# 1NC

### 1NC

#### A. Interpretation – Statutory restrictions must directly prohibit activities currently under the president’s war powers authority – this excludes regulation or oversight

#### Statutory restrictions prohibit actions

Lamont 5 (Michael, Legal Analyst @ Occupational health, "Legal: Staying on the right side of the law," http://www.personneltoday.com/articles/01/04/2005/29005/legal-staying-on-the-right-side-of-the-law.htm#.UgFe\_o3qnoI)

It will be obvious what 'conduct' and 'redundancy' dismissals are. A statutory restriction means that the employee is prevented by law from doing the job - for example, a driver who loses his driving licence. 'Some other substantial reason' means "Parliament can't be expected to think of everything".

#### Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### B. Vote Neg –

#### 1. Limits – Regulation and oversight of authority allows a litany of new affs in each area – justifies indirect effects of statutory policies and affs that don’t alter presidential authority – undermines prep and clash

#### 2. Ground – Restriction ground is the locus of neg prep – their interpretation jacks all core disads – politics, presidential powers, and any area based disad because an aff doesn’t have to prevent the president from doing anything

### 1NC

#### A. Interpretation – targeted killing is distinct from all drone strikes

Uebersax 12 (John, psychologist, writer and former RAND Corporation military analyst, "The Four Kinds of Drone Strikes," http://satyagraha.wordpress.com/2012/05/23/the-four-kinds-of-drone-strikes/)

We must begin with clear terms, and that is the purpose of the present article. Drone strikes, that is, the launching of explosive missiles from a remotely operated aerial vehicle, come in four varieties: targeted killings, signature strikes, overt combat operations, and covert combat operations. We shall consider each in turn.¶ Targeted killing. This occurs when a drone strike is used to kill a terrorist whose identity is known, and whose name has been placed on a hit list, due to being deemed a ‘direct and immediate threat’ to US security. The government would like people to think this means these strikes target a terrorist literally with his or her hand on a detonator. But, in actuality, the only real criterion is that the government believes the target is sufficiently closely affiliated with terrorist organizations (e.g., a propagandist or financier) to justify assassination. This is likely the rarest form of drone strike. However it receives the most publicity, because the government likes to crow when it kills a high-ranking terrorist.¶ Signature strikes. In signature strikes, the target is a person whose name is not known, but whose actions fit the profile (or ‘signature’) of a high-ranking terrorist. There is some ambiguity concerning the meaning of this term. Some use it in the sense just stated — i.e., a strike against an anonymous terrorist leader. Others use it more broadly to include killing of any non-identified militants, whether high-ranking or not. However from the moral standpoint it makes a major difference whether an anonymous targeted victim is a high-level leader, or simply an anonymous combatant. For this reason it is advantageous to restrict the term “signature strike” to the targeting of anonymous high-level leaders, and to assign strikes against anonymous non-leaders to the two further categories below.¶ Overt combat operation. This category includes drone strikes conducted as part of regular military operations. These strikes are presumably run by uniformed military personnel according to codes of military conduct, and are, logically and legally, not much different from ordinary air or artillery strikes. As a part of routine warfare, such strikes are subject to the provisions of the Geneva Conventions. Three items of the Geneva Conventions are of special interest here: (1) strikes should occur only in the context of a legally declared war; (2) they should be conducted by lawful combatants (which, many experts believe, excludes use of non-uniformed, civilian contractor operators); and (3) standard provisions concerning the need to report casualties, especially civilian casualties, are in effect.¶ Covert combat operation. Finally, there are covert combat operations. These, like the former category, are launched against usual military targets – e.g., any hostile militant, not just high-ranking ones. But why should these strikes be covert? The obvious answer is: to mask something shady. Covert combat strikes can evade all those irritating constraints on military tactics imposed by the Geneva Conventions, International Law, public opinion, and basic human decency.¶ The specific terms used above to distinguish these four kinds of strikes are admittedly arbitrary, and perhaps some other nomenclature would be more advantageous. But we need some fixed set of terms to refer to these fundamentally different kinds of strikes. Without such terms, the US government will continue to have its way by relying on public confusion and terminological sophistry. For example, if there is only a single generic term, the government may issue a claim such as “drone strikes comply with international law.” This is perhaps technically true for, say, overt military drone strikes, but it is not true for signature strikes. With more precise terms, it would be more difficult for the government to mislead the public.

#### B. Vote neg –

#### A. Precision – our interpretation is exclusive and has an intent to define – accurate reading of the resolution is a pre-requisite to fairness and education – they make the resolution meaningless

#### B. Limits – expanding the term to include unknown terrorist identities makes the term limitless, destroying in depth education

### 1NC

#### The United States federal judiciary should restrict the use of remote controlled aerial vehicle targeted killings outside of geographic locations housing active American combat troops.

#### CP is competitive – statutory restrictions on executive war authority means Congress

Fisher 7 (Louis, Specialist, Constitutional Law Law Library, Library of Congress, "The Power of Congress to End a War," 1/30, lexis)

Contemporary Statutory Restrictions¶ Congress has often enacted legislation to restrict and limit military operations by the President, selecting both appropriations bills and authorizing legislation to impose conditions and constraints. The Congressional Research Service recently prepared a lengthy study that lists these statutory provisions. A major cutoff of funds occurred in 1973, when Congress passed legislation to deny funds for the war in Southeast Asia. After President Nixon vetoed the bill, the House effort to override failed on a vote of 241 to 173, or 35 votes short of the necessary two-thirds majority. A lawsuit by Representative Elizabeth Holtzman asked the courts to determine that President Nixon could not engage in combat operations in Cambodia and elsewhere in Indochina in the absence of congressional authorization. A federal district court held that Congress had not authorized the bombing of Cambodia. Its inability to override the veto and the subsequent adoption of an August 15 deadline for the bombing could not be taken as an affirmative grant of legislative authority: "It cannot be the rule that the President needs a vote of only one-third plus one of either House in order to conduct a war, but this would be the consequence of holding that Congress must override a Presidential veto in order to terminate hostilities which it had not authorized." Appellate courts mooted the case because the August 15 compromise settled the dispute between the two branches and terminated funding for the war.¶ Through its power to authorize programs and appropriate funds, Congress can define and limit presidential military actions. Some claim that the power of the purse is an ineffective and impractical method of restraining presidential wars. Senator Jacob Javits said that Congress "can hardly cut off appropriations when 500,000 American troops are fighting for their lives, as in Vietnam." The short answer is that Congress can, and has, used the power of the purse to restrict and terminate presidential wars. If Congress is concerned about the safety of American troops, those lives are not protected by voting additional funds for a war it does not support.¶ A proper and responsible action, when war has declining value or purpose, is to reevaluate the commitment by placing conditions on appropriations, terminating funding, moving U.S troops to a more secure location, and taking other legislative steps. There is one central and overriding question: Is the continued use of military force in the nation's interest? If not, then U.S. soldiers need to be safely withdrawn and redeployed. Answering that difficult question is not helped by speculation about whether congressional action might "embolden the enemy."¶ Other examples of congressional intervention can be cited. In 1976, Congress prohibited the CIA from conducting military or paramilitary operations in Angola and denied any appropriated funds to finance directly or indirectly any type of military assistance to Angola. In 1984, Congress adopted the Boland Amendment to prohibit assistance of any kind to support the Contras in Nicaragua. No constitutional objection to this provision was ever voiced publicly by President Reagan, the White House, the Justice Department, or any other agency of the executive branch.¶ Congress has options other than a continuation of funding or a flat cutoff. In 1986, Congress restricted the President's military role in Central America by stipulating that U.S. personnel "may not provide any training or other service, or otherwise participate directly or indirectly in the provision of any assistance, to the Nicaraguan democratic resistance pursuant to this title within those land areas of Honduras and Costa Rica which are within 20 miles of the border with Nicaragua." In 1991, when Congress authorized President George H. W. Bush to use military force against Iraq, the authority was explicitly linked to UN Security Council Resolution 678, which was adopted to expel Iraq from Kuwait. Thus, the legislation did not authorize any wider action, such as using U.S. forces to invade and occupy Iraq. In 1993, Congress established a deadline for U.S. troops to leave Somalia. No funds could be used for military action after March 31, 1994, unless the President requested an extension from Congress and received prior legislative priority.¶ Conclusions¶ In debating whether to adopt statutory restrictions on the Iraq War, Members of Congress want to be assured that legislative limitations do not jeopardize the safety and security of U.S. forces. Understandably, every Member wants to respect and honor the performance of dedicated American soldiers. However, the overarching issue for lawmakers is always this: Is a military operation in the nation's interest? If not, placing more U.S. soldiers in harm's way is not a proper response. Members of the House and the Senate cannot avoid the question or defer to the President. Lawmakers always decide the scope of military operations, either by accepting the commitment as it is or by altering its direction and purpose. In a democratic republic, that decision legitimately and constitutionally resides in Congress.

#### Judicial restrictions solve and the executive complies

Bradley and Morrison 13 (Curtis and Trevor, Prof of Law @ Duke + Prof of Law @ Columbia, "PRESIDENTIAL POWER, HISTORICAL PRACTICE, AND ¶ LEGAL CONSTRAINT," http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5451&context=faculty\_scholarship)

Insisting on a sharp distinction between the law governing presidential authority that is subject to judicial review and the law that is not also ¶ takes for granted a phenomenon that merits attention—that Presidents ¶ follow judicial decisions.118 That assumption is generally accurate in the ¶ United States today. To take one relatively recent example, despite disagreeing with the Supreme Court’s determination in Hamdan v. Rumsfeld ¶ that Common Article 3 of the Geneva Conventions applies to the war on ¶ terror, the Bush Administration quickly accepted it.119 But the reason why ¶ Presidents abide by court decisions has a connection to the broader issue¶ of the constraining effect of law. An executive obligation to comply with ¶ judicial decisions is itself part of the practice-based constitutional law of the ¶ United States, so presidential compliance with this obligation may ¶ demonstrate that such law can in fact constrain the President. This is ¶ true, as we explain further in Part III, even if the effect on presidential ¶ behavior is motivated by concerns about external political perceptions ¶ rather than an internal sense of fidelity to law (or judicial review).120¶ A final complication is that, with respect to issues of presidential ¶ power, there are few situations in which the prospect of judicial review is ¶ actually zero. If the Supreme Court can decide Bush v. Gore121 and the war ¶ on terror cases, it can decide a lot.122 Areas of presidential power that ¶ typically see little judicial involvement might become areas of greater ¶ involvement under certain conditions. Moreover, the likelihood of ¶ judicial review is probably affected by the extent to which courts perceive ¶ the President to be stretching traditional legal understandings. As a ¶ result, it might be more accurate to describe the constitutional law of ¶ presidential power as judicially underenforced, rather than unenforceable. Even outside the separation of powers area, there is an extensive ¶ literature on the legal status of underenforced constitutional norms. For ¶ a variety of reasons, including justiciability limitations, immunity ¶ doctrines, and judicial deference to coordinate institutions, it has long ¶ been understood that the Constitution is not fully enforced by the courts. ¶ Nevertheless, courts and scholars commonly accept that judicially ¶ underenforced constitutional norms retain the status of law beyond the ¶ extent of judicial enforcement.123

#### CP avoids politics

Ting 9 (Jan, Professor of Law – Temple University and Former Assistant Commissioner – INS, “Panel: Should Judges Set Immigration Policy?”, June, http://www.cis.org/Transcript/PlenaryPowerPanel)

And to me that’s sort of a backhanded way, and a much more sophisticated way, of arguing for open borders than our friends at Cato and Wall Street Journal, who openly advocate it. I mean, there’s this other view that says, no, we’re not going to openly advocate it – that would be political suicide – but we’re going to keep spending the money but we’re going to have it come through a different way. So again, it’s important that we clarify the plenary powers dispute is premised on the notion we’re going to have a system of limited immigration and someone is going to make rules about who can come in and who can’t and who can stay and who can’t, and then we can talk about who makes the rules. The discussion also assumes that the political branches, the Congress and the executive, actually want to retain plenary powers over immigration. Again, it’s not entirely clear that they do. You know, from the point of view of Congress, it might be a good thing to let this hot potato be resolved by the judges rather than a member of Congress who – as a member once told me that there is a popular notion out there that people run for Congress so that they can vote on the tough issues of the day and have input on the tough issues of the day. And this former member suggested that’s actually not the case, that people don’t really want to vote on the tough issues of the day. They’d much rather vote on non-controversial stuff like naming post offices and Future Farmers of America Week and things like that rather than the tough issues which are going to force them to make a decision and alienate some of their constituents.

### 1NC

#### Yellen will likely be confirmed as the next Fed chair

Europost 10/18/13 ("Janet Yellen rises to FED head challenge," http://www.europost.bg/article?id=8754)

For the first time in its cen­tu­ry-old his­to­ry, the US Fed­er­al Reserve (Fed) is wide­ly expect­ed to have a female Chair­per­son. Jan­et Yel­len (67), cur­rent­ly serv­ing as dep­u­ty of Ben Ber­nan­ke, has been nom­i­nat­ed by Pres­i­dent Barack Obama for the sec­ond most pow­er­ful gov­ern­ment posi­tion in the US. Because of the Fed's excep­tion­al inde­pend­ence and pow­er to pull the strings of not only the US, but the glob­al econ­o­my, its Chair­per­son holds an enor­mous amount of influ­ence.¶ Anoth­er sig­nif­i­cant devel­op­ment is the fact that for the first time in near­ly 30 years the Dem­o­crats will have their hands on this cru­cial finan­cial insti­tu­tion. The last Dem­o­crat at the helm of the US cen­tral bank was Paul Volc­ker, who Pres­i­dent Ronald Rea­gan replaced with Alan Green­span in 1987.¶ "Jan­et is excep­tion­al­ly well qual­i­fied for this role," Obama said at a White House cer­e­mo­ny on 9 Octo­ber, with Yell­en stand­ing by his side. "She doesn't have a crys­tal ball, but what she does have is a keen under­stand­ing of how mar­kets and the econ­o­my work, not just in the­o­ry but also in the real world. And she calls it like she sees it."¶ "She had sound­ed the alarm bell ear­ly about the hous­ing mar­ket bub­ble and excess­es in the finan­cial mar­kets before the reces­sion. She calls it like she sees it," Obama add­ed.¶ Yell­en, who spoke aft­er Obama, said she would pro­mote max­i­mum employ­ment, sta­ble pri­ces, and a sound finan­cial sys­tem.¶ "While we have made progress, we have fur­ther to go. The man­date of the Fed­er­al Reserve is to serve all the Amer­i­can peo­ple, and too many Amer­i­cans still can't find a job and wor­ry how they'll pay their bills and pro­vide for their fam­i­lies," Yell­en said.¶ "Jan­et is excep­tion­al­ly well qual­i­fied for the posi­tion, with stel­lar aca­dem­ic cre­den­tials and a strong record as a lead­er and a pol­i­cy­mak­er," Ben Ber­nan­ke said in a state­ment.¶ With her white hair and sweet smile, Yell­en inspires con­fi­dence. She was born and raised in Brook­lyn, where she attend­ed Fort Hamil­ton High School in Bay Ridge. She grad­u­at­ed from Brown Uni­ver­si­ty with a degree in eco­nom­ics in 1967, and received a Ph.D. in eco­nom­ics from Yale Uni­ver­si­ty in 1971.¶ Yell­en was an assist­ant pro­fes­sor at Har­vard from 1971-76 and an econ­o­mist with the Fed­er­al Reserve Board of Gov­ern­ors from 1977-78. There she met her future hus­band George Akerl­of, a Nobel prize-win­ning econ­o­mist. The two of them have worked togeth­er on numer­ous eco­nom­ic the­ses. She is now a Pro­fes­sor Emer­i­tus at the Haas School of Busi­ness, at the Uni­ver­si­ty of Cal­i­for­nia, Berke­ley.¶ Yell­en served as chair of Pres­i­dent Bill Clin­ton's Coun­cil of Eco­nom­ic Advis­ers 1997-1999, and was appoint­ed as a mem­ber of the Fed­er­al Reserve Sys­tem's Board of Gov­ern­ors from 1994 to 1997. She has taught at Har­vard Uni­ver­si­ty and at the Lon­don School of Eco­nom­ics. From June 14, 2004, until 2010, Yell­en was the Pres­i­dent and Chief Exec­u­tive Offi­cer of the Fed­er­al Reserve Bank of San Fran­cis­co. Fol­low­ing her appoint­ment to the Fed­er­al Reserve in 2004, she spoke pub­lic­ly, and in meet­ings of the Fed's mon­e­tary pol­i­cy com­mit­tee, on her con­cern about the poten­tial con­se­quen­ces of the boom in hous­ing pri­ces.¶ Yell­en is con­sid­ered by many on Wall Street to be a "dove" (more con­cerned with unem­ploy­ment than with infla­tion). Many con­serv­a­tives are hawks on infla­tion, argu­ing that keep­ing pri­ces low should be the Fed's chief con­cern. Yell­en will like­ly face oppo­si­tion from some Repub­li­cans in the Sen­ate, but she is expect­ed to be con­firmed as the next Fed chair.¶ A con­serv­a­tive group has launched a cam­paign to stop Jan­et L. Yell­en from becom­ing the next head of the Fed­er­al Reserve, Amer­i­can media report­ed. The con­cerns are that her con­fir­ma­tion would lead to an expan­sion of easy mon­ey pol­i­cies that would cause pri­ces to soar.¶ Still, she is expect­ed to gain enough sup­port to secure the 60 votes need­ed to over­come any pro­ce­dur­al hur­dles in the 100-seat Sen­ate. Dem­o­crats con­trol the cham­ber 54-46.

#### Plan costs capital

O’Neil 7 (David – Adjunct Associate Professor of Law, Fordham Law School, “The Political Safeguards of Executive Privilege”, 2007, 60 Vand. L. Rev. 1079, lexis)

a. Conscious Pursuit of Institutional Prerogatives The first such assumption is belied both by first-hand accounts of information battles and by the conclusions of experts who study them. Participants in such battles report that short-term political calculations consistently trump the constitutional interests at stake. One veteran of the first Bush White House, for example, has explained that rational-choice theory predicts what he in fact experienced: The rewards for a consistent and forceful defense of the legal interests of the office of the presidency would be largely abstract, since they would consist primarily of fidelity to a certain theory of the Constitution... . The costs of pursuing a serious defense of the presidency, however, would tend to be immediate and tangible. These costs would include the expenditure of political capital that might have been used for more pressing purposes, [and] the unpleasantness of increased friction with congressional barons and their allies. n182 Louis Fisher, one of the leading defenders of the political branches' competence and authority to interpret the Constitution independently of the courts, n183 acknowledges that politics and "practical considerations" typically override the legal and constitutional principles implicated in information disputes. n184 In his view, although debate about congressional access and executive privilege "usually proceeds in terms of constitutional doctrine, it is the messy political realities of the moment that usually decide the issue." n185 Indeed, Professor Peter Shane, who has extensively studied such conflicts, concludes that their successful resolution in fact depends upon the parties focusing only on short-term political [\*1123] considerations. n186 When the participants "get institutional," Shane observes, non-judicial resolution "becomes vastly more difficult." n187

#### Capital key to securing the new Fed chair

Collier 9/30/13 (Sustainable Wealth Management, "Perspectives: Four Challenges Facing the Markets This Fall," http://webcache.googleusercontent.com/search?q=cache:mVzW9cxQi5YJ:www.collierswm.com/blog/perspectives-four-challenges-facing-markets-fall+&cd=15&hl=en&ct=clnk&gl=us)

Current Fed Chairman, Ben Bernanke, will step down from his position in January and his replacement will be named soon. Rumors about President Obama’s nomination are flying and we can expect a contentious confirmation process by the Senate, filled with horse-trading and negotiations. The new Fed chairman will have the responsibility of managing the tapering process and ending the Fed’s unprecedented quantitative easing programs while keeping the economy on track.[iii]

#### Yellen key to the global economy

Crutsinger and Wiseman 10/9/13 (Martin and Paul, AP Economics Writers, "As Fed chair, Yellen would face tough challenges," http://www.dallasnews.com/business/headlines/20131009-as-fed-chair-yellen-would-face-tough-challenges.ece?nclick\_check=1)

Yellen would also take over the Fed at a critical time for China, the world's No. 2 economy after the United States, and other developing nations.¶ The International Monetary Fund, citing slower growth in China, India and Brazil, downgraded its forecast this week for global economic growth to 2.9 percent this year and 3.6 percent in 2014. Both are 0.2 percentage point weaker than the IMF's previous forecast in July.¶ Investors have been pulling money out of developing markets, partly to take advantage of rising interest rates in the United States. The Fed might be called upon to help calm worldwide financial volatility.¶ "The role of the Fed chair is so critical," said Greg McBride, senior financial analyst at Bankrate.com. "We're not just talking about the U.S. economy. We're talking about the global economy."¶ Yellen will also have to establish herself as chair at a time when the Fed is experiencing unusual turnover. When Bernanke leaves Jan. 31, but there could be up to four vacancies that Obama would need to fill on the seven-member Fed board.¶ One board member, Elizabeth Duke, left in August. Another, Sarah Bloom Raskin, has been nominated by Obama to become deputy Treasury secretary. The term of a third, Jerome Powell, will be up Jan. 31, though he can remain on the board until a successor is confirmed by the Senate.¶ And Sandra Pianalto, president of the Federal Reserve Bank of Cleveland, has announced that she will leave early next year.¶ Most analysts say they're confident Yellen can handle the many challenges.¶ "By temperament, by mannerism and by extensive experience, I think she is better prepared for that job than almost anybody on the face of the earth," says Alan Blinder, a Princeton University economist and former Fed vice chairman who served with Yellen at the Fed in the 1990s.

#### Global nuclear war

Harris & Burrows 9 (Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>)

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

### 1NC

#### Text: The United States Congress should restrict the use of remote controlled aerial vehicle targeted killings outside of geographic locations housing active American combat troops to purposes only justifiable under transnational armed conflict. The United States Congress should specify that if a country is unable or unwilling to consent to drone strikes in their country, then no drone strikes will be authorized for use within that country.

#### Strict geographic restrictions create safe havens – the transnational armed conflict model retains operational flexibility without escalating to a global battlefield.

Lewis 12 [Michael W., Associate Professor of Law at Ohio Northern University Pettit College of Law, 6/2, 47 Texas International Law Journal 293, Drones and the Boundaries of the Battlefield, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1917461]

The existence of an armed conflict between, for example, al Qaeda and the United States, or between Hezbollah and Israel, should be based upon the degree of violence exchanged between those two parties, not on the level of violence that exists between al Qaeda and the nation of Afghanistan where it resides, or between Hezbollah and Lebanon where it is based. Yet it is this latter test which is being proposed by the ACLU and commentators supporting strict geographical limitations on the scope of IHL.¶ Such an application of the Tadic factors to determine whether IHL applies in a given geographical area to transnational armed conflicts confers a tremendous strategic advantage upon the very same organizations that IHL otherwise strongly disfavors. By limiting IHL to territory on which the threshold of violence for an armed conflict is currently occurring, IHL would effectively create sanctuaries for terrorist organizations in any state not currently involved in a domestic insurgency in which law enforcement is known to be ineffective. Nations such as Yemen,91 Somalia, Sudan and the FATA-area of Pakistan in which law enforcement actions against organizations like al Qaeda are either ineffective or intentionally not pursued, would become safe havens if IHL were not applied there. Al Qaeda members fulfilling a continuous combat function could effectively reacquire their civilian immunity by crossing an international boundary rather than being required to disavow al Qaeda, IHL’s preferred result.¶ This limitation on IHL’s scope in transnational armed conflicts would effectively cede the initiative 92 in a conflict between a state actor that abides by IHL and a non-state terrorist organization, which IHL disfavors in every other way because of its conduct during an armed conflict, to the terrorist organization. Members of the disfavored terrorist organization would be able to remain in these safe areas beyond the reach of law enforcement and immune from any attack that employed the tools of armed conflict, while they continued training, recruiting and planning their next attack. They alone would be allowed to decide the next battlefield’s location, whether it is New York, London, Madrid, Washington, DC, Mumbai, Detroit or Bali, and when the next confrontation would take place. IHL should not be read to privilege such a group that it actively disfavors in so many other ways. Employing neutrality law to determine IHL’s scope and the boundaries of the battlefield in transnational armed conflicts is the best way of avoiding such an anomalous interpretation of IHL.93¶ Significantly, neutrality law (or something very much like it) has already been employed in a transnational armed conflict. After the attacks of September 11, Afghanistan was put to much the same choice as Uruguay was in 1939. Become an ally of the United States in the conflict with al Qaeda and allow the use of force against al Qaeda on Afghan territory. Maintain neutrality in the conflict between the U.S. and al Qaeda by prohibiting U.S. action against al Qaeda in Afghanistan while ensuring that al Qaeda leaves Afghanistan and does not use Afghan territory as a sanctuary. Or become an enemy of the United States by refusing to uphold its duties as a neutral nation by allowing al Qaeda to use Afghan territory as a sanctuary. Afghanistan chose the third option and the United States and its NATO allies used force against both Afghan and al Qaeda forces in Afghanistan with broad international support.¶ Conclusion¶ The Air Missile Manual makes it clear that drones are legitimate weapons platforms whose use is effectively governed by current IHL applicable to aerial bombardment. Like other forms of aircraft they may be lawfully used to target enemy forces, whether specifically identifiable individuals or armed formations, if they comply with IHL’s requirements of proportionality, necessity and distinction.¶ Because drones are only able to operate effectively in permissive environments, the most significant legal challenges facing their development and employment have been based upon where they may be employed. Attempts to apply the strict geographical restrictions that govern the scope of IHL in internal non-international armed conflicts to all non-international armed conflicts, including transnational armed conflicts, threaten to significantly limit the usefulness of drones.¶ When IHL’s core principles are considered, it becomes clear that the application of strict geographical limitations on IHL’s scope in the context of transnational armed conflicts cannot be defended. The determination of whether the Tadic threshold for an armed conflict is met on the territory of a non-party to the conflict should have no bearing on whether IHL may be applied to the parties to the conflict. In other words, the fact that there is no local violence occurring in Yemen or Somalia should not be used to provide a sanctuary for non-state actors that are involved in an armed conflict with another state.¶ The answer for how the boundaries of the battlefield and the scope of IHL’s application can be properly determined is found in neutrality law. This is historically how geographical limitations have been imposed upon IHL’s scope in international armed conflicts. It was applied in the aftermath of the 9/11 attacks, with at least tacit international approval, to the situation involving the United States, al Qaeda and Afghanistan. Its application is checked by the consent of the sovereign states involved, making an escalating spiral of violence less, rather than more, likely. And perhaps most importantly, neutrality law’s application to transnational armed conflicts does not lead to the anomalous results that are produced when strict geographical limitations are applied to transnational armed conflicts in which IHL is read to favor its otherwise most disfavored groups.

## Drone Failure

### Yemen – Strikes Good

#### Armed conflict framework key to effectively disrupt al Qaeda – the plan constrains operational flexibility and produce a chilling effect

Corn 13 [Geoffrey S., Professor of Law and Presidential Research Professor at South Texas College of Law, 6/2, Lawfare, “Corn Comments on the Costs of Shifting to a Pure Self-Defense Model”, http://www.lawfareblog.com/2013/06/corn-comments-on-the-prospect-of-a-shift-to-a-pure-self-defense-model/]

The President’s speech – like prior statements of other administration officials – certainly suggests that the inherent right of self-defense is defining the permissible scope of kinetic attacks against terrorists. I wonder, however, if this is more rhetoric than reality? I think only time will tell whether actual operational practice confirms that “we are using force within boundaries that will be no different postwar”. More significantly, if practice does confirm this de facto abandonment of AUMF targeting authority, I believe it will result in a loss of the type of operational and tactical flexibility that has been, according to the President, decisive in the degradation of al Qaeda to date. The inherent right of self-defense is undoubtedly a critical source of authority to disable imminent threats to the nation, but it simply fails to provide the scope of legal authority to employ military force against the al Qaeda (and associated force) threat that will provide an analogous decisive effect in the future.¶ It strikes me (no pun intended) that arguments – or policy choices – in favor of abandoning the armed conflict model because the inherent right of self-defense will provide sufficient counter-terrorism response authority may not fully consider the operational impact of such a shift. From an operational perspective, the scope of authority to employ military force against the al Qaeda belligerent threat pursuant to the inherent right of self-defense is in no way analogous to the authority to do so within an armed conflict framework. This seems especially significant in relation to counter-terror operations. According to the President, the strategic vision for the “next generation” counter-terror military operations is not a “boundless ‘global war on terror’ – but rather a series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America.”¶ Relying exclusively on the inherent right of self-defense would, I suggest, potentially undermine implementing this strategic vision. It seems to me that disruption, and not necessarily destruction, is the logical operational “effect” commanders routinely seek to achieve to implement this strategy. Destruction, when feasible, would obviously contribute to this strategy. It is, however, doubtful that a group like al Qaeda and its affiliates can be completely destroyed – at least to the point that they are brought into complete submission – through the use of military power. Instead, military force can effectively be used to disrupt this opponent, thereby seizing and retaining the initiative and keeping the opponent off balance. Indeed, President Obama signaled the benefit of using military force to achieve this effect when he noted that al Qaeda’s “remaining operatives spend more time thinking about their own safety than plotting against us. They did not direct the attacks in Benghazi or Boston. They have not carried out a successful attack on our homeland since 9/11.”¶ A key advantage of the armed conflict framework is that it provides the legal maneuver space to employ military force in a manner that will effectively produce this disruptive and degrading effect. In contrast, under a pure self-defense framework, use of military force directed against such networks would necessarily require a determination of imminent threat of attack against the nation. Unlike the armed conflict model, this would arguably make conducting operations to “disrupt” terrorist networks more difficult to justify. I believe this is borne out by the reference to the pre-9/11 self-defense model. While it is true that military force was periodically employed as an act of self-defense during this era, such use seems to have been quite limited and only in response to attacks that already occurred, or at best were imminent in a restrictive interpretation of that term. In short, the range of legally permissible options to use military power to achieve this disruptive effect is inevitably broader in the context of an existing armed conflict than in isolated self-defense actions.¶ It may, of course, be possible to adopt an interpretation of imminence expansive enough to facilitate the range of operational flexibility needed to achieve this disruptive effect against al Qaeda networks. But this would just shift the legality debate from the legitimacy of continuing an armed conflict model to the legitimacy of the imminence interpretation. Even this would not, however, provide analogous authority to address the al Qaeda belligerent threat. Even if an expanded definition of imminence undergirded a pure self-defense model, it would inevitably result in hesitancy to employ force to disrupt, as opposed to disable, terrorist threats, because of concerns of perceived overreach.¶ It may be that a shift to this use of force framework is not only inevitable, but likely to come sooner than later. It may also be that such a shift might produce positive second and third order effects, such as improving the perception of legitimacy and mitigating the perception of a boundless war. It will not be without cost, and it is not self-evident that the scope of attack authority will be functionally analogous to that provided by the armed conflict model. Policy may in fact routinely limit the exercise of authority under this model today, but once the legal box is constricted, operationally flexibility will inevitably be degraded. It is for this reason that I believe the administration is unlikely to be too quick to abandon reliance on the AUMF.

#### Aggressive targeted killing policy’s key to stability in Yemen and kill Aqap

Alan W. Dowd 13, writes on national defense, foreign policy, and international security in multiple publications including Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Parameters, Vol. 42.4/43.1

At the beginning of President Hadi’s May offensive he, therefore, had a fractured army and a dysfunctional air force. Army leaders from competing factions were often disinclined to support one another in any way including facilitating the movement of needed supplies. Conversely, the air force labor strike had been a major setback to the efficiency of the organization, which was only beginning to operate as normal in May 2012. Even before the mutiny, the Yemen Air Force had only limited capabilities to conduct ongoing combat operations, and it did not have much experience providing close air support to advancing troops. Hadi attempted to make up for the deficiencies of his attacking force by obtaining aid from Saudi Arabia to hire a number of tribal militia fighters to support the regular military. These types of fighters have been effective in previous examples of Yemeni combat, but they could also melt away in the face of military setbacks.

Adding to his problems, President Hadi had only recently taken office after a long and painful set of international and domestic negotiations to end the 33-year rule of President Saleh. If the Yemeni military was allowed to be defeated in the confrontation with AQAP, that outcome could have led to the collapse of the Yemeni reform government and the emergence of anarchy throughout the country. Under these circumstances, Hadi needed every military edge that he could obtain, and drones would have been a valuable asset to aid his forces as they moved into combat. As planning for the campaign moved forward, it was clear that AQAP was not going to be driven from its southern strongholds easily. The fighting against AQAP forces was expected to be intense, and Yemeni officers indicated that they respected the fighting ability of their enemies.16

Shortly before the ground offensive, drones were widely reported in the US and international media as helping to enable the Yemeni government victory which eventually resulted from this campaign.17 Such support would have included providing intelligence to combatant forces and eliminating key leaders and groups of individuals prior to and then during the battles for southern towns and cities. In one particularly important incident, Fahd al Qusa, who may have been functioning as an AQAP field commander, was killed by a missile when he stepped out of his vehicle to consult with another AQAP leader in southern Shabwa province.18 It is also likely that drones were used against AQAP fighters preparing to ambush or attack government forces in the offensive.19 Consequently, drone warfare appears to have played a significant role in winning the campaign, which ended when the last AQAP-controlled towns were recaptured in June, revealing a shocking story of the abuse of the population while it was under occupation.20 Later, on October 11, 2012, US Secretary of Defense Leon Panetta noted that drones played a “vital role” in government victories over AQAP in Yemen, although he did not offer specifics.21 AQAP, for its part, remained a serious threat and conducted a number of deadly actions against the government, although it no longer ruled any urban centers in the south.

#### The Impact is oil shocks

**Harder**, 5/2/**2011** (Amy, Al-Qaeda Retaliation Would Drive Spike in Oil Prices, National Journal, p. http://www.nationaljournal.com/al-qaida-retaliation-would-drive-spike-in-oil-prices-20110502)

Global oil prices could rise and become even more volatile if al-Qaida terrorists in the Middle East try to avenge Osama bin Laden’s death. Many energy security experts caution that it’s too soon to make a judgment either way on what long-term effect bin Laden’s death will have on oil prices. Indeed, global oil prices are high largely because of the political revolutions occurring in countries such as Libya that are not directly connected to recent terrorism. Nonetheless, bin Laden's death has intensified the focus on the connection between Middle East geopolitics and oil prices. “The political trends in the Middle East and North Africa major oil exporting region is going to be the heavier influence on oil prices,” said Christine Parthemore, an energy-security fellow at the Center for New American Security. “But Yemen now sticks out as the real country to watch because it has both,” added Parthemore, referring to the fact that al-Qaida’s most active branch, al-Qaida in the Arabian Peninsula, is based in Yemen, and that the country is experiencing political upheaval. To boot, Yemen sits at the mouth of the Gulf of Aden. About 10 percent of the world’s seaborne oil passes through that gulf, including oil from Saudi Arabia, the world’s largest producer and exporter. Parthemore said terrorists regularly try to attack petroleum infrastructure in Saudi Arabia, and noted that  bin Laden’s death could trigger more efforts. “I’m particularly concerned about reprisal attacks focusing on petroleum infrastructure there [Saudi Arabia] -- probably more so than is being represented in the media now,” she said. Other experts said if terrorism occurs in Saudi Arabia or Yemen, oil prices could skyrocket. “If the al-Qaida in the Arabian Peninsula were able to stir things up a bit and do something in or near the border of Saudi Arabia … I think you would see a very sharp move upward in petroleum prices,” said Charles Ebinger, who directs the Brookings Institution’s energy-security initiative and is a senior fellow in foreign policy.

#### Great power war

**King**, September **2008** (Neil, Peak Oil: A Survey of Security Concerns, Center for a New American Security, p. 14-17)

Many commentators in the United States and abroad have begun to wrestle with the question of whether soaring oil prices and market volatility could spark an outright oil war between major powers—possibly ignited not by China or Russia, but by the United States. In a particularly pointed speech on the topic in May, James Russell of the Naval Postgraduate School in California addressed what he called the increasing militarization of international energy security. “Energy security is now deemed so central to ‘national security’ that threats to the former are liable to be reflexively interpreted as threats to the latter,” he told a gathering at the James A. Baker Institute for Public Policy at Houston’s Rice University.6 The possibility that a large-scale war could break out over access to dwindling energy resources, he wrote, “is one of the most alarming prospects facing the current world system.”7 Mr. Russell figures among a growing pool of analysts who worry in particular about the psychological readiness of the United States to deal rationally with a sustained oil shock. Particularly troubling is the increasing perception within Congress that the financial side of the oil markets no longer functions rationally. It has either been taken over by speculators or is being manipulated, on the supply side, by producers who are holding back on pumping more oil in order to drive up the price. A breakdown in trust for the oil markets, these analysts fear, could spur calls for government action—even military intervention. “The perceptive chasm in the United States between new [oil] market realities and their impact on the global distribution of power will one day close,” Mr. Russell said. “And when it does, look out.”8 The World at Peak: Taking the Dim View For years, skeptics scoffed at predictions that the United States would hit its own domestic oil production peak by sometime in the late 1960s. With its oil fields pumping full out, the U.S. in 1969 was providing an astonishing 25 percent of the world’s oil supply—a role no other country has ever come close to matching. U.S. production then peaked in December 1970, and has fallen steadily ever since, a shift that has dramatically altered America’s own sense of vulnerability and reordered its military priorities. During World War II, when its allies found their own oil supplies cut off by the war, the United States stepped in and made up the difference. Today it is able to meet less than a third of its own needs. A similar peak in worldwide production would have far more sweeping consequences. It would, for one, spell the end of the world’s unparalleled economic boom over the last century. It would also dramatically reorder the wobbly balance of power between nations as energy-challenged industrialized countries turn their sights on the oil-rich nations of the Middle East and Africa. In a peak oil future, the small, flattened, globalized world that has awed recent commentators would become decidedly round and very vast again. Oceans will reemerge as a hindrance to trade, instead of the conduit they have been for so long. An energy-born jolt to the world economy would leave no corner of the globe untouched. Unable to pay their own fuel bills, the tiny Marshall Islands this summer faced the possibility of going entirely without power. That is a reality that could sweep across many of the smallest and poorest countries in Africa, Asia, and Latin America, reversing many of the tentative gains in those regions and stirring deep social unrest. Large patches of the world rely almost entirely on diesel-powered generators for what skimpy electricity they now have. Those generators are the first to run empty as prices soar. A British parliamentary report released in June on “The Impact of Peak Oil on International Development” concluded that “the deepening energy crisis has the potential to make poverty a permanent state for a growing number of people, undoing the development efforts of a generation.”9 We are seeing some of the consequences already in Pakistan – a country of huge strategic importance, with its own stash of nuclear weapons – that is now in the grips of a severe energy crisis. By crippling the country’s economy, battering the stock market, and spurring mass protests, Pakistan’s power shortages could end up giving the country’s Islamic parties the leverage they have long needed to take power. It’s not hard to imagine similar scenarios playing out in dozens of other developing countries. Deepening economic unrest will put an enormous strain on the United Nations and other international aid agencies. Anyone who has ever visited a major UN relief hub knows that their fleets of Land Rovers, jumbo jets and prop planes have a military size thirst for fuel. Aid agency budgets will come under unprecedented pressure just as the need for international aid skyrockets and donor countries themselves feel pressed for cash. A peaking of oil supplies could also hasten the impact of global climate change by dramatically driving up the use of coal for power generation in much of the world. A weakened world economy would also put in jeopardy the massively expensive projects, such as carbon capture and storage, that many experts look to for a reduction in industrial emissions. So on top of the strains caused by scarce fossil fuels, the world may also have to grapple with the destabilizing effects of more rapid desertification, dwindling fisheries, and strained food supplies. An oil-constricted world will also stir perilous frictions between haves and have-nots. The vast majority of all the world’s known oil reserves is now in the hands of national oil companies, largely in countries with corrupt and autocratic governments. Many of these governments—Iran and Venezuela top the list—are now seen as antagonists of the United **S**tates. Tightened oil supplies will substantially boost these countries’ political leverage, but that enhanced power will carry its own peril. Playing the oil card when nations are scrambling for every barrel will be a far more serious matter that at any time in the past. The European continent could also undergo a profound shift as its needs—and sources of energy—diverge all the more from those of the United States. A conservation-oriented Europe (oil demand is on the decline in almost every EU country) will look all the more askance at what it sees as the gluttonous habits of the United States. At the same time, Europe’s governments may have little choice but to shy from any political confrontations with its principal energy supplier, Russia. An energy-restricted future will greatly enhance Russia’s clout within settings like the UN Security Council but also in its dealings with both Europe and China. Abundant oil and gas have fueled Russia’s return to power over the last decade, giving it renewed standing within the UN and increasing sway over European capitals. The peak oil threat is already sending shivers through the big developing countries of China and India, whose propulsive growth (and own internal stability) requires massive doses of energy. For Beijing, running low on fuel spells economic chaos and internal strife, which in turn spawns images of insurrection and a breaking up of the continent sized country. Slumping oil supplies will automatically pit the two largest energy consumers—the United States and China—against one another in competition over supplies in South America, West Africa, the Middle East, and Central Asia. China is already taking this competition very seriously. It doesn’t require much of a leap to imagine a Cold War-style scramble between Washington and Beijing—not for like-minded allies this time but simply for reliable and tested suppliers of oil. One region that offers promise and peril in almost equal measure is the Artic, which many in the oil industry consider the last big basin of untapped hydrocarbon riches. But the Artic remains an ungoverned ocean whose legal status couldn’t be less clear, especially so long as the United States continues to remain outside the international Law of the Sea Treaty. As the ices there recede, the risk increases that a scramble for assets in the Artic could turn nasty.

### Pakistan – U

#### Pakistani stability high

Deford 13 (Mac, GlobalPost, "Sharif’s election gives US an opening to help stabilize Pakistan," http://www.globalpost.com/dispatches/globalpost-blogs/commentary/sharif-s-election-gives-us-opening-help-stabilize-pakistan)

OWL’S HEAD, Maine — There's not much good news coming out of the broader Middle East these days and so the successful election this past weekend in Pakistan is cause for at least muted elation. It is, after all, the first time in Pakistan's beleaguered 65-year history that a democratically elected government has been replaced by a democratically elected government.¶ So that's the good news. Toss in the fact that the voter turnout, the highest for parliamentary elections in nearly two generations, was spurred upward by women and younger voters, and was not deterred by Taliban attacks, then add that Pakistan does have a remarkably free press and a quite independent judiciary and, obviously, a military that now is willing to let democracy play out — and things don't look so bad.¶ Pakistan's support of extremist groups like the Taliban, and its high-level decision to keep Osama bin Laden hidden in plain sight, are the clearest evidence of Pakistan perversity.¶ Pakistan-US relations were so low last year that an article in the establishment journal Foreign Affairs suggested that the US should treat Pakistan the same way it treats other "hostile powers," such as Iran and North Korea.¶ As has been well documented, Dick Holbrooke, handpicked by Secretary of State Hillary Clinton to oversee the Afghan-Pakistan theatre, got no support from the president for the two years he was in the role, until his death at the end of 2010.¶ A key part of the problem has been Obama's apparent belief — or at least the belief of his advisors — that Pakistan is a client state, that it needs us more than we need them.¶ A failed Pakistan or one infiltrated by the Taliban or other extremists could cause dangerous problems for the US. At the end of next year, we'll be pulling our last fighting forces out of Afghanistan. But it's never really been about Afghanistan. Pakistan is the key. Has the White House finally learned that?¶ The Arab Middle East faces decades of collapsing regimes, civil wars and even re-drawn borders. Obama's hands-off reaction to the most dangerous current aspect of the failed Arab Spring, Syria's bloody civil war, illustrates not just our relative retreat from our role as the world's night-watchman but as well a realistic assessment of the diminishing importance of the Middle East. And while Israel's concerns about a nuclear-armed Iran — and indeed Saudi Arabia's and its Gulf neighbors as well — may yet explode the area, the most dangerous region in today's world is Pakistan and its environs.¶ For starters, Pakistan has a couple hundred nuclear weapons. It has the Taliban, an insurgency movement that it mid-wifed and returned to haunt it. Strategically, Pakistan is the center of a complex web of relationships that entangle half the world's population.¶ The US sees China as a down-the-road threat to our primacy in Asia. India and China, the world's two most populous countries, have long been rivals, not so much because of their border clashes in the high Himalayas as their regional strategic ambitions.¶ As it moved out of its non-aligned leadership role, India aligned itself more closely with the US. China has long courted close relations with Pakistan, which has been reciprocated as an obvious way for both to counter India's pre-eminent position in the sub-continent.¶ Afghanistan only came into US purview through al-Qaeda and 9/11. But Pakistan has long exercised influence in Afghanistan, where the populous Punjab was arbitrarily split between the two by the Durand Line drawn up by the British colonial enterprise. India, naturally, has numerous consulates throughout Afghanistan for the primary purpose of offsetting Pakistan's influence.¶ The Taliban and nuclear weapons have created a potentially high stakes situation. A failed state, or just a couple of nuclear bombs in the wrong hands, would prompt a somewhat different response from the Obama administration than the understandable waffling on how to deal with Syria's chemical weapons.¶ So, as Nawaz Sharif takes control of Pakistan for the third time, what can the US hope for? And, more importantly, how can the US work with Sharif to reinforce Pakistan's stability? What must Obama do to keep Pakistan out of the "lost" column?¶ The good news is that Sharif, although a religious conservative and a two-time recipient of a military overthrow, is a sophisticated businessman who understands capitalism. He wants to improve relations with India; he wants to help the US negotiate a deal with the Afghan Taliban that would facilitate a peaceful US departure.¶ Pakistan has enormous economic problems: its infrastructure has been unable to keep pace with its rapid population growth; in the larger cities, electricity is cut 12 hours or more each day. Its education system is so weak that millions of Pakistani children end up at religious madrasas, often being taught extremist Islamism.¶ Sharif understands the economic problems that were as much as anything responsible for the overwhelming defeat of current Prime Minister Zardari's party. Sharif knows that for his party to remain in power, economic growth is essential.¶ He's realistic when it comes to India, hoping, as he did the last time he was prime minister, to improve relations. Indeed, he's invited his Indian counterpart to his inauguration. Better relations with India not only lower the overall military decibels but enhanced trade could provide a big boost to that economic bounce Sharif needs.

### Pakistan – Strikes Good

#### Drones key to Pakistan stability

Curtis 7/16/13 (Lisa, Senior Research Fellow @ Heritage, "Pakistan Makes Drones Necessary," http://www.heritage.org/research/commentary/2013/7/pakistan-makes-drones-necessary)

But until Islamabad cracks down more aggressively on groups attacking U.S. interests in the region and beyond, drones will remain an essential tool for fighting global terrorism. Numbering over three hundred and fifty since 2004, drone strikes in Pakistan have killed more than two dozen Al Qaeda operatives and hundreds of militants targeting U.S. and coalition forces.¶ President Obama made clear in his May 23 speech at the National Defense University that Washington would continue to use drones in Pakistan’s tribal border areas to support stabilization efforts in neighboring Afghanistan, even as it seeks to increase transparency and tighten targeting of the drone program in the future. Obama also defended the use of drones from a legal and moral standpoint, noting that by preemptively striking at terrorists, many innocent lives had been saved.¶ The most compelling evidence of the efficacy of the drone program came from Osama bin Laden himself, who shortly before his death contemplated moving Al Qaeda operatives from Pakistan into forested areas of Afghanistan in an attempt to escape the drones’ reach, according to Peter Bergen, renowned author of Manhunt: The Ten-Year Search for Bin Laden from 9/11 to Abbottabad.

### Pakistan – Anti-Americanism

#### Drones don’t cause anti Americanism

Afzal 13 (Madiha, Nonresident Fellow in Development @ Brookings, "Drone Strikes and Anti-Americanism in Pakistan," http://www.brookings.edu/research/opinions/2013/02/07-drones-anti-americanism-pakistan-afzal)

The debate on whether drone strikes increase anti-Americanism in Pakistan is ongoing, with the most vocal opponents of drones arguing that they increase recruitment for terror organizations. Opponents argue that this mainly happens in two ways: first, drones can give radicals ammunition for recruiting those on the margin of becoming terrorists. But such individuals are enemies of the United States in any case, and would likely remain so, whether the U.S. is actively engaged in drone strikes or not. The second argument is that drones may convert entirely non-radical individuals into joining terrorist groups since non-radical individuals could become riled up by the havoc wreaked by U.S. drone strikes. However, this is frankly hard to imagine. It is quite plausible that individuals might be radicalized if drone strikes were to harm their families, friends or communities. However, if one argues that the only effect of drone strikes is to increase radicalization, the policy prescription which emerges is either to do nothing, or to scrap the drone program. But the drone program is here to stay, so the policy so far has been to do and say nothing.

### Pakistan D

**No impact to Pakistan instability**

**Hundley ’12** (Before joining the Pulitzer Center, Tom Hundley was a newspaper journalist for 36 years, including nearly two decades as a foreign correspondent for the Chicago Tribune. During that time he served as the Tribune’s bureau chief in Jerusalem, Warsaw, Rome and London, reporting from more than 60 countries. He has covered three wars in the Persian Gulf, the Arab-Israeli conflict and the rise of Iran’s post-revolutionary theocracy. His work has won numerous journalism awards. He has taught at the American University in Dubai and at Dominican University in River Forest, Illinois. He has also been a Middle East correspondent for GlobalPost and a contributing writer for the Chicago News Cooperative. Tom graduated from Georgetown University and holds a master’s degree in international relations from the University of Pennsylvania. He was also National Endowment for the Humanities journalism fellow at the University of Michigan. Published September 5, 2012

With both sides armed to the teeth, **it is easy to exaggerate the fears** and much harder to pinpoint where the real dangers lie. For the United States, the nightmare scenario is that some of Pakistan's warheads or its fissile material falls into the hands of the Taliban or al Qaeda -- or, worse, that the whole country falls into the hands of the Taliban. For example, Rolf Mowatt-Larssen, a former CIA officer now at Harvard University's Belfer Center for Science and International Affairs, has warned of the "lethal proximity between terrorists, extremists, and nuclear weapons insiders" in Pakistan. This is a reality, but on the whole, Pakistan's nuclear arsenal appears to be reasonably secure against internal threats, according to those who know the country best. To **outsiders**, Pakistan **appears** to be permanently teetering on the **brink** of collapse. The fact that large swaths of the country are literally beyond the control of the central government is not reassuring. But a weak state **does not mean** a **weak society**, and **powerful internal dynamics based** largely on kinship and tribe **make it highly unlikely** that Pakistan would **ever fall** under the control of an outfit like the Taliban. During the country's intermittent bouts of democracy, its civilian leaders have been consistently incompetent and corrupt, but **even in the worst of times,** the military has maintained a high standard of professionalism. And there is **nothing** that **matters more** to the Pakistani military than keeping the nuclear arsenal -- **its crown jewels** -- out of the hands of India, the United States, and homegrown extremists. "Pakistan struggled to acquire these weapons against the wishes of the world. Our nuclear capability comes as a result of great sacrifice. It is our most precious and powerful weapon -- for our defense, our security, and our political prestige," Talat Masood, a retired Pakistani lieutenant general, told me. "We keep them safe." Pakistan's nuclear security is in the responsibility of the Strategic Plans Division**,** which appears to function pretty much as **a separate branch** of the military. It has its **own training facility and an elaborate set of controls** and screening proceduresto keep track of **all warheads and fissile material** and to monitor **any blips** in the behavior patterns of its personnel. The 15 or so sites where weapons are stored **are the mostly heavily guarded** in the country. **Even if** some group managed to steal or commandeer a weapon, **it is highly unlikely the group would be able to use it**. The greater danger is the theft of fissile material, which could be used to make a crude bomb. "With 70 to 80 kilos of highly enriched uranium, it would be fairly easy to make one in the basement of a building in the city of your choice," said Pervez Hoodbhoy, a distinguished nuclear physicist at Islamabad's Quaid-i-Azam University. At the moment, Pakistan has a stockpile of about 2.75 tons -- or some 30 bombs' worth -- of highly enriched uranium. It does not tell Americans where it is stored. "All nuclear countries are conscious of the risks, nuclear weapons states especially so," said Gen. Ehsan ul-Haq, who speaks with the been-there-done-that authority of a man who has served as both chairman of Pakistan's Joint Chiefs of Staff Committee and head of the ISI, its controversial spy agency. "Of course there are concerns. Some are genuine, butmuch of what you read in the U.S. media is **irrational and reflective of paranoia**. Rising radicalism in Pakistan? Yes, this is true, and the military is very conscious of this." Perhaps **the most credible endorsement** of Pakistan's nuclear security regime comes from its **most steadfast enemy.** The **consensus among India's top generals and defense experts** is that Pakistan's nukes are pretty secure. "No one can be 100 percent secure, but I think they are **more than 99 percent secure**," said Shashindra Tyagi, a former chief of staff of the Indian Air Force. "They keep a very close watch on personnel. All of the steps that could be taken have been taken. This business of the Taliban taking over -- it can't be ruled out, but I think **it's unlikely**. **The** Pakistani **military understands the threats** they face better than anyone, **and** they **are smart enough to take care it."** Yogesh Joshi, an analyst at the Institute for Defense Studies and Analyses in New Delhi, agrees: "Different states have different perceptions of risk. The U.S. has contingency plans [to secure Pakistan's nukes] because its nightmare scenario is that Pakistan's weapons fall into terrorist hands. The view from India over the years is that **Pakistan,** probably **more than any other nuclear** weapons **state, has taken measures to secure its weapons.** At the political level here, there's a lot of confidence that Pakistan's nuclear weapons are secure."

### 1NC Pakistan Loose Nukes

#### No loose nukes

Tepperman, 9/7/2009 (John - journalist based in New York City, Why obama should learn to love the bomb, Newsweek, p.lexis)

As for Pakistan, it has taken numerous precautions to ensure that its own weapons are insulated from the country's chaos, installing **complicated firing mechanisms** to prevent a launch by lone radicals, for example, and instituting special training and screening for its nuclear personnel to ensure they're not infiltrated by extremists. Even if the Pakistani state did **collapse** entirely--the nightmare scenario--the chance of a Taliban bomb would still be **remote**. Desch argues that the idea that terrorists "could use these weapons radically underestimates the difficulty of actually operating a modern nuclear arsenal. These things **need constant maintenance and they're very easy to disable**. So the idea that these things could be stuffed into a gunnysack and smuggled across the Rio Grande is preposterous."

## Sovereignty Violations

### No Modeling

#### U.S. can’t effectively signal

Zenko 13 (Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise)

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### No reverse modeling - norms can’t solve

Saunders 13 **(**Paul, executive director of The Center for the National Interest and associate publisher of The National Interest. He served in the State Department from 2003 to 2005, “We Won't Always Drone Alone,” <http://nationalinterest.org/commentary/we-wont-always-drone-alone-8177>)

A broader and deeper challenge is how others—outside the United States—will use drones, whether armed or unarmed, and what lessons they will draw from Washington’s approach. Thus far, the principal lesson may well be that drones can be extremely effective in killing your opponents, wherever they are, without risking your own troops and without sending soldiers or law enforcement personnel across another country’s borders. It seems less likely that others will adopt U.S.-style legal standards and oversight procedures, or that they will always ask other governments before sending drones into their airspace.¶ Based on their actions, it is almost as if Obama administration officials believe that the United States and its allies will have a long-term monopoly on drones. How else can one explain their exuberant confidence in launching drone attacks? However, the administration’s dramatic expansion in drone strikes—and their apparent effectiveness—will only further shorten Washington’s reign as the drone capital of the world by increasing the incentives to others eager to develop, refine or buy the technology.¶ Have Obama administration officials given any thought to what the world might look like when armed drones are more widespread and when Americans or U.S. allies and partners could become targets? To an outsider, there is little evidence of this kind of thinking in the administration’s use of drones.¶ This is a serious problem. According to an unclassified July 2012 report by the Government Accountability Office, at least 76 countries already have acquired unmanned aerial vehicles, known as UAVs or drones; the report also states that “countries of concern” are attempting to acquire advanced UAVs from foreign suppliers as well as seeking illegal access to U.S. technology. And a 2012 special report by the United Kingdom’s Guardian newspaper indicated that China has 10 or more models, though not all are armed. Other sources identify additional varieties in China. At least 50 countries are trying to build 900 different types of drones, the GAO writes.¶ More generally, the administration’s expanding use of drones is a powerful endorsement of not only the technology, but of the practice of targeted killing as an instrument of foreign and security policy. Having provided this powerful impetus, the United States should not be surprised if others—with differing legal standards and more creative efforts at self-justification—seize upon it once they have the necessary capabilities. According to the GAO, this is already happening—in government-speak, “while only a limited number of countries have fielded lethal or weaponized UAVs, this threat is anticipated to grow.” From this perspective, it is ironic that a president so critical of his predecessor’s unilateralism would practice it himself—particularly in a manner that other governments will find much easier to emulate than the Bush administration’s larger-scale use of force. How does the Obama administration plan to respond if and when China or Russia uses armed UAVs to attack groups they define as terrorists?

#### Restrictions won’t be modeled

Jacobson 13 **(**Mark R., senior transatlantic fellow at the German Marshall Fund of the United States. From 2009 to 2011, he served with NATO’s International Security Assistance Force in Afghanistan, “Column: Key Assumptions About Drones Are Based on Misconceptions,” <http://www.vnews.com/opinion/4393278-95/drones-drone-armed-civilian>]

Armed drones are neither as simple as model airplanes nor as complex as high-performance fighter jets. Of course, a remote-controlled helicopter that you can build in your garage is certainly not as capable as the $26.8 million MQ-9 Reaper, the primary U.S. hunter-killer drone. But drones are much less expensive than fighter aircraft, and in an age of increasing austerity, it is tempting for nations to consider replacing jets with drones. More than 50 countries operate surveillance drones, and armed drones will quickly become standard in military arsenals. The challenge is to consider what international rules, if any, should govern the use of armed drones. The United States is setting the precedent; our approach may define the global rules of engagement. Of course, we cannot expect other nations to adopt the oversight and restrictions we have. What doors are we opening for other nations’ use of drones? What happens when terrorist groups acquire them? The United States must prepare for being the prey, not just the predator.

#### No one cares about the U.S.

Wittes and Singh 12 (Benjamin, a Senior Fellow in Governance Studies at the Brookings Institution where he co-directs the Harvard Law School-Brookings Project on Security and Law, specializes in the legal issues surrounding international security and the war on terrorism, member of the Hoover Institution’s Task Force on National Security and the Law, Ritika, a research assistant on law and national security issues at the Brookings Institution. She graduated with majors in International Affairs and Government from Skidmore College, “Drones Are a Challenge — and an Opportunity,” 1-11-12, <http://www.cato-unbound.org/2012/01/11/benjamin-wittes-ritika-singh/drones-are-challenge-opportunity>)

Yes, as Cortright says, a great many other countries are getting into the drone game too—but this is less because the United States is paving the way than because this logic is obvious to those countries too. And this same logic, combined with the reality that robotic technologies are getting cheaper and easier to acquire even as their power increases, means that proliferation will happen irrespective of what the United States does. Indeed, the question is not whether we will live in a world of highly proliferated technologies of robotic attack. It is whether the United States is going to be ahead of this curve or behind it.

### Circumvention

#### Obama can circumvent

Lohmann 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.

### 1NC No Drone Wars

#### Deterrence solves drone wars

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

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.

Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.

Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.

What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.

Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.

Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.

Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### States won’t attack each other

Lewis & Crawford 13 [Michael W., Professor of Law at Ohio Northern University Pettit College of Law, Emily, Post-Doctoral Research Fellow at the University of Sydney, “DRONES AND DISTINCTION: HOW IHL ENCOURAGED THE RISE OF DRONES” p. 1163, http://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/zsx00313001127.PDF]

Before discussing the legal merits of the norms that the United States is shaping through its present conduct of drone warfare, it is ﬁrst necessary to dispel a pervasive misconception about drones that Alston and many other commentators have promulgated. That misconception is that the current manner in which the United States is using drones broadly justiﬁes any use of drones by other countries against the United States and that drones represent a serious threat to the United States.159 This misconception has spread so easily because the reciprocity theme is intuitively appealing and, to a point, legally correct. It is true that whatever legal basis the United States offers for utilizing drones in Yemen, Pakistan, or Somalia must also be available to any other nation wishing to use drones as well. However, that does not mean that drones will be appearing over New York City anytime soon, in large part because drones are very vulnerable to air defense systems and signal interruption and because they are particularly unsuited to use by terror groups.160 Even the most advanced drones that the United States possesses are relatively slow and vulnerable to ﬁghters or surface-to-air missiles, meaning that, as conventional weapons, drones would have limited utility in a traditional state-on-state armed conﬂict.161 Perhaps more importantly, the physical realities associated with using drones makes them of limited usefulness to terrorists. Drones that are capable of carrying any signiﬁcant payload need hard surfaced runways and signiﬁcant maintenance support. Any drone returning to such facilities would be closely followed by U.S. forces, meaning that any drone used by terrorists would be a single strike proposition, and quite an expensive one at that. Therefore, from a practical standpoint, car bombs, suicide bombs, and attacks on airliners remain by far the most credible threat to the United States, regardless of how it pursues its drone policy.

### 1NC Drone Prolif

#### Acquisition takes forever

Zenko 13 (Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Reforming U.S. Drone Strike Policies,” January, Council Special Report No. 65, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

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

#### Drones are locked in - plan can’t solve

**McDonald 13 (**Jack, lecturer at the Department of War Studies, King’s College London, completed his PhD thesis on targeted killings, has worked with The Centre for Defence Studies, “Losing perspective on proliferation,” <http://kingsofwar.org.uk/2013/01/losing-perspective-on-proliferation/>)

The control of UAV technology is, however, a problem. In short, it isn’t that amenable to control in any meaningful sense of the word. If one wishes to “control” the proliferation of technology automating human behaviour and actions, then there would need to be some form of global bar on research in that area.\* I imagine that MIT and Google might have a problem this idea. Similarly, if someone wants to control the design and building of small unmanned aircraft, well, too late, that horse bolted a long time ago. Of course, you could lock up every amateur geek enthusiast, but that would be a bit pointless. The point is, the technology to build UAVs is embedded into our society to a far greater degree than nuclear weapons, chemical and biological weapons and small arms are. UAVs are effectively an extension of the industrial revolution (mechanisation, automation, replacement of human action by machine). I’m writing this on a laptop that was probably made by a large number of robots. UAVs need to be put into perspective – despite their dangers they can’t make human life as we know it extinct and they likely can’t be controlled by treaty. A little less rhetoric and a little more thought from critics of military UAVs might produce a better critique.

#### It’s impossible to control drone use

Byman 13 (Daniel, Research Director, Saban Center for Middle East Policy, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy, “Why Drones Work: The Case for Washington's Weapon of Choice,” <http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman>)

Controlling the spread of drone technology will prove impossible; that horse left the barn years ago. Drones are highly capable weapons that are easy to produce, and so there is no chance that Washington can stop other militaries from acquiring and using them. Nearly 90 other countries already have surveillance drones in their arsenals, and China is producing several inexpensive models for export. Armed drones are more difficult to produce and deploy, but they, too, will likely spread rapidly. Beijing even recently announced (although later denied) that it had considered sending a drone to Myanmar (also called Burma) to kill a wanted drug trafficker hiding there.

### 1NC Central Asia War

#### No central asia war

Collins and Wohlforth 4 (Kathleen, Professor of Political Science – Notre Dame and William, Professor of Government – Dartmouth, “Defying ‘Great Game’ Expectations”, Strategic Asia 2003-4: Fragility and Crisis, p. 312-313)

Conclusion The popular great game lens for analyzing Central Asia fails to capture the declared interests of the great powers as well as the best reading of their objective interests in security and economic growth. Perhaps more importantly, it fails to explain their actual behavior on the ground, as well the specific reactions of the Central Asian states themselves. Naturally, there are competitive elements in great power relations. Each country’s policymaking community has slightly different preferences for tackling the challenges presented in the region, and the more influence they have the more able they are to shape events in concordance with those preferences. But these clashing preferences concern the means to serve ends that all the great powers share. To be sure, policy-makers in each capital would prefer that their own national firms or their own government’s budget be the beneficiaries of any economic rents that emerge from the exploitation and transshipment of the region’s natural resources. But the scale of these rents is marginal even for Russia’s oil-fueled budget. And for taxable profits to be created, the projects must make sense economically—something that is determined more by markets and firms than governments. Does it matter? The great game is an arresting metaphor that serves to draw people’s attention to an oft-neglected region. The problem is the great-game lens can distort realities on the ground, and therefore bias analysis and policy. For when great powers are locked in a competitive fight, the issues at hand matter less than their implication for the relative power of contending states. Power itself becomes the issue—one that tends to be nonnegotiable. Viewing an essential positive-sum relationship through zero sum conceptual lenses will result in missed opportunities for cooperation that leaves all players—not least the people who live in the region—poorer and more insecure. While cautious realism must remain the watchword concerning an impoverished and potentially unstable region comprised of fragile and authoritarian states, our analysis yields at least conditional and relative optimism. Given the confluence of their chief strategic interests, the major powers are in a better position to serve as a stabilizing force than analogies to the Great Game or the Cold War would suggest. It is important to stress that the region’s response to the profoundly destabilizing shock of coordinated terror attacks was increased cooperation between local governments and China and Russia, and—multipolar rhetoric notwithstanding—between both of them and the United States. If this trend is nurtured and if the initial signals about potential SCO-CSTO-NATO cooperation are pursued, another destabilizing shock might generate more rather than less cooperation among the major powers. Uzbekistan, Kyrgyzstan, Tajikistan, and Kazakhstan are clearly on a trajectory that portends longer-term cooperation with each of the great powers. As military and economic security interests become more entwined, there are sound reasons to conclude that “great game” politics will not shape Central Asia’s future in the same competitive and destabilizing way as they have controlled its past. To the contrary, mutual interests in Central Asia may reinforce the broader positive developments in the great powers’ relations that have taken place since September 11, as well as reinforce regional and domestic stability in Central Asia.

#### Instability is inevitable.

Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs, 4/26/2006. “U.S. Policy in Central Asia: Balancing Priorities (Part II),” Statement to the House International Relations Committee, <http://www.state.gov/p/sca/rls/rm/2006/65292.htm>.

Central Asia faces numerous threats to its stability, including Islamic extremism, a population that remains poor and has little economic opportunity, the post-Soviet legacy of authoritarianism, public perceptions of injustice, and high levels of corruption. As a consequence, nurturing both economic and democratic reform in the region is difficult, even daunting. Furthermore, the repressive and backward-looking authoritarian regimes in Turkmenistan and Uzbekistan may further challenge our efforts to integrate the region and encourage reform and development.

### A2: Armenia

#### No escalation to Armenia

**Glashatov 7** (Oleg, “Zero Hour Approaches for Yerevan; Azerbaijan Prepares to Fight for Nagorno-Karabakh: Will There Be War?”, What the Papers Say Part A (Russia), 7-5, Lexis)

Speaking at Johns Hopkins University, US Council on Foreign Relations analyst Wayne Merry noted that Azerbaijan cannot win, even though military options for resolving the conflict are being discussed openly in Azerbaijan. In his view, Nagorno-Karabakh is an impregnable fortress, further strengthened by Armenian forces, and even the American military would have difficulty attacking that fortress. According to the analyst, this is also the prevalent view in the Pentagon. But Azerbaijan takes an entirely different view of the situation. Zakhir Orudzh, a member of the Azeri parliament's defense and security committee, says: "Armenia can only be superior to us in the capacities it gains from bilateral military agreements with Russia and participation in the CIS Collective Security Treaty Organization. For all other parameters and resources, Azerbaijan is superior to Armenia, in military terms. And don't let anyone try to intimidate Azerbaijan with the idea that conflict escalation could have serious consequences for our country. Everyone should realize that if Azerbaijan and Armenia were left to face each other alone, with no external support, we could rapidly prove that we are in the right." Armed **hostilities could resume** in several ways; in almost every scenario, they would be started either **by Azerbaijan** or by dubious international structures that specialize in promoting the West's interests in this region (such as the International Crisis Group). The most immediately relevant scenario could involve the United States attacking Iran, and Azerbaijan taking advantage of the chaos to make an attempt at sorting out the Nagorno-Karabakh problem once and for all. **However, Azerbaijan could** **hardly expect** substantial **military support** in these circumstances, **from either the United States** (**it would be too busy elsewhere)** **or Turkey** (**which might confine its participation** in the conflict **to sending volunteers**). All of the above leads to the following conclusion: **Azerbaijan is unlikely to succeed with a blitzkrieg** in the immediate future. In this situation (as in most modern conflicts), the time factor would be decisive. Moreover, if hostilities do break out, Russia's military obligations would come into effect: Armenia is an ally within the CIS Collective Security Treaty Organization. **Consequently, Moscow is likely to make every effort to see that this conflict is resolved by diplomatic** or other **means**.

#### No Incentive for Draw-In – neither U.S. nor Russia have vital interests in the region

**Empirically denied**

**Arminfo 7** (News Agency, “Arkadiy Gukasyan: Pat Situation Maybe Created In The Karabakh Negotiating Process Because Inefficiency Of Its Format”, 7-3, Lexis)

Pat situation maybe created in the Karabakh negotiating process because inefficiency of its format, the NKR President Arkadiy Gukasyan said in the Russian-Armenian (Slavonic) state University when making a report "Nagornyy Karabakh: prospects of settlement". He also added that at present the OSCE Minsk Group because of contradiction of official Baku cannot make the format of the negotiating process in line with configuration of the conflict defined by it. "The pat situation maybe created in the negotiating process because of inefficiency of its format as the Azerbaijani party is trying to persuade the world community that only Azerbaijan and Armenia are the parties to the conflict blaming the latter for the territorial pretensions. We see the way out from the created situation in returning Nagornyy Karabakh to the negotiating table, and the OSCE MG co-chairs' efforts should be directed to this goal reaching", - the NKR president said. He also added that in fact today the parties are trying to treat a decease not knowing its diagnosis. "Today **the conflict is** **20 years old**, but **they are still disputing about the participants** in the conflict and its parties: **Azerbaijan-Armenia**, Azerbaijan-Karabakh or Azerbaijan-Armenia-Karabakh. I think **this is an** absolutely **absurd situation**. I have got a formula: until Azerbaijan strives to speak only with Armenia without Nagornyy Karabakh, Azerbaijan does not strive to settle the conflict and is just propagandizing", - Arkadiy Gukasyan concluded.

#### No nuclear escalation

Graham 7 (Thomas Graham, senior advisor on Russia in the US National Security Council staff 2002-2007, 2007, "Russia in Global Affairs” The Dialectics of Strength and Weakness http://eng.globalaffairs.ru/numbers/20/1129.html)

An astute historian of Russia, Martin Malia, wrote several years ago that “Russia has at different times been demonized or divinized by Western opinion less because of her real role in Europe than because of the fears and frustrations, or hopes and aspirations, generated within European society by its own domestic problems.” Such is the case today. To be sure, mounting Western concerns about Russia are a consequence of Russian policies that appear to undermine Western interests, but they are also a reflection of declining confidence in our own abilities and the efficacy of our own policies. Ironically, this growing fear and distrust of Russia come at a time when Russia is arguably less threatening to the West, and the United States in particular, **than it has been at any time since the end of the Second World War**. Russia does not champion a totalitarian ideology intent on our destruction, its military poses no threat to sweep across Europe, its economic growth depends on constructive commercial relations with Europe, and its strategic arsenal – while still capable of annihilating the United States – is under more reliable control than it has been in the past fifteen years and **the threat of a strategic strike approaches zero probability**. Political gridlock in key Western countries, however, precludes the creativity, risk-taking, and subtlety needed to advance our interests on issues over which we are at odds with Russia while laying the basis for more constructive long-term relations with Russia.

### AT Blank 2k

#### Times have changed --- Blank now thinks escalation extremely unlikely

Blank ‘02

(Stephen, Prof Strategic Studies Institute, The Future of Transcaspian Security, August, http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB111.pdf)

**Recent** American and NATO agreements with Russia and deployments to Central Asia and the Transcaucasus create significant opportunities for building a truly cooperative security regime across the former Soviet Union. The idea that individual governments, NATO, and other Western security organizations effectively could play this role with or without Russia is not new. **Four years ago** I wrote that the many internal and international challenges to Transcaspian security ultimately pointed to NATO’s assumption of a critical regulatory role there. Russian analysts also entertained ideas on new cooperation with the European Union’s (EU) emerging defense organs in 2000.1 The proposal for NATO’s preeminence in the Commonwealth of Independent States (CIS) came under immediate fire from those who felt that Russia should enjoy undisturbed and exclusive hegemony in the CIS and/or from analysts who believed that NATO had either outlived its mission or was, as Russian analysts charged, merely an instrument of U.S. military-political power organized to suppress Russian influence and strength. In other words, they argued thatNATOwas too effective a check on Russian influence for Moscow to tolerate enlargement. Since then the number of premature mourners at NATO’s funeral has also multiplied exponentially. Many of these same observers now argue either that expanding NATO’s presence in the Transcaspian might not benefit it because expansion unduly provokes Russia or that NATO after September 11, 2001, is essentially finished as an effective security provider. Still others claim that America cannot foster democracy in the CIS or elsewhere because it has not done so in Egypt or Saudi Arabia. Therefore, these critics argue that Russia should receive a sphere of influence and 1 leadership, if not exclusivity in modernizing those areas and states.2 Many analysts would also likely have argued that even after September 11, U.S.-Russian or Russo-NATO cooperation in Central Asia was only feasible in the long term. While the joint effort in Afghanistan was a necessary first step, Moscow’s fears of the West’s presence in the CIS would surely impede genuine cooperation with the West on vital security issues there. This monograph aims to refute those criticisms. The new East-West partnership offers both the United States and NATO manifold opportunities to exercise a positive influence upon and along with Russia and governments in the CIS to enhance security. This is because the criticisms of NATO as an outdated anti-Russian or suddenly toothless institution wholly overlook or underestimate the positive changes that NATO has undergone since the end of the Cold War, and its great utility for transforming the security situation across Eurasia. Those changes offer the U.S. Government and its armed forces and NATO and its component forces an opportunity to extend the positive transformation they have undergone further afield to reduce the chances of another September 11 or an explosion of insurgency and terrorism in Eurasia or other areas adjacent to or vital to European and American security. By acting in this fashion, the United States, its armed forces, its allies, and their armed forces can all contribute to the lasting integration of Russia into the West, an outcome that prevents it from trying to upset or revise the status quo in Eurasia and that acts as amoderating and democratizing force for reform within Russia’s national defense structure. Additionally, the United States and our allies can foster real progress in deepening the kinds of relationships and engagement with CIS militaries that will make them and their governments reliable partners with the United States and/or NATO in the war on terrorism and in potential future contingencies. Also, these transformative military-political activities and the achievement of the desired outcome of stability and integration of Eurasia with 2 the West reduce the likelihood of future outbreaks of terrorism, insurgency, and violence in an area whose importance to the West as a whole, and not only because of energy, has risen steadily in the recent past. Given the opportunities at hand and the strategic benefits to be gained from exploiting them, it is utterly misguided to assert NATO’s uselessness and to refrain from employing available policy instruments to achieve these highly desirable objectives. Why NATO and Washington Should Act in the CIS and Transcaspian. The aforementioned criticisms of NATO and of U.S. policy overlook or neglect many facts; first, the fact that there is a real basis for cooperation with Russia that is accepted by Moscow as serving its interests, too. In this respect, they are more mindful of traditional or quasi-imperial Russian interests than is the Russian government. After all, in February 2001 (well before the attacks of September 21) Sergei Ivanov, then Secretary of the Security Council, told Lord George Robertson, Secretary-General of NATO, that joint efforts against terrorism might become the basis of NATO-Russia trust and cooperation.3 Similarly, some Russian analysts advocate programs similar to those outlined below.4 Neither do these critics consider the visible disaster of Russian-led modernization in Central Asia and the wider CIS. Nor do they ponder the possibility that partnership with the West can give Russia a more legitimate prominence in the region, albeit one tempered by the demands of partnership. As Richard Haass, Director of the State Department’s Policy Planning Staff, recently observed, Another area for cooperation is Central Asia, where the United States and Russia have a shared interest in the economic reconstruction in Afghanistan, in halting drug and weapon trafficking, and more broadly in promoting stability, moderation, trade, and development. It seems to me that 3 assuring Russia a prominent role in the economic reconstruction of this region could go a long way towards alleviating Moscow’s concerns about the growing U.S. military presence there.5 Moreover, these critics also ignore the evolution of NATO and other European security organizations towards cooperative security, the acknowledgment of that evolution by both nonmember states and statesmen, the existence of U.S. programs to engage and transform CIS militaries, and the genuine contribution those programs make to security, stability, and eventual democratization.6 In fact, these new accords with Moscow permit NATO, the EU, and the Organization for Security Cooperation in Europe (OSCE) to realize the potential inherent in their organizational evolution since 1990 and to do so for and with those endangered states who clearly welcome this enhanced attention to conflict prevention and have repeatedly advocated it.7 At the same time all these organizations now enjoy Russian cooperation and support.

### 1NC Iran/Israel

#### No impact to Iran prolif, it’s all posturing and no one will use weapons

Copley 13

[Gregory, director of Australia’s new grand strategy research organization, the Future Directions Institute (FDI) (originally known as the Centre for International Strategic Analysis: CISA), in Perth, Western Australia. He remains actively involved with FDI, and is currently a Director of the organization and Chairman of its Research Committee, “The Transition Beyond Strategic Nuclear War”, 1/8/13, <http://oilprice.com/Geopolitics/International/The-Transition-Beyond-Strategic-Nuclear-War.html>]

One government which successfully acquired nuclear weapons did not see possession of that asset protect it against externally-supported overthrow. South Africa, which successfully developed, test- ed, and built such weapons, surrendered those weapons when they proved useless in defending the state or its government. The USSR, too, saw itself “defeated” in the Cold War and its governmental structure collapsed by 1991, despite having the biggest arsenal of nuclear weapons on earth. The DPRK and Iranian governments have noted quietly that if Iraqi Pres. Saddam Hussein, or Libyan leader Mu’ammar al-Qadhafi, had possessed a credible nuclear force they would not have been overthrown. It is certainly clear that possession of a demonstrated nuclear capability would have helped deter foreign direct military action against them. It was for this reason that the DPRK and Iran have both — in harmony — attempted to prove their nuclear credentials in order to deter foreign attack (ostensibly by the United States and/or, in the case of Iran, by Israel). The DPRK has successfully achieved recognition as a nuclear weapons state, although the US Government attempted for more than a decade to pretend not to notice this reality simply because recognition of it would have meant a transformation of what US political leaders could achieve in coercing Pyongyang. Iran — which only has imported nuclear weapons at this stage; its indigenous production of such weapons is not yet a reality — has attempted to hint at its nuclear power status, but has been unwilling to do so too bluntly for fear that the US/Israel would move against it before indigenous production of nuclear weapons was achieved. As a result, the US has been free to pretend that Iran does not have a deployed nuclear strike capability, thereby allowing Washington to pursue what would otherwise be risky political behavior in imposing swingeing economic sanctions on Iran. And yet the reality is that Iran cannot use its nuclear weapons for any practical warfighting purposes, any more than the US can use its own nuclear forces. Nuclear weapons are not in themselves war-winning weapons (unlike, potentially, cyber weapons). If Iran was to unleash a number of nuclear warheads against Israel, for example, and supposing some of them penetrated Israel’s now-demonstrably capable IAI/Elta Arrow 2/Green Pine anti- ballistic missiles (and attendant sensors and command and control), and Iron Dome counter- rocket defense system, **what then?** Israel would retaliate with its own nuclear weapons, but both sides lack the capability to follow up to achieve strategic victory. There is strong evidence that the leadership of Iran’s Revolutionary Guard (the Pasdaran) understands this reality. Certainly, most policy- level officials in Israel recognize it, although the public postures of Israeli Prime Minister Binyamin Net- anyahu and Iranian Pres. Mah- mud Ahmadi-Nejad deny such an understanding (well, they would, wouldn’t they? This is about psycho-political posturing).

#### Middle East war doesn’t escalate

Maloney 7 (Suzanne, Senior Fellow – Saban Center for Middle East Policy, Steve Cook, Fellow – Council on Foreign Relations, and Ray Takeyh, Fellow – Council for Foreign Relations, “Why the Iraq War Won’t Engulf the Mideast”, International Herald Tribune, 6-28, http://www.brookings.edu/views/op-ed/maloney20070629.htm)

Long before the Bush administration began selling "the surge" in Iraq as a way to avert a general war in the Middle East, observers both inside and outside the government were growing concerned about the potential for armed conflict among the regional powers. Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

#### Won’t go nuclear

Dyer 2 (Gwynne, Ph.D. in War Studies – University of London and Board of Governors – Canada’s Royal Military College, The Coming War, Queen’s Quarterly, December, Lexis)

All of this indicates an extremely dangerous situation, with many variables that are impossible to assess fully. But there is one comforting reality here: this will not become World War III. Not long ago, wars in the Middle East always went to the brink very quickly, with the Americans and Soviets deeply involved on opposite sides, bristling their nuclear weapons at one another. And for quite some time we lived on the brink of oblivion. But that is over. World War III has been cancelled, and I don't think we could pump it up again no matter how hard we tried. The connections that once tied Middle Eastern confrontations to a global confrontation involving tens of thousands of nuclear weapons have all been undone. The East-West Cold War is finished. The truly dangerous powers in the world today are the industrialized countries in general. We are the ones with the resources and the technology to churn out weapons of mass destruction like sausages. But the good news is: we are out of the business.

### China

#### No US-China conflict

Allison & Blackwill 3/5 -- \*director of the Belfer Center for Science and International Affairs and Douglas Dillon Professor at Harvard's John F. Kennedy School of Government AND \*\*Henry A. Kissinger Senior Fellow for U.S. foreign policy at the Council on Foreign Relations (Graham and Robert D., 2013, "Interview: Lee Kuan Yew on the Future of U.S.- China Relations," http://www.theatlantic.com/china/archive/2013/03/interview-lee-kuan-yew-on-the-future-of-us-china-relations/273657/)

Interview with Lee Kuan Yew, the founding prime minister of Singapore, one of Asia's most prominent public intellectuals, a member of the Fondation Chirac's honour committee

Competition between the United States and China is inevitable, but conflict is not. This is not the Cold War. The Soviet Union was contesting with the United States for global supremacy. China is acting purely in its own national interests. It is not interested in changing the world. There will be a struggle for influence. I think it will be subdued because the Chinese need the United States, need U.S. markets, U.S. technology, need to have students going to the United States to study the ways and means of doing business so they can improve their lot. It will take them 10, 20, 30 years. If you quarrel with the United States and become bitter enemies, all that information and those technological capabilities will be cut off. The struggle between the two countries will be maintained at the level that allows them to still tap the United States. Unlike U.S.-Soviet relations during the Cold War, there is no irreconcilable ideological conflict between the United States and a China that has enthusiastically embraced the market. Sino-American relations are both cooperative and competitive. Competition between them is inevitable, but conflict is not. After the collapse of the Soviet Union, the United States and China are more likely to view each other as competitors if not adversaries. But the die has not been cast. The best possible outcome is a new understanding that when they cannot cooperate, they will coexist and allow all countries in the Pacific to grow and thrive. A stabilizing factor in their relationship is that each nation requires cooperation from and healthy competition with the other. The danger of a military conflict between China and the United States is low. Chinese leaders know that U.S. military superiority is overwhelming and will remain so for the next few decades. They will modernize their forces not to challenge America but to be able, if necessary, to pressure Taiwan by a blockade or otherwise to destabilize the economy. China's military buildup delivers a strong message to the United States that China is serious about Taiwan. However, the Chinese do not want to clash with anyone -- at least not for the next 15 to 20 years. The Chinese are confident that in 30 years their military will essentially match in sophistication the U.S. military. In the long term, they do not see themselves as disadvantaged in this fight.

### Asia

#### Asian war is unlikely --- regional initiatives check

Bitzinger and Desker ‘8 (senior fellow and dean of S. Rajaratnam School of International Studies respectively (Richard A. Bitzinger, Barry Desker, “Why East Asian War is Unlikely,” Survival, December 2008, http://pdfserve.informaworld.com-/678328\_731200556\_906256449.pdf)

The Asia-Pacific region can be regarded as a zone of both relative insecurity and strategic stability. It contains some of the world’s most significant flashpoints – the Korean peninsula, the Taiwan Strait, the Siachen Glacier – where tensions between nations could escalate to the point of major war. It is replete with unresolved border issues; is a breeding ground for transnationa terrorism and the site of many terrorist activities (the Bali bombings, the Manila superferry bombing); and contains overlapping claims for maritime territories (the Spratly Islands, the Senkaku/Diaoyu Islands) with considerable actual or potential wealth in resources such as oil, gas and fisheries. Finally, the Asia-Pacific is an area of strategic significance with many key sea lines of communication and important chokepoints**. Yet despite all these potential crucibles of conflict, the Asia-Pacific, if not an area of serenity and calm, is certainly more stable than one might expect**. To be sure, there are separatist movements and internal struggles, particularly with insurgencies, as in Thailand, the Philippines and Tibet. Since the resolution of the East Timor crisis, however, the region has been relatively free of open armed warfare. Separatism remains a challenge, but the break-up of states is unlikely. Terrorism is a nuisance, but its impact is contained. The North Korean nuclear issue, while not fully resolved, is at least moving toward a conclusion with the likely denuclearisation of the peninsula. Tensions between China and Taiwan, while always just beneath the surface, seem unlikely to erupt in open conflict any time soon, especially given recent Kuomintang Party victories in Taiwan and efforts by Taiwan and China to re-open informal channels of consultation as well as institutional relationships between organisations responsible for cross-strait relations. And while in Asia there is no strong supranational political entity like the European Union, there are many multilateral organisations and international initiatives dedicated to enhancing peace and stability, including the Asia-Pacific Economic Cooperation (APEC) forum, the Proliferation Security Initiative and the Shanghai Co-operation Organisation. In Southeast Asia, countries are united in a common eopolitical and economic organisation – the Association of Southeast Asian Nations (ASEAN) – which is dedicated to peaceful economic, social and cultural development, and to the promotion of regional peace and stability. ASEAN has played a key role in conceiving and establishing broader regional institutions such as the East Asian Summit, ASEAN+3 (China, Japan and South Korea) and the ASEAN Regional Forum. **All this suggests that war in Asia – while not inconceivable – is unlikely.**

# 2NC

## Courts

### Solves – Targeted Killing

#### Court action solves targeted killing policy – clarifies the limits of authority and deters executive error and abuse

Jaffer 13 (Jameel, human rights and civil liberties attorney who is deputy legal director of the American Civil Liberties Union, "Judicial Review of Targeted Killings," http://www.harvardlawreview.org/media/pdf/forvol126\_jaffer.pdf)

The argument for some form of judicial review is compelling, not least¶ because such review would clarify the scope of the government’s authority¶ to use lethal force. The targeted killing program is predicated on sweeping¶ constructions of the 2001 Authorization for Use of Military Force (AUMF)¶ and the President’s authority to use military force in national self-defense.¶ The government contends, for example, that the AUMF authorizes it to use¶ lethal force against groups that had nothing to do with the 9/11 attacks and¶ that did not even exist when those attacks were carried out. It contends¶ that the AUMF gives it authority to use lethal force against individuals located far from conventional battlefields. As the Justice Department’s recently leaked white paper makes clear, the government also contends that¶ the President has authority to use lethal force against those deemed to present “continuing” rather than truly imminent threats.¶ These claims are controversial. They have been rejected or questioned¶ by human rights groups, legal scholars, federal judges, and U.N. special¶ rapporteurs. Even enthusiasts of the drone program have become anxious¶ about its legal soundness. (“People in Washington need to wake up and realize the legal foundations are crumbling by the day,” Professor Bobby¶ Chesney, a supporter of the program, recently said.) Judicial review could¶ clarify the limits on the government’s legal authority and supply a degree¶ of legitimacy to actions taken within those limits.¶ It could also encourage executive officials to observe these limits. Executive officials would be less likely to exceed or abuse their authority if¶ they were required to defend their conduct to federal judges. Even Jeh¶ Johnson, the Defense Department’s former general counsel and a vocal de- fender of the targeted killing program, acknowledged in a recent speech¶ that judicial review could add “rigor” to the executive’s decisionmaking¶ process. In explaining the function of the Foreign Intelligence Surveillance Court, which oversees government surveillance in certain national¶ security investigations, executive officials have often said that even the¶ mere prospect of judicial review deters error and abuse.¶ But to recognize that judicial review is indispensible in this context is¶ not to say that Congress should establish a specialized court, still less that¶ it should establish such a court to review contemplated killings before they¶ are carried out.

### Solves Signal – 2NC

#### Court send the best signal – it sets public agendas and transforms social consciousness – even if other branches don’t respond

**Shultz and Gottlieb 96** (David and Stephen, Vice President – Minnesota Civil Liberties Union, Professor – Cleveland-Marshall School of Law, Journal of Law and Policy, Winter)

If Rosenberg is correct, then functionalism appears false. Instead, law and the courts would have to be treated as epiphenomena, with market forces, public opinion, and other institutions operating as the engines of social change. To assume law is not functional, that it does not mold preferences or influence institutional design, would be to live in a world where we assume no goals to the law or otherwise insist that the law matters. Yet law, like any institution, n160 does constrain, influence, and otherwise alter our behavior by influencing how we think and the choices we have to select. The important question about the Court's role in society that Hollow Hope should have developed more is not whether the Court is constrained in terms of matching decisions to specific outcomes, but how the Court realigns political, economic, and social preferences. It is here that the true power of the Court is exercised. The Court serves as an **agenda setter** and **excuse** for policy makers to act. To understand the sources of judicial power is what Hollow Hope and other books on the judiciary should be directed towards. Scientific and historical methods matter both in examining the impact of the courts and in judicial decision making. Hollow Hope shows the limits of seeking to use nomological and other types of positivist social science research to understand the impact of Court decisions. Assessing the impact of the Court requires proper methods either of science or of history. We need to move beyond methods that seek to isolate the Court from the larger flux of change in history if we wish to understand its impact and efficacy. Instead, we need to study the Court and the law more structurally and institutionally, and not necessarily by counting articles that refer to one of its specific decisions. We should start by asking what its decisions meant to us and to other actors and institutions that had to react to a specific decision. This means, in part, that our methods for understanding judicial efficacy need to rely more upon an institutional analysis that recognizes that the Court is embedded within a political context. The Court was designed to be one of three branches of the national government, and its real power may be in its power to socialize conflict, or set political agendas for others. In many ways, perhaps, Alexis De Tocqueville was correct when he wrote in 1840: "There is hardly a political question in the United States which does not sooner or later turn into a judicial one." n161 This claim is true because of the close association between the languages of politics and law. The net result of this for De Tocqueville was that "Americans have given their courts immense political power." n162 What De Tocqueville recognized, and what Hollow Hope hints at, is that the judiciary's real power and efficacy lies in how its decisions influence our political language and the way we think about political and social issues. **The Court's decisions have tremendous sway over the way we think about politics, providing the opportunity and impetus for action**. Rosenberg's book should also caution us to be more careful in assessing Court cases. We should look to the lower courts if we wish to understand links between judicial efficacy and social reform. And we must look at the differences among parties and orders in specific cases. Not all litigants have the same interests, and orders in one case are primarily meant to address that case and not be the basis of large scale social reform. **Cases may become causes, they may become rallying cries for a movement**, and that may have import for society well beyond what the litigants or the Court intended. However, to judge a case or decision by standards we have imposed upon it retroactively, at least the way Rosenberg did, risks seriously misunderstanding what these cases stood for at the time they were litigated and decided. What an event may have stood for at a particular time in history is a very different question from what it means to us today and the two questions should not be confused. We need, then, to be clear how decisions are social "triggers" of action, n163 prompting others to address the issues brought up by the Court. Finally, we need to recognize that even if the judiciary did not produce all the results that we have attributed to them, even if they did not do all that the litigants or the Court hoped, the judiciary may have been the only game in town at a time when the political process may have been closed to some groups. At a time when other social institutions were perhaps deaf to the needs of minorities, women, prisoners, or others, the judiciary did its best to address the grievances with which it was presented and to provide legitimacy to both claims and claimants in public discussion. The litigation and decisions which Rosenberg discussed were part of a still ongoing effort to bring about social and policy change which, perhaps unfortunately, is incremental at best, n164 and was designed by our framers to be that way. n165

### A2: Executive Rollback – 2NC

#### Court decisions are legally binding and enforced by the Executive

Merrill 93 (Thomas W., Professor of Law – Northwestern University, “Judicial Opinions As Binding Law And As Explanations For Judgments”, Cardozo Law Review, October, 15 Cardozo L. Rev. 43, Lexis)

On the other hand, there is widespread agreement that the executive has a legal duty to enforce valid final judgments rendered by courts, regardless of whether the executive agrees with the legal analysis that forms the basis for the judgment. [6](http://www.lexis.com/research/retrieve?_m=db7e5491c0fbc8869cf3b669cfaf430d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAz&_md5=e0de9126de5976c1dff430e0a0611212&focBudTerms=there%20is%20widespread%20agreement%20that%20the%20executive&focBudSel=all#n6) As the papers of my two co-panelists demonstrate, this understanding is not universal. [7](http://www.lexis.com/research/retrieve?_m=db7e5491c0fbc8869cf3b669cfaf430d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAz&_md5=e0de9126de5976c1dff430e0a0611212&focBudTerms=there%20is%20widespread%20agreement%20that%20the%20executive&focBudSel=all#n7) However, I would venture to guess that the sample of views reflected by this panel is extremely unrepresentative on this point. The decision discussed by Professor Paulsen, Ex parte Merryman, [8](http://www.lexis.com/research/retrieve?_m=db7e5491c0fbc8869cf3b669cfaf430d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAz&_md5=e0de9126de5976c1dff430e0a0611212&focBudTerms=there%20is%20widespread%20agreement%20that%20the%20executive&focBudSel=all#n8) is the only reported instance of which I am aware where a President asserted the power to disregard a judicial judgment on the ground that he disagreed with its legal basis. [9](http://www.lexis.com/research/retrieve?_m=db7e5491c0fbc8869cf3b669cfaf430d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAz&_md5=e0de9126de5976c1dff430e0a0611212&focBudTerms=there%20is%20widespread%20agreement%20that%20the%20executive&focBudSel=all#n9) President Lincoln's action was contrary to his own previously expressed views about judicial supremacy, [10](http://www.lexis.com/research/retrieve?_m=db7e5491c0fbc8869cf3b669cfaf430d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAz&_md5=e0de9126de5976c1dff430e0a0611212&focBudTerms=there%20is%20widespread%20agreement%20that%20the%20executive&focBudSel=all#n10) and  [\*47]  is today regarded as an aberration. [11](http://www.lexis.com/research/retrieve?_m=db7e5491c0fbc8869cf3b669cfaf430d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAz&_md5=e0de9126de5976c1dff430e0a0611212&focBudTerms=there%20is%20widespread%20agreement%20that%20the%20executive&focBudSel=all#n11) Much more representative of contemporary attitudes is the universal approbation that followed President Nixon's prompt decision to comply with the judgment entered in the tapes case. [12](http://www.lexis.com/research/retrieve?_m=db7e5491c0fbc8869cf3b669cfaf430d&docnum=2&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzb-zSkAz&_md5=e0de9126de5976c1dff430e0a0611212&focBudTerms=there%20is%20widespread%20agreement%20that%20the%20executive&focBudSel=all#n12)

### 2AC AT Circumvention

#### Will comply – even if they disagree

Bradley and Morrison 13

[Curtis, William Van Alstyne Professor of Law, Duke Law School. and Trevor, Liviu Librescu Professor of Law, Columbia Law School, Presidential Power, Historical Practice, And Legal Constraint, 2013 Directors of The Columbia Law Review Association, Inc. Columbia Law Review May, 2013, L/N]

Insisting on a sharp distinction between the law governing presidential authority that is subject to judicial review and the law that is not also takes for granted a phenomenon that merits attention - that Presidents follow judicial decisions. n118 That assumption is generally accurate in the United States today. To take one relatively recent example, despite disagreeing with the Supreme Court's determination in Hamdan v. Rumsfeld that Common Article 3 of the Geneva Conventions applies to the war on terror, the Bush Administration quickly accepted it. n119 But the reason why Presidents abide by court decisions has a connection to the broader issue [\*1131] of the constraining effect of law. An executive obligation to comply with judicial decisions is itself part of the practice-based constitutional law of the United States, so presidential compliance with this obligation may demonstrate that such law can in fact constrain the President. This is true, as we explain further in Part III, even if the effect on presidential behavior is motivated by concerns about external political perceptions rather than an internal sense of fidelity to law (or judicial review). n120

## Armed Conflict CP

### Solvency – 2NC – Overview

#### Let me explain the counterplan quicky – it is a PIC out of the self-defense part of the 1AC – the CP sets up a framework that allows us to strikes outside of geographical locations of armed troops because under the armed conflict framework – we are in war with Al Qaeda so we can strike when there are no active troops – the plan restricts it to only self-defense which is a different framework which means we can’t pre-emptively strike Al Qaeda. The CP also specifies that if a state is unable or unwilling we can’t use drone strikes in their country.

#### This means we only strike in places where host countries genuinely say YES – this solves all their drone effectiveness impacts

#### Yemen says yes – so we have a NB of being able to pre-emptively attack Al Qaeda in Yemen being good, but solve the rest of their aff

### Norms 2NC

#### -- CP solves norms – the transnational armed conflict model is rooted in neutrality law – extend Lewis. That solves best because it means that the US can only strike outside zones of active hostilities if it receives the consent on the state that controls the territory

#### -- Allowing strikes outside of zones of active hostilities in instances of consent solves norms

Lewis & Crawford 13 [Michael W., Professor of Law at Ohio Northern University Pettit College of Law, Emily, Post-Doctoral Research Fellow at the University of Sydney, “DRONES AND DISTINCTION: HOW IHL ENCOURAGED THE RISE OF DRONES” p. 1166,

, http://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/zsx00313001127.PDF]

Lastly, the legal justiﬁcation advanced by the United States for its drone use does not seek an “ever-expanding entitlement” to use drones around the world, nor is it likely to result in the use of drones against the United States. While states must always be wary of conducting themselves in a manner that serves their short-term security interests while creating a damaging long-term precedent, it does not appear that the United States’ legal justiﬁcation does that. Because the justiﬁcation is largely based upon the consent of the state in which force is employed, there are minimal sovereignty concerns related to drone use. Those concerns do arise when a state is unable or unwilling to prevent non-state actors within its borders from engaging in an armed conﬂict with another state. These concerns should be addressed by showing proper deference to the targeted state in arriving at an “unable or unwilling” determination. As long as proper deference is shown to the target state, an emerging legal norm allowing for selfdefense targeting of non-state actors on the territory of a third state if that “host” state is either unable or unwilling to detain or expel the non-state actors does not threaten the stability and cohesion of the international order, nor is it likely to “haunt” the United States in the future.169

#### -- Independently – Congressional authorization for strikes outside of active hostilities solves norms

Maxwell 12 [Colonel Mark David, Judge Advocate with the U.S. Army, Joint Force Quarterly, 1st Quarter, Issue 64, “Targeted Killing, The Law, And Terrorists”, p. 128-129, Ebsco]

Therefore, two requirements—membership in a group and the conduct of that group—must be met before an individual can be considered a member of an organized armed group and thereby be targeted because of his or her status. First, the individual must be a member of an organized group because the “[c]ontinuous combat function requires lasting integration into an organized armed group.”70 Second, the organized group must be conducting hostilities. If these two requirements are met, a belligerent nonstate actor can be targeted without regard to current or future conduct. Therefore, under this two-part analysis: “[a]n individual recruited, trained, and equipped by such a group to continuously and directly participate in hostilities on its behalf can be considered to assume a continuous combat function even before he or she first carries out a hostile act.”71¶ Like a member of an armed force (a soldier), the member of the armed group is part of a structure whose aim is to inflict violence upon the state. A soldier might never take a direct part in hostilities, but he holds the status of someone who can be targeted because of his membership in an organization whose function is to perform hostilities. The test for status must be the threat posed by the group and the member’s course of conduct that allows that threat to persist. This¶ danger-centric approach is echoed by the Commentary to the Second Protocol: “Those who belong to armed forces or armed groups may be attacked at any time. If a civilian participates directly in hostilities, it is clear that he will not enjoy any protection against attacks for as long as his participation lasts. Thereafter, as he no longer presents any danger for the adversary, he may not be attacked; moreover, in case of doubt regarding the status of an individual, he is presumed to be a civilian.”72¶ Nonstate actors can be targeted only if membership in the organized armed group can be positively established by the state through a pattern of conduct demonstrating a military function.73 This logic would make it analogous to the soldier: the soldier is a danger and presents a threat continuously because of his status.¶ Once a state demonstrates membership in an organized armed group, the members can be presumed to be a continuous danger. Because this danger is worldwide, the state can now act in areas outside the traditional zones of conflict. It is the individual’s conduct over time—regardless of location— that gives him the status. Once the status attaches, the member of the organized armed group can be targeted.¶ Enter Congress¶ The weakness of this theory is that it is not codified in U.S. law; it is merely the extrapolation of international theorists and organizations. The only entity under the Constitution that can frame and settle Presidential power regarding the enforcement of international norms is Congress. As the check on executive power, Congress must amend the AUMF to give the executive a statutory roadmap that articulates when force is appropriate and under what circumstances the President¶ can use targeted killing. This would be the needed endorsement from Congress, the other political branch of government, to clarify the U.S. position on its use of force regarding targeted killing. For example, it would spell out the limits of American lethality once an individual takes the status of being a member of an organized group. Additionally, statutory clarification will give other states a roadmap for the contours of what constitutes anticipatory self-defense and the proper conduct of the military under the law of war.¶ Congress should also require that the President brief it on the decision matrix of articulated guidelines before a targeted killing mission is ordered. As Kenneth Anderson notes, “[t]he point about briefings to Congress is partly to allow it to exercise its democratic role as the people’s representative.”74¶ The desire to feel safe is understandable. The consumers who buy SUVs are not buying them to be less safe. Likewise, the champions of targeted killings want the feeling of safety achieved by the elimination of those who would do the United States harm. But allowing the President to order targeted killing without congressional limits means the President can manipulate force in the name of national security without tethering it to the law advanced by international norms. The potential consequence of such unilateral executive action is that it gives other states, such as North Korea and Iran, the customary precedent to do the same. Targeted killing might be required in certain circumstances, but if the guidelines are debated and understood, the decision can be executed with the full faith of the people’s representative, Congress. When the decision is made without Congress, the result might make the United States feel safer, but the process eschews what gives a state its greatest safety: the rule of law.

### AT: US loses Basing/Yemen Says No

#### Host countries support strikes – they’ll offer basing

Byman 13 [Daniel L., Research Director at the Saban Center for Middle East Policy of The Brookings Institute, Senior Fellow in Foreign Policy at the Saban Center for Middle East Policy of The Brookings Institute, July/August, “Why Drones Work: The Case for Washington's Weapon of Choice”, http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman]

It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. Yemen’s former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.”¶ As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who threatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.”

#### No public backlash in Yemen---just as many people love them as hate them

Max Boot 13, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 2/6/13, “Obama Drone Memo is a Careful, Responsible Document,” http://www.commentarymagazine.com/2013/02/06/obama-drone-memo-is-a-careful-responsible-document/

Drone strikes are by no means risk free, the biggest risk being that by killing innocent civilians they will cause a backlash and thereby create more enemies for the U.S. than they eliminate. There is no doubt that some of these strikes have killed the wrong people–as the New York Times account highlights in one incident in Yemen. There is also little doubt, moreover, that drone strikes are no substitute for a comprehensive counterinsurgency and state-building policy designed to permanently safeguard vulnerable countries such as Pakistan, Yemen, Somalia, Libya, and Mali from the incursions of radical jihadists. But drone strikes have been effective in disrupting al-Qaeda operations and they have been conducted with less collateral damage and more precision than in the past.

It is hard to assess what impact they have had on public opinion in countries such as Yemen and Pakistan, but there is at least as much evidence that these strikes are applauded by locals who are terrorized by al-Qaeda thugs as there is evidence that the strikes are reviled for killing fellow clansmen. As the Times notes: “Although most Yemenis are reluctant to admit it publicly, there does appear to be widespread support for the American drone strikes that hit substantial Qaeda figures like Mr. Shihri, a Saudi and the affiliate’s deputy leader, who died in January of wounds received in a drone strike late last year.”

### Perm Do CP

#### Cross-x proves – they said no strikes outside afghansitan – plan allows for that

#### Restricting targeting killing outside of zones of active hostilities means the US can’t strike in Pakistan or Yemen.

JCSL 13 [Journal of Conﬂict & Security Law, Vol. 18 No. 1, p. 1-2, “Deterrence Revisited?” Oxford University Press Journals]

The other mentioned issue is that of drones (unmanned aerial vehicles), not in the case of information gathering but when used for targeted killings. In reading the legal justifications, one comes to the conclusion that there remains much ambiguity regarding the applicable rules of international law. With regard to using drones outside a zone of armed conflict, with regard to Al Qai’da and its associates, the opinion within the Obama Administration appears to be that this is permitted under the President’s Authorization for Use of Military Force against al-Qa’ida—the 2001 authorization adopted after the 9/11 attack. The Department of Justice White Paper 1 argues that case. It is focused primarily on the targeted killing of a US citizen abroad who is regarded as an Al Qa’ida operative. The position taken is that the USA is in a non-international armed conflict with al-Qa’ida. ‘Any U.S. operation would be part of this non-international armed conflict, even if it were to take place away from the zone of active hostilities.’ Stretching this argument, it is put forth that the USA is allowed to defend itself whenever it concludes that individuals are part of al-Qa’ida, or associated with it, by targeting these individuals wherever they are found. This appears to be the current legal reasoning for the broad use of targeted killings by drones in places like Yemen or Pakistan. As in the case of cyber warfare, the criteria in making these decisions are secret. And, similar to the cyber weapons issue, this development is the result of technological advancements that have led to new types of weapons.

### 1NC Africa War

#### -- No great power involvement

Barrett 5 (Robert, Ph.D. Student in the Centre for Military and Strategic Studies – University of Calgary, “Understanding the Challenges of African Democratization through Conflict Analysis”, 6-1, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=726162)

Westerners eager to promote democracy must be wary of African politicians who promise democratic reform without sincere commitment to the process. Offering money to corrupt leaders in exchange for their taking small steps away from autocracy may in fact be a way of pushing countries into anocracy. As such, world financial lenders and interventionists who wield leverage and influence must take responsibility in considering the ramifications of African nations who adopt democracy in order to maintain elite political privileges. The obvious reason for this, aside from the potential costs in human life should conflict arise from hastily constructed democratic reforms, is the fact that Western donors, in the face of intrastate war would then be faced with channeling funds and resources away from democratization efforts and toward conflict intervention based on issues of human security. This is a problem, as Western nations may be increasingly wary of intervening in Africa hotspots after experiencing firsthand the unpredictable and unforgiving nature of societal warfare in both Somalia and Rwanda. On a costbenefit basis, the West continues to be somewhat reluctant to get to get involved in Africa’s dirty wars, evidenced by its political hesitation when discussing ongoing sanguinary grassroots conflicts in Africa. Even as the world apologizes for bearing witness to the Rwandan genocide without having intervened, the United States, recently using the label ‘genocide’ in the context of the Sudanese conflict (in September of 2004), has only proclaimed sanctions against Sudan, while dismissing any suggestions at actual intervention (Giry, 2005). Part of the problem is that traditional military and diplomatic approaches at separating combatants and enforcing ceasefires have yielded little in Africa. No powerful nations want to get embroiled in conflicts they cannot win – especially those conflicts in which the intervening nation has very little interest.

### 2NC Africa War

#### African wars don’t escalate

Porteous 04(Tom, London director of Human Rights Watch and syndicated columnist, writer and analyst who has worked for the BBC and the U.K. Foreign & Commonwealth Office, October. “Resolving African Conflicts.” http://www.crimesofwar.org/africa-mag/afr\_01\_porteos.html)

It would be futile to search for a single explanation for what appears for now to be a trend towards the resolution of African conflicts. Africa’s wars are as heterogeneous as its many nations and communities. The reasons why Angola’s conflict came to end are quite different from the reasons why the belligerents in Sudan’s civil war have been willing to engage seriously in peace talks. However some of the successes of the past three years can be attributed in part to a mixture of fatigue on the part of those fighting African wars and to the fact that both Africans and non-Africans are learning lessons from the many failures of the past fifteen years, are coming up with more creative proposals and solutions to tackle the problem of conflict, and are readier to take risks in implementing them. Although the details vary widely from conflict to conflict, the basic ingredients of resolution remain the same – a combination of military, diplomatic, humanitarian, and economic action delivered by a more or less complex coalition of local, regional and international actors.

### Oil Overview

#### Oil volatility outweighs – King evidence indicates that it causes U.S. lashout which draws in major powers including China and Russia – this outweighs –

#### A) Probability – forces U.S. to acquire new sources of oil during surging prices due to popular pressure – 9/11 proves the strength of rally around the flag

#### B) Timeframe – 1 attack brings the U.S. to its knees- immediate escalation

#### C) Magnitude – affects all countries – triggers great power war

#### Oil conflict is the most likely scenario for war

**Klare 2002** (Michael – board of directors of the Arms Control Association, the National Council of the Federation of American Scientists, and the advisory board of the Arms Division of Human Rights Watch, Resource Wars: The New Landscape of Global Conflict, p. 27-29)

Of all the resources discussed in this book, none is more likely to provoke conflict between states in the twenty-first century than oil. Petroleum stands out from other materials-water, minerals, timber, and so on-because of its pivotal role in the global economy and its capacity to ignite large-scale combat. No highly industrialized society can survive at present without substantial supplies of oil, and so any significant threat to the continued availability of this resource will prove a cause of crisis and, in extreme cases, provoke the use of military force. Action of this sort could occur in any of the major oil-producing areas, including the Middle East and the Caspian basin. Lesser conflicts over petroleum are also likely, as states fight to gain or retain control over resource-rich border areas and offshore economic zones. Big or small, conflicts over oil will constitute a significant feature of the global security environment in the decades to come. Petroleum has, of course, been a recurring source of conflict in the past. Many of the key battles of World War II, for example, were triggered by the Axis Powers' attempts to gain control over petroleum supplies located in areas controlled by their adversaries. The pursuit of greater oil revenues also prompted Iraq's 1990 invasion of Kuwait, and this, in turn, provoked a massive American military response. But combat over petroleum is not simply a phenomenon of the past; given the world's ever-increasing demand for energy and the continuing possibility of supply interruptions, the outbreak of a conflict over oil is just as likely to occur in the future. The likelihood of future combat over oil is suggested, first of all, by the growing buildup of military forces in the Middle East and other oil-producing areas. Until recently, the greatest concentration of military power was to found along the East-West divide in Europe and at other sites of superpower competition. Since 1990, however, these concentrations have largely disappeared, while troop levels in the major oil zones have been increased. The United States, for example, has established a permanent military infrastructure in the Persian Gulf area and has "prepositioned" sufficient war materiel there to sustain a major campaign. Russia, meanwhile, has shifted more of its forces to the North Caucasus and the Caspian Sea basin, while China has expanded its naval presence in the South China Sea. Other countries have also bolstered their presence in these areas and other sites of possible conflict over oil. Geology and geography also add to the risk of conflict. While relatively abundant at present, natural petroleum does not exist in unlimited quantities; it is a finite, nonrenewable substance. At some point in the future, available supplies will prove inadequate to satisfy soaring demand, and the world will encounter significant shortages. Unless some plentiful new source of energy has been discovered by that point, competition over the remaining supplies of petroleum will prove increasingly fierce. In such circumstances, any prolonged interruption in the global flow of oil will be viewed by import- dependent states as a mortal threat to their security-and thus as a matter that may legitimately be resolved through the use of military force. Growing scarcity will also result in higher prices for oil, producing enormous hardship for those without the means to absorb added costs; in consequence, widespread internal disorder may occur. Geography enters the picture because many of the world's leading sources of oil are located in contested border zones or in areas of recurring crisis and violence. The distribution of petroleum is more concentrated than other raw materials, with the bulk of global sup- plies found in a few key producing areas. Some of these areas-the North Slope of Alaska and the American Southwest, for example- are located within the borders of a single country and are relatively free of disorder; others, however, are spread across several coun- tries-which may or may not agree on their common borders-and/ or are located in areas of perennial unrest. To reach global markets, moreover, petroleum must often travel (by ship or by pipeline) through other areas of instability. Because turmoil in these areas can easily disrupt the global flow of oil, any outbreak of conflict, however minor, will automatically generate a risk of outside intervention.

#### Turns the case –

#### Pakistan – King evidence indicates that it would cause sectarian violence which causes collapse

#### Central Asia – Spurs Russian aggression which triggers their impact

#### Iran – gives the state power which will cause adventurism

## Advantage

### Link – Active Hostilities

#### Restricting targeting killing outside of zones of active hostilities means the US can’t strike in Yemen.

JCSL 13 [Journal of Conﬂict & Security Law, Vol. 18 No. 1, p. 1-2, “Deterrence Revisited?” Oxford University Press Journals]

The other mentioned issue is that of drones (unmanned aerial vehicles), not in the case of information gathering but when used for targeted killings. In reading the legal justifications, one comes to the conclusion that there remains much ambiguity regarding the applicable rules of international law. With regard to using drones outside a zone of armed conflict, with regard to Al Qai’da and its associates, the opinion within the Obama Administration appears to be that this is permitted under the President’s Authorization for Use of Military Force against al-Qa’ida—the 2001 authorization adopted after the 9/11 attack. The Department of Justice White Paper 1 argues that case. It is focused primarily on the targeted killing of a US citizen abroad who is regarded as an Al Qa’ida operative. The position taken is that the USA is in a non-international armed conflict with al-Qa’ida. ‘Any U.S. operation would be part of this non-international armed conflict, even if it were to take place away from the zone of active hostilities.’ Stretching this argument, it is put forth that the USA is allowed to defend itself whenever it concludes that individuals are part of al-Qa’ida, or associated with it, by targeting these individuals wherever they are found. This appears to be the current legal reasoning for the broad use of targeted killings by drones in places like Yemen or Pakistan. As in the case of cyber warfare, the criteria in making these decisions are secret. And, similar to the cyber weapons issue, this development is the result of technological advancements that have led to new types of weapons.

### Link – Plan Causes Safe-Havens

#### Limiting targeted killing to active hostilities creates safe havens – retaining the capacity to strike outside of “hot” battlefields is key to prevent attacks

Corn 13 [Geoffrey S., Professor of Law and Presidential Research Professor at South Texas College of Law, 5/15, United States Senate Committee on Armed Services, Hearing addressing the Law of Armed Conflict, The Use of Military Force, And the 2001 Authorization for Use of Military Force, http://www.lawfareblog.com/wp-content/uploads/2013/05/Corn\_05-16-13.pdf]

In my opinion, there is no need to amend the AUMF to define the geographic scope of military operations it authorizes. On the contrary, I believe doing so would fundamentally undermine the efficacy of U.S. counter-terror military operations by overtly signaling to the enemy exactly where to pursue safe-haven and de facto immunity from the reach of U.S. power. This concern is similar to that associated with explicitly defining co-belligerents subject to the AUMF, although I believe it is substantially more significant. It is an operational and tactical axiom that insurgent and non-state threats rarely seek the proverbial “toe to toe” confrontation with clearly superior military forces. Al Qaeda is no different. Indeed, their attempts to engage in such tactics in the initial phases of Operation Enduring Freedom proved disastrous, and ostensibly caused the dispersion of operational capabilities that then necessitated the co-belligerent assessment. Imposing an arbitrary geographic limitation of the scope of military operations against this threat would therefore be inconsistent with the strategic objective of preventing future terrorist attacks against the United States. ¶ I believe much of the momentum for asserting some arbitrary geographic limitation on the scope of operations conducted to disrupt or disable al Qaeda belligerent capabilities is the result of the commonly used term “hot battlefield.” This notion of a "hot" battlefield is, in my opinion, an operational and legal fiction. Nothing in the law of armed conflict or military doctrine defines the meaning of “battlefield.” Contrary to the erroneous assertions that the use of combat power is restricted to defined geographic locations such as Afghanistan (and previously Iraq), the geographic scope of armed conflict must be dictated by a totality assessment of a variety of factors, ultimately driven by the strategic end state the nation seeks to achieve. The nature and dynamics of the threat – including key vulnerabilities – is a vital factor in this analysis. These threat dynamics properly influence the assessment of enemy capabilities and vulnerabilities, which in turn drive the formulation of national strategy, which includes determining when, where, and how to leverage national power (including military power) to achieve desired operational effects. Thus, threat dynamics, and not some geographic “box”, have historically driven and must continue to drive the scope of armed hostilities. The logic of this premise is validated by (in my opinion) the inability to identify an armed conflict in modern history where the scope of operations was legally restricted by a conception of a “hot” battlefield. Instead, threat dynamics coupled with policy, diplomatic considerations and, in certain armed conflicts the international law of neutrality, dictate such scope. Ultimately, battlefields become “hot” when persons, places, or things assessed as lawful military objectives pursuant to the law of armed conflict are subjected to attack. ¶ I do not, however, intend to suggest that it is proper to view the entire globe as a battlefield in the military component of our struggle against al Qaeda, or that threat dynamics are the only considerations in assessing the scope of military operations. Instead, complex considerations of policy and diplomacy have and must continue to influence this assessment. However, suggesting that the proper scope of combat operations is dictated by a legal conception of “hot” battlefield is operationally irrational and legally unsound. Accordingly, placing policy limits on the scope of combat operations conducted pursuant to the legal authority provided by the AUMF is both logical and appropriate, and in my view has been a cornerstone of U.S. use of force policy since the enactment of the AUMF. In contrast, interpreting the law of armed conflict to place legal limits on the scope of such operations to “hot” battlefields, or imposing such a legal limitation in the terms of the AUMF, creates a perverse incentive for the belligerent enemy by allowing him to dictate when and where he will be subject to lawful attack. ¶ I believe this balance between legal authority and policy and diplomatic considerations is reflected in what is commonly termed the “unable or unwilling” test for assessing when attacking an enemy belligerent capability in the territory of another country is permissible. First, it should be noted that the legality of an attack against an enemy belligerent is determined exclusively by the law of armed conflict when the country where he is located provides consent for such action (is the target lawful within the meaning of the law and will attack of the target comply with the targeting principles of distinction, proportionality and precautions in the attack). In the unusual circumstance where a lawful object of attack associated with al Qaeda and therefore falling within the scope of the AUMF is identified in the territory of another country not providing consent for U.S. military action, policy and diplomacy play a decisive role in the attack decision-making process. Only when the U.S. concludes that the country is unable or unwilling to address the threat will attack be authorized, which presupposes that the nature of the target is determined to be sufficiently significant to warrant a non-consensual military action in that territory. I believe the Executive is best positioned to make these judgments, and that to date they have been made judiciously. I also believe that imposing a statutory scope limitation would vest terrorist belligerent operatives with the benefits of the sovereignty of the state they exploit for sanctuary. It strikes me as far more logical to continue to allow the President to address these sovereignty concerns through diplomacy, focused on the strategic interests of the nation.

### Targeted Killing K2 Yemen – 2NC

#### Drones solve Yemeni terrorism – response is proportionate and effective

Shekell 11 (Brian, JD Candidate @ Wayne State, "THE LEGALITY OF THE UNITED STATES' USE OF TARGETED KILLINGS IN THE WAR AGAINST TERROR," 57 Wayne L. Rev. 313, lexis)

U.S. use of targeted killings against many of the suspected terrorists in Yemen and similar states would meet the necessity requirement under this two-part test. Yemen is a failing state and its government has demonstrated that it is unable secure its entire territory. n50 Therefore, the Yemeni government's ability to capture, imprison and try terrorists located within its borders is highly suspect. Additional attempts by the U.S. government to help Yemen capture these terrorists have also proven ineffective. n51 Remote, targeted killings are therefore the most effective and logical means of protecting the "threatened person." Critics might argue that the targeted killings will be ineffective, as new terror leaders emerge after the capture or killing of another. However, this must not deter the U.S. in its mission to eliminate current and real threats to its security.¶ Next, it is necessary to determine the proportionality of the response to the threat. It is true that the Israeli experiences with targeted killings have resulted in the loss of innocent civilian lives. n52 However, Yemen may give the U.S. an opportunity to produce a proportional response with a minimized risk of civilian death. Most terror suspects are located [\*320] in desolate and uninhabited regions in Yemen. n53 Unlike the often crowded areas of the West Bank, Yemen allows for a greater opportunity to conduct targeted killings without the presence of civilians. Also, for targeted killing to be proportional, Predator drones or covert military operations must employ small and tactical activities to minimize risk to those civilians.

### Pakistan Impact Defense

**No chance that Pakistan will collapse**

**Bandow ‘9**- Senior Fellow @ Cato, former special assistant to Reagan (11/31/09, Doug, “Recognizing the Limits of American Power in Afghanistan,” Huffington Post, http://www.cato.org/pub\_display.php?pub\_id=10924)

From Pakistan's perspective, limiting the war on almost any terms would be better than prosecuting it for years, even to "victory," whatever that would mean. In fact, **the least likely outcome** is a takeover by widely unpopular Pakistani militants. The Pakistan military is the **nation's strongest institution**; while the army might not be able to rule alone, it can prevent any other force from ruling. Indeed, Bennett Ramberg made the important point: "Pakistan, Iran and the former Soviet republics to the north **have demonstrated a brutal capacity to suppress political violence to ensure survival. This suggests that even were Afghanistan to become a terrorist haven, the neighborhood can adapt and resist**." The results might not be pretty, but the region would not descend into chaos. In contrast, warned Bacevich: "To risk the stability of that nuclear-armed state in the vain hope of salvaging Afghanistan would be a terrible mistake."

### 1NC Afghan Stability

#### -- Afghan collapse won’t spill over

Silverman 9 (Jerry Mary, Ph.D. in International Relations and Project Specialist – Ford Foundatoin, “Sturdy Dominoes”, The National Interest, 11-19, http://www.nationalinterest.org/Article.aspx?id=22512)

Many advocates of continuing or racheting up our presence in Afghanistan are cut from the same domino-theory cloth as those of the Vietnam era. They posit that losing in Afghanistan would almost certainly lead to the further “loss” of the entire South and central Asian region. Although avoiding explicit reference to “falling dominos,” recent examples include S. Frederick Starr (School of Advanced International Studies, Johns Hopkins University); Sir David Richards (the UK’s relatively new Chief of the General Staff); and, in The National Interest, Ahmed Rashid. The fear that Pakistan and central Asian governments are too weak to withstand the Taliban leads logically to the proposition—just as it did forty years ago—that only the United States can defend the region from its own extremist groups and, therefore, that any loss of faith in America will result in a net gain for pan-Islamist movements in a zero-sum global competition for power. Unfortunately, the resurrection of “falling dominos” as a metaphor for predicted consequences of an American military withdrawal reflects a profound inability to re-envision the nature of today’s global political environment and America’s place in it. The current worry is that Pakistan will revive support for the Taliban and return to its historically rooted policy of noninterference in local governance or security arrangements along the frontier. This fear is compounded by a vision of radical Islamists gaining access to Pakistan’s nuclear arsenal. Those concerns are fueled by the judgment that Pakistan’s new democratically elected civilian government is too weak to withstand pressures by its most senior military officers to keep its pro-Afghan Taliban option open. From that perspective, any sign of American “dithering” would reinforce that historically-rooted preference, even as the imperative would remain to separate the Pakistani-Taliban from the Afghan insurgents. Further, any significant increase in terrorist violence, especially within major Pakistani urban centers, would likely lead to the imposition of martial law and return to an authoritarian military regime, weakening American influence even further. At its most extreme, that scenario ends with the most frightening outcome of all—the overthrow of relatively secular senior Pakistani generals by a pro-Islamist and anti-Western group of second-tier officers with access to that country’s nuclear weapons. Beyond Pakistan, advocates of today’s domino theory point to the Taliban’s links to both the Islamic Movement of Uzbekistan and the Islamic Jihad Union, and conclude that a Taliban victory in Afghanistan would encourage similar radical Islamist movements in Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. In the face of a scenario of increasing radicalization along Russia’s relatively new, southern borders, domino theorists argue that a NATO retreat from Afghanistan would spur the projection of its own military and political power into the resulting “vacuum” there. The primary problem with the worst-case scenarios predicted by the domino theorists is that no analyst is really prescient enough to accurately predict how decisions made by the United States today will affect future outcomes in the South and central Asian region. Their forecasts might occur whether or not the United States withdraws or, alternatively, increases its forces in Afghanistan. Worse, it is entirely possible that the most dreaded consequences will occur only as the result of a decision to stay. With the benefit of hindsight, we know that the earlier domino theory falsely represented interstate and domestic political realities throughout most of Southeast Asia in 1975. Although it is true that American influence throughout much of Southeast Asia suffered for a few years following Communist victories in Cambodia, Laos and Vietnam, we now know that while we viewed the Vietnam War as part of a larger conflict, our opponent’s focus was limited to the unification of their own country. Although border disputes erupted between Vietnam and Cambodia, China and the Philippines, actual military conflicts occurred only between the supposedly fraternal Communist governments of Vietnam, China and Cambodia. Neither of the two competing Communist regimes in Cambodia survived. Further, no serious threats to install Communist regimes were initiated outside of Indochina, and, most importantly, the current political situation in Southeast Asia now conforms closely to what Washington had hoped to achieve in the first place. It is, of course, unfortunate that the transition from military conflict in Vietnam to the welcome situation in Southeast Asia today was initially violent, messy, bloody, and fraught with revenge and violations of human rights. But as the perpetrators, magnitude, and victims of violence changed, the level of violence eventually declined.

#### -- Afghan stability resilient

Robichaud 7 (Carl, Program Officer – The Century Foundation, “Buying Time in Afghanistan”, World Policy Journal, 11-8, http://www.tcf.org/publications/internationalaffairs/RobichaudWPJ.pdf)

Afghanistan is increasingly seen as Iraq in slow motion. It is not. The headlines of car bombs and casualty tolls echo each other, but mask deep differences in each society and in the dynamics of each insurgency. As Iraq has descended into civil war, Afghanistan’s center has held. The government remains weak, but power holders and the public show no appetite for a return to internecine fighting. The insurgency remains solvent because of safe havens across the border in Pakistan, but has been unable to expand upon its toehold in Afghanistan or offer a compelling alternative to the status quo. In the short-run, the only way Afghanistan could capsize is if the ballast of international support is withdrawn. Unfortunately, this scenario seems increasingly likely. The Taliban are fond of saying that “the Americans have watches, but we have time.”1 A quarter of the United States public now favors a pullout from Afghanistan in the next year if things do not improve, and an additional 40 percent believes troops should be withdrawn “as quickly as possible,” if a basic level of stability is achieved. Polls in Canada, Britain, and the Netherlands— the NATO countries which are shouldering the alliance’s military burden in the volatile South—suggest about half of those surveyed want troops withdrawn within a year.2 In Germany, two thirds of the public now opposes its military contribution, and in February a dispute over Afghanistan collapsed the center-left Prodi government in Italy. National leaders continue to assert that “we cannot afford to lose” in Afghanistan, but many of their constituents believe they already have.

# 1NR

## Case

### China

#### No US-China conflict

Allison & Blackwill 3/5 -- \*director of the Belfer Center for Science and International Affairs and Douglas Dillon Professor at Harvard's John F. Kennedy School of Government AND \*\*Henry A. Kissinger Senior Fellow for U.S. foreign policy at the Council on Foreign Relations (Graham and Robert D., 2013, "Interview: Lee Kuan Yew on the Future of U.S.- China Relations," http://www.theatlantic.com/china/archive/2013/03/interview-lee-kuan-yew-on-the-future-of-us-china-relations/273657/)

Interview with Lee Kuan Yew, the founding prime minister of Singapore, one of Asia's most prominent public intellectuals, a member of the Fondation Chirac's honour committee

Competition between the United States and China is inevitable, but conflict is not. This is not the Cold War. The Soviet Union was contesting with the United States for global supremacy. China is acting purely in its own national interests. It is not interested in changing the world. There will be a struggle for influence. I think it will be subdued because the Chinese need the United States, need U.S. markets, U.S. technology, need to have students going to the United States to study the ways and means of doing business so they can improve their lot. It will take them 10, 20, 30 years. If you quarrel with the United States and become bitter enemies, all that information and those technological capabilities will be cut off. The struggle between the two countries will be maintained at the level that allows them to still tap the United States. Unlike U.S.-Soviet relations during the Cold War, there is no irreconcilable ideological conflict between the United States and a China that has enthusiastically embraced the market. Sino-American relations are both cooperative and competitive. Competition between them is inevitable, but conflict is not. After the collapse of the Soviet Union, the United States and China are more likely to view each other as competitors if not adversaries. But the die has not been cast. The best possible outcome is a new understanding that when they cannot cooperate, they will coexist and allow all countries in the Pacific to grow and thrive. A stabilizing factor in their relationship is that each nation requires cooperation from and healthy competition with the other. The danger of a military conflict between China and the United States is low. Chinese leaders know that U.S. military superiority is overwhelming and will remain so for the next few decades. They will modernize their forces not to challenge America but to be able, if necessary, to pressure Taiwan by a blockade or otherwise to destabilize the economy. China's military buildup delivers a strong message to the United States that China is serious about Taiwan. However, the Chinese do not want to clash with anyone -- at least not for the next 15 to 20 years. The Chinese are confident that in 30 years their military will essentially match in sophistication the U.S. military. In the long term, they do not see themselves as disadvantaged in this fight.

## U

### U – Will Pass

#### Obama pushing AND Yellen will likely win confirmation

Peterson and McGrane 10/24 (Kristina and Victoria, Wall St Journal, "Fed Pick Yellen Plans Meetings With Senators," http://blogs.wsj.com/washwire/2013/10/24/fed-pick-yellen-plans-meetings-with-senators/)

The Obama administration has started reaching out to members of the Senate Banking Committee to set up meetings with Janet Yellen, the president’s pick to be the first chairwoman of the Federal Reserve, the White House and Senate aides said Thursday.¶ At least one meeting will happen next week: Sen. Richard Shelby (R., Ala.) is scheduled to sit down with Ms. Yellen next week, according to his office. Sen. Joe Manchin (D., W. Va.), a member of the panel, is slated to meet with Ms. Yellen on Nov. 6, his office said.¶ Sen. Jon Tester (D., Mont.) will also meet with Ms. Yellen during the first week of November, while Sens. Dean Heller (R., Nev.) and Sen. Sherrod Brown (D., Ohio) have upcoming meetings scheduled. Among those still working to set up appointments are Sens. Bob Corker (R., Tenn.) and Heidi Heitkamp (D., N.D.), according to their offices. Fed officials are working with Hill staffers to arrange the meetings, aides said.¶ President Barack Obama announced Oct. 9 he would nominate Ms. Yellen, the Fed’s vice chairwoman, to succeed Fed Chairman Ben Bernanke, whose term ends Jan. 31. The nomination is subject to Senate confirmation and goes first to the banking committee for a hearing and vote.¶ Ms. Yellen’s confirmation hearing has not been scheduled. The White House has not sent the committee all nomination paperwork, aides said. Meetings between nominees and senators traditionally happen before the hearing, offering senators a chance to meet the nominee and ask questions in a private setting.¶ Democrats are confident Ms. Yellen, the Fed’s vice chairwoman, will win Senate confirmation, though it’s unknown how rocky Republicans might make the process. She is likely to win approval by the 22-member banking committee, where Democrats hold a two-seat majority. It appears likely all 12 Democrats on the panel will vote for her. It remains unclear how many – if any – Republicans will vote for her.¶ Sen. Chuck Schumer (D., N.Y.), a member of the Banking Committee, said he expected Ms. Yellen would be confirmed.¶ “I don’t know how many Republican votes she’ll get, but I find it hard to believe that for the first time in history that Republicans would filibuster a Fed nominee,” Mr. Schumer said in an interview Thursday. The New York Democrat expects to meet with Ms. Yellen soon.

#### Will be confirmed - even GOP admits

Siddiqui 10/25 (Sabrina, Huff Post, "Rand Paul Threatens To Hold Up Janet Yellen Nomination To Fed: Report," http://www.huffingtonpost.com/2013/10/25/rand-paul-janet-yellen\_n\_4163766.html)

President Barack Obama formally nominated Yellen on Oct. 9. Though a confirmation hearing has not been set, the Fed vice chairwoman is scheduled to meet with members of the Senate Banking Committee in the coming weeks. At least one Republican who voted against her nomination to join the Fed board in 2010, Tennessee Sen. Bob Corker, predicted Yellen will be confirmed.¶ Yellen would become the first woman to lead the agency when outgoing Chairman Ben Bernanke's term expires on Jan. 31.

#### Will be confirmed

Reuters 10/23 ("Yellen's Senate hearing for Fed chair unlikely before mid-November," http://www.reuters.com/article/2013/10/23/us-usa-fed-yellen-idUSBRE99M1EN20131023)

President Barack Obama nominated Yellen, the Fed's current vice chair, on October 9 to replace Ben Bernanke when his term expires at the end of January, subject to Senate confirmation.¶ Her hearing before the banking panel is the next step in that process, but Senate staff are still waiting to receive the paperwork from the White House before scheduling a start date, the aide said.¶ The hearing is expected to be somewhat confrontational, with Republicans critical of the Fed's ultra-easy monetary policy using the opportunity to voice concerns that it risks financial instability and future inflation.¶ But Obama's Democrats control the Senate, including 12 seats on the 20-member banking panel. As a result, Yellen is expected to win confirmation fairly easily, and to take the helm of the U.S. central bank when Bernanke steps down on January 31.

#### Yellen will be confirmed - little threat of filibuster

DiGiorgio 10/15/13 (James, Financial Analyst @ Uncommon Wisdom, "A Yellen-Led Fed: Good News for Glass Ceilings and Gold," http://www.uncommonwisdomdaily.com/a-yellen-led-fed-good-news-for-glass-ceilings-and-gold-17277)

Wall Street and congressional Democrats got their wish this past Thursday when President Obama nominated Janet Yellen as Federal Reserve chairwoman. Yet another glass ceiling shattered!¶ I expect the Senate to confirm Yellen swiftly.¶ Writing in this space a few weeks ago, I wondered whether Republicans might try to block Yellen’s nomination. My answer then:¶ "Maybe — but it wouldn’t help their already-serious problem with women voters."¶ Now, however, thanks to damage from the government shutdown and debt-ceiling battles, I believe the Senate will want to avoid the appearance of dissent and acrimony.¶ Senator Ted Cruz and perhaps a couple of other Tea-Party senators may call Yellen a threat to the U.S. economy and oppose her, but cooler heads will ignore their squeals and prevent a filibuster.

#### Yellen confirmation likely - but some GOP support is key

Hunter and Hopkins 10/14 (Kathleen and Cheyenne, Columnists @ SF Gate, "Yellen Choice Draws Questions on Record Not Confirmation Chances”, 2013, http://www.sfgate.com/business/bloomberg/article/Yellen-Choice-Draws-Questions-on-Record-Not-4893681.php)

U.S. Senate Republicans are raising questions about Federal Reserve Chairman nominee Janet Yellen’s views on monetary policy, even as they predict she probably will be confirmed.¶ Several Republicans on the Senate Banking Committee, which will consider Yellen’s nomination before a floor vote to confirm her is scheduled, said today that their concerns about the Federal Reserve’s bond-buying program -- known as quantitative easing -- could cause them to vote against confirming Yellen.¶ “I still have the same concerns,” said Idaho Senator Mike Crapo, the top Republican on the banking panel, who opposed Yellen’s nomination to the Federal Reserve Board in 2010. “We are now moving toward further Fed management of some sort with regard to whether it’s winding down the quantitative easing or not, but I’m going to let the process move forward and evaluate it carefully before I make a decision.”¶ President Barack Obama today nominated Yellen, the Fed’s current vice chairman, to lead the central bank, replacing Ben S. Bernanke.¶ Even if they end up opposing her, Republicans on the panel couldn’t unilaterally block Yellen because Democrats have a two- seat edge on the committee. On the Senate floor, Democrats would need the support of six Republicans to advance Yellen’s nomination.

#### Will be confirmed by December

Reuters 10/9 ("Instant View - Yellen to be nominated for Fed chair," http://uk.reuters.com/article/2013/10/09/uk-usa-economy-instant-idUKBRE99717920131009)

ROBBERT VAN BATENBURG, DIRECTOR OF MARKET STRATEGY, NEWEDGE USA LLC, NEW YORK:¶ "The timing is a little surprising, but the nomination is not with the disappearance of Larry Summers as the leading candidate. The bond market likes to see continuity with this Fed, which has been favourable to it. I think it could be two to three months to the nominee through the process. So we should see her confirmed in December. Under normal circumstances, this news would be dollar bearish and stocks and commodities bullish. Now we have all the cross-currents especially from Washington. It's not clear how markets will react. The markets are much more concerned about the 'drop dead date' on the debt ceiling."¶ GUY LEBAS, CHIEF FIXED INCOME STRATEGIST, JANNEY MONTGOMERY SCOTT, PHILADELPHIA:¶ "A Yellen nomination as Fed chairman will provide to the short to medium part of the yield curve. We could see the three to five year part of the curve to rally a bit. She is perceived as dovish. She is also a great economist with a great deal of experience. It might be a slow nomination process, but we have a Senate that should be friendly to her nomination."

#### Confirmation by early December

Reuters 10/9/13 ("Instant View - Yellen to be nominated for Fed chair," http://uk.reuters.com/article/2013/10/09/uk-usa-economy-instant-idUKBRE99717920131009)

MICHAEL S. HANSON, SENIOR ECONOMIST, BOFA MERRILL LYNCH GLOBAL RESEARCH, NEW YORK:¶ "Not surprised. With all the fiscal issues currently before the Senate, confirmation may not be complete until later November or early December. Means continuity in Fed policy going forward. Market will discover over time that she isn't the perma-dove that some have suggested, but easy policy will remain in place for some time - as the Bernanke Fed has already indicated."¶ JOHN BRYNJOLFSSON, CIO OF ARMORED WOLF, ORANGE COUNTY, CALIFORNIA:¶ "With betting odds stacked 85 percent in her favour, hardly a surprise. Her reputation is one of emphasizing the dual mandate, and within the dual mandate, fostering full employment, so is more dovish than Bernanke.

### U – Will Pass/A2 U O/Whelms L

#### Yellen will likely be confirmed – but it will be contentious

Bohan 10/24 (Caren, Reuters, "U.S. Senator Cruz has 'open mind' on Yellen Fed pick”, 2013, http://wkzo.com/news/articles/2013/oct/24/us-senator-cruz-has-open-mind-on-yellen-fed-pick/)

WASHINGTON (Reuters) - U.S. Senator Ted Cruz, a leading conservative voice, said on Thursday he has an "open mind" on President Barack Obama's selection of Janet Yellen to lead the Federal Reserve.¶ Yellen, the Fed's current vice chair, has been a strong proponent of the use of ultra-easy monetary policy to boost U.S. economic growth.¶ Obama's pick of Yellen to replace current Fed Chairman Ben Bernanke when his term expires in January will require Senate confirmation.¶ Though many analysts believe the Democratic-led Senate will ultimately approve Yellen for the top job at the U.S. central bank, the hearing and debate on the Senate floor could be contentious.

#### Yellen confirmation will be a fight - weak economic data ensures greater Congressional scrutiny

Prial 10/24 (Dunstan, Fox Business, "Weak Data Could Sharpen Resistance to Yellen Confirmation”, 2013, http://www.foxbusiness.com/economy-policy/2013/10/24/weak-data-could-sharpen-resistance-to-yellen-confirmation/?Intcmp=jobsreports)

Janet Yellen’s confirmation as Federal Reserve chair could be dicier than initially anticipated if the U.S. economy continues to sag and an end to the Fed’s easy-money stimulus policies recedes further into the horizon.¶ Yellen’s nomination by President Barack Obama on Oct. 9 to succeed current Chair Ben Bernanke was hailed as historic and her confirmation hearings before a Senate committee later this year widely predicted as a cakewalk.¶ That might not be the case (even if you put aside that Sen. Rand Paul on Friday said he may try to block Yellen's nomination.) With each new lackluster economic report the question of when and how the Fed will begin scaling back stimulus grows more muddled, providing Yellen’s opponents with more leverage to use the confirmation hearings as a broader referendum on the Fed’s activist role under Bernanke.¶ Yellen has been one of Bernanke’s biggest supporters and is expected to at least maintain – if not accelerate – his policies.¶ Instead of the predicted confirmation cakewalk, given the sustained economic malaise, Yellen could now be called upon not only to defend the Fed’s past policies, but also to justify why they should be maintained and, perhaps most importantly, how they will eventually be phased out without causing additional harm to the recovery.¶ “The first question asked should be, ‘For $85 billion a month, what are we getting?’”¶ - Mark Williams, former Fed examiner¶ The anemic September jobs report released Tuesday, which revealed just 148,000 jobs were added last month, pounded home two points, both of them relevant to Yellen’s nomination to succeed Bernanke early next year.¶ Stronger Resistance¶ The first is that the economic recovery -- such as it is -- is stagnating rather than gaining momentum. Labor markets continue to struggle as a range of uncertainties from fiscal policy to new health care laws dampens hiring. The housing recovery has also shown signs of weakness due to rising mortgage rates.¶ The second point is that the Fed will be increasingly reluctant to take its foot off the stimulus gas pedal as long the economic data continues to disappoint.¶ The latter is what could make Yellen’s nomination hearing more combative than previously forecast.¶ “I think there will be more resistance to her as the economic numbers continue to come in weak,” said Mark Williams, a former Fed examiner who now teaches banking at Boston University.

#### Will get confirmed – but SMALL margin of error regarding votes

Economist 10/12 ("Dove ascendant," 2013, http://www.economist.com/news/finance-and-economics/21587798-janet-yellen-will-stick-her-predecessors-expansionary-policies-dove-ascendant)

With the support of the Senate’s Democratic majority, Ms Yellen is almost certain to be confirmed. But with many Republicans opposed, she will probably get fewer than the 70 votes Mr Bernanke did for his second term in 2010, at the time the lowest on record for a Fed chairman. Moreover, one of the seven seats on the Fed’s board is vacant and another five may come up for grabs in the coming year, given expirations and the tug of other opportunities. The weight of opinion within the institution could change markedly as a result.

#### Will get confirmed but WON’T be easy – GOP will put up a fight

Daily Kos 10/9/13 ("Obama nominates Janet Yellen for Fed chief. If Senate confirms, she'll be first woman in the post," http://www.dailykos.com/story/2013/10/09/1245666/-If-Senate-confirms-her-Janet-Yellen-will-be-the-first-woman-to-chair-the-Federal-Reserve-Board)

The president, reportedly angered by much of the criticism of Summers, offered a vigorous defense of him in July. But when it became clear that his chances of being confirmed were slim at best, Summers withdrew his nomination. Shortly thereafter, Obama urged Democratic senators to unite behind Yellen.¶ She can expect some tough questioning at her confirmation hearings in the Senate. That's partly a function of Republican desires to mess with anything President Obama tries to do and partly GOP disaffection with Federal Reserve policy in general. There will be calls for a deep audit of the Fed, first pushed by libertarian-when-it-suits-him Sen. Rand Paul of Kentucky, but now the general Republican perspective. That's "audit" in the loosest meaning of the word. More like a fishing expedition and general attack, which a few on the left also support.¶ Patrick Reis at the National Journal expects she will be confirmed but the "path will neither be quick nor painless." You can read more analysis of the nomination below the fold.

#### Confirmation will be a fight

Tiller 10/11/13 (Martin, Columnist @ NASDAQ, "And Now on to the Janet Yellen Battle…," http://www.nasdaq.com/article/and-now-on-to-the-janet-yellen-battle-cm285998#ixzz2ieC9nH27)

This and the current hyper partisan atmosphere in Washington mean that her confirmation by the Senate won’t happen without a fight. She can expect the support of Democrats, but the threat of a filibuster by Republicans concerned about future inflation is a possibility.¶ Yellen’s testimony to the Senate Banking Committee will probably be on October 21st and, assuming that some short term fix to the debt limit issue is found, it is possible that her nomination will become embroiled in that controversy. If you think the 4-5% drop in the equity market as a result of the current debacle is bad, wait until traders feel that continued stimulus is threatened.¶ I do agree with the prevailing thoughts here, that Dr. Yellen’s appointment will come to a vote and her confirmation will be confirmed, but the process could, as we have come to expect, be messy.

#### Reis errs Neg - will be a fight, but Yellen will get confirmed

Reis 10/9/13 (Patrick, staff correspondent at National Journal, "Janet Yellen's Showdown With Congress," http://www.theatlantic.com/politics/archive/2013/10/janet-yellens-showdown-with-congress/280425/)

As with all nomination fights, the most likely outcome is that the Senate will eventually confirm Yellen to to head the Fed, handing her Bernanke's place when his term expires in 2014. But given the current political climate, her path will be neither quick nor painless.

#### Confirmation likely, but CAN be derailed

White 9/23/13 (Ben, Politico, "First look: Big risks for GOP in Obamacare fight — For Yellen, nomination may be easy part," http://www.politico.com/morningmoney/0913/morningmoney11709.html)

FOR YELLEN, NOMINATION MAY BE EASY PART — POLITICO’s Ben White in a story that popped Sunday: “President Barack Obama will likely nominate Janet Yellen soon [though probably not this week] as the next chairwoman of the Fed … And the vice chairwoman of the central bank should enjoy uniform Democratic support and will almost certainly pick up enough Republican votes to win confirmation … Then her real problems begin. … Yellen, should she get the job, would take over at a uniquely difficult time for the nation’s central bank. … It will be up to Yellen — assuming she gets the job — to clean up the Fed’s communications mess and figure out how and when to draw down the stimulus as growth stays sluggish …¶ “And she would have to do so with the clear knowledge — both on her part and among fellow governors — that she was the president’s second choice. … ‘It’s worse than that,’ James Pethokoukis of [AEI] … said, noting the brief White House flirtation with the idea that former Treasury Secretary Timothy Geithner could become Fed chairman. ‘Yellen may have been third choice after Geithner and Summers. But her influence will depend far less on her Obama shortlist ranking than her ability as Fed chair to reach consensus among Fed policymakers, clearly and persuasively communicate Fed policy and show independence from Congress and the White House.”¶ LIKELY TO BE CONFIRMED — “One thing that seems relatively clear is that if Obama nominates Yellen, she’ll most likely be confirmed, though Capitol Hill Democratic aides expect at least some GOP opposition. … ‘She probably gets confirmed, but these are crazy times so you don’t know for sure,’ one senior Democratic Senate aide said, citing fights over funding the government and raising the debt ceiling as complicating factors in any Fed nomination.¶ “‘You will get Republicans using her nomination as a vehicle because they hate what the Fed has been doing and they hate what the president has been doing,’ the aide said … A Republican with close ties to Senate GOP leadership … asked for the chances that Yellen could be blocked on the floor: ‘None, but Rand Paul will slow it down a little.’” http://bit.ly/19viom6¶ MORE ON YELLEN CONFIRMATION — Top DC consultant Paul Equale emails: “Anything is possible, given the dynamics and apparent loss of control by the WH and leadership on both sides of the aisle in Congress. Most likely scenario is she gets confirmed, but only after lots of sturm und drang b/c sequester, debt ceiling etc. are all occurring as a backdrop. The timing is abominable, although in fairness much of this is out of WH control... It's going to be open season on her, and she'll become a proxy for any Senator's (or cable talking head) particular economic hobby horse. POTUS could always beg Bernanke to stay … Buffett would be thrilled.”

### U – Top of Agenda/A2 Thumpers

#### Yellen confirmation at the top of the agenda now AND confirmation increasingly likely

Schnayer 10/25/13 (Joshua, Contributor @ American Spectator, "Preparations Underway for Yellen’s Coronation at Fed," http://spectator.org/blog/2013/10/25/preparations-underway-for-yell)

Washington, D.C. is preparing for Janet Yellen’s nomination proceedings for Federal Reserve chair, and it appears increasingly likely that she will be confirmed. The only known obstacle standing in the way of her assumption of that most high office is Rand Paul, who announced his plans to put the banker’s nomination on hold.¶ Yellen was officially nominated by President Obama on October 9 after a long period of front-runner status following Larry Summers’ exit from contention. Yellen has had an extensive relationship with the Federal Reserve system: She’s served as the head of the San Francisco branch president, and currently serves as vice chair of the Federal Open Market Committee board of governors. She’s famous for emphasizing the labor and employment aspects of the Federal Reserve’s mandates. Known as an inflation “dove,” it is widely speculated that Yellen will gladly continue the Fed’s policy of low interest rates even after reaching stated target unemployment levels.¶ The Federal Reserve Board of Governors seemed to have been anticipating Yellen, and it is likely that a transition from Bernanke to Yellen will be smooth, given that Yellen will likely continue or accelerate quantitative easing policies such as have characterized the last few years of Bernanke’s second term.¶ Yellen will soon begin meeting with members of Congress, most notably the Senate Banking Committee, where certain members have doubled as cheerleaders for her nomination, and will likely continue to wave pom-poms as she undergoes the hearing process. Recent filibusterer Ted Cruz, meanwhile, has vowed to keep an “open mind” on Yellen, suggesting that he won’t stand in the way of the nomination. Rand Paul, another filibusterer and someone who has a strong aversion to the current state of the Federal Reserve, will almost certainly put up resistance, but it’s not clear whether he will be able to singlehandedly stall or block the nomination.

#### Yellen confirmation is at the top of the Senate agenda now

Lesniewski 10/25/13 (Niels, Roll Call, "Rand Paul May Lack Leverage Over Fed Nominee Yellen (Video)," http://blogs.rollcall.com/wgdb/rand-paul-lacks-leverage-over-fed-nominee-janet-yellen-video/)

Sen. Rand Paul is getting a lot of attention this morning for his threat to hold up the nomination of Janet L. Yellen to head the Federal Reserve, but he may have very little leverage to stop her confirmation.¶ The Kentucky Republican is seeking a vote on his Federal Reserve transparency legislation as part of considering the Yellen nomination. The announcement came in a YouTube video posted Thursday by the Campaign for Liberty, a nonprofit affiliated with Paul’s father, former Rep. Ron Paul, R-Texas.¶ Legislation to require an audit of the Federal Reserve has had bipartisan support in the past when pushed by both Pauls, but it has faced no shortage of opposition and roadblocks.¶ “Sen. Rand Paul will be demanding a vote on audit the Fed in the Senate when they consider the new Fed nominee,” John Tate, the chairman of Campaign for Liberty, said in the video.¶ However, Majority Leader Harry Reid, D-Nev., could decide to ignore Paul’s request by moving to limit debate on Yellen’s nomination by filing cloture. If Reid gets 60 votes, there’s no need to make a deal with Paul or anyone else. Yellen appears to already have enough support to overcome a filibuster, unless Republicans and some sympathetic Democrats decide to back his quest for a vote on the audit bill.¶ “Right now, the Senate is preparing to debate and confirm the new Obama nominee to chair the Federal Reserve,” Paul said. “I say vote no on a new Fed chairman without a vote on my audit the Fed bill. This will be the fight of our lives.”

#### Top of the Senate agenda

Reis and Volz 10/24/13 (Patrick and Dustin, National Journal, "Obamacare Hearing Made Easy, Thinking Robots and Why You're a Republican (or Democrat)—THE EDGE," http://www.nationaljournal.com/the-edge/obamacare-hearing-made-easy-thinking-robots-and-why-you-re-a-republican-or-democrat-the-edge-20131024)

TODAY IN ONE PARAGRAPH: Contractors responsible for designing HealthCare.gov painted a picture today of a rushed rollout in their testimony to Congress. The contractors blamed the administration for the site's problems, but they also blamed each other, swapping accusations over which parts of the website were to blame for its struggles. Elsewhere, Janet Yellen is preparing her push to be confirmed as head of the Fed, and she plans to begin meeting with senators next week. And overseas, key U.S. allies remain incensed over revelations of spying on foreign leaders.

### Internals – 2nc Capital Key

#### Capital key to securing Fed chair confirmation

Irwin 8/30/13 (Neil, Washington Post columnist and the economics editor of Wonkblog, "How the Fed chair race became a public circus, and why it matters," http://www.washingtonpost.com/blogs/wonkblog/wp/2013/08/30/how-the-fed-chair-race-became-a-public-circus-and-why-it-matters/)

And the final factor is this reality: The Federal Reserve has, since the crisis, become more important player in the economy and financial system than it was before. Even apart from the 2008 crisis-era bailouts and interventions, since then it has expanded its balance sheet almost five-fold and been the one government entity in Washington trying to do something about high unemployment. Its power to oversee financial institutions was greatly expanded by Dodd-Frank legislation. Bernanke started in the Fed chairmanship aiming to make it a more anonymous, technocratic role, in contrast to Alan "The Maestro" Greenspan; three years later, he was appearing on "60 Minutes" and was Time Person of the Year. Everyone cares more about who the next Fed chair is because they should care more about who the next Fed chair is.¶ Add it all up, and, as Fratto puts it, "the current transition is a perfect hot mess."¶ The question is, does it matter? It increasingly appears that President Obama will nominate Summers sometime in the next few weeks, and that he will be confirmed, though with no small amount of grumbling by many liberal and some conservative senators in the process. What will that mean?¶ First, there's the cost for the White House. If it were to select a "boring" candidate for the job, like Yellen, Don Kohn, or Roger Ferguson, there might be the usual bumps and bruises in the confirmation process, but there would never really be a doubt that the Senate would come up with the votes.¶ Summers is decidedly un-boring. The opposition to him within the Democratic caucus, especially among women, means that president and his aides will have to spend more time massaging and persuading those senators reluctant to be a "yes" vote on someone much of the Democratic base just doesn't like very much. At best, this will be a distraction at a time that a high stakes fiscal stand-off over funding the government is re-emerging; at worst, it will require horse-trading that could cost political capital they might prefer to save to push another tough vote.¶ For the Fed, the equation is a little different. Based on conversations with many Fed-folks at a conference in Jackson Hole last weekend, I can assert with confidence that people at the central bank are none-too-thrilled with the loud public debate over who their next chairman will be. And it surely will damage the ability of the next chairman, whether it's Summers or someone else, to maintain an image of the aloof, politically neutral, wise, man-behind-the-curtain Fed chair that has been part of the job's image for generations.¶ At the same time, go back to the reasons listed above about why this has become such a spectacle. Part of it is the White House's strategy and part of it is Summers's personality. But other parts, the new media environment and the more prominent role of the Fed, aren't going away.¶ In other words, we may be entering an era where the Fed chairman job is as much a lightning rod as any other major appointment. In that case, the strange Summers vs. Yellen debate of the summer of 2013 is less an aberration, and more a harbinger of what is to come.

#### Capital key to Fed chair confirmation

Gregory 8/23/13 (Michael, Senior Economist @ BMO Capital Markets, "Fed Head Games," http://www.bmonesbittburns.com/economics/focus/20130823/feature.pdf)

A frequent question asked these days is: Who will be the next Fed chairman and how ¶ will this impact monetary policy? The media deem Larry Summers and Janet Yellen ¶ the front runners. Interestingly, the Obama Administration does not appear to be ¶ completely comfortable with either candidate, as evidenced by the fact that a third ¶ name was officially entered into contention (Donald Kohn). Furthermore, the ¶ Washington Post reported this week that the Summers and Yellen entourages were ¶ actively lobbying to win over the Administration’s hearts and minds. ¶ The choice of Kohn, Summers, Yellen or a possible yet-to-be-named dark horse candidate ¶ is complicated by the fact that the Administration not only wants the best overall person ¶ for the job but also a nominee that would move relatively smoothly through the Senate ¶ confirmation process. Fresh in memory is the April 2010 ill-fated nomination of Nobel ¶ laureate Peter Diamond for a Fed governorship that ended 14 months later with the ¶ candidate himself withdrawing owing to the degree of Republican opposition in the ¶ Democrat-controlled Senate. And, we are entering a politically charged season, with ¶ passage of a spending bill required by September’s end to avoid a government shutdown ¶ and a debt ceiling lift required sometime during October-November to avoid a debt ¶ default. Obama’s nomination will likely get lassoed in the political horse trading that is ¶ about to transpire. As such, who ends up getting the nod is difficult to call.

#### OBAMA thinks capital is key to Yellen’s confirmation

Schwartz and Lowrey 9/19/13 (Nelson and Annie, NYT, "Hurdles Are Still High for a New Fed Front-Runner," http://www.nytimes.com/2013/09/20/business/economy/hurdles-still-high-for-a-new-front-runner.html?pagewanted=all&\_r=0&pagewanted=print)

As the favorite to succeed Ben S. Bernanke to lead the Federal Reserve, Janet L. Yellen faces no shortage of hurdles.¶ The first would be to win confirmation from the Senate — an obstacle that doomed the previous front-runner for the job, Lawrence H. Summers.¶ While Ms. Yellen faces much less potential opposition than Mr. Summers did, the White House is not taking Senate approval for granted. Even as the administration informed legislators on Capitol Hill on Thursday that Ms. Yellen probably would be President Obama’s nominee, one official said the point of the calls was not so much to gauge support but to tell Democratic senators they should defend Ms. Yellen if she comes under attack before a formal nomination.¶ The second, even bigger, challenge would be to manage the central bank’s retreat from its unprecedented efforts to stimulate the economy, even as the nation’s job market remains frustratingly weak more than four years after the Great Recession.¶ With the collapse of Mr. Summers’s candidacy, White House officials began calling Senate Democrats about the Fed choice; a senior Congressional aide said the only name they mentioned was Ms. Yellen’s. Since she has become the focus of public discussion, the president’s staff is worried that she could become a target for criticism, just as Mr. Summers was, before the White House actually nominates her and can defend her.¶ Jeff Merkley, an Oregon Democrat who serves on the Senate Banking Committee, said in an interview Thursday that the White House had accelerated the vetting process for Ms. Yellen.¶ “Certainly my impression is the White House is taking a very serious and fast-track examination of her as a potential nominee,” Mr. Merkley said.¶ While Ms. Yellen enjoys strong support from Senate Democrats — a third of the caucus took the unusual step of signing a letter urging the president to nominate her, even before the White House indicated it was leaning toward Mr. Summers — Senate Republicans will be more difficult to persuade.

#### Capital key to securing Fed chair confirmation

Rushton 9/14/13 (Katherine, The Telegraph of London, "Obama's big Fed dilemma," http://www.telegraph.co.uk/finance/economics/10309423/Obamas-big-Fed-dilemma.html)

As with many senior appointments in the US government, the president nominates a candidate to be Federal Reserve chairman and puts that name to a senate vote.¶ President Barack Obama is expected to name his choice this autumn, preparing the Fed for the departure of its current chairman, Ben Bernanke, in January. However, there is no fixed date for the nomination.¶ “The only deadline is when Mr Bernanke leaves. There is no atomic bomb,” says Prof Susan Rose-Ackerman, professor of law and political science at Yale.¶ The senate will debate the suitability of the candidate before voting. Senators do not have a formal debate on alternative candidates unless the nominee is rejected.¶ The president will have taken plenty of soundings about Larry Summers and Janet Yellen before he makes his formal nomination, and will have a clear idea of the level of support he can expect.¶ The odds of him being overruled by the senate are “pretty small”, says Prof Rose-Ackerman – even in these politically volatile times – but his choice of candidate will define how much of a fight the president has to have and how much energy he has to expend getting his choice.¶ “It is more of a question of how much hassle does he have to go through? How much political capital does he have to use?” she said.

### A2: Immigration

#### Won't pass this year - crowded calendar

Grier 10/24/13 (Peter, Christian Science Monitor, "Three reasons Obama is pushing immigration bill again," http://www.csmonitor.com/USA/DC-Decoder/Decoder-Wire/2013/1024/Three-reasons-Obama-is-pushing-immigration-bill-again-video)

With only a few work weeks left in the legislative year it’s unlikely the House will make much progress on immigration before 2014. Once things kick into next year, the 2014 midterms draw ever closer, and history shows Congress makes little progress on controversial bills in an election’s shadow.¶ Obama likely is trying to inject some urgency into the House’s consideration of the subject, given the limitations of the calendar. Speaker John Boehner said Wednesday that he’s still “hopeful” the House will deal with immigration, so now is a propitious time for Obama to bring the subject up again.¶ “Every day that goes by makes it increasingly difficult to pass new immigration laws,” writes political expert Sean Sullivan on the Washington Post “Fix” political blog.

### A2 Immigration Fight Thumps

#### Yellen comes first

Moore, 10/9/13 (Heidi – the Guardian, “Janet Yellen: Obama's Second Choice Hands Him a First-Rate Political Win.” http://www.alternet.org/economy/janet-yellen-obamas-second-choice-hands-him-first-rate-political-win)

The only thing standing in the way of Yellen's confirmation is the shutdown. As Garder predicted, "we expect the Senate Banking Committee will have a confirmation hearing on Dr Yellen by Thanksgiving and the Senate should be able to vote on her nomination by year-end. There is a small chance, in our view, that the vote could drift into January 2014." Easy peasy lemon squeezy, as the political film In The Loop might characterize it. In other words, Yellen is a godsend to Obama. His administration has logged almost no major wins on any legislative matters since the Dodd-Frank financial reform act passed in 2009. Gun control failed. Immigration reform failed. The farm bill and food stamp funding have been disastrous. The budget situation, which has dragged the country through three annual threats of default, is unspeakable. Economic stimulus has not even gotten off the ground. The Affordable Care Act, once considered a win, now has a permanent asterisk next to it; it was challenged in the supreme court and is the legislation that Republicans have put at the root of the current government shutdown. Even if the ACA is popular – and all indications are that it will be – it is not a clear political win. Yellen's nomination is, however, a slam dunk for Obama. It's historic, it's timely, and it's politically easy.

### Drum

#### Issues only cost capital once they reach the finish line.

**Drum**, 3/10/**2010** (Kevin – political blogger for Mother Jones, Immigration coming off the back burner?, Mother Jones, p. http://motherjones.com/kevin-drum/2010/03/immigration-coming-back-burner)

Not to pick on Ezra or anything, but this attitude betrays a surprisingly common misconception about political issues in general. The fact is that political dogs never bark until an issue becomes an active one. Opposition to Social Security privatization was pretty mild until 2005, when George Bush turned it into an active issue. Opposition to healthcare reform was mild until 2009, when Barack Obama turned it into an active issue. Etc. I only bring this up because we often take a look at polls and think they tell us what the public thinks about something. But for the most part, they don't.1 That is, they don't until the issue in question is squarely on the table and both sides have spent a couple of months filling the airwaves with their best agitprop. Polling data about gays in the military, for example, hasn't changed a lot over the past year or two, but once Congress takes up the issue in earnest and the Focus on the Family newsletters go out, the push polling starts, Rush Limbaugh picks it up, and Fox News creates an incendiary graphic to go with its saturation coverage — well, that's when the polling will tell you something. And it will probably tell you something different from what it tells you now. Immigration was bubbling along as sort of a background issue during the Bush administration too until 2007, when he tried to move an actual bill. Then all hell broke loose. The same thing will happen this time, and without even a John McCain to act as a conservative point man for a moderate solution. The political environment is worse now than it was in 2007, and I'll be very surprised if it's possible to make any serious progress on immigration reform. "Love 'em or hate 'em," says Ezra, illegal immigrants "aren't at the forefront of people's minds." Maybe not. But they will be soon.

### No Budget Thumper

#### Obama backing off budget

Wall St Journal 10/20/13 ("Budget Discord Simmers Among Democrats," http://online.wsj.com/news/articles/SB10001424052702303448104579147933373740214#printMode)

Cracks are showing in the Democratic coalition as the next round of budget talks gets under way, hurting the chances for progress toward a broad deal that changes the tax code and significantly narrows future deficits.¶ While Republicans are still smarting over nasty infighting they engaged in during the debt-ceiling fight and 16-day government shutdown, Democrats have stayed united. This helped them beat back Republican demands to undo or scale back President Barack Obama's 2010 health law as a condition for ending the showdown.¶ But with eyes now turning toward a newly formed budget committee, some liberal lawmakers and groups are worried that Democrats will negotiate cuts to Social Security benefits and other entitlement programs. The president's budget blueprint, which was released in April, proposed slowing the growth of Social Security spending by using a new measure of inflation—an idea that drew a rebuke from some lawmakers and liberal groups.¶ "The president is about to run into a major base problem if he tries to do this," said Rep. Keith Ellison (D., Minn.), co-chairman of the Congressional Progressive Caucus, referring to using the new formula, the chained consumer-price index, to determine benefits. "My advice to him is: Don't do it."¶ As part of the agreement that was reached Wednesday, members of the two parties will meet to try to hash out differences between the House and Senate budget plans passed earlier in the year. Leaders of the committee set to meet are Sen. Patty Murray (D., Wash.) and Rep. Paul Ryan (R., Wis.), chairmen of the Senate and House budget committees, respectively.¶ The main differences between the plans are over taxes and spending: The Senate Democratic proposal would raise close to $1 trillion in tax revenue over 10 years, while the GOP plan includes deep spending cuts. But lawmakers taking part in the effort may aim for something more ambitious: a budget accord that would both reshape the tax code and reduce long-term deficits. The committee faces a Dec. 13 deadline.¶ The president tried to lay the groundwork for a broader deficit-reduction deal by including chained CPI, the formula that would slow the growth of annual cost-of-living adjustments, in his budget proposal. In his $3.8 trillion budget blueprint, Mr. Obama also called for squeezing $370 billion from Medicare by raising some fees and premiums as well as making cuts to providers.¶ A senior administration official said the president stands by his budget as written and is willing to make changes to entitlements as part of a larger agreement that also includes new tax revenue.¶ Mr. Obama, in his post-shutdown speech last week, highlighted what he would like to see in a budget deal, warning against "just cutting for the sake of cutting," while calling for new spending in education, research and infrastructure projects. He also said he worried about the long-term viability of the entitlement programs.¶ Liberals in Congress are watching that issue closely. Earlier this year, more than 100 House Democrats signed a letter to the president laying out their opposition to the cost-of-living adjustment to Social Security. Mr. Ellison, the Minnesota representative, said that while he is willing to discuss other changes to entitlements, his caucus would part ways with the president on the chained CPI measure. "We simply will not abide chained CPI," he said. "It's a hard 'No.' "¶ Sen. Bernie Sanders, a Vermont independent who caucuses with Democrats and who is a member of the new budget committee, added: "The president is wrong on this issue, and I hope he rethinks it."¶ Neil Sroka, spokesman for Democracy for America, a group founded by former Democratic presidential hopeful and Vermont Gov. Howard Dean, said to "expect a civil war within the Democratic Party if any Democrats [in] Congress think about following through on the president's proposed cuts to Social Security benefits."¶ Mr. Sroka said his group would be following the committee's work and is prepared to take out ads and support primary campaigns against Democratic lawmakers who agree to cuts in entitlement programs.¶ Mr. Obama frustrated many Democrats during the summer 2011 budget standoff, when some in the president's party complained that he had acceded to Republican demands. That negotiation yielded the deal that put in place the automatic spending cuts known as the sequester.¶ This time, the president took a different tack, saying he wouldn't negotiate to reopen the government or lift the debt ceiling. Other Democratic leaders supported the strategy, suggesting that this was a lesson learned from the budget battle two years ago.¶ As the budget conference committee begins its work, two main questions jump out: What role will the president play, and what is the scope of the deal lawmakers will seek?¶ The White House has signaled that it plans to give lawmakers time and space to chart a course. White House press secretary Jay Carney said the president would be as involved as he and committee members believe is useful.

## Link

### War Powers – Link – 2NC

#### The plan costs political capital –Obama will defend his powers from being usurped by congress- O’Neil says that will tank political capital that could be spent on other issues

#### Congressional criticism of war powers saps capital

Kriner 10 (Douglas L. Kriner, assistant professor of political science at Boston University, “After the

Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec

1, 2010, page 68-69)

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives . Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

### Targeted killing – 2NC

#### Obama fights the plan and sparks controversial battles in Congress – targeted killing is heavily criticized

Radsan and Murphy 12 (Afsheen John – Professor, William Mitchell College of Law; Assistant General Counsel at the Central Intelligence Agency from 2002 to 2004, and Richard – AT&T Professor of Law, Texas Tech University School of Law, “The Evolution of Law and Policy for CIA Targeted Killing”, 2012, 5 J. Nat'l Security L. & Pol'y 439, lexis)

This scenario emphasizes a simple point: President Obama, a Harvard Law School graduate, a former teacher of constitutional law at the University of Chicago and a Nobel Peace Laureate, must believe that he has the authority to order the CIA to fire missiles from drones to kill suspected terrorists. Not everyone agrees with him, though. For almost a decade now, the United States has been firing missiles from unmanned drones to kill people identified as leaders of al Qaeda and the Taliban. This "targeted killing" has engendered controversy in policymaking and legal circles, spilling into law review articles, op-ed pieces, congressional hearings, and television programs. n2 On one level, this [\*441] controversy is curious. A state has considerable authority in war to kill enemy combatants - whether by gun, bomb, or cruise missile - so long as those attacks obey basic, often vague, rules (e.g., avoidance of "disproportionate" collateral damage). So what is so different about targeted killing by drone? Some of the concerns about a CIA drone campaign relate to the personalized nature of targeted killing. All attacks in an armed conflict must, as a matter of basic law and common sense, be targeted. To attack something, whether by shooting a gun at a person or dropping a bomb on a building, is to target it. "Targeted killing," however, refers to a premeditated attack on a specific person. President Franklin D. Roosevelt, for instance, ordered Admiral Yamamoto killed not because he was any Japanese sailor, but because he was the author of "tora, tora, tora" on Pearl Harbor. President Obama, more recently, ordered Osama bin Laden killed not because the Saudi was any member of al Qaeda, but because he was the author of 9/11 who continued to command the terrorist organization. Targeted killing is psychologically disturbing because it is individualized. It is easier for a U.S. operator to kill a faceless soldier in a uniform than someone whom the operator has been tracking with photographs, videos, voice samples, and biographical information in an intelligence file. There is also concern that drones will attack improperly identified targets or cause excessive collateral damage. Targets who hide among peaceful civilians heighten these dangers. Of course, drone strikes should be far more precise than bombs dropped from a piloted aircraft. The lower [\*442] "costs" of drone strikes, however, encourage governments to resort to deadly force more quickly - a trend that may accelerate as drone technology rapidly improves and perhaps becomes fully automated through advances in artificial intelligence. Paradoxically, improved precision could lead to an increase in deadly mistakes. Another concern relates to granting an intelligence agency trigger authority. Entrusting drones to the CIA, an intelligence agency with a checkered history as to the use of force whose activities are largely conducted in secret, heightens concerns in some quarters that strikes may sometimes kill the wrong people for the wrong reasons. If applied sloppily or maliciously, targeted killing by drones could amount to nothing more than advanced death squads. For these and related reasons, the use of killer drones merits serious thought and criticism. Along these lines, many opponents of the reported CIA program have decried it as illegal. Without questioning their sincerity, one can acknowledge the soundness of their tactics. "Law talk" offers them a strong weapon. How could anyone, without shame or worse, support an illegal killing campaign? Illegality is for gangsters, drug dealers, and other outlaws - not the Oval Office.

### A2: Executive wants it

#### Disagreements over authority trigger constitutional showdowns – even if the executive wants the plan – it’s about who decides, not the decision itself

**Posner and Vermeule, 10** - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 75-77)

Showdowns occur when the location of constitutional authority for making an important policy decision is ambiguous, and multiple political agents (branches, parties, sections, governments) have a strong interest in establishing that the authority lies with them. Although agents often have an interest in negotiating a settlement, asymmetric information about the interests and bargaining power of opposing parties will sometimes prevent such a settlement from being achieved. That is when a showdown occurs. Ultimately, however, someone must yield; this yielding to or acquiescence in the claimed authority of another agent helps clarify constitutional lines of authority, so that next time the issue arises, a constitutional impasse can be avoided. From a normative standpoint, constitutional showdowns thus have an important benefit, but they are certainly not costless. As long as the showdown lasts, the government may be paralyzed, unable to make important policy decisions, at least with respect to the issue under dispute. We begin by examining a simplified version of our problem, one involving just two agents—Congress and the executive. We assume for now that each agent is a unitary actor with a specific set of interests and capacities. We also assume that each agent has a slightly different utility function, reflecting their distinct constituencies. If we take the median voter as a baseline, we might assume that Congress is a bit to the left (or right) of the median voter, while the president is a bit to the right (or left). We will assume that the two agents are at an equal distance from the median, and that the preferences of the population are symmetrically distributed, so that the median voter will be indifferent between whether the president or Congress makes a particular decision, assuming that they have equal information.39 But we also will assume that the president has better information about some types of problems, and Congress has better information about other types of problems, so that, from the median voter’s standpoint, it is best for the president to make decisions about the first type of problem and for Congress to make decisions about the second type ofproblem.40 Suppose, for example, that the nation is at war and the government must decide whether to terminate it soon or allow it to continue. Congress and the president may agree about what to do, of course. But if they disagree, their disagreement may arise from one or both of two sources. First, Congress and the president have different information. For example, the executive may have better information about the foreign policy ramifications of a premature withdrawal, while Congress has better information about home-front morale. These different sources of information lead the executive to believe that the war should continue, while Congress believes the war should be ended soon. Second, Congress and the president have different preferences because of electoral pressures of their different constituents. Suppose, for example, that the president depends heavily on the continued support of arms suppliers, while crucial members of Congress come from districts dominated by war protestors. Thus, although the median voter might want the war to continue for a moderate time, the president prefers an indefinite extension, while Congress prefers an immediate termination. So far, we have explained why the president and Congress might disagree about when to terminate the war, but mere policy disagreement does not result in a showdown. Showdowns arise only when there is a disagreement about authority. If Congress believes that the president has the sole authority to terminate the war, then his view will prevail. Congress may try to pressure him or influence him by offering support for other programs desired by the president, or by trying to rile up the public, but these activities are part of normal politics, and do not provoke a constitutional showdown. Similarly, if the president believes that Congress has the sole authority to terminate the war, then Congress’s view will prevail. This outcome is shown in cell 3 in table 2.1. Similarly, no showdown occurs when the two branches agree both about authority and policy—for example, that the president decides, and Congress agrees with his decision (cell 1). The first column represents the domain of normal politics. Showdowns can arise only when Congress and the president disagree about who decides. Here, there are two further possibilities. First, Congress and the president disagree about who decides but agree about the correct policy outcome (cell 2). In these situations, which arise with some frequency, the two branches are often tempted to paper over their differences because an immediate policy choice is not at stake. But sometimes a showdown will occur. We will discuss this special case later. Second, Congress and the president disagree about the policy outcome and about authority (cell 4). In this case, showdowns are likely, because a policy decision must be made, and if the parties cannot agree about what it should be, then they cannot avoid resolving the question of authority. We focus on this case for now.

#### The President has institutional incentives to resist encroachments on authority even if he agrees with the policy – the perm ensures a fight

**Posner and Vermeule, 8 -** \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, “Constitutional Showdowns” 156 U. Pa. L. Rev. 991, lexis)

In many historical cases, Congress and the President agree about the policy outcome but disagree about lines of authority. For example, suppose that the executive branch has made a controversial decision, and a suspicious Congress wants the relevant executive officials to testify about their role in that decision. The President believes that Congress has no right to compel the officials to testify, whereas Congress believes that it has such a right. However, the President, in fact, does not mind if the officials testify because he believes that their testimony will reveal that the decision was made in good faith and for good reasons. [\*1016] The President's problem is that, if he allows the officials to testify, Congress and the public might interpret his acquiescence as recognition that Congress has the power to force executive officials to testify. If he refuses to allow the officials to testify, then he preserves his claim of executive privilege but loses the opportunity to show that the decision was made in good faith. In addition, he risks provoking a constitutional impasse in which Congress could eventually prevail - if, as we have discussed, public constitutional sentiment turns out to reject executive privilege in these circumstances. Congress faces similar dilemmas, for example, when it approves of officials nominated by the President for an agency or commission but wants to assert the power in general to impose restrictions on appointments. Political agents have long relied on a middle way to avoid the two extremes of acquiescence, on the one hand, and impasse, on the other. They acquiesce in the decision made by the other agent while claiming that their acquiescence does not establish a precedent. Or, equivalently, they argue that their acquiescence was a matter of comity rather than submission to authority. Are such claims credible? Can one avoid the precedential effect of an action by declaring that it does not establish a precedent - in effect, engaging in "ambiguous acquiescence"? The answer to this question is affirmative as long as the alternative explanation for the action is in fact credible. If, for example, observers agree that the President benefits from the testimony of executive officials, then his acquiescence to a congressional subpoena has two equally plausible explanations: that he independently benefits from the testimony, or that he believes that public constitutional sentiment rejects executive privilege. The response is thus ambiguous, and Congress may be no wiser about what will happen in the future when the President does not wish to permit officials to testify because their testimony would harm him or executive branch processes. If so, the ambiguous nature of the action does not establish a focal point that avoids an impasse in the future. On the other hand, if the President's claim that he benefits from the testimony is obviously false, then his authority will be accordingly diminished. This is why ambiguous acquiescence is not a credible strategy when the President and Congress disagree about the policy outcome. If the President thinks the war should continue, Congress thinks the war should end, and the President acquiesces to a statute that terminates the war, then he can hardly argue that he is acting out of comity. He could only be acting because he lacks power. But an agent can lack authority in more complicated settings where no serious [\*1017] policy conflict exists. If the President makes officials available for testimony every time Congress asks for such testimony, and if the testimony usually or always damages the President, then his claim to be acting out of comity rather than lack of authority eventually loses its credibility. Repeated ambiguous acquiescence to repeated claims over time will eventually be taken as unambiguous acquiescence and hence a loss of authority. For this reason, a President who cares about maintaining his constitutional powers will need to refuse to allow people to testify even when testimony would be in his short-term interest.

#### The plan guarantee a veto

Covington 12 Megan Covington(School of Engineering, Vanderbilt University) “Humanities and Social Sciences: Executive Legislation and the Expansion of Presidential Power” Spring 2012 | Volume 8 | © 2012 • Vanderbilt University Board of Trust http://webcache.googleusercontent.com/search?q=cache:K7qBxiQpm5AJ:ejournals.library.vanderbilt.edu/index.php/vurj/article/download/3556/1738+&cd=2&hl=en&ct=clnk&gl=us //Chappell

In actuality, however, Congress is generally unwilling or unable to respond to the president’s use of executive legislation. Congress can override a presidential veto but does not do it very often; of 2,564 presidential vetoes in our nation’s history, only 110 have ever been overridden. 44 The 2/3 vote of both houses needed to override a veto basically means that unless the president’s executive order is grossly unconstitutional – and thus capable of earning bipartisan opposition - one party needs to have a supermajority of both houses. Even passing legislation to nullify an executive order can be difficult to accomplish, especially with Congress as polarized and bitterly divided along party lines as it is today. Congress could pass legislation designed to limit the power of the president, but such a bill would be difficult to pass and any veto on it – which would be guaranteed – would be hard to override. In addition, if such legislation was passed over a veto, there is no guarantee that the bill would successfully limit the president’s actions; the War Powers Act does little to restrain the president’s ability to wage war.45 Impeachment is always an option, but the gravity of such a charge would prevent many from supporting it unless the president was very unpopular and truly abused his power.

#### Veto drains political capital

Eggspuehler 8 (Chad – J.D., The Ohio State University Moritz College of Law, “NOTE: The S-Words Mightier than the Pen: Signing Statements as Express Advocacy of Unlawful Action”, 2008, 43 Gonz. L. Rev. 461, lexis)

The pragmatist's argument for presidential review acknowledges the countervailing efficiency and political interests preventing the president from repeatedly vetoing every bill presenting constitutionally suspect language. n93 Even if [\*479] the president determines that the constitutional infirmities warrant vetoing the bill, congressional override and/or presentment of a similar bill with similar failings puts the onus on the president to once again expend political capital to veto the bill.

### Political Capital Key – 2NC

#### Prefer issue specific evidence – 1NC ev indicates that Obama’s use of political capital will help \_\_\_\_\_ becomes successful and is a critical factor

#### Presidential leadership shapes the agenda

Kuttner 11 (Robert, Senior Fellow – Demos and Co-editor – American Prospect, “Barack Obama's Theory of Power,” The American Prospect, 5-16, <http://prospect.org/cs/articles?article=barack_obamas_theory_of_power>)

As the political scientist Richard Neustadt observed in his classic work, Presidential Power, a book that had great influence on President John F. Kennedy, the essence of a president’s power is “the power to persuade.” Because our divided constitutional system does not allow the president to lead by commanding, presidents amass power by making strategic choices about when to use the latent authority of the presidency to move public and elite opinion and then use that added prestige as clout to move Congress. In one of Neustadt’s classic case studies, Harry Truman, a president widely considered a lame duck, nonetheless persuaded the broad public and a Republican Congress in 1947-1948 that the Marshall Plan was a worthy idea. As Neustadt and Burns both observed, though an American chief executive is weak by constitutional design, a president possesses several points of leverage. He can play an effective outside game, motivating and shaping public sentiment, making clear the differences between his values and those of his opposition, and using popular support to box in his opponents and move them in his direction. He can complement the outside bully pulpit with a nimble inside game, uniting his legislative party, bestowing or withholding benefits on opposition legislators, forcing them to take awkward votes, and using the veto. He can also enlist the support of interest groups to pressure Congress, and use media to validate his framing of choices. Done well, all of this signals leadership that often moves the public agenda.

### Impact – Key to Global Econ

#### Yellen confirmation key to the global economy

Reuters 10/9/13 ("Instant View - Yellen to be nominated for Fed chair," http://uk.reuters.com/article/2013/10/09/uk-usa-economy-instant-idUKBRE99717920131009)

BONNIE BAHA, HEAD OF GLOBAL DEVELOPED CREDIT AT DOUBLELINE CAPITAL LP, LOS ANGELES:¶ "I think it's fair to say that the anxiety level in the markets has elevated materially over the last several trading sessions. The announcement of the Yellen nomination is far from random and should have a calming effect on global capital markets. The escalating rhetoric between Obama and Congress has the potential to spiral out of control quickly given the looming debt ceiling deadline. With at least one major uncertainty removed the hope must be that this announcement buys some time for all parties involved with respect to the ongoing budget debate."¶ ROBERTO PERLI, CORNERSTONE MACRO, WASHINGTON:¶ "I think markets will receive the news well (aside from the fiscal debacle). It resolves an important uncertainty as to the direction of the Fed, and points overall to a market-friendly Fed, in the sense that premature removal of policy accommodation becomes now less likely. In terms of communication style I see Yellen as more likely to be upfront about her own views than Bernanke is, to be less of a consensus seeker at all costs, to defer less to the FOMC consensus, and to produce clearer communication as a result."¶ MICHAEL S. HANSON, SENIOR ECONOMIST, BOFA MERRILL LYNCH GLOBAL RESEARCH, NEW YORK:¶ "Not surprised. With all the fiscal issues currently before the Senate, confirmation may not be complete until later November or early December. Means continuity in Fed policy going forward. Market will discover over time that she isn't the perma-dove that some have suggested, but easy policy will remain in place for some time - as the Bernanke Fed has already indicated."¶ JOHN BRYNJOLFSSON, CIO OF ARMORED WOLF, ORANGE COUNTY, CALIFORNIA:¶ "With betting odds stacked 85 percent in her favour, hardly a surprise. Her reputation is one of emphasizing the dual mandate, and within the dual mandate, fostering full employment, so is more dovish than Bernanke.¶ "While hawks fear that this dovishness risks inflating bubbles, paradoxically Yellen's reputation for more than cordial collaboration may mean the Fed fully airs hawks' concerns before voting on policy, and suggests (Bernanke's) grand plan of making the Fed a more process-based institution than a personality-based institution, may be the result."¶ ANNETTE BEACHER, HEAD OF ASIA-PACIFIC RESEARCH, TD SECURITIES, SINGAPORE:¶ "The markets are loving it is what I can say. The U.S. dollar has weakened appropriately. Our base case is that if Yellen is now in the race - although this needs to be approved by the Senate - it delays the potential for tapering.¶ "If Yellen is confirmed, it's more likely that tapering won't be until March at the earliest. From a financial markets perspective everyone is comfortable with the Yellen nomination. She's certainly well-known, she's certainly well-known to be dovish so this is extremely good for risk assets, it should be good for equities, it should be good for emerging markets. It's a risk-positive piece of news for the otherwise ongoing U.S. government deadlock."¶ CRAIG JAMES, CHIEF ECONOMIST, COMMONWEALTH SECURITIES, SYDNEY:¶ "The view is that Janet Yellen would basically follow similar policies as Ben Bernanke, which means that she's going to taper or wind back stimulus only slowly over time. That suggests that the U.S. dollar is going to remain relatively low. We've seen reaction in financial markets today where both the euro and Aussie dollar have spiked somewhat higher.¶ "It's still a case that it's more speculative rather than anything else, but if the confirmation does go through as widely perceived then it's going to be a case of business as usual for the Federal Reserve. It's just a case of handing the baton from the chairman to the vice chairman, so that's comforting for the global economy, comforting for financial markets, that you've got continuity at one of the most important organisations in the world."¶ BRAD DELONG, PROFESSOR, UNIVERSITY OF CALIFORNIA, BERKELEY:¶ "I do not think any chair nominee ever has been better prepared to take the job than Janet Yellen is right now. And I think it is good that she is so prepared. If Obama does nominate her in the Senate does confirm her, she will face challenges of the same order of magnitude that Paul Volker and Marriner Eccles faced. It is news that does make me sleep easier."¶