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#### Restrictions are prohibitions

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. ¶ Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; ¶ A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. ¶ In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. ¶ Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### The plan offers oversight- it’s a previous congressional limitation not a prohibition of authority

#### Limits- justifies tiny affs that don’t alter the SQ

#### Ground- all core link ground is to actually limiting the presidents authority

#### Precision- only our interpretation defines “restrictions on authority”- that’s key to adequate preparation and policy analysis

#### F/x T- it is not in itself a prohibition- mixes burdens and causes unpredictable steps

## CP

#### The President of the United States should issue an Executive Order committing the executive branch to Solicitor General Representation and advance consultation with the Office of Legal Counsel over decisions regarding use of combat drones. The Department of Justice officials involved should determine that the offensive use of combat drones constitutes an introduction of United States Armed Forces into hostilities. The Executive Order should also require written publication of Office of Legal Counsel opinions.

#### Executive pre-commitment to DOJ advice solves the aff- avoids ptx and flex

Pillard 5 JD from Harvard, Faculty Director of Supreme Court Institute at Georgetown University Law Center, former Deputy Assistant Attorney General in the DOJ, February, Cornelia T., Michigan Law Review, 103.4, “The Unfulfilled Promise of the Constitution in Executive Hands”, 103 Mich. L. Rev. 676-758, <http://scholarship.law.georgetown.edu/facpub/189/>

V. ENABLING EXECUTIVE CONSTITUTIONALISM¶ The courts indisputably do not and cannot fully assure our enjoyment of our constitutional rights, and it is equally clear that the federal executive has an independent constitutional duty to fulfill the Constitution's promise. Executive constitutionalism seems ripe with promise. Yet, it is striking how limited and court-centered the executive's normative and institutional approaches to constitutional questions remain.¶ One conceivable way to avoid the pitfalls of court-centric executive lawyering on one hand and constitutional decisions warped by political expedience on the other would be to make the Solicitor General and Office of Legal Counsel - or perhaps the entire Department of Justice - as structurally independent as an independent counsel or independent agency.207 Making the SG and OLC independent in order to insulate them from politics presumably would alleviate the "majoritarian difficulty" resulting from their service to elected clients. Promoting fuller independence in that sense does not, however, appear to be clearly normatively attractive, constitutionally permissible, nor particularly feasible. In all the criticism of our current constitutionalism, there is little call for an SG or OLC that would act, in effect, as a fully insulated and jurisprudentially autonomous constitutional court within the executive branch, operating with even less transparency and accountability than the Supreme Court. Moreover, as a practical matter it would be complex and problematic to increase the independence of the SG and OLC. The federal government faces Article II obstacles to formally insulating executive lawyers from politics and institutional pressures, and the president and his administration likely would be less amenable to guidance from such unaccountable lawyers.208¶ The challenge, rather, is to draw forth from the executive a constitutional consciousness and practice that helps the government actively to seek to fulfill the commitments of the Constitution and its Bill of Rights, interpreted by the executive as guiding principles for government. Adjustments to executive branch constitutional process and culture should be favored if they encourage the executive to use its experience and capacities to fulfill its distinctive role in effectuating constitutional guarantees. There is transformative potential in measures that break ingrained executive branch habits of looking to the Constitution only as it is mediated through the courts, and of reflexively seeking, where there is no clear doctrinal answer, to minimize constitutional constraint. It is difficult fully to imagine what kinds of changes would best prompt executive lawyers and officials to pick up constitutional analysis where the courts leave off, and to rely on the Constitution as an affirmative, guiding mandate for government action; what follows are not worked-out proposals, but are meant to be merely suggestive.¶ A. Correcting the Bias Against Constitutional Constraint¶ As we have seen, the SG's and OLC's default interpretive approach to individual rights and other forms of constitutional constraints on government is to follow what clear judicial precedents there are and, where precedents are not squarely to the contrary, to favor interpretations that minimize constitutional rights or other constitutional obligations on federal actors. Those court-centered and narrowly self-serving executive traditions produce a systematic skew against individual rights.¶ 1. Encourage Express Presidential Articulation of Commitment to Constitutional Rights¶ To the extent that a president articulates his own rights-protective constitutional vision with any specificity, he ameliorates the tension his constitutional lawyers otherwise face between advancing individual rights and serving their boss's presumed interest in maximum governing flexibility. Case or controversy requirements and restrictions against courts issuing advisory opinions do not, of course, apply to the executive's internal constitutional decisionmaking, and presidents can better serve individual rights to the extent that they expressly stake out their constitutional commitments in general and in advance of any concrete controversy."° When the president takes a stand for advancing abortion rights, property rights, disability rights, "charitable choice," a right to bear arms, or full remediation of race and sex discrimination, he signals to his lawyers that they should, in those areas, set aside their default bias in favor of preserving executive prerogative, even if it requires extra executive effort or restraint to do so.¶ If presented in a concrete setting with a choice between interpreting and applying the Constitution in fully rights-protective ways or sparing themselves the effort where Supreme Court precedent can be read not to require it, government officials typically default to the latter course without considering whether they might thereby be giving short shrift to a constitutional duty. A president's stated commitment to protection of particular rights, however, flips the default position with respect to those rights, acting as a spur to executive-branch lawyers and other personnel to work to give effect to constitutional rights even where, for a range of institutional reasons, the courts would not. A president is thus uniquely situated to facilitate full executive-branch constitutional compliance by precommitting himself to a rights-protective constitutional vision, and thereby making clear that respect for constitutional rights is part of the executive's interest, not counter to it.

## CP

#### Text: The President of the United States should issue a National Security Directive requiring the Department of Defense include in its Quadrennial Defense Review a recommendation to determine that the use of offensive use of combat drones constitutes an introduction of United States Armed Forces into hostilities The President should not de-classify information regarding this National Security Directive.

#### QDR solves- reduces war powers

Parsons, National Defense Magazine Staff Writer, 2013,

(Dan, "Analyst: 2014 Defense Review Offers Opportunity for Real Reform", National Defense Magazine, 6-17, PAS) [www.nationaldefensemagazine.org/blog/lists/posts/post.aspx?ID=1182](http://www.nationaldefensemagazine.org/blog/lists/posts/post.aspx?ID=1182) 9-2-13

Instead of shoehorning its current force structure within a confined budget, the U.S. military should decide what it wants to be able to accomplish in the future and then design an affordable force to achieve those goals, a new study on the upcoming Quadrennial Defense Review contends. ¶ ¶ “We have a very capable force today. But the QDR is supposed to look out into the future, 20 years in the future and detect trends in the threats, trends in technology and where we should put our resources to be prepared for those future threats.,” Mark Gunzinger, author of “Shaping America’s Military: Toward a New Force Planning Construct, said June 13 during a presentation of the report. ¶ ¶ “We need to decide what capabilities we need for the future, before we decide what cuts we’re going to make today,” added Gunzinger, a senior fellow at the Center for Strategic and Budgetary Assessments, the Washington, D.C.-based think tank that published the report. ¶ ¶ Gunzinger’s concern is that the QDR that is scheduled to be published in 2014 will simply cut the current military down to a size that is affordable based on the current constrained fiscal environment. Mandated by law, next year’s QDR is the first in 11 years that will be drafted without a seemingly endless pot of money to fund its objectives. In fact, this and the next QDR fall squarely into a timeframe when Pentagon officials can count on shrinking budgets.¶ ¶ “The QDR could become another budget-dominated drill, which could lead the U.S. military to cut force structure, personnel and programs resulting in a force structure that is a smaller version of what we have today — a force structure that is, frankly, best prepared for fading threats,” Gunzinger said. “You should invest in the future first, before you balance the budget.”¶

## DA

#### Immigration reform will pass, but it will be close and a fight---PC is key

Raul Reyes 12/30 is an attorney in New York City. “Commentary: Factors aligning for immigration reform in 2014,” 12-30-13, <http://www.thetowntalk.com/article/20131230/OPINION/312300002/Commentary-Factors-aligning-immigration-reform-2014>, DOA: 1-1-14, y2k

For supporters of immigration reform, 2013 was a roller coaster of hope and frustration. In February, President Obama declared in his State of the Union address that “the time has come to pass comprehensive immigration reform.” In June, theSenate passed a sweeping immigration overhaulwith bipartisan support. Then despite backing frombusiness, faith and labor leaders, the bill stalled in the House against a backdrop of record levels of deportations. Yet immigration reform is the issue that will not die, and there are reasons to be optimistic about it still becoming reality. For starters, the just-passed budget deal shows that Congress is not completely dysfunctional. Although the agreement itself is not historic, it is remarkable because it broke through the gridlock that has lately paralyzed our government. That means there will be more time in January to tackle immigration. Meanwhile, House Speaker John Boehner has begun to push back against the far-right wing of his party. He has criticized conservative interest groups, saying, “They’re using our members and they’re using the American people for their own goals. This is ridiculous.” Earlier this month, Boehner also hired a new top aide to work on immigration issues. Boehner, who says he supports reform, might finally be ready to assert his leadership and get back to governance. Second, Jeh Johnson’s confirmation as secretary of the Department of Homeland Security is an opportunity for the Obama administration to turn a fresh page at the department. “I do not believe that deportation quotas or numeric goals are a good idea,” he wrote in a letter to Sen. Dick Durbin, D-Ill. Johnson has defended the Senate immigration bill. He has spoken about the importance of policy transparency, which has too often been lacking at DHS. His background in national security suggests that he could prioritize protecting the USA from terrorists, rather than deporting undocumented immigrants. Finally, look at the grass-roots activism surrounding immigration reform. Only a few years ago, it was considered brave for immigrants to “come out” publicly as undocumented. Now they are leading marches, rallies and prayer vigils nationwide. They have formed human chains to block buses deporting undocumented immigrants,shut down congressional offices with sit-ins and fasted in front of the White House. Collectively, these activists have turned immigration reform from an issue into a full-fledged movement. None of this means immigration reform will be an easy lift in 2014. Already, conservative lawmakers point to the troubled rollout of the Affordable Care Act as evidence that the government cannot tackle huge problems. But Obama has said that he is open to a piecemeal approach on immigration. Bob Dane of the Federation for American Immigration Reform, which opposes any “amnesty,” admits that “the ground is very fertile” for a bill. And clear majorities of Americans continue to support reform that includes a path to citizenship for the undocumented. Taken together, these factors show that a “path to yes” on immigration is still possible. Optimism is always welcome around the holidays. So don’t give up yet on immigration reform —it may be down, but it’s not out.

#### The plan cost capital- restrictions force Obama to defend his policies

Kriner, Boston University Assistant Political Science Professor, 2010,

(Douglas, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, 12-1, Pg. 68, PAS) Accessed on Google Books 8-12-13

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 expand 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 both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic priorities, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expand so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 ¶

#### Immigration reform is key to trade

Kent 3/8 3 ideas for immigration reform, Mar. 8, 2013, Muhtar Kent is chairman and CEO of The Coca-Cola Co,

http://www.guampdn.com/article/20130308/OPINION02/303080318/3-ideas-immigration-reform

That's one reason I support immigration reform. As a first-generation American, I know firsthand the blessings of living in this country. As a business leader, I also know we need to make it easier for committed, highly skilled people to make their lives and livelihoods here. Immigration is an essential part of the growth calculus for this great country.¶ Nearly half of Fortune 500 companies were started by immigrants or their children. Last year, three-quarters of patents coming out of our 10 top research universities were granted to immigrants.¶ As Washington grapples with much-needed immigration reform, my hope is that our leaders focus on creating a modern system with rational laws and regulations, strong border controls, greater opportunities for skilled foreign-born professionals and a clear way forward for undocumented workers -- a potential route to U.S. citizenship that bears all the rights, responsibilities and obligations of that coveted status.¶ A half-century ago, a young chemist came to this country from his native Cuba with little more than $40 and an American college degree. In time, Roberto Goizueta would become chairman of The Coca-Cola Co., creating thousands of new jobs and billions of dollars of shareholder value. Today, we should do everything we can to welcome and retain young people like Roberto.¶ As we do, we should remember that immigration is not just an American issue. On the contrary, it is a global issue. But the U.S. clearly has a leadership opportunity to promote immigration reform beyond our own borders. For the sake of our economy and the global economy, this leadership cannot come fast enough.¶ At Coca-Cola, for instance, we operate as a local business in 200-plus countries, hiring, manufacturing and distributing locally. And yet we struggle with the often byzantine processes involved in moving our leaders and their families across borders.¶ The cost to our business, our people and global business everywhere is immediate -- and acute. For those countries erecting barriers, however, the cost is even greater as they fail to gain the talent and know-how of experienced workers.¶ Free ideas, free people¶ The problem, at its core, is protectionism. Though it might be appealing to think a nation can protect its citizens from competition, the healthiest and most dynamic national economies tend to be those that embrace free ideas, free trade and free people.¶ Just as international policymakers are moving toward cross-border bank regulations, intellectual property protections and reductions in trade barriers, they also should strive for multilateral solutions to reduce harmful, even immobilizing friction in the labor market.¶ Let me suggest three ways in which government, business and civil society can work together to address global immigration reform immediately.¶ •First, we should encourage the organizers of the G-20 summit to include this in their agenda in September.¶ •Second, we should ask the United Nations to include immigration reform as an amendment to the Millennium Development Goals.¶ •And third, we should call on the World Trade Organization to work with both to advance this issue during the next global trade talks.¶ With the right set of immigration and visa reforms, we can help usher in a new era of American opportunity and economic vitality, while giving the global economy a boost.

#### Collapse goes nuclear

Panzer 8 Michael J. Panzner, Faculty – New York Institute of Finance. Specializes in Global Capital Markets. MA Columbia, Financial Armageddon: Protect Your Future from Economic Collapse, Revised and Updated Edition [Paperback], p. 137-138

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

## DA

#### Presidential war powers high

Posner 13 President Ruthless, Eric Posner, professor at the University of Chicago Law School, May 23, 2013, http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/05/obama\_s\_speech\_he\_s\_just\_like\_bush\_in\_pushing\_the\_limits\_of\_executive\_power.html

In his speech today about the future of American counterterrorism operations, President Obama said that he will order drone strikes less frequently and redouble efforts to transfer some detainees out of Guantánamo. He suggested a more focused approach to terrorist threats in light of the diminished capacity of al-Qaida. Yet he also maintained the administration’s long-standing legal approach. The speech thus may well confirm the view among Obama’s civil libertarian critics that he is the most lawless executive since, um, George Bush. They are right to see the continuity from one president to the next, but they are wrong to believe that Obama has violated the law.

#### Restrictions undermine the executive- tanks heg

Zeisberg 4 Mariah Zeisberg, PhD in Politics from Princeton, Postdoc Research Associate at the Political Theory Project of Brown University; “INTERBRANCH CONFLICT AND CONSTITUTIONAL MAINTENANCE: THE CASE OF WAR POWERS”; June 2004; [www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc](http://www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc)

The first significant argument of pro-Presidency insularists is that flexibility is a prime value in the conduct of foreign affairs, and especially war. Implicit in this argument is the recognition that the executive is functionally superior to Congress in achieving flexibility and swiftness in war operations, a recognition I share. The Constitution cannot be meant to curtail the very flexibility that may be necessary to preserve the nation; and yet, according to the insularists, any general norm which would include Congress in decision-making about going to war could only undermine that flexibility. Writing on the War Powers Act, Eugene Rostow predicts that it would, “put the Presidency in a straightjacket of a rigid code, and prevent new categories of action from emerging, in response to the necessities of a tense and unstable world.” In fact, Rostow believes, “[t]he centralization of authority in the president is particularly crucial in matters of national defense, war, and foreign policy, where a unitary executive can evaluate threats, consider policy choices, and mobilize national resources with a speed and energy that is far superior to any other branch.” Pro-presidency insularists are fond of quoting Hamilton, who argued that “[o]f all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.” This need for flexibility, some insularists argue, is especially acute given modern conditions, where devastating wars can develop quickly. Today, “many foreign states have the power to attack U.S. forces - and some even the U.S. mainland - almost instantly,” and in such a world it is impracticable to require the President to seek advance authorization for hostilities. Such a requirement would simply be too risky to U.S. security. We furthermore face a nuclear age, and the system of deterrence that operates to contain that threat requires that a single person be capable of responding to nuclear attack with nuclear weapons immediately. Rostow writes, “the requirement for advance authorization would collapse the system of deterrence, making preemptive strikes by our enemies more likely.” Hence, “modern conditions” require the President to “act quickly, and often alone.” While this does not mean that Congress has no role to play in moments of crisis, it does mean that Congress should understand its role largely in terms of cooperating with the President to support his negotiations and decisions regarding relationships with foreign powers. Rostow writes, “Congress should be able to act effectively both before and after moments of crisis or potential crisis. It may join the President in seeking to deter crisis by publicly defining national policy in advance, through the sanctioning of treaties or other legislative declarations. Equally, Congress may participate formally in policymaking after the event through legislative authorization of sustained combat, either by means of a declaration of war, or through legislative action having more limited legal and political consequences. Either of these devices, or both in combination, should be available in situations where cooperation between the two branches is indicated at many points along an arc ranging from pure diplomacy at one end to a declaration of war at the other.” In other words, for Congress to understand itself as having any justifiable role in challenging executive security determinations, especially at moments of crisis, would be to undermine the strength that the executive requires in order to protect the nation. Conflict in this domain represents political degradation.

#### The impact is leadership and every global crisis

Berkowitz 8 research fellow at the Hoover Institution at Stanford University and a senior analyst at RAND, He is currently a consultant to the Defense Department and the intelligence community, Bruce, STRATEGIC ADVANTAGE: CHALLENGERS, COMPETITORS, AND THREATS TO AMERICA’S FUTURE, p. 1-4

THIS BOOK is intended to help readers better understand the national security issues facing the United States today and offer the general outline of a strategy for dealing with them. National security policy—both making it and debating it — is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment's notice. Yesterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers. Threats are also more likely to be intertwined—proliferators use the same networks as narco-traffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers. Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat — the Soviet Union — was brittle, most of the potential adversaries and challengers America now faces are resilient. In at least one dimension where the Soviets were weak (economic efficiency, public morale, or leadership), the new threats are strong. They are going to be with us for a long time. As a result, we need to reconsider how we think about national security. The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of a nation to control, or at least influence, the course of events.1 When you hold the strategic advantage, situations unfold in your favor, and each round ends so that you are in an advantageous position for the next. When you do not hold the strategic advantage, they do not. As national goals go, “keeping the strategic advantage” may not have the idealistic ring of “making the world safe for democracy” and does not sound as decisively macho as “maintaining American hegemony.” But keeping the strategic advantage is critical, because it is essential for just about everything else America hopes to achieve — promoting freedom, protecting the homeland, defending its values, preserving peace, and so on. The Changing Threat If one needs proof of this new, dynamic environment, consider the recent record. A search of the media during the past fifteen years suggests that there were at least a dozen or so events that were considered at one time or another the most pressing national security problem facing the United States — and thus the organizing concept for U.S. national security. What is most interesting is how varied and different the issues were, and how many different sets of players they involved — and how each was replaced in turn by a different issue and a cast of characters that seemed, at least for the moment, even more pressing. They included, roughly in chronological order, • regional conflicts — like Desert Storm — involving the threat of war between conventional armies; • stabilizing “failed states” like Somalia, where government broke down in toto; • staying economically competitive with Japan; • integrating Russia into the international community after the fall of communism and controlling the nuclear weapons it inherited from the Soviet Union; • dealing with “rogue states,” unruly nations like North Korea that engage in trafficking and proliferation as a matter of national policy; • combating international crime, like the scandal involving the Bank of Credit and Commerce International, or imports of illegal drugs; • strengthening international institutions for trade as countries in Asia, Eastern Europe, and Latin America adopted market economies; • responding to ethnic conflicts and civil wars triggered by the reemergence of culture as a political force in the “clash of civilizations”; • providing relief to millions of people affected by natural catastrophes like earthquakes, tsunamis, typhoons, droughts, and the spread of HIV/AIDS and malaria; • combating terrorism driven by sectarian or religious extremism; • grassroots activism on a global scale, ranging from the campaign to ban land mines to antiglobalization hoodlums and environmentalist crazies; • border security and illegal immigration; • the worldwide ripple effects of currency fluctuations and the collapse of confidence in complex financial securities; and • for at least one fleeting moment, the safety of toys imported from China. There is some overlap in this list, and one might want to group some of the events differently or add others. The important point, however, is that when you look at these problems and how they evolved during the past fifteen years, you do not see a single lesson or organizing principle on which to base U.S. strategy. Another way to see the dynamic nature of today's national security challenges is to consider the annual threat briefing the U.S. intelligence community has given Congress during the past decade. These briefings are essentially a snapshot of what U.S. officials worry most about. If one briefing is a snapshot, then several put together back to back provide a movie, showing how views have evolved.2 Figure 1 summarizes these assessments for every other year between 1996 and 2006. It shows when a particular threat first appeared, its rise and fall in the rankings, and in some cases how it fell off the chart completely. So, in 1995, when the public briefing first became a regular affair, the threat at the very top of the list was North Korea. This likely reflected the crisis that had occurred the preceding year, when Pyongyang seemed determined to develop nuclear weapons, Bill Clinton's administration seemed ready to use military action to prevent this, and the affair was defused by an agreement brokered by Jimmy Carter. Russia and China ranked high as threats in the early years, but by the end of the decade they sometimes did not even make the list. Proliferation has always been high in the listings, although the particular countries of greatest concern have varied. Terrorism made its first appearance in 1998, rose to first place after the September 11, 2001, terrorist attacks, and remains there today. The Balkans appeared and disappeared in the middle to late 1990s. A few of the entries today seem quaint and overstated. Catastrophic threats to information systems like an “electronic Pearl Harbor” and the “Y2K problem” entered the list in 1998 but disappeared after 2001. (Apparently, after people saw an airliner crash into a Manhattan skyscraper, the possible loss of their Quicken files seemed a lot less urgent.) Iraq first appeared in the briefing as a regional threat in 1997 and was still high on the list a decade later—though, of course, the Iraqi problem in the early years (suspected weapons of mass destruction) was very different from the later one (an insurgency and internationalized civil war). All this is why the United States needs agility. It not only must be able to refocus its resources repeatedly; it needs to do this faster than an adversary can focus its own resources.

## Adventure

#### Status quo target vetting is carefully calibrated to avoid every AFF impact

McNeal, Pepperdine Law Professor, 2013,

(Gregory S., "Targeted Killing and Accountability", Georgetown Law Journal, 3-5, Pg. 45-47, PAS) papers.ssrn.com/sol3/papers.cfm?abstract\_id=1819583 10-10-13

Target vetting is the process by which the government integrates the opinions of subject matter experts from throughout the intelligence community.180 The United States has developed a formal voting process which allows members of agencies from across the government to comment on the validity of the target intelligence and any concerns related to targeting an individual. At a minimum, the vetting considers the following factors: target identification, significance, collateral damage estimates, location issues, impact on the enemy, environmental concerns, and intelligence gain/loss concerns.181 An important part of the analysis also includes assessing the impact of not conducting operations against the target.182 Vetting occurs at multiple points in the kill-list creation process, as targets are progressively refined within particular agencies and at interagency meetings.¶ A validation step follows the vetting step. It is intended to ensure that all proposed targets meet the objectives and criteria outlined in strategic guidance.183 The term strategic is a reference to national level objectives—the assessment is not just whether the strike will succeed tactically (i.e. will it eliminate the targeted individual) but also whether it advances broader national policy goals.184 Accordingly, at this stage there is also a reassessment of whether the killing will comport with domestic legal authorities such as the AUMF or a particular covert action finding.185 At this stage, participants will also resolve whether the agency that will be tasked with the strike has the authority to do so.186 Individuals participating at this stage analyze the mix of military, political, diplomatic, informational, and economic consequences that flow from killing an individual. Other questions addressed at this stage are whether killing an individual will comply with the law of armed conflict, and rules of engagement (including theater specific rules of engagement). Further bolstering the evidence that these are the key questions that the U.S. government asks is the clearly articulated target validation considerations found in military doctrine (and there is little evidence to suggest they are not considered in current operations). Some of the questions asked are:¶ • Is attacking the target lawful? What are the law of war and rules of engagement considerations?¶ • Does the target contribute to the adversary's capability and will to wage war?¶ • Is the target (still) operational? Is it (still) a viable element of a target system? Where is the target located?¶ • Will striking the target arouse political or cultural “sensitivities”?¶ • How will striking the target affect public opinion? (Enemy, friendly, and neutral)?¶ • What is the relative potential for collateral damage or collateral effects, to include casualties?¶ • What psychological impact will operations against the target have on the adversary, friendly forces, or multinational partners?¶ • What would be the impact of not conducting operations against the target?187¶ As the preceding criteria highlight, many of the concerns that critics say should be weighed in the targeted killing process are considered prior to nominating a target for inclusion on a kill-list.188 For example, bureaucrats in the kill-list development process will weigh whether striking a particular individual will improve world standing and whether the strike is worth it in terms of weakening the adversary's power.189 They will analyze the possibility that a strike will adversely affect diplomatic relations, and they will consider whether there would be an intelligence loss that outweighs the value of the target.190 During this process, the intelligence community may also make an estimate regarding the likely success of achieving objectives (e.g. degraded enemy leadership, diminished capacity to conduct certain types of attacks, etc.) associated with the strike. Importantly, they will also consider the risk of blowback (e.g. creating more terrorists as a result of the killing).191

#### No impact to prolif---no capability

Singer 13 The Proliferation of Drones, 19/06/2013, Peter W. Singer, director of the Center for 21st Century Security and Intelligence at the Brookings Institution, https://ip-journal.dgap.org/en/ip-journal/topics/proliferation-drones

Those worried about drone proliferation must face facts. We are no longer in a world where only the US has the technology, and we are not moving toward a future in which the technology is used only in the same way we use it now.¶ This means, in turn, that the frequent counter arguments to proliferation concerns have to catch up. Yes, only the US has a global basing and strike architecture (for now), but that is also irrelevant to most of the issues the proliferation presents. No, Turkey cannot strike Mexico with its drones, but then again it doesn’t want to. It can, however, reach into Northern Iraq, conduct a counter-terrorist signature strike, and then cite US precedent in Pakistan that would make for a sticky diplomatic situation. No, Hezbollah can’t fly its drones outside the Middle East. It has, however, demonstrated enhanced reach in the region with its own unmanned version of a mini-air force that has spooked Israel. Yes, Al Qaeda in the Arabian Peninsula would find it difficult to gain and operate a Predator, but a terrorist has already planned to fly a drone into the Pentagon (he got the drone, but fortunately got caught by the FBI before he got the explosives), while hobbyists have already shown the ability to cross oceans with their drones. No, China can’t yet extend its power across regions into, say, Somalia like the US can. But it is creating the infrastructure – from the drones, to the global satellite navigation system it has built in Beidu, to its "string of pearls” strategy in the Middle East – that will eventually allow it to do so

#### US restrictions doesn’t solve

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

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

#### No impact to drone proliferation

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

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.

## Terror

#### Drones effective- taking out AQAP operatives now

Almasmari, 8/30/2013 [Hakim Sources: Drone strikes in Yemen kill 6, including senior AQAP leaders http://www.cnn.com/2013/08/30/world/meast/yemen-drone-strikes/index.html Accssed 9/15/2013 DMW]

Sanaa, Yemen (CNN) -- U.S. drone strikes in Yemen on Friday killed six militants, including two senior leaders of al Qaeda in the Arabian Peninsula, four local security sources said.¶ Qaed al-Thahab, the top AQAP leader in the country's Baitha province and described as a "high-profile target," was among those killed, the sources said.¶ They said eight missiles were launched by two unmanned drone planes targeting vehicles.¶ The strikes are believed to have been undertaken by the United States, which has been conducting drone strikes in the fight against terrorism. There was no immediate comment about the attack from the United States.¶ Offensives by the nation's army and drone attacks by the United States have reduced the terror organization's effectiveness in recent years. Al Qaeda in the Arabian Peninsula is the al Qaeda affiliate in Yemen.¶ The Long War Journal, a website that tracks, reports and analyzes the U.S. fight against terrorists, said the drone strike was the first in Yemen since August 10, when the United States targeted AQAP operatives traveling in Lahj province.¶ Drone strikes against militants in Yemen intensified a few weeks ago as the U.S. Embassy there and in other Middle Eastern and African countries closed amid terrorism fears.¶ After the Lahj strike, a Yemeni Defense Ministry official said that 34 people had been killed in 12 drone strikes since July 28.

#### No capability outside Yemen

Pape & Schneyer 8/16/2013 [Robert is professor of political science at the University of Chicago, and director of the Chicago Project on Security and Terrorism. David is a Research Associate at the Chicago Project on Security and Terrorism. Why we shouldn’t be afraid of Al Qaeda in Yemen http://www.bostonglobe.com/opinion/2013/08/15/how-stop-crying-wolf-while-remaining-safe/PVwCQr3be7eQHdrQPCvlJO/story.html Accessed 9/15/2013 DMW]

Such information certainly warrants our attention. But talk is cheap, and it is critical that we don’t give terrorist organizations more credit than they are worth. In order to understand what a terrorist organization is truly capable of, we must look at its past behavior. In this case, Al Qaeda in the Arabian Peninsula is a deadly organization within its own borders, but it has not demonstrated that it possesses the means to successfully carry out an attack on US soil. The one known attempt (carried out by the so-called “underwear bomber”) failed due to incompetence — the device did not properly detonate. Let’s look at the data: AQAP has carried out 39 suicide attacks through 2012, with only one taking place outside of Yemen (just across the border in Jeddah, Saudi Arabia). Suicide attacks represent precisely the sort of attack we would fear—they are far more deadly than any other type. Now, AQAP has certainly proven itself capable of killing foreigners within its own borders, and so we should absolutely take the intercepted communication seriously with respect to our embassy in Yemen. But this is a far cry from being able to carry out an attack on foreign soil.¶ Consider 9/11, for instance, which obviously we failed to prevent. This failure was not a tactical one, or even a failure to “connect the dots.” Rather, it was a failure to properly assess the threat. In fact, a memo stating “Bin Laden determined to attack US” made it to the White House by early August, 2001— the intelligence was there, but it was simply not given its due credibility or seriousness. The table to the right illustrates this point. Clearly, Al Qaeda proved itself capable of attacking the United States across multiple borders long before 2001. But AQAP has not demonstrated this capability, and “increased chatter” among its leaders, no matter how heavy, is simply not enough evidence to be overly-concerned, unless the government has not revealed other critical details. Even if Zawahiri were directing the attack—which US intelligence officials confirmed he was not—the main Al Qaeda group (now based in Pakistan) has not carried out a successful major attack on Western soil since the London bombings in 2005. Ayman Al-Zawahiri giving his blessing to AQAP leaders only proves how weak the main Al Qaeda group really is.¶ What does this mean from a policy perspective? Has the Obama administration acted correctly? Even if not, perhaps we should be thankful that it “over-assessed” the threat. Better safe than sorry, right?¶ Not exactly. While we should applaud our government for doing everything it can to keep us safe, we can still expect better. It is not a question of whether we over-prepare, but whether we use our intelligence as wisely and efficiently as possible. This means systematically using tactical intelligence by examining it through the lens of past strategic behavior.¶ Of course there will be some terrorist organizations that are so new that we won’t have much past strategic behavior to study. In those circumstances, we must rely on judgment of short-term tactical intelligence. But most cases are in the “muddy middle” — where there is a group that has existed for at least several years, we need to qualify the tactical intelligence based on the demonstrated attack pattern of the group. We shouldn’t assume every group is capable of a major attack on US soil.¶ Critics might point to Umar Farouk Abdulmutallab’s attempted bombing of a passenger plane over Detroit in 2009 as an example of AQAP’s ability to attack US soil. The attack wasn’t successful, but not on account of American security — the device simply didn’t detonate.¶ Terrorism is not baseball, where a .333 batting average is considered successful, and where there are opportunities for multiple “at-bats.” Globally ambitious terrorist organizations thrive on the element of surprise. A single failed attempt — as in 2009 — prompts a violent response from the target nation to neutralize any future threats. That is exactly what the United States did in that case —by introducing full-body scans to airport security to detect precisely the type of device Abdulmutallab used, and by assassinating AQAP leader Anwar Al-Awlaki via drone strikes.¶ If the attempted 2009 bombing was so easy, AQAP would have sent another bomber in Abdulmutallab’s wake, or maybe three or four with him on the same day. The very fact that the device did not detonate does not breed confidence in AQAP’s ability to carry out a successful attack.¶ It is time for a thorough reassessment of our terrorist alert policies. We should absolutely appreciate our government’s ability to recognize terrorist threats. But a more specific alert policy based on an organization’s past behavior would save time and effort, while preserving peace of mind.

#### Drones effective- no alternatives

USA Today 12 Editorial: Drone kills should continue, 6/12/2012, http://usatoday30.usatoday.com/news/opinion/editorials/story/2012-06-12/drones-kill-Qaeda-terrorists/55556800/1

Pakistan registered its ritual disapproval, inevitable given the incursion on its territory. And the ACLU renewed its argument that drone attacks create more enemies than they kill. What's missing from those arguments, though, is a viable alternative.¶ Strikes from combat aircraft? Well, no. Just last week, a NATO air attack in Afghanistan killed 18 civilians attending a wedding. Drones are more precise. Commando operations? Vastly more difficult, more dangerous and less likely to succeed. Doing nothing? Not an option, given the overwhelming evidence of al-Qaeda's continuing plots to attack the U.S.¶ That leaves the drones, which have been a remarkably effective way to hunt down terrorist leaders and keep others cowering. Al-Libi was the latest of six top al-Qaeda leaders killed in Pakistan and Yemen in the past year. That success has generated bipartisan support and 83% public approval in the U.S. for the program.

#### No objective data on civilian casualties---their numbers are inflated

Byman 13 Daniel Byman is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution. “Why Drones Work: The Case for Washington’s Weapon of Choice,” July/August 2013, Foreign Affairs, <http://www.foreignaffairs.com/articles/139453/daniel-byman/why-drones-work?page=show>, Accessed Date: 6-24-13 y2k

Despite the obvious benefits of using drones and the problems associated with the alternatives, numerous critics argue that drones still have too many disadvantages. First among them is an unacceptably high level of civilian casualties. Admittedly, drones have killed innocents. But the real debate is over how many and whether alternative approaches are any better. The Bureau of Investigative Journalism reports that in 2011, U.S. drone strikes killed as many as 146 noncombatants, including as many as 9 children. Columbia Law School’s Human Rights Clinic also cites high numbers of civilian deaths, as does the Pakistani organization Pakistan Body Count. Peter Bergen of the New America Foundation oversees a database of drone casualties culled from U.S. sources and international media reports. He estimates that between 150 and 500 civilians have been killed by drones during Obama’s administration. U.S. officials, meanwhile, maintain that drone strikes have killed almost no civilians. In June 2011, John Brennan, then Obama’s top counterterrorism adviser, even contended that U.S. drone strikes had killed no civilians in the previous year. But these claims are based on the fact that the U.S. government assumes that all military-age males in the blast area of a drone strike are combatants -- unless it can determine after the fact that they were innocent (and such intelligence gathering is not a priority).¶ The United States has recently taken to launching “signature strikes,” which target not specific individuals but instead groups engaged in suspicious activities. This approach makes it even more difficult to distinguish between combatants and civilians and verify body counts of each. Still, as one U.S. official told The New York Times last year, “Al Qaeda is an insular, paranoid organization -- innocent neighbors don’t hitchhike rides in the back of trucks headed for the border with guns and bombs.” Of course, not everyone accepts this reasoning. Zeeshan-ul-hassan Usmani, who runs Pakistan Body Count, says that “neither [the United States] nor Pakistan releases any detailed information about the victims . . . so [although the United States] likes to call everybody Taliban, I call everybody civilians.”¶ The truth is that all the public numbers are unreliable. Who constitutes a civilian is often unclear; when trying to kill the Pakistani Taliban leader Baitullah Mehsud, for example, the United States also killed his doctor. The doctor was not targeting U.S. or allied forces, but he was aiding a known terrorist leader. In addition, most strikes are carried out in such remote locations that it is nearly impossible for independent sources to verify who was killed. In Pakistan, for example, the overwhelming majority of drone killings occur in tribal areas that lie outside the government’s control and are prohibitively dangerous for Westerners and independent local journalists to enter.¶ Thus, although the New America Foundation has come under fire for relying heavily on unverifiable information provided by anonymous U.S. officials, reports from local Pakistani organizations, and the Western organizations that rely on them, are no better: their numbers are frequently doctored by the Pakistani government or by militant groups. After a strike in Pakistan, militants often cordon off the area, remove their dead, and admit only local reporters sympathetic to their cause or decide on a body count themselves. The U.S. media often then draw on such faulty reporting to give the illusion of having used multiple sources. As a result, statistics on civilians killed by drones are often inflated. One of the few truly independent on-the-ground reporting efforts, conducted by the Associated Press last year, concluded that the strikes “are killing far fewer civilians than many in [Pakistan] are led to believe.”¶ But even the most unfavorable estimates of drone casualties reveal that the ratio of civilian to militant deaths -- about one to three, according to the Bureau of Investigative Journalism -- is lower than it would be for other forms of strikes. Bombings by F-16s or Tomahawk cruise missile salvos, for example, pack a much more deadly payload. In December 2009, the United States fired Tomahawks at a suspected terrorist training camp in Yemen, and over 30 people were killed in the blast, most of them women and children. At the time, the Yemeni regime refused to allow the use of drones, but had this not been the case, a drone’s real-time surveillance would probably have spotted the large number of women and children, and the attack would have been aborted. Even if the strike had gone forward for some reason, the drone’s far smaller warhead would have killed fewer innocents. Civilian deaths are tragic and pose political problems. But the data show that drones are more discriminate than other types of force.

## Prolif

#### China won’t use drones

Erickson & Strange 13 Andrew Erickson is an associate professor at the Naval War College and an Associate in Research at Harvard University's Fairbank Centre—AND—Austin Strange is a researcher at the Naval War College's China Maritime Studies Institute and a graduate student at Zhejiang University. “China has drones. Now how will it use them?” Foreign Affairs, McClatchy-Tribune May 29, 2013, <http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html>, Accessed Date: 6-28-13 y2k

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. What about using drones outside of Chinese-claimed areas? That China did not, in fact, launch a drone strike on the Myanmar drug criminal underscores its caution. According to Liu Yuejin, the director of the anti-drug bureau in China's Ministry of Public Security, Beijing considered using a drone carrying a 20-kilogram TNT payload to bomb Kham's mountain redoubt in northeast Myanmar. Kham had already evaded capture three times, so a drone strike may have seemed to be the best option. The authorities apparently had at least two plans for capturing Kham. The method they ultimately chose was to send Chinese police forces to lead a transnational investigation that ended in April 2012 with Kham's capture near the Myanmar-Laos border. The ultimate decision to refrain from the strike may reflect both a fear of political reproach and a lack of confidence in untested drones, systems, and operators. The restrictive position that Beijing takes on sovereignty in international forums will further constrain its use of drones. China is not likely to publicly deploy drones for precision strikes or in other military assignments without first having been granted a credible mandate to do so. The gold standard of such an authorisation is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and anti-piracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorisation, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But even with the endorsement of the international community or specific states, China would have to weigh any benefits of a drone strike abroad against the potential for mishaps and perceptions that it was infringing on other countries' sovereignty - something Beijing regularly decries when others do it. The limitations on China's drone use are reflected in the country's academic literature on the topic. The bulk of Chinese drone research is dedicated to scientific and technological topics related to design and performance. The articles that do discuss potential applications primarily point to major combat scenarios -such as a conflagration with Taiwan or the need to attack a US aircraft carrier - which would presumably involve far more than just drones. Chinese researchers have thought a great deal about the utility of drones for domestic surveillance and law enforcement, as well as for non-combat-related tasks near China's contentious borders. Few scholars, however, have publicly considered the use of drone strikes overseas. Yet there is a reason why the United States has employed drones extensively despite domestic and international criticism: it is much easier and cheaper to kill terrorists from above than to try to root them out through long and expensive counterinsurgency campaigns. Some similar challenges loom on China's horizon. Within China, Beijing often considers protests and violence in the restive border regions, such as Xinjiang and Tibet, to constitute terrorism. It would presumably consider ordering precision strikes to suppress any future violence there. Even if such strikes are operationally prudent, China's leaders understand that they would damage the country's image abroad, but they prioritise internal stability above all else. Domestic surveillance by drones is a different issue; there should be few barriers to its application in what is already one of the world's most heavily policed societies. China might also be willing to use stealth drones in foreign airspace without authorisation if the risk of detection were low enough; it already deploys intelligence-gathering ships in the exclusive economic zones of Japan and the United States, as well as in the Indian Ocean. Still, although China enjoys a rapidly expanding and cutting-edge drone fleet, it is bound by the same rules of the game as the rest of the military's tools. Beyond surveillance, the other non-lethal military actions that China can take with its drones are to facilitate communications within the Chinese military, support electronic warfare by intercepting electronic communications and jamming enemy systems, and help identify targets for Chinese precision strike weapons, such as missiles. Beijing's overarching approach remains one of caution - something Washington must bear in mind with its own drone programme.

#### No South China Sea conflict

Rosenberg 9 David, Professor of Political Science – Middlebury College and Research Fellow at the Research School of Pacific and Asian Studies – Australian National University, “Dire Straits: Competing Security Priorities in the South China Sea”, The Asia-Pacific Journal, 3-20, http://japanfocus.org/-David-Rosenberg/1773

From the Taiwan Strait to the Strait of Malacca, security concerns are growing around the South China Sea. While the Bush Administration sees a resurgent Chinese military threat across the Taiwan Strait and a terrorist threat in the Strait of Malacca, many countries between the Straits are more concerned about security for their maritime resources from the threats of competitors, traffickers, poachers, and pirates. Security Concerns in the South China Sea Several recent statements and appointments highlight the current Bush administration view of China's threat to Taiwan. Porter Goss, director of the U.S. Central Intelligence Agency, warned that improved Chinese capabilities not only threaten Taiwan but also U.S. forces in the (western Pacific) region. U.S. Defense Secretary Donald Rumsfeld worried that the Chinese navy was building some amphibious landing ships for possible use across the Taiwan Strait. The appointment of combative neoconservative John Bolton as U.S. ambassador to the United Nations sends a clear and ominous signal: formerly a paid consultant to the Taiwanese government, Bolton has advocated Taiwan's independence and its full U.N. membership. Then, in February 2005, Secretary of State Condoleezza Rice, Defense Secretary Donald Rumsfeld and their Japanese counterparts announced a significant alteration in the U.S.-Japan Security Alliance by identifying security in the Taiwan Strait as a "common strategic objective." Has there been any big shift in the balance of power around the Taiwan Strait that warrants this U.S. response? The Chinese defense budget has grown by double-digit increases for the past fourteen years. This year it's up by 12 percent. But that is not significantly faster than the Chinese economy as a whole is growing. China is modernizing its defenses -- adding anti-ship missiles to aircraft, acquiring AWACS-airborne early warning and control systems, guided missile destroyers and frigates. However, its power projection capabilities are limited. It lacks any long-range amphibious capability or support infrastructure to supply forces over long distances for a protracted period. It also lacks heavy cargo-carrying aircraft, comprehensive air defenses, seaworthy ships, and aircraft carriers. Given the current state of Chinese equipment and training, the Chinese have **no capability to pursue an expansionist** maritime **policy in the** Taiwan Strait or the **South China Sea**. [1] By contrast, the U.S. has **overwhelming military superiority** and an **expansive network** of military bases across the Asia-Pacific. The U.S. Pacific Fleet is the world's largest naval command, including approximately 190 ships, about 1,400 Navy and Marine Corps aircraft and 35 shore installations. Over 300,000 Navy, Army, Air Force, Marine Corps, Special Operations, and Intelligence military personnel are integrated under the unified command of PACOM, the U.S. Pacific Command. What are China's strategic goals between the Straits? China's Defense White Paper of 2002 emphasizes the importance of pursuing peaceful external relations initiatives through multilateral, cooperative approaches to promote domestic development. The most recent Defense White Paper, published in December of 2004, reiterates this priority. More important than statements of good intentions, however, China has taken **significant steps** to implement this goal. It was evident in the Framework Agreement on ASEAN-China Comprehensive Economic Cooperation, negotiated in November 2002. That led to the agreement signed in November 2004 to implement an ASEAN-China Free Trade Area (FTA) by 2010. Following the 10th Summit Meeting of the Association of Southeast Asian Nations (ASEAN), in Vientiane, Laos in November 2004, Beijing held its own summit with ASEAN leaders (ASEAN Plus One) and then joined Japan and the Republic of Korea in discussions with ASEAN leaders (ASEAN Plus Three, or APT). Beijing had earlier in November hosted the first Security Policy Conference of the ASEAN Regional Forum. It featured an anti-piracy drill and a workshop on countering terrorism. Regional Economic and Financial Agreements Regional economic agreements were the main achievements of these meetings. However, the ASEAN Plus Three sessions identified other areas for cooperation, including deeper cooperation in investment and finance, expanded security dialogue and cooperation, expanded cultural exchanges, and periodic progress reviews. Perhaps the most dramatic developments have occurred in regional financial cooperation. Finance ministers of the ASEAN+3 countries have launched an Asian Bond Markets Initiative and the regional central bankers group set up two Asian Bond Funds in early 2005. These are key steps in addressing one of the major weaknesses in the region's development as indicated by the currency and financial crisis that struck large parts of the region in 1997: the heavy reliance by firms on short-term bank loans for financing. As Jennifer Amyx notes, many countries in East Asia maintain high savings rates but, because of the absence of stable long-term debt markets, the savings deposited into local banks tended to be funneled out to international financial centers and then back into the region as short-term foreign currency loans. This situation creates a problem referred to as a "double mismatch" -- that is, a mismatch between debt maturities (short-term borrowing for long-term investments) and the denomination of this debt (in foreign rather than local currencies). [2] The ASEAN+3 finance ministers had earlier set up a network of bilateral currency swaps to permit a country beset by a speculative attack to draw on reserves of other nations. The program -- the Chiang Mai Initiative (CMI) -- went into effect at the end of 2003. Japan, with the largest reserves in the region, led negotiations over swap arrangements and will play the role of arbitrator for currency loans. China, another potential lender with substantial reserves in excess of potential needs, also lent its support to the CMI. Widespread participation by ASEAN Plus Three members in these initiatives encourages smooth financial liberalization processes and thereby bolsters regional stability. It also reinforces the efforts of various working groups to improve transparency and information dissemination and to strengthen settlement systems and regulatory reforms. China's shift to a more proactive position on regional financial cooperation has **greatly facilitated** these recent financial developments. **As a result, interdependence** between the Chinese economy and other economies **in the region has** deepened significantly **in recent years**. Today, trade by ASEAN member nations with China far exceeds trade conducted within the ASEAN grouping, while China is predicted to soon overtake the United States as Japan's top trading partner. Levels of investment in China by countries in the region are also extremely high. The **worst case scenario** is not Chinese domination but a Chinese meltdown, as many regional monetary authorities are quick to note.

## Solv

#### Obama can circumvent the plan- covert loopholes

Lohmann 1-28-13 [Julia, director of the Harvard Law National Security Research Committee, BA in political science from the University of California, Berkeley, “Distinguishing CIA-Led from Military-Led Targeted Killings,” <http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/effects-of-particular-tactic-on-issues-related-to-targeted-killings/>]

The U.S. military—in particular, the Special Operations Command (SOCOM), and its subsidiary entity, the Joint Special Operations Command (JSOC)—is responsible for carrying out military-led targeted killings.¶ Military-led targeted killings are subject to various legal restrictions, including a complex web of statutes and executive orders. For example, because the Covert Action Statute does not distinguish among institutions undertaking covert actions, targeted killings conducted by the military that fall within the definition of “covert action” set forth in 50 U.S.C. § 413(b) are subject to the same statutory constraints as are CIA covert actions. 50 U.S.C. § 413b(e). However, as Robert Chesney explains, many military-led targeted killings may fall into one of the CAS exceptions—for instance, that for traditional military activities—so that the statute’s requirements will not always apply to military-led targetings. Such activities are exempted from the CAS’s presidential finding and authorization requirements, as well as its congressional reporting rules.¶ Because such unacknowledged military operations are, in many respects, indistinguishable from traditional covert actions conducted by the CIA, this exception may provide a “loophole” allowing the President to circumvent existing oversight mechanisms without substantively changing his operational decisions. However, at least some military-led targetings do not fall within the CAS exceptions, and are thus subject to that statute’s oversight requirements. For instance, Chesney and Kenneth Anderson explain, some believe that the traditional military activities exception to the CAS only applies in the context of overt hostilities, yet it is not clear that the world’s tacit awareness that targeted killing operations are conducted (albeit not officially acknowledged) by the U.S. military, such as the drone program in Pakistan, makes those operations sufficiently overt to place them within the traditional military activities exception, and thus outside the constraints of the CAS.¶ Chesney asserts, however, that despite the gaps in the CAS’s applicability to military-led targeted killings, those targetings are nevertheless subject to a web of oversight created by executive orders that, taken together, largely mirrors the presidential authorization requirements of the CAS. But, this process is not enshrined in statute or regulation and arguably could be changed or revoked by the President at any time. Moreover, this internal Executive Branch process does not involve Congress or the Judiciary in either ex ante or ex post oversight of military-led targeted killings, and thus, Philip Alston asserts, it may be insufficient to provide a meaningful check against arbitrary and overzealous Executive actions.

#### WPR fails to constraint the executive

Crook 12

(John R. Cook has been practicing law since 1968 and has more than 44 years handling all aspects of civil litigation. “The War Powers Resolution: A Dim and Fading Legacy,” Case Western Reserve International Law Review, Vol 25., 2012, Accessed via GMU Libraries HeinOnline, Last Accessed 8/14/13) ELJ

The 1973 War Powers Resolution, adopted over the veto of a weakened President Nixon after the Vietnam War, has not fulfilled its supporters' hope of a stronger Congressional role in decisions involving U.S. uses of force. No administration has accepted its key provisions' constitutionality, and Congress has been unwilling or unable to perform the role it set for itself of approving or terminating the introduction of U.S. forces into hostilities. Hence, the Resolution has had only modest impact. Despite occasional debates regarding compliance, it has not materially affected successive presidents' decisions to use force. It seems likely to have less impact in the future, given Congress's broad authorization for the use of force following the 9/11 attacks and the changing nature of warfare, including the growing role of non-military actors, cyber warfare and other new forms of conflict, secret operations, and remotely piloted weapons.

#### Cause of action still remains deferential to the executive---provides no accountability

Wexler 13 Lesley Wexler is Professor Thomas M. Mengler Faculty Scholar @ University of Illinois College of Law, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests,” 5-8-13, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2262412&download=yes>, DOA: 9-30-13, y2k

Law professor Stephen Vladeck has instead suggested legislation to establish a judicial damages regime for unlawful targeted killings.114 Such legislation would create an express cause of an action for nominal damages arising out of unlawful targeted killings and reform the barriers identified in the al-Aulaqi suits such as the state secrets privilege and sovereign and official immunity doctrines. Unlike a drone court’s focus on prospective listing, damage suits use a retrospective view which Vladeck believes will prevent them from increasing in targeted killings.115 Vladeck suggests judges are better suited to such a role given their experience in activities like reviewing combatant status for detention and determining after the fact legitimacy in police officer excessive force suits. Although these suits would likely be resolved “under extraordinary secrecy” and thus provide only very limited public transparency, they may enhance accountability beyond the status quo or beyond a drone court. Yet such accountability would be fairly deferential as Vla-deck suggests suits might integrate the executive branch’s internal procedures and accord some re-spect to executive branch after-action reviews.

#### oversight fails

Sorcher 13 National Security Insiders: It's Possible for Congress to Oversee Drone Program, Sara Sorcher, Staff Writer, National Security, May 30, 2013, National Journal’s National Security Insiders Poll is a periodic survey of defense and foreign policy experts, http://www.nationaljournal.com/insiders-polls/nationalsecurity/national-security-insiders-it-s-possible-for-congress-to-oversee-drone-program-20130311

Some Insiders, even as they stressed oversight is possible, cast doubt on the extent to which Congress should be involved. "Congress's oversight should be periodic reviews — not daily operational reviews," one Insider said. Another added: "Congress cannot and should not micromanage."¶ Others cautioned that lawmakers would need to assert themselves on this issue to achieve oversight responsibilities. It is possible for Congress to keep the executive branch in check, an Insider said, only if members “are willing to use their constitutional power of the purse to enforce their oversight of defense and intelligence programs.”¶ Another 39 percent said proper oversight from Congress is not possible. "Congressional oversight is usually an oxymoron. The institution lacks the expertise and accountability to objectively evaluate these issues, and they're divided along partisan lines," one Insider said. "We need an external blue ribbon commission to take a look at what can/cannot be said/done."¶ Congress is a political animal, another Insider added. "Regrettably, details on drone strikes given to the Senate will inevitably be leaked and made public. This is one of the reasons the framers of the Constitution made the president the commander in chief of the armed forces."

# 2NC

## CP

#### Self-restraint solves- internal SOP

Nathan Alexander Sales 12, Assistant Professor of Law, George Mason University School of Law, 8/29/2012, Self-Restraint and National Security, http://jnslp.com/2012/08/29/self-restraint-and-national-security/

As we’ve seen, certain officials within military and intelligence agencies – general counsels, legal advisors, and other watchdogs – are responsible for ensuring that national security operations comply with the relevant domestic and international legal requirements. These players intervene to rule out missions they believe would cross a legal line. But sometimes they go beyond that basic function – ensure compliance with the law, full stop – and reject operations that, while lawful, are thought to be undesirable on policy grounds. That is, they impose self-restraints that are stricter than the applicable laws. Why? One way to answer that question is to consider the individual and institutional incentives that color the behavior of military and intelligence officials. Looking at the government’s national security apparatus through the lens of public choice theory (especially the idea that bureaucrats are rationally self interested actors who seek to maximize their utility152) and basic agency relationships (e.g., the relationships between senior policymakers and the subordinates who act on their behalf153) reveals a complex system in which power is distributed among a number of different nodes. The executive branch “is a ‘they,’ not an ‘it.’”154 The national security community in particular is subdivided into various semiautonomous entities, each of which promotes its own parochial interests within the system and, in so doing, checks the like ambitions of rival entities;155 the government thus is subject to what Neal Katyal has called the “internal separation of powers.”156 These basic insights into how military and intelligence agencies operate suggest several possible explanations for why self-restraint occurs. As elaborated in this Part, such constraints might result from systematic asymmetries in the expected value calculations of senior policymakers and their lawyers. In addition, as explained in Part IV, self-restraint might occur due to bureaucratic empire building by officials who review operations for compliance with domestic and international law. A. A Simple Framework One possible explanation for why the government stays its own hand is expected value asymmetry. This reluctance to push the envelope is a rational and predictable response to powerful bureaucratic incentives. Officials tend to be cautious because the costs they expect to incur as a result of forward-leaning and aggressive action usually are greater than the expected benefits. Similarly, government employment rules and other mechanisms make it easier to internalize onto individual bureaucrats the costs of a failed operation than the benefits of a successful one.157 National security players typically have more to lose from boldness than to gain, and that asymmetry inclines them to avoid risky behavior.158 While all members of the national security community experience some cost-benefit asymmetry, senior policymakers and their lawyers seem especially cautious. Attorneys who review proposed operations for legality therefore look askance at risky missions. They tend to veto proposals that, while legal, could inspire propaganda campaigns by adversaries, expose officials to ruinous investigations, or worse. The result is self-restraint – officials rule out operations that they regard as lawful because of fears they will prove too costly.

#### The entire executive branch will comply with the OLC

Johnsen 7, professor of law at Indiana University, August 2007¶ (Dawn, “The Role of Institutional Context in Constitutional Law: Faithfully Executing the Laws: Internal Legal Constraints on Executive Power,” 54 UCLA L. Rev. 1559, Lexis)

The Torture Opinion thrust into the public eye a previously obscure, though enormously influential, office within the Department of Justice: the Office of Legal Counsel. The constitutional text and structure make plain the President's obligation to act in conformity with the law and to ensure that all in the executive branch do the same as they perform myriad responsibilities. To fulfill their oath of office n82 and obligation to "take Care that the Laws be faithfully executed," n83 Presidents require a reliable source of legal advice. In recent decades OLC has filled that role. Thus, OLC's core function is to provide the legal advice that the President - and, by extension, the entire executive branch - needs to faithfully execute the laws.¶ [\*1577] OLC functions as a kind of general counsel to the numerous other top lawyers in the executive branch who tend to send OLC their most difficult and consequential legal questions. n84 OLC's staff of about two dozen lawyers (most of whom are career employees, led by several political appointees) responds to legal questions from the counsel to the President, the attorney general, the general counsels of the various executive departments and agencies, and the assistant attorneys general for the other components of the Department of Justice. A relatively high percentage of OLC's work comes from the White House or otherwise involves the White House. Regulations require the submission of legal disputes between executive branch agencies to OLC for resolution. n85 **By virtue of regulation and tradition**, **OLC's legal interpretations** typically **are** considered binding within the executive **branch**, unless overruled by the attorney general or the President (an exceedingly rare occurrence). n86¶ OLC's advice therefore ordinarily must be followed **by the entire executive branch**, from the counsel to the President and cabinet officers to the military and career administrators, **regardless of any disagreement or unhappiness**. The President, however, may overrule the advice through formal means or simply by declining to follow it. To take a quasi-hypothetical example, if the CIA wanted to use waterboarding to interrogate a detainee but the Department of Justice's criminal division and the U.S. Department of State believed that doing so would be illegal, OLC would resolve that dispute. The CIA would be bound by an OLC conclusion that waterboarding was unlawful. The President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds. [\*1578] Of course, even if OLC were to find waterboarding lawful, the President or other appropriate officials could make the policy determination not to use it as a method of interrogation. The President or the attorney general also could disagree with OLC's interpretation of the relevant law and prohibit waterboarding on legal grounds.

#### Executive orders send a strong signal

Sovacool 9 Benjamin – Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization and Assistant Professor at the Lee Kuan Yew School of Public Policy at the National University of Singapore, “Preventing National Electricity-Water Crisis Areas in the United States”, 2009, 34 Colum. J. Envtl. L. 333, lexis

3. Symbolism Executive Orders can often send a stronger signal - both [\*387] domestically and globally - than either legislation or court action. The Office of the President holds deep symbolic meaning for many Americans. Presidential action can influence public opinion, especially since most citizens perceive the President as the paradigmatic leader of the country as the Commander-in-Chief of its armed forces. n299 Presidential leadership, coupled with its frequent monopoly of media attention, means that presidential action brings with it an enhanced level of effectiveness. n300 Moreover, presidential action often has greater international significance. The President and cabinet officials meet with foreign leaders and officials far more frequently than do agents of Congress or the courts, and they do so in smaller and less-public settings, meaning that their actions are more likely to influence the global agenda. n301 In this type of a situation, when entrenched interests and shortsightedness have bogged down policymaking, Presidential action can promote progressive change and justice. Thomas Jefferson issued an Executive Order in 1803 to complete the Louisiana Purchase; President Lincoln issued an Executive Order in 1863 to free the slaves (an action later known as the "Emancipation Proclamation"); President Truman used an Executive Order to force the racial integration of the armed forces; President Eisenhower used one to force all federal contractors to post public notice of their nondiscrimination in hiring; Presidents Kennedy and Johnson used Executive Orders to require affirmative action in federal contracting and to ban racial discrimination in federal housing; and President Nixon used an Executive Order to create the EPA. n302

#### Executive ensures accountability while protecting national security

Murphy & Radsan 9 Richard Murphy is the AT&T Professor of Law, Texas Tech University School of Law. Afsheen John Radsan is a Professor, William Mitchell College of Law. He was assistant general counsel at the Central Intelligence Agency from 2002-2004., DUE PROCESS AND TARGETED KILLING OF TERRORISTS

Internal investigations, however, do not always pose a plausible threat to national security. Consider the Predator program. Within the CIA, the task of investigating the legality of its actions is entrusted to the CIA‘s Inspector General (IG). He holds an office created by statute, is subject to Senate confirmation, and can only be removed by the President.244 Where the IG‘s investigation finds evidence of criminality, he or she refers the matter to the Department of Justice for further investigation and possible prosecution.245 One could easily impose a categorical requirement that all CIA targeted killings be subject to IG review. To support the IG, review teams could be established within the CIA‘s Clandestine Service or existing ―accountability boards‖ could be used. The CIA‘s Office of General Counsel could also play a role. And the National Security Council, a link between the CIA and the White House, could coordinate the internal oversight. Review within the CIA ensures the proper handling of classified information. Plus, internal review protects private interests by encouraging careful, sparing use of targeted killing and by ensuring some accountability when mistakes or abuses do occur. The increasing accountability on Predator strikes, in turn, serves an even broader interest in the legitimacy and fairness of deadly government action. Thus, the Mathews balance favors an intra-executive review at least as intrusive as IG review.

#### Self-restraint generates polcap

Sales 12 Assistant Professor of Law, George Mason University School of Law (7/3, Nathan Alexander, Journal of National Security Law & Policy, 6.227, “Self-Restraint and National Security”)

My use of this analytical framework is not intended to deny the validity ¶ of other possible explanations for self-restraint. For instance, Eric Posner ¶ and Adrian Vermeule argue that Presidents have an incentive to engage in ¶ “self binding,” because it will enhance their credibility and “generate ¶ support from the public and other members of the government.”45 Elizabeth ¶ Magill likewise argues that bureaucrats sometimes find it advantageous to ¶ “self-regulate” – i.e., “limit their options when no source of authority ¶ requires them to do so” – as a means of controlling subordinates, inducing ¶ reliance by outside parties, and entrenching today’s policy choices.46 Still ¶ more accounts emerge if we widen the analytical lens beyond public choice ¶ principles. One might explain self-restraints by consulting theories of ¶ bounded rationality – the notion that imperfect information, cognitive ¶ failures, and other factors prevent bureaucratic players from accurately ¶ measuring the expected costs and benefits of a given action.47 Or one might ¶ look to new institutionalism – the notion that bureaucratic outputs are ¶ determined in large part by organizations’ cultures, histories, and ¶ structures.48 And, of course, there are the public interest explanations: ¶ Officials might embrace a particular restraint because they believe in good ¶ faith that it represents sound public policy. The public interest framework ¶ may actually complement, not contradict, this article’s public choice story. ¶ One of the reasons officials might build their bureaucratic empires is ¶ because they calculate that doing so will position them to achieve desirable ¶ policy outcomes. In any event, the point of this article is to generate ¶ hypotheses that can account for the occasional tendency of national security ¶ figures to restrain themselves. Other frameworks are likely to yield equally ¶ plausible alternative hypotheses.

#### CP avoids congressional fights

Fine 12 Jeffrey A. Fine, assistant professor of political science at Clemson University. He has published articles in the Journal of Politics, Political Research Quarterly, and Political Behavior. Adam L. Warber is an associate professor of political science at Clemson University. He is the author of Executive Orders and the Modern Presidency, Presidential Studies Quarterly, June 2012, " Circumventing Adversity: Executive Orders and Divided Government", Vol. 42, No. 2, Ebsco

We also should expect presidents to prioritize and be strategic in the types of executive orders that they create to maneuver around a hostile Congress. There are a variety of reasons that can drive a president’s decision. For example, presidents can use an executive order to move the status quo of a policy issue to a position that is closer to their ideal point. **By doing so, presidents are able to pressure Congress to respond**, perhaps by passing a new law that represents a compromise between the preferences of the president and Congress. Forcing Congress’s hand to enact legislation might be a preferred option for the president, if he perceives Congress to be unable or unwilling to pass meaningful legislation in the ﬁrst place. While it is possible that such unilateral actions might spur Congress to pass a law to modify or reverse a president’s order, such responses by Congress are rare (Howell 2003, 113-117; Warber 2006, 119). Enacting a major policy executive order allows the president to move the equilibrium toward his preferred outcomewithout having to spend time lining up votes or forming coalitions with legislators**.** As a result, and since reversal from Congress is unlikely, presidents have a greater incentive to issue major policy orders to overcome legislative hurdles.

#### The CP creates a reputational cost to backsliding

Eric Posner and Vermeule 7, Professor of Law, The University of Chicago Law School, and Adrian Vermeule, Professor of Law, Harvard Law School, 2007, The Credible Executive, 74 U. Chi. L. Rev. 865

As we noted earlier, legal scholars rarely note the problem of executive credibility, preferring to dwell on the problem of aggrandizement by ill-motivated presidents. Ironically, this assumption that presidents seek to maximize power has obscured one of the greatest constraints on aggrandizement, namely, the president's own interest in maintaining his credibility. Neither a well-motivated nor an ill-motivated president can accomplish his goals if the public does not trust him. n34 This concern with reputation may **put a** far greater check **on the president's actions than** do the **reactions of the other branches of the government.**

## DA

#### Very Probable- conflict is inevitable it’s a question of containing escalation

Kagan 7 End of Dreams, Return of History, Robert Kagan, senior associate at the Carnegie Endowment for International Peace and senior transatlantic fellow at the German Marshall Fund, July 17, 2007, policy review, no. 144, http://www.hoover.org/publications/policy-review/article/6136

Finally, there is the United States itself. As a matter of national policy stretching back across numerous administrations, Democratic and Republican, liberal and conservative, Americans have insisted on preserving regional predominance in East Asia; the Middle East; the Western Hemisphere; until recently, Europe; and now, increasingly, Central Asia. This was its goal after the Second World War, and since the end of the Cold War, beginning with the first Bush administration and continuing through the Clinton years, the United States did not retract but expanded its influence eastward across Europe and into the Middle East, Central Asia, and the Caucasus. Even as it maintains its position as the predominant global power, it is also engaged in hegemonic competitions in these regions with China in East and Central Asia, with Iran in the Middle East and Central Asia, and with Russia in Eastern Europe, Central Asia, and the Caucasus. The United States, too, is more of a traditional than a postmodern power, and though Americans are loath to acknowledge it, they generally prefer their global place as “No. 1” and are equally loath to relinquish it. Once having entered a region, whether for practical or idealistic reasons, they are remarkably slow to withdraw from it until they believe they have substantially transformed it in their own image. They profess indifference to the world and claim they just want to be left alone even as they seek daily to shape the behavior of billions of people around the globe. The jostling for status and influence among these ambitious nations and would-be nations is a second defining feature of the new post-Cold War international system. Nationalism in all its forms is back, if it ever went away, and so is international competition for power, influence, honor, and status. American predominance prevents these rivalries from intensifying — its regional as well as its global predominance. Were the United States to diminish its influence in the regions where it is currently the strongest power, the other nations would settle disputes as great and lesser powers have done in the past: sometimes through diplomacy and accommodation but often through confrontation and wars of varying scope, intensity, and destructiveness. One novel aspect of such a multipolar world is that most of these powers would possess nuclear weapons. That could make wars between them less likely, or it could simply make them more catastrophic. It is easy but also dangerous to underestimate the role the United States plays in providing a measure of stability in the world even as it also disrupts stability. For instance, the United States is the dominant naval power everywhere, such that other nations cannot compete with it even in their home waters. They either happily or grudgingly allow the United States Navy to be the guarantor of international waterways and trade routes, of international access to markets and raw materials such as oil. Even when the United States engages in a war, it is able to play its role as guardian of the waterways. In a more genuinely multipolar world, however, it would not. Nations would compete for naval dominance at least in their own regions and possibly beyond. Conflict between nations would involve struggles on the oceans as well as on land. Armed embargos, of the kind used in World War i and other major conflicts, would disrupt trade flows in a way that is now impossible. Such order as exists in the world rests not only on the goodwill of peoples but also on American power. Such order as exists in the world rests not merely on the goodwill of peoples but on a foundation provided by American power. Even the European Union, that great geopolitical miracle, owes its founding to American power, for without it the European nations after World War ii would never have felt secure enough to reintegrate Germany. Most Europeans recoil at the thought, but even today Europe ’s stability depends on the guarantee, however distant and one hopes unnecessary, that the United States could step in to check any dangerous development on the continent. In a genuinely multipolar world, that would not be possible without renewing the danger of world war. People who believe greater equality among nations would be preferable to the present American predominance often succumb to a basic logical fallacy. They believe the order the world enjoys today exists independently of American power. They imagine that in a world where American power was diminished, the aspects of international order that they like would remain in place. But that ’s not the way it works. International order does not rest on ideas and institutions. It is shaped by configurations of power. The international order we know today reflects the distribution of power in the world since World War ii, and especially since the end of the Cold War. A different configuration of power, a multipolar world in which the poles were Russia, China, the United States, India, and Europe, would produce its own kind of order, with different rules and norms reflecting the interests of the powerful states that would have a hand in shaping it. Would that international order be an improvement? Perhaps for Beijing and Moscow it would. But it is doubtful that it would suit the tastes of enlightenment liberals in the United States and Europe. The current order, of course, is not only far from perfect but also offers no guarantee against major conflict among the world ’s great powers. Even under the umbrella of unipolarity, regional conflicts involving the large powers may erupt. War could erupt between China and Taiwan and draw in both the United States and Japan. War could erupt between Russia and Georgia, forcing the United States and its European allies to decide whether to intervene or suffer the consequences of a Russian victory. Conflict between India and Pakistan remains possible, as does conflict between Iran and Israel or other Middle Eastern states. These, too, could draw in other great powers, including the United States. Such conflicts may be unavoidable no matter what policies the United States pursues. But they are more likely to erupt if the United States weakens or withdraws from its positions of regional dominance. This is especially true in East Asia, where most nations agree that a reliable American power has a stabilizing and pacific effect on the region. That is certainly the view of most of China ’s neighbors. But even China, which seeks gradually to supplant the United States as the dominant power in the region, faces the dilemma that an American withdrawal could unleash an ambitious, independent, nationalist Japan. Conflicts are more likely to erupt if the United States withdraws from its positions of regional dominance. In Europe, too, the departure of the United States from the scene — even if it remained the world’s most powerful nation — could be destabilizing. It could tempt Russia to an even more overbearing and potentially forceful approach to unruly nations on its periphery. Although some realist theorists seem to imagine that the disappearance of the Soviet Union put an end to the possibility of confrontation between Russia and the West, and therefore to the need for a permanent American role in Europe, history suggests that conflicts in Europe involving Russia are possible even without Soviet communism. If the United States withdrew from Europe — if it adopted what some call a strategy of “offshore balancing” — this could in time increase the likelihood of conflict involving Russia and its near neighbors, which could in turn draw the United States back in under unfavorable circumstances. It is also optimistic to imagine that a retrenchment of the American position in the Middle East and the assumption of a more passive, “offshore” role would lead to greater stability there. The vital interest the United States has in access to oil and the role it plays in keeping access open to other nations in Europe and Asia make it unlikely that American leaders could or would stand back and hope for the best while the powers in the region battle it out. Nor would a more “even-handed” policy toward Israel, which some see as the magic key to unlocking peace, stability, and comity in the Middle East, obviate the need to come to Israel ’s aid if its security became threatened. That commitment, paired with the American commitment to protect strategic oil supplies for most of the world, practically ensures a heavy American military presence in the region, both on the seas and on the ground. The subtraction of American power from any region would not end conflict but would simply change the equation. In the Middle East, competition for influence among powers both inside and outside the region has raged for at least two centuries. The rise of Islamic fundamentalism doesn ’t change this. It only adds a new and more threatening dimension to the competition, which neither a sudden end to the conflict between Israel and the Palestinians nor an immediate American withdrawal from Iraq would change. The alternative to American predominance in the region is not balance and peace. It is further competition. The region and the states within it remain relatively weak. A diminution of American influence would not be followed by a diminution of other external influences. One could expect deeper involvement by both China and Russia, if only to secure their interests. And one could also expect the more powerful states of the region, particularly Iran, to expand and fill the vacuum. It is doubtful that any American administration would voluntarily take actions that could shift the balance of power in the Middle East further toward Russia, China, or Iran. The world hasn ’t changed that much. An American withdrawal from Iraq will not return things to “normal” or to a new kind of stability in the region. It will produce a new instability, one likely to draw the United States back in again. The alternative to American regional predominance in the Middle East and elsewhere is not a new regional stability. In an era of burgeoning nationalism, the future is likely to be one of intensified competition among nations and nationalist movements. Difficult as it may be to extend American predominance into the future, no one should imagine that a reduction of American power or a retraction of American influence and global involvement will provide an easier path.

#### Substantial court deference on national security- our evidence cites trends and is predictive

Bazzle 12 SHUTTING THE COURTHOUSE DOORS: INVOKING THE STATE SECRETS PRIVILEGE TO THWART JUDICIAL REVIEW IN THE AGE OF TERROR, Timothy Bazzle, J.D., Georgetown University Law Center, 2011; M.I.A., School of International and Pub- lic Affairs at Columbia University, 2006; A.B. History and Literature, Harvard University, 2001. Mr. Bazzle is a litigation associate at Goodwin Procter LLP, 2012, http://civilrightslawjournal.com/issues/23.29.pdf

The war on terror has led to an increased use of the state secrets privilege by the Executive Branch—to dismiss legal challenges to widely publicized and controversial government actions—ostensibly aimed at protecting national security from terrorist threats.1 Faced with complaints that allege indiscriminate and warrantless surveil- lance,2 tortious detention, and torture that flouts domestic and inter- national law,3 courts have had to reconcile impassioned appeals for private justice with the government’s unyielding insistence on protect- ing national security. Courts, almost unanimously, have cast their lot with national security, granting considerable deference to government assertions of the state secrets principle. This deference to state secrets shows no signs of abating; indeed, the growing trend is for courts to dismiss these legal challenges pre-discovery,4 even before the private litigants have had the chance to present actual, non-secret evidence to meet their burden of proof. Although many looked optimistically at President Obama’s inauguration as a chance to break decisively from the Bush Administration’s aggressive application of the state secrets privilege,5 the Obama Administration has largely disappointed on the state-secrets front, asserting the privilege with just as much fervor—if not as much regularity6—as its predecessor.7

#### It spills over to destabilize all war powers

Heder 10 Adam, J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan. 122 A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question. 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is no constitutional provision on whether Congress has the legislative power to limit, end, or otherwise redefine the scope of a war. Though Justice Powell argues in Goldwater that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,” 126 the same cannot be said about Congress’s legislative authority to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully declined to grant Congress such powers. And as this Article argues, granting Congress this power would be inconsistent with the general war powers structure of the Constitution. Such a reading of the Constitution would unnecessarily empower Congress and tilt the scales heavily in its favor. More over, it would strip the President of his Commander in Chief authority to direct the movement of troops at a time when the Executive’s expertise is needed. 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

#### Congressional restrictions undermine leadership- slow and prone to inaction

Yoo 12 War Powers Belong to the President, Feb 1, 2012, John Yoo, law professor at the University of California at Berkeley, former

Justice Department deputy assistant attorney general, http://www.abajournal.com/magazine/article/war\_powers\_belong\_to\_the\_president

The most important of the president’s powers are commander in chief and chief executive. As Alexander Hamilton wrote in Federalist 74, “The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.” Presidents should conduct war, he wrote, because they could act with “decision, activity, secrecy and dispatch.” In perhaps his most famous words, Hamilton wrote: “Energy in the executive is a leading character in the definition of good government. ... It is essential to the protection of the community against foreign attacks.”¶ The framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action—sometimes under pressured or even emergency circumstances—that is best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. Congress is too large and unwieldy to take the swift and decisive action required in wartime. Our framers replaced the Articles of Confederation, which had failed in the management of foreign relations because they had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’ loose, decentralized structure would paralyze American policy while foreign threats grow.¶ Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure.¶ Congress’ track record when it has opposed presidential leadership has not been a happy one. Perhaps the most telling example was the Senate’s rejection of the Treaty of Versailles at the end of World War I. Congress’ isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed the Neutrality Acts designed to keep the United States out of the conflict. President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president’s foreign adventurism, the real threat to our national security may come from inaction and isolationism. Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War and the passage of the ineffectual War Powers Resolution. Congress passed the resolution in 1973 over President Richard Nixon’s veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it.

#### Judicial interference creates a chilling effect that prevents the execution of targeted killing missions

Alston, NYU Law Professor, 2011,

(Philip, "ARTICLE: The CIA and Targeted Killings Beyond Borders", Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, PAS) Accessed on LexisNexis 10-10-13

Three conclusions can be drawn from this survey of potential judicial remedies for CIA misconduct or illegality in relation to targeted killings. The first is that a virtual consensus seems to be shared by the executive branch, Congress, and the courts that alleged misconduct by the CIA should almost never be subjected to domestic legal adjudication. The second is that by dint of various judicially created doctrines, such as the state secrets privilege, U.S. courts have abdicated responsibility in situations in which the courts in countries like Israel, the United Kingdom, Canada, and Australia, and the European Court of Human Rights (monitoring the situation in 47 European states), have all chosen to declare to be justiciable at least in part. The third conclusion is that each branch tends to assume that the other holds open at least some remedial possibilities, while remaining steadfast in not providing it themselves. Congress looks to the courts, the courts look to Congress, and the CIA invokes Congressional oversight in its defense.¶ The final link in this vicious circle is that the CIA itself will go to great lengths to avoid any criminal prosecution of its personnel. This was clearly illustrated when Attorney General Eric Holder appointed a prosecutor to examine whether those involved in the CIA's interrogations [\*401] program had committed any criminal offences. Almost immediately, seven former CIA Directors requested the President to terminate the inquiry on various grounds. They included the need for "permanence in the legal rules" governing the measures taken by such personnel, the risk that the disclosure of information would assist al Qaeda, that foreign intelligence agencies would in future be reluctant to cooperate with the CIA, and that the nation's ability to protect itself would be seriously damaged. n430 The former Attorney General called the investigation "absolutely outrageous" and "unconscionable" and added that "it's going to do no good and demoralize [the CIA] for a long time." n431 After two years, the Attorney General announced that all but two of the almost 100 cases referred to the prosecutor had been closed. n432 In response, the chair of the House Intelligence Committee noted that "an undeserved cloud of doubt and suspicion" had finally been lifted from the CIA and expressed the hope that the CIA could henceforth "move forward with their critical work free from the chilling effect of further investigation," n433 while the ranking member of the Senate Judiciary Committee expressed relief that "our intelligence professionals in the field can stop looking over their shoulders" and [\*402] suggested that the Attorney General should "quit armchair quarterbacking intelligence decisions in the field." n434

#### Military strength is key to the international order- solves great power war

Kagan 12 The importance of U.S. military might shouldn’t be underestimated, February 2, 2012, Robert Kagan, a senior fellow at the Brookings Institution, http://www.washingtonpost.com/opinions/the-importance-of-us-military-might-shouldnt-be-underestimated/2012/02/02/gIQAX5pVlQ\_story.html

These days “soft” power and “smart” power are in vogue (who wants to make the case for “dumb” power?) while American “hard” power is on the chopping block. This is, in part, a symbolic sacrifice to the fiscal crisis — even though the looming defense cuts are a drop in the bucket compared with the ballooning entitlement spending that is not being cut. And partly this is the Obama administration’s election-year strategy of playing to a presumably war-weary nation. But there is a theory behind all this: The United States has relied too much on hard power for too long, and to be truly effective in a complex, modern world, the United States needs to emphasize other tools. It must be an attractive power, capable of persuading rather than compelling. It must convene and corral both partners and non-partners, using economic, diplomatic and other means to “leverage” American influence. These are sensible arguments. Power takes many forms, and it’s smart to make use of all of them. But there is a danger in taking this wisdom too far and forgetting just how important U.S. military power has been in building and sustaining the present liberal international order. That order has rested significantly on the U.S. ability to provide security in parts of the world, such as Europe and Asia, that had known endless cycles of warfare before the arrival of the United States. The world’s free-trade, free-market economy has depended on America’s ability to keep trade routes open, even during times of conflict. And the remarkably wide spread of democracy around the world owes something to America’s ability to provide support to democratic forces under siege and to protect peoples from dictators such as Moammar Gaddafi and Slobodan Milosevic. Some find it absurd that the United States should have a larger military than the next 10 nations combined. But that gap in military power has probably been the greatest factor in upholding an international system that, in historical terms, is unique — and uniquely beneficial to Americans. Nor should we forget that this power is part of what makes America attractive to many other nations. The world has not always loved America. During the era of Vietnam and Watergate and the ugly last stand of segregationists, America was often hated. But nations that relied on the United States for security from threatening neighbors tended to overlook the country’s flaws. In the 1960s, millions of young Europeans took to the streets to protest American “imperialism,” while their governments worked to ensure that the alliance with the United States held firm. Soft power, meanwhile, has its limits. No U.S. president has enjoyed more international popularity than Woodrow Wilson did when he traveled to Paris to negotiate the treaty ending World War I. He was a hero to the world, but he found his ability to shape the peace, and to establish the new League of Nations, severely limited, in no small part by his countrymen’s refusal to commit U.S. military power to the defense of the peace. John F. Kennedy, another globally admired president, found his popularity of no use in his confrontations with Nikita Khrushchev, who, by Kennedy’s own admission, “beat the hell out of me” and who may have been convinced by his perception of Kennedy’s weakness that the United States would tolerate his placing Soviet missiles in Cuba. The international system is not static. It responds quickly to fluctuations in power. If the United States were to cut too deeply into its ability to project military power, other nations could be counted on to respond accordingly. Those nations whose power rises in relative terms would display expanding ambitions commensurate with their new clout in the international system. They would, as in the past, demand particular spheres of influence. Those whose power declined in relative terms, like the United States, would have little choice but to cede some influence in those areas. Thus China would lay claim to its sphere of influence in Asia, Russia in eastern Europe and the Caucasus. And, as in the past, these burgeoning great-power claims would overlap and conflict: India and China claim the same sphere in the Indian Ocean; Russia and Europe have overlapping spheres in the region between the Black Sea and the Baltic. Without the United States to suppress and contain these conflicting ambitions, there would have to be complex adjustments to establish a new balance. Some of these adjustments could be made through diplomacy, as they were sometimes in the past. Other adjustments might be made through war or the threat of war, as also happened in the past. The biggest illusion is to imagine that as American power declines, the world stays the same. What has been true since the time of Rome remains true today: There can be no world order without power to preserve it, to shape its norms, uphold its institutions, defend the sinews of its economic system and keep the peace. Military power can be abused, wielded unwisely and ineffectively. It can be deployed to answer problems that it cannot answer or that have no answer. But it is also essential. No nation or group of nations that renounced power could expect to maintain any kind of world order. If the United States begins to look like a less reliable defender of the present order, that order will begin to unravel. People might indeed find Americans very attractive in this weaker state, but if the United States cannot help them when and where they need help the most, they will make other arrangements.

#### Capability outweighs credibility

Steve Chapman 13 9/5/13, columnist and editorial writer for the Chicago Tribune, “War in Syria: The Endless Quest for Credibility,” http://reason.com/archives/2013/09/05/war-in-syria-the-endless-quest-for-credi

The United States boasts the most powerful military on Earth. We have 1.4 million active-duty personnel, thousands of tanks, ships and planes, and 5,000 nuclear warheads. We spend more on defense than the next 13 countries combined. Yet we are told we have to bomb Syria to preserve our credibility in world affairs.¶ Really? You'd think it would be every other country that would need to confirm its seriousness. Since 1991, notes University of Chicago security scholar John Mearsheimer, the U.S. has been at war in two out of every three years. If we haven't secured our reputation by now, it's hard to imagine we ever could.¶ On the surface, American credibility resembles a mammoth fortress, impervious to anything an enemy could inflict. But to crusading internationalists, both liberal and conservative, it's a house of cards: The tiniest wrong move, and it collapses.¶ In a sense, though, they're right. The U.S. government doesn't have to impress the rest of the world with its willingness to defend against actual attacks or direct threats. But it does have to continually persuade everyone that we will lavish blood and treasure for purposes that are irrelevant to our security.¶ Syria illustrates the problem. Most governments don't fight unless they are attacked or have dreams of conquest and expansion. War is often expensive and debilitating even for the winners, and it's usually catastrophic for losers. Most leaders do their best to avoid it.¶ So even though the Syrian government is a vicious, repressive dictatorship with a serious grudge against Israel, it has mostly steered clear of military conflict. Not since 1982 has it dared to challenge Israel on the battlefield. When Israeli warplanes vaporized a Syrian nuclear reactor in 2007, Bashar al-Assad did nothing. The risks of responding were too dire.¶ But the U.S. never faces such sobering considerations. We are more secure than any country in the history of the world. What almost all of our recent military interventions have in common is that they involved countries that had not attacked us: Libya, Iraq, Serbia, Haiti, Somalia, Panama, Grenada and North Vietnam.¶ With the notable exception of the Afghanistan invasion, we don't fight wars of necessity. We fight wars of choice.¶ That's why we have such an insatiable hunger for credibility. In our case, it connotes an undisputed commitment to go into harm's way even when -- especially when -- we have no compelling need to do so. But it's a sale we can never quite close.¶ Using force in Iraq or Libya provides no guarantee we'll do the same in Syria or Iran or Lower Slobbovia. Because we always have the option of staying out, there's no way to make everyone totally believe we'll jump into the next crisis.¶ The parallel claim of Washington hawks is that we have to punish Assad for using nerve gas, because otherwise Iran will conclude it can acquire nuclear weapons. Again, our credibility is at stake. But how could the Tehran regime draw any certain conclusions based on what happens in Syria?¶ Two American presidents let a troublesome Saddam Hussein stay in power, but a third one decided to take him out. George W. Bush tolerated Moammar Gadhafi, but Barack Obama didn't. Ronald Reagan let us be chased out of Lebanon, only to turn around and invade Grenada. If you've seen one U.S. intervention, you've seen one.¶ What should be plain to Iran is that Washington sees nuclear proliferation as a unique threat to its security, which Syria's chemical weapons are not. Just because we might let Assad get away with gassing his people doesn't mean we will let Iran acquire weapons of mass destruction that would be used only against other countries. Heck, we not only let Saddam get away with using chemical weapons against Iran -- we took his side.¶ Figuring out the U.S. government's future impulses is hard even for Americans. There's no real rhyme or reason. But because we're so powerful, other governments can ill afford to be wrong. What foreigners have to keep in the front of their minds is not our inclination to act but our capacity to act -- which remains unparalleled whatever we do in Syria.¶ Credibility is overrated. Sure, it's possible for hostile governments to watch us squabble over Syria and conclude that they can safely do things we regard as dangerous. But there are graveyards full of people who made that bet.

#### Soft power alone fails- insufficient influence

Kennedy 8 Soft power is on the up. But it can always be outmuscled, Paul Kennedy, The Guardian, Monday 17 November 2008, professor of history and director of international security studies at Yale University, http://www.guardian.co.uk/commentisfree/2008/nov/18/usa-obama-economy-military

Yet there has always been one feature to "soft power" that has made it less substantive than military capacity or economic resilience: you can lose it or gain it - or even regain it - very swiftly indeed. The Bush administration has been a spectacular example of how the US could rapidly destroy its attractiveness once it appeared bent on unilateralist, heavyhanded, neoconservative actions, and didn't seem to care about world opinion. Little wonder, then, that outside the US there was such jubilation when Barack Obama was decisively voted in. Phew! The nightmare is over. And soft power will prevail again.¶ Before the world begins to think Obama can walk on water, we ought perhaps to reflect on what the recovery of US attractiveness and soft power cannot do. Here, alas, we have to return to the horrid world of "hard" power: economic reality and geopolitical reality.¶ Soft power cannot pay for foreign oil and gas, imported cars, electronic goods, kitchenware and children's toys. Soft power cannot staunch General Motors' global disintegration, just as it could not stop the collapse of Lehman Brothers. Soft power seems to have very little influence over the wildly fluctuating exchange value of the dollar: when the trade deficit worsens, so does the greenback; and when hedge funds pull back monies from Brazil and Canada the dollar rises, like a cork on the tide, at least for a while. If Asia's appetite for Boeing's planes falls away, no amount of Obama charm will stop that. More important still, if Asia decides it is too risky to continue buying American treasury bonds - and Ben Bernanke and Henry Paulson are planning to put an awful lot more of them out on the market during the coming months - then White House glamour will count for little.¶ There is more. American soft power cannot handle the longer term secular shifts in the world's economic balances, any more than could the replacement of a rather disturbing Disraeli with a somewhat nicer Gladstone stop the diminution of Victorian Britain's relative global influence.¶ The international financial system is no longer as it was at Bretton Woods, when only one country could recreate the world's trading and currency systems. There is a larger lesson from the recent desperate efforts by central bankers - in Britain, Germany, the European Bank, Japan, Switzerland - to shore up a few crucial banks, country by country. The lesson is that the US followed, reluctantly. It did not lead.¶ The same trend is evident at the IMF, yet another American institution slipping away from its founder's half-century dominance. How the world turns. We have come back to a multipolar system, whether US neocons or liberal imperialists like it or not.¶ The same is true on the military-strategic playing fields. How exactly, one wonders, would revamped US soft power be applied to counter the assertiveness of an increasingly nationalistic Russia, smarting at its imperial collapse and intent on balancing the influence of the world hegemon? We may not like Vladimir Putin but, judging from domestic opinion polls, he is even more popular among Russians than Obama is among Americans. What can Hollywood and democratic peace theory do to missiles installed in Kaliningrad?¶ What can the president-elect's undoubted charms do in the face of China and India's remarkable maritime expansion, with their silent submarines, long-range rocketry and satellite capacity? The probable answer is not much. No wonder they are keeping the lights on late in the night in the China Maritime Studies Centre at the Naval War College in Rhode Island. To those folks, soft power doesn't count for much. To them, it is the old story of covenants without swords.¶ The sweeping election of Obama has generated extraordinary goodwill; who, apart from the most purblind, has not been excited? But such positivity must be tempered by the realisation that he comes into office during one of the most difficult and troubled periods in modern history; that he is to run a country far less dominant, relatively, than at the time of Wilson, Truman and Kennedy; and that, while his international attractiveness is strong, great nations cannot survive on soft power alone.

## Case

#### Congressional oversight fails

Sorcher 13 National Security Insiders: It's Possible for Congress to Oversee Drone Program, Sara Sorcher, Staff Writer, National Security, May 30, 2013, National Journal’s National Security Insiders Poll is a periodic survey of defense and foreign policy experts, http://www.nationaljournal.com/insiders-polls/nationalsecurity/national-security-insiders-it-s-possible-for-congress-to-oversee-drone-program-20130311

Some Insiders, even as they stressed oversight is possible, cast doubt on the extent to which Congress should be involved. "Congress's oversight should be periodic reviews — not daily operational reviews," one Insider said. Another added: "Congress cannot and should not micromanage."¶ Others cautioned that lawmakers would need to assert themselves on this issue to achieve oversight responsibilities. It is possible for Congress to keep the executive branch in check, an Insider said, only if members “are willing to use their constitutional power of the purse to enforce their oversight of defense and intelligence programs.”¶ Another 39 percent said proper oversight from Congress is not possible. "Congressional oversight is usually an oxymoron. The institution lacks the expertise and accountability to objectively evaluate these issues, and they're divided along partisan lines," one Insider said. "We need an external blue ribbon commission to take a look at what can/cannot be said/done."¶ Congress is a political animal, another Insider added. "Regrettably, details on drone strikes given to the Senate will inevitably be leaked and made public. This is one of the reasons the framers of the Constitution made the president the commander in chief of the armed forces."

#### Kill low level members and high level members whose presence wasn’t expected

Byman 13 Why Drones Work: The Case for Washington's Weapon of Choice, Daniel L. Byman, July/August 2013, professor at Georgetown University's Security Studies Program. He served as a staff member on the 9/11 Commission and worked for the U.S. government, http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman

Washington needs to be especially open about its use of signature strikes. According to the Obama administration, signature strikes have eliminated not only low-level al Qaeda and Taliban figures but also a surprising number of higher-level officials whose presence at the scenes of the strikes was unexpected. Signature strikes are in keeping with traditional military practice; for the most part, U.S. soldiers have been trained to strike enemies at large, such as German soldiers or Vietcong guerrillas, and not specific individuals. The rise of unconventional warfare, however, has made this usual strategy more difficult because the battlefield is no longer clearly defined and enemies no longer wear identifiable uniforms, making combatants harder to distinguish from civilians. In the case of drones, where there is little on-the-ground knowledge of who is who, signature strikes raise legitimate concerns, especially because the Obama administration has not made clear what its rules and procedures for such strikes are.

#### Iran won’t escalate Bahrain war.

Spinner ’11 [Jack, Christian Science Monitor, Mar 15, “Why Bahrain is Unlikely to turn into an Iran-Saudi battleground,” http://www.csmonitor.com/World/Middle-East/2011/0315/Why-Bahrain-is-unlikely-to-turn-into-an-Iran-Saudi-battleground]

“Saudi Arabia, all the other dictatorial Arab regimes, and their enablers and allies in Washington and Israel have long been obsessively focused on the Iranian bogeyman, which they see under every bed,” he says. “I have just come from Cairo where the old regime's harping on about Iran, Hezbollah, and Hamas have been exposed by the revolution for the tired lying propaganda that it is.” Mr. Khalidi said the problems in eastern Saudi Arabia and Bahrain would exist even if there was no Iran. “The problems are discrimination, denial of human and political rights, arbitrary authority which does not derive from the consent of the governed, and diversion of resources to a tiny minority on a gigantic scale,” he said. “The same problems exist in nearly all the Arab countries, with local variations of course. Of course Iran is happy to fish in troubled waters, but that has nothing to do with why they are troubled.” But Iran will not go so far as to engage in confrontation with the Saudi troops, says Nader Habibi, economics professor at the Crown Center for Middle East Studies at Brandeis University in Waltham, Mass. “My feeling is that Iran is unlikely to start a military confrontation over Bahrain because Saudi Arabia enjoys the support of the United States,” he says. “The Shiites are a majority but they have little chance of removing the Sunni king from power because of the Saudi support for Bahrain's monarchy.”

#### Too many hurdles to acquire and use nukes

Chapman 11 (Steve Chapman attended Harvard University, where he was on the staff of the Harvard Crimson. He graduated with honors in 1976 and later did graduate work at the University of Chicago. He is a columnist and editorial writer for the Chicago Tribune. His twice-a-week column on national and international affairs appears in some 60 newspapers across the nation. “The implausibility of nuclear terrorism,” Town Hall, 12/29/11, <http://townhall.com/columnists/stevechapman/2011/12/29/the_implausibility_of_nuclear_terrorism/page/full/>, DATE ACCESSED: 7/12/13, MT)

But remember: After Sept. 11, 2001, we all thought more attacks were a certainty. Yet al-Qaida and its ideological kin have proved unable to mount a second strike.¶ 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 [recent presentation at the University of Chicago](http://polisci.osu.edu/faculty/jmueller/APSACHGO.PDF), "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 already would have gone missing.¶ Besides, those devices are probably no longer a danger, since weapons that are not scrupulously maintained (as those have not been) 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. The terrorists, notes Mueller, would then have to spirit it "hundreds of miles out of the country over unfamiliar terrain, and probably while being pursued by security forces."¶ 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. And if al-Qaida could make a prototype, another obstacle would emerge: There is no guarantee it would work, and there is no way to test it.¶ 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.¶ Mueller recalls that after the Irish Republican Army failed in an attempt to blow up British Prime Minister Margaret Thatcher, it said, "We only have to be lucky once. You will have to be lucky always." Al-Qaida, he says, faces a very different challenge: For it to carry out a nuclear attack, everything has to go right. For us to escape, only one thing has to go wrong.¶ That has heartening implications. If al-Qaida embarks on the project, they have only a minuscule chance of seeing it bear fruit. Given the formidable odds, they probably won't bother.¶ None of this means we should stop trying to minimize the risk by securing nuclear stockpiles, monitoring terrorist communications and improving port screening. But it offers good reason to think that in this war, it appears, the worst eventuality is one that will never happen.

#### No retaliation

Davis and Jenkins 2 Paul K., Professor – RAND Corporation and Research Leader – Naval Studies Board, and Brian M., Special Advisor – RAND Corporation and International Chamber of Commerce, RAND Research Paper,

http://www.rand.org/publications/MR/MR1619/MR1619.pdf

Deterring acquisition and use of WMD is profoundly important and difficult. Terrorists appear to have grandiose intentions, and some have intense interest in such weapons. Moreover, they may believe that they have what a Cold War theorist would call “escalation dominance.” That is, al Qaeda could use WMD against the United States, but retaliation—and certainly escalation— would be difficult because (1) the United States will not use chemical, biological, or radiological weapons; (2) its nuclear weapons will seldom be suitable for use; and (3) there are no good targets (the terrorists themselves fade into the woodwork). And, of course, the United States has constraints. Although this gap in the deterrent framework is dismissed by some, we regard it as very dangerous.

#### No major impact to drone prolif over next 10 years

Micah Zenko 13, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). “Reforming U.S. Drone Strike Policies,” CPA at CFR, Council Special Report No. 65, January 2013.

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 cross- border 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 contingen- cies 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

# 1NR

## Impact

#### Collapse of global trade causes global nuclear extinction---causes tit-for-tat escalation that mount to full-scale military encounters---diversionary theory proves that nations will intervene---independently causes more terrorism and Iran-Israeli war, which turns the aff. That’s Pazner.

#### Trade solves motivations for terrorism and Middle East instability

Hassanien 8 Mohamed, Assistant Professor of Law at Cairo University, “International Law Fights Terrorism in the Muslim World: A Middle Eastern Perspective,” spring, *Denver Journal of International Law and Policy*

Trade and investment barriers are pervasive, and exports other than oil remain puny...It is now clear that Americans live in a dangerous world - and that the primary danger at present emanates from the economic and political failures of the Muslim world... Those failures breed the despair on which violent Islamic extremism feeds; no comprehensive campaign against terrorism can leave them unaddressed... The national security dimension of trade policy is once again plainly visible... It's true that scrapping protectionist policies, by itself, will not guarantee economic revitalization. But the fact is that integration into the larger world economy has been central to every developing country success story of recent times. Exposing the economy to foreign competition and capital acts as a catalyst for more systemic reforms. And over the longer term, such far-flung examples as Chile, Mexico, Taiwan, and South Korea demonstrate the interconnectedness of globalization, economic dynamism, and eventual democratization. Meanwhile,...the West can do more to facilitate Muslim countries' participation in global commerce... President Bush has made it amply clear that fighting terrorism is the overriding priority of his administration. To wage that fight with maximum effectiveness, he will need to convince Congress and the nation that promoting world trade will help to defeat the destroyers of the World Trade Center. [150](http://www.lexis.com/research/retrieve?_m=c30ad58dec848135ddec5ee2f08052a9&docnum=13&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzz-zSkAB&_md5=81e8a097a87bf4983a61424ef88322cb&focBudTerms=%22free%20trade%22%20w/20%20%28interdependence%20or%20globalization%20or%20mercantilism%29%20w/20%20%28war%20or%20%22military%20conflict%22%29&focBudSel=all" \l "n150" \t "_self) Establishing free trade in this area would increase job opportunities, economic growth, cut poverty and enhance the rule of law in the Middle East; development in the Middle East should be a major component of U.S. foreign policy. [151](http://www.lexis.com/research/retrieve?_m=c30ad58dec848135ddec5ee2f08052a9&docnum=13&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzz-zSkAB&_md5=81e8a097a87bf4983a61424ef88322cb&focBudTerms=%22free%20trade%22%20w/20%20%28interdependence%20or%20globalization%20or%20mercantilism%29%20w/20%20%28war%20or%20%22military%20conflict%22%29&focBudSel=all" \l "n151" \t "_self) Economic development in the Middle East is the most effective means of maintaining peace and increasing normalization, thereby breaking the cycle of mistrust, violence, and instability that plagues the Middle East. A positive cycle of economic expansion would enhance the region's political stability, which would [\*242] then foster economic growth by bolstering investor confidence. Economic opportunities are enormous in the Middle East. [152](http://www.lexis.com/research/retrieve?_m=c30ad58dec848135ddec5ee2f08052a9&docnum=13&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzz-zSkAB&_md5=81e8a097a87bf4983a61424ef88322cb&focBudTerms=%22free%20trade%22%20w/20%20%28interdependence%20or%20globalization%20or%20mercantilism%29%20w/20%20%28war%20or%20%22military%20conflict%22%29&focBudSel=all" \l "n152" \t "_self) Furthermore, "the Middle East is situated in a strategic global position featuring many dynamic trade and investment opportunities." [153](http://www.lexis.com/research/retrieve?_m=c30ad58dec848135ddec5ee2f08052a9&docnum=13&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzz-zSkAB&_md5=81e8a097a87bf4983a61424ef88322cb&focBudTerms=%22free%20trade%22%20w/20%20%28interdependence%20or%20globalization%20or%20mercantilism%29%20w/20%20%28war%20or%20%22military%20conflict%22%29&focBudSel=all" \l "n153" \t "_self) It has been argued that political and economic stability can be created if the U.S. and Middle Eastern countries make certain conditions conducive to the following economic measures: [154](http://www.lexis.com/research/retrieve?_m=c30ad58dec848135ddec5ee2f08052a9&docnum=13&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzz-zSkAB&_md5=81e8a097a87bf4983a61424ef88322cb&focBudTerms=%22free%20trade%22%20w/20%20%28interdependence%20or%20globalization%20or%20mercantilism%29%20w/20%20%28war%20or%20%22military%20conflict%22%29&focBudSel=all" \l "n154" \t "_self) (1) Increased foreign private investment (2) Increased free trade agreements between the U.S. and Middle Eastern countries.

## Uniqueness

#### Yes CIR will pass---no more gridlock---their evidence doesn’t assume the passage of the bipartisan budget agreement which restored bipartisan climate---Boehner is pushing back against the Tea Party---PC overcomes any opposition, because the conservatives will inevitably concede to the bully pulpit. That’s Reyes.

#### Opposition is weakening---we have a vote count.

Rodriguez, National Hispanic Christian Leadership Conference, and Gittelson, National Hispanic Christian Leadership Conference, 12-31, 2013,

(Samuel and Robert, "A New Year's Message of Hope for Immigration Reform", ImmigrationProf Blog, PAS) lawprofessors.typepad.com/immigration/2013/12/a-new-years-message-of-hope-for-immigration-reform.html 12-31-13

True, immigration reform advocates are currently quite frustrated that immigration reform did not reach the President’s desk in 2013. We share in that frustration. And yet, we look at this issue as the glass being half full. 2013 brought us passage of a comprehensive immigration reform bill in the Senate. That was no small achievement. Furthermore, we are convinced that the House is poised to move on this issue. The stars are about to align.¶ The other day, we were having a meeting with one of the Republican members of House Leadership. As our discussion turned to immigration - and because he understood that we have been meeting with many House Republicans about this issue - he asked us how many of his members are for immigration reform? He wanted an outside opinion. We told him what we are quite certain is the truth. We told him that if the House voted on the type of legislation that has been envisioned and articulated by Judiciary Chairman Bob Goodlatte, that he would have a majority of the majority that would vote for the bills.¶ It is important to note the specific distinction that we explained to him. The Goodlatte plan would offer the undocumented a pathway to legalization, and the opportunity to pursue citizenship through our previously established legal channels, but would differ from the Senate plan, in that it would not offer a specific and separate pathway to citizenship.¶ Is that a difference without a distinction? No. The Goodlatte plan, while not yet introduced by any Republican member, envisions an opportunity for many, perhaps even a majority of the undocumented to eventually attain citizenship. However, and by his own admission, this new plan would not necessarily cover all of the undocumented population. His plan would be meant to thread the difficult needle that represents the dividing line between “amnesty,” and the “Rule of Law.”¶ We note that Congressman Steve Stockman, one of the few House Republicans opposed to any type of change to immigration law, recently tried to put together a coalition to sign a letter addressed to Speaker Boehner arguing against any type of immigration reform. Our understanding is that he was only able to receive 18 signatures for his letter. Another prominent Republican Committee Chairman involved with the debate over immigration reform recently speculated to us that perhaps as many as 60, but at the most 80 Republicans would oppose the type of immigration reform as proposed by Chairman Goodlatte. While that is a lot of no votes, it is certainly well short of a majority of the majority – the imaginary dividing line as specified by the “Hastert” rule preferred by Speaker Boehner to pass immigration reform.¶ The recent Budget agreement that passed both the House and the Senate has many of the progressive immigration reform advocates speculating that Congress might now be willing to come together in a Kumbaya moment to start to pass the President’s Agenda. They couldn’t be more wrong. There are any number of issues that House Republicans can and will unite behind that will stand in stark disagreement with President Obama’s Agenda for this Congress. Republicans are almost universally united against Obamacare, the President’s Climate Change and Energy Agenda’s, and the President’s new willingness to stand down on sanctions against Iran. The fact that the President just hired Washington insider John Podesta in an effort to shore up his Energy and Climate Change legislative strategies will mean that the House will certainly have its work cut out for itself opposing the parts of the President’s agenda that they disagree with, well into next year.¶ So where does that leave immigration reform? In our opinion, immigration reform is in pretty good shape. It is one of the few issues in which common ground actually does, in fact, exist. I would caution my fellow immigration advocates, (first the advocates on our side – the right – but particularly our progressive friends on the opposite side of the aisle), to continue to work on this issue diligently, but agreeably. Actions that “demand” immediate immigration reform, or seek to shut down offices occupied by Republican members, does not create an affable or affirmative work environment. In fact, it gets otherwise agreeable members to back away in their willingness to proceed on this issue. We know this, because we have heard it directly from the members, and have seen how these tactics affected members on this issue going back to 2010.¶ We now have an opportunity to have both sides of the aisle, and both Houses in Congress, work together to forge an immigration solution that can work effectively for years, even decades to come. We would say that to date, the House has bipartisan agreement on well over 90% of the issues surrounding the discussion about the most effective, fair, and moral ways in which our Nation can solve this crisis. Therefore, we urge all Americans, regardless of political ideology, to work together to solve this complex but resolvable problem. We believe that a bipartisan solution is at hand. We should hold our elected officials accountable to work together to get this issue fixed, once and for all. Our national security demands it. Our economy depends on it. Our faith compels it. Finally, we cannot forget that there are multi-millions of families praying for the opportunity to live in dignity, in safety, and for the ability to emerge out of the shadows of society, and to pursue their own American dreams.

#### Recent Boehner hiring and speech against the tea party provides momentum

Shear and Parker, New York Times Staff Writers, 1-1, 2014,

(Michael D. and Ashley, "Boehner Is Said to Back Change on Immigration", New York Times, PAS) [www.nytimes.com/2014/01/02/us/politics/boehner-is-said-to-back-change-on-immigration.html?partner=rss&emc=rss&\_r=0&pagewanted=all](http://www.nytimes.com/2014/01/02/us/politics/boehner-is-said-to-back-change-on-immigration.html?partner=rss&emc=rss&_r=0&pagewanted=all) 1-1-14

Speaker John A. Boehner of Ohio has signaled he may embrace a series of limited changes to the nation’s immigration laws in the coming months, giving advocates for change new hope that 2014 might be the year that a bitterly divided Congress reaches a political compromise to overhaul the sprawling system.¶ Mr. Boehner has in recent weeks hired Rebecca Tallent, a longtime immigration adviser to Senator John McCain, the Arizona Republican who has long backed broad immigration changes. Advocates for an overhaul say the hiring, as well as angry comments by Mr. Boehner critical of Tea Party opposition to the recent budget deal in Congress, indicates that he is serious about revamping the immigration system despite deep reservations from conservative Republicans.¶ Aides to Mr. Boehner said this week that he was committed to what he calls “step by step” moves to revise immigration laws, which they have declined to specify.¶ But other House Republicans, who see an immigration overhaul as essential to wooing the Hispanic voters crucial to the party’s fortunes in the 2016 presidential election, said they could move on separate bills that would fast-track legalization for agricultural laborers, increase the number of visas for high-tech workers and provide an opportunity for young immigrants who came to the country illegally as children to become American citizens.¶ Although the legislation would fall far short of the demands being made by immigration activists, it could provide the beginnings of a deal.¶ For Mr. Boehner, hiring Ms. Tallent suggests a new commitment to confronting an issue that has long divided the Republican Party. Ms. Tallent is a veteran of more than a decade of congressional immigration battles and fought, ultimately unsuccessfully, for comprehensive overhauls of the immigration system in 2003 and 2007.¶ Although Mr. Boehner’s aides say she was brought on to carry out his views and not her own, advocates of immigration change say the only reason for Mr. Boehner to have hired Ms. Tallent is his desire to make a deal this year.¶ In addition, immigration advocates say that Mr. Boehner’s end-of-year rant against Tea Party groups — in which he said they had “lost all credibility” — is an indicator of what he will do this year on immigration. The groups are the same ones that hope to rally the Republican base against an immigration compromise, and while Mr. Boehner cannot say so publicly, he will have more room to maneuver on the issue if he feels free to disregard the arguments from those organizations.¶ Aides continue to say that Mr. Boehner remains opposed to a single, comprehensive bill like the Senate-passed measure that would tighten border security, increase legal immigration and offer an eventual path to American citizenship for an estimated 11 million illegal immigrants. Conservatives are staunchly opposed to sweeping legislation that would offer a path to citizenship.¶ “The American people are skeptical of big, comprehensive bills, and frankly, they should be,” Mr. Boehner told reporters recently. “The only way to make sure immigration reform works this time is to address these complicated issues one step at a time. I think doing so will give the American people confidence that we’re dealing with these issues in a thoughtful way and a deliberative way.”¶ Nonetheless, immigration activists say they are hopeful that politics may ultimately lead Mr. Boehner to ignore conservative voices who oppose a path to citizenship. Mitt Romney, the Republican nominee for president in 2012, who took a hard line on immigration, won only 27 percent of the Hispanic vote — a key reason for his loss to President Obama.¶ Mr. Obama has in the meantime said he is open to the piecemeal approach on immigration favored by House Republicans, but only if it does not abandon comprehensive goals in legislation that passed the Senate last summer. Reconciling the House approach with the broader ambitions of the Senate bill is the biggest hurdle, strategists in both camps say.¶ “We’ve got to grab the brass ring while it’s there,” said Kevin Appleby, the director of migration policy at the United States Conference of Catholic Bishops. “I’ve been in this debate long enough to know you can’t rely on anything happening at a certain time or on assurances that we’re going to do something this year.”¶ Advocates for an immigration overhaul will start 2014 with a race against the election-season clock and a new campaign aimed at forcing action on Capitol Hill. Civil disobedience demonstrations are planned in Washington and elsewhere. Business groups are readying lobbying blitzes on Capitol Hill. Labor leaders and evangelical ministers are considering more hunger fasts to dramatize what they say is the urgent need to prevent deportations.

#### Their suicide argument goes the other way---it would be terrible for the GOP if they don’t pass immigration because of the Latino voting blocks---that create INCENTIVE for negotiation, but Obama’s PC is obviously key.

#### It also says that vote will be delayed---PROVES that now’s key and Obama’s pc is key---he has enough

Colleen McCain Nelson 1/3 is WSJ Staff, “Obama's 2014 Priorities Face Early Tests in Congress: Lawmakers Set to Weigh Recently Expired Unemployment Benefits, Nation's Debt Limit,” 1-3-14, <http://online.wsj.com/news/articles/SB10001424052702303640604579298813059939366>, DOA: 1-4-13, y2k

KAILUA, Hawaii—The start of 2014 brings two quick tests of President Barack Obama's ability to move his agenda through Congress, as the White House tries to persuade lawmakers to restore recently expired unemployment benefits and to increase the nation's borrowing limit. The Senate is expected to hold an initial vote as soon as Monday on a plan to renew expanded jobless benefits, which Mr. Obama supports. And within the next couple of months, lawmakers must grapple again with terms for raising the debt ceiling. If Mr. Obama can forge an agreement with GOP lawmakers on these issues, the White House hopes that would ease the path for other items on his agenda, such as an overhaul of immigration laws and an increase in the federal minimum wage. But if the two parties hit a stalemate, or revive the bitterness that has marked recent years, the goal of forging policy may quickly give way to partisanship and a focus instead on winning the midterm elections. The president's prospects are uncertain, as a plan to continue the expanded unemployment-benefits program for three months has scant Republican support and appears to be gaining little traction in the House. And some Republicans are signaling they aim to make policy demands in exchange for raising the debt limit, while the White House has said it won't negotiate over the matter. The president, who is wrapping up a two-week vacation in Hawaii this weekend, is trying to advance many of the same policy proposals that hit dead ends in 2013. White House officials say, however, that the budget deal the president signed into law late last month might help build momentum and bipartisan agreement, making this year more productive than the last. "We've created a road map for how you can get some of these things done," White House spokesman Josh Earnest said. "Even if they aren't landmark pieces of legislation, they still represent positive steps." While much of the Obama agenda remains the same as last year, the White House's outreach to Capitol Hill will look different in 2014. Moving to shore up what many lawmakers had said was an underpowered effort to work with lawmakers, the White House has named Katie Beirne Fallon, a former longtime aide to Sen. Chuck Schumer (D., N.Y.), as its legislative-affairs director. Phil Schiliro, who held that post earlier in the Obama administration, is returning to the White House, and John Podesta, a White House chief of staff under Bill Clinton, will be a senior adviser. All three have personal relationships with key members of Congress. Rep. Steve Israel (D., N.Y.) said he already has seen the White House's stepped-up efforts to work with Capitol Hill. "They understand that the next 10 months will define the final two years of the Obama administration, and that is going to require teamwork and hard work," he said. "I've seen enhanced communication. I had a conference call [Thursday] night as the blizzard struck" while Mr. Israel was home on Long Island. He said the call was about the health-care law. Still, Republicans say the president enters 2014 with flagging credibility after the troubled rollout of the Affordable Care Act last year. Key to winning support for Mr. Obama's agenda will be first rebuilding public confidence in his administration, said Ana Navarro, a Republican strategist. "He cannot continue to be in or pretend to be in a bubble of ignorant bliss about everything going wrong with his agencies. If he does, it will only further erode the nation's belief that he is capable of leading," she said. "Really, if he can't get his house in order, and give Obamacare some sense of functionality, he might as well write a list of his second-term agenda items on paper and burn it in the White House fireplace." Some Republicans see an opportunity to take action on immigration in the coming months, an objective that is also at the top of the White House's to-do list. But the two parties' strategies differ. House Speak John Boehner (R., Ohio) is committed to tackling immigration this year, spokesman Brendan Buck said, but he will take a step-by-step approach, rather than passing a comprehensive bill. "If the White House can accept that if reform is going to get done, it's going to be in piecemeal fashion, then we have the potential to fix the problem," Mr. Buck said. "If it doesn't want to play a constructive role in that process and demands everything be just the way the president wants it, we're not going to get very far." White House officials have said they could accept a step-by-step approach in the House but that any legislative package still must accomplish broad objectives. The administration backs a pathway to citizenship for many people now in the country illegally, a proposal that many Republicans in the House oppose. Mr. Obama also will spend the coming weeks preparing to lay out possible changes to government-surveillance programs and writing his State of the Union address, which will detail the president's priorities for the year. Julian Zelizer, a presidential historian and Princeton University professor, said second-term presidents usually have a relatively short window to pass major initiatives. While breakthroughs are possible—such as the immigration and tax changes passed during President Ronald Reagan's second term—the challenge is steeper and the timeline is more compressed with midterm elections looming and attention soon turning to electing Mr. Obama's successor, Mr. Zelizer said. "The odds are the final two years will be very quiet in Washington," Mr. Zelizer said.

## Grace Period

#### Their grace-period argument doesn’t make sense---normal means for implementation means legislation passes now---conceded link evidence proves that Obama will FIGHT for his authority during the PASSAGE of legislation---this is best interpretation of fiat---immediacy is key to guarantee all neg ground.

## PC High

#### Prefer issue specific uniqueness---Obama has sufficient political capital to pass immigration, means health care isn’t sufficient.

#### Passes despite health care

Samuelsohn, Politico Senior Policy Reporter, 12-30, 2013,

(Darren, "2014: The year to 'go small'", Politico, PAS) [www.politico.com/story/2013/12/obamacare-clouds-future-for-big-legislation-101565.html](http://www.politico.com/story/2013/12/obamacare-clouds-future-for-big-legislation-101565.html)

Even with Obamacare, Republican strategist Ron Bonjean said Congress and the White House have a chance to reach agreement on parts of an immigration reform package. Obama cited the budget agreement when he suggested more breakthroughs were possible even as he deals with the health law’s fallout on agenda.¶ “It’s probably too early to declare an outbreak of bipartisanship,” Obama said at his end-of-the-year news conference. “But it’s also fair to say that we’re not condemned to endless gridlock. There are areas where we can work together.”¶ Former Sen. Byron Dorgan (D-N.D.) said immigration is the only item that he thinks “has a real chance” in 2014 as Republicans try to patch up relations with Hispanic voters before the next election. “Even that issue has a steep, uphill climb in this climate and in this Congress,” he said.

#### Increased insurance rates preserves PC

Arnie Parnes 12/31 is White House correspondent @The Hill, “Five things Obama must do to avoid lame-duck status,” 12-31-13, <http://thehill.com/homenews/administration/194158-five-things-obama-must-do-to-avoid-lame-duck-status>, DOA: 1-1-14, y2k

Unless Obama and the White House can get the president’s signature healthcare law humming smoothly, it will pull the president’s and the Democratic Party’s approval ratings underwater in 2014. “The biggest weight on the class of ‘14 is the success of Obamacare,” said one former senior administration official. “I’m sure there are Democrats up for reelection who are lighting candles into the New Year with the hope that it all goes well in 2014 or it’ll be like 2013 never left.” White House confidence is bolstered by the surge of people who have enrolled in the law in recent days. More than 1.1 million people have now enrolled, and while that is lower than what the administration had hoped for, it makes reaching the 7 million enrollees projected by the Congressional Budget Office more realistic. The hope is that the New Year will amount to a fresh start for Democrats, and that Obama will be able to tout the number of people newly insured under the law.

## Obama Doesn’t Lobby

#### Yes, Obama’s pushing now---that’s 1nc uniqueness evidence---more evidence that says immigration is on top of his agenda---prefer it because their evidence is generic

AP 12/27 “President Obama Eyes Immigration Reform As A Top Priority For 2014,” 12-27-13, <http://economictimes.indiatimes.com/news/international/world-news/official-business-behind-him-barack-obama-looks-to-2014/articleshow/28001350.DOA>: 1-1-14, y2k

The last vestiges of 2013's political wrangling officially behind him, President Barack Obama is setting his sights on the coming year, when a number of unfinished tasks will increasingly compete for attention with the 2014 midterm elections. High on the agenda for the start of the year is a renewed push on immigration. Bipartisan consensus about the need for action on immigration in the wake of the 2012 presidential election gave way in 2013 to opposition from conservative House Republicans. U.S. House Speaker John Boehner, R-Ohio, has started offering subtle signs he'll put more weight behind the issue despite continued resistance from the tea party. Vacationing in Hawaii, Obama on Thursday signed into law a bipartisan budget deal softening the blow from scheduled spending cuts and a military bill cracking down on sexual assault. The two bills, passed by Congress with broad bipartisan support, constituted a modest step away from gridlock, and both parties cautiously hoped that spirit of cooperation might linger after New Year's Day. "This law is proof that both parties can work together. We can put aside our differences and find common ground," House Budget Committee Chairman Paul Ryan of Wisconsin, who negotiated the budget deal for Republicans, said in a statement.

## Link Debate

#### The thesis of interbranch fight was conceded---Kriner says that Obama defends his authority and that causes direct trade off---their link turn evidence is about bipartisanship---NO internal link as to why that’s key---Only the PC and pressure by Obama can force HOUSE GOP to come on board---means bipart doesn’t make sense because there’s no dem majority in the House.

#### It’s also wrong---their evidence on QDR says that Congress dosen’t want to enforce WPR requirement---proves that plan isn’t popular.

#### Plan sends a signal of Obama’s political weakness---kills agenda.

Arnie Parnes 12/31 is White House correspondent @The Hill, “Five things Obama must do to avoid lame-duck status,” 12-31-13, <http://thehill.com/homenews/administration/194158-five-things-obama-must-do-to-avoid-lame-duck-status>, DOA: 1-1-14, y2k

When Obama has used the bully pulpit to take a hard line with Republicans, he’s seen a bump in his approval ratings. A good example was during the government shutdown, when the White House refused to negotiate with the GOP over concessions on a continuing resolution (CR) to fund the government. “Democrats won in a huge way when Obama didn’t back down on the CR,” the former senior official said. Allies say Obama also benefitted because the shutdown divided the GOP. They say the White House needs to identify more policies that drive a wedge between mainstream and Tea Party Republicans. “Every time [Senator] Ted Cruz threatens to default, [Senator] Mark Pryor’s staff breathes a little easier,” the former official added. Pryor (D-Ark.) is a top GOP target in 2014. Picking the right fights also telegraphs a message of strength from the White House. “People respect strength and every time the president exhibits it, he does well,” Democratic strategist Jamal Simmons said.

#### Losers lose – perception matters

Andrew Loomis 7 is Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, [http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php](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.

#### Kills immigration

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President Obama emerges from his budget victory this week with a stronger hand as he heads into the next round of political fights in Washington. What's helping Obama in particular is the new perception that he is willing to stick to his guns. He demonstrated the ability to take a tough stand against his adversaries even when he was under enormous pressure to cave in. And this image of resolve is expected to help him in future showdowns with the Republicans regarding immigration, farm legislation, climate change regulations, health care and economic policy. Up to now, many legislators considered Obama a weak bargainer and a vacillating leader; now they have clear evidence that he isn't a pushover, Democratic strategists say. After accepting a congressional deal that ended Washington's embarrassing economic crisis for now, and largely on his own terms, Obama blamed the mess on Republican conservatives allied with the tea party. He said they stubbornly forced a partial government shutdown and threatened to allow a government default unless Obama weakened his signature health care law, known as Obamacare. Using his presidential bully pulpit to good effect, Obama declined to give in, and blasted the GOP day after day. In the end, the Republicans blinked. "To say we as Republicans left a lot on the table would be one of the biggest understatements in American political history," said Sen. Lindsey Graham, R-S.C., on Twitter. On Thursday, Obama acknowledged what many opinion polls have shown in the past few weeks when he said, "The American people are completely fed up with Washington." And Republicans get most of the blame, according to the polls. Only 13 percent of Americans approve of the job Republicans are doing in Congress and 24 percent approve of the job Democrats are doing, according to the latest survey by Zogby Analytics. But Obama's resolve will soon be tested again, because this week's deal accepted by the House, Senate and Obama was only a temporary fix. It funds the government through Jan. 15 and raises the debt ceiling until Feb. 7. Democrats still want to hike taxes on the rich and on major corporations and limit spending cuts. Republicans don't want to raise taxes and they seek deeper cuts in spending in an effort to reduce the federal deficit and slash federal power. Hard-line GOP legislators are still looking for every opportunity to gut or weaken Obama's health care law. These disagreements will persist, and they are same divisions that caused the 16-day government shutdown and nearly resulted in a failure by Congress to raise the debt ceiling.

#### Obama won’t agree to drone restrictions

NYT, 13

(New York Times Editorial Board, 5-24-13, "The End of Perpetual War,"<http://www.nytimes.com/2013/05/24/opinion/obama-vows-to-end-of-the-perpetual-war.html?pagewanted=all&_r=0>, accessed: 9-18-13, CAS)

In the past, we have been deeply troubled by the administration’s insistence that the review of planned targeted killings be handled entirely within the executive branch. On Thursday, he said he was willing to talk to Congress about “options for increased oversight” — including the establishment of “a special court to evaluate and authorize lethal action” or “an independent oversight board in the executive branch.” Mr. Obama said he had constitutional and operational concerns about both ideas; in the end, he may not agree to either. But at least he did not contemptuously dismiss them as some of his advisers have done in the past.

#### The plan is unpopular – Republicans oppose more oversight

Associated Press, 2013,

("Lawmakers in both parties urge oversight of US drone program", Fox News, 2-10, PAS) [www.foxnews.com/politics/2013/02/10/lawmakers-urge-oversight-us-drone-program/](http://www.foxnews.com/politics/2013/02/10/lawmakers-urge-oversight-us-drone-program/) 9-25-13

Republicans seemed to oppose such an oversight proposal.¶ The Republican chairman of the House Intelligence Committee said his members review all drone strikes on a monthly basis, both from the CIA and Pentagon.¶ "There is plenty of oversight here," said Rep Mike Rogers. "There is not an American list somewhere overseas for targeting, that does not exist."¶ Other lawmakers seemed leery of the program's current reach even as they lined up against the oversight proposals.

#### Your “Obama lost” evidence is from March---obviously doesn’t assume new political climate.

## Impacts D

#### Even if interdependence doesn’t solve war, PROTECTIONISM independently causes tit-for-tat fights which escalate---they don’t have any reverse causal evidence.

#### Statistical evidence proves

Royal 10 director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010¶ Jedediah, Economics of War and Peace: Economic, Legal, and Political Perspectives, pg 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 crises could usher in a redistribution of relative power (see also Gilpin, 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflicts as a rising power may seek to challenge a declining power (Werner, 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remains unknown. Second, on a dyadic level, Copeland’s (1996, 2000) theory of trade expectations suggest that “future expectation of trade” is a significant variable in understanding economic conditions and security behavior 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 item such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. 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 conflicts self-reinforce each other. (Blomberg and Hess, 2002, p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess and Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. “Diversionary theory” suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a “rally around the flag” effect. Wang (1996), DeRouen (1995) and Blomberg, Hess and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states due to the fact the democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. De DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States and thus weak Presidential popularity are statically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crises and armed conflict has not featured prominently in economic-security debate and deserves more attention. This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider

#### Empirics prove

Garten 9 The Dangers of Turning Inward, Jeffrey E. Garten is a professor at the Yale School of Management and chairman of Garten Rothkopf, a global advisory firm. He held economic- and foreign-policy posts in the Nixon, Ford, Carter and Clinton administrations. MARCH 5, 2009, <http://www.business.illinois.edu/aguilera/Teaching/WSJ09_Dangers_of_Turning_Inward.pdf>

The last time we saw sustained economic nationalism was in the 1930s, when capital flows and trade among countries collapsed, and every country went its own way. World growth went into a ditch, political ties among nations deteriorated, nationalism and populism combined to create fascist governments in Europe and Asia, and a world war took place. It took at least a generation for globalization to get back on track. There have been some bouts of inward- looking governmental action since then, such as the early 1970s when the U.S. cut the dollar from its gold base and imposed export embargoes on soybeans and steel scrap. However, the economic conditions were not sufficiently bad for the trend to sustain itself. The kind of economic nationalism we are seeing today is not yet extreme. It is also understandable. The political pressures could hardly be worse. Over the last decade, the global economy grew on average about 4% to 5%, and this year it will come to a grinding halt: 0.5% according to the International Monetary Fund, where projections usually err on the optimistic side. World trade, which has grown much faster than global gross domestic product for many years, is projected to decline this year for the first time since 1982. Foreign direct investment last year slumped by 10% from 2007. Most dramatically, capital flows into emerging market nations are projected to drop this year by nearly 80% compared to 2007. The aggregate figures don't tell the story of what is unraveling in individual countries. In the last quarter of 2008, U.S. GDP dropped by 6.2% at an annual rate, the U.K. by 5.9%, Germany by 8.2%, Japan by 12.7% and South Korea by 20.8%. Mexico, Thailand and Singapore and most of Eastern Europe are also in deep trouble. In every case, employment has been plummeting. So far popular demonstrations against government policies have taken place in the U.K., France, Greece, Russia and throughout Eastern Europe. And the governments of Iceland and Latvia have fallen over the crisis. Governments could therefore be forgiven if they are preoccupied above all with the workers and companies within their own borders. Most officials don't know what to do because they haven't seen this level of distress before. They are living from day to day, desperately improvising and trying to hold off political pressure to take severe measures they know could be satisfying right now but cause bigger damage later. Thinking about how their policies might affect other countries is not their main focus, let alone taking the time to try to coordinate them internationally. Besides, whether it's in Washington, Brussels, Paris, Beijing, Brazilia or Tokyo, it is hard to find many top officials who wouldn't say that whatever measures they are taking that may undermine global commerce are strictly temporary. They all profess that when the crisis is over, they will resume their support for globalization. They underestimate, however, how hard it could be to reverse course. Political figures take comfort, too, from the global institutions that were not present in the 1930s -- the IMF, the World Bank and the World Trade Organization, all of which are assumed to be keeping globalization alive. This is a false sense of security, since these institutions are guided by sovereign countries. Government officials often feel that because they are going to endless crisis summit meetings -- the next big one is in London on April 2, when the world's top 20 nations will be assembling -- that some international coordination is actually taking place. This is mostly an illusion. With a few exceptions, such as the so-called Plaza Agreements of 1984 when currencies were realigned, it is difficult to point to a meeting where anything major has been said and subsequently implemented. But as the pressure on politicians mounts, decisions are being made on an incremental and ad hoc basis that amounts to a disturbing trend. Classic trade protectionism is on the rise. In the first half of 2008, the number of investigations in the World Trade Organization relating to antidumping cases -- selling below cost -- was up 30% from the year before. Washington has recently expanded sanctions against European food products in retaliation for Europe's boycott against hormone- treated American beef -- an old dispute, to be sure, but one that is escalating. In the last several months, the E.U. reintroduced export subsidies on butter and cheese. India raised tariffs on steel products, as did Russia on imported cars. Indonesia ingenuously designated that just a few of its ports could be used to import toys, creating a trade-blocking bottleneck. Brazil and Argentina have been pressing for a higher external tariff on imports into a South American bloc of countries called Mercosur. Just this week, the E.U. agreed to levy tariffs on American exports of biodiesel fuel, possibly a first shot in what may become a gigantic trade war fought over different environmental policies -- some based on taxes, some on regulation, some on cap and trade -- being embraced by individual countries. Much bigger problems have arisen in more non-traditional areas and derive from recent direct intervention of governments. The much-publicized "Buy America" provision of the U.S. stimulus package restricts purchases of construction-related goods to many U.S. manufacturers, and although it is riddled with exceptions, it does reveal Washington's state of mind. The bailout of GM and Chrysler is a purely national deal. Such exclusion against foreign firms is a violation of so-called "national treatment" clauses in trade agreements, and the E.U. has already put Washington on notice that it will pursue legal trade remedies if the final bailout package is discriminatory. Uncle Sam is not the only economic nationalist. The Japanese government is offering to help a broad array of its corporations -- but certainly not subsidiaries of foreign companies in Japan -- by purchasing the stock of these firms directly, thereby not just saving them but providing an advantage over competition from non-Japanese sources. The French government has created a sovereign wealth fund to make sure that certain "national champions," such as car- parts manufacturer Valeo and aeronautics component maker Daher, aren't bought by foreign investors. Government involvement in financial institutions has taken on an anti-globalization tone. British regulators are pushing their global banks to redirect foreign lending to the U.K. when credit is sorely needed and where it can be monitored. Just this past week, the Royal Bank of Scotland announced it was closing shop in 60 foreign countries. Western European banks that were heavily invested in countries such as Hungary, the Czech Republic and the Baltics have pulled back their credits, causing a devastating deflation throughout Eastern Europe. The Swiss are reportedly considering more lenient accounting policies for loans their banks make domestically as opposed to abroad. This de-globalizing trend could well be amplified by Washington's effort to exercise tight oversight of several big financial institutions. Already AIG's prime Asian asset, American International Assurance Company, is on the block. As the feds take an ever bigger stake in Citigroup, they may well force it to divest itself of many of its prized global holdings, such as Banamex in Mexico and Citi Handlowy in Poland. It appears that new legislation under the Troubled Asset Relief Program will also restrict the employment of foreign nationals in hundreds of American banks in which the government has a stake.¶ Whether or not it goes into bankruptcy, General Motors will be pressed to sell many of its foreign subsidiaries, too. Even Chinese multinationals such as Haier and Lenovo are beating a retreat to their own shores where the risks seem lower than operating in an uncertain global economy. The government in Beijing is never far away from such fundamental strategic decisions. Then there is the currency issue. Economic nationalists are mercantilists. They are willing to keep their currency cheap in order to make their exports more competitive. China is doing just that. A big question is whether other Asian exporters that have been badly hurt from the crisis -- Taiwan, South Korea and Thailand, for example -- will follow suit. Competitive devaluations were a major feature of the 1930s. It's no accident that the European Union has called an emergency summit for this Sunday to consider what to do with rising protectionism of all kinds. There are a number of reasons why economic nationalism could escalate. The recession could last well beyond this year. It is also worrisome that the forces of economic nationalism were gathering even before the crisis hit, and have deeper roots than most people know. Congress denied President Bush authority to negotiate trade agreements two years ago, fearing that America was not benefiting enough from open trade, and an effort to reform immigration was paralyzed for years. Globally, international trade negotiations called the Doha Round collapsed well before Bear Stearns and Lehman Brothers did. Concerns that trade was worsening income distribution were growing in every major industrial nation since the late 1990s. Whenever countries turned inward over the past half-century, Washington was a powerful countervailing force, preaching the gospel of globalization and open markets for goods, services and capital. As the Obama administration works feverishly to fire up America's growth engines, patch up its financial system and keep its housing market from collapsing further, and as its major long-term objectives center on health, education and reducing energy dependence on foreign sources, the country's preoccupations are more purely domestic than at any time since the 1930s. In the past, American business leaders from companies such as IBM, GE, Goldman Sachs and, yes, Citigroup and Merrill Lynch beat the drum for open global markets. As their share prices collapse, some voices are muted, some silenced. It is not easy to find anyone in America who has the stature and courage to press for a more open global economy in the midst of the current economic and political crosswinds. And given that the global rot started in the U.S. with egregiously irresponsible lending, borrowing and regulation, America's brand of capitalism is in serious disrepute around the world. Even if President Obama had the mental bandwidth to become a cheerleader for globalization, America's do-as-I-say-and-not-as-I-do leadership has been badly compromised. If economic nationalism puts a monkey wrench in the wheels of global commerce, the damage could be severe. The U.S. is a good example. It is inconceivable that Uncle Sam could mount a serious recovery without a massive expansion of exports -- the very activity that was responsible for so much of America's economic growth during the middle of this decade. But that won't be possible if other nations block imports. For generations, the deficits that we have run this past decade and the trillions of dollars we are spending now mean we will be highly dependent on foreign loans from China, Japan and other parts of the world. But these will not be forthcoming at prices we can afford without a global financial system built on deep collaboration between debtors and creditors -- including keeping our market open to foreign goods and services. The Obama administration talks about a super-competitive economy, based on high-quality jobs -- which means knowledge-intensive jobs. This won't happen if we are not able to continue to bring in the brightest people from all over the world to work and live here. Silicon Valley, to take one example, would be a pale shadow of itself without Indian, Chinese and Israeli brain power in its midst. More generally, without an open global economy, worldwide industries such as autos, steel, banking and telecommunications cannot be rationalized and restructured efficiently, and we'll be doomed to have excessive capacity and booms and busts forever. The big emerging markets such as China, India, Brazil, Turkey and South Africa will never be fully integrated into the world economy, depriving them and us of future economic growth. The productivity of billions of men and women entering the global workforce will be stunted to everyone's detriment. Of course, no one would say that globalization is without its problems. Trade surges and products made by low-priced labor can lead to job displacement and increasing income inequality. Proud national cultures can be undermined. But these challenges can be met by reasonable regulation and by domestic policies that provide a strong social safety net and the kind of education that helps people acquire new skills for a competitive world. With the right responses of governments, the benefits should far outweigh the disadvantages. For thousands of years, globalization has increased global wealth, individual choice and human freedom. The point is, economic nationalism, with its implicit autarchic and save-yourself character, embodies exactly the wrong spirit and runs in precisely the wrong direction from the global system that will be necessary to create the future we all want. As happened in the 1930s, economic nationalism is also sure to poison geopolitics. Governments under economic pressure have far fewer resources to take care of their citizens and to deal with rising anger and social tensions. Whether or not they are democracies, their tenure can be threatened by popular resentment. The temptation for governments to whip up enthusiasm for something that distracts citizens from their economic woes -- a war or a jihad against unpopular minorities, for example -- is great. That's not all. As an economically enfeebled South Korea withdraws foreign aid from North Korea, could we see an even more irrational activity from Pyongyang? As the Pakistani economy goes into the tank, will the government be more likely to compromise with terrorists to alleviate at least one source of pressure? As Ukraine strains under the weight of an IMF bailout, is a civil war with Cold War overtones between Europe and Russia be in the cards? And beyond all that, how will economically embattled and inward-looking governments be able to deal with the critical issues that need global resolution such as control of nuclear weapons, or a treaty to manage climate change, or help to the hundreds of millions of people who are now falling back into poverty?