#### Obama will follow through- aligns himself with Congress

**Bellinger ’13** (John B. Bellinger III, Adjunct Senior Fellow for International and National Security Law, “Seeking Daylight on U.S. Drone Policy”, <http://www.cfr.org/drones/seeking-daylight-us-drone-policy/p30348>, March 29, 2013)

The president also has additional constitutional authority anytime to use force to protect the Unites States, either in self-defense or because he believes that it's in our national security interest. So if President Obama concludes that it's necessary to carry out a drone strike against a terror suspect, but that individual does not fall into the categories covered by the AUMF, he would have additional constitutional authority. But this administration has taken great pains to emphasize that it has been relying on congressional grant of authority rather than the president's own constitutional authority to conduct most of its counterterrorism operations. It has wanted to do that to contrast itself with the Bush administration, which had, at least early in its tenure, relied heavily on the president's constitutional authority. It's not clear though, at this point, given how old and somewhat limited the AUMF is, if the Obama administration has now been forced to rely on constitutional powers for certain drone strikes. It appears to many observers that the administration may be stretching the limits of the AUMF by targeting people who were not responsible for 9/11 or who were not affiliated or associated co-belligerents with those who carried out 9/11. In theory, could the president always claim constitutional authority with regard to these strikes? Although, as you pointed out, the administration is obviously loath to do that. This administration is already finding that 95 percent of its counterterrorism policies, and the legal basis therefore, are the same as the Bush administration's. Absolutely. I think the issue is, in this administration, political. This administration is already finding that 95 percent of its counterterrorism policies, and the legal basis therefore, are the same as the Bush administration's. It came into office with both domestic and international supporters expecting that it would change all of those policies. So one area where it really has been loath to act like the Bush administration is to rely heavily on the president's constitutional authority. We simply don't know whether they are doing it, but politically I'm sure that administration officials would be very reluctant to have to acknowledge that they are acting outside of the grant given to them by Congress.

#### Congress would invoke the power of the purse- solves

**Elsea et al ’13** (Jennifer K. Elsea, Legislative Attorney; Michael John Garcia, Legislative Attorney; Thomas J. Nicola, Legislative Attorney; CRS Report for Congress, “Congressional Authority to Limit Military Operations”, <http://fpc.state.gov/documents/organization/206121.pdf>, February 19, 2013)

The Purpose Statute states that funds may be used only for purposes for which they have been appropriated; by implication it precludes using funds for purposes that Congress has prohibited. When Congress states that no funds may be used for a purpose, an agency would violate the Purpose Statute if it should use funds for that purpose; it also in some circumstances could contravene a provision of the Antideficiency Act, 31 U.S.C. Section 1341. Section 1341 prohibits entering into obligations or expending funds in advance of or in excess of an amount appropriated unless authorized by law. If Congress has barred using funds for a purpose, entering into an obligation or expending any amount for it would violate the act by exceeding the amount— zero—that Congress has appropriated for the prohibited purpose.

#### Empirics prove legislature solves. Also solves comparatively more than XO

Aziz Z. Huq 12, Assistant Professor of Law, University of Chicago Law School, "Binding the Executive (by Law or by Politics)", May 25, www.law.uchicago.edu/files/file/400-ah-binding.pdf

There is some merit to this story. But in my view it again understates the observed effect of positive legal constraints on executive discretion. Recent scholarship, for example, has documented congressional influence on the shape of military policy via framework statutes . This work suggests Congress influences executive actions during military engagements through hearings and legislative proposals. 75 Consistent with this account, two legal scholars have recently offered a revisionist history of constitutional war powers in which “ Congress has been an active participant in setting the terms of battle, ” in part because “ congressional willingness to enact [ ] laws has only increased ” over time. 76 In the last decade, Congress has often taken the initiative on national security, such as enacting new statutes on military commissions in 2006 and 2009. 77 Other recent landmark security reforms, such as a 2004 statute restr ucturing the intelligence community, 78 also had only lukewarm Oval Office support. 79 Measured against a baseline of threshold executive preferences then , Congress has achieved nontrivial successes in shaping national security policy and institutions through both legislated and nonlegislated actions even in the teeth of White House opposition. 80¶ The same point emerges more forcefully from a review of our “ fiscal constitution. ” 81 Article I, § 8 of the Constitution vests Congress with power to “ lay and collect Tax es ” and to “ borrow Money on the credit of the United States, ” while Article I, § 9 bars federal funds from being spent except “ in Consequence of Appropriations made by Law. ” 82 Congress has enacted several framework statutes to effectuate the “ powerful limitations ” implicit in these clauses. 83 The resulting law prevents the President from repudiating past policy commitments (as Skowronek suggests) as well as imposing barriers to novel executive initiatives that want for statutory authorization . 84¶ Three statutes merit attention here. First, the Miscellaneous Receipts Act of 1849 85 requires that all funds “ received from customs, from the sales of public lands, and from all miscellaneous sources, for the use of the United States, shall be paid . . . into the treasur y of the United States. ” 86 It ensures that the executive cannot establish off - balance - sheet revenue streams as a basis for independent policy making. Second, the Anti - Deficiency Act, 87 which was first enacted in 1870 and then amended in 190 6 , 88 had the effect of cementing the principle of congressional appropriations control. 89 With civil and criminal sanctions, it prohibits “ unfunded monetary liabilities beyond the amounts Congress has appropriated, ” and bars “ the borrowing of funds by federal a gencies . . . in anticipation of future appropriations. ” 90 Finally, the Congressional Budget and Impoundment Control Act of 1974 91 (Impoundment Act) channels presidential authority to decline to expend appropriated funds. 92 It responded to President Nixon ’ s e xpansive use of impoundment. 93 Congress had no trouble rejecting Nixon ’ s claims despite a long history of such impoundments. 94 While the Miscellaneous Receipts Act and the Anti - Deficiency Act appear to have succeeded, the Impoundment Act has a more mixed rec ord. While the Supreme Court endorsed legislative constraints on presidential impoundment, 95 President Gerald Ford increased impoundments through creative interpretations of the law. 96 But two decades later, Congress concluded the executive had too little di scretionary spending authority and expanded it by statute. 97 ¶ Moreover, statutory regulation of the purse furnishes a tool for judicial influence over the executive. Judicial action in turn magnifies congressional influence. A recent study of taxation litiga tion finds evidence that the federal courts interpret fiscal laws in a more pro - government fashion during military engagements supported by both Congress and the White House than in the course of unilateral executive military entanglements. 98 Although the r esulting effect is hard to quantify, the basic finding of the study suggests that fiscal statutes trench on executive discretion not only directly, but also indirectly via judicially created incentives to act only with legislative endorsement. 99¶ To be sure, a persistent difficulty in debates about congressional efficacy, and with some of the claims advanced in The Executive Unbound , is that it is unclear what baseline should be used to evaluate the outcomes of executive - congressional struggles. What counts, that is, as a “win” and for whom? What, for example, is an appropriate level of legislative control over expenditures? In the examples developed in this Part , I have underscored instances in which a law has been passed that a President disagrees with in substantial part, and where there are divergent legislative preferences reflected in the ultimate enactment. I do not mean to suggest, however, that there are not alternative ways of delineating a baseline for analysis. 100¶ In sum, there is strong evidence that law and lawmaking institutions have played a more robust role in delimiting the bounds of executive discretion over the federal sword and the federal purse than The Executive Unbound intimates. Congress in fact impedes presidential agendas. The White House in practice cannot use presidential administration as a perfect substitute. Legislation implementing congressional control of the purse is also a significant, if imperfect, tool of legislative influence on the ground. This is true even when Presidents influence the budgetary agenda 101 and agencies jawbone their legislative masters into new funding. 102 If Congress and statutory frameworks seem to have such nontrivial effects on the executive ’ s choice set , this at minimum i mplies that the conditions in which law matters are more extensive than The Executive Unbound suggests and that an account of executive discretion that omits law and legal institutions will be incomplete .

#### Statutes have spillover restraint effects

Cole 11. “Where Liberty Lies: Civil Society and Individual Rights After 9/11” <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2129&context=facpub> (Professor, Georgetown University Law Center.)

In my view, Posner and Vermeule simultaneously underestimate the constraining force of law and overestimate the influence of political limits on executive overreaching. Sounding like Critical Legal Studies adherents, they sweepingly claim that law is so indeterminate and manipulable as to constitute only a “façade of lawfulness.”242 But in assessing law’s effect, they look almost exclusively to formal indicia— statutes and court decisions.243 That approach disregards the role that law plays without coming to a head in a judicial decision or legislative act**. As the post-9/11 period illustrates, when law is reinforced and defended by civil society institutions, it can have a disciplining function long before cases reach final judgment, and even when no case is ever filed, a reality to which anyone who has worked in the executive branch will attest**.244 While they are overly skeptical about law, **Posner and Vermeule are unrealistically romantic about the constraining force of majoritarian politics. The political checks they identify consist solely of the fact that Presidents must worry about election returns, and must cultivate Executive officials generally cannot know in advance whether their actions will attract the attention of civil society watchdogs, or lead to court review. They often cannot know whether such oversight— whether by a court, a legislative committee, or a nongovernmental organization—will be strict or deferential. As long as there is some risk of such oversight, the resultant uncertainty itself is likely to have a disciplining effect on the choices they make. There are, in short, plenty of reasons why executive lawyers generally take legal limits seriously. They take an oath and are acculturated to do so. They know that claims of illegality can undermine their objectives. And they cannot predict when a legal claim will be advanced against them. Similarly, in focusing exclusively on statutes and their enforcement by courts, Posner and Vermeule disregard the considerable checking function that Congress’s legal oversight role plays through means short of formal statutes, such as by holding hearings, launching investigations, requesting information about doubtful executive practices, or restricting federal expenditures. The effectiveness of these checks, moreover, will often turn on the strength of civil society.** If there are significant **watchdogs in the nongovernmental sector and/or the media focused on executive actions, ready to bring allegedly illegal conduct to public attention, the law will have substantial deterrent effect, with or without actual court decisions.**

### A/T: No terror / no nukes

#### Group no nuke.

#### Terrorist organizations are in Pakistan. Pakistani state collapse opens up access to loose nukes.

#### Loose nukes put countries like India, Russia, and China on edge. This causes them to act preemptively and start a nuclear war.

#### Pakistan has let the location of its nuclear weapons become widely known. Instability = easy access.

#### Crossapply jaspal 12 here. Tons of material and ease of access makes it very likely.

### A/T: Alt causes

#### T/S alt causes.

#### Alt causes only contribute. Drones real issue.

#### Civilians hate drones. When U.S. strikes Pakistan it trades off with our ability to prevent instability in all areas.

#### Drones increase anti American sentiment and terrorist recruitment b/c they kill civilians.

#### Destroys perception of Pakistan government. Looks like they let U.S. kill their civilians and it makes them look like they can’t stand up to the U.S.

### Extending Solvency

#### They concede the solvency for the impacts. CIA drone focus directly trades off with intelligence gathering because of resource allocation.

#### And ending CIA targeted killing makes them refocus on intelligence gathering. That’s Anderson and Shwartz.

## OLC CP

#### They hand us perm do both on a silver platter. The cp text says president places a statutory ban. Only congress can use statutes.

#### OLC can’t solve and links to politics

Posner 11 Eric Posner is the Kirkland & Ellis Professor, University of Chicago Law School. “DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER 9/11 CONGRESS, THE COURTS AND THE OFFICE OF LEGAL COUNSEL” available at http://www.law.uchicago.edu/academics/publiclaw/index.html.

These two events neatly encapsulate the dilemma for OLC, and indeed all the president’s legal advisers. If OLC tries to block the president from acting in the way he sees fit, it takes the risk that he will disregard its advice and marginalize the institution. If OLC gives the president the advice that he wants to hear, it takes the risk that it will mislead him and fail to prepare him for adverse reactions from the courts, Congress, and the public. Can OLC constrain the executive? That is the position taken by many scholars, most notably Jack Goldsmith. 18 The underlying idea here is that even if Congress and the courts cannot constrain the executive, perhaps offices within the executive can. The opposite view, advanced by Bruce Ackerman, is that OLC is a rubber stamp. 19 I advocate a third view: OLC does not constrain the executive but enables him to accomplish goals that he would not otherwise be able to accomplish. It is more accurate to say that OLC enables than constrains. B. OLC as a Constraint on the Executive A number of scholars have argued that OLC can serve as an important constraint on executive power. I will argue that OLC cannot act as a constraint on executive power. Indeed, its only function is the opposite—as an “enabler” (as I will put it) or extender of executive power. A president must choose a course of action. He goes to OLC for advice. Ideally, OLC will provide him good advice as to the legality of the course of action. It will not provide him political advice and other relevant types of advice. The president wants to maximize his political advantage, 21 and so he will follow OLC’s advice only if the legal costs that OLC identifies are greater than the political benefits. On this theory, OLC will properly always give the president neutral advice, and the president will gratefully accept it although not necessarily follow it. If the story ended here, then it would be hard to see what the controversy over OLC could be about. As an adviser, it possesses no ability to constrain the executive. It merely provides doctrinal analysis, in this way, if it does its job properly, merely supplying predictions as to how other legal actors will react to the president’s proposed action. The executive can choose to ignore OLC’s advice, and so OLC cannot serve as a “constraint” on executive power in any meaningful sense. Instead, it merely conveys to the president information about the constraints on executive power that are imposed from outside the executive branch. However, there is an important twist that complicates the analysis. The president may choose to publicize OLC’s opinions. Naturally, the president will be tempted to publicize only favorable opinions. When Congress 22 claims that a policy is illegal, the president can respond that his lawyers advised him that the policy is legal. This response at least partially deflects blame from the president. There are two reasons for this. First, the Senate consented to the appointment of these lawyers; thus, if the lawyers gave bad advice, the Senate is partly to blame, and so the blame must be shared. Second, OLC lawyers likely care about their future prospects in the legal profession, which will turn in part on their ability to avoid scandals and to render plausible legal advice; they may also seek to maintain the office’s reputation. When OLC’s opinions are not merely private advice, but are used to justify actions, then OLC takes on a quasi-judicial function. Presidents are not obliged to publicize OLC’s opinions, but clearly they see an advantage to doing so, and they have in this way given OLC quasi-judicial status. But if the president publicizes OLC opinions, he takes a risk. The risk is that OLC will publicly advise him that an action is illegal. If OLC approval helps deflect blame from the president, then OLC disapproval will tend to concentrate blame on the president who ignores its advice. Congress and the public will note that after all the president is ignoring the advice of lawyers that he appointed and thus presumably he trusts, and this can only make the president look bad. To avoid such blame, the president may refrain from engaging in a politically advantageous action. In this way, OLC may be able to prevent the president from taking an action that he would otherwise prefer. At a minimum, OLC raises the political cost of the action. I have simplified greatly, but I believe that this basic logic has led some scholars to believe that OLC serves as a constraint on the president. But this is a mistake. OLC strengthens the president’s hand in some cases and weakens them in others; but overall it extends his power—it serves as enabler, not constraint. To see why, consider an example in which a president must choose an action that lies on a continuum. One might consider electronic surveillance. At one extreme, the president can engage in actions that are clearly lawful—for example, spying on criminal suspects after obtaining warrants from judges. At the other extreme, the president can engage in actions that are clearly unlawful—for example, spying on political opponents. OLC opinions will not affect Congress’s or the public’s reaction to either the obviously lawful or the obviously unlawful actions. But then there are middle cases. Consider a policy L, which is just barely legal, and a policy I, which is just barely illegal. The president would like to pursue policy L but fears that Congress and others will mistakenly believe that L is illegal. As a result, political opposition to L will be greater than it would be otherwise. In such a case, a favorable advisory opinion from a neutral legal body that has credibility with Congress will help the president. OLC’s approval of L would cause political opposition (to the extent that it is based on the mistaken belief that L is unlawful) to melt away. Thus, OLC enables the president to engage in policy L, when without OLC’s participation that might be impossible. True, OLC will not enable the president to engage in I, assuming OLC is neutral. And, indeed, OLC’s negative reaction to I may stiffen Congress’ resistance. However, the president will use OLC only because he believes that OLC will strengthen his hand on net. It might be useful to make this point using a little jargon. In order for OLC to serve its ex ante function of enabling the president to avoid confrontations with Congress in difficult cases, it must be able to say “no” to him ex post for barely illegal actions as well as “yes” to him for barely legal actions. It is wrong to consider an ex post no as a form of constraint because, ex ante, it enables the president to act in half of the difficult cases. OLC does not impose any independent constraint on the president, that is, any constraint that is separate from the constraint imposed by Congress. An analogy to contract law might be useful. People enter contracts because they enable them to do things ex ante by imposing constraints on them ex post. For example, a debtor can borrow money from a creditor only because a court will force the debtor to repay the money ex post. It would be strange to say that contract law imposes “constraints” on people because of ex post enforcement. In fact, contract law enables people to do things that they could not otherwise do—it extends their power. If it did not,people would not enter contracts. A question naturally arises about OLC’s incentives. I have assumed that OLC provides neutral advice—in the sense of trying to make accurate predictions as to how other agents like Congress and the courts would reaction to proposed actions. It is possible that OLC could be biased—either in favor of the president or against him. However, if OLC were biased against the president, he would stop asking it for advice (or would ask for its advice in private and then ignore it). This danger surely accounts for the fact that OLC jurisprudence is pro-executive. 23 But it would be just as dangerous for OLC to be excessively biased in favor of the president. If it were, it would mislead the president and lose its credibility with Congress, with the result that it could not help the president engage in L policies. So OLC must be neither excessively pro-president nor anti-president. If it can avoid these extremes, it will be an “enabler”; if it cannot, it will be ignored. In no circumstance could it be a “constraint.” If the OLC cannot constrain the president on net, why have people claimed that OLC can constrain the president? What is the source of this mistake? One possibility, which I have already noted, is that commentators might look only at one side of the problem. Scholars note that OLC may “prevent” the president from engaging in barely illegal actions without also acknowledging that it can do so only if at the same time it enables the president to engage in barely legal actions. This is simply a failure to look at the full picture. For example, in The Terror Presidency, Goldsmith argues that President Bush abandoned a scheme of warrantless wiretapping without authorization from the FISA court because OLC declared the scheme illegal, and top Justice Department officials threatened to resign unless Bush heeded OLC’s advice. 25 This seems like a clear example of constraint. But it is important to look at the whole picture. If OLC had approved the scheme, and subsequently executive branch agents in the NSA had been prosecuted and punished by the courts, then OLC’s credibility as a supplier of legal advice would have been destroyed. For the president, this would have been a bad outcome. As I have argued, a credible OLC helps the president accomplish his agenda in “barely legal” cases. Without taking into account those cases where OLC advice helps the president’s agenda ex post as well as the cases where OLC advice hurts the president’s agenda ex post, one cannot make an overall judgment about OLC’s ex ante effect on executive power. Another possible source of error is that scholars imagine that “neutral” advice will almost always prevent the president from engaging in preferred actions, while rarely enabling the president to engage in preferred actions. The implicit picture here is that a president will normally want to break the law, that under the proper interpretation of the Constitution and relevant standards the president can accomplish very little. So if OLC is infact neutral and the president does obey its advice, then it must constrain the president. But this theory cannot be right, either. If OLC constantly told the president that he cannot do what he wants to do, when infact Congress and other agents would not object to the preferred actions, then the president would stop asking OLC for advice. As noted above, for OLC to maintain its relevance, it cannot offer an abstract interpretation of the Constitution that is divorced from political realities; it has to be able to make realistic predictions as to how other legal agents will react to the president’s actions. This has led OLC to develop a pro-executive jurisprudence in line with the long-term evolution of executive power. If OLC tried to impose constraints other than those imposed by Congress and other institutions with political power, then the president would ignore it.

#### President ignores the OLC.

**Posner 11** (Eric A. Posner, Kirkland & Ellis Professor, University of Chicago Law School, “DEFERENCE TO THE EXECUTIVE IN THEUNITED STATES AFTER9/11:

CONGRESS, THECOURTS AND THEOFFICE OFLEGALCOUNSEL,” September 2011, http://www.law.uchicago.edu/files/file/363-eap-deference.pdf)

In the early years of the Bush administration, the Office of Legal Counsel, which is an office within the Department of Justice, issued a series of memoranda that argued that certain counterterrorism practices—including surveillance of U.S. citizens and coercive interrogation— did not violate the law. These memos were later leaked to the public and caused an outcry. In 2011, the head of the Office of Legal Counsel told President Obama that continued U.S. military presence in Libya would violate the War Powers Act. The president disregarded this advice, relying in part on contrary advice offered by other officials in the government. These two events neatly encapsulate the dilemma for OLC, and indeed all the president’s legal advisers. **If OLC tries to block the president from acting in the way he sees fit, it takes the risk that he will disregard its advice and marginalize the institution. If OLC gives the president the advice that he wants to hear, it takes the risk that it will mislead him and fail to prepare him for adverse reactions from the courts, Congress, and the public.**

#### Only functions as an enabler not a constraint.

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## PX

#### Won’t pass---GOP and Obama won’t spend PC

Zeke J. Miller 10/24, TIME, "Obama's New Immigration Pivot Isn't About Immigration", 2013, swampland.time.com/2013/10/24/obamas-new-immigration-pivot-isnt-about-immigration/

But privately, administration officials and congressional Democrats admit that they are unlikely to get immigration reform through Congress any time soon. Minutes after Obama spoke, Brendan Buck, a spokesman for Speaker John Boehner released a statement rejecting Obama’s calls for a comprehensive plan. “The House will not consider any massive, Obamacare-style legislation that no one understands,” Buck wrote. “Instead, the House is committed to a common sense, step-by-step approach that gives Americans confidence that reform is done the right way.”¶ Obama has long approached the issue of immigration cautiously, preferring to let congressional Democrats shoulder the burden of trying to push legislation through Congress—a fact that didn’t go unnoticed by activists. Obama has deported illegal immigrants at a faster rate than any other president, quickly approaching 2 million deportations in five years in office. That careful path shifted in 2012 when Obama signed an executive order deferring action for young illegal immigrants, known by advocates as “DREAMers” for the stymied legislation that would grant them a path to citizenship. The poll-tested election-year action helped Obama capture over 70 percent of the national Hispanic vote last November, and quickly after the election Obama made immigration reform a top priority.¶ Earlier this year the conditions were ripe for a compromise. Moderate Republicans, sensing that their party was rushing toward a demographic time bomb, were ready to compromise. Now the situation is entirely different. Some Republican proponents, like Sen. Marco Rubio, have gone quiet. The shutdown and debt limit battle has only emboldened the party’s conservative wing, who are less likely than ever before to embrace a part of the president’s agenda.

#### Rubio will block a conference committee---makes comprehensive reform impossible

Sandy Fitzgerald 10-27, Newsmax, “Rubio Opposes Plan for Immigration Bill Conference Committee,” http://www.newsmax.com/Newsfront/Rubio-Opposes-Plan-for-Immigration-Bill-Conference-Committee/2013/10/27/id/533265#ixzz2j0zwqs6p

Florida Sen. Marco Rubio is publicly opposing a procedural mechanism planned by House GOP leadership and Senate Democrats that would fashion a comprehensive immigration by using a congressional conference committee that some fear would slip a backdoor amnesty plan through Congress.

Instead, the Florida Republican, a member of the Senate's "Gang of Eight" told Breitbart through a spokesman Saturday that the "most realistic way to make progress on immigration would be through a series of bills."

Pushing through limited bills as a "ruse to trigger a conference that would then produce a comprehensive bill would be counterproductive," said Rubio spokesman Alex Conant in an email to Breitbart. "Furthermore, any such effort would fail, because any single senator can and will block conference," unless there are specific instructions "to limit the conference to only the issue dealt with in the underlying bill."

Rubio's turnaround marks a change of opinion for the senator who at one time was the lead voice for the Senate bill. However, he's been losing public support among Republican because of his immigration stance, but may regain backing among conservatives with his new push for a more piecemeal approach to immigration.

#### Vote no

#### PC is counterproductive and XO solves

Altman and Miller 7/11 – Zeke Miller is a political reporter for TIME. He previously was the first White House correspondent at BuzzFeed and extensively covered the 2012 Presidential campaign. Prior to that, he covered politics for Business Insider. Alex Altman is a Washington correspondent for TIME. (“Sidelined Obama Faces Impossible Task on Immigration”, July 11, 2013,<http://swampland.time.com/2013/07/11/sidelined-obama-faces-impossible-task-on-immigration/>, Callahan)

Here’s a simple litmus test to gauge the odds of passing immigration reform: the morePresidentObama is talking about the issue, the better the chance the bill dies. As the Senate haggled over a sweeping bill to rewrite U.S. immigration policy, Obama lurked in the shadows, eschewing public negotiations and leaving his aides to work Capitol back channels. But now, with a radioactive image among House Republicans, and few tools to tame congressional gridlock, the President is preparing to take a more vocal role. It is, allies concede, a telling sign that the bill’s fortunes are foundering in the fractious Republican-controlled House — and a symbol of Obama’s vanishing clout just six months into his second term. Democratic officials expect that over the coming weeks Obama will travel across the U.S., likely to strategically important states like Nevada, North Carolina and Texas, to highlight the economic benefits of the law. Obama summoned Democratic Senator Chuck Schumer and Republican Senator John McCain to the White House on Thursday to discuss ways to advance the bill in the House. The West Wing is waiting on House Republicans to choose a path on immigration reform before finalizing its strategy, but aides plan a markedly different role for the President over the coming months. From the beginning of the Senate’s negotiations, Obama slipped into the background at the behest of Democratic leaders. On a Sunday night in January, days before the President was scheduled to deliver a speech on immigration at an event in Las Vegas, members of the Gang of Eight urged him to withhold specifics. Any principles the President set forth, they feared, would force Republicans to drag the bill to the right to avoid aligning with Obama. “I basically said to the President, give us some space,” Schumer, the lead Democratic negotiator, told TIME last month. “You can give us deadlines, but don’t get involved in the details here, because to get a bipartisan bill, you can’t be all that helpful. And he agreed. He has been perfect on this issue. If it passes, he’ll deserve a lot of credit, because he’s handled it exactly right.” But the challenge in the House is different. The mere mention of Obama’s name makes the “hell no” caucus shudder. His toxicity with House Republicans makes his presence in legislative negotiations a liability. One reason the GOP is pushing for border security before legalization is they suspect that once the bill is passed, Obama will enforce only the parts that he likes. “Enforcement can’t be conditioned on the President’s goodwill and honesty,” says Republican activist Grover Norquist, “because there isn’t a belief that it exists.” For his part, Obama is looking for cues from House Democrats on how to proceed. During a summit at the White House on Wednesday, Obama asked members of the Congressional Hispanic Caucus how he could be helpful, according to a Democratic aide briefed on the meeting. For now, the plan is to highlight the economic benefits of comprehensive immigration reform without assigning blame to House Republicans, who aren’t in the mood to be lectured. “If he thinks barnstorming the country, or attacking Republicans or saying what he thinks is in the Republicans’ best interest, he’s wrong,” says a House GOP leadership aide. “You don’t need to raise the temperature here any higher than it is.” The White House is planning to step up its efforts with business leaders and stakeholders, and will deploy members of the Cabinet to hold events in support of immigration reform. Meanwhile senior staff will be spending more time on the phones with CEOs, faith leaders and community groups that can help the cause. The push is expected to gear up once the direction of the House Republican conference becomes clear. The GOP emerged from a two-hour closed meeting in the basement of the Capitol with no consensus — except perhaps that “this Administration cannot be trusted,” as House Republicans leaders declared in a joint statement. (MORE: Explainer: Why It Costs Immigrants $680 to Apply for Naturalization) If reform fails, Administration officials are plotting how to keep Obama on the right side of public opinion. They won’t rule out the possibility of further executive actions to circumvent Congress in the event the House fails to act. Congressional gridlock has driven Obama down this path before. He issued a series of executive orders on gun control, and toughened emissions standards on vehicles and power plants when climate legislation faltered. He also used executive authority to halt deportations of so-called DREAMers at the height of last year’s presidential campaign. But Representative Albio Sires, a New Jersey Democrat, told reporters after a meeting with Obama that the President was wary of taking executive action to further curb deportations now. “He’s afraid that it’s going to harm the overall process of trying to get immigration done,” Sires said, according to Politico. A key difficulty for the Administration is the lack of leverage over House Republicans, who after redistricting have a wealth of safe seats. In a tacit admission that retaking the House anytime soon is a long shot, Administration officials say their chances of accomplishing immigration reform in two years would be lower than they are now, with the momentum of the Senate bill and the 2012 elections. But the politics would be in their favor, with Republicans bearing the brunt of the blame for sinking the bill. As Obama aides know, immigration will be a potent issue in the 2016 presidential race, even if it can’t help them reclaim the House next year. Obama isn’t the only President to find himself beguiled by immigration reform. George W. Bush’s push to overhaul immigration policy was stymied by his own party during his second term as well. But Obama’s vanishing swat on Capitol Hill is a sign that he began losing traction in his second term from the start. “It’s a sad indictment of the way politics operates these days, but House and Senate Republicans have made it very clear they don’t want anything to do with President Obama,” says Jim Manley, a veteran Democratic strategist and longtime aide to Senate Majority Leader Harry Reid, who, like many Capitol Hill observers, thinks Obama has taken a shrewd approach to immigration. And yet, Obama’s relegation to a supporting role on one of the signature legislative fights of his second term marks the limits of his powers. “He’s a lightning rod — unfairly so,” Manley says..” “If he starts trying to get involved legislatively, that’s a Drudge warning siren that the bill’s dying a slow, painful death.

#### Intrinsicness – a logical policymaker could do both.

#### No chance of a vote until next summer at best---primary season

Scott Challeen 10-26, “Immigration Reform 2013: Why the House GOP Refuses to Vote On It,” PolicyMic, http://www.policymic.com/articles/70185/immigration-reform-2013-why-the-house-gop-refuses-to-vote-on-it

The establishment is for immigration reform. The Tea Party wing for the most part is not. The majority of those in the third group probably are, but are afraid of losing their seats via a Tea Party primary challenge. That is why immigration reform in the House will likely not happen until next summer after most of the congressional primaries, once many in the third group have secured their nominations and are set to coast to reelection. It's also worth noting that while the Senate immigration bill was passed with bipartisan support, only one in three Republican senators actually voted for it, which makes trying to get a majority of the majority in the House seem only more far-fetched.

#### Farm bill debate comes first – starting this week

Mary Clare Jalonick, 10-28-2013, “Congress Eyes Milk Prices,” UT San Diego, http://www.utsandiego.com/news/2013/oct/28/congress-eyes-milk-prices-politics-in-farm-talks/

The fight over renewing the nation's farm bill has centered on cuts to the $80 billion-a-year food stamp program. But there could be unintended consequences if no agreement is reached: higher milk prices. Members of the House and Senate are scheduled to begin long-awaited negotiations on the five-year, roughly $500 billion bill this week. If they don't finish it, dairy supports could expire at the end of the year and send the price of a gallon of milk skyward. There could be political ramifications, too. The House and Senate are far apart on the sensitive issue of how much money to cut from food stamps, and lawmakers are hoping to resolve that debate before election-year politics set in. Minnesota Sen. Amy Klobuchar, a Democrat who is one of the negotiators on the bill, says the legislation could also be a rare opportunity for the two chambers to show they can get along. "In the middle of the chaos of the last month comes opportunity," Klobuchar says of the farm legislation. "This will really be a test of the House of whether they are willing to work with us."

#### Reform fails---changes cause backlog

Murthy 9 Law Firm, “What if CIR Passes? Can USCIS Handle the Increased Workload?”, NewsBrief, 10-30, http://www.murthy.com/news/n\_cirwkl.html

Any type of legalization program will face significant opposition, particularly during an economic downturn. However, given the numbers of individuals possibly eligible, even under a less expansive program, the USCIS must prepare for a potential onslaught of applications if any type of CIR passes and becomes the law. As many MurthyDotCom and MurthyBulletin readers know from personal experience, the USCIS has historically suffered from backlogs and capacity issues. Were such a measure to pass, absent substantial changes, a flood of new applications could pose a significant challenge to the processing capacity of the USCIS. *USCIS Preparing to Expand Rapidly, Should Need Arise* A Reuters blog quoted USCIS spokesman, Bill Wright, as saying, “The agency has been preparing for the advent of any kind of a comprehensive immigration reform, and if that means a surge of applications and operations, we have been working toward that.” USCIS Director, Alejandro Mayorkas, has stated that the goal of the USCIS is to be ready to expand rapidly to handle the increase in applications that would result from CIR. In the past, opponents have used lack of capacity and preparation as an argument against CIR and expansion of eligibility for immigration benefits. *Will CIR Result in Increased or Reduced Backlogs for Others?* Legal immigrants and their employers have concerns about being disadvantaged by any CIR legislation that would provide benefits to undocumented workers. However, true CIR is not limited to these provisions, and would be expected to contain provisions regarding various aspects of legal immigration. CIR certainly will be hotly debated and any proposed legislation will be modified throughout the debate process. As part of the preparations of the USCIS, and in order not to harm those who have already initiated cases under existing law, the USCIS needs to continue to work on backlogs. While significant progress has been made in many areas, and case processing times have been improved greatly, there are still case backlogs that need to be addressed.

**Plan boosts Obama’s capital**

Douglas **Kriner 10**, Assistant Profess of Political Science at Boston University, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60

Presidents and politicos alike have long recognized Congress's ability to reduce the political costs that the White House risks incurring by pursuing a major military initiative. While declarations of war are all but extinct in the contemporary period, Congress has repeatedly moved to authorize presidential military deployments and consequently to tie its own institutional prestige to the conduct and ultimate success of a military campaign. Such authorizing legislation, even if it fails to pass both chambers, creates a sense of **shared legislative-executive responsibility** for a military action's success and provides the president with **considerable political support** for his chosen policy course.34 Indeed, the desire for this political cover—and not for the constitutional sanction a congressional authorization affords—has historically motivated presidents to seek Congress's blessing for military endeavors. For example, both the elder and younger Bush requested legislative approval for their wars against Iraq, while assiduously maintaining that they possessed sufficient independent authority as commander in chief to order the invasions unilaterally.35 This fundamental tension is readily apparent in the elder Bush's signing statement to HJ Res 77, which authorized military action against Saddam Hussein in January of 1991. While the president expressed his gratitude for the statement of congressional support, he insisted that the resolution was not needed to authorize military action in Iraq. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution."36

#### CIR not key to economy

Mike Flynn 13, Breitbart reporter, July 13, "White House Oversells Economic Benefits of Immigration Reform," www.breitbart.com/Big-Government/2013/07/13/white-house-oversells-economic-benefits-of-immigration-reform

On Saturday, President Obama used his weekly radio address to tout the economic benefits of passing the Senate immigration reform bill. On Wednesday, the White House issued a report saying the immigration reform bill would both trim the deficit and boost the economy over the next two decades. Even accepting the Administration's numbers at face-value, the report shows how little would be gained economically from reform in the long-term. In the short-term, however, there are some very real costs ignored by the White House.¶ The White House report draws heavily from a CBO analysis on the economic impact of the Senate bill, released in mid-June. The CBO estimates that, under the Senate bill, in 20 years, the nation's GDP would be $1.4 trillion higher than it otherwise would be if the bill didn't pass. The Administration claims the bill will grow the economy by 5.4% in that time-frame. ¶ Which sounds impressive, until one realizes that we are talking about a 20 year window here. An incremental growth of 5% over two decades isn't exactly an economic bonanza. In that time-span the US economy will generate $300-500 trillion in total economic impact. An extra few trillion is at the margins or the margins.¶ Worse, the economic benefits the CBO estimates will accrue only begin at least a decade after enactment. Through 2031, Gross National Product, which measures the output of US residents and firms, would be lower than it otherwise would be. In ten years, the per capita GNP would be almost 1% lower than without the Senate bill. ¶ The CBO analysis also shows that average wages of American workers would be lower than they otherwise would be through at least the first 10 years of the law's enactment. The unemployment rate would also rise for the first decade, due to a large increase in the labor force.¶ Supporters and opponents of immigration reform both overstate its economic impact. In a nation of more than 300 million people and a $16 trillion economy, any economic impact is going to be felt at the margins. The CBO, however, finds that, for at least a decade, the economic effects of the Senate bill are negative at the margins. After 2 decades, the CBO says the effects become positive at the margin. ¶ A decade of relatively worse economic performance to secure marginally better performance 20 years from now is not an obviously good bargain. One can make many argument in favor of immigration reform. Economic growth, however, seems a very weak one.

#### Their impact card is ridiculously out of context. Says Middle east econ growth checks terrorism.

## AUMF DA

#### AUMF is collapsing now

Robert Chesney, University of Texas School of Law Professor, 8/29/12, Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2138623

The drawdown in Afghanistan, combined with the expansion of the shadow war model, ensures that the legal architecture of counterterrorism will be far more contested—and hence unstable—going forward than it was during the first post-9/11 decade. When U.S. involvement in overt armed conflict in Afghanistan comes to an end, so too will the other key stabilizing factor identified in Part II: the existence of at least one location as to which LOAC indisputably applies, and as to which many cases could be linked.189 The fact patterns that will matter most in the future—i.e., the instances in which the U.S. government will be most likely to wish to use lethal force or military detention—will instead increasingly be rooted in other locations, such as Yemen and Somalia. It does not follow that LOAC accordingly will be irrelevant to future instances of detention or lethal force. To the extent that the government continues to invoke LOAC, its arguments will be more or less persuasive from case to case. In some contexts, for example, the government can make relatively-conventional arguments to the effect that the level of violence in a given state has risen to a level constituting a non-international armed conflict, quite apart from whether there also exists a borderless armed conflict with al Qaeda or its successors. Where that is the case, and where the level of U.S. participation in those hostilities warrants the conclusion that it is a party to such a conflict, LOAC arguments may prove persuasive after all. Yemen currently provides a good example of an area ripe for such an analysis.190 But even in those cases, the very nature of the shadow war approach is such that there can be no guarantees that such arguments will be accepted, certainly not as was the case during the first post-9/11 decade vis-à-vis Afghanistan. And since not all shadow war contexts will match Yemen in terms of supporting such a conventional analysis, attempts to invoke LOAC in some cases will have to stand or fall instead on the far-broader argument that the United States is engaged in a borderless armed conflict governed by LOAC wherever the parties may be found. The borderless-conflict position at first blush appears nicely entrenched in the status quo legal architecture. It is supported, after all, by a substantial degree of cross-party consensus (it was endorsed most recently in a series of speeches by Obama administration officials).191 But it has always been fiercely disputed, including by the ICRC and many of America’s allies. That dispute was not so much resolved over the past decade as persistently avoided; the caselaw of that era almost always involved persons who could be linked in some way back to the undisputed combat zone of Afghanistan. Thanks to the U.S. government’s shift toward shadow war, however, this will not be the situation going forward when new cases arise, as they are sure to do.192 Making matters worse, the U.S. government’s position on the relevance of LOAC to its use of detention and lethal force may become harder to maintain going forward even without a drawdown in Afghanistan. The reason why has to do with the decline and fragmentation of al Qaeda. The borderless-conflict position does require, after all, identifiable parties on both sides. Even if one accepts that the United States and al Qaeda are engaged in a borderless armed conflict, in other words, organizational ambiguity of the sort described above will increasingly call into question whether specific cases are sufficiently linked to that conflict (or to any other that might be said to exist with respect to specific al Qaeda-linked groups, such as AQAP). Again Warsame’s situation provides a useful illustration, or perhaps more accurately, a cautionary tale. \*\* \* Though widely perceived at the time as a period of great legal controversy and uncertainty, the first post-9/11 decade will in retrospect be perceived as a comparatively simple state of affairs during which it was largely undisputed that LOAC applied somewhere and that the central objects of the U.S. government’s use of detention and lethal force were entities one could coherently describe as al Qaeda and the Afghan Taliban. But that period is ending, and it may be that the second post-9/11 decade will witness far more serious legal disputes as a result.

#### Restrictions inevitable---the aff prevents haphazard ones which are worse

Benjamin Wittes 9, senior fellow and research director in public law at the Brookings Institution, is the author of Law and the Long War: The Future of Justice in the Age of Terror and is also a member of the Hoover Institution's Task Force on National Security and Law, “Legislating the War on Terror: An Agenda for Reform”, November 3, Book, p. 17

#### A new administration now confronts the same hard problems that plagued its ideologically opposite predecessor, and its very efforts to turn the page on the past make acute the problems of institutionalization. For while the new administration can promise to close the detention facility at Guantanamo Bay and can talk about its desire to prosecute suspects criminally, for example, it cannot so easily forswear noncriminal detention. While it can eschew the term "global war on terror," it cannot forswear those uses of force—Predator strikes, for example—that law enforcement powers would never countenance. Nor is it hastening to give back the surveillance powers that Congress finally gave the Bush administration. In other words, its very efforts to avoid the Bush administrations vocabulary have only emphasized the conflicts hybrid nature—indeed- emphasized that the United States is building something new here, not merely applying something old.¶ That point should not provoke controversy. The evidence that the United States is fumbling toward the creation of hybrid institutions to handle terrorism cases is everywhere around us. U.S. law, for example, now contemplates extensive- probing judicial review of detentions under the laws of war—a naked marriage of criminal justice and wartime traditions. It also contemplates warrantless wiretapping with judicial oversight of surveillance targeting procedures—thereby mingling the traditional judicial role in reviewing domestic surveillance with the vacuum cleaner-type acquisition of intelligence typical of overseas intelligence gathering. Slowly but surely, through an unpredictable combination of litigation, legislation, and evolutionary developments within executive branch policy, the nation is creating novel institutional arrangements to authorize and regulate the war on terror. The real question is not whether institutionalization will take place but whether it will take place deliberately or haphazardly, whether the United States will create through legislation the institutions with which it wishes to govern itself or whether it will allow an endless sequence of common law adjudications to shape them.¶ The authors of the chapters in this book disagree about a great many things. They span a considerable swath of the U.S. political spectrum, and they would no doubt object to some of one another's policy prescriptions. Indeed, some of the proposals are arguably inconsistent with one another, and it will be the very rare reader who reads this entire volume and wishes to see all of its ideas implemented in legislation. What binds these authors together is not the programmatic aspects of their policy prescriptions but the belief in the value of legislative action to help shape the contours of the continuing U.S. confrontation with terrorism. That is, the authors all believe that Congress has a significant role to play in the process of institutionalization—and they have all attempted to describe that role with reference to one of the policy areas over which Americans have sparred these past several years and will likely continue sparring over the next several

#### Impact inevitable

Beau Barnes 12, J.D. Candidate, Boston University School of Law, “Reauthorizing the ‘War on Terror’: The Legal and Policy Implications of the AUMF’s Coming Obsolescence,” Military Law Review, Vol 211, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2150874

This article, prompted by Congress’s recent failed efforts to revisit and refine the September 18, 2001, Authorization for Use of Military Force (AUMF), argues for a “middle ground” approach to the statute’s reauthorization. It makes the case that a new authorization is needed because, contrary to the Obama Administration’s suggestions, the current statute is rapidly approaching obsolescence. Despite the intense media focus on the most recent legislative cycle, Congress has left the 2001 authorization legally unaltered and still anchored to the September 11, 2001, attacks. Confronting this reality presents three options: foregoing military operations against non-Al Qaeda terrorist organizations, accepting the AUMF’s obsolescence and relying on alternative legal authority, or refashioning a new domestic statutory authority for the U.S. military’s global anti-terrorist operations.

## Saudi

#### U.S.-Saudi relations too high to be overcome by this. Allies for 70 years.

#### Relations inevitable, tensions don’t escalate

**Teitelbaum 7/17/11** (Joshua, visiting fellow at the Hoover Institution and the Center on Democracy, Development, and the Rule of Law. “Empty Words: Saudi Blustering and US-Saudi Realities.” Advancing a Free Society, Hoover Institution. July 17, 2011. <http://www.advancingafreesociety.org/2011/07/17/empty-words/>.)

The problem is the **Saudis are all bark and no bite.** They have been complaining openly about US policy in the Middle East since before the establishment of Israel, but did not hesitate to reassure US officials privately that these policies would not jeopardize the relationship with Washington. The reason? **Defense and energy relations are** simply **so deep** that petulant Saudi princes and their minions cannot take them apart. First, Washington is far and away the main arms supplier to Saudi Arabia, and continues to train its troops. In addition to an arms deal worth over $60 billion announced to Congress in October 2010, from November 2010 to June 2011 an additional $3.7 billion in weapons sales were announced, ranging from Patriot air and missile defense systems to cluster bombs. As of March 2011, there are over 250 active duty military personnel in the kingdom, and countless other civilian personnel under military contract. As oil prices climbed to over $120 a barrel in May-June, Saudi and US fundamental interests intersected once again. The Saudis were worried that consumers would cut use or move to alternative energy, while Washington was concerned that high prices would impede economic recovery. In secret meetings between US and Saudi officials in May, the Saudis initially refused to increase production. Ahead of the June OPEC meeting, the US also proposed putting urgently needed high quality crude from its Strategic Petroleum Reserve on the market, to be replaced by low-quality Saudi crude. The Saudis initially refused both. But in the end, Riyadh did increase production, and the US opened the SPR. Oil prices dropped. **To be sure, the Saudis are particularly exasperated this time around**. But although **Saudi Arabia and the US** are neither friends nor allies, they **have shared interests** with regard to oil and security **for** many **decades,** leading to economic and military relations that are unlikely to change in the foreseeable future. Therefore, despite occasional public “outrage” from Saudi officials about US policy regarding the Arab unrest, Israel, Iraq, Iran, or Afghanistan, Riyadh and Washington are still very distant from the parting of the ways threatened by some Saudi officials.

#### And outraged now – iran and syria

**WSJ 9 – 29** – 13 U.S. Moves on Syria, Iran Anger Saudi Arabia, <http://online.wsj.com/article/SB10001424052702303643304579104910000148876.html>

The Obama administration's handling of overtures on Syria and Iran have outraged regional ally Saudi Arabia, which is signaling it wants to do more to boost the power of armed Sunni rebel groups on the ground in Syria as the U.S. pursues diplomacy.

Saudis fear that Syrian President Basher al-Assad will use the time afforded by U.S.- and U.N.-backed diplomacy on Syria "to impose more killing and to torture its people," Saudi Foreign Minister Saud al-Faisal said Thursday night in New York, in a warning that was overshadowed by the attention paid to the weekend's first public contacts in three decades between the presidents of Iran and the U.S.

Accordingly, Saudi Arabia wants "intensification of political, economic and military support to the Syrian opposition…. to change the balance of powers on the ground" in Syria, Prince Saud said in his remarks to the Friends of Syria group, a coalition of Western and Gulf Arab countries and Turkey that supports the Syria opposition against Mr. Assad. The state-run Saudi Press Agency carried a transcript of his remarks.

The Saudi government has had no public comment so far on the groundbreaking phone call Friday between U.S. President Barack Obama, whose country Saudi Arabia sees as the main military protector of its interests, and new Iranian President Hasan Rouhani, whose country Saudi Arabia sees as its main threat.

Asharq al Awsat, one of Saudi Arabia's leading newspapers, led its front page the morning after the phone call with a photo of Mr. Rouhani, bowed over with laughter.

The Saudi foreign minister's declaration is significant because Saudi Arabia, while one of the main suppliers of Syria's predominately Sunni opposition, up to now has heeded U.S. fears throughout the conflict that aid to Syrian rebels could strengthen armed, anti-Western Sunni factions. Shiite Muslim Iran backs Mr. Assad in the Syrian conflict, while most Sunni Muslim-ruled Gulf Arab states support the rebels fighting to overthrow Mr. Assad.

Saudi Arabia, for example, long held off on supplying Stinger-style missiles to Syrian rebels because of U.S. worries the missiles could be used against Western targets, security analysts briefed by Saudi officials say. Saudi Arabia increased pressure on the U.S. to allow arming the rebels with antiaircraft weapons this summer, as larger numbers of Hezbollah fighters entered the conflict on the side of Mr. Assad's regime.

Saudis now feel that the Obama administration is disregarding Saudi concerns over Iran and Syria, and will respond accordingly in ignoring "U.S. interests, U.S. wishes, U.S. issues" in Syria, said Mustafa Alani, a veteran Saudi security analyst with the Geneva-based Gulf Research Center.

"They are going to be upset—we can live with that," Mr. Alani said Sunday of the Obama administration. "We are learning from our enemies now how to treat the United States."

#### Rozen evidence gives Egypt as a specific cause of Saudi pursuing nucs.

#### Eakin evidence does not say that U.S. Saudi relations would even be damaged by the plan. Mostly about how Saudi fears instability.

#### Aff solves middle east instability. Better route to relations.

#### Won't nuclearize

Hobbs and Moran 12 [Dr Christopher, Leverhulme Research Fellow at the Centre for Science and Security Studies within the Department of War Studies at King's College London, and Matthew, Research Associate at the Centre for Science and Security Studies within the Department of War Studies at King's College London, “Looking Beyond a Nuclear-Armed Iran: Is Regional Proliferation Inevitable," The International Spectator, Vol 47, Issue 4, December, p 127-148]

Given the history of poor relations between Saudi Arabia and Iran, it is not surprising that analysts have claimed that “if Iran acquires nuclear weapons, Saudi Arabia will feel compelled to do the same”.48 Saudi officials were recently reported as claiming that Riyadh would launch a “twin-track nuclear weapons programme" in the event of a successful Iranian nuclear test. An article published in the London Time: described a scenario whereby Saudi Arabia would attempt to purchase war- heads from abroad while also adding a military dimension to its planned civil nuclear programme at home.“ The notion of Saudi Arabia purchasing weapons from abroad dates back to the 1990s, when a Saudi diplomat defected to the United States and alleged that Riyadh had provided the ﬁnancing for both the Pakistani and the Iraqi nuclear weapons programmes. I-Ie also claimed that a pact signed between Saudi Arabia and Pakistan tied Islamabad to protecting Saudi Arabia if the kingdom were attacked with nuclear weapons.50 More recently, in 2005, a German magazine claimed that Pakistan and Saudi Arabia had been cooperating on nuclear weapons research for years.” Despite this alarmist rhetoric, however, there is also a strong case to be made against Saudi nuclearisation. Beyond the Kingdom’s primitive nuclear infrastruc- ture — in a survey of Saudi nuclear capability, ]ames Acton and Wyn Bowen found that the kingdom lacks sufﬁcient experience and expertise in practically all areas of the nuclear fuel cycle — Saudi Arabia's political and strategic context do not favour the acquisition of nuclear weapons.” Two key points support this view. First, from a security perspective, the relationship between Saudi Arabia and the United States has held ﬁrm since the 1940s, despite a number of challenges — most notably the participation of a number of Saudi nationals in the 9/11 terrorist attacks. At the heart of the relationship is an understanding that “in exchange for Saudi Arabia’s stable custodianship of its oil reserves [and] reasonable rates of production [. . .] the United States guarantees Saudi security through the sale of conventional arms and an implicit commitment to defend the country should the need arise”.S5 In recent years, the role of Washington as the silent guarantor of R.iyadh's security has assumed additional importance as the Middle East has experi- enced profound structural changes. The fall of the pro-Saudi Mubarak regime in Egypt; protests and instability in Bahrain and Yemen; the collapse of the pro-Saudi government in Lebanon; and civil war in Syria have upended the established regional order and made Riyadh’s position less secure. In this context, and given the determination of the United States to prevent nuclear proliferation in the region, a move by Saudi Arabia to acquire nuclear weapons holds few positives for Riyadh’s security calculus. With its own nuclear infrastructure incapable of delivering a nuclear weapon in the short- to medium-term, Islamabad would be the most likely route to the bomb.“ However, that Saudi Arabia would jeopardize its deeply-rooted security relation- ship with the world's only superpower for dependence on Pakistan is almost incon- ceivable. The United States is Riyadh’s leading source of advanced conventional military equipment, from AI-I-64 Apache attack helicopters to F-ISS multitole ﬁghters, while an arms deal worth some USD 60 billion was approved by US Congress in 2010.55 The loss of this source of advanced arms would have impor- tant implications in terms of R.iyadh’s conventional capabilities since these systems “are far more advanced than Iranian military technology, and serve to both limit Iran’s inﬂuence and provide a major deterrent to Iranian forces".56 Viewed in this light, it may be argued that an Iranian bomb would give the Saudi—US relationship renewed impetus, with both countries keen to offset the Iranian threat to regional stability and the broader economic environment. Second, Saudi Arabia's economic policy outlook exempliﬁes Etel Solingen's seminal theory on the relationship between economic liberalism and nuclear restraint. Solingen argues that political coalitions favouring economic liberalisation — reduction of state control over markets and increased privatisation and foreign investment — are more likely to be receptive to “compromise nuclear postures that do not endanger their [economic] interests”.57 In this regard, Saudi Arabia's emphasis on facilitating the growth of foreign investment is signiﬁcant. Riyadh has cultivated extensive trade relations with most international powers and in 2012, Saudi Arabia was identiﬁed as one of the leading global economies in terms of “business-friendly regulation”.58 The monarchy has placed emphasis on foreign investment as a means of reducing over-reliance on oil and gas, increasing employment opportunities for the local population (population growth of almost two percent equates to a need for some 200,000 new jobs per year), and reinvigorating the Saudi private sector.” In this context, the acquisition of nuclear weapons would have far-reaching consequences, stalling progress and bringing progressive economic isolation, thus drastically changing the nature of the kingdom's interna- tional trade relations. In terms of both internal and external stability then, it would appear that Saudi’s interests are best served by nuclear restraint.

#### Turn - Signature strikes kill Yemen stability

**Rohde ’12** (David Rohde, “How Obama’s drone war is backfiring”, <http://blogs.reuters.com/david-rohde/2012/03/01/how-obamas-drone-war-is-backfiring/>, March/April issue of Foreign Policy, March 1, 2012)

When Barack Obama took the oath of office three years ago, no one associated the phrase “targeted killing” with his optimistic young presidency. In his inaugural address, the 47-year-old former constitutional law professor uttered the word “terror” only once. Instead, he promised to use technology to “harness the sun and the winds and the soil to fuel our cars and run our factories.” Oddly, technology has enabled Obama to become something few expected: a president who has dramatically expanded the executive branch’s ability to wage high-tech clandestine war. With a determination that has surprised many, Obama has embraced the CIA, expanded its powers and approved more targeted killings than any modern president. Over the last three years, the Obama administration has carried out at least 239 covert drone strikes, more than five times the 44 approved under George W. Bush. And after promising to make counterterrorism operations more transparent and rein in executive power, Obama has arguably done the opposite, maintaining secrecy and expanding presidential authority. Just as importantly, the administration’s excessive use of drone attacks undercuts one of its most laudable policies: a promising new post-9/11 approach to the use of lethal American force, one of multilateralism, transparency and narrow focus. Obama’s willingness to deploy lethal force should have come as no surprise. In a 2002 speech, Illinois State Senator Obama opposed Bush’s impending invasion of Iraq, but not all conflicts. “I don’t oppose all wars,” he said. “What I am opposed to is a dumb war.” And as president, in his December 2009 Nobel Peace Prize acceptance speech, Obama warned, “There will be times when nations — acting individually or in concert — will find the use of force not only necessary but morally justified.” Since then, he has not only sent U.S. forces into Afghanistan, Iraq and Libya, but also repeatedly approved commando raids in Pakistan and Somalia and on the high seas, while presiding over a system that unleashed hundreds of drone strikes. In a series of recent interviews, current and former administration officials outlined what could be called an “Obama doctrine” on the use of force. Obama’s embrace of multilateralism, drone strikes and a light U.S. military presence in Libya, Pakistan and Yemen, they contend, has proved more effective than Bush’s go-heavy approach in Iraq and Afghanistan. “We will use force unilaterally if necessary against direct threats to the United States,” Ben Rhodes, the administration’s deputy national security advisor for strategic communications, told me. “And we’ll use force in a very precise way.” Crises the administration deems indirect threats to the United States — such as the uprisings in Libya and Syria — are “threats to global security,” Rhodes argued, and will be responded to multilaterally and not necessarily by force. The drawdown of U.S. troops in Iraq and Afghanistan, as well as the creation of a smaller, more agile U.S. military spread across Asia, the Pacific and the Middle East, are also part of the doctrine. So is the discreet backing of protesters in Egypt, Iran and Syria. The emerging strategy — which Rhodes touted as “a far more focused approach to our adversaries” — is a welcome shift from the martial policies and bellicose rhetoric of both the Bush administration and today’s Republican presidential candidates. But Obama has granted the CIA far too much leeway in carrying out drone strikes in Pakistan and Yemen. In both countries, **the strikes** often **appear to be backfiring**. Obama and other administration officials insist the drones are used rarely and kill few civilians. In a rare public comment on the program, the president defended the strikes in late January. “I want to make sure the people understand, actually, drones have not caused a huge number of civilian casualties,” Obama said. “For the most part, they have been very precise precision strikes against al Qaeda and their affiliates. And we are very careful in terms of how it’s been applied.” But from Pakistan to Yemen to post-American Iraq, drones often spark deep resentment where they operate. When they do attack, they kill as brutally as any weapon of war. The administration’s practice of classifying the strikes as **secret only exacerbates local anger and suspicion**. Under Obama, drone strikes have become too frequent, too unilateral, and too much associated with the heavy-handed use of American power. In 2008, I saw this firsthand. Two Afghan colleagues and I were kidnapped by the Taliban and held captive in the tribal areas of Pakistan for seven months. From the ground, drones are terrifying weapons that can be heard circling overhead for hours at a time. They are a potent, unnerving symbol of unchecked American power. At the same time, they were clearly effective, killing foreign bomb-makers and preventing Taliban fighters from gathering in large groups. The experience left me convinced that drone strikes should be carried out — but very selectively. In the January interview, Obama insisted drone strikes were used only surgically. “It is important for everybody to understand,” he said, “that this thing is kept on a very tight leash.” Drones, though, are in no way surgical. In interviews, current and former Obama administration officials told me the president and his senior aides had been eager from the outset to differentiate their approach in Pakistan and Afghanistan from Bush’s. Unlike in Iraq, where Democrats thought the Bush administration had been too aggressive, they thought the Bush White House had not been assertive enough with Afghan and Pakistani leaders. So the new administration adopted a unilateral, get-tough approach in South Asia that would eventually spread elsewhere. As candidate Obama vowed in a 2007 speech, referring to Pakistan’s president at the time, “If we have actionable intelligence about high-value terrorist targets and President Musharraf won’t act, we will.” In his first year in office, Obama approved two large troop surges in Afghanistan and a vast expansion of the number of CIA operatives in Pakistan. The CIA was also given more leeway in carrying out drone strikes in the country’s ungoverned tribal areas, where foreign and local militants plot attacks for Afghanistan, Pakistan and beyond. The decision reflected both Obama’s belief in the need to move aggressively in Pakistan and the influence of the CIA in the new administration. To a far greater extent than the Bush White House, Obama and his top aides relied on the CIA for its analysis of Pakistan, according to current and former senior administration officials. As a result, preserving the agency’s ability to carry out counterterrorism, or “CT,” operations in Pakistan became of paramount importance. “The most important thing when it came to Pakistan was to be able to carry out drone strikes and nothing else,” said a former official who spoke on condition of anonymity. “The so-called strategic focus of the bilateral relationship was there solely to serve the CT approach.” Initially, the CIA was right. Increased drone strikes in the tribal areas eliminated senior al Qaeda operatives in 2009. Then, in July 2010, Pakistanis working for the CIA pulled up behind a white Suzuki navigating the bustling streets of Peshawar. The car’s driver was later tracked to a large compound in the city of Abbottabad. On May 2, 2011, U.S. commandos killed Osama bin Laden there. The U.S. intelligence presence, though, extended far beyond the hunt for bin Laden, according to former administration officials. At one point, the CIA tried to deploy hundreds of operatives across Pakistan but backed off after suspicious Pakistani officials declined to issue them visas. At the same time, the agency aggressively used the freer hand Obama had given it to launch more drone strikes than ever before. Established by the Bush administration and Musharraf in 2004, the covert CIA drone program initially carried out only “personality” strikes against a preapproved list of senior al Qaeda members. Pakistani officials were notified before many, but not all, attacks. Between 2004 and 2007, nine such attacks were carried out in Pakistan, according to the New America Foundation. In 2008, the Bush administration authorized less-restrictive “signature” strikes in the tribal areas. Instead of basing attacks on intelligence regarding a specific person, CIA drone operators could carry out strikes based on the behavior of people on the ground. Operators could launch a drone strike if they saw a group, for example, crossing back and forth over the Afghanistan-Pakistan border. In 2008, the Bush administration carried out 33 strikes. Under Obama, the drone campaign has escalated rapidly. The number of strikes rose steeply to 53 in 2009 and then more than doubled to 118 in 2010. Former administration officials said **the looser rules resulted in the killing of more civilians**. Current administration officials insisted that Obama, in fact, tightened the rules on the use of drone strikes after taking office. They said strikes rose under Obama because improved technology and intelligence gathering created more opportunities for attacks than existed under Bush. But as Pakistani public anger over the spiraling strikes grew, other diplomats expressed concern as well. The U.S. ambassador in Pakistan at the time, Anne Patterson, opposed several attacks, but the CIA ignored her objections. When Cameron Munter replaced Patterson in October 2010, he objected even more vigorously. On at least two occasions, CIA Director Leon Panetta dismissed Munter’s protests and launched strikes, the Wall Street Journal later reported. One strike occurred only hours after Sen. John Kerry, head of the Senate Foreign Relations Committee, had completed a visit to Islamabad. A March 2011 strike brought the debate to the White House. A day after Pakistani officials agreed to release CIA contractor Raymond Davis, the agency — again over Munter’s objections — carried out a signature drone strike that the Pakistanis say killed four Taliban fighters and 38 civilians. Already angry about the Davis case, Pakistan’s Army chief, Gen. Ashfaq Parvez Kayani, issued an unusual public statement, saying a group of tribal elders had been “carelessly and callously targeted with complete disregard to human life.” U.S. intelligence officials dismissed the Pakistani complaints and insisted 20 militants had perished. “There’s every indication that this was a group of terrorists, not a charity car wash in the Pakistani hinterlands,” one official told the Associated Press. Surprised by the vehemence of the official Pakistani reaction, National Security Adviser Tom Donilon questioned whether signature strikes were worthwhile. Critics inside and outside the U.S. government contended that a program that began as a carefully focused effort to kill senior al Qaeda leaders had morphed into a bombing campaign against low-level Taliban fighters. Some outside analysts even argued that the administration had adopted a de facto “kill not capture” policy, given its inability to close Bush’s Guantánamo Bay prison and create a new detention system. In April 2011, the director of Pakistan’s intelligence service, Lt. Gen. Ahmed Shuja Pasha, visited Washington in an effort to repair the relationship, according to news accounts and former administration officials. Just after his visit, two more drone strikes occurred in the tribal areas, which Pasha took as a personal affront. In a rare concession, Panetta agreed to notify Pakistan’s intelligence service before the United States carried out any strike that could kill more than 20 people. In May, after the bin Laden raid sparked further anger among Pakistani officials, Donilon launched an internal review of how drone strikes were approved, according to a former administration official. But the strikes continued. At the end of May, State Department officials were angered when three missile strikes followed Secretary of State Hillary Clinton’s visit to Pakistan. As Donilon’s review progressed, an intense debate erupted inside the administration over the signature strikes, according to the Wall Street Journal. Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, said the strikes should be more selective. Robert Gates, then the defense secretary, warned that angry Pakistani officials could cut off supplies to U.S. troops in Afghanistan. Clinton warned that too many civilian casualties could strengthen opposition to Pakistan’s weak, pro-American president, Asif Ali Zardari. The CIA countered that Taliban fighters were legitimate targets because they carried out cross-border attacks on U.S. forces, according to the former official. In June, Obama sided with the CIA. Panetta conceded that no drone strike would be carried out when Pakistani officials visited Washington and that Clinton and Munter could object to proposed strikes. But Obama allowed the CIA director to retain final say. Last November, the worst-case scenario that Mullen, Gates and Clinton had warned of came to pass. After NATO airstrikes mistakenly killed 24 Pakistani soldiers on the Afghanistan-Pakistan border, Kayani demanded an end to all U.S. drone strikes and blocked supplies to U.S. troops in Afghanistan. At the same time, popular opposition to Zardari soared. After a nearly two-month lull that allowed militants to regroup, drone strikes resumed in the tribal areas this past January. But signature strikes are no longer allowed — for the time being, according to the former senior official. Among average Pakistanis, the strikes played out disastrously. In a 2011 Pew Research Center poll, 97 percent of Pakistani respondents who knew about the attacks said American drone strikes were a “bad thing.” Seventy-three percent of Pakistanis had an unfavorable view of the United States, a 10-percentage-point rise from 2008. Administration officials say the strikes are popular with Pakistanis who live in the tribal areas and have tired of brutal jihadi rule. And they contend that Pakistani government officials — while publicly criticizing the attacks — agree in private that they help combat militancy. Making the strikes more transparent could reduce public anger in other parts of Pakistan, U.S. officials concede. But they say some elements of the Pakistani government continue to request that the strikes remain covert. For me, the bottom line is that both governments’ approaches are failing. Pakistan’s economy is dismal. Its military continues to shelter Taliban fighters it sees as proxies to thwart Indian encroachment in Afghanistan. And the percentage of Pakistanis supporting the use of the Pakistani Army to fight extremists in the tribal areas — the key to eradicating militancy — dropped from a 53 percent majority in 2009 to 37 percent last year. Pakistan is more unstable today than it was when Obama took office. A similar dynamic is creating even worse results on the southern tip of the Arabian Peninsula. Long ignored by the United States, Yemen drew sudden attention after a suicide attack on the USS Cole killed 17 American sailors in the port of Aden in 2000. In 2002, the Bush administration carried out a single drone strike in Yemen that killed Abu Ali al-Harithi, an al Qaeda operative who was a key figure in orchestrating the Cole attack. In the years that followed, the administration shifted its attentions to Iraq, and militants began to regroup. A failed December 2009 attempt by a militant trained in Yemen to detonate a bomb on a Detroit-bound airliner focused Obama’s attention on the country. Over the next two years, the United States carried out an estimated 20 airstrikes in Yemen, most in 2011. In addition to killing al Qaeda-linked militants, the strikes killed dozens of civilians, according to Yemenis. **Instead of decimating the organization**, the Obama **strikes have increased the ranks of al Qaeda** in the Arabian Peninsula from 300 fighters in 2009 **to more than 1,000** today, according to Gregory Johnsen, a leading Yemen expert at Princeton University. In January, the group briefly seized control of Radda, a town only 100 miles from the capital, Sanaa. “I don’t believe that the U.S. has a Yemen policy,” Johnsen told me. “What the U.S. has is a counterterrorism strategy that it applies to Yemen.” The deaths of bin Laden and many of his lieutenants are a step forward, but Pakistan and Yemen are increasingly unstable. Pakistan is a nuclear-armed country of 180 million with resilient militant networks; Yemen, an impoverished, **failing state that is fast becoming a new al Qaeda stronghold.** “They think they’ve won because of this approach,” the former administration official said, referring to the administration’s drone-heavy strategy. “A lot of us think there is going to be a lot bigger problems in the future.” The backlash from drone strikes in the countries where they are happening is not the only worry. In the United States, civil liberties and human rights groups are increasingly concerned with the breadth of powers Obama has claimed for the executive branch as he wages a new kind of war. In the Libya conflict, the administration invoked the drones to create a new legal precedent. Under the War Powers Resolution, the president must receive congressional authorization for military operations within 60 days. When the deadline approached in May, the administration announced that because NATO strikes and drones were carrying out the bulk of the missions, no serious threat of U.S. casualties existed and no congressional authorization was needed. “It’s changed the way politicians talk about what should be the most important thing that a nation engages in,” said Peter W. Singer, a Brookings Institution researcher. “It’s changed the way we in the public deliberate war.” Last fall, a series of drone strikes in Yemen set another dangerous precedent, according to civil liberties and human rights groups. Without any public legal proceeding, the U.S. government executed three of its own citizens. On Sept. 30, a drone strike killed Anwar al-Awlaki, a charismatic American-born cleric of Yemeni descent credited with inspiring terrorist attacks around the world. Samir Khan, a Pakistani-American jihadist traveling with him, was killed as well. Several weeks later, another strike killed Awlaki’s 16-year-old son, Abdulrahman al-Awlaki, also a U.S. citizen. Administration officials insisted a Justice Department review had authorized the killings but declined to release the full document. “The administration has claimed the power to carry out extrajudicial executions of Americans on the basis of evidence that is secret and is never seen by anyone,” said Jameel Jaffer, deputy legal director of the American Civil Liberties Union. “It’s hard to understand how that is consistent with the Constitution.” After criticizing the Bush administration for keeping the details of its surveillance, interrogation and detention practices secret, Obama is doing the same thing. His administration has declined to reveal the details of how it places people on kill lists, carries out eavesdropping in the United States or decides whom to detain overseas. The administration is also prosecuting six former government officials on charges of leaking classified information to the media — more cases than all other administrations combined. Administration officials deny being secretive and insist they have disclosed more information about their counterterrorism practices than the Bush administration, which fiercely resisted releasing details of its “war on terror” and established the covert drone program in Pakistan. Obama administration officials say they have established a more transparent and flexible approach outside Pakistan that involves military raids, drone strikes and other efforts. They told me that every attack in Yemen was approved by Yemeni officials. Eventually, they hope to make drone strikes joint efforts carried out openly with local governments. For now, keeping them covert prevents American courts from reviewing their constitutionality, according to Jaffer. He pointed out that if a Republican president followed such policies, the outcry on the left would be deafening. “You have to remember that this authority is going to be used by the next administration and the next administration after that,” Jaffer said. “You need to make sure there are clear limits on what is really unparalleled power.” To their credit, Obama and his senior officials have successfully reframed Bush’s global battle as a more narrowly focused struggle against al Qaeda. They stopped using the term “war on terror” and instead described a campaign against a single, clearly identifiable group. Senior administration officials cite the toppling of Muammar al-Qaddafi as the prime example of the success of their more focused, multilateral approach to the use of force. At a cost of zero American lives and $1 billion in U.S. funding, the Libya intervention removed an autocrat from power in five months. The occupation of Iraq claimed 4,484 American lives, cost at least $700 billion, and lasted nearly nine years. “The light U.S. footprint had benefits beyond less U.S. lives and resources,” Rhodes told me. “We believe the Libyan revolution is viewed as more legitimate. The U.S. is more welcome. And there is less potential for an insurgency because there aren’t foreign forces present.” In its most ambitious proposal, the administration is also trying to restructure the U.S. military, implement steep spending cuts and “right-size” U.S. forces around the world. Under Obama’s plan, the Army would be trimmed by 80,000 soldiers, some U.S. units would be shifted from the Middle East to the Pacific, and more small, covert bases would be opened. Special Forces units that have been vastly expanded in Iraq and Afghanistan would train indigenous forces and carry out counterterrorism raids. Declaring al Qaeda nearly defeated, administration officials say it is time for a new focus. “Where does the U.S. have a greater interest in 2020?” Rhodes asked. “Is it Asia-Pacific or Yemen? Obviously, the Asia-Pacific region is clearly going to be more important.” Rhodes has a point, but Pakistan and its nuclear weapons — as well as **Yemen and its proximity to vital oil reserves and sea lanes** — are likely to haunt the United States for years. Retired military officials warn that drones and commando raids are no substitute for the difficult process of helping local leaders marginalize militants. Missile strikes that kill members of al Qaeda and its affiliates in Pakistan and Yemen do not strengthen economies, curb corruption or improve government services. David Barno, a retired lieutenant general who commanded U.S. forces in Afghanistan from 2003 to 2005, believes hunting down senior terrorists over and over again is not a long-term solution. “How do you get beyond this attrition warfare?” he asked me. “I don’t think we’ve answered that question yet.”