-for-the-next-year>, accessed 7/6/2013, BS)

Not like the spy agency's hunter-killer drones weren't already stalking Pakistan with near total autonomy from the US military, which maintains its own drone program throughout the Middle East. The Obama adminstration is reportedly close to wrapping up its so-called drone "playbook" and its most notable marker, for now, is not so much who the policy reins in but who it keeps just out of arm's reach--and thus, hidden. The CIA, in what should do away with any sense that the traditionally all-spy unit isn't going full-on paramilitary, can simply set aside the uncracked playbook for at least the next year. It's almost "beyond parody", the sort of hand-wringing and head-butting that went into what's ultimately a non-decision, or at the least a long punt. And it doesn't help that the guy who designed the playbook doesn't immediately have to adhere to it. But the administration has been pressing to set some sort of guiding drone doctrine into law for some time. It felt spurred to codify policy during the home stretch of the recent election cycle--the prospect of Romney-helmed killer strikes not having to answer to an Obama precedent was just to much to bear. The heat was off after the president won, of course, but discussions between the State Department, CIA and Pentagon over the playbook's standards seemed to have ground to a halt. So it was a move to resusciate talks: Granting the CIA a "temporary exemption" for its missions within Pakistan, the Washington Post reports, was apparently a compromise that freed up officials to forge ahead on other aspects of the playbook. "There’s a sense that you put the pedal to the metal now, especially given the impending” withdrawal, a former U.S. official involved in playbook discussion told the Post. The CIA's exemption is expected to run “less than two years but more than one,” the former official said, noting that any push to nix the "carve-out" will be based on "facts on the ground.” There's a sense, too, that any worries over exempting lethal CIA missions in Pakistan were put to cautious rest by the likely approval of John Brennan, Obama's top counterrorism adviser and architect of the playbook, to CIA chief. At the same time, it hints at friction within the administration over one of the drone program's more contentious tactics--"signature" strikes--which turned out to be a hot-button in playbook discussions. The grim irony is that compared to targeted drone blasts, signature strikes have likely taken out more suspected militants in Pakistan. The downside to greenlighting unmanned aerial strikes based purely on suspicious patterns of male behavior, like muling around weapon caches at night, not on verifiable identities? Dead civilians, the blood of which could well be the best recruitment tool for al Qaeda and its affiliates. Not to say the playbook doesn't cover the criteria by which names "make" any of the US's mythic "kill lists", the legal thinking behind targeting US citizens abroad, and the approval chain "required" when the CIA or US military wants to carrying out a drone hit beyond declared war zones. Or that it doesn't exercise some modium of restraint: As the Post reports, "the playbook has adopted that tighter standard and imposes other more stringent rules." This includes standards for the White House's approval of drone strikes and pulling multiple agencies, including the State Department, to the table when considering additions to kill lists. Yet for the next 12 months, minimum, none of these checks will apply to the CIA drone campaign in Pakistan, which began in earnest in the 2000s. In neighboring Afghanistan, the CIA has been ratcheting up its drone strikes "partly by loosening the criteria for strikes" from needing airtight intelligence to target identities to resting purely on speculative patterns of shady behaviour and latenight caravans. To think that the CIA, privileged to essentially go rogue for yet another year, will likewise continue pummeling Pakistan back to the Stone Age with signature (im)precision may not only undercut--for good, this time--Brennan's own claim that not a single civilian death has resulted from the drone wars. It may also do away with any notion, as critics argue, that a "playbook" doesn't equate to a long-term war waged through questionable, sometimes unconscionable aerial bombardment.

## Norms Advantage

#### 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.

#### No risk of drone wars

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

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

## Pakistan Advantage

#### No Pakistan collapse and it doesn't escalate

Dasgupta 13

Sunil Dasgupta is Director of the University of Maryland Baltimore County Political Science Program at the Universities at Shady Grove and non-resident Senior Fellow at the Brookings Institution, East Asia Forum, February 25, 2013, "How will India respond to civil war in Pakistan?", http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/

As it is, India and Pakistan have gone down to the nuclear edge four times — in 1986, 1990, 1999 and 2001–02. In each case, India responded in a manner that did not escalate the conflict. Any incursion into Pakistan was extremely limited. An Indian intervention in a civil war in Pakistan would be subject to the same limitations — at least so long as the Pakistani army maintains its integrity.

Given the new US–India ties, the most important factor in determining the possibility and nature of Indian intervention in a possible Pakistani civil war is Washington. If the United States is able to get Kabul and Islamabad to work together against the Taliban, as it is trying to do now, then India is likely to continue its current policy or try to preserve some influence in Afghanistan, especially working with elements of the Northern Alliance.

India and Afghanistan already have a strategic partnership agreement in place that creates the framework for their bilateral relationship to grow, but the degree of actual cooperation will depend on how Pakistan and the Taliban react. If Indian interests in Afghanistan come under attack, New Delhi might have to pull back. The Indian government has been quite clear about not sending troops to Afghanistan.

If the United States shifts its policy to where it has to choose Kabul over Islamabad, in effect reviving the demand for an independent Pashtunistan, India is likely to be much more supportive of US and Afghan goals. The policy shift, however, carries the risk of a full-fledged proxy war with Pakistan in Afghanistan, but should not involve the prospect of a direct Indian intervention in Pakistan itself.

India is not likely to initiate an intervention that causes the Pakistani state to fail. Bill Keller of the New York Times has described Pakistani president Asif Ail Zardari as overseeing ‘a ruinous kleptocracy that is spiraling deeper into economic crisis’. But in contrast to predictions of an unravelling nation, British journalist-scholar Anatol Lieven argues that the Pakistani state is likely to continue muddling through its many problems, unable to resolve them but equally predisposed against civil war and consequent state collapse. Lieven finds that the strong bonds of family, clan, tribe and the nature of South Asian Islam prevent modernist movements — propounded by the government or by the radicals — from taking control of the entire country.

Lieven’s analysis is more persuasive than the widespread view that Pakistan is about to fail as a state. The formal institutions of the Pakistani state are surprisingly robust given the structural conditions in which they operate. Indian political leaders recognise Pakistan’s resilience. Given the bad choices in Pakistan, they would rather not have anything to do with it. If there is going to be a civil war, why not wait for the two sides to exhaust themselves before thinking about intervening? The 1971 war demonstrated India’s willingness to exploit conditions inside Pakistan, but to break from tradition requires strong, countervailing logic, and those elements do not yet exist. Given the current conditions and those in the foreseeable future, India is likely to sit out a Pakistani civil war while covertly coordinating policy with the United States.

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## T

Targeted killings topical, “drones” and “signature strikes” not

Heidt 13

Stephen (PhD Candidate, GSU) "A Memorandum on the Topic Area.pdf"

~http://www.cedadebate.org/forum/index.php?topic=4846.0~~

Voting for restrict presidential war power establishes a very narrow topic – commander in chief¶ blows the lid off that restriction. Those of us with gray in our hair may recall the restricting¶ commander in chief power means anything from Congressional control over the president’s¶ medical staff (Kansas) to Congressional control over media pools in wartime (a Bill Newnam¶ Special) and everything in between. Modern versions of the parameters of that type of topic are¶ elaborated in the topic paper when, for example, the authors isolate drones as a core controversy invoking the “president’s legal authority to conduct the war on terror.” This is nonsense for two¶ reasons. First, the AUMF granted the president all the legal authority necessary and, second, the¶ CONDUCT of the war is power reserved for the commander in chief and does not fall under the purview of Congressional war declaration power. There are no constitutional questions related to¶ drone use aside from use on American citizens (without due process). This gross error in the¶ topic paper reflects one of the downsides of using sources like the Idaho Statesman to comment¶ on constitutional issues. The topic paper is correct, however, that Affs could restrict presidential¶ actions to target U.S. citizens, but even that might not be topical if the topic is written as¶ restrict/reduce presidential war power since this goes to a “use” issue and not a “power” issue¶ (and, at best, reflects a violation of the Constitutional order and not an expansion of the¶ Constitutional order – one could argue that ending violations is not a restriction in presidential¶ war power since the president never had the power to act in the first place).

#### Our evidence is qualitatively better on this issue AND the personality/signature strike distinction is the crucial to topic education—targeted killing is about counterterrorism, signature strikes is about counterinsurgency. Our ev is more precise AND their interp also adds another set of affs—restrict the type of aircraft that can strike

Anderson 2011

[Kenneth, Professor at Washington College of Law, American University; and Hoover Institution visiting fellow, member of Hoover Task Force on National Security and Law; nonresident senior fellow, Brookings Institution. “Distinguishing High Value Targeted Killing and “Signature” Attacks on Taliban Fighters” http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/]

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

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

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

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

#### Broad interpretations cause unmanageable research burdens

Taylor III, now a JD from William and Mary, 2005

(Jarred, “Searching for a More Perfect Union,” https://docs.google.com/document/d/1ypiOXjRVPWzNxDsFVJ0S1n-QfIGtXzp7Y59meEwd-bE/edit?hl=en\_US)

**It would take even the most seasoned scholar years of research and hundreds of pages to** adequately **analyze** the development of **any presidential power** over the course of American history; **war power is** certainly **no exception**. Every President since George Washington has interpreted the martial prerogatives of his office in different ways, and most have set some sort of precedent for succeeding officeholders. Nevertheless, some of the major changes in executive military power bear highlighting.

#### AND, our interp allows a fair number of affs—sniper shots, poison letters, personality drone attacks, specific commando raids—while their interp allows reckless killings, non-premeditated attacks, and collateral damage affs AND our definition is precise and intuitive

Abresch 9 (William, 2009, “Targeted Killing in International Law” book review, original book by Nils Melzer, Oxford: Oxford University Press, 2008, <http://ejil.oxfordjournals.org/content/20/2/449.full>)

Studies of targeted killing are often situated within the politically fraught debate over Hellfire missile attacks on suspected terrorists. The scope of Melzer's analysis is, then, refreshingly broad, covering equally sniper shots used to end hostage stand-offs, poison letters sent to insurgent commanders, and commando raids launched with orders to liquidate opponents. These diverse practices are marked off from other uses of lethal force by states, such as soldiers shooting in a firefight, with a precise and intuitively satisfying definition. Melzer defines targeted killing as a use of lethal force by a subject of international law that is directed against an individually selected person who is not in custody and that is intentional (rather than negligent or reckless), premeditated (rather than merely voluntary), and deliberate (meaning that ‘the death of the targeted person [is] the actual aim of the operation, as opposed to deprivations of life which, although intentional and premeditated, remain the incidental result of an operation pursuing other aims’) (at 3–4). It is a strength of Melzer's book that, although the concepts deployed in this definition do not correspond with those found in either international human rights law or international humanitarian law (IHL), he eschews de lege ferenda argumentation in favour of a rigorous elaboration of the implications of the lex lata for the practices covered by his definition.

#### 3) It’s arbitrary and undermines research

Resnick 1

Evan Resnick 1, assistant professor of political science – Yeshiva University, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

## CMR DA

#### Civil-military relations are strong, but could be de-railed

**Ricks 9/12/13**

[Thomas, Ed. Of *Best Defense* blog at Foreign Policy, <http://ricks.foreignpolicy.com/posts/2013/09/12/gen_scales_needs_to_learn_that_discretion_is_the_better_part_of_civil_military_valo>, mg]

An additional consequence of the public's growing distance from the armed forces is the belief that, when it comes to a decision to go to war, the opinions of servicemembers should carry extra weight because they will be the ones doing the fighting and the dying. This is a profoundly undemocratic position in a country where the civilian branches of government are explicitly empowered by the Constitution to be the sole determinants of national security policy. Gen. Scales's dismissal of the White House staff as "wannabe soldiers" reinforces the dangerous idea that only military personnel, with their unique moral authority, are qualified to comment on when and how the nation goes to war. Few commentators **today would argue that American civil-military relations are in a state of crisis. Our armed forces are** loyal, patriotic, andcommitted to the principle of civilian control of the military**. The country's civil-military relationship, however, is being subjected to a set of stressors unlike any in our history**: a decade of warfare, the institutionalization of the all-volunteer force, and political gridlock which has undermined the public trust in our elected leaders. In this atmosphere, retired general officers must resist the temptation to wade too vigorously into national security debates. As lifetime representatives of their respective services, they command an authority that can dangerously encroach on the constitutional responsibilities of elected officials. For these retired officers, sometimes discretion is the better part of valor. ¶

#### Civil-military relations are stable, but the balance is fragile

**Regulatory Intelligence Data 13**

[July 5, CQ Federal Department and Agency Documents, NEXIS, mg]

America's all-volunteer military has been a success, but society at large and service members must ensure a shared understanding exists between them, Army Gen. Martin E. Dempsey, the chairman of the Joint Chiefs of Staff, wrote in a commentary in the Washington Post today.¶ Dempsey described the all-volunteer force as one of America's finest achievements. The military is so good, he wrote, that many Americans take it for granted.¶ "**The last decade of war has affected the relationship between our society and the military,**" Dempsey wrote. "**We can't allow a sense of separation to grow between us**. As the all-volunteer force enters its fifth decade, **civilians and the military need to maintain the shared understanding necessary for a** healthy relationship."¶ Dempsey wrote that the nation needs to discuss the military-civil relationship, as well as the nation's relationship with its service members.\

#### Now key time for U.S. civil-military relations

**Navy Times** 7/12/**13**

[http://www.navytimes.com/article/20130712/NEWS05/307120023/JCS-chief-Time-rethink-civil-military-relations, mg]

The nation’s top military officer is urging troops to brace for a postwar era in which **the relationship between the military and the civilian population** it is sworn to protect **will change in fundamental ways.**¶ Army Gen. Martin Dempsey offered a rare public reflection on the cultural link between the all-volunteer force and civilian society and sought to dispel stereotypes that have arisen since 2001.¶ “Together, we need to discuss who we are and what our wars mean to us,” Dempsey, the chairman of the Joint Chiefs, wrote in a July 3 op-ed in The Washington Post. His office subsequently provided essentially the same piece to Military Times.¶ “**Now is the defining moment in our relationship** with the 9/11 veterans,” Dempsey wrote, urging the country to gain a better understanding of who those returning warriors are as individuals. “All of us in uniform volunteered to serve, but that doesn’t make us all heroes. Many of us have seen the horrors of war, but that doesn’t make us all victims. Today’s warriors and their stories are more diverse than these simple characterizations suggest.”¶ Dempsey’s call for a national discussion comes at **a challenging time for civil-military relations,** according to several experts, career officers and others who spoke to Military Times.¶ In Washington, a fierce debate is in full swing about the future of defense spending that could veer into a bitter battle over pay and benefits for the people who serve in uniform. Across the country, veterans are returning in large numbers, some of them struggling to adjust or suffering from physical or psychological injuries. And as the war in Afghanistan winds down, the military may begin to lose its privileged place in American culture.¶ “The moral contract between the people and the military is changing. It changes after every war,” said James Burk, a civil-military affairs expert who teaches at Texas A&M University. “I think Dempsey is taking a stand against polarization and calling for a serious discussion about what the military community needs and how we achieve those objectives.”

#### Military will circumvent restrictions on targeted killings- they are authorized to strike some targets without approval from above

Priest 11

[<http://www.pbs.org/wgbh/pages/frontline/iraq-war-on-terror/topsecretamerica/inside-the-cias-kill-list/>, Dana]

**In the drone war,** U.S. national security agencies have maintained at least three separate “kill lists” of individuals, several sources explained. The National Security Council (NSC) kept one list and reviewed it at weekly meetings attended by the president and vice president. Another was the CIA’s, with no input from the NSC or the Defense Department. A third list was the military’s, but that was really more than one, since the clandestine special operations troops of the Joint Special Operations Command (JSOC) had their own list as well. Some suspected terrorists were on multiple lists. But even these highly classified kill lists were not coordinated among the three primary agencies involved in creating them. Each group had its own set of lawyers looking at legal questions. The military and the CIA each had its own set of targeters developing the time and location of the strike. Each had its own pilots, command centers, budget process, and long logistics and personnel pipeline to maintain its own fleet of UAVs.¶ ¶ Permission to kill also was granted variously, depending on the agency involved and the location of the person targeted, said U.S. intelligence and military officials. **Some individuals could be killed on the say-so of tactical commanders without approval from above,** while others could not be killed without senior military or even cabinet-level approval; still others could not be killed without presidential approval. ¶

#### The military strongly supports Obama’s use of targeted killings; they oppose the plan

Johnson 12

[Carrie, Feb 22, <http://www.npr.org/blogs/thetwo-way/2012/02/22/147264637/in-speech-top-pentagon-lawyer-defends-targeted-killing-program>, mg]

**The top lawyer at the Pentagon offered a strong defense of** the **Obama** administration**'s targeted killing program** Wednesday, **arguing** the use of **lethal force against the enemy is a "long-standing and long-legal practice.**"¶ In a speech at Yale University's Law School, Jeh Johnson said there's no real difference between high tech strikes against members of al-Qaida today and the U.S. military decision to target an airplane carrying the commander of the Japanese Navy in 1943.¶ "Should we take a dimmer view of the legality of lethal force directed against individual members of the enemy, because modern technology makes our weapons more precise?" Johnson said, according to a copy of his prepared remarks.¶ Nowhere in the talk did Johnson explicitly mention the U.S. drone program, used to kill radical cleric Anwar Al-Awlaki, al-Qaida propagandist Samir Kahn, and at least one other U.S. citizen over the past year.¶ The Obama administration's legal basis for those strikes remains secret, despite ongoing lawsuits filed by the American Civil Liberties Union and The New York Times that seek more information about how the federal government decides to target its own citizens.

## Solvency

#### The use of state secret doctrine means no checks

Bazzle 12

~Timothy, J.D., Georgetown University Law Center, ’"SHUTTING THE COURTHOUSE DOORS:¶ INVOKING THE STATE SECRETS PRIVILEGE TO THWART¶ JUDICIAL REVIEW IN THE AGE OF TERROR", Civil Rights Law Journal, Vol. 23, No. 1, 2012, RSR~

The war on terror has led to an increased use of the state secrets privilege by the Executive Branch - to dismiss legal challenges to widely publicized and controversial government actions - ostensibly aimed at protecting national security from terrorist threats. n1 Faced with complaints that allege indiscriminate and warrantless surveillance, n2 tortious detention, and torture that flouts domestic and international law, n3 courts have had to reconcile impassioned appeals for private justice with the government's unyielding insistence on protecting national security. Courts, almost unanimously, have cast their lot with national security, granting considerable deference to government assertions of the state secrets principle. This deference to state secrets shows no signs of abating; indeed, the growing trend is for courts to dismiss these legal challenges pre-discovery, n4 even before the private litigants have had the chance to present actual, non-secret evidence to meet their burden of proof. Although many looked optimistically at President Obama's inauguration as a chance to break decisively from the Bush Administration's aggressive application of the state secrets [\*30] privilege, n5 the Obama Administration has largely disappointed on the state-secrets front, asserting the privilege with just as much fervor - if not as much regularity n6 - as its predecessor. n7 Judicial deference to such claims of state secrecy, whether the claims merit privileged treatment, exacts a decisive toll on claimants, permanently shutting the courthouse doors to their claims and interfering with public and private rights. n8 Moreover, courts' adoption of a sweeping view of the state secrets privilege has raised the specter of the government disingenuously invoking state secrets to conceal government misbehavior under the guise of national security. n9 By granting greater deference to assertions of the state secrets privilege, courts share responsibility for eroding judicial review as a meaningful check on Executive Branch excesses. This Article argues for a return to a narrowly tailored state secrets privilege - one that ensures that individuals who allege a credible claim of government wrongdoing retain their due process rights.

#### BUT secret presidential war power policies inevitably leak - triggers all of their perception advantages

Davies 12 (Nicolas J. S. Davies is the author of Blood On Our Hands: The American Invasion and Destruction of Iraq, 06/05/2012, <http://www.huffingtonpost.com/nicolas-j-s-davies/obama-drone-strikes_b_1566452.html>, “When Presidential Politics Collides With Secret War”, AB)

Not a week goes by without a new strategic leak from the White House about President Obama's personal role in the CIA's secret wars in Pakistan, Yemen, Somalia and Iran. U.S. officials have eagerly told the New York Times how Obama personally draws up "kill lists" for drone strikes and directs cyber-attacks on Iran. Commentators have highlighted the role of the leaks in countering the Republicans' most well-worn avenue of attack against a Democratic president, the charge that he is "weak on defense". The White House has even gone public with Obama's support for CIA rules that count nearly all victims of U.S. attacks as "combatants". U.S. special forces officers in Afghanistan had already admitted that they count civilians killed in attacks as combatants based on "guilt by proximity". Now we have confirmation that the CIA follows similar rules, discrediting official denials of large numbers of civilian deaths in drone strikes and other targeted killings. The White House's strategic leaks about secret operations have opened a Pandora's box of troubling questions about Obama's secret wars and their role in his re-election campaign: 1) Now that the White House has publicly admitted to unleashing cyberwar between countries, how safe will our computers be from cyber-attacks by foreign governments? Why not instead work with other countries on a treaty to prohibit cyberwar, or at least to protect the rest of us as non-combatants -- a sort of 4th Geneva Convention for cyberspace?

#### The belief that the executive will ultimately listen to the 1ACs call for justice reinscribes violent notions of legalism that make violence inevitable

Dossa ‘99

Shiraz, Department of Political Science, St. Francis Xavier University, Antigonish, Nova Scotia, “Liberal Legalism: Law, Culture and Identity,” The European Legacy, Vol. 4, No. 3, pp. 73-87,1

No discipline in the rationalized arsenal of modernity is as rational, impartial, objective as the province of law and jurisprudence, in the eyes of its liberal enthusiasts. Law is the exemplary countenance of the conscious and calculated rationality of modern life, **it is the** emblematic face of liberal civilization. Law and legal rules symbolize the spirit of science, the march of human progress. As Max Weber, the reluctant liberal theorist of the ethic of rationalization, asserted: judicial formalism enables the legal system to operate like a technically **rational machine**. Thus it guarantees to individuals and groups within the system a relative of maximum of freedom, and greatly increases for them the possibility of predicting the legal consequences of their action. In this reading, law encapsulates the western capacity to bring order to nature and human beings, to turn the ebb and flow of life into a "rational machine" under the tutelage of "judicial formalism".19 Subjugation of the Other races in the colonial empires was motivated by power and rapacity, but it was justified and indeed rationalized, by an appeal to the civilizing influence of religion and law: western Christianity and liberal law. To the imperialist mind, "the civilizing mission of law" was fundamental, though Christianity had a part to play in this program.20 Liberal colonialists visualized law, civilization and progress as deeply connected and basic, they saw western law as neutral, universally relevant and desirable. The first claim was right in the liberal context, the second thoroughly false. In the liberal version, the mythic and irrational, emblems of thoughtlessness and fear, had ruled all life-forms in the past and still ruled the lives of the vast majority of humanity in the third world; in thrall to the majesty of the natural and the transcendent, primitive life flourished in the environment of traditionalism and lawlessness, hallmarks of the epoch of ignorance. By contrast, liberal ideology and modernity were abrasively unmythic, rational and controlled. Liberal order was informed by knowledge, science, a sense of historical progress, a continuously improving future. But this canonical, secular, bracing self-image, is tendentious and substantively illusory: it blithely scants the bloody genealogy and the extant historical record of liberal modernity, liberal politics, and particularly liberal law and its impact on the "lower races" (Hobson). In his Mythology of Modern Law, Fitzpatrick has shown that the enabling claims of liberalism, specifically of liberal law, are not only untenable but implicated in canvassing a racist justification of its colonial past and in eliding the racist basis of the structure of liberal jurisprudence.21 Liberal law is mythic in its presumption of its neutral, objective status. Specifically, the liberal legal story of its immaculate, analytically pure origin obscures and veils not just law's own ruthless, violent, even savage and disorderly trajectory, but also its constitutive association with imperialism and racism.22 In lieu of the transcendent, divine God of the "lower races", modern secular law postulated the gods of History, Science, Freedom. Liberal law was to be the instrument for realizing the promise of progress that the profane gods had decreed. Fitzpatrick's invasive surgical analysis lays bare the underlying logic of law's self-articulation in opposition to the values of cultural-racial Others, and its strategic, continuous reassertion of liberalism's superiority and the civilizational indispensability of liberal legalism. Liberal law's self-presentation presupposes a corrosive, debilitating, anarchic state of nature inhabited by the racial Others and lying in wait at the borders of the enlightened modern West. This mythological, savage Other, creature of raw, natural, unregulated fecundity and sexuality, justified the liberal conquest and control of the racially Other regions.23 Law's violence and resonant savagery on behalf of the West in its imperial razing of cultures and lands of the others, has been and still is, justified in terms of the necessary, beneficial spread of liberal civilization. Fitzpatrick's analysis parallels the impassioned deconstruction of this discourse of domination initiated by Edward Said's Orientalism, itself made possible by the pioneering analyses of writers like Aime Cesaire and Frantz Fanon. Fitzpatrick's argument is nevertheless instructive: his focus on law and its machinations unravels the one concrete province of imperial ideology that is centrally modern and critical in literally transforming and refashioning the human nature of racial Others. For liberal law carries on its back the payload of "progressive", pragmatic, **instrumental modernity**, its ideals of order and rule of law, its articulation of human rights and freedom, its ethic of procedural justice, its hostility to the sacred, to transcendence or spiritual complexity, its recasting of politics as the handmaiden of the nomos, its valorization of scientism and rationalization in all spheres of modern life. Liberal law is not synonymous with modernity tout court, but it is the exemplary voice of its rational spirit, **the custodian of its civilizational ambitions.** For the colonized Others, no non-liberal alternative is available: a non-western route to economic progress is inconceivable in liberal-legal discourse. For even the truly tenacious in the third world will never cease to be, in one sense or another, the outriders of modernity: their human condition condemns them to **playing perpetual catch-up**, eternally subservient to Western economic and technological superiority in a epoch of self-surpassing modernity.24 If the racially Other nations suffer exclusion globally, the racially other minorities inside the liberal loop enjoy the ambiguous benefits of inclusion. As legal immigrants or refugees, they are entitled to the full array of rights and privileges, as citizens (in Canada, France, U.K., U.S—Germany is the exception) they acquire civic and political rights as a matter of law. Formally, they are equal and equally deserving. In theory liberal law is inclusive, but concretely it is routinely **partial and invidious**. Inclusion is conditional: it depends on how robustly the new citizens wear and deploy their cultural difference. Two historical facts account for this phenomenon: liberal law's role in western imperialism and the Western claim of civilizational superiority that pervades the culture that sustains liberal legalism. Liberal law, as the other of the racially Other within its legal jurisdiction, differentiates and locates this other in the enemy camp of the culturally raw, irreducibly foreign, making him an unreliable ally or citizen. Law's suspicion of the others socialized in "lawless" cultures is instinctive and undeniable. Liberal law's constitutive bias is in a sense incidental: the real problem is racism or the racist basis of liberal ideology and culture.25 The internal racial other is not the juridical equal in the mind of liberal law but the juridically and humanly inferior Other, the perpetual foreigner.

#### Congressional power of purse can never check – president can always find funds

Barron 2k8

David J. Barron and Martin S. Lederman, Professor of Law, Harvard Law School, Visiting Professor of Law, Georgetown University Law Center, Harvard Law Review, January, 2008

3. The Power of the Purse Ensures that Congress Is Always Supreme. — One variant of the congressional supremacy argument is much more clause-specific. It contends that, whether or not Congress may directly restrict a particular executive power, the question is academic because the legislature can use its powers of the purse to prohibit the expenditure of federal funds for a disfavored military function. The Appropriations Clause.’53 it is said, establishes an absolute barrier to the President’s expenditure of funds in violation of a statutory limitation on such expenditures’54 But this argument rests on an undefended assumption. Even though Congress has very broad Article I powers to place conditions on the expenditure of funds,155 and even though the Framers viewed the “power of the purse” as a very important “bulwark” against ‘Executive usurpations,”156 Congress’s own obligation to respect the constitutional powers of other branches precludes it from using spending conditions to effect limitations that other provisions of the Constitution would prohibit Congress from imposing directly. Accordingly, as even some pro-legislative scholars have acknowledged, there is no obvious reason to think Congress can use its spending powers to violate limits that might derive from the Commander in Chief Clause, any more than it may use its powers of the purse to violate the First Amendment, the Bill of Attainder Clause,’5 or the Due Process Clause, to re quire a court to decide a case in a certain way, or to prohibit the President from issuing a particular pardon.’58 Certainly no one believes the appropriations power can be used, in effect, to permit Congress to supplant the President with the Secretary of Defense as the chief military commander. Thus, the Appropriations Clause does not explain which expenditure conditions on presidential wartime powers are constitutionally permissible and which are not.’59 It is sometimes said that, regardless of the constitutionality of particular spending restrictions, Congress holds the trump card as a matter of de facto power because it can simply decline to provide the needed funds. To be sure, if there literally were no funds in the treasury, because Congress had not appropriated them, then the federal government could not pay the bills required to run a war. But the treasury will never literally be empty even if Congress has enacted restrictions on expenditures for certain purposes. All that will stand between the President and the available funds is a legal provision set forth in an appropriations bill. Thus, if the President concludes that the spending restriction is unconstitutional, the money the President needs to continue the military operation will literally be available. The question remains, therefore, whether the President is constitutionally justified in disregarding the restriction.

## Norms

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

Wright 12

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

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

## Pakistan

#### Drones irrelevant to Pakistan stability - multiple alt causes

Javaid ’11

(Umbreen, Director Center of Asian Studies & Chairperson Department of political science University of Punjab, “Thriving Fundamentalism and Militancy in Pakistan An Analytical Overview of their Impact on the Society,” South Asian Studies, Vol. 26 No. 1. Pg. 16-17)

‘The recent increase of violence by jihadi groups, including suicide bombing of ¶ innocent bystanders as well attacks on the police and military, has perhaps brought ¶ more Pakistanis to consider how to strike a new balance between Islam and ¶ politics’ (Oldenburg, 2010: 158). ‘The Pakistani people also need to change their ¶ attitude, especially their outlook on religion. Suffered with anti-Americanism and ¶ religious fervor, Pakistanis are filtering their worldview through the prism of ¶ religion and the tensions between Islam and the West, making them to the radical ¶ propaganda and paralyzing their will to act against forces of extremism’ (Hussain, ¶ 2009: 11). mbreen Javaid Thriving Fundamentalism and ¶ 17¶ It is not only the task of the government to control this growing ¶ fundamentalism but the whole society needs to completely shun off these ¶ extremists. The political parties, intellectuals, sectarian and religious parties and ¶ the masses all have to openly condemn the extremists, so that they do not find any ¶ space to flourish. ‘Much still needs to be done on the home front curb religious ¶ zealotry and sectarianism, policies towards minorities, revision of school curricula, ¶ reconstructing ‘official’ history, promotion of universal education, and ¶ overhauling of the madrassah system’ (Niaz, 2011: 181). The best way to curtail the thriving fundamentalism in Pakistan is to look ¶ deeply into its causes. The whole society and especially the government needs to ¶ put in serious efforts in controlling on checking the causes if not diminishing ¶ them. It should also be understand that the issue of fundamentalism is very ¶ complex which entails number of factors which are playing their part. These ¶ include economic disparity, lack of education, religious ignorance, unemployment, ¶ extremism, judicial system, poor governance, ethnicity and sectarianism, ¶ corruption and alignment with United States, each of these have played their role ¶ separately and also a combined mix of all in flourishing militant fundamentalism ¶ in Pakistan. To control fundamentalism is not an easy task especially when it is ¶ now combined with militancy. Another major challenge for the government is that ¶ earlier the various militant extremist groups were operating separately and had ¶ divergent aims and objectives from each other but lately various local groups, AlQaeda and Taliban have all joined hands and helping each other irrespective of ¶ their particular objectives. These alignments have made these militant groups more ¶ lethal, thus making things more difficult for the government. ¶ Militant fundamentalism not only has the ability to destabilize Pakistan but it ¶ can, if not controlled, bring about serious security concerns for the region and also ¶ towards the global security and peace.

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## Security K

**C. Reject their notion of politics that is inherently exclusionary – interrogating the aff’s discourse is critical to effective policymaking**

Grondin 2K4

[David, Assistant Professor at University of Ottowa, “(Re)Writing the “National Security State”,” presented at the annual International Studies Association Convention, 17-20 March 2004,<http://www.ieim.uqam.ca/IMG/pdf/rewriting_national_security_state.pdf>]

A poststructuralist approach to international relations reassesses the nature of the political. Indeed, it calls for the repoliticization of practices of world politics that have been treated as if they were not political. For instance, limiting the ontological elements in one’s inquiry to states or great powers is a political choice. As Jenny Edkins puts it, we need to “bring the political back in” (Edkins, 1998: xii). For most analysts of International Relations, the conception of the “political” is narrowly restricted to politics as practiced by politicians. However, from a poststructuralist viewpoint, the “political” acquires a broader meaning, especially since practice is not what most theorists are describing as practice. Poststructuralism sees theoretical discourse not only as discourse, but also as political practice. Theory therefore becomes practice. The political space of poststructuralism is not that of exclusion; it is the political space of postmodernity, a dichotomous one, where one thing always signifies at least one thing and another (Finlayson and Valentine, 2002: 14). Poststructuralism thus gives primacy to the political, since it acts on us, while we act in its name, and leads us to identify and differentiate ourselves from others. This political act is never complete and celebrates undecidability, whereas decisions, when taken, express the political moment. It is a critical attitude which encourages dissidence from traditional approaches (Ashley and Walker, 1990a and 1990b). It does not represent one single philosophical approach or perspective, nor is it an alternative paradigm (Tvathail, 1996: 172). It is a nonplace, a border line falling between international and domestic politics (Ashley, 1989). The poststructuralist analyst questions the borderlines and dichotomies of modernist discourses, such as inside/outside, the constitution of the Self/Other, and so on. In the act of definition, difference – thereby the discourse of otherness – is highlighted, since one always defines an object with regard to what it is not (Knafo, 2004). As Simon Dalby asserts, “It involves the social construction of some other person, group, culture, race, nationality or political system as different from ‘our’ person, group, etc. Specifying difference is a linguistic, epistemological and, most importantly, a political act; it constructs a space for the other distanced and inferior from the vantage point of the person specifying the difference” (Dalby, cited in TUathail, 1996: 179). Indeed, poststructuralism offers no definitive answers, but leads to new questions and new unexplored grounds. This makes the commitment to the incomplete nature of the political and of political analysis so central to poststructuralism (Finlayson and Valentine, 2002: 15). As Jim George writes, “It is postmodern resistance in the sense that while it is directly (and sometimes violently) engaged with modernity, it seeks to go beyond the repressive, closed aspects of modernist global existence. It is, therefore, not a resistance of traditional grand-scale emancipation or conventional radicalism imbued with authority of one or another sovereign presence. Rather, in opposing the large-scale brutality and inequity in human society, it is a resistance active also at the everyday, community, neighbourhood, and interpersonal levels, where it confronts those processes that systematically exclude people from making decisions about who they are and what they can be” (George, 1994: 215, emphasis in original). In this light, poststructural practices are used critically to investigate how the subject of international relations is constituted in and through the discourses and texts of global politics. Treating theory as discourse opens up the possibility of historicizing it. It is a myth that theory can be abstracted from its socio-historical context, from reality, so to speak, as neorealists and neoclassical realists believe. It is a political practice which needs to be contextualized and stripped of its purportedly neutral status. It must be understood with respect to its role in preserving and reproducing the structures and power relations present in all language forms. Dominant theories are, in this view, dominant discourses that shape our view of the world (the “subject”) and our ways of understanding it.

#### 4. PERMUTATION LINKS MORE: State-centricity coopts the perm – The political focus of the aff makes sovereign identity, our link to otherization and “meaning to life”, inevitable

Campbell 98

(David, Professor of International politics at the University of Newcastle, Writing Security: US Foreign Policy and the Politics of Identity, pg 38-39)

The subfield of international relations that serves as the main body of literature on foreign is that of “comparative foreign policy,” a field indebted to the realist orthodoxy that underpins the discipline’s view of the cold war.4 A number of reviews have provided a clear insight to the entailments and assumptions of this dominant mode of understanding foreign policy. In the introduction to a collection that surveyed “new directions” in the study of foreign policy, James Rosenau noted with approval that the conspicuous absence of “ philosophical and methodological argumentation” in the collected essays was an indication of the field’s passage into a “more mature era of inquiry.” In contrast to earlier periods “the epistemological and methodological premises on which the analysis rest[s]…are largely taken for granted.”5 These assumptions give rise to a conventional and largely unquestioned substantive focus (for scholars rather than practitioners) in foreign policy analysis: the policies of states oriented toward the external world.6 Rosenau has provided an illuminating metaphor to describe this focus. Foreign policy analysis, he argued, “is a bridging discipline. It takes as its focus of study the bridges that whole systems called states to build to link themselves and their subsystems to the even more encompassing international systems of which they are a part.”7 In this understanding, global politics comprises states, their(domestic) subsystems, and international systems. These systems and subsystems exist independently of, and prior to, any relationship that results from their joining by the “bridge” of foreign policy. That bridge is consciously constructed by the state in an effort to make itself part of the larger system and to deal with the dangers and uncertainties that the larger system holds for its own security. As a phenomenon thought to be common to all states, we speak about foreign policy of state “x” or state “y,” Thereby indicating that the state is prior to the policy. Underpinned by a commitment to epistemic realism, this understanding depends on the “explicit and grounded... prior conceptualizations of variables and relationships.”8 These variables are the internal factors of the state and the external conditions of the international system. The relationships involve the structure of the internal factors ( the processes of decision making within the state, in which psychological interpretations act as an additional “bridge” between individuals and institutions)9 and the interaction of the internal factors and external conditions.10

#### They construct India-Pakistan threat scenarios, this creates a self-fulfilling prophecy and security dilemma

Kronstadt 2009

[K. Alan, Ph. D. from USC in Philosophy (International Relations), “WHAT DRIVES SUBCONTINENTAL INSECURITY?: A MULTITHEORETIC EXAMINATION OF THE INDIA-PAKISTAN CONFLICT DYAD” [http://digitallibrary.usc.edu/assetserver/controller/item/etd-Kronstadt-3390.pdf](https://mail.baylor.edu/owa/redir.aspx?C=GCfX9oLRd0Ox-KbL_YJuJlA2JCDMoNAI7ElIUZtozyyi47T9pGrzasBpRW-QHwp6mCbp3IVEEu8.&URL=http%3a%2f%2fdigitallibrary.usc.edu%2fassetserver%2fcontroller%2fitem%2fetd-Kronstadt-3390.pdf)]

A critical—and, hence, emancipatory—strategy is one that focuses on the more “empirical” question of how security issues are framed in political discourse, and exploring how **different conceptions of security find their way into public debates**, how specific values are made socially concrete in this process, and how people both act and are acted upon in the process of history unfolding (Neufield, 2004). **South Asia’s security discourse arguably plays a role in generating the very insecurity it is ostensibly meant to ameliorate**. Through sheer repetition, **it** serves to consolidate conflict binaries, largely about “Us” versus “Them,” and so not only depicts, but **helps to construct** **a seemingly inescapable security dilemma.** Moreover, it commonly depicts circumstances in which the state agent has no realistic option but to take the a particular policy course (in this case, of nuclearization) in the overriding “national interest.” The fulfillment of national aspirations such as prestige at times elicit emotive appeals that even seek to transcend objective, material motives, thus further facilitating “interpellation” by giving the depictions a sheen of “common sense” (as per Weldes, 1996, p. 287). T**his is shown to be especially true with regard to Kashmir, where citizens in both countries** (but especially Pakistan) **are inculcated to a security narrative** that stretches back to the moment of independence and even further into a contested and constructed historical past. Security discourses may be seen as providing a **framework within which the repetitive articulation of supposed external dangers serves as the means to establish and sustain a state’s national identity**. The sources of the danger and the particular identity it threatens may be fluid. The discourse of policy-makers and analysts alike becomes something more than an objective analysis or representation of a state’s national interest. Discourse analysts and critical theorists view the speech-acts of decision-makers and analyses by experts as expressions of particular interests and attempts to justify a distinct version of “truth” (see Nizamani, 2000, chap. 5). All too often, this truth is partial and incomplete; the pursuit of security for reified states and/or constructed national identities may be a net boon for the people at hand or **it may be exacerbating** of **the insecurity those people** face, but there is good reason to believe that such pursuits may be “missing the point” entirely.

#### SECURITIZATION OF PROLIFERATION CONCERNS DEPOLITICIZES CHALLENGES TO SECURITY-CENTERED PARADIGMS OF NUCLEAR VIOLENCE.

PRINS 2K1

[gwyn, “the weapons state: proliferation and the framing of security by david mutimer, international affairs, vol 77, no 3]

Mutimer follows the central insight of the Copenhagen school of critical international theorists in constructing his book. Professor Barry Buzan and his colleagues insist on the impor- tance of distinguishing between substantive actions and things and the perception of them: an issue only becomes active in the security agenda when it has been (in that ugly but indispensable word) 'securitized'. The manner of this 'securitization' in respect of proliferation is Mutimer's concern, and the case which he advances is not encouraging for those who believe that we have a way to deal with nuclear proliferation, through the non-proliferation treaty process, if only we could muster the political will to do it. Mutimer's case is that, if we pay attention to the way in which proliferation is conceived and presented-to the metaphors employed-we see that 'the "proliferation" image is rooted in a technological rendering of the security problem of weapons...Indeed, and ironically, the "prolif- eration" image tends to hide the weapons themselves in its focus on the technological underpinnings of those weapons' (p. 156). In substantiation of this view, much of Mutimer's text is an account of the way in which the NPT and CTBT regimes have been constructed. He reminds us of the primacy given throughout to the downstream nuts and bolts of weapons and the things that go to make them. He argues that **this way of framing the problem also**, and contingently**, labels the human actors. So there are suppliers and recipients and 'the third class of subject, the rogue state, the villain of the "proliferation" frame'** (p. 157). And that is his main point. **This way of framing the proliferation problem condemns us never to think** first and hard **about the logically prior issue, which is to explain why states might build arsenals of weapons in the first place.** Mutimer is not persuaded by the view that the availability of technology simply spreads weapons like a sort of virus on the wind. Indeed, when one recollects Albert Wohlstetter's earlier work predicting the likely spread of proliferation from a perspective in the I96os, the most noteworthy thing is the degree to which this did not occur. Far fewer states proliferated in either an overt or covert manner than access to technology might have permitted; and that should have warned us that the assumption built into the arms control approach was inadequate.