## 1nc

## **OFF**

### **1NC**

#### T RESTRICTIONS

#### Restrictions are prohibitions on action --- excludes conditions

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

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Oversight isn’t a prohibition

USCA 77, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, 564 F.2d 292, 1977 U.S. App. LEXIS 10899,. 1978 Fire & Casualty Cases (CCH) P317

Continental argues that even if the Aetna and Continental policies provide coverage for the Cattuzzo accident, that coverage should [\*\*8] be limited to a total of $300,000 because Atlas agreed to procure "not less than" $300,000 coverage. The District Court properly found that the subcontract language does not support a restriction on the terms of Continental's policy because the subcontract only sets a floor, not a ceiling, for coverage.

#### Voting Issue---limits---small hoops allow affs to have process advantages that don’t change the balance of authority---Precision—restrictions must be a distinct term for debate to occur

Heinze-Senior Lecturer Law, University of London-3

(Senior Lecturer in Law, University of London, Queen Mary. He has held fellowships from the Fulbright Foundation and the French and German governments. He teaches Legal Theory, Constitutional Law, Human Rights and Public International Law. JD Harvard) 2003 “The Logic of Liberal Rights A study in the formal analysis of legal discourse” http://mey.homelinux.org/companions/Eric%20Heinze/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20%28839%29/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20-%20Eric%20Heinze.pdf

Variety of ‘restrictions’

The term ‘restriction’, defined so broadly, embraces any number of familiar concepts: ‘deprivation’, ‘denial’, ‘encroachment’, ‘incursion’, ‘infringement’, ‘interference’, ‘limitation’, ‘regulation’. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage. For example, a ‘deprivation’ may be distinguished from a ‘limitation’ or ‘regulation’ in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state 16 Agents without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, distinctions between acts and omissions can leave the blanket term ‘restriction’ sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a ‘restriction’. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, it might sound banal to speak merely of a ‘restriction’ on the corresponding right. However, the term ‘restriction’ will be used to include all of those circumstances, in so far as they all comport a purpose or effect of extinguishing or diminishing the right-seeker’s enjoyment of an asserted right. (The only significant distinction which will be drawn will be between that concept of ‘restriction’ and the concept of ‘breach’ or ‘violation’. The terms ‘breach’ or ‘violation’ will be used to denote a judicial determination about the legality of the restriction.6) Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

### **1NC**

#### OBAMA DA

#### Obama is successfully holding off a new round of sanctions but political capital is key-sanctions would collapse negotiations, non-proliferation efforts, and cause ME instability

Glass-Truman-Albright Fellow-3/25/14

http://www.huffingtonpost.com/jacob-glass/as-iran-nuclear-negotiati\_b\_5024604.html

As Iran Nuclear Negotiations Begin, Threat of Increased Sanctions Looms Large

Posted: 03/25/2014 6:39 pm EDT Updated: 03/25/2014 6:59 pm EDT Print Article

Last week Iran and the so-called P5+1 countries -- Russia, China, Britain, France, the U.S., plus Germany -- began a new round of negotiations in the Austrian capital of Vienna. While perhaps overshadowed by tensions on the Crimean Peninsula and missing Malaysian Flight 370, the talks mark a significant step towards resolving the Iranian nuclear crisis. Yet misguided calls by Congress to increase sanctions on Iran threaten to scuttle progress, and underscore the fragility of the negotiating process. Over the past three decades, Iran has faced crippling sanctions imposed by America and the international community. Trade restrictions have steadily increased to block Iran's lucrative petroleum export market as well as the country's participation in the global banking system. All told, international sanctions have cost Iran over $100 billion in lost oil profits alone. So called "carrot and stick" policies have long been fundamental to international diplomacy. The "stick" has been a sharp one, and has finally brought the Iranians to the negotiating table. During his September visit to the UN General Assembly in New York, Iranian President Hassan Rouhani spoke with President Obama over the phone, marking the first direct communication between an American and Iranian president since 1979. On November 24, an interim "first-step" deal was reached to freeze Iran's nuclear development program and pave the way for a comprehensive agreement. The deal halts uranium enrichment above 3.5 percent and puts international observers on the ground in Iran, all but ensuring that negotiations cannot be used as a delay tactic. Yet amid these positive signs that diplomacy is working, members of Congress have advocated for even more sanctions to be levied against Iran, specifically in the form of Senate Bill 1881, sponsored by Illinois Republican Mark Kirk and New Jersey Democrat Robert Menendez. New sanctions would torpedo the Vienna talks and reverse the diplomatic progress that has been made. Iranian officials have already promised to abandon negotiations if new sanctions are passed. Even our own allies, along with Russia and China, have opposed the move. Passing unilateral sanctions will splinter the fragile international coalition, needlessly antagonize Iranian negotiators, and make a violent conflict with Iran more likely. Diplomatic victory will only be achieved if the international community stands united before Iran. To this point, the Obama administration has avoided a vote on SB 1881 by threatening a veto of the bill, and the administration's full court press to prevent Senate Democrats from supporting new sanctions has bought international negotiators time. Several influential Democrats, including Senator Richard Blumenthal from Connecticut, have agreed to postpone a vote on the bill, contingent on productive negotiations. Although legislation imposing new sanctions has been avoided thus far, the pressure on Congressional Democrats to act will intensify as talks in Vienna move forward. This round of negotiations is widely projected to be more difficult than the November deal, and inflammatory rhetoric from Tehran is likely. Nevertheless, sanctions are not the answer. Instead, we must continue to let diplomacy run its course. Sanctions have done their job by bringing Iran to the table. In return, Iran expects to be rewarded with sanctions relief. The passage of new trade restrictions would effectively withdraw the carrot, and hit Iran with another stick. Consider the negotiations over. The risks of delaying new sanctions is slight. The sanctions relief Iran is receiving is valued between $6 and $7 billion, and represents only a small fraction of the remaining restrictions blocking Iran from using the international banking system and selling oil. Should Iran prove to be a dishonest negotiating partner, sanctions can be renewed and ratcheted up. Most importantly, international observers will be on the ground in Iran to prevent Tehran from racing towards a nuclear weapon while negotiations are ongoing. At the same time, the benefits of successful diplomacy are immense, as a comprehensive deal would be a dramatic victory for U.S. non-proliferation efforts. Further, the dismantling of Iran's nuclear program would significantly ease tensions between its two biggest rivals in the region, Israel and Saudi Arabia. Our congressional leaders must not be so confident as to think Iran is desperate for a deal. The unprecedented overtures of President Rouhani to the West are widely seen as a test to gauge if a favorable solution can be negotiated with the international community. Should he fail to do so, hardliners within the Iranian government will be empowered to revert back to a pre-Rouhani foreign policy dominated by isolation from the West and an aggressive nuclear development program. Our senators are facing significant political pressure to resist multilateralism and pursue increased sanctions based on an uncompromising mistrust of Iran. But history judges leaders not upon their conformity with party politics, but upon the ultimate results they achieve. It's time to negotiate with the Iranians on good faith, and begin the serious work of establishing a meaningful nuclear agreement that could signal the beginning of a new era in Iranian-Western relations.

#### The plan’s authority restriction is a loss for Obama—causes defections

Dr. Andrew J. Loomis, Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, 3/2/2007, Leveraging legitimacy in the crafting of U.S. foreign policy, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

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

#### Negotiations failure triggers military strikes and regional proliferation-causes escalatory wars and collapses the economy.

**Cordesman, CSIS, 2013**

(Anthony, “Negotiating with Iran: The Strategic Case for Pragmatism and Real Progress”, 9-23, <http://csis.org/publication/negotiating-iran-strategic-case-pragmatism-and-real-progress>, ldg)

Nevertheless, it makes no sense at all to reject Hassan Rouhani’s opening or condemn the Obama Administration’s response. Iran’s nuclear programs have moved to the point where it is extremely doubtful that there will be another chance to begin what may be a long and difficult process for all nations involved, and an attempt at resolution is far better than any of the real world alternatives. As long as any negotiations that follow are realistic in terms of their content, and do not endorse indefinite delay in a U.S. response while Iran’s nuclear programs move forward, they offer what will be the last real hope of avoiding preventive strikes or a process of containment that would lock the region into an Iranian-Israeli nuclear arms race, a probable Saudi effort to acquire its own nuclear weapons, and a U.S. commitment to extended deterrence. The Uncertain Outcome of Preventive Strikes The United States, Iran, and all the other nations involved need to be far more pragmatic about what will happen if time does run out and Iran does go nuclear. Iran may well face a series of preventive strikes – triggered by Israel or planned by the United States – that will destroy far more than its nuclear facilities. This may or may not actually halt the Iranian nuclear effort. A limited set of Israeli preventive strikes could either force the United States to follow up, or create a situation in which Iran rejects all arms control and UN inspection and carries out a massive new disperse nuclear program or a crash basis. It could also drive Iran to lash out into a new wave of confrontation with the United States and Iran’s neighbors. A U.S.-led set of preventive strikes would be more successful, but the United States could only be sure of suppressing a meaningful Iran nuclear effort if it quickly re-strikes any known target it fails to destroy the first time, carries out constant surveillance of Iran, and repeatedly and thoroughly strikes at the targets created by any new Iranian initiatives. The United States would need regional support to do this and probably prolonged regional agreement to U.S. basing. At a minimum, the result would be years more of a regional arms race, military tension, and Iranian efforts to find ways to attack or pressure the Arab states, Israel, and United States. As the current conflict in Syria makes all too clear, no one can predict how much support the United States will really get from any of its allies, its own U.S. Congress, and no one can predict the limits to Iran’s reactions, ability to use third parties, and willingness to confront the United States and the region with new nuclear, missile, and asymmetric threats. The United States would face an almost certain challenge in the UN from Russia and China, and there is no way any U.S. action against Iran could be separated from Iran’s efforts in Iraq, Syria, or Lebanon; Afghanistan, or any other issue where Iran could try to find some form of revenge. This is not an argument for not acting. The risk of a fully nuclear Iran is simply too great. It is a very strong argument for finding a good alternative if one can be negotiated on realistic terms. The Uncertain Outcome of Iran Nuclear Weapons and Containment: The Most Likely Outcome is a No Win Escalation Ladder Contest If there are no preventive strikes – or preventive strikes fail to halt Iran – what is now a largely quiet one-sided nuclear arms race would become far more threatening. At one level, this arms race would become one between Iran and any allies it could find and the United States and its Arab allies in or near the Gulf. A nuclear Iran could change the balance in terms of the credibility of U.S. and Arab willingness to engage against Iranian threats, intimidation, and use of its asymmetric forces. It would inevitably make Gulf petroleum exports the scene of an ongoing arms race and constant tension, and risk a clash that might escalate in untended ways. What is less apparent – and needs far more realistic attention in Iran and outside assessments of the Iranian nuclear threat – is the impact of Iran actually going nuclear. One or several crude nuclear devices do not create a nuclear force. Iran cannot produce enough capable nuclear forces for at least the next decade to pose more of an existential threat to Israel than Israel can pose to Iran. Israel would scarcely be passive, however, and Israel already has far more capable missiles than Iran. Israel also has thermonuclear weapons, rather than the early fission devices Iran will probably be limited to for at least the next half-decade. As a result Israel will pose more of an existentialist threat to an Iran as dependent on the survival of Tehran than Iran can pose to an Israel dependent on the survival of Tel Aviv. As the United States and former Soviet Union both learned during the Cold War, even Iranian parity or superiority would be meaningless. The problem with mutually assured destruction is that no state can ever win an existential strike contest. As for the rest of the Middle East, if Iran shows it is going nuclear to enhance its power and dominate the Gulf region – as may be Iran’s real motive – the resulting threat to world oil exports and the world economy is not likely to intimidate to any degree that will benefit Iran. It will push both the United States and Arab states into responding. The fact Iran succeeded in acquiring nuclear weapons might increase the level of deterrence of a direct invasion, but would not lead the United States, or surrounding Arab states to passively accept the result. The United States already is transferring more than ten times the value of Iran’s total arms imports to its Gulf allies. Its ties to Kuwait, Bahrain, Qatar, Saudi Arabia, the UAE, and Oman already give the United States and its Gulf allies the ability to devastatingly defeat Iran in any direct military confrontation. Iran can only vastly increase the scale of the resulting destruction that the United States and its allies inflict if Iran ever actually escalates to the use of nuclear weapons. But the United States, the Arab allies, Israel, and other regional states will suffer as well – along with the global economy – if the end result is a major interruption in the flow of Gulf petroleum exports.

### 1NC

#### WARFIGHTING

#### CIA drones are key to stability in Pakistan—military can’t operate in the region

**Lubold and Harris, Foreign Policy national security writers, 11-6-13**

(Gordon and Shane, “The Complex Exclusive: The CIA, Not The Pentagon, Will Keep Running Obama's Drone War”, <http://complex.foreignpolicy.com/posts/2013/11/05/cia_pentagon_drone_war_control#sthash.IFDFHu1i.dpbs>, ldg)

"The physics of making this happen quickly are remarkably difficult," one U.S. official told FP. "The goal remains the same, but the reality has set in." Another U.S. official emphasized that the transfer is still continuing. "This is the policy, and we're moving toward that policy, but it will take some time," the official said. "The notion that there has been some sort of policy reversal is just not accurate. I think from the moment the policy was announced it was clear it was not something that would occur overnight or immediately." The official noted that all involved are mindful not to disrupt the drone program just for the sake of completing the transfer from the CIA to the military. "While we work jointly towards this transition, we also want to ensure that we maintain capabilities." Officials at the CIA and the Defense Department are loathe to try and fix a program that they don't think is broken, even if it has become a political liability for Obama, who has faced constant pressure from human rights activists, his political base, and a growing chorus of libertarian Republicans to scale back the program and subject it to greater public scrutiny. But the pitfalls of transferring operations reside in more practical concerns. The U.S. official said that while the platforms and the capabilities are common to either the Agency or the Pentagon, there remain distinctly different approaches to "finding, fixing and finishing" terrorist targets. The two organizations also use different approaches to producing the "intelligence feeds" upon which drone operations rely. Perhaps more importantly, after years of conducting drone strikes, the CIA has developed an expertise and a taste for them. The DOD's appetite to take over that mission may not run very deep. The military operates its own drones, of course, and has launched hundreds of lethal strikes in Iraq and Afghanistan. But the CIA is more "agile," another former official said, and has a longer track record of being able to sending drones into places where U.S. combat forces cannot go. "The agency can do it much more efficiently and at lower cost than the military can," said one former intelligence official. Another former official with extensive experience in intelligence and military operations said it takes the military longer to deploy drones -- in part because the military uses a larger support staff to operate the aircraft. The military also cannot conduct overt, hostile action in Pakistan, where the drones have been most active and are practically the only means the United States has to attack terrorists and militants in remote regions. Yes, the pace of strikes has significantly decreased since the 2010 peak of an estimated 122 unmanned attacks in Pakistan. But the drones are most certainly still flying. Last week, a drone strike killed the leader of the Pakistani Taliban, Hakimullah Mehsud, who had a $5 million U.S. bounty on his head for his involvement in a 2009 attack in Afghanistan. Over the summer, a spate of drone strikes killed a dozen militants in Yemen. Keeping the drones with the CIA also offers legal cover for drone strikes, former officials argued. By law, the military is not supposed to conduct hostile actions outside a declared war zone, although special forces do so on occasion acting at the CIA's behest. When the White House began floating the idea earlier this year of transferring the drone program to the military, some lawmakers were skeptical, said a former U.S. official. John Brennan -- the White House counterrorism czar turned CIA director -- might have allegedly grown uncomfortable with the targeted killings that he helped oversee for so long. But the congressmen doubted whether the government of Pakistan would ever allow drone strikes run by the U.S. military to occur in their country. "That was the president's aspirational goal, but no one ever believed the Pakistanis were going to let us do that," said the former official, who was involved in discussions over transferring the drone program to the military. For years, the Pakistani government has given tacit approval to CIA-led strikes. But they were conducted as covert actions under U.S. law, meaning they were never officially acknowledged by U.S. officials. That gave the Pakistanis some wiggle room to tell an angry public, which would never tolerate American troops on the ground, that Pakistani leaders had nothing to do with the strikes on their territory.

#### Pakistan instability causes loose nukes and Indian intervention --- goes nuclear

Michael O’Hanlon 5, senior fellow with the Center for 21st Century Security and Intelligence and director of research for the Foreign Policy program at the Brookings Institution, visiting lecturer at Princeton University, an adjunct professor at Johns Hopkins University, and a member of the International Institute for Strategic Studies

PhD in public and international affairs from Princeton, Apr 27 2005, “Dealing with the Collapse of a Nuclear-Armed State: The Cases of North Korea and Pakistan,” http://www.princeton.edu/~ppns/papers/ohanlon.pdf

Were Pakistan to collapse, it is unclear what the United States and like-minded states would or should do. As with North Korea, it is highly unlikely that “surgical strikes” to destroy the nuclear weapons could be conducted before extremists could make a grab at them. The United States probably would not know their location – at a minimum, scores of sites controlled by Special Forces or elite Army units would be presumed candidates – and no Pakistani government would likely help external forces with targeting information. The chances of learning the locations would probably be greater than in the North Korean case, given the greater openness of Pakistani society and its ties with the outside world; but U.S.-Pakistani military cooperation, cut off for a decade in the 1990s, is still quite modest, and the likelihood that Washington would be provided such information or otherwise obtain it should be considered small. If a surgical strike, series of surgical strikes, or commando-style raids were not possible, the only option would be to try to restore order before the weapons could be taken by extremists and transferred to terrorists. The United States and other outside powers might, for example, respond to a request by the Pakistani government to help restore order. Given the embarrassment associated with requesting such outside help, the Pakistani government might delay asking until quite late, thus complicating an already challenging operation. If the international community could act fast enough, it might help defeat an insurrection. Another option would be to protect Pakistan’s borders, therefore making it harder to sneak nuclear weapons out of the country, while only providing technical support to the Pakistani armed forces as they tried to quell the insurrection. Given the enormous stakes, the United States would literally have to do anything it could to prevent nuclear weapons from getting into the wrong hands. India would, of course, have a strong incentive to ensure the security of Pakistan’s nuclear weapons. It also would have the advantage of proximity; it could undoubtedly mount a large response within a week, but its role would be complicated to say the least. In the case of a dissolved Pakistani state, India likely would not hesitate to intervene; however, in the more probable scenario in which Pakistan were fraying but not yet collapsed, India’s intervention could unify Pakistan’s factions against the invader, even leading to the deliberate use of Pakistani weapons against India. In such a scenario, with Pakistan’s territorial integrity and sovereignty on the line and its weapons put into a “use or lose” state by the approach of the Indian Army, nuclear dangers have long been considered to run very high.

#### CIA’s approach generates less blowback and is key to overall drone strikes-Obama knows that which is why he will circumvent

**Hirsh, National Journal chief correspondent, 2-25-14**

(Michael, “Is the CIA Better Than the Military at Drone Killings?”, <http://www.nationaljournal.com/magazine/is-the-cia-better-than-the-military-at-drone-killings-20140225>, ldg)

But a funny thing happened on the way back to cloak-and-dagger. According to intelligence experts and some powerful friends of the CIA on Capitol Hill, including Sen. Dianne Feinstein, the agency may simply be much better than the military at killing people in a targeted, precise way—and, above all, at ensuring that the bad guys they're getting are really bad guys. And that distinction has become more important than ever at a time when Obama is intent on moving away from a "permanent war footing" and on restricting targeted killings exclusively to a handful of Qaida-linked senior terrorists. No public data exist on the accuracy and reliability of the strikes launched by the CIA versus those by the Pentagon, says Bill Roggio of The Long War Journal, who has tracked drone attacks. And the administration has insisted that all targeted killings must meet the same threshold. Obama said in a landmark speech at the National Defense University last year, "Before any strike is taken, there must be near-certainty that no civilians will be killed or injured—the highest standard we can set." Nonetheless, the Pentagon's most recent botched hit in Yemen, a territory shared by the CIA and the Defense Department, pointed up problems with the military-run program that have long worried detractors. The strike in December killed a dozen people in an 11-vehicle convoy that tribal leaders later said was part of a wedding procession. In extraordinarily blunt but little-noted remarks last year about the covert programs, Feinstein, chairwoman of the Senate Intelligence Committee, worried that the Pentagon simply incurs too much "collateral damage" and too often acts on bad intelligence. While the CIA exercises "patience and discretion," she said, "the military program has not done that nearly as well.… That causes me concern." Some intelligence experts insist the key difference is tradecraft, especially the "long intelligence tail"—an extensive dossier justifying action—the agency insists on compiling on potential targets before they are hit. "Because of the blowback that's occurring, the agency is extremely cautious in terms of its intelligence justification," says Philip Giraldi, a former CIA counterterrorism official. "They're being very, very careful." CIA officials tend to collect human and electronic intelligence for longer periods on the ground, and they use on-the-ground assets to help identify and mark targets. The military, by contrast, is focused more broadly on its traditional mission of force protection, with looser rules of engagement and fewer worries about justifying its actions to Congress, which the CIA is required to do under Title 50 of the National Security Act. "The military is always driven by protection of forces," says Giraldi, as opposed to the usually small-scale tracking of senior terrorists that the CIA specializes in. "They are seeing a different kind of target, and they are tending for that reason to be more proactive than the agency would be. They see a threat over the horizon, and they're going to whack it." Yet the president has increasingly expressed a preference for less whacking—lethal force—and more nuanced ways of dealing with potential enemies. Administration officials have grown much more mindful of warnings that the anger and potential radicalization of local populations arising from collateral damage could outweigh any success coming out of the drone programs. This is especially true as new jihadist splinter groups emerge in Syria and other chaotic parts of the Middle East that may not now have designs on U.S. targets but could, with sufficient motivation, buy into a new anti-American narrative.

#### Drones are key to yemen stability-key to check AQAP

**Dowd, World Politics Review contributor, 2013**

(Alan, “Drone Wars: Risks and Warnings”, Parameters, 42.4/43.1, ebsco)

At the beginning of President Hadi’s May offensive he, therefore, had a fractured army and a dysfunctional air force. Army leaders from competing factions were often disinclined to support one another in any way including facilitating the movement of needed supplies. Conversely, the air force labor strike had been a major setback to the efficiency of the organization, which was only beginning to operate as normal in May 2012. Even before the mutiny, the Yemen Air Force had only limited capabilities to conduct ongoing combat operations, and it did not have much experience providing close air support to advancing troops. Hadi attempted to make up for the deficiencies of his attacking force by obtaining aid from Saudi Arabia to hire a number of tribal militia fighters to support the regular military. These types of fighters have been effective in previous examples of Yemeni combat, but they could also melt away in the face of military setbacks. Adding to his problems, President Hadi had only recently taken office after a long and painful set of international and domestic negotiations to end the 33-year rule of President Saleh. If the Yemeni military was allowed to be defeated in the confrontation with AQAP, that outcome could have led to the collapse of the Yemeni reform government and the emergence of anarchy throughout the country. Under these circumstances, Hadi needed every military edge that he could obtain, and drones would have been a valuable asset to aid his forces as they moved into combat. As planning for the campaign moved forward, it was clear that AQAP was not going to be driven from its southern strongholds easily. The fighting against AQAP forces was expected to be intense, and Yemeni officers indicated that they respected the fighting ability of their enemies.16 Shortly before the ground offensive, drones were widely reported in the US and international media as helping to enable the Yemeni government victory which eventually resulted from this campaign.17 Such support would have included providing intelligence to combatant forces and eliminating key leaders and groups of individuals prior to and then during the battles for southern towns and cities. In one particularly important incident, Fahd al Qusa, who may have been functioning as an AQAP field commander, was killed by a missile when he stepped out of his vehicle to consult with another AQAP leader in southern Shabwa province.18 It is also likely that drones were used against AQAP fighters preparing to ambush or attack government forces in the offensive.19 Consequently, drone warfare appears to have played a significant role in winning the campaign, which ended when the last AQAP-controlled towns were recaptured in June, revealing a shocking story of the abuse of the population while it was under occupation.20 Later, on October 11, 2012, US Secretary of Defense Leon Panetta noted that drones played a “vital role” in government victories over AQAP in Yemen, although he did not offer specifics.21 AQAP, for its part, remained a serious threat and conducted a number of deadly actions against the government, although it no longer ruled any urban centers in the south.

#### AQAP poses the largest threat to the United States – they have the means and motive for attack

Cilluffo et al 13 Subcommittee Hearing: Understanding the Threat to the Homeland from AQAP, September 18, 2013, Mr. Frank J. Cilluffo, Associate Vice President, Director, Homeland Security Policy Institute, The George Washington University, Ms. Katherine Zimmerman, Senior Analyst, The American Enterprise Institute, Mr. Brian Katulis, Senior Fellow, Center for American Progress, http://www.securityassistance.org/content/understanding-threat-homeland-aqap#sthash.0ztnhYSX.dpuf

Yet to do so would be a real mistake. Notwithstanding the importance of Syria as a threat to (U.S.) national, regional, and international security—and as a situation that terrorists may seek to exploit, there is a broader range of forces and factors that pose serious and ongoing threats to the United States. One critical example is the terrorist group AQAP which is currently the al Qaeda affiliate that poses the greatest threat to the U.S. homeland. Why AQAP Matters  AQAP is the most active of al Qaeda’s affiliate groups. AQAP has directly targeted the U.S. homeland as well as U.S. interests abroad on multiple occasions. AQAP (and Yemen) is home to one of the world’s most dangerous and innovative bomb- makers who has actively tried and shown himself to be able to circumvent U.S. countermeasures intended to thwart his improvised explosive devices. AQAP has invested significantly in encouraging radicalization and “lone wolf” homegrown attacks, including “Inspire” magazine. AQAP’s efforts in this regard propagate the ideology that underpins al Qaeda as a movement, and provide the “how- to” do it yourself in terrorist tactics, techniques, and procedures. AQAP is currently led by Nasser al-Wuhayshi, formerly a direct confidant of Osama bin Laden, who was recently named the number two figure within al Qaeda writ large. The number two leadership slot is symbolically important but also operationally so, particularly as the boundaries between al Qaeda components (core and affiliates) fade away and their activities converge. AQAP has for some time assumed a leadership role within al Qaeda as a whole, and has cooperated with multiple al Qaeda affiliates. AQAP’s leadership position offers a conduit to foster intent in others to attack the U.S. homeland and U.S. interests. AQAP was established in 2009 by the merger of Yemeni al Qaeda with Saudi al Qaeda elements that were driven out of the Kingdom. The influence of Yemeni al Qaeda was felt long before, however, and pre-dated 9/11. Bear in mind that Yemen, the birthplace of Osama bin Laden, was the host country of the terrorist attack on the U.S.S. Cole in 2000, in which seventeen U.S. sailors perished. Since its creation, AQAP has demonstrated ample evidence of intent to attack the U.S. homeland and U.S. interests, including the 2009 Christmas Day airliner bomb attempt by “underwear bomber” Umar Farouk Abdulmutallab the 2010 cargo / plane bomb attempt in which explosives were concealed in printer cartridges; and the spring 2012 concealed explosives plot.1 The first two of these attempted attacks were overseen by AQAP’s former external operations leader Anwar al-Awlaki. AQAP has managed to attract western recruits or others with the ability to travel, to facilitate such attacks. In addition to Abdulmutallab, examples include American Sharif Mobley, who is in the custody of the Yemeni government following his shooting of two Yemeni security guards, and British national Minh Qhang Pham, who was indicted on terrorism charges in New York in 2012. Most recently, this August (before all eyes turned to Syria and the regime’s use of chemical weapons on its own people there), there was much discussion of a threat stream emanating from Yemen, where AQAP is based. A spate of articles appeared in the press reporting on a so-called “conference call” between al Qaeda Senior Leadership (AQSL) figure Ayman al- Zawahiri and a dozen chiefs of al Qaeda affiliates including AQAP’s Nasser al-Wuhayshi.2 The intelligence suggested that a major terrorist plot directed against western targets was afoot and prompted a range of countermeasures including a U.S. decision to shut temporarily nineteen embassies and consulates. The plot is said to have involved “a new generation of liquid explosive, currently undetectable,” which U.S. officials described as “`ingenious’.”3 In addition to these various demonstrations of intent to attack, AQAP has also evidenced a record of innovation in terror tradecraft. AQAP’s lead bomb-maker Ibrahim al-Asiri personifies this, as the mastermind behind the devices used in the 2009 attempted assassination of the Saudi Interior Minister, the 2009 Christmas Day attack, the 2010 cargo printer bomb, and plots that involve surgically implanted explosives. Over and above his own considerable expertise, al-Asiri has been training the next generation of bomb-makers.4 AQAP has also expressed an interest in attacks using biological warfare agents, including ricin.5 Encouraging radicalization and “lone wolf” homegrown attacks has been a further hallmark and focus of AQAP. Cases of this type inspired by AQAP—and Anwar al-Awlaki in particular— include the attack on Fort Hood in 2009 by Major Nidal Hasan, the attack on a military recruiting center in Arkansas in the same year by Carlos Bledsoe, the 2010 attack on a British parliamentarian by student Roshonara Choudhry, and the Boston marathon bombing earlier this year. AQAP “bridge figure” Anwar al-Awlaki possessed an almost unmatched ability to recruit and inspire new and existing members to al Qaeda’s cause and ideology. Though killed in a drone strike in 2011, Awlaki’s voice lives on including in the many radical and violent “sermons” that he recorded in multiple media formats—and continues to resonate. Ideology is the lifeblood that sustains al Qaeda, and instruments such as “Inspire” magazine are intended to fuel the fire, including the “homegrown” component. Although the original authors and publishers of “Inspire” (Awlaki and colleague Samir Khan) are now deceased, the magazine continues and its production values have improved recently. Immediately following the death of Awlaki and Khan, there was a highly noticeable degradation of “Inspire”; the more recent issues of Inspire, including the 11th issue released after the Boston marathon attack, once again demonstrate high production quality and appear to be written by a native English speaker. The linkages between AQAP and other al Qaeda affiliates and terrorist groups are another source of significant concern. As mentioned, current AQAP leader al-Wuhayshi is the overall number two in al Qaeda.6 He is also directly connected to Osama bin Laden, having served as his secretary until 2001. For him, the battle may be personal; being a direct protégé of bin Laden may add an extra layer of resolve and determination to his actions. Other important links exist, however, beyond al-Wuhayshi’s connection with AQSL. These include AQAP ties to al- Shabaab in Somalia, as discussed by convicted terrorist leader Ahmed Warsame in his guilty plea7; and a reported AQAP role in the attack on the U.S. mission in Benghazi.8

#### And, Nuclear terrorism attacks escalate and cause extinction.

**Morgan, Hankuk University of Foreign Studies, 2009**

(Dennis, World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race Futures, Volume 41, Issue 10, December, ldg)

In a remarkable website on nuclear war, Carol Moore asks the question “Is Nuclear War Inevitable??” In Section , Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian “dead hand” system, “where regional nuclear commanders would be given full powers should Moscow be destroyed,” it is likely that any attack would be blamed on the United States” Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal “Samson option” against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even “anti-Semitic” European cities In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or “lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the “use them or lose them” strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to “win” the war. In other words, once Pandora's Box is opened, it will spread quickly, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, “everyone else feels free to do so. The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites’ needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons. And as long as large nations oppress groups who seek self-determination, some of those groups will look for any means to fight their oppressors” In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons, and once even just one is used, it is very likely that many, if not all, will be used, leading to horrific scenarios of global death and the destruction of much of human civilization while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter. In “Scenarios,” Moore summarizes the various ways a nuclear war could begin: Such a war could start through a reaction to terrorist attacks, or through the need to protect against overwhelming military opposition, or through the use of small battle field tactical nuclear weapons meant to destroy hardened targets. It might quickly move on to the use of strategic nuclear weapons delivered by short-range or inter-continental missiles or long-range bombers. These could deliver high altitude bursts whose electromagnetic pulse knocks out electrical circuits for hundreds of square miles. Or they could deliver nuclear bombs to destroy nuclear and/or non-nuclear military facilities, nuclear power plants, important industrial sites and cities. Or it could skip all those steps and start through the accidental or reckless use of strategic weapons

### **1NC**

#### KRITIK

#### The aff locks in American exceptionalism which recreates violence– we must ask prior to debate about the plan “what our national security interests are and who is served by those goals”

Williams 7 (Daniel, associate professor of law at Northeastern University School of Law. He received a J.D. from Harvard, NORTHEASTERN UNIVERSITY SCHOOL OF LAW. “After the Gold Rush-Part I: Hamdi, 9/11, and the Dark Side of the Enlightenment,” NORTHEASTERN PUBLIC LAW AND THEORY FACULTY WORKING PAPERS SERIES NO. 16-2007. http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=970279)

This fearsome sort of legality is largely shielded from our view (that is, from the view of Americans---the ones wielding this legality) with the veil of democracy, knitted together with the thread of process jurisprudence. Within process jurisprudence, there is no inquiry into the fundamental question: allocation of power between the branches to accomplish . . . what? It is very easy to skip that question, and thus easy to slide into or accept circular argumentation.31 With the focus on the distribution of power, arguments about what to do in this so-called war on terror start off with assumptions about the nature of the problem (crudely expressed as violent Jihadists who hate our freedoms) and then appeal to those assumptions to justify certain actions that have come to constitute this “war.” The grip of this circularity, ironically enough, gains its strength from the ideology of legality, the very thing that the Court seeks to protect in this narrative drama, because that ideology fences out considerations of history, sociology, politics, and much else that makes up the human experience. What Judith Shklar observed over forty years ago captures the point here: the “legalism” mindset--which thoroughly infuses the process jurisprudence that characterizes the Hamdi analysis--produces the “urge to draw a clear line between law and nonlaw” which, in turn, leads to “the construction of ever more refined and rigid systems of formal definitions” and thus “serve[s] to isolate law completely from the social context within which it exists.” 32 The pretense behind the process jurisprudence--and here pretense is purpose--is the resilient belief that law can be, and ought to be, impervious to ideological considerations. And so, the avoidance of the “accomplish . . . what?” question is far from accidental; it is the quintessential act of legality itself.33 More than that, this “deliberate isolation of the legal system . . . is itself a refined political ideology, the expression of a preference” that masquerades as a form of judicial neutrality we find suitable in a democracy.34 If the Executive’s asserted prerogative to prosecute a war in a way that will assure victory is confronted with the prior question about what exactly we want to accomplish in that war--if, that is, we confront the question posed by Slavoj Zizek, noted at the outset of this article—then the idea of national security trumping “law” takes on an entirely different analytical hue. Professor Owen Fiss is probably right when he says that the Justices in Hamdi “searched for ways to honor the Constitution without compromising national interests.”35 But that is a distinctly unsatisfying observation if what we are concerned about is the identification of what exactly those “national interests” are.36 We may not feel unsatisfied because, in the context of Hamdi, it undoubtedly seems pointless to ask what we are trying to accomplish, since the answer strikes us as obvious. We are in a deadly struggle to stamp out the terrorist threat posed by Al Qaeda, and more generally, terrorism arising from a certain violent and nihilistic strain of Islamic fundamentalism. Our foreign policy is expressly fueled by the outlook that preemptive attacks is not merely an option, but is the option to be used. In the words of the Bush Administration’s 2002 National Security Strategy document, “In the world we have entered, the only path to safety is the path of action. And this nation will act.”37 O’Connor and the rest of the Court members implicitly understand our foreign policy and the goal to be pursued in these terms, which explains why the Hamdi opinion nowhere raises a question about what it is the so-called “war on terror” seeks to accomplish. After all, the stories we want to tell dictate the stories that we do tell. We want to tell ourselves stories about our own essential goodness and benevolence, our own fidelity to the rule of law; and that desire dictates the juridical story that ultimately gets told. Once one posits that our foreign policy is purely and always defensive, as well as benevolent in motivation,38 then whatever the juridical story—even one where the nation’s highest Court announces that the Executive has no blank check to prosecute a war on terror—the underlying reality inscribed upon the world’s inhabitants, the consequences real people must absorb somehow, is one where “the United States has established that its only limit on the world stage will be its military power.”39 As O’Connor sees it, the real problem here is that, given that the allocation-of-power issue is tied to the goal of eliminating the terrorist threat, we have to reckon with the probability that this allocation is not just an emergency provision, but one that will be cemented into our society, since the current emergency is likely to be, in all practicality, a permanent emergency. But to say we are in a struggle to stamp out a terrorist threat posed by Islamic fundamentalism, and to say that “the only path to safety is the path of action,” conceals--renders invisible, a postmodernist would likely put it--an even more fundamental, and more radical, question: the allocation of power that the Court is called upon to establish is in the service of eliminating a terrorist threat to accomplish . . . what? The standard answer is, our security, which most Americans would take to mean, to avert an attack on our homeland, and thus, as it was with Lincoln, to preserve the Union. And so, we accept as obvious that our dilemma is finding the right security-liberty balance. The problem with that standard answer is two-fold. First, it glosses over the fact that we face no true existential threat, no enemy that genuinely threatens to seize control over our state apparatus and foist upon us a form of government to which we would not consent. That fact alone distinguishes our current war on terrorism from Lincoln’s quest to preserve the Union against secession.40 Second, this we-must-protect-the-Homeland answer is far too convenient as a conversation stopper. When the Bush Administration=’ National Security Strategy document avers that “the only path to safety is the path of action,” we ought to ask what global arrangements are contemplated through that “path of action.” When that document announces that “this nation will act,” it surely cannot suffice to say that the goal is merely eliminating a threat to attain security. All empires and empire-seeking nations engage in aggression under the rubric of self-defense and the deployment of noble-aims rhetoric. These justifications carry no genuine meaning but are devices of the powerful and the privileged, with the acquiescence and often encouragement by a frightened populace, to quell unsettling questions from dissenters within the society.41 Stop and think for a moment, how is it that the nation with the most formidable military might--the beneficiary of the hugest imbalance in military power ever in world history--is also the nation that professes to be the most imperiled by threats throughout the world, often threatened by impoverished peasant societies (Vietnam, Nicaragua, El Salvador, Chile, Granada, etc.)?42 An empire must always cast itself as vulnerable to attack and as constantly being under attack in order to justify its own military aggression. This is most acutely true when the empire is a democracy that must garner the consent of the populace, which explains why so much of governmental rhetoric concerning global affairs is alarmist in tone. The point is that quandaries over constitutional interpretation--ought we be prudential, or are other techniques more closely tied to the text the only legitimate mode of constitutional adjudication--may very well mask what may be the most urgent issue of all, which concerns what exactly this nation’s true identity is at this moment in world history, what it is that we are pursuing. Whereas Sanford Levinson has courageously argued that “too many people >venerate= the Constitution and use it as a kind of moral compass,”43 which leads to a certain blindness, I raise for consideration an idea that Hamdi suppresses, through its narrative techniques, which is that too many people “venerate” this nation without any genuine consideration of the particular way we have, since World War II, manifested ourselves as a nation. I join Levinson’s suspicion that our Constitution is venerated as an idea, as an abstraction, without much thought given to its particulars. It is important to be open to the possibility that the same is true with regard to our nation--the possibility that we venerate the idea of America (undoubtedly worth venerating), but remain (willfully?) ignorant of the particulars of our actual responsibility for the health of the planet and its inhabitants.44 To openly consider such issues is not anti-American--an utterly absurd locution--for to suggest that it is amounts to a denial that U.S. actions (as opposed to rhetoric that leeches off of the promise and ideal of “America”) can be measured by some yardstick of propriety that applies to all nations.45 The very idea of a “yardstick of propriety” requires a prior acceptance of two ideas: one, that we are part of something larger, that we are properly accountable to others and to that larger circumstance; and two, that it is not a betrayal or traitorous for a people within a nation to look within itself.46 Issacharoff and Pildes, the most prominent process theorists, observe that process jurisprudence may be inadequate to address the risk that we “might succumb to wartime hysteria.”47 I would broaden that observation so as to be open to the possibility that the risk goes beyond just wartime hysteria, that our desire for security and military victory, rooted in our repudiation of a genuine universal yardstick of propriety that we willingly apply to ourselves (often called American exceptionalism48)--which means that security and military victory are not ipso facto the same thing--could easily slide us into sanctioning a form of sovereignty that is dangerously outmoded and far out of proportion to what circumstances warrant. Process jurisprudence supposedly has the merit of putting the balance of security and liberty into the hands of the democratic institutions of our government. But what it cannot bring into the field of vision--and what is absolutely banished from view in Hamdi--is the possibility that the democratic institutions themselves, and perhaps even the democratic culture generally, the public sphere of that culture, have been corrupted so severely as to reduce process jurisprudence to a shell game.49 More specifically, the formal processes of governmentality responding to crisis is judicially monitored, but the mythos of our national identity, particularly the idea that every international crisis boils down to the unquestioned fact that the United States at least endeavors to act solely in self defense and to promote some benevolent goal that the entire world ought to stand behind, is manufactured and thus some hegemonic pursuit in this global “war on terror” remains not just juridically ignored, but muted and marginalized in much of our public discussions about it.50 Under process jurisprudence, it is the wording of a piece of legislation, not the decoding of the slogan national security, that ultimately matters. And under process jurisprudence, fundamental decisions have already been made--fundamental decisions concerning the nature of our global ambitions and the way we will pursue them--before the judiciary can confront the so-called security-liberty balance, which means that the analytical deck has been stacked by the time the justiciable question---that is, what we regard as the justiciable question---is posed. Stacking the analytical deck in this way reduces the Court members to the role of technicians in the service of whatever pursuit the sovereign happens to choose.51 This is why it is worth asking what many might regard as a naive, if not tendentious, question: is it true that in the case of Hamdi and other post-9/11 cases, the judiciary’s quandary over allocation of power is actually in the service of genuine security, meaning physical safety of the populace? Does the seemingly obvious answer that we seek only to protect the safety of our communities against naked violence blind us to a deeper ailment within our culture? Is it possible that the allocation of power, at bottom, is rooted in a dark side of our Enlightenment heritage, an impulse within Legality that threatens us in a way similar to the Thanatos drive Freud identified as creating civilization’s discontent?52 Perhaps Hamdi itself, as a cultural document, signals yet another capitulation to the impulse to embrace a form of means-ends rationality that supports the Enlightenment drive to control and subdue.53 Perhaps what Hamdi shows is that 9/11 has not really triggered a need to recalibrate the security-liberty balance, but has actually unleashed that which has already filtered into and corrupted our culture—Enlightenment’s dark side, as the Frankfurt School understood it54’’and is thus one among many cultural documents that ought to tell us we are not averting a new dark age, but are already in it, or at least, to borrow a phrase from Wendell Berry, that we are “leapfrogging into the dark.” 55 It is impossible, without the benefit of historical distance, to answer these questions with what amounts to comforting certitude. But they are worth confronting, since the fate of so many people depends on it, given our unrivaled ability and frightening willingness to use military force. Our culture’s inability to ask such questions in any meaningful way, as opposed to marginalizing those who plead for them to be confronted, is somewhat reminiscent of how early Enlightenment culture treated scientific endeavors. “Science,” during the rise of Enlightenment culture, rebuffed the why question, banished it as a remnant of medieval darkness, because the why-ness of a certain scientific pursuit suggested that certain domains of knowledge were bad, off-limits, taboo. The whole cultural mindset of the Enlightenment was to jettison precisely such a suggestion. That cultural mindset produced a faith all its own, that all scientific pursuits, and by extension all human quests for knowledge, will in the end promote human flourishing. It has taken the devastation of our planet to reveal the folly of that faith, a blind-spot in the Western mind. It may turn out, as a sort of silver lining on a dark cloud, that the terrorism arising from Islamic jihadists may do something similar

#### Intellectuals must use the status quo to delegitimize violence rather than make it useable through the aff – representations are key and our scholarship is comparatively better at solving war and environmental destruction

Dalby 11 Simon Dalby, Carleton University "PEACE AND GEOPOLITICS: IMAGINING PEACEFUL GEOGRAPHIES" Nov 2011 http-server.carleton.ca/~sdalby/papers/PEACEFUL\_GEOGRAPHIES.pdf

Thinking intelligently about peace within the discipline of geography requires us to juxtapose our aspirations to a peaceful world, one beyond war and at least the most egregious injustices of structural violence, with careful analysis of how the world is being changed so that useful advocacy is possible. Contrary to arguments that construct a real world of politics separate from peace activism, one commonly formulated in terms of an autonomous realm of the international, the arguments from both critical international relations thinking as well as the early critical geopolitics discussions were precisely that the reasonings of politics are part of politics, and that thinking carefully about the ontological framings invoked in political discourse matter as part of the political world that constitutes the possible options for political actors. The task for scholars in present times, as so often in the past has to be to keep aspiration, analysis and advocacy in creative tension; wishful thinking has to be avoided at each stage, but if intellectual activity is to be useful in making a more peaceful world then naivety is no help. Analysis can channel aspiration into useful advocacy precisely by acting as an antidote to either emotional impulse or thoughtless heroic gestures. It is crucial to the task of the academic and as such linking academic activity directly into practical action is simply part of our trade. Teaching matters greatly here, and careful advocacy of peaceful possibilities is key to teaching critical geopolitics. The scholarly research both on territory and war as well as discussions of environmental degradation and its security implications both show clearly that how these issues are handled matters greatly. Confrontation is not inevitable; political initiatives toward cooperation rather than real politik lead to constructive solutions. Continuing to challenge determinist arguments that argue otherwise remains a key task for geographers (Kearns 2009). Delegitimization of violence is a key part of all this. Ending death penalties, reducing physical abuse, torture, Amnesty International campaigns and international solidarity in the face of suffering as well as extending the norms of politics and the appropriate cultural modes acceptable for ruling. It is precisely the failure of the US to live up to supposedly higher civilizational standards in Abu Graib, Guantanamo and now in the targeting of drone weapons that undermines its legitimacy in many places (Gregory 2010,Hannah 2006). Coupled with the great lengths to which the United States has gone to render its actions legitimate, and to avoid potential problems with the international criminal court, matters of legality offer considerable options for activist geographers to contribute to changing societal norms away from militarism. The links to critical legal geographies need further attention too; jurisdiction matters (Gregory 2006)! The overall conclusion from this paper is that geographers should never forget that politics is prior to all the other discussions and understanding peace in the context of particular forms of politics is not unrelated to the forms of rule and authority invoked in particular situations. Contextualisations continue to matter greatly; there are complex geographies to all this. The world is changing rapidly but shaping that change is a matter of practical initiatives, and peacemaking. This simple point should never be forgotten neither should the opposite point that war may happen despite good intentions. No doubt in the next few years there will be further reflections on the processes that lead to the outbreak of the First World War, The Guns of August in Barbara Tuchman’s (1962)famous terms, or what Niall Ferguson (2006) discusses in terms of metaphors of a train wreck. Building institutions that can negotiate and cooperate in the face of destabilizing crises events matters greatly, notwithstanding the popular animosity towards governments built up by a generation of neo-liberal ideology and right wing populist movements generously funded by those with an interest in turning states into the tools of capital. In the face of endless neo-Malthusian fears of scarcities and disruptions to come, the possibilities of a more peaceful world remain achievable in many places. Challenging fearful cartographies, refusing the designation of difference and distance as necessarily dangerous has long been part of the geographers’ potential contribution, as Nick Megoran reminds us all frequently with his repeated invocation of Peter Kropotkin’s (1885)statement concerning what geography ought to be. Thinking long and hard about the diffusion of military technologies and the possible ways geographers might usefully contribute to the discussions of arms control, not least the key point about the implicit geopolitics in the supposedly technical arrangements of weapons limitation verifications matters too (Dalby 2011b). Arms control needs very much more attention. Ultimately geopolitics is crucial in that if the dominant mappings of politics continue to specify the world in terms of territorial domains of rule in rivalry with one another, and with military force as the ultimate arbiter, then the possibilities of its use remain on the agenda. Realists will argue that this is inevitable. But if the pacification of international national, or perhaps that should be inter-imperial, relations that the United Nations system has begun, is extended then the possibilities of a pacific geopolitics open up. Now the challenge is to see new modes of rule that deal with the most important mappings of an interconnected globe where ecological matters require mappings of interconnection rather than borders of autonomous entities (Dalby 2009b).Who decides the future of the planet matters greatly, but politics remains at least so far a matter of who decides long before it is a matter of what gets decided over. That too is a matter for peaceful geographers to tackle; the fate of the earth is at stake, and as a discipline with aspirations to study it as humanity’s home, our attention is certainly warranted. In the circumstances of rapid global change and the potential disruptions that are coming, we now have additional compelling reasons to work towards making Santayana’s dismal assertion concerning the inevitability of war a thing of the past.

### **1NC**

#### Executive Counterplan

#### The Executive branch of the United States should issue an executive order mandating the following:

#### -that targeted killing strikes carried out under Title 50 will no longer be authorized

#### -issuing an accompanying Fact Sheet explaining the administration’s rationale includes abiding by international law and the law of armed conflict

#### -establish ex ante transparency of targeted killing standards and procedures.

#### Executive orders avoid politics, have the force of law, and are rarely overturned

Cooper-prof public administration Portland State- 2 [Phillip, By Order of the President: The Use and Abuse of Executive Direct Action” p.59

Executive orders are often used because they are quick, convenient, and relatively easy mechanisms for moving significant policy initiatives. Though itis certainly true that executive orders are employed for symbolic purposes, enough has been said by now to demonstrate that they are also used for serious policymaking or to lay the basis for important actions to be taken by executive branch agencies under the authority of the orders. Unfortunately, as is true of legislation, it is not always possible to know from the title of orders which are significant and which are not, particularly since presidents will often use an existing order as a base for action and then change it in ways that make it far more significant than its predecessors.¶ The relative ease of the use of an order does not merely arise from the fact that presidents may employ one to avoid the cumbersome and time consuming legislative process. They may also use this device to avoid some times equally time-consuming administrative procedures, particularly the rulemaking processes required by the Administrative Procedure Act.84 Because those procedural requirements do not apply to the president, it is tempting for executive branch agencies to seek assistance from the White House to enact by executive order that which might be difficult for the agency itself to move through the process. Moreover, there is the added plus from the agency's perspective that it can be considerably more difficult for potential adversaries to obtain standing to launch a legal challenge to the president's order than it is to move an agency rule to judicial review. There is nothing new about the practice of generating executive orders outside the White House. President Kennedy's executive order on that process specifically pro­vides for orders generated elsewhere.

## Case

### Norms

#### Executive Orders can effectively encourage judicial incorporation of international law

Nachbar-prof law Virginia-11

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1967217>

Executive Order 13567: Executive Branch Policy Meets International Law in the Evolution of the Domestic Law of Detention

In the short term, neither the Order nor the President’s statement of adherence to Article 75 (which amounts to opinio juris under international law) are likely to affect most detention operations conducted by the U.S. Armed Forces. The Order applies to a very small number of detainees—only those held at Guantanamo Bay—all of whom have already undergone similar reviews pursuant to Executive Order 13492. Moreover, many of the procedures outlined in the Order have direct antecedents in previous executive branch detention determination procedures, such as Combatant Status Review Tribunals (CSRTs) and Administrative Review Boards (ARBs). However, the Order is of a piece with the Obama administration’s longstanding policies on detainee procedures, and the Fact Sheet suggests an increased role for international law in the current conflict. The first-order effects of recognizing Article 75 as having legal force (and even ratifying AP II) are likely to be mild for a variety of reasons, but both Article 75 and AP II are closely tied to international human rights law, especially the International Covenant on Civil and Political Rights. At the same time, the international law applicable to armed conflict has become a major point of litigation in U.S. civilian courts. Adopting substantive positions that implicate the ICCPR and international human rights law generally is likely to provide greater opportunity for courts to read human rights restrictions into the U.S. domestic law of armed conflict. Moreover, the Obama administration’s willingness to embrace international law will likely be reflected in the litigation position it takes in cases related to the law of armed conflict in U.S. courts. Conversely, the increased embrace of international law may increase the legitimacy of certain legal positions the U.S. has taken with regard to international law, both in litigation in U.S. courts and in international legal circles.

### A2: Congress Key Signal

#### CP sends the most powerful signal (while avoiding Congressional confrontation)

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -- for better or for worse -- as the authentic voice of America.

To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America.

This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

### A2: Harris

#### First --- Their card is talking about CIA recommendations that are thousands of pages and vague. The CP is short. It establishes a CLEAR boundary between CIA and DOD. No rational explanation of why their cards discussing cold war apply

**Harris 05** – (2005, Grant, JD candidate at time of publication, expected same year, post-graduation: Special Assistant to the President and Senior Director for African Affairs, former Deputy Chief of Staff and Counselor to Susan E. Rice, the U.S. Ambassador to the United Nations and a member of President Obama’s Cabinet, “The CIA Mandate and the War on Terror,” Yale Law & Policy Review Vol. 23:529, 2005)

The thousands of pages of reports and recommendations made by the various commissions of the 1970s suggest that the vague terminology of the CIA mandate was an important cause of CIA abuses perpetrated during the Cold War. The lack of clear boundaries of authority provided no clear guideposts to prevent good-faith efforts to protect the nation's security from crossing the line to become overzealous and unnecessarily infringe civil liberties. Similarly, statutory ambiguity provided fertile ground for political abuse of the Agency at the behest of the highest levels of government. The abuses were caused by a mix of convenient and disingenuous interpretations of the CIA mandate and outright violations of the law. For these reasons, clarified statutory limits as proposed in Part IV of this Note would provide better boundaries for well-intentioned activities as well as a more meaningful shield by which the CIA could ward off bad-faith directives intended to serve personal or political ends.

#### Second --- If the CP is vague, then the logic applies to the plan too!

**Harris 05** – (2005, Grant, JD candidate at time of publication, expected same year, post-graduation: Special Assistant to the President and Senior Director for African Affairs, former Deputy Chief of Staff and Counselor to Susan E. Rice, the U.S. Ambassador to the United Nations and a member of President Obama’s Cabinet, “The CIA Mandate and the War on Terror,” Yale Law & Policy Review Vol. 23:529, 2005)

Vague statutory language proved all too malleable in the face of the nation's overriding fear of communism. The drive to win the Cold War and undefined prohibitions with ambiguous parameters opened the door to creative interpretations of authority. CIA excesses during the Cold War were excused if not encouraged by the drive to defeat communism, which emanated from the country's highest levels of political leadership. This created a situation of lax oversight of CIA activities and a "climate of tolerance" in which there was a "let them do what they need to do to get the job done" ethic in place from the passage of the National Security Act in 1947 until the congressional inquiries of the 1970s. n64

#### Transparency and self-restraint solve U.S. and global norms

Zenko, Douglas Dillon fellow in the Center for Preventive Action at the Council on Foreign Relations, January 2013

(Micah, “Reforming U.S. Drone Strike Policies,” CFR Special Report #65, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone prolifera- tion and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international norma- tive framework, and U.S. compliance with that framework, would pre- serve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space.

In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would under- mine core U.S. interests, such as preventing armed conflict, promoting human rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies.

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

Executive Branch

The president of the United States should

■■ limit targeted killings to individuals who U.S. officials claim are being targeted—the leadership of al-Qaeda and affiliated forces or individ- uals with a direct operational role in past or ongoing terrorist plots against the United States and its allies—and bring drone strike prac- tices in line with stated policies;

■■ either end the practice of signature strikes or provide a public account- ing of how it meets the principles of distinction and proportionality that the Obama administration claims;

■■ review its current policy whereby the executive authority for drone strikes is split between the CIA and JSOC, as each has vastly different legal authorities, degrees of permissible transparency, and oversight;

■■ provide information to the public, Congress, and UN special rappor- teurs—without disclosing classified information—on what proce- dures exist to prevent harm to civilians, including collateral damage mitigation, investigations into collateral damage, corrective actions based on those investigations, and amends for civilian losses; and

■■ never conduct nonbattlefield targeted killings without an account- able human being authorizing the strike (while retaining the poten- tial necessity of autonomous decisions to use lethal force in warfare in response to ground-based antiaircraft fire or aerial combat).

## Modeling

### No Drone Prolif – 1NC

#### The plan doesn’t solve drone proliferation or modeling – “accuracy” isn’t going to stop other countries from killing internal dissidents – cross-x proves

#### No drone prolif---their impact is all hype---no capabilities

Zenko 14—Micah, is the Douglas Dillon fellow with the Center for Preventive Action at the Council on Foreign Relations “The Drone Invasion Has Been Greatly Exaggerated” http://www.foreignpolicy.com/articles/2014/03/10/drone\_invasion\_greatly\_exaggerated\_us\_exports

The problem with this now commonly stated assumption -- that the world is fully equipped with drones -- is that while these news articles hyping a drones arms race are exciting, they are also misleading. Take, for example, a report on March 5 that North Korea has developed an armed drone that it could use to threaten the region. The problem is that the capability is little more than a kamikaze missile, a far cry from the American version that the drone is purportedly intended to resemble. Contrary to these sensationalist accounts, the international market for armed drones -- the most potentially threatening and destabilizing type -- is quite small. Actually, it's minuscule, projected to be about $8.35 billion by 2018, around which time the global defense market is expected to reach $1.88 trillion, which would mean that drone expenditures will make up less than 0.5 percent of the world's defense spending. Even though global drone expenditures are expected to grow roughly a billion dollars a year (though they actually fell from $6.6 billion to $5.2 billion between 2012 and 2013), the business of UAVs will remain little more than a small focus of defense spending outside the United States for the next decade. Part of the reason the public is so easily manipulated is that much of what is known about the development of armed drones is clouded in secrecy. Some countries, including the United States, maintain covert programs for obvious reasons like maintaining the strategic element of surprise, while others, such as Iran, boast of armed drones that have not been demonstrably used in order to garner national prestige. There are also government announcements of deadlines for developing them that appear to go unmet, as well as aspirational statements by drone manufacturers for orders that are never fulfilled. Drone sales have indeed increased markedly over the past few years. A decade ago, analysts estimated that global spending on commercial and military drones would be $2 billion in 2005, and the amount projected over the next decade was estimated to be nearly $11 billion. In 2013, $5.2 billion was spent on drones -- a 21 percent decrease from the previous year -- with $89 billion projected for the next 10 years combined. Of that amount, only an estimated 11 percent, or $9.9 billion, is expected to be used to purchase armed drones. However, it is important to keep these numbers in perspective. According to IHS Jane's, global defense spending in 2013 was $1.54 trillion. The global market still belongs overwhelmingly to the United States and Israel, which were estimated in 2012 to comprise three-quarters of all drone sales. A November 2012 report estimated that U.S. defense firms Northrop Grumman and General Atomics accounted for 40 percent and 25 percent, respectively, of worldwide drone manufacturing. No other company had more than 3 percent of the market share. In 2013, the Stockholm International Peace Research Institute estimated that Israel was responsible for 41 percent of drone exports between 2001 and 2011. However, China has reportedly sold two of its smaller armed drones to the United Arab Emirates and Pakistan, raising concerns about whether China would export its larger Predator-equivalent drone (the CH-4) to countries such as Iran. According to the Teal Group, over the next decade 51 percent of global drone procurement and 65 percent of global research and development on drones will be solely American. This should not be surprising given that the United States has been the lead actor in the development and use of all drones and that the Pentagon's budget is bigger than the next 10 largest defense budgets combined. And though many militaries around the world are pursuing drones, the vast majority of armed drones in development will not resemble U.S. armed drones, such as the Predator and Reaper, which have the greatest potential to be used against perceived adversaries domestically or in neighboring territories. Most drones will be used for surveillance to capture full-motion video or collect signals intelligence. Of the 27,420 aerial drones that the Teal Group projects will be purchased in the next decade, just 3 percent are estimated to be either medium-altitude, long-endurance drones (like the weapons-capable Predator and Reaper) or unmanned combat aerial vehicles (armed drones). This is also true for the United States. According to a recent Pentagon report, the United States possesses some 11,000 aerial drones, of which fewer than 400 are capable of being weaponized. That other countries have not followed the United States' lead in acquiring armed drones may be surprising given what might seem to be the enviable position of using them to target adversaries while not incurring any meaningful risk. But while one can buy a rudimentary drone at Brookstone, producing an advanced armed drone is no small technological feat. The United States' armed drones require sophisticated beyond-line-of-sight communications, access to satellite bandwidth, and systems engineering -- from internal fire control to ground control stations -- that are currently beyond the reach of most states. Even countries that have relatively advanced aerospace programs -- Russia, France, and Italy -- will struggle to develop and deploy this systematic architecture of capabilities and processes. Moreover, in some countries domestic politics have impeded armed drone developments. Whereas the U.S. targeted killing program has faced few domestic constraints, drone politics look considerably different in other countries. In late February the European Parliament passed an unprecedented resolution, declaring: "Drone strikes outside a declared war by a state on the territory of another state without the consent of the latter or of the UN Security Council constitute a violation of international law and of the territorial integrity and sovereignty of that country." In Germany, advocates of the armed drone program have encountered intense opposition from a public worried that the lethal capability could compromise the country's defense-only security norms and increase the prospects for military interventions more generally. The German debate demonstrates how the prism through which both sides view armed drones is significantly influenced by their perception of the morality, legality, and necessity of U.S. drone strikes. Thus, while the Ministry of Defense declared for a half-decade that it planned to purchase 16 armed drones, the decision was postponed in November and is once against under review. In an era when most defense budgets -- outside the Asia-Pacific region -- are static or in slight decline, costs will constrain armed drone developments and purchases. As the United States has learned, armed drones are not markedly cheaper than manned fighter aircraft, and in some situations they are actually more expensive. Human intelligence is costly and required in large numbers to analyze and disseminate the full-motion video and signals intelligence collected by drones. Before committing to redirect precious defense dollars, governments must identify the military missions for which armed drones are uniquely suited and that cannot reliably be achieved by the weapons systems currently in their arsenals. To date, the majority of governments worldwide simply have not rushed away from manned aircraft, rocket and artillery, or special operation forces -- and toward armed drones.

#### Tech isn’t the key---no one has the human capital or intel to conduct wide scale drone operations

Boyle 12 (Ashley, is an Adjunct Junior Fellow at the American Security Project, “The US and its UAVs: Addressing Legality and Overblown Scenarios,” http://americansecurityproject.org/blog/2012/the-us-and-its-uavs-addressing-legality-and-overblown-scenarios/)

While there is no question that the US has used drones, it is hardly alone in wielding the technology. Approximately fifty nations possess and use drones. However, Wikipedia informs us that of these nations, only twelve have lethal drones of which only three nations – China, Iran, and Russia – may be of concern. Possessing the technology is only one part of the picture. Nations must also have the capabilities to maintain and operate these aircraft, as well as an intelligence network that informs their surveillance or strike activities. The supporting systems required to operate drones is greatly underestimated, and it is difficult to see China, Iran, or Russia having the resources or desire to launch expansive drone programs in the short- to mid-term. While the long-term picture always requires discussion, alarmist messages about impending drone wars are just that: alarming and unfounded.

### No Drone Wars – 1NC

#### No drone war – deterrence still applies – diplomatic and political costs

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

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

### Restraint Fails – 1NC

#### U.S. drone use doesn’t set a precedent, restraint doesn’t solve it, and norms don’t apply to drones at all in the first place

Amitai Etzioni 13, professor of international relations at George Washington University, March/April 2013, “The Great Drone Debate,” Military Review, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage. Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of self constraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology. I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

## Intell

### Circumvention

#### Shifting over sight authority does nothing if Congress doesn’t care which they don’t—the plan is easily circumvented

**Ackerman, Guardian national security editor, 2013**

(Spencer, “Little Will Change If the Military Takes Over CIA’s Drone Strikes”, 3-20, <http://www.wired.com/dangerroom/2013/03/military-drones/>, ldg)

But that’s not to say that there will necessarily be more transparency of the military’s drone programs. Much depends on congressional prerogative, rather than institutional requirements. A summary offered by a former Special Operations Command lawyer last year (.pdf), piggybacking off one from a former CIA lawyer, was: “If the activity is defined as a military activity (‘Title 10′) there is no requirement to notify Congress, while intelligence community activities (‘Title 50′) require presidential findings and notice to Congress.” (For a good overview of how how the military can compartmentalize and limit access to information on its activities, including to Congress, read this blog post from Robert Caruso.) “Moving lethal drone operations exclusively to DOD might bring benefits. But DOD’s lethal operations are no less secretive than the CIA’s, and congressional oversight of DOD ops is significantly weaker,” former Justice Department lawyer Jack Goldsmith tells Klaidman. Mieke Eoyang, a former House intelligence and armed services committee staffer, tells Danger Room that oversight “depends on the the level of interest of the committee chairman on the Title 10 [military] side. It depends on how detailed he wants to get, down in the weeds.” Nor does the change to military drone control restrict the relevant legal authorizations in place. The Obama administration relies on an expansive interpretation of a 2001 congressional authorization to run its global targeted-killing program. If that authorization constrains the military to the “hot” battlefield of Afghanistan, someone forgot to tell the Joint Special Operations Command to get out of Yemen. What matters more than which bureaucratic entity operates the drones is what the politicians ostensibly in charge of those bureaucracies want to do with them. Sen. Rand Paul (R-Kentucky)’s 13-hour filibuster earlier this month vented congressional dissatisfaction with the secrecy, scope and intensity of the global targeted-killing program. It remains to be seen if Paul and his colleagues wish to trim the edges of that lethal program or constrain it more substantially. Congress has been more bellicose than the Obama administration.

### DCS Turn – 1NC

#### DCS and CIA will compete over human intelligence resources after the plan

**Aid, Intelligence historian, 2013**

(Michael, “Defense Clandestine Service Is Recruiting Personnel”, 3-19, <http://www.matthewaid.com/post/45791958816/defense-clandestine-service-is-recruiting-personnel>, ldg)

Want to join the secret war and be involved in collecting human intelligence (HUMINT), but for whatever reason you are not interested in the CIA? Then the Defense Intelligence Agency’s newly formed Defense Clandestine Service (DCS) is looking for someone just like you, according to their recruiting website launched last month. The irony is, according to an article by Robert Hossal of smartwar.org, that both the CIA and the DCS are trying to recruit exactly the same sort of people. According to Hossal, “There are striking similarities in the position descriptions and requirements for the Defense Clandestine Service and the CIA’s National Clandestine Service. They list similar critical skills, describe the challenges and benefits of life as a core collector in similar terms, have the same basic requirements, and list similar qualities for an ideal candidate. The DIA estimates their case officers will spend 60% of their careers overseas, while the CIA (presumably based on a long history of experience) says 50-70%.” The article confirms what former CIA officials have told me privately, which is that the DCS was established to directly compete with the CIA for HUMINT collection missions and resources by focusing on those parts of the world where the DIA feels the CIA is weakest, like Africa and parts of South Asia. According to Hossal, “Despite the different mission areas of the DCS and NCS, they will inevitably have to compete for many of the same resources. Now that the DCS is a reality, the challenge of the two services will be to offset the difficulties of competing for the same financial resources, human capital, and official cover slots with the potential benefits of specialization and complementary operations. If NCS and DCS officers can cooperate closely as fluid teams overseas despite belonging to different bureaucracies, the net result of having two clandestine services can yet be positive.”

#### DCS is key to an effective intelligence community---turns the case

**Sims, Georgetown security studies professor, 2012**

(Jennifer, “More Military Spies”, 5-18, <http://www.foreignaffairs.com/articles/137649/jennifer-sims/more-military-spies>, ldg)

Last month, Director of National Intelligence James Clapper and Secretary of Defense Leon Panetta announced the creation of a new U.S. espionage agency: the Defense Clandestine Service, or DCS. DCS is expected to expand the Pentagon’s espionage personnel by several hundred over the next few years, while reportedly leaving budgets largely unchanged. The news nonetheless surprised some observers in Washington because the move appeared, at least initially, to be a direct challenge to the Central Intelligence Agency, whose National Clandestine Service leads the country’s spy work overseas. Then came a second surprise: former CIA officers and other intelligence experts started applauding. The question is why. Four reasons stand out. First, DCS can be regarded as a rebranding and upgrading of the Defense Intelligence Agency’s espionage unit, the Defense HUMINT Service (HUMINT stands for “human intelligence”), which was created in 1992 to improve the coordination and accountability of military espionage. The CIA has long supported the efforts to improve the military’s HUMINT tradecraft, but despaired because the military’s case officers never stayed long in their jobs. The new DCS will have ranking general officers and field grade officers who stay put for the long term. Second, the CIA likes the idea behind DCS because it has been gaining advantages from improved military espionage over the past few years — the raid in Abbottabad, Pakistan, that killed Osama bin Laden is just one example of the kind of success that close collaboration can achieve. The CIA would like to have that capability against national targets outside the current war zones. The CIA, the Defense Intelligence Agency, the military services, diplomats, and law enforcement officers all need discriminating and persistent engagement with an increasingly dispersed and mercurial adversary. Thanks to the growth of broadband communications and social networking, terrorists, drug syndicates, and arms traffickers operate as overlapping networks. This is a new kind of engagement that requires innovative operations within the legal bounds of civil societies. To respond to such threats, the CIA and the Pentagon see advantages in working as a networked team too. So, the better human intelligence that comes from the military, the better the National Clandestine Service. For the CIA, the less agreeable issue with the creation of DCS is the notion that the military might be producing the best case officers against some targets. The CIA holds that good case officers can recruit anyone. But recruiting agents is only one part of espionage; other parts involve assessing knowledge, judging risk and reliability, and then knowing what to ask for next. Against military targets, the military may be most successful. Think of it this way: if you want to collect intelligence on the nuclear weapons capabilities of a foreign state, would you prefer to have scientists or non-scientists recruiting foreign physicists and weapons designers? Third is the matter of integration. Good national and strategic intelligence is critical for operations against transnational targets, but while the military’s tactical awareness is improving rapidly, strategic context has often been lacking. Case in point: in January 2010, Lieutenant General Michael Flynn, now head of the Defense Intelligence Agency, wrote “Fixing Intelligence in Afghanistan,” a stinging report on intelligence deficiencies on the battlefield. The CIA has had a hard time improving the situation without being granted direct access to the problems that the military wants solved. DCS can help bridge the divide. Fourth, chasing today’s amorphous, mobile targets, such as insurgents or terrorists, is logistically difficult. Since the Pentagon has an unparalleled global reach and specializes in logistics, and the CIA has deep ties with target countries, it makes sense to gain economies of scale through combined and complementary operations. That will require overcoming the trust gap that has sometimes weakened military-civilian intelligence cooperation. Rather than representing an escalation of turf tensions, DCS is a boost to the cooperation that has been developing for some years through institutionalized joint training and collaboration in the field. Former CIA officials I have spoken with expressed optimism about the Pentagon’s new initiative, using the raid that killed Osama bin Laden to illustrate the point.

### No CIA Focus – 1NC

#### The plan doesn’t solve CIA focus-they still have to over on drone intelligence even if they don’t have their finger on the trigger

**Miller, Washington Post, 11-25-13**

(Greg, “CIA remains behind most drone strikes, despite effort to shift campaign to Defense”, <http://www.washingtonpost.com/world/national-security/cia-remains-behind-most-drone-strikes-despite-effort-to-shift-campaign-to-defense/2013/11/25/c0c07a86-5386-11e3-a7f0-b790929232e1_story.html>, ldg)

And although senior CIA and Pentagon officials have held meetings in recent months aimed at finding a way for the military’s elite U.S. Joint Special Operations Command (JSOC) to take over the job, U.S. officials said the White House vision is a distant goal. The emerging plan is likely to allow the CIA to maintain its drone fleet and stay deeply involved in targeted killing operations, even if the final step in any strike sequence is eventually handled by someone wearing a U.S. military uniform, said officials who spoke on the condition of anonymity to discuss internal deliberations. U.S. officials said the discussions between the CIA and the Pentagon have involved CIA Director John Brennan; his deputy, Avril Haines; and Michael G. Vickers, the undersecretary of defense for intelligence, who previously worked at the CIA. The talks are focused on finding a way to merge key aspects of the CIA’s drone operations with those of JSOC, so that both sides are deeply and simultaneously involved in nearly every strike, officials said. “The goal is a find, fix and finish process that features seamless cooperation and robust integration between CIA and DOD,” a senior U.S. intelligence official said, using terminology that has become nearly ubiquitous among CIA and U.S. military operatives for the three-step sequence of lethal strikes. Even if JSOC takes over sole responsibility for the “finish,” the intelligence official said, “Brennan has said from the very beginning that the agency contributes important tools to the nation’s counterterrorism capacity . . . the so-called find and fix.” The effort is beset by technical snags. Despite their overlapping “orbits” in Yemen, the CIA and JSOC employ different surveillance equipment on their drone fleets. They also rely on separate and sometimes incompatible communications networks to transmit video feeds and assemble intelligence from multiple streams in the moments before a strike. Brennan met twice with senior officials at the Pentagon this month “to better integrate CIA and DOD counterterrorism efforts,” the intelligence official said. The push to get the CIA out of large-scale lethal operations “is a goal broadly shared within the administration” but “proving difficult to accomplish,” said Rep. Adam B. Schiff (D-Calif.), a member of the House Intelligence Committee. Even when it happens, he said, “it isn’t going to mean that either the intelligence community or the Department of Defense make a clean break.” That prospect could undermine a main rationale for the switch: the conviction among many senior administration officials that the CIA should return its focus to its mission of intelligence-gathering.

### Heg Fails – 1NC

#### U.S. Hegemony fails - we can’t leverage it

**Maher, Brown political science professor, 2011**

(Richard, “The Paradox of American Unipolarity: Why the United States May Be Better Off in a Post-Unipolar World”, Orbis, 55.1, Science Direct, ldg)

At the same time, preeminence creates burdens and facilitates imprudent behavior. Indeed, because of America’s unique political ideology, which sees its own domestic values and ideals as universal, and the relative openness of the foreign policymaking process, the United States is particularly susceptible to both the temptations and burdens of preponderance. For decades, perhaps since its very founding, the United States has viewed what is good for itself as good for the world. During its period of preeminence, the United States has both tried to maintain its position at the top and to transform world politics in fundamental ways, combining elements of realpolitik and liberal universalism (democratic government, free trade, basic human rights). At times, these desires have conflicted with each other but they also capture the enduring tensions of America’s role in the world. The absence of constraints and America’s overestimation of its own ability to shape outcomes has served to weaken its overall position. And because foreign policy is not the reserved and exclusive domain of the president---who presumably calculates strategy according to the pursuit of the state’s enduring national interests---the policymaking process is open to special interests and outside influences and, thus, susceptible to the cultivation of misperceptions, miscalculations, and misunderstandings. Five features in particular, each a consequence of how America has used its power in the unipolar era, have worked to diminish America’s long-term material and strategic position. Overextension. During its period of preeminence, the United States has found it difficult to stand aloof from threats (real or imagined) to its security, interests, and values. Most states are concerned with what happens in their immediate neighborhoods. The United States has interests that span virtually the entire globe, from its own Western Hemisphere, to Europe, the Middle East, Persian Gulf, South Asia, and East Asia. As its preeminence enters its third decade, the United States continues to define its interests in increasingly expansive terms. This has been facilitated by the massive forward presence of the American military, even when excluding the tens of thousands of troops stationed in Iraq and Afghanistan. The U.S. military has permanent bases in over 30 countries and maintains a troop presence in dozens more.13 There are two logics that lead a preeminent state to overextend, and these logics of overextension lead to goals and policies that exceed even the considerable capabilities of a superpower. First, by definition, preeminent states face few external constraints. Unlike in bipolar or multipolar systems, there are no other states that can serve to reliably check or counterbalance the power and influence of a single hegemon. This gives preeminent states a staggering freedom of action and provides a tempting opportunity to shape world politics in fundamental ways. Rather than pursuing its own narrow interests, preeminence provides an opportunity to mix ideology, values, and normative beliefs with foreign policy. The United States has been susceptible to this temptation, going to great lengths to slay dragons abroad, and even to remake whole societies in its own (liberal democratic) image.14 The costs and risks of taking such bold action or pursuing transformative foreign policies often seem manageable or even remote. We know from both theory and history that external powers can impose important checks on calculated risk-taking and serve as a moderating influence. The bipolar system of the Cold War forced policymakers in both the United States and the Soviet Union to exercise extreme caution and prudence. One wrong move could have led to a crisis that quickly spiraled out of policymakers’ control. Second, preeminent states have a strong incentive to seek to maintain their preeminence in the international system. Being number one has clear strategic, political, and psychological benefits. Preeminent states may, therefore, overestimate the intensity and immediacy of threats, or to fundamentally redefine what constitutes an acceptable level of threat to live with. To protect itself from emerging or even future threats, preeminent states may be more likely to take unilateral action, particularly compared to when power is distributed more evenly in the international system. Preeminence has not only made it possible for the United States to overestimate its power, but also to overestimate the degree to which other states and societies see American power as legitimate and even as worthy of emulation. There is almost a belief in historical determinism, or the feeling that one was destined to stand atop world politics as a colossus, and this preeminence gives one a special prerogative for one’s role and purpose in world politics. The security doctrine that the George W. Bush administration adopted took an aggressive approach to maintaining American preeminence and eliminating threats to American security, including waging preventive war. The invasion of Iraq, based on claims that Saddam Hussein possessed weapons of mass destruction (WMD) and had ties to al Qaeda, both of which turned out to be false, produced huge costs for the United States---in political, material, and human terms. After seven years of war, tens of thousands of American military personnel remain in Iraq. Estimates of its long-term cost are in the trillions of dollars.15 At the same time, the United States has fought a parallel conflict in Afghanistan. While the Obama administration looks to dramatically reduce the American military presence in Iraq, President Obama has committed tens of thousands of additional U.S. troops to Afghanistan. Distraction. Preeminent states have a tendency to seek to shape world politics in fundamental ways, which can lead to conflicting priorities and unnecessary diversions. As resources, attention, and prestige are devoted to one issue or set of issues, others are necessarily disregarded or given reduced importance. There are always trade-offs and opportunity costs in international politics, even for a state as powerful as the United States. Most states are required to define their priorities in highly specific terms. Because the preeminent state has such a large stake in world politics, it feels the need to be vigilant against any changes that could impact its short-, medium-, or longterm interests. The result is taking on commitments on an expansive number of issues all over the globe. The United States has been very active in its ambition to shape the postCold War world. It has expanded NATO to Russia’s doorstep; waged war in Bosnia, Kosovo, Iraq, and Afghanistan; sought to export its own democratic principles and institutions around the world; assembled an international coalition against transnational terrorism; imposed sanctions on North Korea and Iran for their nuclear programs; undertaken ‘‘nation building’’ in Iraq and Afghanistan; announced plans for a missile defense system to be stationed in Poland and the Czech Republic; and, with the United Kingdom, led the response to the recent global financial and economic crisis. By being so involved in so many parts of the world, there often emerges ambiguity over priorities. The United States defines its interests and obligations in global terms, and defending all of them simultaneously is beyond the pale even for a superpower like the United States. Issues that may have received benign neglect during the Cold War, for example, when U.S. attention and resources were almost exclusively devoted to its strategic competition with the Soviet Union, are now viewed as central to U.S. interests. Bearing Disproportionate Costs of Maintaining the Status Quo. As the preeminent power, the United States has the largest stake in maintaining the status quo. The world the United States took the lead in creating---one based on open markets and free trade, democratic norms and institutions, private property rights and the rule of law---has created enormous benefits for the United States. This is true both in terms of reaching unprecedented levels of domestic prosperity and in institutionalizing U.S. preferences, norms, and values globally. But at the same time, this system has proven costly to maintain. Smaller, less powerful states have a strong incentive to free ride, meaning that preeminent states bear a disproportionate share of the costs of maintaining the basic rules and institutions that give world politics order, stability, and predictability. While this might be frustrating to U.S. policymakers, it is perfectly understandable. Other countries know that the United States will continue to provide these goods out of its own self-interest, so there is little incentive for these other states to contribute significant resources to help maintain these public goods.16 The U.S. Navy patrols the oceans keeping vital sea lanes open. During financial crises around the globe---such as in Asia in 1997-1998, Mexico in 1994, or the global financial and economic crisis that began in October 2008--- the U.S. Treasury rather than the IMF takes the lead in setting out and implementing a plan to stabilize global financial markets. The United States has spent massive amounts on defense in part to prevent great power war. The United States, therefore, provides an indisputable collective good---a world, particularly compared to past eras, that is marked by order, stability, and predictability. A number of countries---in Europe, the Middle East, and East Asia---continue to rely on the American security guarantee for their own security. Rather than devoting more resources to defense, they are able to finance generous social welfare programs. To maintain these commitments, the United States has accumulated staggering budget deficits and national debt. As the sole superpower, the United States bears an additional though different kind of weight. From the Israeli-Palestinian dispute to the India Pakistan rivalry over Kashmir, the United States is expected to assert leadership to bring these disagreements to a peaceful resolution. The United States puts its reputation on the line, and as years and decades pass without lasting settlements, U.S. prestige and influence is further eroded. The only way to get other states to contribute more to the provision of public goods is if the United States dramatically decreases its share. At the same time, the United States would have to give other states an expanded role and greater responsibility given the proportionate increase in paying for public goods. This is a political decision for the United States---maintain predominant control over the provision of collective goods or reduce its burden but lose influence in how these public goods are used. Creation of Feelings of Enmity and Anti-Americanism. It is not necessary that everyone admire the United States or accept its ideals, values, and goals. Indeed, such dramatic imbalances of power that characterize world politics today almost always produce in others feelings of mistrust, resentment, and outright hostility. At the same time, it is easier for the United States to realize its own goals and values when these are shared by others, and are viewed as legitimate and in the common interest. As a result of both its vast power but also some of the decisions it has made, particularly over the past eight years, feelings of resentment and hostility toward the United States have grown, and perceptions of the legitimacy of its role and place in the world have correspondingly declined. Multiple factors give rise toanti-American sentiment, and anti-Americanism takes different shapes and forms.17 It emerges partly as a response to the vast disparity in power the United States enjoys over other states. Taking satisfaction in themissteps and indiscretions of the imposing Gulliver is a natural reaction. In societies that globalization (which in many parts of the world is interpreted as equivalent to Americanization) has largely passed over, resentment and alienation are felt when comparing one’s own impoverished, ill-governed, unstable society with the wealth, stability, and influence enjoyed by the United States.18 Anti-Americanism also emerges as a consequence of specific American actions and certain values and principles to which the United States ascribes. Opinion polls showed that a dramatic rise in anti-American sentiment followed the perceived unilateral decision to invade Iraq (under pretences that failed to convince much of the rest of the world) and to depose Saddam Hussein and his government and replace itwith a governmentmuchmore friendly to the United States. To many, this appeared as an arrogant and completely unilateral decision by a single state to decide for itselfwhen---and under what conditions---military force could be used. A number of other policy decisions by not just the George W. Bush but also the Clinton and Obama administrations have provoked feelings of anti-American sentiment. However, it seemed that a large portion of theworld had a particular animus for GeorgeW. Bush and a number of policy decisions of his administration, from voiding the U.S. signature on the International Criminal Court (ICC), resisting a global climate change treaty, detainee abuse at Abu Ghraib in Iraq and at Guantanamo Bay in Cuba, and what many viewed as a simplistic worldview that declared a ‘‘war’’ on terrorism and the division of theworld between goodand evil.Withpopulations around theworld mobilized and politicized to a degree never before seen---let alone barely contemplated---such feelings of anti-American sentiment makes it more difficult for the United States to convince other governments that the U.S.’ own preferences and priorities are legitimate and worthy of emulation. Decreased Allied Dependence. It is counterintuitive to think that America’s unprecedented power decreases its allies’ dependence on it. During the Cold War, for example, America’s allies were highly dependent on the United States for their own security. The security relationship that the United States had with Western Europe and Japan allowed these societies to rebuild and reach a stunning level of economic prosperity in the decades following World War II. Now that the United States is the sole superpower and the threat posed by the Soviet Union no longer exists, these countries have charted more autonomous courses in foreign and security policy. A reversion to a bipolar or multipolar system could change that, making these allies more dependent on the United States for their security. Russia’s reemergence could unnerve America’s European allies, just as China’s continued ascent could provoke unease in Japan. Either possibility would disrupt the equilibrium in Europe and East Asia that the United States has cultivated over the past several decades. New geopolitical rivalries could serve to create incentives for America’s allies to reduce the disagreements they have with Washington and to reinforce their security relationships with the United States.

#### Alliances are out dated, multi-polarity is stable and there is no scenario for war in a world of US decline

**Friedman et al., MIT political science PhD candidate, 2012**

(Benjamin, “Why the U.S. Military Budget is ‘Foolish and Sustainable”, Orbis, 56.2, Science Direct, ldg)

Standard arguments for maintaining the alliances come in two contradictory strains. One, drawn mostly from the run-up to World War II, says that without American protection, the ally would succumb to a rival power, either by force or threat of force, heightening the rival’s capability and danger to the United States. The other argument says that without the United States, the ally would enter a spiral of hostility with a neighbor, creating instability or war that disrupts commerce and costs America more than the protection that prevented it. The main problem with the first argument is that no hegemon today threatens to unify Europe or Asia. Europe is troubled by debt, not conquest. Russian GDP is today roughly equivalent to that of Spain and Portugal combined. Whatever Russia’s hopes, it has no ability to resurrect its Soviet Empire, beyond perhaps those nations in its near abroad that Americans have no good reason to defend. Even today, the military capabilities of Europe’s leading powers are sufficient to defend its eastern flank, and they could increase their martial exertions should a bigger threat arise. Asia is tougher case. South Korea’s military superiority over its northern neighbor is sufficient to deter it from an attempt at forcible reunification. By heightening North Korea’s security, nuclear weapons may reinforce its capacity for trouble-making, but they do not aid offensive forays. U.S. forces long ago became unnecessary to maintaining the peninsula’s territorial status quo. Chinese efforts to engage in old-fashioned conquest are unlikely, at least beyond Taiwan. Its more probable objective is a kind of Asian Monroe doctrine, meant to exclude the United States.6 China naturally prefers not to leave its maritime security at the whim of U.S. policymakers and, thus, has sought to improve its anti-access and area-denial capabilities. In the longer term, China’s leaders will likely pursue the ability to secure its trade routes by building up longer-range naval forces. They may also try to leverage military power to extract various concessions from nearby states. Washington’s defense analysts typically take those observations as sufficient to establish the necessity that U.S. forces remain in Asia to balance Chinese military power. But to justify a U.S. military presence there, one also needs to show both that Asian nations cannot or will not balance Chinese power themselves and that their failure to do so would greatly harm U.S. security. Neither is likely. Geography and economics suggest that the states of the region will successfully balance Chinese power—even if we assume that China’s economic growth allows it to continue to increase military spending.7 Bodies of water are natural defenses against offensive military operations. They allow weaker states to achieve security at relatively low cost by investing in naval forces and coastal defenses. That defensive advantage makes balances of power more stable. Not only are several of China’s Asian rivals islands, but those states have the wealth to make Chinese landings on their coast prohibitively expensive. India’s mountainous northern border creates similar dynamics. The prospects of Asian states successfully deterring future Chinese aggression will get even better if, as seems likely, threats of aggression provoke more formal security alliances. Some of that is already occurring. Note for example, the recent joint statement issued by the Philippines and Japan marking a new ‘‘strategic partnership’’ and expressing ‘‘common strategic interests’’ such as ‘‘ensuring the safety of sea lines of communication.’’8 This sort of multilateral cooperation would likely deepen with a more distant U.S. role. Alliances containing disproportionately large states historically produce free-riding; weaker alliance partners lose incentive to shore up their own defenses.9 Even if one assumes that other states in the region would fail to balance China, it is unclear exactly how U.S. citizens would suffer. China’s territorial ambitions might grow but are unlikely to span the Pacific. Nor would absorbing a few small export-oriented states slacken China’s hunger for the dollars of American consumers. The argument that U.S. alliances are necessary for stability and global commerce is only slightly more credible. One problem with this claim is that U.S. security guarantees can create moral hazard—emboldening weak allies to take risks they would otherwise avoid in their dealings with neighbors. Alliances can then discourage accommodation among neighboring states, heightening instability and threatening to pull the United States into wars facilitated by its benevolence. Another point against this argument is that even if regional balancing did lead to war, it would not obviously be more costly to the U.S. economy than the cost of the alliance said to prevent it. Neutrality historically pays.10 The larger problem with the idea that our alliances are justified by the balancing they prevent is that wars generally require more than the mutual fear that arms competition provokes. Namely, there is usually a territorial conflict or a state bent on conflict. Historical examples of arms races alone causing wars are few.11 This confusion probably results from misconstruing the causes of World War I—seeing it as a consequence of mutual fear alone rather than fear produced by the proximity of territorially ambitious states.12 Balances of power, as noted, are especially liable to be stable when water separates would-be combatants, as in modern Asia. Japan would likely increase defense spending if U.S. forces left it, and that would likely displease China. But that tension is very unlikely to provoke a regional conflagration. And even that remote scenario is far more likely than the Rube Goldberg scenario needed to argue that peace in Europe requires U.S. forces stationed there. It is not clear that European states would even increase military spending should U.S. troops depart. If they did do so, one struggles to imagine a chain of misperceived hostility sufficient to resurrect the bad old days of European history.

### 1NC Diplomacy

#### Diplomacy fails

Dennis Jett 8, served as the United States ambassador to Mozambique and Peru under the Clinton administration and is currently a professor of international relations at the School of International Affairs at the Pennsylvania State University. From 2000 to 2008, he was the Dean of the International Center and lecturer of political science at the University of Florida, Why American Policy Fails, 1-4

This book might appear in parts to be another of the growing number of books critical of the regime currently in power in Washington. The problem it describes, however, is systemic and will continue regardless of who is president. The lack of a foreign policy won’t depend on which party holds the White House or controls the Congress, and that should give even the partisans on both sides of the aisle pause. The cause of this situation is not obvious, making it even more important to attempt to explain why it came about. While citizens should understand how their government works, there are good reasons why that doesn’t happen. Those who are in government, or depend on it for their livelihood, rarely believe transparency will make their work any easier. Understanding also often eludes average citizens because they don’t have the time, interest, or ability to gather enough information and examine government actions enough to understand the policies and, more importantly, the motivations behind them. The 28 years I spent in the State Department, including two ambassadorships and service on the National Security Council (NSC), have given me some understanding of the way the U.S. government works. Having retired, I can now consider the effects of Washington’s deci- sions without having any obligation to defend them. In spending the years since my retirement in 2000 in academia, I have gained an appreciation for the theories of international relations and the ways in which scholars approach the subject. I have also been left with the belief that the theories being taught provide little real understanding of how the United States relates to other countries today, and with the feeling that this doesn’t matter much on campus. This book will offer a description of what the process of formulat- ing foreign policy is really like, how it got that way, and why it may not change much in the future. It will also challenge conventional wisdom, the assertions of politicians, and academic theories. It won’t pretend to deﬁ nitively settle the debate about how foreign policy is or should be made or about what the end results ought to be. That will never happen. The process is far too complex and subject to too many inﬂ uences to ever be explained deﬁ nitively in a simple theory. Some will reject this description for a number of reasons, but at least it will provide a different perspective and, hopefully, stimulate some discus- sion of what that policy should be and how it ought to be made. Such a discussion is not just a theoretical exercise or an academic debate. It is critically important to the future of the United States and goes to the heart of why, thus far in the twenty-ﬁ rst century, American foreign policy has been a colossal failure. When a nation is despised and distrusted abroad, it will be unsafe at home. And virtually every poll taken indicates the United States is plumbing new depths in terms of how it is perceived overseas. Even in Australia, traditionally one of America’s closest allies, as many people ranked American foreign policy as a threat to stability in the world as listed Islamic fundamentalism.1 In another poll, 36 percent of the Europeans questioned listed the United States as the biggest threat to global stability. Only 30 percent thought it was Iran, and a mere 18 percent put China ﬁ rst.2 A poll released by the BBC in January 2007 that surveyed 26,000 people in 25 countries showed a steady deterioration in the standing of the United States abroad. The poll found that only 32 percent of the people surveyed believe that U.S. inﬂ uence in the world is mainly positive, while 49 percent consider it mainly negative. Even among Americans themselves, conﬁ dence in the impact of the United States is falling. A majority of the Americans polled (57 percent) still believe their country to be a mainly positive inﬂ uence, but this has fallen from 63 percent a year ago and 71 percent two years ago.3 Some will respond to those dismal ﬁ gures by asserting that foreign policy is not a popularity contest and therefore polls don’t matter. The result of this growing unpopularity, however, is that America’s soft power—the ability to persuade other countries to follow its lead and support its position on issues—is steadily being weakened. And that leaves only America’s hard power—its military might—with which to coerce others into acquiescing in U.S. efforts to achieve its goals. Or it means accepting that its goals won’t be achieved. And as the strains placed on the American military by the commitments in Iraq and Afghanistan demonstrate, even the world’s only superpower has signiﬁ cant limitations. American policy has become so unpopular abroad because it is designed mainly to respond to the desires and dictates of speciﬁc groups at home regardless of its impact overseas. Put another way, in the United States there is no longer any useful distinction between the way domestic and foreign policies are made. Now both foreign policy and domestic policy emanate from the same marketplace that characterizes Washington and its decision-making process. The idea that foreign policy is just one more commodity in the Washington marketplace is contrary to what is often believed and taught. Consider this paragraph from the 28th edition of American Foreign Policy, an annually updated collection of articles on foreign policy that serves as a companion to popular undergraduate textbooks on the subject: Conventional political wisdom holds that foreign policy and domestic policy are two very different policy arenas. Not only are the origins and gravity of the problems different, but the political rules for seeking solu- tions are dissimilar. Where partisan politics, lobbying and the weight of public opinion are held to play legitimate roles in the formulation of health, education, or welfare policy, they are seen as corrupting inﬂuences in the making of foreign policy. An effective foreign policy demands a quiescent public, one that gives knowledgeable professionals the needed leeway to bring their expertise to bear on the problem. It demands a Congress that unites behind presidential foreign policy doctrines rather than one that investigates failures or pursues its own agenda. In brief, if American foreign policy is to succeed, politics must stop “at the water’s edge.”4 The book goes on to say that this belief is not shared by all who write on the topic and that there are dissenters to this view. For those who adhere to the “conventional wisdom,” foreign policy is appar- ently too remote, too abstract, and too critically important to the nation’s security to be affected by domestic politics. They assume politicians recognize this and that they generally act accordingly even though they would probably admit there are exceptions. The view that domestic politics never intrudes on foreign policy could be held only by someone who has never met a politician. The idea that the two are so different may be “conventional wisdom” for many, but it is also wrong. If it is indeed widely held, then there is a considerable lack of appreciation for how the world has changed and how that has affected the process of making foreign policy.

## 2nc

## XO

### Norms

#### Executive Orders can effectively encourage judicial incorporation of international law

Nachbar-prof law Virginia-11

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1967217>

Executive Order 13567: Executive Branch Policy Meets International Law in the Evolution of the Domestic Law of Detention

In the short term, neither the Order nor the President’s statement of adherence to Article 75 (which amounts to opinio juris under international law) are likely to affect most detention operations conducted by the U.S. Armed Forces. The Order applies to a very small number of detainees—only those held at Guantanamo Bay—all of whom have already undergone similar reviews pursuant to Executive Order 13492. Moreover, many of the procedures outlined in the Order have direct antecedents in previous executive branch detention determination procedures, such as Combatant Status Review Tribunals (CSRTs) and Administrative Review Boards (ARBs). However, the Order is of a piece with the Obama administration’s longstanding policies on detainee procedures, and the Fact Sheet suggests an increased role for international law in the current conflict. The first-order effects of recognizing Article 75 as having legal force (and even ratifying AP II) are likely to be mild for a variety of reasons, but both Article 75 and AP II are closely tied to international human rights law, especially the International Covenant on Civil and Political Rights. At the same time, the international law applicable to armed conflict has become a major point of litigation in U.S. civilian courts. Adopting substantive positions that implicate the ICCPR and international human rights law generally is likely to provide greater opportunity for courts to read human rights restrictions into the U.S. domestic law of armed conflict. Moreover, the Obama administration’s willingness to embrace international law will likely be reflected in the litigation position it takes in cases related to the law of armed conflict in U.S. courts. Conversely, the increased embrace of international law may increase the legitimacy of certain legal positions the U.S. has taken with regard to international law, both in litigation in U.S. courts and in international legal circles.

### A2: Congress Key Signal

#### CP sends the most powerful signal (while avoiding Congressional confrontation)

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -- for better or for worse -- as the authentic voice of America.

To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America.

This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

### A2: Harris

#### First --- Their card is talking about CIA recommendations that are thousands of pages and vague. The CP is short. It establishes a CLEAR boundary between CIA and DOD. No rational explanation of why their cards discussing cold war apply

**Harris 05** – (2005, Grant, JD candidate at time of publication, expected same year, post-graduation: Special Assistant to the President and Senior Director for African Affairs, former Deputy Chief of Staff and Counselor to Susan E. Rice, the U.S. Ambassador to the United Nations and a member of President Obama’s Cabinet, “The CIA Mandate and the War on Terror,” Yale Law & Policy Review Vol. 23:529, 2005)

The thousands of pages of reports and recommendations made by the various commissions of the 1970s suggest that the vague terminology of the CIA mandate was an important cause of CIA abuses perpetrated during the Cold War. The lack of clear boundaries of authority provided no clear guideposts to prevent good-faith efforts to protect the nation's security from crossing the line to become overzealous and unnecessarily infringe civil liberties. Similarly, statutory ambiguity provided fertile ground for political abuse of the Agency at the behest of the highest levels of government. The abuses were caused by a mix of convenient and disingenuous interpretations of the CIA mandate and outright violations of the law. For these reasons, clarified statutory limits as proposed in Part IV of this Note would provide better boundaries for well-intentioned activities as well as a more meaningful shield by which the CIA could ward off bad-faith directives intended to serve personal or political ends.

#### Second --- If the CP is vague, then the logic applies to the plan too!

**Harris 05** – (2005, Grant, JD candidate at time of publication, expected same year, post-graduation: Special Assistant to the President and Senior Director for African Affairs, former Deputy Chief of Staff and Counselor to Susan E. Rice, the U.S. Ambassador to the United Nations and a member of President Obama’s Cabinet, “The CIA Mandate and the War on Terror,” Yale Law & Policy Review Vol. 23:529, 2005)

Vague statutory language proved all too malleable in the face of the nation's overriding fear of communism. The drive to win the Cold War and undefined prohibitions with ambiguous parameters opened the door to creative interpretations of authority. CIA excesses during the Cold War were excused if not encouraged by the drive to defeat communism, which emanated from the country's highest levels of political leadership. This created a situation of lax oversight of CIA activities and a "climate of tolerance" in which there was a "let them do what they need to do to get the job done" ethic in place from the passage of the National Security Act in 1947 until the congressional inquiries of the 1970s. n64

#### Transparency and self-restraint solve U.S. and global norms

Zenko, Douglas Dillon fellow in the Center for Preventive Action at the Council on Foreign Relations, January 2013

(Micah, “Reforming U.S. Drone Strike Policies,” CFR Special Report #65, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past. Furthermore, norms can deter states from acquiring new technologies.72 Norms—sometimes but not always codified as legal regimes—have dissuaded states from deploying blinding lasers and landmines, as well as chemical, biological, and nuclear weapons. A well-articulated and internationally supported normative framework, bolstered by a strong U.S. example, can shape armed drone prolifera- tion and employment in the coming decades. Such norms would not hinder U.S. freedom of action; rather, they would internationalize already-necessary domestic policy reforms and, of course, they would be acceptable only insofar as the limitations placed reciprocally on U.S. drones furthered U.S. objectives. And even if hostile states do not accept norms regulating drone use, the existence of an international norma- tive framework, and U.S. compliance with that framework, would pre- serve Washington’s ability to apply diplomatic pressure. Models for developing such a framework would be based in existing international laws that emphasize the principles of necessity, proportionality, and distinction—to which the United States claims to adhere for its drone strikes—and should be informed by comparable efforts in the realms of cyber and space.

In short, a world characterized by the proliferation of armed drones—used with little transparency or constraint—would under- mine core U.S. interests, such as preventing armed conflict, promoting human rights, and strengthening international legal regimes. It would be a world in which targeted killings occur with impunity against anyone deemed an “enemy” by states or nonstate actors, without accountability for legal justification, civilian casualties, and proportionality. Perhaps more troubling, it would be a world where such lethal force no longer heeds the borders of sovereign states. Because of drones’ inherent advantages over other weapons platforms, states and nonstate actors would be much more likely to use lethal force against the United States and its allies.

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

Executive Branch

The president of the United States should

■■ limit targeted killings to individuals who U.S. officials claim are being targeted—the leadership of al-Qaeda and affiliated forces or individ- uals with a direct operational role in past or ongoing terrorist plots against the United States and its allies—and bring drone strike prac- tices in line with stated policies;

■■ either end the practice of signature strikes or provide a public account- ing of how it meets the principles of distinction and proportionality that the Obama administration claims;

■■ review its current policy whereby the executive authority for drone strikes is split between the CIA and JSOC, as each has vastly different legal authorities, degrees of permissible transparency, and oversight;

■■ provide information to the public, Congress, and UN special rappor- teurs—without disclosing classified information—on what proce- dures exist to prevent harm to civilians, including collateral damage mitigation, investigations into collateral damage, corrective actions based on those investigations, and amends for civilian losses; and

■■ never conduct nonbattlefield targeted killings without an account- able human being authorizing the strike (while retaining the poten- tial necessity of autonomous decisions to use lethal force in warfare in response to ground-based antiaircraft fire or aerial combat).

## Intell

### Circ

#### Obama will circumvent the plan-he doesn’t even listen to his own lawyers-he has aggressively done what he wants-TK’s and Libya prove.

Cohen 12 (Michael, Fellow at the Century Foundation, 3-28-12, “Power Grab,” <http://www.foreignpolicy.com/articles/2012/03/28/power_grab?page=full>)

This month marks the one-year anniversary of the onset of U.S. military engagement in the Libyan civil war. While the verdict is still out on the long-term effects of the conflict for U.S. interests in the region, it's closer to home where one can point to the war's greater lasting impact -- namely in further increasing the power of the executive branch to wage war without congressional authorization. But don't expect to hear much about that issue on the campaign trail this election year. Rather the erosion of congressional oversight of the executive branch's war-making responsibilities has been something of a bipartisan endeavor -- and one that is unlikely to end any time soon.¶ It might seem like a bit of ancient history now, but one of the more creative arguments to come out of the U.S. military intervention in Libya was the Obama administration's assertion that the war did not actually represent "hostilities." Indeed, according to the president's argument to Congress, U.S. operations in Libya "do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve U.S. ground troops" -- thus making them something less than war. On the surface this appears patently absurd. The United States was flying planes over Libyan air space and dropping bombs. Missiles were being fired from off-shore. An American military officer (Adm. James Stavridis) commanded the NATO effort. There were reports of forward air controllers on the ground spotting targets for U.S. bombers. In all, NATO planes flew more than 26,000 sorties in Libya, nearly 10,000 of which were strike missions. By what possible definition is this not considered "hostilities"?¶ As it turns out the ambiguity over whether the war represented "hostilities" is one codified in U.S. law -- namely the War Powers Resolution (WPR). Under the provisions of the WPR the President was required to notify Congress within 48 hours of the beginning of U.S. military involvement. He then had 60 days to receive authorization from Congress and if he failed to do he would have 30 days to end the fighting. (Of course, if U.S. military actions do not rise to the level of "hostilities," then the president does not have to go through this rigmarole and receive congressional approval.)¶ Now on the surface, such an elastic view of what the word hostilities means is hardly unusual. Indeed, it is rather par for the course in discussions of the War Powers Resolution. In 1975, the Ford administration claimed that "hostilities" only refers to a scenario in which U.S. forces are "actively engaged in exchanges of fire with opposing units." Similar efforts at defining down hostilities were attempted by the Carter, Reagan, and Clinton administrations when they sought to use military force. Still, these generally were in reference to peacekeeping missions like in Lebanon and Bosnia -- not offensive operations like those waged in Libya.¶ In a political vacuum, Obama's stance on "hostilities" in Libya might represent the traditional push and pull of executive-legislative branch disagreements about presidential war-fighting prerogatives.¶ But of course, on this issue we are far from being in a political vacuum. Obama's broadening of executive power comes with the backdrop of the George W. Bush administration's efforts to expand the president's ability to wage war. Indeed, the position taken by the Obama administration bears uncomfortable similarities to the one taken by John Yoo when he served at the Justice Department and argued -- in the wake of 9/11 -- that the Constitution granted the president practically unquestioned executive power to wage war. Yet, even Bush sought congressional approval for military actions in Afghanistan and Iraq; Obama didn't bother to do the same for Libya. In addition, Obama also overruled the opinion of his own Office of Legal Counsel (OLC) on the question of whether the president must abide by the War Powers Resolution in regard to the Libyan intervention. The OLC said he did; the White House assembled legal opinions that said he didn't -- and the latter view won out. As Bruce Ackerman, a law professor at Yale University, noted at the time, "Mr. Obama's decision to disregard that office's opinion [the OLC] and embrace the White House counsel's view is undermining a key legal check on arbitrary presidential power."¶ So at a time when the door has been opened rather wide on unaccountable war-waging by the executive branch -- with minimal legislative checks and balances -- the Obama administration has opened it even further. What is perhaps most surprising is that it is being promulgated by a president who pledged as a candidate to put an end to such practices.¶ As Ackerman said to me, Obama came into office with a golden opportunity to reestablish some modicum of restraint over the actions of the executive branch in the pursuit of national security. Ironically, in a Boston Globe questionnaire in December 2007, Obama specifically rejected the argument that he used, in part, to justify going around Congress on Libya. "The President," wrote candidate Obama, "does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation ... History has shown us time and again, however, that military action is most successful when it is authorized and supported by the Legislative branch."¶ While Obama has hardly gone as far down the road on expanding executive power as Bush did, it is also true that he "consolidated many of the principles of executive power that were first described in the Bush administration," says Ackerman. In effect, "Obama has done nothing to stop the return of another John Yoo." Indeed, with his actions on Libya, Obama has done more than consolidate Bush administration positions -- he has expanded them.¶ These are negative developments, but it gets worse. In the president's initial letter to Congress, the airstrikes in Libya, "will be limited in their nature, duration, and scope. Their purpose is to support an international coalition as it takes all necessary measures to enforce the terms of U.N. Security Council Resolution 1973." The U.N. resolution specifically did not call for regime change and yet in July 2011, Secretary of Defense Leon Panetta made clear that the U.S. "objective" in Libya "is to do what we can to bring down the regime of Qaddafi." Moreover, as Micah Zenko, a fellow at the Council on Foreign Relations, said to me, NATO forces looked the other way at flights by the French government, among others, that re-supplied the Libyan rebels (in violation of the arms embargo mandated under Section 9 of Resolution 1970); sought to kill Qaddafi via airstrikes (eventually indirectly succeeding); helped to plan the operations that allowed the insurgents to capture Tripoli, and provided sensitive and secret satellite imagery to the rebels. In short, the United States went far beyond the mandate established by the Security Council and in effect lied when claiming that the operations in Libya were simply about protecting civilians. Putting aside the international law implications, the administration adopted a position of regime change of a foreign leader without any approval from Congress.¶ What is most surprising about the Obama administration's position is that it likely would not have been a heavy lift to get congressional backing for the operations in Libya in the early stages of the air campaign. But by disregarding Congress's role on Libya -- and shifting the intent of the U.S. mission without any congressional input into the decision -- the president has set a new and potentially troubling precedent. In contrast, by seeking congressional authorization Obama would have, ironically, restored some of the balance between the legislative and executive branch on issues of use of American military force.¶ Running roughshod over Congress has becoming something of a norm within the Obama administration. As one foreign-policy analyst close to the White House said to me "they generally don't do a good job of keeping people in the Hill in the loop on what they are doing. They see congressional oversight as a nuisance -- even within their own party." Another analyst I spoke to had a one-word response to the question of the administration's attitude toward Congress's role in foreign policy: "Dismissive." Whether the lack of proper consultation over the closing of the detainee facility at Guantanamo Bay, the refusal to share with intelligence committees the rationale for targeted killings, or even brief Hill staffers on changes in missile defense deployment, this sort of ignoring of congressional prerogatives has often been the rule, not the exception.¶

### DCS Link – 2NC

#### The DCS is the DOD’s human intelligence agency---they will get recruits now, but after the plan they won’t----they shift the CIA back the institutional role of being all about intelligence---that allows them to win the recruiting game and get the same people the DCS needs to take off---that’s Aid.

### DCS U – Happening Now

#### DCS being established now—they have funds just a question of recruits and missions

**Bennett, Defense News, 2-12-14**

(John, “Analysis: Defense Clandestine Service Is Here To Stay”, <http://www.defensenews.com/article/20140212/DEFREG02/302120039/Analysis-Defense-Clandestine-Service-Here-Stay>, ldg)

Senior US officials and lawmakers are sending new signals that a fledgling cadre of military spies is a done deal, despite no real substantive public debate. The Pentagon last year proposed creation of the Defense Clandestine Service (DCS), saying the military needed its own team of spies to gather human intelligence across the globe. The country already has a civilian clandestine service within the CIA, which is itching to ditch some of its post-9/11 roles and return full-time to the spying and analysis business. Yet, despite unresolved questions about operational and budgetary redundancy, Congress rubber-stamped the Pentagon’s plans. And by approving the Defense Department plans as included in its last budget request, so did President Barack Obama, who seems enamored with the country’s myriad intelligence tools. The conclusion apparently reached by Congress and the administration: Why not add another intel gadget to the toolbox — and slap a military insignia on it? Ask just about any former Pentagon official or Capitol Hill defense aide what is the biggest hurdle for establishing an entity within the massive DoD bureaucracy, and they almost always will say getting included in the annual budget request, and then surviving the first congressional budget cycle. DCS accomplished that feat. In recent weeks, including on Tuesday, senior intel officials and lawmakers gave more signals that the military spy cadre is here to stay. Here are three reasons: 1. High-level support. Director of National Intelligence James Clapper, a former military intelligence official, gushed about DCS during testimony Tuesday before the Senate Armed Services Committee. So did Defense Intelligence Agency Director Lt. Gen. Michael Flynn. “I am a big supporter of it,” Clapper said. “What this initiative [does], to me, is taking this to the next level. It represents professionalization, greater partnering with the [CIA’s] National Clandestine Service. So I’m a big proponent of it. I think it is a unique capability, particularly the uniform [operatives], and provides a unique service to the national intelligence community that no one else can do.” Flynn described the military spy agency’s purpose as to “provide human intelligence collection capability for defense and national requirements. “I would just say that in three areas we have seen significant improvement, and that is our field presence, which we ... have expanded our footprint overseas. Primarily the second area is building stronger partnerships, not only with allies and other nations, but also with our services and with, especially, special operations command and, of course, our great partner in the CIA in this endeavor. ... We have seen a modest increase in our productivity in terms of reporting and just production from these capabilities that we have put out there over the last year.” In Washington, if the bigwigs want something — especially ones who run national security entities — they typically get it. 2. Buzzwords. No US defense initiative is real until it’s accompanied by a slew of mind-numbing slogans and government-speak terms. Officials often use them when answering serious, and not-so-serious, questions from lawmakers. Clapper offered a few. The new spy cadre, he said, “will help to promote more integration between the two services.” The DNI said the Pentagon clandestine organization should “actually serve to promote greater integration with the National Clandestine Service.” SASC Ranking Member Sen. Jack Reed, R-R.I., also got into the buzzword act. “Gen. Clapper, can you comment on the Defense Clandestine Service [and] its integration with other elements since you’re sitting at sort of the apex of collection activities and other activities.” In Washington, when your program or initiative gets some buzzwords, it’s a real thing. 3. Congress erected low hurdles. When the leaders of the House and Senate Armed Services committees negotiated a 2014 Pentagon policy bill that was jammed through both chambers in late December, they erected no major hurdles for DCS. True, the compromise bill includes House-approved language that would require the Defense Department to certify this or that. One such requirement withholds 50 percent of the spy service’s 2014 monies until the Pentagon certifies to congressional national security committees that “DCS is designed primarily to fulfill priorities of the DoD that are unique to the DoD or otherwise unmet; and provide unique capabilities to the intelligence community.” Such certifications are not difficult tasks for the Defense Department. The Pentagon policy measure contains other provisions that require “the secretary of defense to design metrics that will be used to ensure that the DCS is employed in the manner certified; provide annual assessments for [five] years based on the metrics established; submit prompt notifications of any significant changes; and provide quarterly briefings on deployments and collection activities.” Because the department employs scores of workers to craft those kinds of things for Congress, those hurdles are relatively low ones. Barring a scandal or operational debacle, all evidence suggests DCS is a done deal.

### DCS Key – 2NC

#### DCS is better than the aff---they have on the ground knowledge, even CIA officials have said it will boost intell collaboration between brnches

#### DCS is sufficient to solve large intelligence threats

**Ambinder, Defense One senior contributor, 2013**

(Marc, “The world's newest spy service”, 2-19, <http://theweek.com/article/index/240294/the-worlds-newest-spy-service>, ldg)

The world's newest spy agency is now open for business. The Defense Clandestine Service now has its own website, a motto, and, finally, money from Congress to operate. The DCS, in its own words, "conducts human intelligence (HUMINT) operations to answer national-level defense objectives for the President, the Secretary of Defense, and senior policy-makers." DCS case officers "conduct source operations in every region of the world, alone or in teams. They use their innate intellect, flexibility and creativity — augmented by knowledge of the culture and comprehensive training — to recruit and manage HUMINT sources whose information answers national-level defense objectives." Sounds like boilerplate, but let's unpack it. The DCS has a simple goal: steal secrets to help warfighters fight. The CIA steals secrets, but its products are aimed at providing strategic warning. A large percentage of the CIA's National Clandestine Service deploys alongside warfighters today to help provide more tactical, defense-related information. In theory, the DCS will help the CIA rebalance its own objectives. More Russia, more China, more cyber-intelligence; more narcotics, more proliferation. The DCS will deploy case officers "alone" — which means they'll be under deep or "non-official" cover, assuming identities unconnected with the local embassy. They'll also deploy in teams — a DCS cadre is already assigned to the Special Operations Command, for example, and its officers are already working with SOCOM's intelligence and operational branches to determine what requirements — that's an intelligence word — the case officers will begin to fulfill. Every combatant command will get its own "Rotational Support Team." One reason why the Department of Defense wants its own secret service is because traditionally, its own spies have been soldiers, and thus subject to different and more stringent rules of conduct, and because the Defense Intelligence Agency hasn't generally been the place where talented would-be intelligence operatives would base their careers. Many HUMINT officers serve transiently. With the DCS, it's a lifetime job. Case officers will spend about 60 percent of their time overseas, according to the DIA, in many cases in "austere, remote" environments where family members are not permitted. But the salary, benefits, and excitement, DCS promises, will make the job worth it. One other twist: the DCS will ask case officers to sign a mobility waiver, which allows the DoD to transfer them into warzones at the drop of a presidential order. The DCS will recruit between 200 and 300 new case officers over the next few years, augmenting its operations with HUMINT personnel transfered in from other defense intelligence entities.

#### CIA sucks-military needs their own intel

**Pasternak, Brunel security studies MA, 2012**

(Andrew, “Do We Really Need Another CIA?”, 4-24, <http://www.policymic.com/articles/7383/do-we-really-need-another-cia>, ldg)

The fact that the Pentagon feels the need to create the DCS in the first place, however, suggests that the NCS is not sufficiently serving the needs of the defense community. The increase in information sharing and cooperation between agencies has been a focus since 9/11, yet there will almost always be red tape between agencies regardless (a lot of it in place for good reason). With no control over the NCS, the DoD may feel that it is not able to control the quality and quantity of information it receives, while many inside and outside the CIA are hesitant to further militarize the agency. What the DoD is in effect stating by creating the DCS is that if the CIA cannot or will not obtain and share the intelligence the Pentagon feels is necessary for its operations, then they will do it themselves.   
[NCS=part of the CIA]

### Heg Inev

#### Brooks 13

Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities

### Systemic Failure

#### Diplomacy fails

Dennis Jett 8, served as the United States ambassador to Mozambique and Peru under the Clinton administration and is currently a professor of international relations at the School of International Affairs at the Pennsylvania State University. From 2000 to 2008, he was the Dean of the International Center and lecturer of political science at the University of Florida, Why American Policy Fails, 1-4

This book might appear in parts to be another of the growing number of books critical of the regime currently in power in Washington. The problem it describes, however, is systemic and will continue regardless of who is president. The lack of a foreign policy won’t depend on which party holds the White House or controls the Congress, and that should give even the partisans on both sides of the aisle pause. The cause of this situation is not obvious, making it even more important to attempt to explain why it came about. While citizens should understand how their government works, there are good reasons why that doesn’t happen. Those who are in government, or depend on it for their livelihood, rarely believe transparency will make their work any easier. Understanding also often eludes average citizens because they don’t have the time, interest, or ability to gather enough information and examine government actions enough to understand the policies and, more importantly, the motivations behind them. The 28 years I spent in the State Department, including two ambassadorships and service on the National Security Council (NSC), have given me some understanding of the way the U.S. government works. Having retired, I can now consider the effects of Washington’s deci- sions without having any obligation to defend them. In spending the years since my retirement in 2000 in academia, I have gained an appreciation for the theories of international relations and the ways in which scholars approach the subject. I have also been left with the belief that the theories being taught provide little real understanding of how the United States relates to other countries today, and with the feeling that this doesn’t matter much on campus. This book will offer a description of what the process of formulat- ing foreign policy is really like, how it got that way, and why it may not change much in the future. It will also challenge conventional wisdom, the assertions of politicians, and academic theories. It won’t pretend to deﬁ nitively settle the debate about how foreign policy is or should be made or about what the end results ought to be. That will never happen. The process is far too complex and subject to too many inﬂ uences to ever be explained deﬁ nitively in a simple theory. Some will reject this description for a number of reasons, but at least it will provide a different perspective and, hopefully, stimulate some discus- sion of what that policy should be and how it ought to be made. Such a discussion is not just a theoretical exercise or an academic debate. It is critically important to the future of the United States and goes to the heart of why, thus far in the twenty-ﬁ rst century, American foreign policy has been a colossal failure. When a nation is despised and distrusted abroad, it will be unsafe at home. And virtually every poll taken indicates the United States is plumbing new depths in terms of how it is perceived overseas. Even in Australia, traditionally one of America’s closest allies, as many people ranked American foreign policy as a threat to stability in the world as listed Islamic fundamentalism.1 In another poll, 36 percent of the Europeans questioned listed the United States as the biggest threat to global stability. Only 30 percent thought it was Iran, and a mere 18 percent put China ﬁ rst.2 A poll released by the BBC in January 2007 that surveyed 26,000 people in 25 countries showed a steady deterioration in the standing of the United States abroad. The poll found that only 32 percent of the people surveyed believe that U.S. inﬂ uence in the world is mainly positive, while 49 percent consider it mainly negative. Even among Americans themselves, conﬁ dence in the impact of the United States is falling. A majority of the Americans polled (57 percent) still believe their country to be a mainly positive inﬂ uence, but this has fallen from 63 percent a year ago and 71 percent two years ago.3 Some will respond to those dismal ﬁ gures by asserting that foreign policy is not a popularity contest and therefore polls don’t matter. The result of this growing unpopularity, however, is that America’s soft power—the ability to persuade other countries to follow its lead and support its position on issues—is steadily being weakened. And that leaves only America’s hard power—its military might—with which to coerce others into acquiescing in U.S. efforts to achieve its goals. Or it means accepting that its goals won’t be achieved. And as the strains placed on the American military by the commitments in Iraq and Afghanistan demonstrate, even the world’s only superpower has signiﬁ cant limitations. American policy has become so unpopular abroad because it is designed mainly to respond to the desires and dictates of speciﬁc groups at home regardless of its impact overseas. Put another way, in the United States there is no longer any useful distinction between the way domestic and foreign policies are made. Now both foreign policy and domestic policy emanate from the same marketplace that characterizes Washington and its decision-making process. The idea that foreign policy is just one more commodity in the Washington marketplace is contrary to what is often believed and taught. Consider this paragraph from the 28th edition of American Foreign Policy, an annually updated collection of articles on foreign policy that serves as a companion to popular undergraduate textbooks on the subject: Conventional political wisdom holds that foreign policy and domestic policy are two very different policy arenas. Not only are the origins and gravity of the problems different, but the political rules for seeking solu- tions are dissimilar. Where partisan politics, lobbying and the weight of public opinion are held to play legitimate roles in the formulation of health, education, or welfare policy, they are seen as corrupting inﬂuences in the making of foreign policy. An effective foreign policy demands a quiescent public, one that gives knowledgeable professionals the needed leeway to bring their expertise to bear on the problem. It demands a Congress that unites behind presidential foreign policy doctrines rather than one that investigates failures or pursues its own agenda. In brief, if American foreign policy is to succeed, politics must stop “at the water’s edge.”4 The book goes on to say that this belief is not shared by all who write on the topic and that there are dissenters to this view. For those who adhere to the “conventional wisdom,” foreign policy is appar- ently too remote, too abstract, and too critically important to the nation’s security to be affected by domestic politics. They assume politicians recognize this and that they generally act accordingly even though they would probably admit there are exceptions. The view that domestic politics never intrudes on foreign policy could be held only by someone who has never met a politician. The idea that the two are so different may be “conventional wisdom” for many, but it is also wrong. If it is indeed widely held, then there is a considerable lack of appreciation for how the world has changed and how that has affected the process of making foreign policy.

## Norms

### No Drone Prolif – 2NC

#### No Modeling – they’re ruinously expensive

Mahadevan 10 (Prem, senior researcher with the Global Security Team at the Center for Security Studies (CSS), “THE MILITARY UTILITY OF DRONES” <http://e-collection.library.ethz.ch/eserv/eth:2252/eth-2252-01.pdf>)

At present, only the United States and Israel have demonstrated the capacity to manufacture attack drones. However, with more than 50 countries purchasing drones or building them indigenously, this is cer - tain to change. More doubtful is whether drone technology will be able to remain inexpensive while becoming more sophisticated. The experience of manned military aviation, where acquisition costs have risen with technological improvements, does not suggest that future drones will be cheap. Furthermore, in contexts other than coun - terinsurgency and counterterrorism, the effectiveness of drones is largely dependent on the operating environment. If air defence technology improves at a faster pace than drone technology, depend - ence on unmanned aircraft could prove ruinously expensive for most countries. Despite this, the US military is currently investing heavily in operational drones. At the moment, most of its drones are tactical ones, which are cheap and easily replaceable. Drones are likely to be most useful when carrying out vital missions deemed too dangerous for manned aircraft, such as electronic warfare over hostile terri - tory. Even their use on border policing has proven controversial, with one study finding that the results produced do not justify the costs involved. From a long- term perspective, improvements in drone technology are occurring too slowly and incrementally to justify labeling it a transformative phenomenon. Rather than re - placing manned aircraft in the future, drones are likely to only complement them.

### No Drone Wars – 2NC

#### Drones are only effective at counterterrorism---no threat to great powers

Lewis 11 (Michael W. Lewis teaches international law and the law of war at Ohio Northern University School of Law. He is a former Navy fighter pilot and is the coauthor of "The War on Terror and the Laws of War: A Military Perspective." “Unfounded drone fears,” http://articles.latimes.com/2011/oct/17/opinion/la-oe--lewis-drones-20111017)

Almost since the United States began using the unmanned aerial vehicles known as drones, their use has drawn criticism. The latest criticism, which has received considerable attention in the wake of the drone strike on Anwar Awlaki, is that America's use of drones has sparked a new international arms race. While it is true that some other nations have begun developing their own unmanned aerial vehicles, the extent of the alarm is unjustified. Much of it rests on myths that are easily dispelled. Myth 1: Drones will be a threat to the United States in the hands of other nations. Drones are surveillance and counter-terrorism tools; they are not effective weapons of conventional warfare. The unmanned aerial vehicles are slow and extremely vulnerable to even basic air defense systems, illustrated by the fact that a U.S. surveillance drone was shot down by a 1970s-era MIG-25 Soviet fighter over Iraq in 2002. Moreover, drones are dependent on constant telemetry signals from their ground controllers to remain in flight. Such signals can be easily jammed or disrupted, causing the drone to fall from the sky. It's even possible that a party sending stronger signals could take control of the drone. The drones, therefore, have limited usefulness. And certainly any drone flying over the U.S. while being controlled by a foreign nation could be easily detected and either destroyed or captured.

#### Drones aren’t a transformational military capability – easily shot down

Mahadevan 10 (Prem, senior researcher with the Global Security Team at the Center for Security Studies (CSS), “THE MILITARY UTILITY OF DRONES” <http://e-collection.library.ethz.ch/eserv/eth:2252/eth-2252-01.pdf>)

Notwithstanding the above factors, drones have yet to prove themselves as better than manned aircraft, on the basis of com - mon standards of performance. For a start, drones are only effective in attack roles when operating against targets with no air defence capabilities. Unlike a fighter jet pilot, drone operators cannot detect threats to the safety of their aircraft. Surface-to-air missiles therefore pose a much greater threat to drones than to other forms of military aviation. The vulnerability of drones to ground fire could become a debilitating factor, if great - er dependence is placed on drones in war- fighting. One of the biggest advantages of unmanned aircraft is their low acquisition cost, relative to manned aircraft. However, heavy losses to enemy fire would drive the overall cost of drone operations beyond sustainable levels. The United States had a similar experience when it attempted to use helicopters on a massive scale in Viet - nam. Conversely, should efforts be made to enhance the operational sophistication of drones, per-unit costs will rise, making the loss of a drone a serious concern for mili - tary commanders. This would increase risk aversion. In the final analysis, drones are popular because they present a low-cost option for locating and destroying low-tech ad - versaries. If they were to be upgraded to penetrate sophisticated air defence sys - tems, their advantages vis-à-vis manned aircraft would fall away. Furthermore, drones have higher operating costs than manned aircraft, which in the long run, militates against greatly enhancing their use in warfare. They are also ten times more prone to crashing than fighter jets – a problem that can only be overcome through expensive technical upgrades.

### Restraint Fails – 2NC

#### Norms won’t be followed – we’re passed the point of shaping UAVs.

Bucci 2013

Steven, Heritage Foundation Fellow, interview with Dan Lerner, http://www.centerforsecuritypolicy.org/wp-content/uploads/2013/10/Lerner\_UAVs-and-Force-10202013.pdf

There are those, however, who are skeptical about the extent to which concern that the United States is setting a bad precedent through its use of UAVs should inform policy. The Heritage Foundation's Ste- ven Bucci asserts that other nations will not be guided by America's example, but rather follow their own agendas: "My study of modern history and politics has shown me that if another country makes a deci- sion based on their interests or calculations to do or not to do something, it doesn't matter a twig what America's done already. We have the same argument with the use of offensive mal- ware in the cyber world. We had the same argument with battleships and torture. These coun- tries are not going to say 'Let's wait and see if America does this, then we can do it.' Once they reach a point where they think it's in their interests to use whatever technique they're contem- plating in order to accomplish an end, the question of whether America's already done it might be a convenient justification to try and defend the action after the fact, but it's probably not terribly relevant to [1] the decision to do it or not to do if, or [2] who gets condemned after the fact. Again, those are nice graduate school discussion points, but not terribly relevant in the policy-making arena. ■220 Prof. Kenneth Anderson argues that the United States already setting appropriate precedent in this area, and that UAV use as such should not be driven by this concern: "The United States, it is claimed, is arrogantly exerting its momentary technological advantage to do what it likes. It will be sorry when other states follow suit. But the United States does not use drones in this fashion and has claimed no special status for drones. The U.S. government uses drone warfare in a far more limited way, legally and morally, and entirely within the bounds of international law. The problem with China (or Russia) using drones is that they might not use them in the same way as the United States. The drone itself is a tool. How it is used and against whom—these are moral questions. If China behaves malignantly, drones will not be responsible. Its leaders will be."221

## 1nr

### 1NR Impact Overview

#### Middle east war outweighs---nonstate actors disrupt deterrence, lack of communication lines make escalation likely, first strike advantages incentivizes using wmd-that’s Cordesman

#### Deal failure by itself sufficient to trigger miscalc and global war

PressTV, 13 (“Global nuclear conflict between US, Russia, China likely if Iran talks fail,” <http://www.presstv.ir/detail/2013/11/13/334544/global-nuclear-war-likely-if-iran-talks-fail/>)

A global conflict between the US, Russia, and China is likely in the coming months should the world powers fail to reach a nuclear deal with Iran, an American analyst says. “If the talks fail, if the agreements being pursued are not successfully carried forward and implemented, then there would be enormous international pressure to drive towards a conflict with Iran before [US President Barack] Obama leaves office and that’s a very great danger that no one can underestimate the importance of,” senior editor at the Executive Intelligence Review Jeff Steinberg told Press TV on Wednesday. “The United States could find itself on one side and Russia and China on the other and those are the kinds of conditions that can lead to miscalculation and general roar,” Steinberg said. “So the danger in this situation is that if these talks don’t go forward, we could be facing a global conflict in the coming months and years and that’s got to be avoided at all costs when you’ve got countries like the United States, Russia, and China with” their arsenals of “nuclear weapons,” he warned.

#### Deal failure triggers Israeli strike

Robert Satloff, Feb 2014, Will Israel and the U.S. Break Up over Iran?, www.washingtoninstitute.org/policy-analysis/view/will-israel-and-the-u.s.-break-up-over-iran

Looking forward, even President Obama gave no more than 50/50 odds that U.S. diplomats will reach a comprehensive agreement with Iran. The alternative would likely be to extend the temporary deal, triggering a deeper crisis with Israel. That could heighten the potential for a unilateral Israeli military attack on Iran's nuclear sites, with U.S.-Israel ties suffering massive collateral damage. Since Israel needs American support when sthe dust clears, that might not qualify as the worst of times, but it comes close. So let's hope 2014 sees U.S. diplomats pulling a nuclear rabbit out of the hat with a final Iran deal that meets Israel's concerns, consigning this moment of crisis to a chapter in some future history book. Otherwise, Israelis will have a lot more on their minds than the price of cottage cheese.

#### Strikes cause extinction

Masko, 2/9/12

[Dave Masko is an Air Force News veteran who's filed stories from Washington, D.C., the Middle East, the Balkans and Europe. These days, he's a freelance writer based in Florence, Oregon. Masko's articles have appeared in European Stars and Stripes, The Washington Post, Rolling Stone and other publications. From 1977-1999 he was a reporter for the Defense Department, <http://www.huliq.com/10282/iran-nuclear-ambitions-alarming-israel-brink-war-say-experts>]

There’s always been the danger of something “going nuclear” in our fragile world where countries such as Iran and Israel seem to like rattling sabers at each other was once viewed as “same old, same old,” by political science experts when referring to these countries threats of war remaining the same. However, it’s not same old, same old, when President Obama told NBC News in a TV interview Feb. 5 that while he does not think Israel has decided whether to attack Iran, the United States is “going to be sure that we work in lockstep as we proceed to try to solve this… hopefully diplomatically.” Thus, if Israel does attack Iran’s nuclear facilities and war breaks out, “even a small-scale, regional nuclear war could produce as many direct fatalities as all of World War II and disrupt the global climate for a decade or more, with environmental effects that could be devastating for everyone on Earth, university researchers have found,” stated a report on the University of California Los Angeles website aasc.ucla.edu; while pointing to “a team of scientists” at Rutgers, the State University of New Jersey; the University of Colorado at Boulder and UCLA who’ve researched the implications of such an attack. What's at stake for the world? Overall, the stakes could not be any greater for a world that fears war after more than 20 years of sabre rattling by Israel over Iran’s nuclear ambitions. In turn, President Obama and other world leaders seem very concerned that it’s not if but when “an Israeli military attack on the Islamic Republic of Iran” will leave in its wake a new war in the Middle East, with more terrorism worldwide laced with even broader economic woes at a time when many countries are already at a breaking point. Moreover, the top U.S. intelligence official told Congress Jan. 31 – in an annual report about threats facing the nation – that “Iran’s leaders seem prepared to attack U.S. interests overseas, particularly if they feel threatened by possible U.S. action.” Jim Clapper, director of National Intelligence, also told the Senate Intelligence Committee Jan. 31 in an MSNBC TV report that America “now faces many interconnected enemies, including terrorists, criminals and foreign powers, who may try to strike via nuclear weapons or cyberspace, with the movement's Yemeni offshoot and ‘lone wolf’ terror attacks posing key threats.” Middle East nuclear confrontation feared “While a regional nuclear confrontation – such as the one feared between Iran and Israel – among emerging third-world nuclear powers might be geographically constrained,” report this noted team of U.S. scientists, “the environmental impacts could be worldwide.” Thus, even the great Atlantic Ocean – that sits between the U.S. and the Middle East – would not buffer the “fallout” that will be in the “global atmosphere” impacting an already fragile world climate situation. While these conclusions of dark days ahead for the world if the so-called “nuclear genie gets out of the bottle” -- by U.S. scientists during a meeting of the American Geophysical Union – was back in 2006, the UCLA website that presented these nuclear war fears, has updated such conclusions about a clear and present danger of possible nuclear confrontation if Israel attacks Iran, and as of Feb. 9, 2012, the news from Israel is not good at all, state experts.

#### New sanctions **turns U.S. hegemony, diplomact and norms**

Leverett-professor at Pennsylvania State University's School of International Affairs-7/5/12

<http://www.worldfinancialreview.com/?p=3490>

America’s Iran Policy and the Undermining of International Order

Second, secondary sanctions are a political house of cards. American officials are well aware of their presumptive illegality. Successive U.S. administrations have been reluctant to impose them on non-U.S. entities transacting with Iran, precisely to avoid formal challenges at the WTO. U.S. secondary sanctions are, in effect, an enormous bluff, leveraging the specter of legal and reputational risk in America to bully companies and banks in third countries to stop transacting with Iran, but without pulling the trigger on the threat to punish those that continue doing business in Iran. The UK and European sanctions now facing legal challenges are a product of this bullying campaign. For over a decade, the EU has condemned America’s threatened ‘extraterritorial’ application of national trade law, warning it would go to the WTO if Washington ever sanctioned European companies over Iran-related business. Over the last several years, though, enough British and European businesses stopped transacting with Iran that the EU was no longer under pressure to defend European commercial interests and could begin subordinating its Iran policy to American preferences. By last year, it has imposed a nearly comprehensive economic embargo against the Islamic Republic. While Europe has surrendered on having an independent Iran policy, the U.S. bluff on secondary sanctions will soon be called, most likely by China. To be sure, Beijing does not seek confrontation with America over Iran, and has sought to accommodate Washington in many ways—e.g., by not developing trade and investment positions in the Islamic Republic as rapidly as it might have, and by shifting some Iran-related transactional flows into renminbi to help the Obama administration avoid sanctioning Chinese banks. While China’s imports of Iranian oil appear, in the aggregate, to be growing, Beijing reduces them when the administration is deciding about six-month sanctions waivers for countries buying Iranian crude. The Obama administration, for its part, continues giving China sanctions waivers; the one Chinese bank barred from America for Iran-related transactions is a Chinese energy company subsidiary with no U.S. business. But as Congress legislates more secondary sanctions, Obama’s room to maneuver is shrinking. Obama will soon be in the position of demanding that China cut Iranian oil imports in ways that would harm its economy, and that Chinese banks stop virtually all Iran-related transactions. Beijing will not be able to accommodate such radical demands; it will have to say ‘no’, putting Obama in a classic lose-lose situation. “If America wants a nuclear deal grounded in the NPT, Hassan Rohani is an ideal interlocutor. But this would require Washington to bring its own policy in line with the NPT.” Obama could retreat. But then the world will know that secondary sanctions are a bluff, undercutting their deterrent effect. Alternatively, he could sanction major Chinese firms and banks. But that will force Beijing to respond—at least by taking America to the WTO (where China will win), perhaps by retaliating against U.S. companies. At this point, Beijing has more ways to impose costs on America for violations of international economic law impinging on Chinese interests than Washington has levers to coerce Chinese compliance with U.S. policy preferences. America and its partners will not come out ahead in this scenario. Third, U.S. secondary sanctions accelerate the shift of economic power from West to East. As non-Western economies surpass more Western countries in their relative importance to the global economy, America has a strong interest in keeping non-Western states tied to established, U.S.-dominated mechanisms for conducting, financing, and settling international transactions. Secondary sanctions, though, push in the opposite direction, incentivizing emerging powers to speed up development of non-Western alternatives to existing transactional platforms. “Strategic recovery will also entail reversing Washington’s reliance on secondary sanctions—not because of Iranian surrender (which won’t be forthcoming), but because they delegitimize America’s claim to continuing leadership in international economic affairs.” This trend will diminish Western influence in myriad ways—e.g., reducing the dollar’s role as a transactional currency, lowering the share of cross-border commodity trades on New York and London exchanges, and shrinking the global near-monopoly of Western-based reinsurance companies and P&I clubs. Add the cost of a U.S.-instigated trade dust-up with China, and the self-damaging quality of America’s dysfunctional Iran policy becomes even clearer. Finding a New Approach Putting America on a better strategic trajectory will take thoroughgoing revision of its Iran policy. In this regard, the election of Hassan Rohani—who ran the Islamic Republic’s Supreme National Security Council for sixteen years, was its chief nuclear negotiator during 2003-2005, and holds advanced degrees in Islamic law and civil law—as Iran’s next president is an opportunity. If America wants a nuclear deal grounded in the NPT, Rohani is an ideal interlocutor. But this would require Washington to bring its own policy in line with the NPT—first of all, by acknowledging Iran’s right to safeguarded enrichment. Strategic recovery will also entail reversing Washington’s reliance on secondary sanctions—not because of Iranian surrender (which won’t be forthcoming), but because they delegitimize America’s claim to continuing leadership in international economic affairs. This, however, is even more difficult than revising the U.S. position on Iranian enrichment—for Congress has legislated conditions for lifting sanctions that stipulate Iran’s abandonment of all alleged WMD activities, cutting all ties to those Washington deems terrorists, and political transformation. Overcoming this will require Obama to do what President Nixon did to enable America’s historic breakthrough with China—going to Tehran, strategically if not physically, to accept a previously demonised political order as a legitimate entity representing legitimate national interests. None of this is particularly likely. But if America doesn’t do these things, it condemns itself to a future as an increasingly failing, and flailing, superpower—and as an obstacle, rather than a facilitator, of rules-based international order.

### 1NR A2: Hardliners 1

#### Hardliners irrelevant – Iran is complying now

WNCN 3/21/14

http://www.wncn.com/story/25035767/un-iran-complying-with-interim-nuclear-deal

UN: Iran complying with interim nuclear deal

VIENNA (AP) - The U.N. says Iran is curbing its atomic activities in line with a preliminary deal made in January. A restricted report says Tehran has not resumed its previous enrichment of uranium to just a technical step from the level needed for a nuclear weapon, and continues to reduce its supply of that material. The U.N. nuclear agency report, released late Thursday, also says major construction remains at a standstill at the Arak reactor, southwest of Tehran. If completed, the facility could produce substantial amounts of plutonium, which can arm nuclear warheads. Tehran says it is not interested in nuclear arms and only seeks power production. Iran and six world powers are working on a comprehensive agreement envisaging long-term limits on Tehran's nuclear programs in exchange for an end to sanction

#### Iran’s verifiably implementing the interim agreement – hardliners won’t jack a deal

Daryl G. Kimball 1-23, executive director of the Arms Control Association, and Sanford Gottlieb, was executive director of the National Committee for a Sane Nuclear Policy, 1/23/14, “Bill could scuttle Iran deal [Commentary],” The Baltimore Sun, http://www.baltimoresun.com/news/opinion/oped/bs-ed-iran-deal-20140123,0,5752254.story#ixzz2rGSLEZ8z

Iran began taking verifiable steps this week to stop work on its most worrisome nuclear activities under the terms of an agreement with the United States and five other world powers. The breakthrough nuclear deal marks the first negotiated limitations on Iran's nuclear program in nearly a decade and opens the door for talks on a comprehensive agreement to prevent a nuclear-armed Iran. As long as Iran complies with the limits on its program, the P5+1 group (China, France, Germany, Russia, the United Kingdom and the United States) has agreed to provide limited and reversible relief from some of the sanctions now in force against Iran. The six powers also pledged to refrain from any additional sanctions for the duration of the agreement, which will allow more frequent (daily) inspections of Iran's key nuclear sites, providing for early warning of any noncompliance. Unfortunately, a group of 59 senators, including Maryland's Ben Cardin, has introduced and is seeking a vote on a bill (S. 1881) that would impose further sanctions on Iran, reopen the terms of the first phase agreement and impose new and unrealistic restrictions on the comprehensive deal. The bill's authors claim their proposal for additional sanctions supports a diplomatic solution. As President Barack Obama and the 10 Senate Democratic committee chairs have warned, it would not. Why? The new Iran sanctions bill sets out impractical demands for the still-to-be-negotiated comprehensive deal. Iran and the P5+1 powers have already agreed that the final phase deal will include a "mutually defined enrichment program" for Iran. But S. 1881 would only allow the suspension of sanctions if Iran agrees to zero-enrichment and the complete dismantlement of its nuclear infrastructure. Zero-uranium enrichment may have been conceivable a decade ago when Iran had less than 300 centrifuges. But today, Iran has 10,000 operating centrifuge machines. A deal that forces Iran to capitulate and give up any and all uranium enrichment, even for peaceful purposes, would be politically unsustainable inside Iran. Instead, Congress should support efforts to negotiate a final deal that caps Iran's uranium enrichment program at far lower levels and puts in place even more intrusive inspections to guard against cheating. The bill's authors say their proposal won't necessarily impose new sanctions right away because S. 1881 gives the U.S. president authority to temporarily waive the sanctions if Tehran meets the terms of the first phase agreement, as well as additional measures. That is misleading. The bill would require that Iran take additional steps (including ending financing for terrorist groups and halting missile tests) that go beyond the terms of the first phase nuclear agreement. If Iran does not meet these added requirements (and it will not), new sanctions would go into effect within weeks. Iran's Foreign Minister has made clear that new sanctions legislation would be interpreted as a violation of the U.S. commitments in the nuclear agreement. International sanctions have certainly played a role in motivating Tehran's leaders to reach the first-phase deal to limit their nuclear program by halting uranium enrichment above normal fuel-grade, stopping installation of more advanced uranium centrifuges and halting major construction work on a new reactor that could produce plutonium in the future. But if the U.S. tries to impose still more sanctions in the middle of the ongoing nuclear talks, other countries will see Washington, not Tehran, as the problem, and their support for the enforcing international sanctions against Iran will erode. The threat of further U.S. sanctions would also undermine support inside Iran for nuclear restraint. Iranian hardliners, who already oppose the nuclear deal, will likely take retaliatory steps and make it harder for Iran's President, Hassan Rouhani, to agree to further limits on Iran's nuclear program. As a result, talks on a comprehensive deal would likely collapse, Iran's nuclear activities would accelerate, bringing it closer to being able to produce nuclear weapons, and the risk of an Israeli military attack on Iran's nuclear sites would grow. Military strikes would, at best, only delay Iran's nuclear program and at worst, would lead to a wider conflict and give Iran an excuse to openly pursue nuclear weapons. Though the cosponsors of S. 1881 may have good intentions, this is not the time to move forward with new sanctions legislation. Maryland's Congressional representatives should support — not blow up — the promising diplomatic process to prevent a nuclear-armed Iran.

### 1NR A2: No PC 2

Obama approval ratings stable-their evidence exaggerates

Examiner 3/3/14

Obama's approval still higher than Bush's was at this point during his 2nd term

http://www.examiner.com/article/obama-s-approval-still-higher-than-bush-s-was-at-this-point-during-his-2nd-term

Barack Obama is still polling ahead of George W. Bush during his second term in office. President Obama has watched his approval dip lately and the trend line has looked like a nauseating roller coaster ride over the last year. Though the president would prefer his approval to be higher, it's not nearly as bad as the man he followed. President Obama's approval rating is now sitting in the mid 40's. Gallup's poll from February 17-23 found President Obama's approval at just 45 percent and dipped the following week to 42 percent. The right leaning Rasmussen Reports daily Presidential Tracking Poll polled President Obama's approval at 51 percent at the end of February and has fluctuated from 47 percent to 51 percent ever since. While an approval of mid 40s to low 50s isn't exactly ideal, considering the slow recovery from the recession, the overall low approval of Congress and Washington and general distrust of government on the rise, President Obama should actually be somewhat pleased. Things could be worse, and you don't have to look to far to see why. Comparing President Obama's current approval with that of George W. Bush during this time of his presidency is a sight to see. According to Gallup, George W. Bush was polling at only 38 percent at this time during his presidency. That number didn't improve and slowly dropped to the low 30s throughout much of 2007 and the early part of 2008. Following the financial collapse in September of 2008, Bush watched as his approval rating continued to fall, hitting rock bottom in the middle of October with only 25 percent of the American people approving of his job performance. Bush was able to regain some trust but still left office with a 34 percent job approval. President Obama still has some work to do to regain the trust of the majority of the American people, but considering how the last president fared, he seems to be in solid shape.

#### Popularity doesn’t boost support for policies

Paul Light, founder of the Brookings Institution Center for Public Service, 1999 (The President’s Agenda, p27)

Further, Presidents and staffs tend to view party support as critical in the day-to-day conduct of domestic affairs. Public approval can be used to sway congressional votes, but with only limited success. “Everyone has a poll,” one aide noted. “You can find any number of groups which can present a poll to support a given proposal. Depending upon how you word the questions and how you select the sample, you can get a positive result. Congress is fairly suspicious of polls as a bargaining tool, and public approval ratings are too general to be of much good.” Public opinion is important over the term; it affects both midterm losses and the President’s chances for reelection. Yet, public opinion is not easily converted into direct influence in the domestic policy process. Most often it is an indirect factor in the congressional struggle. Presidents cannot afford to ignore public opinion, but in the closed world of Washington politics, the party comes into play virtually every day of the term. Party support thereby becomes the central component of the President’s capital.

#### Domestic approval is irrelevant – only foreign policy issues link to the DA

**Ziaberi, 1/24/14** ­ - interview with Kaveh Afrasiabi, the author of several books on Iran’s foreign policy and a former advisor of Center for Strategic Research (Kourosh, “Congress New Sanctions Bill Scuttles the Geneva Deal” Iran Review, <http://www.iranreview.org/content/Documents/Congress-New-Sanctions-Bill-Scuttles-the-Geneva-Deal.htm>)

Q: Can we interpret the conflicts and disputes between the White House and the Congress as a power struggle which has manifested itself in the nuclear standoff? Is it that the complexity of the decision-making hierarchy in the United States has resulted in a conflict between the government and the two chambers of the Congress?

A: Well, certainly this can be viewed from many different angles, such as the ‘checks’ and balance’ and Congressional role in foreign policy, not to mention traditional party politics. Since the Clinton Administration, Congress has organically inserted itself in the Iran policy and even more so during the “Obama era,” as a result of which White House’s moves on Iran are subject to intense congressional scrutiny. But, given Secretary John Kerry’s long tenure in the Senate, compared to the first Obama administration, I would say that the second Obama administration has a greater sway on Congress’s foreign policy input, otherwise the Geneva deal would not have survived the criticisms.

### 1NR A2: IMF 3

#### IMF not a loss-recent pledge coopted by Obama as a win

AP 3/26/14

http://abcnews.go.com/International/wireStory/obama-russia-run-roughshod-neighbors-23069160

Obama: IMF Deal for Ukraine a 'Major Step Forward'

President Barack Obama says a pledge of up to $18 billion in loans to Ukraine from the International Monetary Fund is a major step forward. Obama says the support package will help Ukraine sustain its economy and meet its people's long-term needs. He says it will require structural reforms, but also means Ukraine can follow countries like Poland that have seen incredible growth. Obama says the IMF announcement is a concrete signal that the world stands united with Ukraine as it makes tough choices in a difficult time. Obama is also calling on Congress to do its part. The House and Senate are poised to pass versions of a $1 billion loan guarantee package on Thursday.

#### Obama avoiding controversial fights and loses

Darrell Delamaide, Market Watch, 1/29/14, Obama’s State of the Union: The Audacity of Caution, www.marketwatch.com/story/obama-skirts-controversy-in-timid-election-year-speech-2014-01-29?pagenumber=1

The speech, in short, followed the “first, do no harm” principle. With Democrats facing an uphill battle in midterm elections this year to retain control of the Senate and hold their own in the House, Obama seemed determined to do no further damage to the Democratic brand. By the same token, he was not whiny or apologetic or resigned. Limited as the scope for action through executive order is, it at least keeps him from appearing as a loser in his battle with Republican lawmakers. He did call on Congress to restore long-term unemployment insurance that just expired for 1.6 million people and to expand the earned income tax credit. And he promised to veto any bill that sought to impose new sanctions on Iran while the administration is negotiating a way to contain that country’s nuclear program. It was a cautious, even timid, speech from a politician whose modus operandi — aside from sweeping rhetoric in his presidential campaigns — has been very cautious. This State of the Union was seen by many as Obama’s last chance to give himself some breathing room in his second term to cement his legacy. With its upbeat and confident tone, its determination to avoid confrontation and skip over controversy, it may have — barely — done that.

#### Their arguments don’t access our link---Issues only cost capital once they reach the finish line

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

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

### 1NR A2: CIA 4

#### No Congressional backlash to Obama

Eli Lake, Daily Beast, 3/14/14, Republicans ‘Not Involved’ in Investigation of CIA’s Black Sites, www.thedailybeast.com/articles/2014/03/12/republicans-not-involved-in-investigation-of-cia-s-alleged-spying.html

Dianne Feinstein, the Democratic chairwoman of the Senate Intelligence Committee on a warpath against the CIA over the agency’s alleged spying on her staffers. Her Republican counterpart? Not so much. In a short speech Wednesday on the Senate floor, Sen. Saxby Chambliss, the vice chairman and highest ranking Republican on the Senate Select Committee on Intelligence, said committee investigators had yet to do forensics on the computers the CIA searched. He said he did not yet know the facts of what had happened in the now public dispute the CIA has had with Feinstein. “I cannot make a statement to reflect on what actually occurred,” he said. “Right now our committee members are conducting an internal assessment. This is an ongoing process that should not be discussed in the public domain.” That is a far more mild assessment of the matter than the one offered Tuesday by Feinstein herself, who said the CIA likely violated the Constitution when CIA director John Brennan ordered information technology specialists to search special computers used by her staff to read millions of pages of documents made available to the committee. The statement is also mild considering that Chambliss and his Republican colleagues have long suspected Brennan to be responsible for high level national security leaks from Obama’s first term. The computers the CIA allegedly monitored were set up at a CIA facility so the oversight committee’s staffers could pore over documents the agency provided to the committee in 2009. The documents comprised the raw material that informed a still classified Senate report on the Bush era program to capture and harshly interrogate suspected al Qaeda terrorists in secret CIA prisons all over the planet. Chambliss and most Republicans on the committee, according to one Senate staff member who read into the investigation, have opposed declassifying the report for a few years now. A draft of that report was completed in December 2012 but it has been the subject of an intense dispute with the CIA, whose analysts disagree with its conclusions. On Wednesday, Chambliss said his committee’s Republicans and their staff have not even really participated in the investigation at all. “Republican staff were not involved in the underlying investigation of the detainee and interrogation report,” he said. While Democrats have criticized the CIA for abusing its power by ordering a leak investigation into staffers, Republicans on the committee have at times suggested that Brennan himself should be investigated.

#### The fight is deescalating and Obama isn’t involved

Ryan Cooper, The Week, 3/13/14, theweek.com/article/index/257939/its-time-for-obama-to-take-a-side-in-the-battle-between-the-cia-and-the-senate

However, to cite Marcy Wheeler again, the CIA's legal and tactical positions are looking quite good. There is little that the Intelligence Committee can do to attack the CIA directly, and the Department of Justice is notorious for running interference for other executive branch agencies. Moreover, the Senate moves very slowly, and Republicans might well take back the chamber in the upcoming midterm elections. That would put CIA lapdog (and torture jokester) Richard Burr into the committee chair, who has already attacked Feinstein for airing this dispute. But on the other hand, the CIA's political position is not great, even in the corroded political climate we have today. Feinstein is a Very Serious Person in good standing, and an accusation from her carries a hundred times more weight in official Washington than one from, say, Bernie Sanders. And this controversy cuts right through the comfortable hypocrisies that typically muffle discussions of executive branch abuse, since this time a portion of Washington itself is the victim. Quite frankly I suspect that President Obama will try to sweep this under the rug, or pretend that his hands are tied, out of fear of alienating the CIA. But realistically there are a lot of levers available to a committed president who wants to influence executive branch agencies.

#### Obama not involved in the fight

Kim Kouri, Examiner, 3/15/14, Obama claims he's neutral in the Senate v. CIA battle, www.examiner.com/article/obama-claims-he-s-neutral-the-senate-v-cia-battle

While the Democrats in the U.S. Senate, under the leadership of Sen. Dianne Feinstein, D-Calif., continue their battle of words with the Central Intelligence Agency, led by Obama minion CIA Director John Brennan, the Boston Herald reported on Saturday that President Barack Obama is telling the nation -- and the world -- he will remain neutral. Sen. Feinstein, who chairs the Intelligence Committee and is considered a "hawk" by many on the left, has openly accused the CIA of surreptitiously -- and criminally -- monitoring the computers of the members of her committee which contain material regarding the alleged torture by CIA agents during their interrogation of suspected terrorists. According to media reports, Obama said that getting involved in the fray was "not something that is an appropriate role for me and the White House to wade into at this point." But President Obama, who is no stranger to hypocrisy, according to former intelligence officer and police detective Stephen McLarty, is definitely involved. During his administration he encouraged his Attorney General, Eric Holder, to investigate and prosecute CIA interrogators or contractors who allegedly tortured captured terror suspects with "cruel and unusual" techniques such as waterboarding, sleep deprivation and blasting loud Rock music, as reported in an Examiner report. "Obama came galloping into the White House on his white horse seeking anyone who could prosecute or persecute for the work they did in thwarting terrorist attacks, especially by al-Qaeda, and also locating and killing Islamist icon Osama bin Laden," said McLarty. The Democrats have always been eager to pursue criminal cases against CIA interrogators, according to a 2012 Examiner news story. The Examiner reported: Senate Democrats... indicated their desire to investigate CIA agents who used aggressive techniques to question captured terrorists during the Bush years following the limited release of a 6,000-page investigative report. At the same time that Democratic Party lawmakers are defending the Obama administration's alleged cover-up of the shocking Benghazi consulate terrorist attack and downplaying the corruption in the Fast & Furious debacle, Senate Democrats are itching to again investigate interrogators from the Central Intelligence Agency.

### 1NR A2: Obama Won’t Backlash 5

#### He will backlash – 1NC Loomis indicates that presidents have endogenous incentives to protect their war power authority – it doesn’t matter if they want the restriction, they would rather implement the restrictions themselves than look illegitmate in front of Congress – AND the link is about who decides, not the decision itself

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

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

#### And cross-x proves that Obama actually wants the authority – their evidence concludes

AFP, 13 (Staff writers, US military may take over part of CIA drone war, Feb 27, 2013,http://www.spacewar.com/reports/US\_military\_may\_take\_over\_part\_of\_CIA\_drone\_war\_999.html)

President Barack Obama's administration is looking at easing the secrecy around the drone war against Al-Qaeda by shifting control for some air strikes from the CIA to the US military, officials say. But the move would likely not apply to drone attacks in Pakistan, where most of the bombing raids take place. And even if the policy change is carried out, Obama has no intention of abandoning a tactic that his advisers say has decimated the Al-Qaeda network. Faced with growing calls in Congress for more oversight around the drone war, the administration is weighing the change partly to allay concerns from lawmakers and to put the air campaign on a more permanent legal footing, analysts said. "There is serious consideration being given to moving some of these activities to" military control, a US official, who spoke on condition of anonymity, told AFP. The administration believes the strikes are legal and effective but the change is "about transparency and the perceived legitimacy of the operations," the official said. If the military were to take charge of some drone raids, that would subject the operations to more public scrutiny as the armed forces must operate under stricter legal guidelines and answer inquiries at public hearings in Congress. Until now, the "targeted killings" with armed drones in Pakistan, Yemen or Somalia have been carried out under the CIA's authority as officially designated "covert" attacks, which allow officials to deny their existence. But the drone strikes have become an open secret, and lawmakers and rights advocates have demanded the administration discuss the open-ended campaign publicly. "If it's no longer possible with a straight face to deny that we're conducting these operations, then it makes sense to bring at least some of them out into the open, where the oversight is easier to conduct," said John Nagl, a fellow at the Center for a New American Security, a think tank with close ties to the Obama administration. In Congress, there is growing interest "in regaining more of its authority over some of the the operations of the executive branch after a decade of war," he said.

#### Obama will attempt to block any congressional limitations

**Weber, the Week, 2013**

(Peter, “Will Congress curb Obama's drone strikes?”, 2-6, <http://theweek.com/article/index/239716/will-congress-curb-obamas-drone-strikes>, ldg)

One problem for lawmakers, says The New York Times in an editorial, is that when it comes to drone strikes, the Obama team "utterly rejects the idea that Congress or the courts have any right to review such a decision in advance, or even after the fact." Along with citing the law authorizing broad use of force against al Qaeda, the white paper also "argues that judges and Congress don't have the right to rule on or interfere with decisions made in the heat of combat." And most troublingly, Obama won't give Congress the classified document detailing the legal justification used to kill American al Qaeda operative Anwar al-Awlaki.

#### Plan would force democrats to split with Obama and wreck his agenda

**Hughes, Washington Examiner white house correspondent, 2013**

(Brian, “Obama's base increasingly wary of drone program”, 2-6, <http://washingtonexaminer.com/obamas-base-increasingly-wary-of-drone-program/article/2520787>, ldg)

The heightened focus on President Obama's targeted killings of American terror suspects overseas has rattled members of his progressive base who have stayed mostly silent during an unprecedented use of secret drone strikes in recent years. During the presidency of George W. Bush, Democrats, including then-Sen. Obama, hammered the administration for employing enhanced interrogation techniques, which critics labeled torture. Liberals have hardly championed the president's drone campaign but have done little to force changes in the practice, even as the White House touts the growing number al Qaeda casualties in the covert war. The issue grates on some Democrats who backed Obama over Hillary Clinton because of her vote in favor of the war in Iraq, only to see the president ignore a campaign promise to close the detainee holding camp in Guantanamo, Cuba, and mount a troop surge in Afghanistan. With the confirmation hearing Thursday for John Brennan, Obama's nominee for CIA director -- and the architect of the drone program -- Democrats will have a high-profile opportunity to air their concerns over the controversial killings. "You watch and see -- the left wing of the party will start targeting Obama over this," said Larry Sabato, a political scientist at the University of Virginia. "It's inevitable. The drumbeat will increase as time goes on, especially with each passing drone strike." Obama late Wednesday decided to share with Congress' intelligence committees the government's legal reasoning for conducting drones strikes against suspected American terrorists abroad, the Associated Press reported. Lawmakers have long demanded to see the full document, accusing the Obama administration of stonewalling oversight efforts. Earlier in the day, one Democrat even hinted at a possible filibuster of Brennan if given unsatisfactory answers about the drone program. "I am going to pull out all the stops to get the actual legal analysis, because with out it, in effect, the administration is practicing secret law," said Sen. Ron Wyden, D-Ore., a member of the Senate Select Intelligence Committee. "This position is no different [than] that the Bush administration adhered to in this area, which is largely 'Trust us, we'll make the right judgments.' " In a Justice Department memo released this week, the administration argued it could order the killing of a suspected American terrorist even with no imminent threat to the homeland. White House press secretary Jay Carney insisted on Wednesday that the administration had provided an "unprecedented level of information to the public" about the drone operations. Yet, questions remain about who exactly orders the killings, or even how many operations have been conducted. "There's been more noise from senators expressing increased discomfort [with the drone program]," said Joshua Foust, a fellow at the American Security Project. "For Brennan, there's going to be more opposition from Democrats than Republicans. It's not just drones but the issue of torture." Facing concerns from liberals, Brennan had to withdraw his name from the running for the top CIA post in 2008 over his connections to waterboarding during the Bush administration. Since becoming president, Obama has championed and expanded most of the Bush-era terror practices that he decried while running for the White House in 2008. It's estimated that roughly 2,500 people have died in drone strikes conducted by the Obama administration. However, most voters have embraced the president's expanded use of drone strikes. A recent Pew survey found 62 percent of Americans approved of the U.S. government's drone campaign against extremist leaders. And some analysts doubted whether Democratic lawmakers would challenged Obama and risk undermining his second-term agenda. "Democrats, they're going to want the president to succeed on domestic priorities and don't want to do anything to erode his political capital," said Christopher Preble, vice president for defense and foreign policy studies at the Cato Institute. "It's just so partisan right now. An awful lot of [lawmakers] think the president should be able to do whatever he wants."

#### Only defections matter – they can’t access a link turn

Josh Kraushaar, National Journal, 11/22/13, The Iran Deal Puts Pro-Israel Democrats in a Bind, http://www.nationaljournal.com/magazine/the-iran-deal-puts-pro-israel-democrats-in-a-bind-20131122

All of this puts Democrats, who routinely win overwhelming support from Jewish Americans on Election Day, in an awkward position. Do they stand with the president on politically sensitive foreign policy issues, or stake their own course? That difficult dynamic is currently playing out in Congress, where the Obama administration is resisting a Senate push to maintain tough sanctions against Iran. This week, Obama met with leading senators on the Banking and Foreign Relations committees to dissuade them from their efforts while diplomacy is underway.

"There's a fundamental disagreement between the vast majority of Congress and the president when it comes to increasing Iran sanctions right now," said one Democratic operative involved in the advocacy efforts. "Pro-Israel groups, like AIPAC, try to do things in a bipartisan way; they don't like open confrontation. But in this instance, it's hard."

That awkwardness has been evident in the lukewarm reaction from many of Obama's Senate Democratic allies to the administration's outreach to Iran. Senate Foreign Relations Committee Chairman Robert Menendez of New Jersey said last week he was concerned that the administration seems "to want the deal almost more than the Iranians." Normally outspoken Sen. Chuck Schumer of New York, a reliable ally of Israel, has been conspicuously quiet about his views on the negotiations. In a CNN interview this month, Democratic Rep. Debbie Wasserman Schultz of Florida, whose job as chairwoman of the Democratic National Committee is to defend the president, notably declined to endorse the administration's approach, focusing instead on Obama's past support of sanctions. This, despite the full-court press from Secretary of State John Kerry, a former congressional colleague.

On Tuesday, after meeting with Obama, Menendez and Schumer signed a bipartisan letter to Kerry warning the administration about accepting a deal that would allow Iran to continue its nuclear program. The letter was also signed by Sens. John McCain, R-Ariz., Lindsey Graham, R-S.C., Susan Collins, R-Maine, and Robert Casey, D-Pa.

Democrats, of course, realize that the president plays an outsized role in the policy direction of his party. Just as George W. Bush moved the Republican Party in a more hawkish direction during his war-riven presidency, Obama is nudging Democrats away from their traditionally instinctive support for the Jewish state. "I can't remember the last time the differences [between the U.S. and Israel] were this stark," said one former Democratic White House official with ties to the Jewish community. "There's now a little more freedom [for progressive Democrats] to say what they want to say, without fear of getting their tuchus kicked by the organized Jewish community."

A Gallup survey conducted this year showed 55 percent of Democrats sympathizing with the Israelis over the Palestinians, compared with 78 percent of Republicans and 63 percent of independents who do so. A landmark Pew poll of American Jews, released in October, showed that 35 percent of Jewish Democrats said they had little or no attachment to Israel, more than double the 15 percent of Jewish Republicans who answered similarly. At the 2012 Democratic National Convention, many delegates booed a platform proposal supporting the move of the U.S. Embassy in Israel from Tel Aviv to Jerusalem. In 2011, Democrats lost Anthony Weiner's heavily Jewish, solidly Democratic Brooklyn House seat because enough Jewish voters wanted to rebuke the president's perceived hostility toward Israel.

Pro-Israel advocacy groups rely on the mantra that support for Israel carries overwhelming bipartisan support, a maxim that has held true for decades in Congress. But most also reluctantly acknowledge the growing influence of a faction within the Democratic Party that is more critical of the two countries' close relationship. Within the Jewish community, that faction is represented by J Street, which positions itself as the home for "pro-Israel, pro-peace Americans" and supports the Iran negotiations. "Organizations that claim to represent the American Jewish community are undermining [Obama's] approach by pushing for new and harsher penalties against Iran," the group wrote in an action alert to its members.

Some supporters of Israel view J Street with concern. "There's a small cadre of people that comes from the progressive side of the party that are in the business of blaming Israel first. There's a chorus of these guys," said a former Clinton administration foreign policy official. "But that doesn't make them the dominant folks in the policy space of the party, or the Hill."

Pro-Israel activists worry that one of the ironies of Obama's situation is that as his poll numbers sink, his interest in striking a deal with Iran will grow because he'll be looking for any bit of positive news that can draw attention away from the health care law's problems. Thus far, Obama's diminished political fortunes aren't deterring Democrats from protecting the administration's prerogatives. Congressional sources expect the Senate Banking Committee, chaired by South Dakota Democrat Tim Johnson, to hold off on any sanctions legislation until there's a resolution to the Iranian negotiations.

**But if Obama's standing continues to drop**, and if Israel doesn't like the deal, **don't be surprised to see Democrats become less hesitant about going their own way**.

#### The GOP will exploit this to flip Democratic votes on Iran—causes sanctions

Josh Rogin, Daily Beast, 2/5/14, GOP Will Force Reid to Save Obama’s Iran Policy—Over and Over Again, www.thedailybeast.com/articles/2014/02/05/gop-will-force-reid-to-save-obama-s-iran-policy-over-and-over-again.html

Dozens of Republican senators joined Wednesday to demand that Harry Reid allow a floor vote on a new Iran sanctions bill. If he doesn’t, they are planning to make his life miserable.

The Republican Senate caucus is planning to use every parliamentary trick in the book to push Senate Majority Leader Harry Reid to allow a floor vote on a new Iran sanctions bill that the Obama administration strenuously opposes. The Obama White House has succeeded in keeping most Democrats in line against supporting quick passage of the “Nuclear Weapon Free Iran Act,” which currently has 59 co-sponsors, including 13 Democrats. Reid has faithfully shelved the bill, pending the outcome of negotiations between Iran and the world’s major powers—the so-called “P5+1.” But tomorrow, Republicans plan to respond by using an array of floor tactics—including bringing up the bill and forcing Reid to publicly oppose it—as a means of putting public pressure on Reid and Democrats who may be on the fence. “Now we have come to a crossroads. Will the Senate allow Iran to keep its illicit nuclear infrastructure in place, rebuild its teetering economy and ultimately develop nuclear weapons at some point in the future?” 42 GOP senators wrote in a letter sent to Reid late Wednesday and obtained by The Daily Beast. “The answer to this question will be determined by whether you allow a vote on S. 1881, the bipartisan Nuclear Weapon Free Iran Act, which is cosponsored by more than half of the Senate.” The GOP letter calls on Reid to allow a vote on the bill during the current Senate work period—in other words, before the chamber’s next recess. Senate GOP aides said that until they get a vote, GOP senators are planning to use a number of procedural tools at their disposal to keep this issue front and center for Democrats. Since the legislation is already on the Senate’s legislative calendar, any senator can bring up the bill for a vote at any time and force Democrats to publicly object. Senators can also try attaching the bill as an amendment to future bills under consideration. Senate Minority Leader Mitch McConnell has been a harsh critic of Reid’s shelving of the bill, so he could demand a vote on it as a condition of moving any other legislation. If those amendments are blocked by Reid, Senators can then go to the floor and make speech after speech calling out Reid for ignoring a bill supported by 59 senators—and calling on fence-sitting Democrats to declare their position on the bill. “This letter is a final warning to Harry Reid that if Democrats want to block this bipartisan legislation, they will own the results of this foreign policy disaster,” one senior GOP senate aide said. The Republican senators believe, based on recent polls, that the majority of Americans support moving forward with the Iran sanctions bill now. They also believe that if Reid did allow a vote, the bill would garner more than the 59 votes of its co-sponsors and that Democrats vulnerable in 2014 races would support it, pushing the vote total past a veto-proof two-thirds supermajority.

### 1NR A2: Hirsch 6

#### And political capital is key and finite

Schultz 1/22/13 (David Schultz is a professor at Hamline University School of Business, where he teaches classes on privatization and public, private and nonprofit partnerships. He is the editor of the Journal of Public Affairs Education (JPAE) “Obama's dwindling prospects in a second term” http://www.minnpost.com/community-voices/2013/01/obamas-dwindling-prospects-second-term)

Presidential power also is a finite and generally decreasing product. The first hundred days in office – so marked forever by FDR’s first 100 in 1933 – are usually a honeymoon period, during which presidents often get what they want. FDR gets the first New Deal, Ronald Reagan gets Kemp-Roth, George Bush in 2001 gets his tax cuts. Presidents lose political capital, support But, over time, presidents lose political capital. Presidents get distracted by world and domestic events, they lose support in Congress or among the American public, or they turn into lame ducks. This is the problem Obama now faces. Obama had a lot of political capital when sworn in as president in 2009. He won a decisive victory for change with strong approval ratings and had majorities in Congress — with eventually a filibuster margin in the Senate, when Al Franken finally took office in July. Obama used his political capital to secure a stimulus bill and then pass the Affordable Care Act. He eventually got rid of Don’t Ask, Don’t Tell and secured many other victories. But Obama was a lousy salesman, and he lost what little control of Congress that he had in the 2010 elections. Since then, Obama has be stymied in securing his agenda. Moreover, it is really unclear what his agenda for a second term is. Mitt Romney was essentially right on when arguing that Obama had not offered a plan for four more years beyond what we saw in the first term. A replay wouldn't work Whatever successes Obama had in the first term, simply doing a replay in the next four years will not work. First, Obama faces roughly the same hostile Congress going forward that he did for the last two years. Do not expect to see the Republicans making it easy for him. Second, the president’s party generally does badly in the sixth year of his term. This too will be the case in 2014, especially when Democrats have more seats to defend in the Senate than the GOP does. Third, the president faces a crowded and difficult agenda. All the many fiscal cliffs and demands to cut the budget will preoccupy his time and resources, depleting money he would like to spend on new programs. Obama has already signed on to an austerity budget for his next four years – big and bold is not there. Fourth, the Newtown massacre and Obama’s call for gun reform places him in conflict with the NRA. This is a major battle competing with the budget, immigration, Iran and anything else the president will want to do. Finally, the president is already a lame duck and will become more so as his second term progress. Presidential influence is waning One could go on, but the point should be clear: Obama has diminishing time, resources, support and opportunity to accomplish anything. His political capital and presidential influence is waning, challenging him to adopt a minimalist agenda for the future. What should Obama do? Among the weaknesses of his first term were inattention to filling federal judicial vacancies. Judges will survive beyond him and this should be a priority for a second term, as well as preparing for Supreme Court vacancies. He needs also to think about broader structural reform issues that will outlive his presidency, those especially that he can do with an executive order. Overall, Obama has some small opportunities to do things in the next four years – but the window is small and will rapidly close.

#### Hirsch is wrong – winners win is empirically denied

Jackie Calmes, NYTimes, 11/12/12, In Debt Talks, Obama Is Ready to Go Beyond Beltway, mobile.nytimes.com/2012/11/12/us/politics/legacy-at-stake-obama-plans-broader-push-for-budget-deal.xml

That story line, stoked by Republicans but shared by some Democrats, holds that Mr. Obama is too passive and deferential to Congress, a legislative naïf who does little to nurture personal relationships with potential allies - in short, not a particularly strong leader. Even as voters re-elected Mr. Obama, those who said in surveys afterward that strong leadership was the most important quality for a president overwhelmingly chose Mr. Romney. George C. Edwards III, a leading scholar of the presidency at Texas A & M University who is currently teaching at Oxford University, dismissed such criticisms as shallow and generally wrong. Yet Mr. Edwards, whose book on Mr. Obama's presidency is titled "Overreach," said, "He didn't understand the limits of what he could do." "They thought they could continuously create opportunities and they would succeed, and then there would be more success and more success, and we'd build this advancing-tide theory of legislation," Mr. Edwards said. "And that was very naïve, very silly. Well, they've learned a lot, I think." "Effective leaders," he added, "exploit opportunities rather than create them." The budget showdown is an opportunity. But like many, it holds risks as well as potential rewards. "This election is the second chance to be what he promised in 2008, and that is to break the gridlock in Washington," said Kenneth M. Duberstein, a Reagan White House chief of staff, who voted for Mr. Obama in 2008 and later expressed disappointment. "But it seems like this is a replay of 2009 and 2010, when he had huge majorities in the House and Senate, rather than recognizing that 'we've got to figure out ways to work together and it's not just what I want.' " For now, at least, Republican lawmakers say they may be open to raising the tax bill for some earners. "We can increase revenue without increasing the tax rates on anybody in this country," said Representative Tom Price, Republican of Georgia and a leader of House conservatives, on "Fox News Sunday." "We can lower the rates, broaden the base, close the loopholes." The challenge for Mr. Obama is to use his postelection leverage to persuade Republicans - or to help Speaker John A. Boehner persuade Republicans - that a tax compromise is in their party's political interest since most Americans favor compromise and higher taxes on the wealthy to reduce annual deficits. Some of the business leaders the president will meet with on Wednesday are members of the new Fix the Debt coalition, which has raised about $40 million to urge lawmakers and their constituents to support a plan that combines spending cuts with new revenue. That session will follow Mr. Obama's meeting with labor leaders on Tuesday. His first trip outside Washington to engage the public will come after Thanksgiving, since Mr. Obama is scheduled to leave next weekend on a diplomatic trip to Asia. Travel plans are still sketchy, partly because his December calendar is full of the traditional holiday parties. Democrats said the White House's strategy of focusing both inside and outside of Washington was smart. "You want to avoid getting sucked into the Beltway inside-baseball games," said Joel Johnson, a former adviser in the Clinton White House and the Senate. "You can still work toward solutions, but make sure you get out of Washington while you are doing that." The president must use his leverage soon, some Democrats added, because it could quickly wane as Republicans look to the 2014 midterm elections, when the opposition typically takes seats from the president's party in Congress.