# **1NC**

## **Off**

### **1**

#### Aff’s view of terrorism is what makes it possible—designation of people as terrorists allows only the possibility of violence

Schmidt 08 (Dennis J. Schmidt Who Counts? On Democracy, Power, and the Incalculable Research in Phenomenology 38 (2008) 228–243)

In place of any possible sovereign power, today we find the final possible alternative to the present shape of power. What is left as such an alternative is the power of individuals who stand completely apart from sovereignty and the turnover of power. We call such individuals “terrorists”—those whose power is terrible, terrifying, and monstrous—simply because the form of the power they express is outside that which has no outside. What is left, what is expressed by such power, is the assertion of unreason and real powerlessness in the form of the individual.30 What is left is irrational, incalculable, inefficient, non- sense. Such is the only remaining outside of power, and so long as there are no alternatives, such explosive expressions of powerlessness will not cease. Efforts to step outside the static tyranny of the new form of power as it is figured by globalized technology will always have something of desperation about them, something of nihilism, since it is a form of power that will not turn itself over. When the locus of power is no longer able to be contested, when power has calcified and become total leaving no alternative political power, then simple violence, naked brutality, is all that remains as a means of contesting the established power. There has always been political brutality and unspeakable violence; our age did not invent terror and horror. But our age has witnessed an intensification of certain dimensions of violence, an intensification changing the landscape of every exercise of power and turning the attempt to contest power into violence of a new order: open, public spaces can now be dangerous, no one is considered innocent, children have become weapons as well as targets, strangers are threatening, the material shapes of everyday life— airplanes, envelopes, shoes—are turned back upon individuals as weapons. Sovereign nations are not attacked, individuals are attacked. In short, the old forms by which those in power were confronted and power was contested have taken a new form, namely the form of raw violence, and the reason for this is that the power in power is itself a fundamentally new form.

#### The Construction of Miscalc *Ends* Culpability For Nuclear Violence –It Prevents Responsibility For Violence and ensures Self Fulfilling Prophesy

Hanna M. Segal, MB ChB FRC – Training and Supervising Psychoanalyst – British Pyscho-Analytic Society, ’88 [*Psychoanalysis and the Nuclear Threat: Clinical and Theoretical Studies*, p. 47]

The growth of technology is also used for a typically schizoid dehumanization and mechanization. There is a kind of pervasive **depersonalization** and derealization. Pushing a button to annihilate parts of the world we have never seen is a mechanized, split-off activity. Bracken (1984) contends that war is likely to happen as a result of our machines getting Out of control. Everything is so automated that oversensitive machines could start an unstoppable nuclear exchange. The MIT computer expert Joseph Weizen-baum (1976) comes to a similar conclusion: modern big computers are so complicated that no expert can see through and control them. Yet the whole nuclear early warning system is based on these machines. Since one effect of nuclear explosion is a disturbance in communication systems, it might not be within the power of governments to stop a war even if they wished to. But the fact that we can even think that "machines will start the war, not us" shows the **extent of denial of our responsibility.** We seem to live with a peculiar combination of helplessness and terror and omnipotence-helplessness and omnipotence in a vicious circle; heightening one another. This helplessness, which lies at the root of our apathy, is inevitable. We are faced with a horrifyingly threatening danger. But partly it is induced by us and **becomes a self--fulfilling prophesy**. Confronted with the terror of the powers of destructiveness we divest ourselves of **our responsibilities by denial, projection, and fragmentation.**  The responsibility is fragmented and projected further and further away-into governments, army, scientists, and, finally, into machines beyond human control. We not only project **into our so--called enemies**, we also **divest ourselves of** our responsibilities by projecting them onto governments. They, in turn, can not bear such responsibility, and they project onto us, the people, public opinion, and so on, as well as fragmenting their responsibility as previously described. When we project onto governments, we **become truly helpless. We are in their hands.**

Their representations of the Middle East as unstable necessitate Western intervention and justify American belligerence globally

Morten Valbjørn, PhD in the Department of Political Science @ Aarhus, ‘4 [Middle East and Palestine: Global Politics and Regional Conflict, “Culture Blind and Culture Blinded: Images of Middle Eastern Conflicts in International Relations,” p. 63-4]

From this perspective, it is irrelevant to discuss whether the Middle East should be regarded as a region like all the others, as it is the case in the IR mainstream, or as a region like no other, as the essentialists would claim. Rather, regions should be seen as social constructions that are produced through specific discursive practices just like the international system and its various actors. Instead of discussing what the Middle East is, the relational conception of culture regards the Middle East as an imaginary region, where, first and foremost, it is important to focus on how the Middle East has been constructed through discursive practices and how this has extensive consequences on its international relations.

This focus characterizes Edward Said's Orientalism (1995), one of the principal works dealing with the Middle East in applying a relational conception of culture. Despite his principle recognition of the mere existence of societies with a location southeast of the Mediterranean, Said almost completely refrains from dealing with what characterizes these societies (1995: 5). Instead, he focuses on how European and American contexts have described and imagined the Middle East and how a particular "orientalist" way of thinking has functioned as a filter through which the Middle East is constructed as a unique oriental cultural entity. Even though the orientalist representations of the Middle East should have less to do with the Middle East than with the orientalists' own context (1995: 12), this does not mean that these representations are innocent or ineffectual. The European and American identity and way of performing power are thus closely **interwoven** with the conception of the Middle East as oriental and alien.

The orientalist conception of the Middle East functions as a constituting counterimage of European and American identity, of a so-called occidental culture whose supposedly democratic, rational, and enlightened character is contrasted by the depictions of a despotic, irrational, arid barbaric Orient. According to Said, "the Orient has helped to define Europe (or the West) as its contrasting image" (Said, 1995: 1-2). But orientalism also formed a central element of "a **western style for dominating**, restructuring, and having authority over the Orient" (Said, 1995: 3). The French and British colonial representation of Middle Eastern societies as passive, backward, and inferior justified and subsequently **legitimized their colonization**. This close connection between orientalist descriptions of the Middle East and different kinds of performance of power allegedly does not belong only to the past. According to Said, the situation of today bears a lot of resemblance to the time of British and French colonialism. He points to how U.S. military interventions, the Carter Doctrine, and the establishment of Rapid Deployment Forces often have been preceded by popular and academic discussions on the threat from "political Islam" and the like (Said, 1997: 28; see also Farmanfarrnaian, 1992; Sidaway, 1998; McAlister, 2001).

As a consequence of this very different approach to international relations in the Middle East, subscribers to a relational conception of culture, instead of asking what makes the Middle Eastern international relations conflict-ridden, will ask how representations of the Middle East as an **unstable "Arc of Crises**"-to phrase Zbigniew Brezezinski, President Carter's National Security Advisor-have made "the West" appear **impressively peaceful**, and made Western **military engagement** in this part of the **world possible, necessary, and for the benefit of the people of the Middle East themselves.**

#### Security politics causes global destruction.

Der Derian ’98 (James, Professor of International Studies at the Watson Institute for International Studies at Brown University “The Value of Security: Hobbes, Marx, Nietzsche, and Baudrillard”, On Security, CIAO)

No other concept in international relations packs the metaphysical punch, nor commands the disciplinary power of "security." In its name, peoples have alienated their fears, rights and powers to gods, emperors, and most recently, sovereign states, all to protect themselves from the vicissitudes of nature--as well as from other gods, emperors, and sovereign states. In its name, weapons of mass destruction have been developed which have transfigured national interest into a security dilemma based on a suicide pact. And, less often noted in international relations, in its name billions have been made and millions killed while scientific knowledge has been furthered and intellectual dissent muted. We have inherited an ontotheology of security, that is, an a priori  argument that proves the existence and necessity of only one form of security because there currently happens to be a widespread, metaphysical belief in it. Indeed, within the concept of security lurks the entire history of western metaphysics, which was best described by Derrida "as a series of substitutions of center for center" in a perpetual search for the "transcendental signified." Continues... [7](http://libcat1.cc.emory.edu:32888/20050307122932441313c0=www.ciaonet.org:80/book/lipschutz/lipschutz12.html#note7) In this case, Walt cites IR scholar Robert Keohane on the hazards of "reflectivism," to warn off anyone who by inclination or error might wander into the foreign camp: "As Robert Keohane has noted, until these writers `have delineated . . . a research program and shown . . . that it can illuminate important issues in world politics, they will remain on the margins of the field.' " [8](http://libcat1.cc.emory.edu:32888/20050307122932441313c0=www.ciaonet.org:80/book/lipschutz/lipschutz12.html" \l "note8) By the end of the essay, one is left with the suspicion that the rapid changes in world politics have triggered a "security crisis" in security studies that requires extensive theoretical damage control. What if we leave the desire for mastery to the insecure and instead imagine a new dialogue of security, not in the pursuit of a utopian end but in recognition of the world as it is, other than us ? What might such a dialogue sound like? Any attempt at an answer requires a genealogy: to understand the discursive power of the concept, to remember its forgotten meanings, to assess its economy of use in the present, to reinterpret--and possibly construct through the reinterpretation--a late modern security comfortable with a plurality of centers, multiple meanings, and fluid identities. The steps I take here in this direction are tentative and preliminary. I first undertake a brief history of the concept itself. Second, I present the "originary" form of security that has so dominated our conception of international relations, the Hobbesian episteme of realism. Third, I consider the impact of two major challenges to the Hobbesian episteme, that of Marx and Nietzsche. And finally, I suggest that Baudrillard provides the best, if most nullifying, analysis of security in late modernity. In short, I retell the story of realism as an historic encounter of fear and danger with power and order that produced four realist forms of security: epistemic, social, interpretive, and hyperreal. To preempt a predictable criticism, I wish to make it clear that I am not in search of an "alternative security." An easy defense is to invoke Heidegger, who declared that "questioning is the piety of thought." Foucault, however, gives the more powerful reason for a genealogy of security: I am not looking for an alternative; you can't find the solution of a problem in the solution of another problem raised at another moment by other people. You see, what I want to do is not the history of solutions, and that's the reason why I don't accept the word alternative. My point is not that everything is bad, but that everything is dangerous, then we always have something to do. The hope is that in the interpretation of the most pressing dangers of late modernity we might be able to construct a form of security based on the appreciation and articulation rather than the normalization or extirpation of difference. Nietzsche transvalues both Hobbes's and Marx's interpretations of security through a genealogy of modes of being. His method is not to uncover some deep meaning or value for security, but to destabilize the intolerable fictional identities of the past which have been created out of fear, and to affirm the creative differences which might yield new values for the future. Originating in the paradoxical relationship of a contingent life and a certain death, the history of security reads for Nietzsche as an abnegation, a resentment and, finally, a transcendence of this paradox. In brief, the history is one of individuals seeking an impossible security from the most radical "other" of life, the terror of death which, once generalized and nationalized, triggers a futile cycle of collective identities seeking security from alien others--who are seeking similarly impossible guarantees. It is a story of differences taking on the otherness of death, and identities calcifying into a fearful sameness.

#### Alternative – Reject The Affirmative’s Security Logic – This Allows for *Actual Political Thought* – Accepting Their Descriptions and Responses Colonizes the Debate.

Neocleous ’08, Mark Neocleous, Prof. of Government @ Brunel, 2008 [*Critique of Security*, 185-6]

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

### 2

#### **A. interpretation – the topic requires a decrease in the legal authority to use drones**

#### **1. war power on drones is a matter of USE**

Dehn 11 John C. Dehn, Assistant Professor, Department of Law, United States Military Academy Temple Law Review Spring, 2011 83 Temp. L. Rev. 599 ARTICLE: THE COMMANDER-IN-CHIEF AND THE NECESSITIES OF WAR: A CONCEPTUAL FRAMEWORK

Over a decade after the September 11, 2001 attacks, the courts appear to be only marginally closer to understanding the precise scope and limits of the authority granted to the President by Congress under the Authorization for Use of Military Force (AUMF). The AUMF empowers the President to

use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons. n1

The courts have rejected, and a new Administration has abandoned (to an increasingly uncertain extent), claims that the President has complete discretion to fight the nation's armed conflicts in any manner the President deems expedient. Public and scholarly debates about the President's war powers have centered on: the authority to use "enhanced interrogation techniques" in apparent violation of both international and domestic law; n2 the authority to indefinitely detain a putative enemy fighter (or "belligerent" or "combatant"); n3 the power to conduct drone attacks beyond [\*602] Afghanistan's borders; n4 and the use of, and alternatives to, military commissions. n5 As the opinions attending the D.C. Circuit decision in Al-Bihani v. Obama n6 make clear, all of these topics raise related questions regarding the extent to which relevant international law informs the substance or limits the scope of the presidential authority. n7

#### **2. restriction means a decrease**

Words and Phrases 64 vol 37A

KY App 199. As used in child visitation statute, which prohibits restriction of parent's visitation rights absent a finding that visitation would seriously endanger child, "restrict" means to provide noncustodial parent with something less than reasonable visitation.

#### **3. procedural change is not substantially**

Words and Phrases 64 vol 40 p 816 full photocopied card is on p 18 of substantially defs PDF

The word "substantially" meaning in the matter of substance rather than mere form

#### **B. Plan violates – there is no mandated decrease in the president's power to use drone. The plan is merely an administrative change – a change in form, not substance**

#### C. The affirmative interpretation is bad for debate. Limits are necessary for negative preparation and clash. The aff makes the topic too big. There are a "NEAR INFINITE" infinite number of procedural requirements and conditions that could be placed on the president. We could never be ready to debate all of them

Dehn 11 John C. Dehn, Assistant Professor, Department of Law, United States Military Academy Temple Law Review Spring, 2011 83 Temp. L. Rev. 599 ARTICLE: THE COMMANDER-IN-CHIEF AND THE NECESSITIES OF WAR: A CONCEPTUAL FRAMEWORK

B. The Constitutional Design and Military Regulation   
There is little question that the Framers adopted a new approach to command and control of national armed forces. By vesting Commander-in-Chief authority in the President while placing the authority to raise, maintain, govern, and regulate the military in Congress, the Constitution broke with the condition then existing in Great Britain. Alexander Hamilton described the difference as follows:

The president is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy; while that of the British king extends to the declaring of war, and to the raising and regulating of fleets and armies; all which, by the constitution under consideration, would appertain to the legislature. [n57](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.328472.6824377424&target=results_DocumentContent&returnToKey=20_T18289623894&parent=docview&rand=1380754736175&reloadEntirePage=true#n57)  
While some commentary has suggested that this relative vesting of constitutional powers over the military implies that the President has no power to regulate the military, [n58](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.328472.6824377424&target=results_DocumentContent&returnToKey=20_T18289623894&parent=docview&rand=1380754736175&reloadEntirePage=true#n58) this is clearly inaccurate. The directive authority of military command equates to a near infinite power of internal regulation. [n59](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.328472.6824377424&target=results_DocumentContent&returnToKey=20_T18289623894&parent=docview&rand=1380754736175&reloadEntirePage=true#n59) A commander need not repeatedly issue the same order to assert his or her directive authority over routine tasks. Effective command requires that many directives be made generally applicable and remain in effect until rescinded or superseded. [n60](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.328472.6824377424&target=results_DocumentContent&returnToKey=20_T18289623894&parent=docview&rand=1380754736175&reloadEntirePage=true#n60) Therefore, some power to establish standing orders, or regulations, must necessarily exist. [n61](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.328472.6824377424&target=results_DocumentContent&returnToKey=20_T18289623894&parent=docview&rand=1380754736175&reloadEntirePage=true#n61) As Madison explained, "no axiom is more clearly established in law, or in reason, than that wherever the end is required, the means are authorized; wherever a general power to do a thing is given, every particular power necessary for doing it is included." [n62](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.328472.6824377424&target=results_DocumentContent&returnToKey=20_T18289623894&parent=docview&rand=1380754736175&reloadEntirePage=true#n62) This understanding was later echoed by Chief Justice Marshall in McCulloch v. Maryland. [n63](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.328472.6824377424&target=results_DocumentContent&returnToKey=20_T18289623894&parent=docview&rand=1380754736175&reloadEntirePage=true#n63)  [\*613]  Equally clear was both Madison and Marshall's belief that these "necessary' powers are implied from the nature of the power expressly granted. [n64](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.328472.6824377424&target=results_DocumentContent&returnToKey=20_T18289623894&parent=docview&rand=1380754736175&reloadEntirePage=true#n64) The general directive authority intrinsic to "military command" is undoubtedly why the Supreme Court has consistently upheld the internal regulatory authority of the Commander-in-Chief and his subordinate commanders. [n65](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.328472.6824377424&target=results_DocumentContent&returnToKey=20_T18289623894&parent=docview&rand=1380754736175&reloadEntirePage=true#n65)

#### D. T is a voter because it is necessary for debate.

### 3

#### Text: The President of the United States should issue an executive order mandating that the United States federal government should change supervision of the drone program from Title 50 of the United States Code to Title 10 of the United States Code.

#### Presidential mandate on Title 10 targeted killing solves – establishes oversight, increases transparency, and sets international precedent..

Zenko, Their author, 13

Micah Zenko, Douglas Dillon Fellow at the Council on Foreign Relations, April 2013“Transferring CIA Drone Strikes to the Pentagon”, <http://www.cfr.org/drones/transferring-cia-drone-strikes-pentagon/p30434> //jchen

Consolidating Executive Authority In 2004, the 9/11 Commission recommended that the "lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department" to avoid the "creation of redundant, overlapping capabilities and authorities in such sensitive work." The recommendation was never seriously considered because the CIA wanted to retain its covert action authorities and, more important, it was generally believed such operations would remain a rarity. (At the time, there had been only one nonbattlefield targeted killing.) Nearly a decade later, there is increasing bipartisan consensus that consolidating lead executive authority for drone strikes would pave the way for broader strategic reforms, including declassifying the relevant legal memoranda, explicitly stating which international legal principles apply, and providing information to the public on existing procedures that prevent harm to civilians. During his February 2013 nomination hearing, CIA director John O. Brennan welcomed the transfer of targeted killings to the DOD: "The CIA should not be doing traditional military activities and operations."¶ The main objection to consolidating lead executive authority in DOD is that it would eliminate the possibility of deniability for U.S. covert operations. However, any diplomatic or public relations advantages from deniability that once existed are minimal or even nonexistent given the widely reported targeted killings in Pakistan and Yemen. For instance, because CIA drone strikes cannot be acknowledged, the United States has effectively ceded its strategic communications efforts to the Pakistani army and intelligence service, nongovernmental organizations, and the Taliban. Moreover, Pakistani and Yemeni militaries have often taken advantage of this communications vacuum by shifting the blame of civilian casualties caused by their own airstrikes (or others, like those reportedly conducted by Saudi Arabia in Yemen) to the U.S. government. This perpetuates and exacerbates animosity in civilian populations toward the United States. If the United States acknowledged its drone strikes and collateral damage—only possible under DOD Title 10 authorities—then it would not be held responsible for airstrikes conducted by other countries.¶ The CIA should, however, retain the ability it has had since 9/11 to conduct lethal covert actions in extremely rare circumstances, such as against immediate threats to the U.S. homeland or diplomatic outposts. Each would require a separate presidential finding, and should be fully and currently informed to the intelligence committees. Of the roughly 420 nonbattlefield targeted killings that the United States has conducted, very few would have met this criteria.¶ The president should direct that U.S. drone strikes be conducted as DOD Title 10 operations. That decision would enhance U.S. national security in the following ways:¶ Improve the transparency and legitimacy of targeted killings, including what methods are used to prevent civilian harm.¶ Focus the finite resources of the CIA on its original core missions of intelligence collection, analysis, and early warning. (There is no reason for the CIA to maintain a redundant fleet of armed drones, or to conduct military operations that are inherently better suited to JSOC, the premier specialized military organization. As "traditional military activities" under U.S. law, these belong under Title 10 operations.)¶ Place all drone strikes under a single international legal framework, which would be clearly delineated for military operations and can therefore be articulated publicly.¶ Unify congressional oversight of specific operations under the armed services committee, which would end the current situation whereby there is confusion over who has oversight responsibility.¶ Allow U.S. government officials to counter myths and misinformation about targeted killings at home and abroad by acknowledging responsibility for its own strikes.¶ Increase pressure on other states to be more transparent in their own conduct of military and paramilitary operations in nonbattlefield settings by establishing the precedent that the Obama administration claims can have a normative influence on how others use drones.

#### The net benefit is the resolve DA:

### 4

#### Executive self-restraint is key to preserve the ability to respond to crises.

Pildes 12 [Richard H., Sudler Family Professor of Constitutional Law, NYU School of Law and Co-Director, NYU Center on Law and Security. 2/27/12 BOOK REVIEWS LAW AND THE PRESIDENT THE EXECUTIVE UNBOUND: AFTER THE MADISONIAN REPUBLIC. By Eric A. Posner and Adrian Vermeule. New York, N.Y.: Oxford University Press. 2010. Pp. 249. $29.95. New York University Public Law and Legal Theory Working Papers]

First, they argue, a President unbound can produce better outcomes than a President bound to follow preexisting legislation: laws (constitutions and statutes) are always written in a specific context in the past, but technology, the economy, international dynamics, and other circumstances that characterize the modern age are exceptionally fluid and constantly shifting. Better to have presidents make their best judgment, all things considered, about the right action in the actual, immediate circumstances at hand than to have them be bound by laws that could not have contemplated these precise circumstances. Second, and central to Posner and Vermeule’s analysis, presidents do remain constrained — not by law, but by politics and the political judgment of others. As scholars since Richard Neustadt, if not earlier, have recognized, the actual, effective powers of a President (as opposed to the formal powers of the office) are directly rooted in, and limited by, his or her ongoing credibility.21 Presidents want the capacity to exercise their best judgment as contexts arise. But other actors in the system, including “the public,” will permit presidents to exercise more or less discretion depending on how credible those presidents are perceived to be (pp. 122–23). Credibility means generalized judgments about presidential performance, such as how well motivated the President is considered to be, how effective his or her actions are judged to be, and how wise or prudent his or her judgments are taken to be. “Credibility” in this context is analogous to what scholars of the Supreme Court have called long-term “diffuse support” for the Court; diffuse support means the willingness of the public to support the Court’s discretionary power, even when people might disagree with particular outcomes, because they generally believe the Court is exercising these powers in sound ways for good reasons.22 The more credible presidents make themselves, the more other actors will permit them to exercise broad discretion — including discretion to ignore or manipulate the law, which is the unique contribution of Posner and Vermeule’s view. Thus, argue Posner and Vermeule, presidents have strong incentives to adopt practices and take actions that establish and maintain their credibility (p. 133). These incentives will lead smart presidents to adopt various sorts of self-binding mechanisms that limit their discretion: commitments to transparency so others can monitor and oversee; or commitments to multilateral approaches in foreign policy so that presidents can act only with approval of other nations; or commitments to ceding some power to independent actors, such as special prosecutors or other institutions within the executive branch; or similar approaches through which presidents accept limits on their own power (pp. 113–53). By acting consistently with these self-adopted constraints, presidents build up their credibility by signaling that they are using their discretion in acceptable ways and should therefore continue to be granted that discretion — including discretion to avoid, circumvent, or ignore the law when, in the President’s best judgment, doing so will produce better outcomes.

#### Congressional restrictions cause adversaries to doubt the resolve of U.S. deterrence – causes crisis escalation.

Waxman 8/25 [Matthew Waxman 8/25/13, Professor of Law – Columbia and Adjunct Senior Fellow for Law and Foreign Policy – CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN]

A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it establishes easily-visible impediments to the President’s authority to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that any serious restrictions on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”178 He continued:¶ In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the most important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation which might escalate.179

### 5

Obama’s pressuring the GOP by staying on the debt message – the GOP will blink.

Dovere 10/1 [Edward, Politico, “Government shutdown: President Obama holds the line”

http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3]

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

Going off message undermines Obama’s constant pressure on the GOP.

Milbank 9/27 [Dana, Washington Post, “Obama should pivot to Dubya’s playbook” Washington Post, http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9\_story.html]

If President Obama can stick to his guns, **he will win** his October standoff with Republicans. That’s an awfully big “if.” This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning: Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd. But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered. Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone. Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions. But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare. To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by **simplifying his message and repeating it**, ad nauseam, until he got the result he was after. Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be **President One Note**. In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it **consistently.** The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.” This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers. Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator. Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. **If he retreats, he will embolden his opponents and demoralize his supporters.**

Failure to lift the ceiling collapses the global economy.

Davidson 9/10 [Adam, co-founder of NPR’s "Planet Money," Our Debt to Society, New York Times, 9/10/13, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all]

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history. Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency. Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy **would collapse far worse than anything we’ve seen in the past several years.** Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar. While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy. The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

#### Economic collapse causes global nuclear war.

Merlini, Senior Fellow – Brookings, 11

[Cesare Merlini, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome. He served as IAI president from 1979 to 2001. Until 2009, he also occupied the position of executive vice chairman of the Council for the United States and Italy, which he co-founded in 1983. His areas of expertise include transatlantic relations, European integration and nuclear non-proliferation, with particular focus on nuclear science and technology. A Post-Secular World? DOI: 10.1080/00396338.2011.571015 Article Requests: Order Reprints : Request Permissions Published in: journal Survival, Volume 53, Issue 2 April 2011 , pages 117 - 130 Publication Frequency: 6 issues per year Download PDF Download PDF (~357 KB) View Related Articles To cite this Article: Merlini, Cesare 'A Post-Secular World?', Survival, 53:2, 117 – 130]

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism

## Case

### Solvency

#### Even if congress requires an end to military operations inherent commander-in-chief authority still allows hostilities

Elsea et al., 13 (Jennifer K. Elsea – legislative attorney with the Congressional Research Service, Michael John Garcia – legislative attorney, Thomas J. Nicola – legislative attorney, 2/19, “Congressional Authority to Limit Military Operations”, Congressional Research Service, [http://fpc.state.gov/documents/organization/206121 .pdf](http://fpc.state.gov/documents/organization/206121%20.pdf))

Inherent Presidential Authority to Use Military Force Absent Congressional Authorization

Even in the absence of express congressional authorization, it is recognized that the President may still employ military force in some circumstances pursuant to his powers as Commander in Chief and his inherent authority in the area of foreign affairs,139 at least so long as no statute stands in his way. In the case of an armed conflict that had been initiated with congressional authorization, a President would likely argue that this inherent authority would permit him to instruct U.S. forces to engage in certain military operations, even if statutory authorization for U.S. participation in that conflict had been rescinded. Further, even if Congress were to enact legislation requiring the cessation of military operations after a specified date, it is highly unlikely that this measure would be interpreted to prohibit any and all military operations, specifically as they relate to rescue and evacuation missions. It appears understood, at least as a matter of historical practice, that such missions are not intended to be covered under legislation otherwise barring future participation in hostilities, 140 at least in the absence of clear statutory language to that effect.

#### Plan can’t prevent inevitable wiggle room

Rojas, 12 (Fabio – Associate Professor of Sociology at Indiana University, 4/16, “rachel maddow will not bring peace”, Orgtheory, <http://orgtheory.wordpress.com/2012/04/16/rachel-maddow-will-not-bring-peace/>)

I agree in principle, but disagree on practice. Rules and institutions that end war are ineffective for two reasons. First, if you really want war, you can always vote to have a new rule for war or to make an exception. Also, most rules have wiggle room in them, which makes it easy to wage war under other guises. Secondly, there’s a consistent “rally around the leader effect.” It is incredibly hard for anyone to oppose leaders during war time. Elected leaders are in a particularly weak position. Simply put, legislatures can’t be trusted to assert their restraining role in most cases.

### Case – Terrorism

#### No nuclear terror.

Chapman 12 [Stephen, columnist and editorial writer for the Chicago Tribune, CHAPMAN: Nuclear terrorism unlikely May 22, 2012 6:00 AM http://www.oaoa.com/articles/chapman-87719-nuclear-terrorism.html]

Given their inability to do something simple — say, shoot up a shopping mall or set off a truck bomb — it’s reasonable to ask whether they have a chance at something much more ambitious. Far from being plausible, argued Ohio State University professor John Mueller in a presentation at the University of Chicago, “the likelihood that a terrorist group will come up with an atomic bomb seems to be **vanishingly small.”** The events required to make that happen comprise a multitude of Herculean tasks. First, a terrorist group has to get a bomb or fissile material, perhaps from Russia’s inventory of decommissioned warheads. If that were easy, one would have already gone missing. Besides, those devices are probably no longer a danger, since weapons that are not maintained quickly become what one expert calls “radioactive scrap metal.” If terrorists were able to steal a Pakistani bomb, they would still have to defeat the arming codes and other safeguards designed to prevent unauthorized use. As for Iran, no nuclear state has ever given a bomb to an ally — for reasons even the Iranians can grasp. Stealing some 100 pounds of bomb fuel would require help from rogue individuals inside some government who are prepared to jeopardize their own lives. Then comes the task of building a bomb. It’s not something you can gin up with spare parts and power tools in your garage. It requires millions of dollars, a safe haven and advanced equipment — plus people with specialized skills, lots of time and a willingness to die for the cause. Assuming the jihadists vault over those Himalayas, they would have to deliver the weapon onto American soil. Sure, drug smugglers bring in contraband all the time — but seeking their help would confront the plotters with possible exposure or extortion. This, like every other step in the entire process, means expanding the circle of people who know what’s going on, multiplying the chance someone will blab, back out or screw up. That has heartening implications. If al-Qaida embarks on the project, it has **only a minuscule chance** of seeing it bear fruit. Given the formidable odds, **it** probably **won’t bother.**

#### The U.S. is committed to counterterrorism – absent drones they would find alternatives

Wittes and Singh 12

Benjamin Wittes Senior Fellow in Governance Studies at the Brookings Institution, where he is the Research Director in Public Law, and Co-Director of the Harvard Law School - Brookings Project on Law and Security, and Ritika Singh project coordinator at the Brookings Institution where she focuses on national security law and policy, 1/24/12, “The Droneless Counterfactual”, http://www.cato-unbound.org/2012/01/24/benjamin-wittes-ritika-singh/droneless-counterfactual //jchen

Cortright’s example, the use of drones along the Afghanistan-Pakistan border, is a case in point. He notes Defense Secretary Panetta’s argument that drones are the “only game in town” and explains why this is: They are more precise than conventional air strikes, and “Ground operations by commando units … would entail severe risks to our troops” (emphasis added). The result is that the availability of drones creates a military option where none would otherwise exist.

Just to be clear, I prefer that American troops be deployed with a minimum of “severe risks.” And Cortright’s confidence that absent drones, policymakers would not perceive “severe risks to our troops” as risks worth taking to confront al Qaeda seems misplaced to me. One cannot assume that because major troop commitments are politically unthinkable given the availability of lesser uses of force that they would be similarly unthinkable in the absence of these alternative military means. Cortright assumes that absent drones, the United States would simply not be engaged militarily in Pakistan. His assumption is naive. Absent drones, American involvement in Pakistan would probably be militarily messier, greater, and bloodier on both sides. It is a mistake that colors his entire argument.

#### The alternatives are bombs and cruise missiles – drastically increases civilian casualties

The News Tribune 13

The News Tribune, “Drones: Wise, maybe; constitutional, certainly”, 2/17/13, http://www.thenewstribune.com/2013/02/17/2478932/drones-wise-maybe-constitutional.html //jchen

The realistic alternative to drone strikes include kidnapping – something many of the same critics condemn – and conventional air strikes.

Bombs and cruise missiles are far less humane than Predators, though, when targeting enemies who deliberately hide themselves among civilians. By all accounts, drones – which can linger in the air until the target is reasonably identified and isolated – have drastically reduced the deaths of innocent bystanders.

### Case – Modeling

#### 1. International norm against drones fail – states won’t give up tech advantage

Megret 13

Frédéric Mégret, Associate-Professor, Faculty of Law, McGill University, Research Chair in the Law of Human Rights and Legal Pluralism, Centre for Human Rights and Legal Pluralism, “The Humanitarian Problem with Drones”, March 5, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2228659 //jchen

A good classic example of this is the invention of the crossbow which conferred a very considerable military advantage to those troops that mastered its art; another example is the onset of modern aviation and the possibility, only just barely contemplated towards the end of the First World War, of aerial bombardment. In both cases, an attempt was made to reinstate the laws of war’s broad symmetry by trying to outlaw the weapon. In the case of the crossbow, Pope Innocent II famously pronounced it to be hateful to God and unfit for Christians; in the case of aerial bombardment, a Commission of Jurists was set up as part of the 1921 Washington Conference on the Limitations of armaments which adopted a fairly restrictive code for aerial warfare. It is no surprise that calls to severely regulate or perhaps even outlaw certain means and methods of combat were at their strongest in conditions of technological asymmetry, i.e.: when one side stood to benefit disproportionality from such regulation (the side that did not master the technology).

Both the attempts at regulating the crossbow and aerial bombardment were almost unmitigated catastrophes. In the case of the crossbow, the weapon was first only prohibited between Christians, allowing crusaders to use it at will against the Saracens; but quickly used between Christian nations as well, ultimately showing that a technological advance such as this was too precious to be relinquished against real foes. The Washington conference never led to a Convention and was essentially a fiasco. In both cases, it seems, the normative effort was suspected of, under humanitarian guise, unduly reining in technological progress, not adding much to what could be distilled from general principles of the laws of war, and unduly restricting states’ ability to develop a military advantage. If the precedents of the crossbow and aerial bombardment are any indication, then it is likely that efforts to regulate drone warfare would be headed the same way because it is simply beggars belief to think that powers that have such an edge would voluntarily limit, let alone relinquish it.

#### 2. Even if they model, drone prolif is slow- no investment

Micah Zenko 2013 (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 on foreign relations, "Reforming US Drone Strike Policies" pdf)

Based on current trends, it is unlikely that most states will have, within ten years, the complete system architecture required to carry out distant drone strikes that would be harmful to U.S. national interests. However, those candidates able to obtain this technology will most likely be states with the financial resources to purchase or the industrial base to manufacture tactical short-range armed drones with limited firepower that lack the precision of U.S. laser-guided munitions; the intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and crossborder adversaries who currently face attacks or the threat of attacks by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into Yemen. When compared to distant U.S. drone strikes, these contingencies do not require system-wide infrastructure and host-state support. Given the costs to conduct manned-aircraft strikes with minimal threat to pilots, it is questionable whether states will undertake the significant investment required for armed drones in the near term.

#### 3. Norms fail – other countries will reinterpret I-law to justify using drones

Lerner 13

Ben Lerner, Vice President for Government Relations at the Center for Security Policy in Washington, D.C, American Spectator, “Judging ‘Drones’ From Afar”, 3/25/13, http://spectator.org/archives/2013/03/25/judging-drones-from-afar/1

Whatever the potential motivations for trying to codify international rules for using UAVs, such a move would be ill advised. While in theory, every nation that signs onto a treaty governing UAVs will be bound by its requirements, it is unlikely to play out this way in practice. It strains credulity to assume that China, Russia, Iran, and other non-democratic actors will not selectively apply (at best) such rules to themselves while using them as a cudgel with which to bash their rivals and score political points. The United States and its democratic allies, meanwhile, are more likely to adhere to the commitments for which they signed up. The net result: we are boxed in as far as our own self-defense, while other nations with less regard for the rule of law go use their UAVs to take out whomever, whenever, contorting said “rules” as they see fit. One need only look at China’s manipulation of the Law of the Sea Treaty to justify its vast territorial claims at the expense of its neighbors to see how this often plays out.

And who would enforce the treaty’s rules — a third party tribunal? Would it be an apparatus of the United Nations, the same U.N. that assures us that it is not coming after the United States or its allies specifically, even as its investigation takes on as its “immediate focus” UAV operations recently conducted by those countries?

The United States already conducts warfare under the norms of centuries of practice of customary international law in areas such as military necessity and proportionality, as well as the norms to which we committed ourselves when we became party to the 1949 Geneva Conventions and the United Nations Charter. These same rules can adequately cover the use of UAVs in the international context. But if the United States were to create or agree to a separate international regime for UAVs, we would subject ourselves to new, politicized “rules” that would needlessly hold back countries that already use UAVs responsibly, while empowering those that do not.

America is in the midst of an important conversation about UAVs. President Obama should state unambiguously that we will not invite others to dictate its outcome.

#### 4. Drone use won’t spread – limited strategic options

Time 12

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

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.

#### 5. Deterrence logic still applies – nations won’t recklessly deploy drones

Time 12

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

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.

#### 6. Accidental war unlikely

Farley, 13 (Robert, assistant professor at the Patterson School of Diplomacy and International Commerce – University of Kentucky, April 5, “North Korea and the Fallacy of Accidental Wars”, The Diplomat, http://thediplomat.com/2013/04/05/north-korea-and-the-fallacy-of-accidental-wars/?all=true)

Accidental wars rarely happen. Historians have demonstrated that most wars initially deemed “accidental,” (perhaps most notably the First World War), have in actuality resulted from deliberative state policy, even if the circumstances of the war were unplanned. While war seems discordant, it actually requires a great deal of cooperation and coordination. Fundamentally, two parties have to agree to conduct a war; otherwise, you have either a punitive raid or an armed surrender negotiation.