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#### Obama has sufficient momentum now to pass immigration reform --- it is the top priority

Taylor, 1/5 (David, 1/5/2014, thetimes.co.uk, “Fun in sun over as Obama gets serious about second term,” Factiva))

With Mr Obama’s personal approval ratings at their lowest point following the accident-prone launch of his healthcare reforms, his Administration nontheless enters 2014 marked by cautious optimism. The President’s inner circle is buoyed by the end-of-year budget deal struck with senior Republicans, believing that it may herald sufficient cross-party momentum to push through comprehensive immigration reform, the top priority of hissecond term.And the arrival of Bill Clinton’s former chief of staff, John Podesta, as a senior counsellor is intended to give some impetus to his agenda on tackling climate change. Mr Podesta, a veteran of dealing with a hostile Congress, will also be part of a new team working with lawmakers on Capitol Hill. Jay Carney, White House spokesman, said yesterday: “We have some modest momentum after the budget deal. We come into 2014 with some optimism — guarded, cautious, but hopeful that we can make further progress and looking to see if we can work together in the interests of the American people." The White House has indicated that plans to increase the minimum wage would be a central theme of the President’s State of the Union address later this month, where the focus will be on help for hard-working Americans to get the economy moving. The President landed with his daughters in the Marine One helicopter yesterday morning on the south lawn of the White House, after a family break in Hawaii which, unlike recent years, was not cut short by terror plots or financial crises. He managed nine games of golf in 15 days, snorkelled in Hanauma Bay, and repeat visits to Morimoto Waikiki, the Hawaiian restaurant of television’s Iron Chef star Masaharu Morimoto. Michelle Obama stayed behind in Hawaii with girlfriends for a few extra days — a gift from her husband as part of her 50th birthday celebrations later this month. As well as planning for the State of the Union, Mr Obama will this month make a major speech in response to the wave of revelations about America’s online surveillance machinery. Speaker Boehner is emerging as an unlikely ally on immigration reform. The Republican leader of the House is now in open warfare with the Tea Party after blaming the conservative Right for dragging the party into a damaging government shutdown in their failed strategy to defund Obamacare. He has appointed Senator John McCain’s former chief of staff, Rebecca Tallent,as an adviser on the issue. She helped draw up amnesty bills for illegal immigrants in the mid-2000s and published a landmark report ten weeks ago showing how, over 20 years, immigration reform would help the US economy grow by 4.8 per cent, boost housing construction by $68 billion, and cut the US deficit by $1.2 trillion, while off-setting the cost of an ageing population.

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

Loomis, 7 --- Department of Government at Georgetown

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

Declining political authority encourages defection. American political analyst Norman **Ornstein writes** of the domestic context, **In a system where a President has limited formal power, perception matters. The reputation for success**—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—**is the most valuable resource a chief executive can have**. **Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly.** In simple terms, winners win and **losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals.** As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. **Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies.** The central point of this review of the presidential literature is that **the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution**. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic. This brief review of the literature suggests how **legitimacy norms enhance presidential influence in ways that structural powers cannot explain**. Correspondingly, **increased executive power improves the prospects for policy success**. As a variety of cases indicate—from Woodrow Wilson’s failure to generate domestic support for the League of Nations to public pressure that is changing the current course of U.S. involvement in Iraq—the effective execution of foreign policy depends on public support. Public support turns on perceptions of policy legitimacy. As a result, policymakers—starting with the president—pay close attention to the receptivity that U.S. policy has with the domestic public. In this way, normative influences infiltrate policy-making processes and affect the character of policy decisions.

#### Reform key to the economy – immigrants are key to several critical sectors

West, ‘09 – Director of Governance Studies at the Brookings Institution (7/22/09, Darrell M., “The Path to a New Immigration Reform,” http://www.brookings.edu/opinions/2009/0721\_immigration\_reform\_west.aspx)

Skeptics need to understand how important a new immigration policy is to American competitiveness and long-term economic development. High-skill businesses require a sufficient number of scientists and engineers. Many industries such as construction, landscaping, health care and hospitality services are reliant on immigrant labor. Farmers need seasonal workers for agricultural productivity. Critics who worry about resource drains must understand that immigrants spend money on goods and services, pay taxes and perform jobs and start businesses vital to our economy. Beyond the economy, immigration reform prospects improve considerably across a fresh political landscape that features a popular Democratic president armed with substantial Democratic majorities in the House and Senate, many who appear receptive to comprehensive reform. Obama has called repeatedly for big ideas and bold policy actions. The country needs new policies that emphasize the importance of immigrant workers \_ across the skills spectrum \_ to our country's long-term financial future. Our universities invest millions in training foreign students but then send them home without any U.S. job opportunities that would take advantage of their new skills. And investing in the children of middle- and lower-skilled immigrants is wise as we recognize their majority role in our workforce as the next generation rises.

#### Extinction

Harris and Burrows, ‘09 [Mathew, PhD European History at Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>]

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

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#### The executive branch of the United States federal government should issue an executive order that targets of targeted killing operations using remotely piloted vehicles are restricted to individuals identified as leaders of transnational organizations with direct involvement in past or ongoing violent operations against the United States.

#### The order should also

#### publish clear guidelines for targeting to be carried out by nonpoliticians and make assassination truly a last resort,

#### stipulate that an outside court review the evidence before placing Americans on a kill list

#### release the legal briefs upon which the targeted killing was based

#### The executive should also sign a directive that consolidates lead executive authority for planning and conducting nonbattlefield targeted killings under the Department of Defense.

#### The executive should also implement this through self-binding mechanisms including, but not limited to independent commissions to review and ensure compliance with the order and transparency measures that gives journalists access to White House decisionmaking. The President should issues an executive order creating a Task Force on Civilian Protection that includes independent, transparent investigations and the participation of relevant non-governmental organizations.

#### The executive branch should end the use of signature strikes.

#### Presidentially created Task force solves foreign blowblack from civilian casualties and avoids political backlash

Second Lieutenant Groves, 10 (Brendan --- an educational delay student at Yale Law School, J.D. expected 2010, The Air Force Law Review, “ARTICLE: CIVIL-MILITARY COOPERATION IN CIVILIAN CASUALTY INVESTIGATIONS: LESSONS LEARNED FROM THE AZIZABAD ATTACK,” 65 A.F. L. Rev. 1))

This article recommends that the President create a Task Force on Civilian Protection (Task Force) through an executive order. The Task Force would work with NGOs, the United Nations and the Government of Afghanistan to investigate alleged civilian casualty incidents. Vesting this responsibility in a single entity would solve a variety of problems. The military units that executed an attack would not be primarily responsible for any subsequent investigation, reducing the appearance of bias. Lessons learned from casualty investigations could also be shared among the services more easily, instead of being "stovepiped" within particularly military units or commands. Specially trained public relations and legal officers would respond to alleged civilian casualties incidents forthrightly and compassionately, minimizing the risk that ineffectual responses would inflame Afghan opinion against the coalition. n45 [\*8] A number of other benefits would flow from utilizing the task force model. First, creating a task force would signal to Afghans and the world the importance that America places on protecting vulnerable civilians in wartime. Since the Task Force could be established by executive order, the President could take much of the credit for sending this signal, making this course politically advantageous. n46 Second, the task force model is tried and true. A presidentially-created Criminal Investigation Task Force (CITF), for instance, has excelled at investigating alleged war crimes against U.S. forces and funneling this information to prosecutors. n47 The task force model provides the ideal platform from which to synthesize the work of different military commands, intelligence agencies, criminal investigation agencies, NGOs and foreign governments.A hallmark of the Task Force on Civilian Protection would be its inclusion of NGOs. Military and humanitarian actors traditionally operate in separate spheres of a conflict. This time-honored dichotomy, however, is rapidly evaporating. In fact, the military and humanitarians n48 have come to speak the same language: the language of [\*9] law. Sharing a lexicon builds bridges between the two professions and enables them to interact more closely. Another paradigm shift may also invite closer military-humanitarian cooperation. This shift in thinking is titled "lawfare." n49 Lawfare denotes the weaponization of law and the myriad ways in which the law can be used to achieve tactical and strategic objectives in modern conflicts. n50 Waging effective lawfare in certain contexts, such as in civilian casualty investigations, calls for the participation of humanitarian organizations. Involving neutral players in civilian casualty investigations, so long as these organizations are not used simply to whitewash the proceedings, could enhance the credibility of the outcomes. Additionally, reducing the number of investigations would reduce hardship on Afghans involved in casualty incidents, who would no longer have to be interviewed by multiple organizations or be misled by the results of cursory investigations. NGOs would also benefit from this arrangement. By having a seat on the proposed task force, they could directly influence military policy while ensuring that the military more accurately performed casualty investigations. Despite their frequent disagreements, NGOs and the military share much common ground. A Task Force on Civilian Protection would provide them with a common platform for cooperation.Section II of this article discusses in detail the Azizabad strike and its aftermath. Section III begins by exploring the growing nexus between humanitarians and the military. It then advances the concept of lawfare as a potential reason to alter the civilian casualty investigation process and to include NGOs in this work. Section IV makes the case for the Task Force on Civilian Protection. The argument proceeds from the premise that protecting civilians is "part of the counterinsurgent's mission, in fact, the most important part." n51 Current casualty investigation procedures fail to achieve this mission. By working with host governments and humanitarians, the Task Force departs from the go-it-alone unilateralism that too often results in popular distrust of the military by Afghanis. New procedures would usher in a new era of openness in a traditionally secretive arena. These procedures would also comply with emerging international standards for civilian casualty [\*10] investigations. n52 Although the United States is unlikely to regard these standards as binding, complying with them will improve the accuracy of investigations while showcasing a commitment to follow international law. Once implemented, the Task Force's significance would be more than symbolic. Winning counterinsurgencies requires winning the support of the people. Most Afghans likely understand the tragic truth that some innocents will die in war. But, they are unlikely to understand why the world's superpower must launch multiple investigations into a single incident of civilian casualties. They are just as unlikely to believe the results of these inquiries when their own government, the United Nations, and human rights organizations reach divergent conclusions. The Azizabad attack sounds a warning call. No longer can the United States appear indifferent to the needs of the people whose support it needs most. A Task Force on Civilian Protection, like any institution, cannot promise perfection--but it would markedly improve on the flawed infrastructure for casualty investigations in place today.

#### Obama himself decides drone targeting --- publishing guidelines creates transparency

[--- Court should only review if Americans are placed on a kill list]

NYT, 12 (Editorial, 5/30/2012, “Too Much Power for a President,” <http://www.nytimes.com/2012/05/31/opinion/too-much-power-for-a-president.html?_r=0)>)

It has been clear for years that the Obama administration believes the shadow war on terrorism gives it the power to choose targets for assassination, including Americans, without any oversight. On Tuesday, The New York Times revealed who was actually making the final decision on the biggest killings and drone strikes: President Obama himself. And that is very troubling. Mr. Obama has demonstrated that he can be thoughtful and farsighted, but, like all occupants of the Oval Office, he is a politician, subject to the pressures of re-election. No one in that position should be able to unilaterally order the killing of American citizens or foreigners located far from a battlefield — depriving Americans of their due-process rights — without the consent of someone outside his political inner circle. How can the world know whether the targets chosen by this president or his successors are truly dangerous terrorists and not just people with the wrong associations? (It is clear, for instance, that many of those rounded up after the Sept. 11, 2001, attacks weren’t terrorists.) How can the world know whether this president or a successor truly pursued all methods short of assassination, or instead — to avoid a political charge of weakness — built up a tough-sounding list of kills? It is too easy to say that this is a natural power of a commander in chief. The United States cannot be in a perpetual war on terror that allows lethal force against anyone, anywhere, for any perceived threat. That power is too great, and too easily abused, as those who lived through the George W. Bush administration will remember. Mr. Obama, who campaigned against some of those abuses in 2008, should remember. But the Times article, written by Jo Becker and Scott Shane, depicts him as personally choosing every target, approving every major drone strike in Yemen and Somalia and the riskiest ones in Pakistan, assisted only by his own aides and a group of national security operatives. Mr. Obama relies primarily on his counterterrorism adviser, John Brennan. To his credit, Mr. Obama believes he should take moral responsibility for these decisions, and he has read the just-war theories of Augustine and Thomas Aquinas. The Times article points out, however, that the Defense Department is currently killing suspects in Yemen without knowing their names, using criteria that have never been made public. The administration is counting all military-age males killed by drone fire as combatants without knowing that for certain, assuming they are up to no good if they are in the area. That has allowed Mr. Brennan to claim an extraordinarily low civilian death rate that smells more of expediency than morality. In a recent speech, Mr. Brennan said the administration chooses only those who pose a real threat, not simply because they are members of Al Qaeda, and prefers to capture suspects alive. Those assurances are hardly binding, and even under Mr. Obama, scores of suspects have been killed but only one taken into American custody. The precedents now being set will be carried on by successors who may have far lower standards. Without written guidelines, they can be freely reinterpreted. A unilateral campaign of death is untenable. To provide real assurance, President Obama should publish clear guidelines for targeting to be carried out by nonpoliticians, making assassination truly a last resort, and allow an outside court to review the evidence before placing Americans on a kill list. And it should release the legal briefs upon which the targeted killing was based.

#### Obama directive to consolidate authority in the DOD will create transparency

Zenko, 13 --- Douglas Dillon Fellow at the Council on Foreign Relations

(April, Transferring CIA Drone Strikes to the Pentagon, [www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434](http://www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434))

The main obstacle to acknowledging the scope, legality, and oversight of U.S. targeted killings beyond traditional or "hot" battlefields is the division of lead executive authority between the Joint Special Operations Command (JSOC)—a subunit of the Department of Defense (DOD) Special Operations Command—and the Central Intelligence Agency (CIA). In particular, the U.S. government cannot legally acknowledge covert actions undertaken by the CIA. The failure to answer the growing demands for transparency increases the risk that U.S. drone strikes will be curtailed or eliminated due to mounting domestic or international pressure. To take a meaningful first step toward greater transparency, President Barack Obama should sign a directive that consolidates lead executive authority for planning and conducting nonbattlefield targeted killings under DOD.

#### Including self-binding mechanisms ensures effective constraints and executive credibility

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We suggest that the executive’s credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involve executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations.This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by “government” or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by “the people” to bind “themselves” against their own future decisionmaking pathologies, or relatedly that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations.71 Whether or not this picture is coherent,72 it is not the question we examine here, although some of the relevant considerations are similar.73 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government. Furthermore, our question is subconstitutional; it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling to generate public trust. Accordingly we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations; in general, the solution is to engage in actions that are less costly for good types than for bad types. We begin with some relevant law; then examine a set of possible mechanisms, emphasizing both the conditions under which they might succeed and the conditions under which they might not; and then examine the costs of credibility. A. A Preliminary Note on Law and Self-Binding Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.74 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is “yes, at least to the same extent that a legislature can.” Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.75 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies.More schematically, we may speak of formal and informal means of self-binding: (1) The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so. (2) The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.76 However, there may be large political costs to repealing the order. This effect does not depend on the courts’ willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it. In what follows, we will invoke both formal and informal mechanisms. For our purposes, the distinction between the authority to engage in de jure self-binding (legally limited and well-defined) and the power to engage in de facto self-binding (broad and amorphous) is secondary. So long as policies are deliberately chosen with a view to generating credibility, and do so by constraining the president’s own future choices in ways that impose greater costs on ill-motivated presidents than on well-motivated ones, it does not matter whether the constraint is formal or informal. B. Mechanisms What signaling mechanisms might a well-motivated executive adopt to credibly assure voters, legislators and judges that his policies rest on judgments about the public interest, rather than on power-maximization, partisanship or other nefarious motives? Intrabranch separation of powers. In an interesting treatment of related problems, Neal Katyal suggests that the failure of the Madisonian system counsels “internal separation of powers” within the executive branch.77 Abdication by Congress means that there are few effective checks on executive power; second-best substitutes are necessary. Katyal proposes some mechanisms that would be adopted by Congress, such as oversight hearings by the minority party, but his most creative proposals are for arrangements internal to the executive branch, such as redundancy and competition among agencies, stronger civil-service protections and internal adjudication of executive controversies by insulated “executive” decisionmakers who resemble judges in many ways.78Katyal’s argument is relevant because the mechanisms he discusses might be understood as signaling devices, but his overall approach is conceptually flawed, on two grounds. First, the assumption that second-best constraints on the executive should reproduce the Madisonian separation of powers within the executive branch is never defended. The idea seems to be that this is as close as we can get to the first-best, while holding constant everything else in our constitutional order. But the general theory of second-best states that approaching as closely as possible to the first-best will not necessarily be the preferred strategy;79 the best approach may be to adjust matters on other margins as well, in potentially unpredictable ways. If the Madisonian system has failed in the ways Katyal suggests, the best compensating adjustment might be, for all we know, to switch to a parliamentary system. (We assume that no large-scale changes of this sort are possible, whereas Katyal seemingly assumes that they are, or at least does not make clear his assumptions in this regard). Overall, Katyal’s view has a kind of fractal quality – each branch should reproduce within itself the very same separation of powers structure that also describes the whole system – but it is not explained why the constitutional order should be fractal. Second, Katyal’s proposals for internal separation of powers are self-defeating: the motivations that Katyal ascribes to the executive are inconsistent with the executive adopting or respecting the prescriptions Katyal recommends.80 Katyal never quite says so explicitly, but he clearly envisions the executive as a power-maximizing actor, in the sense that the president seeks to remove all constraints on his current choices.81 Such an executive would not adopt or enforce the internal separation of powers to check himself. Executive signaling is not, even in principle, a solution to the lack of constraints on a power-maximizing executive in the sense Katyal implicitly intends. Although an illmotivated executive might bind himself to enhance his strategic credibility, as explained above, he would not do so in order to restore the balance of powers. Nor is it possible, given Katyal’s premise of legislative passivity or abdication, that Congress would force the internal separation of powers on the executive. In what follows, we limit ourselves to proposals that are consistent with the motivations, beliefs, and political opportunities that we ascribe to the well-motivated executive, to whom the proposals are addressed. This limitation ensures that the proposals are not self-defeating, whatever their costs. The contrast here must not be drawn too simply. A well-motivated executive, in our sense, might well attempt to increase his power. The very point of demonstrating credibility is to encourage voters and legislators to increase the discretionary authority of the executive, where all will be made better off by doing so. Scholars such as Katyal who implicitly distrust the executive, however, do not subscribe to this picture of executive motivations. Rather, they see the executive as an unfaithful agent of the voters; the executive attempts to maximize his power even where fully-informed voters would prefer otherwise. An actor of that sort will have no incentive to adopt proposals intended to constrain that sort of actor. Independent commissions. We now turn to some conceptually coherent mechanisms of executive signaling. Somewhat analogously to Katyal’s idea of the internal separation of powers, a well-motivated executive might establish independent commissions to review policy decisions, either before or after the fact. Presidents do this routinely, especially after a policy has had disastrous outcomes, but sometimes beforehand as well. Independent commissions are typically blue-ribbon and bipartisan.82 We add to this familiar process the idea that the President might gain credibility by publicly committing or binding himself to give the commission authority on some dimension. The president might publicly promise to follow the recommendations of such a commission, or to allow the commission to exercise de facto veto power over a policy decision before it is made, or might promise before the policy is chosen that the commission will be given power to review its success after the fact. To be sure, there will always be some wiggle room in the terms of the promise, but that is true of almost all commitments, which raise the costs of wiggling out even if they do not completely prevent it. Consider whether George W. Bush’s credibility would have been enhanced had he appointed a blue-ribbon commission to examine the evidence for weapons of mass destruction in Iraq before the 2003 invasion, and publicly promised not to invade unless the commission found substantial evidence of their existence. Bush would have retained his preexisting legal authority to order the invasion even if the commission found the evidence inadequate, but the political costs of doing so would have been large. Knowing this, and knowing that Bush shared that knowledge, the public could have inferred that Bush’s professed motive – elimination of weapons of mass destruction – was also his real motive. Public promises that inflict reputational costs on badly motivated behavior help the well-motivated executive to credibly distinguish himself from the ill-motivated one. The more common version of this tactic is to appoint commissions after the relevant event, as George W. Bush did to investigate the faulty reports by intelligence agencies that Iraq possessed weapons of mass destruction.83 If the president appoints after-the-fact commissions, the commissions can enhance his credibility for the next event—by showing that he will be willing, after that event, to subject his statements to scrutiny by public experts. Here, however, the demonstration of credibility is weaker, because there is no commitment to appoint any after-the-fact commissions in the future – merely a plausible inference that the president’s future behavior will track his past behavior. Bipartisan appointments. In examples of the sort just mentioned, the signaling arises from public position-taking. The well-motivated executive might produce similar effects through appointments to office.84 A number of statutes require partisan balance on multimember commissions; although these statutes are outside the scope of our discussion, we note that presidents might approve them because they allow the president to commit to a policy that legislators favor, thus encouraging legislators to increase the scope of the delegation in the first place.85 For similar reasons, presidents may consent to restrictions on the removal of agency officials, because the restriction enables the president to commit to giving the agency some autonomy from the president’s preferences.86 Similar mechanisms can work even where no statutes are in the picture. As previously mentioned, during World War II, FDR appointed Republicans to important cabinet positions, making Stimson his Secretary of War. Clinton appointed William Cohen, a moderate Republican, as Secretary of Defense in order to shore up his credibility on security issues. Bipartisanship of this sort might improve the deliberation that precedes decisions, by impeding various forms of herding, cascades and groupthink;87 however, we focus on its credibility-generating effects. By (1) expanding the circle of those who share the president’s privileged access to information, (2) ensuring that policy is partly controlled by officials with preferences that differ from the president’s, and (3) inviting a potential whistleblower into the tent, bipartisanship helps to dispel the suspicion that policy decisions rest on partisan motives or extreme preferences, which in turn encourages broader delegations of discretion from the public and Congress. A commitment to bipartisanship is only one way in which appointments can generate credibility. Presidents might simply appoint a person with a reputation for integrity, as when President Nixon appointed Archibald Cox as special prosecutor (although plausibly Nixon did so because he was forced to do so by political constraints, rather than as a tactic for generating credibility). A person with well-known preferences on a particular issue, even if not of the other party or widely respected for impartiality, can serve as a credible whistleblower on that issue. Thus presidents routinely award cabinet posts to leaders of subsets of the president’s own party, leaders whose preferences are known to diverge from the president’s on the subject; one point of this is to credibly assure the relevant interest groups that the president will not deviate (too far) from their preferences. The Independent Counsel Statute institutionalized the special prosecutor and strengthened it. But the statute proved unpopular and was allowed to lapse in 1999.88 This experience raises two interesting questions. First, why have presidents confined themselves to appointing lawyers to investigate allegations of wrongdoing; why have they not appointed, say, independent policy experts to investigate allegations of policy failure? Second, why did the Independent Counsel Statute fail? Briefly, the statute failed because it was too difficult to control the behavior of the prosecutor, who was not given any incentive to keep his investigation within reasonable bounds.89 Not surprisingly, policy investigators would be even less constrained since they would not be confined by the law, and at the same time, without legal powers they would probably be ignored on partisan grounds. A commission composed of members with diverse viewpoints is harder to ignore, if the members agree with each other. More generally, the decision by presidents to bring into their administrations members of other parties, or persons with a reputation for bipartisanship and integrity, illustrates the formation of domestic coalitions of the willing. Presidents can informally bargain around the formal separation of powers90 by employing subsets of Congress, or of the opposing party, to generate credibility while maintaining a measure of institutional control. FDR was willing to appoint Knox and Stimson, but not to give the Republicans in Congress a veto. Truman was willing to ally with Arthur Vandenbergh but not with all the Republicans; Clinton was willing to appoint William Cohen but not Newt Gingrich. George W. Bush likewise made a gesture towards credibility by briefing members of the Senate Intelligence Committee – including Democrats – on the administration’s secret surveillance program(s), which provided a useful talking point when the existence of the program(s) was revealed to the public. Counter-partisanship. Related to bipartisanship is what might be called counterpartisanship: presidents have greater credibility when they choose policies that cut against the grain of their party’s platform or their own presumed preferences.91 Only Nixon could go to China, and only Clinton could engineer welfare reform. Voters and publics rationally employ a political heuristic: the relevant policy, which voters are incapable of directly assessing, must be highly beneficial if it is chosen by a president who is predisposed against it by convictions or partisan loyalty.92 Accordingly, those who wish to move U.S. terrorism policy towards greater security and less liberty might do well to support the election of a Democrat.93 By the same logic, George W. Bush is widely suspected of nefarious motives when he rounds up alleged enemy combatants, but not when he creates a massive prescription drug benefit. Counter-partisanship can powerfully enhance the president’s credibility, but it depends heavily on a lucky alignment of political stars. A peace-loving president has credibility when he declares a military emergency but not when he appeases; a belligerent president has credibility when he offers peace but not when he advocates military solutions. A lucky nation has a well-motivated president with a belligerent reputation when international tensions diminish (Ronald Reagan) and a president with a pacific reputation when they grow (Abraham Lincoln, who opposed the Mexican War). But a nation is not always lucky. Transparency. The well-motivated executive might commit to transparency, as a way to reduce the costs to outsiders of monitoring his actions.94 The FDR strategy of inviting potential whistleblowers from the opposite party into government is a special case of this; the implicit threat is that the whistleblower will make public any evidence of partisan motivations. The more ambitious case involves actually exposing the executive’s decisionmaking processes to observation. To the extent that an ill-motivated executive cannot publicly acknowledge his motivations or publicly instruct subordinates to take them into account in decisionmaking, transparency will exclude those motivations from the decisionmaking process. The public will know that only a well-motivated executive would promise transparency in the first place, and the public can therefore draw an inference to credibility.Credibility is especially enhanced when transparency is effected through journalists with reputations for integrity or with political preferences opposite to those of the president. Thus George W. Bush gave Bob Woodward unprecedented access to White House decisionmaking, and perhaps even to classified intelligence,95 with the expectation that the material would be published. This sort of disclosure to journalists is not real-time transparency – no one expects meetings of the National Security Council to appear on CSPAN – but the anticipation of future disclosure can have a disciplining effect in the present. By inviting this disciplining effect, the administration engages in signaling in the present through (the threat of) future transparency.

### 1NC K

#### asking how the executive should be allowed to conduct war masks the fundamental question of whether war should be allowed at all – ensures a military mentality

* Accepting that war is inevitable even without realizing it is problematic

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 22-23)

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

#### this mindset is important – our consciousness of war guarantees endless violence that ensures planetary destruction and structural violence

* Another impact: freeing ourselves from war = more resources for peace

Lawrence 9 (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

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

#### The alternative must begin in our minds – we need to free ourselves of the presumption towards war and advocate for peace and social justice to stop the flow of militarism that threatens existence

* Democracy itself is the product of searching for peaceful solutions

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

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

### 1NC Solvency

#### Executive will circumvent the plan --- has institutional incentives and public support to expand its powers

Barron & Lederman, 8 --- \*Professor of Law at Harvard, AND \*\* Visiting Professor of Law at Georgetown

(February 2008, David J. Barron and Martin S. Lederman, Harvard Law Review, “THE COMMANDER IN CHIEF AT THE LOWEST EBB -- A CONSTITUTIONAL HISTORY,” 121 Harv. L. Rev. 941)

VII. Conclusion

Powers once claimed by the Executive are not easily relinquished. One sees from our narrative how, in a very real sense, the constitutional law of presidential power is often made through accretion. A current administration eagerly seizes upon the loose claims of its predecessors, and applies them in ways perhaps never intended or at least not foreseen or contemplated at the time they were first uttered. The unreflective notion that the "conduct of campaigns" is for the President alone to determine has slowly insinuated itself into the consciousness of the political departments (and, at times, into public debate), and has gradually been invoked in order to question all manner [\*1112] of regulations, from requirements to purchase airplanes, to limitations on deployments in advance of the outbreak of hostilities, to criminal prohibitions against the use of torture and cruel treatment. In this regard, the claims of the current Administration represent as clear an example of living constitutionalism in practice as one is likely to encounter. There is a radical disjuncture between the approach to constitutional war powers the current President has asserted and the one that prevailed at the moment of ratification and for much of our history that followed.

But that dramatic deviation did not come from nowhere. Rarely does our constitutional framework admit of such sudden creations. Instead, the new claims have drawn upon those elements in prior presidential practice most favorable to them. That does not mean our constitutional tradition is foreordained to develop so as to embrace unchecked executive authority over the conduct of military campaigns. At the same time, it would be wrong to assume, as some have suggested, that the emergence of such claims will be necessarily self-defeating, inevitably inspiring a popular and legislative reaction that will leave the presidency especially weakened. In light of the unique public fears that terrorism engenders, the more substantial concern is an opposite one. It is entirely possible that the emergence of these claims of preclusive power will subtly but increasingly influence future Executives to eschew the harder work of accepting legislative constraints as legitimate and actively working to make them tolerable by building public support for modifications. The temptation to argue that the President has an obligation to protect the prerogatives of the office asserted by his or her predecessors will be great. Congress's capacity to effectively check such defiance will be comparatively weak. After all, the President can veto any effort to legislatively respond to defiant actions, and impeachment is neither an easy nor an attractive remedy.

The prior practice we describe, therefore, could over time become a faint memory, recalled only for the proposition that it is anachronistic, unsuited for what are thought to be the unique perils of the contemporary world. Were this to happen it would represent an unfortunate development in the constitutional law of war powers. Thus, it is incumbent upon legislators to challenge efforts to bring about such a change. Moreover, executive branch actors, particularly those attorneys helping to assure that the President takes care the law is faithfully executed, should not abandon two hundred years of historical practice too hastily. At the very least, they should resist the urge to continue to press the new and troubling claim that the President is entitled to unfettered discretion in the conduct of war.

#### Even if there’s no statutory wiggle room, Obama will change definitions to create it

Hafetz, 11/5 --- law professor at Seton Hall

(11/5/2013, Jonathan, “Outrage Fatigue: The Danger of Getting Used to Gitmo,” http://www.worldpoliticsreview.com/articles/13311/outrage-fatigue-the-danger-of-getting-used-to-gitmo))

The Obama administration has shown no shortage of creative lawyering in justifying U.S. military involvement in Libya and Syria as well as in expanding America’s use of targeted drone strikes. In those instances, the administration has interpreted presidential authority robustly, while narrowly construing congressional attempts to cabin that authority, as in the War Powers Resolution. Yet, when it comes to releasing Guantanamo detainees, the administration remains sheepish. It has failed to apply the same interpretive approach to congressional transfer restrictions despite what the president has described as the clear national security interests in closing the prison. Only external events, such as the hunger strike, now seem to prompt any action. And even there, the urgency tends to dissipate once the public pressure and media attention fades.

### 1NC Pakistan

#### Signature strikes have already been eliminated in Pakistan

Brown 2013 (July 25, Hayes, “Report: U.S. Drops Signature Strikes In Pakistan” <http://thinkprogress.org/security/2013/07/25/2356391/pakistan-drones-signature-strikes/>)

The United States has ended the use of so-called signature drone strikes in Pakistan, and the total number of incidents involving armed unmanned aerial vehicles there has plummeted, according to a new report from the Associated Press. In gathering hours upon hours of footage of a given location, drones allow analysts to piece together “pattern of life” data, which are then examined for clues that suspected terrorists are using the area for planning or staging purposes. The evidence used to justify strikes against these locations — “signature strikes” — doesn’t include the appearance of known terrorists, but rather often circumstantial proof such as large gatherings of men between the ages of 16-55, where they’ve traveled while under surveillance and whether or not they were in the vicinity of known targets when the strike occurred. According to the Obama administration, however, drone strikes carried out since the president took office have all been against high-level members of the Taliban and al-Qaeda, making these drones a valuable tool in the fight against terrorism. Despite that insistence, President Obama announced in May that the use of drone strikes and other applications of force in fighting terrorism will be streamlined to a more limited set of targets, with a higher level of scrutiny applied when determining them. That decision was codified in the administration’s new “playbook” on counterterrorism tactics around the same time. According to a letter from Attorney General Eric Holder to Congress, in future drone strikes “will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists.” That choice has apparently resulted in a corresponding drop in strikes within Pakistan, long the primary theater for Central Intelligence Agency-flown unmanned aerial vehicles. So far in 2013, there have been only 16 drone strikes carried out in Pakistan, compared to estimates of a peak of 122 in 2010 and 48 over the course of last year. Obama’s pledge and the drop in strikes suggests that the controversial — and until recently unacknowledged — method of targeting potential terrorists for execution is winding down. It’s the use of signature strikes that has been blamed for many of the civilian deaths attributed to drones — deaths that the Obama administration has so far yet to acknowledge outside of a few specific incidents. Despite that, according to the AP, the CIA “instructed to be more cautious with its attacks” including limiting signature strikes substantially. The Agency agreed to the curtailing, “feeling the drone program may be under threat from public scrutiny.” Pakistan is the one area where the CIA was determined to keep its control of the drones they fly, as reports surfaced that control of most drones would be transferred to the Pentagon.

#### Drones help Pakistan – won’t hurt relations

Curtis 2013 (7/16, Lisa, Senior Researcher, Heritage Foundation, “Pakistan Makes Drones Necessary,” http://www.heritage.org/research/commentary/2013/7/pakistan-makes-drones-necessary)

It is no secret that the drone strikes often benefit the Pakistani state. On May 29, for example, a drone missile strike killed the number two leader of the Pakistani Taliban (also referred to as the Tehrik-e-Taliban Pakistan or TTP), Waliur Rehman. The TTP has killed hundreds of Pakistani security forces and civilians in terrorist attacks throughout the country since its formation in 2007. Furthermore, the group conducted a string of suicide attacks and targeted assassinations against Pakistani election workers, candidates, and party activists in the run-up to the May elections, declaring a goal of killing democracy. Complicating the picture even further is the fact that Pakistan’s support for the Haqqani network indirectly benefits the Pakistani Taliban. The Haqqanis play a pivotal role in the region by simultaneously maintaining ties with Al Qaeda, Pakistani intelligence and anti-Pakistan groups like the TTP. With such a confused and self-defeating Pakistani strategy, Washington has no choice but to rely on the judicious use of drone strikes. Complicated Relationship The U.S. will need to keep a close eye on the tribal border areas, where there is a nexus of terrorist groups that threaten not only U.S. interests but also the stability of the Pakistani state. Given that Pakistan is home to more international terrorists than almost any other country and, at the same time, has one of the fastest growing nuclear arsenals, the country will remain of vital strategic interest for Washington for many years to come. Though the drone issue will continue to be a source of tension in the relationship, it is doubtful that it alone would derail ties. The extent to which the United States will continue to rely on drone strikes ultimately depends on Islamabad’s willingness to develop more decisive and comprehensive counterterrorism policies that include targeting groups like the Haqqani Network.

#### Restricting drone use causes a shift to ground operations which increases civilian casualties

Bowden, 13 --- national correspondent for The Atlantic (8/14/2013, Mark, “The Killing Machines; How to think about drones,” <http://www.theatlantic.com/magazine/archive/2013/09/the-killing-machines-how-to-think-about-drones/309434/?single_page=true>)

No civilian death is acceptable, of course. Each one is tragic. But any assessment of civilian deaths from drone strikes needs to be compared with the potential damage from alternative tactics. Unless we are to forgo the pursuit of al-Qaeda terrorists entirely, U.S. forces must confront them either from the air or on the ground, in some of the remotest places on Earth. As aerial attacks go, drones are far more precise than manned bombers or missiles. That narrows the choice to drone strikes or ground assaults. Sometimes ground assaults go smoothly. Take the one that killed Osama bin Laden. It was executed by the best-trained, most-experienced soldiers in the world. Killed were bin Laden; his adult son Khalid; his primary protectors, the brothers Abu Ahmed al-Kuwaiti and Abrar al-Kuwaiti; and Abrar’s wife Bushra. Assuming Bushra qualifies as a civilian, even though she was helping to shelter the world’s most notorious terrorist, civilian deaths in the raid amounted to 20 percent of the casualties. In other words, even a near-perfect special-ops raid produced only a slight improvement over the worst estimates of those counting drone casualties. Many assaults are not that clean. In fact, ground combat almost always kills more civilians than drone strikes do. Avery Plaw, a political scientist at the University of Massachusetts, estimates that in Pakistani ground offensives against extremists in that country’s tribal areas, 46 percent of those killed are civilians. Plaw says that ratios of civilian deaths from conventional military conflicts over the past 20 years range from 33 percent to more than 80 percent. “A fair-minded evaluation of the best data we have available suggests that the drone program compares favorably with similar operations and contemporary armed conflict more generally,” he told The New York Times. When you consider the alternatives—even, and perhaps especially, if you are deeply concerned with sparing civilians—you are led, as Obama was, to the logic of the drone.

#### Shift to ground assaults causes net more civilian casualties, collapses the Pakistani government and increases support for the Taliban

Weitz, 11 --- Senior Fellow and Director of the Center for Political-Military Analysis at the Hudson Institute (1/2/2011, Dr. Richard, “Why UAVs Have Become the Anti-Terror Weapon of Choice in the Afghan-Pak Border,” <http://www.sldinfo.com/why-uavs-have-become-the-anti-terror-weapon-of-choice-in-the-afghan-pak-border/>)

In recent years, the main form of U.S. military operation in Pakistan, Yemen, and other terrorist havens has been the missiles launched from Unmanned Aerial Vehicles (UAVs). These remotely piloted armed drones are widely known to be operated by the Central Intelligence Agency (CIA) and the U.S. Department of Defense (DoD). They launch rapid missile attacks on high-value terrorist targets, selecting their targets on the basis of human and signal intelligence. Although the UAVs often operate with the consent of the host government, who seek to direct the attacks against their violent domestic opponents and prefer the drone strikes to a major foreign military presence or other foreign footprints, they rarely enjoy the popular backing of the people of the bombarded nation. The Predator UAV was first equipped with a Hellfire missile in 2001. It then used this weapon to kill terrorist Qaid Salim Sinan al-Harithi in Yemen on November 3, 2002. Since then, the most widely publicized attacks have been in Pakistan. Like Yemen, Pakistan is another country where a major American military ground presence would be controversial. According to various media and think tank reports, CIA and DoD drones such as the Predator and Reaper UAVs armed with Hellfire missiles have killed hundreds of people in northwest Pakistan in recent years. These numbers have reportedly surged in 2010 as the Obama administration has been seeking to complement the increase in U.S. combat troops inside Afghanistan with intensified operations in the Taliban sanctuary in neighboring Pakistan. This trend will likely continue as the Administration strives to meet its metrics for success by the time its major review of the Afghan War is complete at the end of this year. The discovery that Faisal Shahzad, the failed May 1 Times Square bomber, had received terrorist training in Pakistan, has exacerbated concerns that Pakistan has replaced Afghanistan as the main state sanctuary of international terrorism. The options and dynamics of using drones are also discussed in an accompanying piece by Robbin Laird. The drone attacks are controversial but are still considered the best of a bad set of options by both U.S. and Pakistani officials. On the negative side of the ledger, human rights groups criticize them as extrajudicial killings since the suspected terrorist is killed outright rather than given a trial. Since U.S. officials decline to comment on the UAV operations in Pakistan, the Taliban and others are free to exaggerate to the media the number of innocent victims they cause. Polls show that the UAV attacks are not popular with the Pakistani people, though the inhabitants of the tribal areas who are oppressed by the foreign Islamist radicals are not really free to express their opinion for fear of retaliation. Experts believe that the number of civilian casualties has declined in recent years due to improved intelligence, stricter rules of engagement, and the use of less powerful missile warheads.Still, the UAVs cannot capture terrorist suspects for further interrogation and cannot acquire other sources of intelligence that might reside at the sites they attack, such as revealing documents and computer files. Confirming deaths is difficult due to the absence of credible witnesses or physical evidence at the site. Several prominent targets have been proclaimed dead only to turn up alive later. Members of the Tanzeem-e-Islami, a Pakistani religious group often described as the core of the Pakistani Taliban, also cite the continuing UAV strikes to justify their terrorist campaign against the Pakistanis living outside the tribal zone. They describe their bombings, which have killed thousands of civilians as well as Pakistani security forces, as retaliation for the Pakistani government’s allowing the UAVs to operate. Although most Pakistanis have little sympathy for the militants, polls indicate that they blame the Americans and their own government for antagonizing the Islamists, whose operations had originally been focused on the Afghan-Pakistan border region. The drone strikes have also led the jihadists to kill many other tribal inhabitants whom they suspect of providing targeting data to the Americans or their Pakistani partners. A more recent development has been that the Pakistani Taliban has cited the U.S. drone attacks as the reason why they have started to conduct terrorist bombings against European and American targets, including the successful attack on a CIA operations center in Khost province in late 2009 and the failed Times Square bombing attempt on May 1, 2010. A Tahreek-e-Taliban spokesman also said that the recent torching of the trucks delivering fuel through Pakistan to the NATO forces in Afghanistan would increase for every drone attack on their members. In terms of their advantages, the UAVs are very useful for striking terrorist targets in remote locations, especially those that lack air defenses and must rely on concealment and other passive defenses. Modern drones can remain airborne for more than 24 hours, giving them the opportunity to strike even fleeting targets more rapidly than it would take a manned warplane to reach the target. UAVs cost substantially less to acquire and operate than manned warplanes and helicopters, but these lower acquisition costs must be weighed against the greater losses typically experienced by these aircraft, and the higher cost of most strike versus reconnaissance drones. The larger Reaper drones are much more expensive than simpler ISR drones, so cost advantages over manned systems are much reduced. Indeed, as Robbin Laird will argue, there are manned options which might be considerable cheaper to operate than drones, when the human support components supporting the drones are taken into account. But there are other advantages of a remotely piloted aircraft. For example, pilots and crew are not lost when a UAV crashes or is shot down. Yet, a UAV equipped with Hellfire ground-attack missiles gives an unmanned drone a strike capability comparable to that of an Apache helicopter gunship. The larger MQ-9 Reaper drones can carry as many as 16 Hellfire missiles, two GBU-12 Paveway II laser-guided bombs, or the 500 pound variant of the GBU-38 500 Joint Direct Attack Munition. In addition, the drones have the benefit of stirring up suspicions and tensions in their target areas since the terrorists suspect the local inhabitants as well as rival terrorists of providing information on which targets to attack. The terrorists then get into fights with the locals and one another, which can further tempt the residents and the terrorists to inform on them so that the drones might take out their opponents. Another advantage of the U.S. drone strikes is that the “receiving” governments often come to support them more since their range of targets has been extended from al-Qaeda and other international terrorists to local militants fighting the host government.In Pakistan, the drones have killed Pakistani Taliban leaders who have been waging a campaign of terrorism against the Pakistani government and committing mass atrocities against Pakistani civilians. UAV-launched missiles have reportedly killed several anti-Islamabad guerrilla leaders.In fact, media reports say that the drones are launched from bases inside Pakistan and used against certain targets identified by Pakistani intelligence. Although the Pakistani Taliban cite the drone strikes as the reason for their attacks on the Pakistani government, Pakistani civilians, and now civilians in NATO cities, it is unlikely that an end to the UAV strikes would lead the terrorists to curtail their operations.Perhaps the most important argument in favor of using UAV strikes in northwest Pakistan and other terrorist havens is that alternative options are typically worse. The Pakistani military has made clear that it is neither willing nor capable of repressing the terrorists in the tribal regions. Although the controversial ceasefire accords Islamabad earlier negotiated with tribal leaders have formally collapsed, the Pakistani Army has repeatedly postponed announced plans to occupy North Waziristan, which is where the Afghan insurgents and the foreign fighters supporting them and al-Qaeda are concentrated. Such a move that would meet fierce resistance from the region’s population, which has traditionally enjoyed extensive autonomy. The recent massive floods have also forced the military to divert its assets to humanitarian purposes, especially helping the more than ten million displaced people driven from their homes. But the main reason for their not attacking the Afghan Taliban or its foreign allies based in Pakistan’s tribal areas is that doing so would result in their joining the Pakistani Taliban in its vicious fight with the Islamabad government. Yet, sending in U.S. combat troops on recurring raids or a protracted occupation of Pakistani territory would provoke widespread outrage in Pakistan and perhaps in other countries as well since the UN Security Council mandate for the NATO-led International Security Assistance Force (ISAF) in Afghanistan only authorizes military operations in Pakistan. On the one known occasion when U.S. Special Forces actually conducted a ground assault in the tribal areas in 2008, the Pakistanis reacted furiously. On September 3, 2008, a U.S. Special Forces team attacked a suspected terrorist base in Pakistan’s South Waziristan region, killing over a dozen people. These actions evoked strong Pakistani protests. Army Chief of Staff Gen. Ashfaq Kayani, who before November 2007 had led Pakistan’s Inter-Services Intelligence (ISI), issued a written statement denying that “any agreement or understanding [existed] with the coalition forces” [in Afghanistan] allowing them to strike inside Pakistan.” The general pledged to defend Pakistan’s sovereignty and territorial integrity “at all cost.” Prime Minister Yousaf Raza Gilani and President Asif Ali Zardari also criticized the U.S. ground operation on Pakistani territory. On September 16, 2008, the Pakistani army announced it would shoot any U.S. forces attempting to cross the Afghan-Pakistan border. On several occasions since then, Pakistani troops and militia have fired at what they believed to be American helicopters flying from Afghanistan to deploy Special Forces on their territory, though there is no conclusive evidence that the U.S. military has ever attempted another large-scale commando raid in Pakistan after the September 2008 incident. Further large-scale U.S. military operations into Pakistan could easily rally popular support behind the Taliban and al-Qaeda. It might even precipitate the collapse of the Islambad government and its replacement by a regime in nuclear-armed Pakistan that is less friendly to Washington.Given these alternatives, continuing the drone strikes appears to be the best of the limited options available to deal with a core problem, giving sanctuary to terrorists striking US and coalition forces in Afghanistan and beyond.

#### Central Asia war won’t escalate

Weitz 6 (Richard, Washington Quarterly, Summer, senior fellow and associate director of the Center for Future Security Strategies at the Hudson Institute, Lexis)

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

#### Collapse doesn’t lead to loose nukes

John Mueller 10, professor of political science at Ohio State University, Calming Our Nuclear Jitters, Issues in Science & Technology, Winter2010, Vol. 26, Issue 2

The terrorist group might also seek to steal or illicitly purchase a "loose nuke" somewhere. However, it seems probable that none exist. All governments have an intense interest in controlling any weapons on their territory because of fears that they might become the primary target. Moreover, as technology has developed, finished bombs have been outfitted with devices that trigger a non-nuclear explosion that destroys the bomb if it is tampered with. And there are other security techniques: Bombs can be kept disassembled with the component parts stored in separate high-security vaults, and a process can be set up in which two people and multiple codes are required not only to use the bomb but to store, maintain, and deploy it. As Younger points out, "only a few people in the world have the knowledge to cause an unauthorized detonation of a nuclear weapon."

#### No indo pak war

Alagappa, Distinguished Senior Fellow at the East-West Center, PhD in International Affairs from the Fletcher School of Law and Diplomacy, 2009 (Muthiah, “Nuclear Weapons Reinforce Security and Stability in 21st Century Asia”, Vol 4 No 1)

The stabilizing effect of nuclear weapons may be better illustrated in India-Pakistan relations, as the crises between these two countries during the 1999–2002 period are often cited as demonstrating nuclear weapon-induced instability. Rather than simply attribute these crises to the possession of nuclear weapons, a more accurate and useful reading would ground them in Pakistan’s deliberate policy to alter the status quo through military means on the premise that the risk of escalation to nuclear war would deter India from responding with full-scale conventional retaliation; and in India’s response, employing compellence and coercive diplomacy strategies. In other words, particular goals and strategies rather than nuclear weapons per se precipitated the crises. Further, the outcomes of these two crises revealed the limited utility of nuclear weapons in bringing about even a minor change in the territorial status quo and highlighted the grave risks associated with offensive strategies. Recognition of these limits and the grave consequences in part contributed to the two countries’ subsequent efforts to engage in a comprehensive dialogue to settle the many disputes between them. The crises also led to bilateral understandings and measures to avoid unintended hostilities. Though it is too soon to take a long view, it is possible to argue that, like the Cuban missile crisis in 1962, the 1999 and 2001–02 crises between India and Pakistan mark a watershed in their strategic relations: the danger of nuclear war shifted their focus to avoiding a major war and to finding a negotiated settlement to bilateral problems. Large-scale military deployments along the common border, Pakistan-supported insurgent activities in India, and cross-border terrorism continue; and the two countries regularly conduct large-scale military exercises and test nuclear-capable missiles that have each other’s entire territory within range. Despite these activities, the situation has become relatively less tense; stability with the ability to absorb shocks even like that created by the November 26terrorist attack in Mumbai has begun to characterize the bilateral relationship.

### 1NC Norms

#### No impact to global drone use – easily deterred

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

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

#### China won’t use drones to resolve territorial disputes – fears backlash and creating a precedent

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

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

#### Wont go nuclear

**Moore 6** (Scott; Research Assistant – East Asia Nonproliferation Program – James Martin Center for Nonproliferation Studies – Monterey Institute of International Studies, “Nuclear Conflict in the 21st Century: Reviewing the Chinese Nuclear Threat,” 10/18, http://www.nti.org/e\_research/e3\_80.html)

Despite the tumult, there is broad consensus among experts that the concerns generated in this discussion are exaggerated. The size of the Chinese nuclear arsenal is small, estimated at around 200 warheads;[3] Jeffrey Lewis, a prominent arms control expert, claims that 80 is a realistic number of deployed warheads.[4] In contrast, the United States has upwards of 10,000 warheads, some 5,700 of which are operationally deployed.[5]

Even with projected improvements and the introduction of a new long-range Intercontinental Ballistic Missile, the DF-31A China's nuclear posture is likely to remain one of "minimum deterrence."[6] Similarly, despite concern to the contrary, there is every indication that China is extremely unlikely to abandon its No First Use (NFU) pledge.[7] The Chinese government has continued to deny any change to the NFU policy, a claim substantiated by many Chinese academic observers.[8] In sum, then, fears over China's current nuclear posture seem somewhat exaggerated.

This document, therefore, does not attempt to discuss whether China's nuclear posture poses a probable, general threat to the United States; most signs indicate that even in the longer term, it does not. Rather, it seeks to analyze the most likely scenarios for nuclear conflict. Two such possible scenarios are identified in particular: a declaration of independence by Taiwan that is supported by the United States, and the acquisition by Japan of a nuclear weapons capability.

Use of nuclear weapons by China would require a dramatic policy reversal within the policymaking apparatus, and it is with an analysis of this potential that this brief begins. Such a reversal would also likely require crises as catalysts, and it is to such scenarios, involving Taiwan and Japan, that this brief progresses. It closes with a

discussion of the future of Sino-American nuclear relations.

#### Long timeframe – their author

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

Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama administration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

#### No impact to global drone prolif and it’s impossible to solve

Alejandro Sueldo 12, J.D. candidate and Dean’s Fellow at the University of California, Berkeley, School of Law and a PhD candidate at the Department of War Studies at King’s College London of the University of London, 4/11/12, “The coming drone arms race,” <http://dyn.politico.com/printstory.cfm?uuid=70B6B991-ECA7-4E5F-BE80-FD8F8A1B5E90>

Should enough states follow the U.S. example, the practice of preemptively targeting and killing suspected threats may develop into customary international law.

Such a norm, however, which requires consistent state practice arising out of a sense of legal obligation, now looks unlikely. While targeted killing policies are arguably executed by states citing a legal obligation to protect themselves from imminent threats, widespread state practice is still uncommon.

But international law does not forbid drones. And given the lack of an international regime to control drones, state and non-state actors are free to determine their future use.

This lack of international consensus about how to control drones stems from a serious contradiction in incentives. Though drones pose grave challenges, they also offer states lethal and non-lethal capabilities that are of great appeal. Because the potential for drone technology is virtually limitless, states are now unwilling to control how drones evolve.

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## Cp

### Solvency

#### Presidential restraint can proactively shape U.S. and international use of drones

Zenko, 13 --- Fellow at the Council on Foreign Relations

(January, Reforming U.S.Drone Strike Policies)

Much like policies governing the use of nuclear weapons, offensive cyber capabilities, and space, developing rules and frameworks for innovative weapons systems, much less reaching a consensus within the U.S. government, is a long and arduous process. In its second term, the Obama administration has a narrow policy window of opportunity to pursue reforms of the targeted killings program. The Obama administration can proactively shape U.S. and international use of armed drones in nonbattlefield settings through transparency, self-restraint, and engagement, or it can continue with its current policies and risk the consequences. To better secure the ability to conduct drone strikes, and potentially influence how others will use armed drones in the future, the United States should undertake the following specific policy recommendations.

#### The second adv – not abt perceptions

## Solv

### circumvention

#### President will continue missions as long as it has public approval

Golan-Vilella, 10/11 --- assistant managing editor at The National Interest (Robert, 10/11/2013, “The Future of Executive War Powers,” <http://nationalinterest.org/blog/the-buzz/the-future-executive-war-powers-9220)>)

The campaign against Al Qaeda and its affiliates is legally justified by the 2001 Authorization for Use of Military Force (AUMF). This law was passed by Congress, but that was long enough ago and the AUMF has been stretched far enough that it’s fair to question whether the war that’s being conducted now is genuinely the same one that Congress authorized. Moreover, as Bobby Chesney argues at the New Republic, it may be that even if the AUMF were to expire, the targeted-killing campaign against terrorist organizations could continue with relatively few adjustments simply based on the president’s Article II powers as commander in chief. This isn’t likely to happen—the White House would certainly rather have some sort of congressional sanction underpinning its military actions—but if it did, as long as the conflict maintained high levels of public support, it’s hard to imagine that there would be a significant public outcry.

What this suggests is that the dynamic that restrained Obama from using force in Syria has much more to do with public attitudes about particular wars than it does their views about executive power. Looking at the record of the past half century, there’s not an obvious pattern regarding when presidents feel the need to go to Congress to authorize military action and when they don’t. It varies along with factors such as the extent of the proposed intervention, whether there’s sanction from some international body, whether there is a need for immediate action and the level of public support. In Syria, the proposed intervention was not as extensive as some that have occurred without congressional approval, such as Libya and Kosovo. But it was the apparent unpopularity of the cause (according to Gallup, it would have been more unpopular than any other conflict in recent memory) that offset this fact and convinced Obama to seek approval from Congress.

#### one way the exec would circumvent is by citing non-statutory authority like the self-defense justification – gets modeled, flips the norms adv, and causes global wars

Barnes, 12 --- J.D. at Boston University and M.A. in Law and Diplomacy at The Fletcher School of Law and Diplomacy at Tufts University (Spring 2012, Beau D., Military Law Review, “REAUTHORIZING THE “WAR ON TERROR”: THE LEGAL AND POLICY IMPLICATIONS OF THE AUMF’S COMING OBSOLESCENCE,” 211 Mil. L. Rev. 57)

2. Effect on the International Law of Self-Defense

A failure to reauthorize military force would lead to significant negative consequences on the international level as well. Denying the Executive Branch the authority to carry out military operations in the armed conflict against Al Qaeda would force the President to find authorization elsewhere, most likely in the international law of self-defense--the jus ad bellum. n142 Finding sufficient legal authority for the United States's ongoing counterterrorism operations in the international law of self-defense, however, is problematic for several reasons. As a preliminary matter, relying on this rationale usurps Congress's role in regulating the contours of U.S. foreign and national security policy. If the Executive Branch can assert "self-defense against a continuing threat" to target and detain terrorists worldwide, it will almost always be able to find such a threat. n143 Indeed, the Obama Administration's broad understanding of the concept of "imminence" illustrates the danger of allowing the executive to rely on a self-defense authorization alone. n144 [\*94] This approach also would inevitably lead to dangerous "slippery slopes." Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of "imminence," n145 there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy. Although the Obama Administration has disclaimed this manner of broad authority because the AUMF "does not authorize military force against anyone the Executive labels a 'terrorist,'" n146 relying solely on the international law of self defense would likely lead to precisely such a result.

The slippery slope problem, however, is not just limited to the United States's military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration's "expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . ." n147 Indeed, "[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, the result would be chaos." n148

[\*95] Encouraging the proliferation of an expansive law of international self-defense would not only be harmful to U.S. national security and global stability, but it would also directly contravene the Obama Administration's national security policy, sapping U.S. credibility. The Administration's National Security Strategy emphasizes U.S. "moral leadership," basing its approach to U.S. security in large part on "pursu[ing] a rules-based international system that can advance our own interests by serving mutual interests." n149 Defense Department General Counsel Jeh Johnson has argued that "[a]gainst an unconventional enemy that observes no borders and does not play by the rules, we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge."

n150 Cognizant of the risk of establishing unwise international legal norms, Johnson argued that the United States "must not make [legal authority] up to suit the moment." n151 The Obama Administration's global counterterrorism strategy is to "adher[e] to a stricter interpretation of the rule of law as an essential part of the wider strategy" of "turning the page on the past [and rooting] counterterrorism efforts within a more durable, legal foundation." n152

# 1nr

### 1NR O/V

#### They say decline doesn’t cause war—economic decline is faster then the aff’s because perceptions of economic instability have immediate ripple effects that change nation’s foreign policy calculus—you can only die once and only we turn the case—independently, rational actors are more likely to set new drone norms in the future or intervene to stabilize Pakistan, but economic decline undermines their capacity to do so, and causes miscalculation that makes war more likely—that’s Harris and Burrows

#### Economic decline causes protectionism and war – their defense doesn’t assume accompanying shifts in global power.

Royal 10 – Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215

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

Turns China

Mead 9 (Walter Russell, Henry A. Kissinger Senior Fellow in U.S. Foreign Policy – Council on Foreign Relations, “Only Makes You Stronger”, The New Republic, 2-4, http://www.tnr.com/politics/story.html?id=571cbbb9-2887-4d81-8542-92e83915f5f8&p=2)

The greatest danger both to U.S.-China relations and to American power itself is probably not that China will rise too far, too fast; it is that the current crisis might end China's growth miracle. In the worst-case scenario, the turmoil in the international economy will plunge China into a major economic downturn. The Chinese financial system will implode as loans to both state and private enterprises go bad. Millions or even tens of millions of Chinese will be unemployed in a country without an effective social safety net. The collapse of asset bubbles in the stock and property markets will wipe out the savings of a generation of the Chinese middle class. The political consequences could include dangerous unrest--and a bitter climate of anti-foreign feeling that blames others for China's woes. (Think of Weimar Germany, when both Nazi and communist politicians blamed the West for Germany's economic travails.) Worse, instability could lead to a vicious cycle, as nervous investors moved their money out of the country, further slowing growth and, in turn, fomenting ever-greater bitterness. Thanks to a generation of rapid economic growth, China has so far been able to manage the stresses and conflicts of modernization and change; nobody knows what will happen if the growth stops. India's future is also a question. Support for global integration is a fairly recent development in India, and many serious Indians remain skeptical of it. While India's 60-year-old democratic system has resisted many shocks, a deep economic recession in a country where mass poverty and even hunger are still major concerns could undermine political order, long-term growth, and India's attitude toward the United States and global economic integration. The violent Naxalite insurrection plaguing a significant swath of the country could get worse; religious extremism among both Hindus and Muslims could further polarize Indian politics; and India's economic miracle could be nipped in the bud. If current market turmoil seriously damaged the performance and prospects of India and China, the current crisis could join the Great Depression in the list of economic events that changed history, even if the recessions in the West are relatively short and mild. The United States should stand ready to assist Chinese and Indian financial authorities on an emergency basis--and work very hard to help both countries escape or at least weather any economic downturn. It may test the political will of the Obama administration, but the United States must avoid a protectionist response to the economic slowdown. U.S. moves to limit market access for Chinese and Indian producers could poison relations for years. For billions of people in nuclear-armed countries to emerge from this crisis believing either that the United States was indifferent to their well-being or that it had profited from their distress could damage U.S. foreign policy far more severely than any mistake made by George W. Bush. It's not just the great powers whose trajectories have been affected by the crash. Lesser powers like Saudi Arabia and Iran also face new constraints. The crisis has strengthened the U.S. position in the Middle East as falling oil prices reduce Iranian influence and increase the dependence of the oil sheikdoms on U.S. protection. Success in Iraq--however late, however undeserved, however limited--had already improved the Obama administration's prospects for addressing regional crises. Now, the collapse in oil prices has put the Iranian regime on the defensive. The annual inflation rate rose above 29 percent last September, up from about 17 percent in 2007, according to Iran's Bank Markazi. Economists forecast that Iran's real GDP growth will drop markedly in the coming months as stagnating oil revenues and the continued global economic downturn force the government to rein in its expansionary fiscal policy. All this has weakened Ahmadinejad at home and Iran abroad. Iranian officials must balance the relative merits of support for allies like Hamas, Hezbollah, and Syria against domestic needs, while international sanctions and other diplomatic sticks have been made more painful and Western carrots (like trade opportunities) have become more attractive. Meanwhile, Saudi Arabia and other oil states have become more dependent on the United States for protection against Iran, and they have fewer resources to fund religious extremism as they use diminished oil revenues to support basic domestic spending and development goals. None of this makes the Middle East an easy target for U.S. diplomacy, but thanks in part to the economic crisis, the incoming administration has the chance to try some new ideas and to enter negotiations with Iran (and Syria) from a position of enhanced strength. Every crisis is different, but there seem to be reasons why, over time, financial crises on balance reinforce rather than undermine the world position of the leading capitalist countries. Since capitalism first emerged in early modern Europe, the ability to exploit the advantages of rapid economic development has been a key factor in international competition. Countries that can encourage--or at least allow and sustain--the change, dislocation, upheaval, and pain that capitalism often involves, while providing their tumultuous market societies with appropriate regulatory and legal frameworks, grow swiftly. They produce cutting-edge technologies that translate into military and economic power. They are able to invest in education, making their workforces ever more productive. They typically develop liberal political institutions and cultural norms that value, or at least tolerate, dissent and that allow people of different political and religious viewpoints to collaborate on a vast social project of modernization--and to maintain political stability in the face of accelerating social and economic change. The vast productive capacity of leading capitalist powers gives them the ability to project influence around the world and, to some degree, to remake the world to suit their own interests and preferences. This is what the United Kingdom and the United States have done in past centuries, and what other capitalist powers like France, Germany, and Japan have done to a lesser extent. In these countries, the social forces that support the idea of a competitive market economy within an appropriately liberal legal and political framework are relatively strong. But, in many other countries where capitalism rubs people the wrong way, this is not the case. On either side of the Atlantic, for example, the Latin world is often drawn to anti-capitalist movements and rulers on both the right and the left. Russia, too, has never really taken to capitalism and liberal society--whether during the time of the czars, the commissars, or the post-cold war leaders who so signally failed to build a stable, open system of liberal democratic capitalism even as many former Warsaw Pact nations were making rapid transitions. Partly as a result of these internal cultural pressures, and partly because, in much of the world, capitalism has appeared as an unwelcome interloper, imposed by foreign forces and shaped to fit foreign rather than domestic interests and preferences, many countries are only half-heartedly capitalist. When crisis strikes, they are quick to decide that capitalism is a failure and look for alternatives. So far, such half-hearted experiments not only have failed to work; they have left the societies that have tried them in a progressively worse position, farther behind the front-runners as time goes by. Argentina has lost ground to Chile; Russian development has fallen farther behind that of the Baltic states and Central Europe. Frequently, the crisis has weakened the power of the merchants, industrialists, financiers, and professionals who want to develop a liberal capitalist society integrated into the world. Crisis can also strengthen the hand of religious extremists, populist radicals, or authoritarian traditionalists who are determined to resist liberal capitalist society for a variety of reasons. Meanwhile, the companies and banks based in these societies are often less established and more vulnerable to the consequences of a financial crisis than more established firms in wealthier societies. As a result, developing countries and countries where capitalism has relatively recent and shallow roots tend to suffer greater economic and political damage when crisis strikes--as, inevitably, it does. And, consequently, financial crises often reinforce rather than challenge the global distribution of power and wealth. This may be happening yet again. None of which means that we can just sit back and enjoy the recession. History may suggest that financial crises actually help capitalist great powers maintain their leads--but it has other, less reassuring messages as well. If financial crises have been a normal part of life during the 300-year rise of the liberal capitalist system under the Anglophone powers, so has war. The wars of the League of Augsburg and the Spanish Succession; the Seven Years War; the American Revolution; the Napoleonic Wars; the two World Wars; the cold war: The list of wars is almost as long as the list of financial crises. Bad economic times can breed wars. Europe was a pretty peaceful place in 1928, but the Depression poisoned German public opinion and helped bring Adolf Hitler to power. If the current crisis turns into a depression, what rough beasts might start slouching toward Moscow, Karachi, Beijing, or New Delhi to be born? The United States may not, yet, decline, but, if we can't get the world economy back on track, we may still have to fight.

#### Turns drone norms because countries would proliferate weapons to secure resources and economic weakness undermines the credibility of the US as a norm-setter

#### Turns Pakistan—immediate

Warrick, Washington Post, ‘8 (Joby, November 15, “Experts See Security Risks in Downturn, http://www.washingtonpost.com/wp-dyn/content/article/2008/11/14/AR2008111403864.html)

Intelligence officials are warning that the deepening global financial crisis could weaken fragile governments in the world's most dangerous areas and undermine the ability of the United States and its allies to respond to a new wave of security threats. U.S. government officials and private analysts say the economic turmoil has heightened the short-term risk of a terrorist attack, as radical groups probe for weakening border protections and new gaps in defenses. A protracted financial crisis could threaten the survival of friendly regimes from Pakistan to the Middle East while forcing Western nations to cut spending on defense, intelligence and foreign aid, the sources said. The crisis could also accelerate the shift to a more Asia-centric globe, as rising powers such as China gain more leverage over international financial institutions and greater influence in world capitals. Some of the more troubling and immediate scenarios analysts are weighing involve nuclear-armed Pakistan, which already was being battered by inflation and unemployment before the global financial tsunami hit. Since September, Pakistan has seen its national currency devalued and its hard-currency reserves nearly wiped out. Analysts also worry about the impact of plummeting crude prices on oil-dependent nations such as Yemen, which has a large population of unemployed youths and a history of support for militant Islamic groups. The underlying problems and trends -- especially regional instability and the waning influence of the West -- were already well established, but they are now "being accelerated by the current global financial crisis," the nation's top intelligence official, Director of National Intelligence Mike McConnell, said in a recent speech. McConnell is among several top U.S. intelligence officials warning that deep cuts in military and intelligence budgets could undermine the country's ability to anticipate and defend against new threats.

### 1NR AT Internal Link D

#### Immigration reform is key to the economy

Haskins ‘2-7 [2/7/2013, Ron Haskins is a Senior Fellow in Economic Studies at Brookings. “Do Republicans Stand a Chance on Immigration Reform?” <http://www.brookings.edu/research/opinions/2013/02/07-republicans-immigration-reform-haskins>]

A Bipartisan Issue It would be difficult to overstate the advantages to our economy of immigration reform. A key part of reform should be adjusting the basis for admitting immigrants from the current overemphasis on family relationships to immigrants already in the country, to a greater emphasis on the education, skills, and experience of those we admit. Other nations are attracting well-educated immigrants by giving them preferences for admission and a clear path to citizenship. We’re losing out. We should make it especially easy for students to enter and stay in the U.S. According to a recent Brookings study, immigrants are 30 percent more likely to found a business than native Americans. A study by the Kauffman Foundation reported that immigrants were involved in the founding of a quarter of engineering and technology companies created between 2006 and 2012. There is also evidence that immigrants who work in science and technology substantially increase employment among native-born Americans.

#### Immigration reform is critical to boost the economy in the short term

Furchtgott-Roth and Hinojosa-Ojeda, 09 for the Immigration Policy Center [4/28, IPC press release, "Economists and Other Experts Agree on the National Economic Benefits of Immigration", http://www.immigrationpolicy.org/images/File/perspective/Economics%20of%20CIR%20Quotes%204-28-09.pdf]

“Economic recovery will happen more quickly if both high- and low-skill immigrants are permitted to enter the United States and work legally. A rational immigration policy would have numerous advantages: undocumented workers would pay taxes to federal and state governments rather than to grey- market check cashing services; payments for health care through insurance could be collected more easily, rather than burdening hospital emergency rooms with immigrants without health insurance; foreigners who want to work here could pay the government for visas rather than pay smugglers for unsafe, illicit transportation; and improvements in security. Legal visas and bank accounts would make it far easier to identify and track potential terrorists, dubious financial transactions, and those who simply overstay visas.” ~Diana Furchtgott-Roth, Senior Fellow at the Hudson Institute, and former Chief Economist at the U.S. Department of Labor “Legalization of the nation’s undocumented workers will provide a strong economic stimulus, and must be integrated as a necessary component of President Obama’s economic recovery strategy…. Moving workers out of a vulnerable underground status produces both short term and long term economic gains by strengthening the ability of working families to become more productive with higher levels of income, job generating consumption and increase their net contributions to tax revenues. Legalization also creates higher household investments in family wide education, boosting college-going rates among children, as well as creating very high rates of home ownership and small business investments that have historically been economic engines of job creation and community revitalization.” ~Raúl Hinojosa-Ojeda, Executive Director, UCLA North American Integration and Development Center

### 2nc Uniqueness

#### Passage likely now --- momentum is swinging, GOP showing a willingness to cooperate and both sides see it as a priority. That’s Clifford.

#### Immigration is one issue that can pass in Congress

Boyer, 1/1 (Dave, 1/1/2013, The Washington Times, “Obama's long wish list runs short on time; Congress enters volatile year,” Factiva))

Meeting of the minds?

One of the few prospects for bipartisan achievement in 2014 could be immigration reform. Although Speaker John A. Boehner, Ohio Republican, has said the House won't pass the Senate's comprehensive plan, some Republicans believe the House will approve at least some portions of the Senate bill.

### AT: Thumpers --- All

#### The issue of \_\_\_\_\_\_\_\_\_\_ has already been priced in to Obama’s political calculations but the plan hasn’t --- making it a unique link.

#### Political capital solves any existing uniqueness deficit --- Obama’s planned commitment allows him to overcome obstacles.

#### Immigration is top priority

Shabad, 12/30 (Rebecca, 12/30/2013, “McCain: Don't count Obama out,” <http://thehill.com/blogs/blog-briefing-room/news/194121-mccain-dont-count-out-obama)>)

Sen. John McCain (R-Ariz.) says people shouldn't underestimate President Obama as he heads into his sixth year in the White House. He discounted Obama's low approval ratings and said a sitting president always has influence."We all wear thin with the American people after a while," McCain told the Associated Press. "To count a man of that talent out at this point in time in his administration would be a huge mistake," he added. McCain has had his up-and-downs in his relationship with Obama, his foe during the 2008 presidential campaign. He met with Obama this year to discuss immigration reform, but was a vocal critic of the president's foreign policy moves in Syria and elsewhere. Democrats and Obama plan to make immigration reform a top priority in 2014, and are pushing House Republicans to take up legislation.

#### Immigration is priority, Obama still fighting

Sullivan, 12/30 (Sean, Washington Post.com, 12/30/2013, “The five biggest political story lines to watch in 2014,” Factiva))

3. Does anything happen on immigration? This was a big question headed into 2013 following Republicans' lousy showing among Hispanic voters in 2012 and a widespread call in the party to do something about that beginning with reforming the nation's immigration laws. The Senate passed a sweeping measure that has gone nowhere in the House. But that doesn't mean narrower bills can't pass. President Obama mentioned immigration as a 2014 priority during his year-end news conference, so the White House hasn't given up the fight. Neither have Republican reform advocates, as Obama noted. And House Speaker John Boehner's hiring of a well-known immigration policy analyst who has worked for Republicans who have supported allowing undocumented immigrants to earn U.S. citizenship raised hopes among reform activists that GOP leadership still wants to get something done. The question is what can get done and whether any sort path to legalization for illegal immigrants — the touchiest of all the issues in the larger immigration debate — is in the cards. But this much is clear: Unlike the gun debate, which doesn't seem poised for a serious restart in Congress next year, immigration is far from settled, despite stalling in 2013.

#### Will be top issue

Miller, 12/26 --- a senior editor of opinion for The Washington Times (12/26/2013, Emily, The Washington Times, “Obama's dangerous immigration-reform aspirations; Republicans should be wary of any legislation that looks like amnesty,” Factiva))

With Hispanic voters in the forefront of many political strategists' minds leading up to the November elections, the debate over immigration reform will undoubtedly be a leading issue in Washington next year. However, the House GOP should not pass any legislation until it can rein in the White House from unilaterally granting amnesty to illegal aliens and not enforcing current law.

### AT: No Political Capital

#### Obama still has influence and immigration will be top priority

Shabad, 12/30 (Rebecca, 12/30/2013, “McCain: Don't count Obama out,” <http://thehill.com/blogs/blog-briefing-room/news/194121-mccain-dont-count-out-obama)>)

Sen. John McCain (R-Ariz.) says people shouldn't underestimate President Obama as he heads into his sixth year in the White House. He discounted Obama's low approval ratings and said a sitting president always has influence."We all wear thin with the American people after a while," McCain told the Associated Press. "To count a man of that talent out at this point in time in his administration would be a huge mistake," he added. McCain has had his up-and-downs in his relationship with Obama, his foe during the 2008 presidential campaign. He met with Obama this year to discuss immigration reform, but was a vocal critic of the president's foreign policy moves in Syria and elsewhere. Democrats and Obama plan to make immigration reform a top priority in 2014, and are pushing House Republicans to take up legislation.

#### Obama still comparatively stronger than Congress

WSJ, 12/30 (“Obama Seeks Way to Right His Ship; Exiting 2013 in His Weakest Political Position, the President Faces a Basic Strategic Choice,” 12/30/2013, <http://online.wsj.com/news/articles/SB10001424052702304361604579290264084633016>))

Mr. Obama's main consolation is that Republicans continue to fare even worse in public estimation. Indeed, his political high point in 2013 came when congressional Republicans shot themselves in the foot by allowing the government to shut down in October in a dispute over funding the president's health law.

### 2NC AT GITMO

#### AND, doesn’t trigger loser’s lose—it’s a big win

Wittes 12/10

[12/10/13, Benjamin Wittes is editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law, “This Year’s NDAA: A Big Win for the Administration on Guantanamo”, http://www.lawfareblog.com/2013/12/this-years-ndaa-a-big-win-for-the-administration-on-guantanamo/]

I have only had a chance to look briefly at the Guantanamo-related provisions of the House-Senate compromise NDAA, but the text looks to me like a big win for the Obama administration—and for common sense. The administration will cast this as a step forward for closing Guantanamo. I don’t care a fig about whether Guantanamo stays or goes. I do care a lot, however, about holding people we don’t need or want to be holding, and this bill would go a long way to restoring the administration’s flexibility to transfer detainees it wishes to get rid of. That’s a very good thing—whatever one thinks of Guantanamo.

### 2NC AT PC Not Key

#### ( ) Obama’s capital key to ensuring passage

Orlando Sentinel, 11/1 (11/1/2013, “What we think: It'll take both parties to clear immigration logjam,” <http://articles.orlandosentinel.com/2013-11-01/news/os-ed-immigration-reform-congress-20131031_1_immigration-reform-comprehensive-reform-house-republicans>, JMP)

For those who thought the end of the government shutdown would provide a break from the partisan bickering in Washington, think again. The battle over comprehensive immigration reform could be every bit as contentious. Polls show the popular momentum is there for comprehensive reform, which would include a path to citizenship for many of the nation's 11 million undocumented immigrants. But it'll take plenty of political capital from President Obama and leaders in both parties on Capitol Hill to make it happen. Immigration-reform activists, who have been pushing for reform for years, are understandably impatient. This week police arrested 15 who blocked traffic at a demonstration in Orlando. There are plenty of selling points for comprehensive immigration reform. An opportunity for millions of immigrants to get on the right side of the law. Stronger border security. The chance for law enforcement to focus limited resources on real threats to public safety, instead of nannies and fruit pickers. A more reliable work force to meet the needs of key industries. Reforms to let top talent from around the world stay here after studying in U.S. universities. The Senate passed its version of comprehensive immigration in June. It includes all of the benefits above. Its path to citizenship requires undocumented immigrants to pay fines, learn English, pass a criminal background check and wait more than a decade. So far, House Republicans have balked, taking a piecemeal rather than comprehensive approach. Many members fear being challenged from the right for supporting "amnesty." Yet polls show the public supports comprehensive reform. In June, a Gallup poll found 87 percent of Americans — including 86 percent of Republicans — support a pathway to citizenship like the one outlined in the Senate bill. Florida Republican Sen. Marco Rubio took flak from tea-party supporters for spearheading the comprehensive bill. Now, apparently aiming to mend fences, he says immigration should be handled piecemeal. He's politically savvy enough to know that's a dead end. But comprehensive reform won't have a chance without President Obama making full use of his bully pulpit to promote it, emphasizing in particular all that undocumented immigrants would need to do to earn citizenship. House Democratic leaders will have to underscore the president's message.

#### Obama’s push and leverage key to secure immigration reform --- has upper hand now

Roth, 10/16 (Zachary, 10/16/2013, “Obama’s next move,” <http://www.msnbc.com/msnbc/what-the-deal-means-obamas-presidency)>)

President Barack Obama stood his ground, forced Republicans into submission and overcame liberals’ worst fear–that he’d cave and head into the final three years of his second term weakened.

But is he any stronger for it?

Obama proved he can stop Republicans from getting their way, but it’s less clear if he is in a better position to get his own.

To get the next deals that he wants–like an ambitious immigration package or even a farm bill–don’t need a roadblock. They need a push.

So while the shutdown deal is a clear victory for the White House, the challenge of turning that win into momentum for his agenda is a reminder that this is still an era of bitterly divided government.

Case in point: Obama’s first words after the Senate approved the bill were a call for bipartisanship, but they were met with resentment from the House GOP.

“We could get all these things done, even this year, if everyone comes together in the spirit of how are we going to move this country forward,” Obama said.

Immediately, House Republicans balked at the comments, accusing the president of disrespecting them for speaking before their late night vote.

The morning after signing the bill to end the shutdown and lift the debt ceiling, Obama chided the “spectacle” of the showdown, insisting it had done “unnecessary damage” to the U.S.

“There are no winners here,” he said Thursday.

Still, some of the president’s supporters say he’s given himself more room to maneuver in the future.

“I think that it will strengthen his hand in terms of moving forward with the Congress in a way that is helpful, given his lame-duck status,” Anita Dunn, who served as communications director in the Obama White House, told MSNBC. “Because they’ll know there’s only so far they can push him.”

Obama’s determination not to reward GOP hostage-taking by making policy concessions surprised many Republicans, who said for weeks they expected him to cave—and based their strategy on that assumption.

The final deal looks like a clear vindication of Obama’s position. The plan funds the government through January 15 and extends the debt limit through February 7. It makes two relatively uncontroversial tweaks to Obamacare. Most important, it allows the White House to credibly claim it didn’t negotiate over raising the debt ceiling, avoiding setting what the administration considered a dangerous precedent.

Just as important as what’s in the deal may be how it was reached: It was hammered out by more establishment Republicans in the Senate, and passed through the House with mostly Democratic votes. Dunn said that dynamic, which sidelined House Tea Partiers, could tilt the balance of power within in the GOP—to Obama’s advantage.

#### History proves that capital is effective --- backroom negotiations can produce agreements

Mandel, Assistant Editor Commentary Magazine, 3-23-’12 (Seth, “Contentious Lessons of Presidential Persuasion: Be the Commander-in-Chief” http://www.commentarymagazine.com/2012/03/23/presidential-persuasion-commander-in-chief-obama-reagan-clinton/)

I want to offer Klein one more note of optimism. He writes:

Back-room bargains and quiet negotiations do not, however, present an inspiring vision of the Presidency. And they fail, too. Boehner and Obama spent much of last summer sitting in a room together, but, ultimately, the Speaker didn’t make a private deal with the President for the same reason that Republican legislators don’t swoon over a public speech by him: he is the leader of the Democratic Party, and if he wins they lose. This suggests that, as the two parties become more sharply divided, it may become increasingly difficult for a President to govern—and there’s little that he can do about it.

I disagree. The details of the deal matter, not just the party lines about the dispute. There is no way the backroom negotiations Clinton conducted with Gingrich over social security reform could have been possible if we had prime ministers, instead of presidents. The president possesses political capital Congress doesn’t. History tells us there are effective ways to use that capital. One lesson: quiet action on domestic policy, visible and audible leadership on national security.

### 2NC Link Wall

#### Signature strikes unpopular is a LINK BOOSTER—Obama will have to defend his powers

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

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

**While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives**. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60

**In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic.** Scholars have long noted that President Lyndon **Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking** the requisite funds in a war-depleted treasury and **the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away** as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, **many of** President **Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.**61

**When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies.** If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

**President has to spend political capital defending war powers**

**Samples, 11** --- director of the Center for Representative Government at CATO

(10/27/2011, John, “Congress Surrenders the War Powers: Libya, the United Nations, and the Constitution,” <http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf>))

But political representation has other fac-ets. It has given voice to public dissatisfaction about wars proper and limited wars. Con-gress “has historically been actively engaged in debates over the proper conduct of major military initiatives. It has proposed, publicly debated, and voted on various legislative initiatives to authorize or curtail the use of force.” **Congress has also held hearings about the conduct of limited and proper wars.** 215 **Many believe that such legislative actions have little effect on the president. Yet such ac-tions can affect the cost-benefit calculations of the president** in pursuing or failing to pur-sue a limited war. **Congress can raise the costs of a policy by shaping and mobilizing public opinion against a war, thereby increasing the cost in political capital a president must pay to sustain a policy.** Congressional actions also signal disunity (or unity) to foreign actors, who in turn act on their expectations, thereby raising the costs of a limited war. Congres-sional actions also affect presidential expec-tations about how the conduct of a war will be received in the legislature; Congress can thus influence presidential policies without directly overturning them. 216 Systematic evi-dence indicates that since 1945 Congress has been able to influence presidential policies through these means. 217 Although short of constitutional propriety, congressional voice can matter in war-making.

# 2nr

## DA

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#### Boehner showing commitment to finishing immigration reform

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WASHINGTON — With pressure mounting on House Speaker John Boehner to tackle the politically and emotionally charged issue of immigration reform, activists on both sides of the debate are gearing up for a major legislative clash in 2014. Boehner said last month that he was committed to pushing immigration legislation through the House. The West Chester Republican declined to set a timeline, but in a move that energized many pro-reform activists, he recently hired a new, well-regarded legislative aide to deal with the issue. “This is a very important issue,” Boehner said at a Nov. 21 news conference. “There are a lot of private conversations underway to try to figure out how do we best move on a common-sense, step-by-step basis to address this.” Boehner’s cautious tone hints at the political pitfalls of the immigration issue; depending on the outcome, House Republicans could enrage tea party conservatives, alienate Hispanic voters, or disenchant both camps. “It’s a minefield for him,” Stephen Yale-Loehr, an immigration expert and professor of law at Cornell University Law School, said of Boehner’s immigration quandary. On one side, Boehner has national GOP strategists telling him Republicans must do something to win over Hispanic voters and immigration reform is a good way to do that, Yale-Loehr said. On the other side, hard-line House conservatives in heavily Republican districts will not support such a measure, and they could face a tea party-led backlash if they do. But experts also say the issue presents Boehner with an opportunity to shape the future of the Republican Party — as well as his own legacy. If Boehner helps craft a compromise on immigration, it would give him a prominent role in the GOP’s efforts to woo Hispanic voters, one of the fastest-growing segments of the electorate, said Clarissa Martinez, director of immigration at the National Council of La Raza, the largest Hispanic civil rights organization in the United States. Latinos voted for President Barack Obama over GOP nominee Mitt Romney 71 percent to 27 percent, according to data from the Pew Hispanic Center, a project of the nonpartisan Pew Research Center. “(Republicans) would be mending fences to start building a stronger relationship with the Latino community in the mid- and long-term,” she said. And Boehner “would be able to say that he took on a difficult problem that is hurting children and families and stepped up and created a solution.” There’s no question that immigration strikes a more personal, emotional chord with many voters than the fiscal fights that have dominated Boehner’s speakership so far. The veteran GOP congressman has gotten a taste of that himself. Pro-reform activists have organized prayer vigils and Christmas caroling outside Boehner’s Capitol Hill office. He’s been accused in radio ads of helping to deport thousands of children. And two immigrant teenagers recently confronted him while he was eating breakfast at his favorite Washington diner to tell him what it was like to live with the threat of their parents’ possible deportation because of the House GOP’s refusal to pass immigration reform. “I’m trying to find a way to get this thing done,” he told them. “It’s, you know, not easy.” Asked at a press conference last month if Republicans were losing the “moral argument” on immigration reform, Boehner sidestepped the question, but pledged to push for a “common sense” overhaul of the nation’s immigration system. And he has hired Rebecca Tallent, a former aide to Sen. John McCain, R-Ariz., a leader on immigration in the Senate, to help him accomplish that. “I think it’s an excellent sign,” McCain said of Boehner’s decision to hire Tallent. “She is one of the foremost experts on immigration.” The Senate passed a sweeping immigration bill in June that would double the number of Border Patrol agents, increase the number of employer-based visas, and require companies to use a federal database to verify that workers are legally eligible to work in the U.S. It also would pave the way for the estimated 11 million unauthorized immigrants currently living in the U.S. to become American citizens if they meet certain requirements. The citizenship provision is a non-starter for many conservatives in Boehner’s conference who say it amounts to “amnesty” for lawbreakers. “That’s unfair to the millions of people who are trying to come to this country and follow the rules as they are,” said Rep. Steve Chabot, R-Westwood, a member of the Judiciary Committee, which has a lead role in shaping the House approach to immigration. Chabot said he can’t envision any scenario under which he could support such a measure, and argued that Republicans should resist getting “stampeded into something that’s not good for the country.” He said Republicans do need to reach out to Hispanic voters and “do much better with those groups,” Chabot said. “But I don’t think the immigration bill itself is something that’s going to accomplish that.” Boehner has repeatedly rejected the Senate proposal and instead touted a series of incremental bills crafted by the House Judiciary and Homeland Security committees. “The American people are skeptical of big comprehensive bills, and frankly they should be,” he said at a recent news conference. “The only way to make sure immigration reform works this time is to address these complicated issues one step at a time.” The narrower House bills would: • Require the Department of Homeland Security to craft a strategy for gaining “operational control” of U.S. borders within two years. • Make the federal E-Verify employment database system mandatory for employers nationwide. • Allocate more green cards to foreign graduates of U.S. universities who earn advanced degrees in math and science. • Create a guest worker program for agricultural workers. • Grant states and local governments the right to enforce federal immigration laws. So far, Boehner and other House GOP leaders have not said how they will deal with the contentious issue of a pathway to citizenship for undocumented immigrants. Some House Republicans have said they could support such a provision if it were limited to so-called “Dreamers,” immigrants brought here by their parents when they were minors. Whether such a pared-down immigration proposal could pass the Senate is far from certain. And whether such a measure would help the GOP with Hispanic voters is also unclear. Roy Beck, CEO and founder of NumbersUSA, which opposes giving citizenship to undocumented immigrants, said Boehner is pushing immigration reform at the behest of deep-pocketed business donors. “He wants it, number one, to give the tech contributors what they want on tech visas and, number two, to give the ag lobbyists want they want on farm worker visas,” Beck said. “He also is heavily influenced by the Republican National Committee consultants who just want to get the issue off the table.” Mark Krikorian, executive director of the Center for Immigration Studies, which also opposes proposals that offer a broad pathway to citizenship, said he thinks Boehner wants to “appear constructive” but that doesn’t mean he wants to get anything accomplished. “I think he’s drunk the Kool-aid on the (importance of the) Hispanic vote and believes that his party must pass immigration reform to get that vote,” Krikorian said. “(But) John Boehner’s goal is not necessarily to get to the finish line. It’s to manage this issue politically.” Krikorian sees the immigration issue as pitting struggling American workers against big business that want more immigrants for cheap labor, and he argues Republicans would be hurting themselves politically if they support a pathway to citizenship for undocumented immigrants, especially in this still-tough economy. Boehner could finesse the issue politically by pushing through the incremental bills, letting them stall in the Senate, and blame Democrats for inaction, Krikorian said. “Limited legislation that passes the House, but is ultimately not acted on by the Senate may be the best outcome from Boehner’s perspective,” he said. Frank Sharry, executive director and founder of America’s Voice, an immigrant rights group that supports the bipartisan Senate bill, said that would be a “big mistake.” He believes Boehner genuinely wants to pass a compromise bill.