## 1nc

## off

### 1

#### Targeted killings are strikes carried about against pre-meditated, individually designated targets-signature strikes are distinct

**Anderson, Washington law professor, 2011**

(Kenneth, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters”, 8-29, <http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/>)

From the US standpoint, it is partly that it does not depend as much as it did on Pakistan’s intelligence. But it is also partly, as a couple of well-publicized incidents a few months ago made clear, that sharing targeting decisions with Pakistan’s military and ISI runs a very considerable possibility of having the targets tipped off (as even The Onion has observed). The article notes in this regard, the U.S. worries that “if they tell the Pakistanis that a drone strike is coming someone within Pakistani intelligence could tip off the intended target.” However, the Journal’s reporting goes from there to emphasize an aspect of targeted killing and drone warfare that is not sufficiently appreciated in public discussions trying to assess such issues as civilian collateral damage, strategic value and uses, and the uses of drones in counterterrorism and counterinsurgency as distinct activities. The article explains: The CIA carries out two different types of drone strikes in the tribal areas of Pakistan—those against so-called high-value targets, including Mr. Rahman, and “signature” strikes targeting Taliban foot-soldiers who criss-cross the border with Afghanistan to fight U.S. forces there. High-value targets are added to a classified list that the CIA maintains and updates. The agency often doesn’t know the names of the signature targets, but it tracks their movements and activities for hours or days before striking them, U.S. officials say. Another way to put this is that, loosely speaking, the high value targets are part of a counterterrorism campaign – a worldwide one, reaching these days to Yemen and other places. It is targeted killing in its strict sense using drones – aimed at a distinct individual who has been identified by intelligence. The “signature” strikes, by contrast, are not strictly speaking “targeted killing,” because they are aimed at larger numbers of fighters who are targeted on the basis of being combatants, but not on the basis of individuated intelligence. They are fighting formations, being targeted on a mass basis as part of the counterinsurgency campaign in Afghanistan, as part of the basic CI doctrine of closing down cross-border safe havens and border interdiction of fighters. Both of these functions can be, and are, carried out by drones – though each strategic function could be carried out by other means, such as SEAL 6 or CIA human teams, in the case of targeted killing, or manned aircraft in the case of attacks on Taliban formations. The fundamental point is that they serve distinct strategic purposes. Targeted killing is not synonymous with drone warfare, just as counterterrorism is analytically distinct from counterinsurgency. (I discuss this in the opening sections of this draft chapter on SSRN.) This analytic point affects how one sees the levels of drone attacks going up or down over the years. Neither the total numbers of fighters killed nor the total number of drone strikes – going up or down over months – tells the whole story. Total numbers do not distinguish between the high value targets, being targeted as part of the top down dismantling of Al Qaeda as a transnational terrorist organization, on the one hand, and ordinary Taliban being killed in much larger numbers as part of counterinsurgency activities essentially part of the ground war in Afghanistan, on the other. Yet the distinction is crucial insofar as the two activities are, at the level of truly grand strategy, in support of each other – the war in Afghanistan and the global counterterrorism war both in support of the AUMF and US national security broadly – but at the level of ordinary strategic concerns, quite distinct in their requirements and conduct. If targeted killing against AQ leadership goes well in Pakistan, those might diminish at some point in the future; what happens in the war against the Afghan Taliban is distinct and has its own rhythm, and in that effort, drones are simply another form of air weapon, an alternative to manned aircraft in an overt, conventional war. Rising or falling numbers of drone strikes in the aggregate will not tell one very much without knowing what mission is at issue.

#### Vote neg --- signature strikes and targeted killings are distinct operations with entirely separate lit bases and advantages---they kill precision and limits

**Anderson, Washington law professor, 2011**

(Kenneth, “Distinguishing High Value Targeted Killing and ‘Signature’ Attacks on Taliban Fighters”, 8-29, <http://www.volokh.com/2011/08/29/distinguishing-high-value-targeted-killing-and-signature-attacks-on-taliban-fighters/>)

Although targeted killing and drone warfare are often closely connected, they are not the same and are not always associated with each other. We need to disaggregate the practices of targeted killing from the technologies of drone warfare. Targeted killing consists of using deadly force, characterized by the identification of and then strike against an individual marked to be killed. It is distinguished, among other things, by making an individualized determination of a person to be killed, rather than simply identifying, for example, a mass of enemy combatants to attack as a whole. Since it is a practice that involves the determination of an identified person, rather than a mass of armed and obvious combatants, it is a use of force that is by its function integrated with intelligence work, whether the intelligence actors involved are uniformed military or a civilian agency such as the CIA. Targeted killing might (and does) take place in the course of conventional warfare, through special operations or other mechanisms that narrowly focus operations through intelligence. But it might also take place outside of a conventional conflict, or perhaps far from the conventional battlefields of that conflict, sufficiently so operationally to best be understood as its own operational category of the use of force – “intelligence-driven,” often covert, and sometimes non-military intelligence agency use of force, typically aimed at “high value” targets in global counterterrorism operations. It might be covert or it might not – but it will be driven by intelligence, because of necessity it must identify and justify the choice of target (on operational, because resources are limited; or legal grounds; or, in practice, both). Targeted killing might use a variety of tactical methods by which to carry out the attack. The method might be by drones firing missiles – the focus of discussion here. But targeted killing – assassination, generically – is a very old method for using force and drones are new. Targeted killing in current military and CIA doctrine might, and often does, take place with covert civilian intelligence agents or military special operations forces – a human team carrying out the attack, rather than a drone aircraft operated from a distance. The Bin Laden raid exemplifies the human team-conducted targeted killing, of course, and in today’s tactical environment, the US often uses combined operations that have available both human teams and drones, to be deployed according to circumstances. Targeted killing is thus a tactic that might be carried out either by drones or human teams. If there are two ways to do targeted killing, there are also two functions for the use of drones – targeted killing as part of an “intelligence-driven” discrete use of force, on the one hand, and a role (really, roles) in conventional warfare. Drones have a role in an ever-increasing range of military operations that have no connection to “targeted killing.” For many reasons ranging from cost-effectiveness to mission-effectiveness, drones are becoming more ramified in their uses in military operations, and will certainly become more so. This is true starting with their fundamental use in surveillance, but is also true when used as weapons platforms. From the standpoint of conventional military operations and ordinary battlefields, drones are seen by the military as simply an alternative air weapons platform. One might use an over-the-horizon manned aircraft – or, depending on circumstances, one might instead use a drone as the weapons platform. It might be a missile launched from a drone by an operator, whether sitting in a vehicle near the fighting or farther away; it might be a weapon fired from a helicopter twenty miles away, but invisible to the fighters; it might be a missile fired from a US Navy vessel hundreds of miles away by personnel sitting at a console deep inside the ship. Future air-to-air fighter aircraft systems are very likely to be remotely piloted, in order to take advantage of superior maneuverability and greater stresses endurable without a human pilot. Remotely-piloted aircraft are the future of much military and, for that matter, civil aviation; this is a technological revolution that is taking place for reasons having less to do with military aviation than general changes in aviation technology. Missiles fired from a remotely-piloted standoff platform present the same legal issues as any other weapons system – the law of war categories of necessity and proportionality in targeting. To military professionals, therefore, the emphasis placed on “remoteness” from violence of drone weapons operators, and presumed psychological differences in operators versus pilots, is misplaced and indeed mystifying. Navy personnel firing missiles from ships are typically just as remote from the fighting, and yet one does not hear complaints about their indifference to violence and their “Playstation,” push-button approach to war. Air Force pilots more often than not fire from remote aircraft; pilots involved in the bombing campaign over Serbia in the Kosovo war sometimes flew in bombers taking off from the United States; bomber crews dropped their loads from high altitudes, guided by computer, with little connection to the “battlefield” and little conception of what they – what their targeting computers - were aiming at. Some of the crews in interviews described spending the flights of many hours at a time, flying from the Midwest and back, as a good chance to study for graduate school classes they were taking – not Playstation, but study hall. In many respects, the development of new sensor technologies make the pilots, targeters, and the now-extensive staff involved in a decision to fire a weapon from a drone far more aware of what is taking place at the target than other forms of remote targeting, from Navy ships or high altitude bombing. Very few of the actors on a technologically advanced battlefield are personally present in a way that makes the destruction and killing truly personal – and that is part of the point. Fighting up close and personal, on the critics’ psychological theories, seems to mean that it has greater significance to the actors and therefore leads to greater restraint. That is extremely unlikely and contrary to the experience of US warfighters. Lawful kinetic violence is more likely to increase when force protection is an issue, and overuse of force is more likely to increase when forces are under personal pressure and risk. The US military has known since Vietnam at least that increased safety for fighting personnel allows them greater latitude in using force, encourages and permits greater willingness to consider the least damaging alternatives, and that putting violence at a remove reduces the passions and fears of war and allows a coolly professional consideration of what kinds, and how much, violence is required to accomplish a lawful military mission. Remote weapon systems, whether robotic or simply missiles launched from a safe distance, in US doctrine are more than just a means for reducing risk to forces – they are an integral part of the means of allowing more time to consider less-harmful alternatives. This is an important point, given that drones today are being used for tasks that involve much greater uses of force than individualized targeted killing. Drones are used today, and with increasing frequency, to kill whole masses of enemy columns of Taliban fighters on the Pakistan border – in a way that would otherwise be carried out by manned attack aircraft. This is not targeted killing; this is conventional war operations. It is most easily framed in terms of the abstract strategic division of counterinsurgency from counterterrorism (though in practice the two are not so distinct as all that). In particular, drones are being deployed in the AfPak conflict as a counterinsurgency means of going after Taliban in their safe haven camps on the Pakistan side of the border. A fundamental tenet of counterinsurgency is that the safe havens have to be ended, and this has meant targeting much larger contingents of Taliban fighters than previously understood in the “targeted killing” deployment. This could be – and in some circumstances today is – being done by the military; it is also done by the CIA under orders of the President partly because of purely political concerns; much of it today seems to be a combined operation of military and CIA. Whoever conducts it and whatever legal issues it might raise, the point is that this activity is fundamentally counterinsurgency. The fighters are targeted in much larger numbers in the camps than would be the case in “targeted killing,” and this is a good instance of how targeted killing and drone warfare need to be differentiated. The targets are not individuated, either in the act of targeting or in the decision of who and where to target: this is simply an alternative air platform for doing what might otherwise be done with helicopters, fixed wing aircraft, or ground attack, in the course of conventional counterinsurgency operations. But it also means that the numbers killed in such operations are much larger, and consist often of ordinary fighters who would otherwise pile into trucks and cross back into Afghanistan, rather than individualized “high value” targets, whether Taliban or Al Qaeda.

### 2

#### Deal coming now-missteps lead to Congressional sanctions that tank negotiations

**Slavin, Atlantic Council senior fellow, 11-12-13**

(Barbara, “Despite Hitch, Iran Nuclear Deal in Sight”, <http://www.cfr.org/iran/despite-hitch-iran-nuclear-deal-sight/p31838>, ldg)

The prospects for an interim agreement between Tehran and world powers to limit Iran's nuclear enrichment program are "better than fifty-fifty" when diplomacy resumes in Geneva next week, says Barbara Slavin, an Iran expert for the Atlantic Council. Iranian president Hassan Rouhani faces growing political pressure at home to move negotiations forward, she explains. "He's about to cross the hundred-day line, and he was supposed to get an agreement with the West to lift some of the sanctions, and he hasn't achieved that yet." Meanwhile, she says that a separate deal Iran struck with the International Atomic Energy Agency this week, which allows the nuclear watchdog access to certain nuclear facilities, was a "very important step." We've had a long weekend of nuclear diplomacy between Iran and the so-called P5+1 group [the United States, Britain, France, Russia, China, and Germany], which failed to reach an interim agreement. How close are we to an accord? My impression is that we are close. Several individuals involved in the talks that I've spoken to over the weekend said that they are optimistic, that we're not far from an agreement, that there are still a couple of important questions that need to be settled, but that they're still expecting, as Secretary of State John Kerry has said, that this is a "doable deal" when talks resume November 20. Do we know what held up the signing of an agreement this weekend? It appears that the French were adamant on a couple of points—they wanted a specific commitment by the Iranians not to complete a heavy-water reactor at Arak that poses proliferation concerns; meanwhile, the Iranians wanted an explicit acknowledgement in the document of their "right" to enrich uranium. That was something that apparently the P5+1 would not accept at this stage. So there needed to be a return to capitals to figure out how to get over these obstacles. And separately, Iran struck an agreement on Monday (November 11) with the International Atomic Energy Agency (IAEA). What is the significance there? This is an overall joint statement on a framework for cooperation. It's the first such agreement in six years. It's quite detailed and says that the Iranians will give the IAEA early notification of any new nuclear facilities it is going to undertake. This is something that Iran is not obliged to do under the Nuclear Nonproliferation Treaty, but it is something that has been eagerly sought by the IAEA for some time—so it's a very important step. If you look at the annex to the agreement, you see that there is access that will be given to a uranium mine [Gchine mine in Bandar Abbas]. Information will be provided on all new research reactors, as well as information on sixteen sites designated for the construction of nuclear power plants. But in terms of the Arak facility, the Iranians have promised access to the heavy water production plant, but not the actual reactor under construction. So this may be a point of friction. Also, there's no mention of a site called Parchin, where the Iranians are alleged to have done some nuclear weapons research. The Iranians have essentially turned the site into a parking lot, so what, if anything, the IAEA would be able to discover if it actually went there is in question. Nevertheless it has been something that [IAEA Director-General] Yukiya Amano has called for in the past. One other point: I saw Amano when he was in Washington about ten days ago, and I've never seen him so upbeat about cooperation with Iran. He said that after going around in circles for years with Iranians when Mahmoud Ahmadinejad was president, the Iranians really were seeking to make significant progress. So I think this is an important agreement. It doesn't give away the whole store, but it has some important provisions that the IAEA has been looking for. Going back to the Geneva talks over the weekend, what are your thoughts? I thought they were incredibly interesting because you had the foreign ministers of the six countries, except China—which had its deputy foreign minister there—and they were all really involved. For instance, Secretary Kerry was in a meeting for five hours with the Iranian foreign minister Javad Zarif and Catherine Ashton, the European Union high representative. That's one of the most positive developments we've seen, because it's become routine for the United States and Iran to talk to each other at a high diplomatic level. It shows exactly how serious these talks are, and how close they appear to have become. It's highly ironic that the French now are being seen as an obstacle in some way to an agreement. I remember very clearly when I was researching my book, Bitter Friends, Bosom Enemies, talking to French diplomats who complained bitterly about U.S. obstruction during the George W. Bush administration. The good news is that the United States and Iran are talking together routinely, and surely they have reached some understandings. The question is: can they put it into language that everybody can accept? What is driving the French on this? Why did they come out so strongly on this one? They generally take a hard line on the Iranian nuclear program. When it was the so-called "EU3," they were tougher than the British and the Germans. They have remained tough under [former president Nicolas] Sarkozy and under [President] Francois Hollande—it's the same bureaucrats who are advising Hollande as advised Sarkozy. So the French are generally tough on this, but there are other things. Hollande is going to Israel this week—maybe he's trying score some points there. The French have important arms deals with the Saudis. The French are also angry at [the United States] because we didn't bomb Syria after they went out on a limb saying they would be willing to join us, even after the British parliament refused to give approval for strikes. And the French like to be French—they like to tack left when the world goes right, and tack right when the world goes left. So when the negotiations resume November 20 in Geneva, what do you think the odds are for an interim accord? Better than fifty-fifty. I think there is a real, compelling need on the Iranian side to have an agreement. I was in Iran in August when [President] Hassan Rouhani was inaugurated, and the audience he really has to satisfy is back home. There is tremendous skepticism about his presidency. He's about to cross the hundred-day line, and he was supposed to get an agreement with the West to lift some of the sanctions, and he hasn't achieved that yet. So, the Iranians desperately need sanctions lifted. How much relief from sanctions would they get in this first round? My understanding is they get what was on the table earlier this year, namely a lifting of sanctions on petrochemical exports, trade, and precious metals. And they get access to their oil revenues, which have been frozen in bank accounts in China, Japan, South Korea, Turkey, and India—the countries that are still importing Iranian oil. And that's very important because currently they're basically stuck buying local products with the money in those accounts. The Iranians want to be able to have normal trade and purchase things like medicine from the United States and Western Europe. Do you think the failure to reach agreement in Geneva over the weekend is going to give some hard-line U.S. senators an opportunity to raise the issue of more sanctions? This is a big concern. We have two weeks now. Congress will be back in session before the Thanksgiving recess. This is supposed to be it, I think, for the Senate, and they have to pass a National Defense Authorization Bill. And there will be efforts to tack on a new Iran sanctions bill; this was done in 2011. This would be very damaging to the process right now. The sanctions currently in place are already having an enormous impact on Iran; that's one of the reasons the Iranians are at the table now. To put more sanctions on would just convince Iran's Supreme Leader that there is no point in negotiating because the United States is after regime change. It's a way for some in Congress to score points with an election year coming up, but it would be very harmful [to the negotiations].

#### Political capital is key to prevent more sanctions

**Pillar, Georgetown security studies professor, 10-18-13**

(Paul, “Sabotaging Iran Nuclear Talks”, <http://www.opednews.com/articles/Sabotaging-Iran-Nuclear-Ta-by-Consortium-News-Iran_Iran-Versus-Israel_Nuclear-Powers_Obama-131018-347.html>, ldg)

But if you are interested in avoiding an Iranian nuclear weapon -- the focus of negotiations this week in Geneva -- at least the way the crisis of governance in Washington ended provides a silver lining to this sorry chapter in American political history. This is because if President Obama is going to reach an agreement to keep the Iranian nuclear program peaceful and to make that agreement stick, he needs to demonstrate the ability and willingness to rein in destructive behavior in Congress that would preclude such an agreement. But it would not be sufficient, and would not be a fair trade, for the concessions and restrictions we want from Iran in a comprehensive and lasting agreement. Nor would it be sufficient for the President, as has been suggested, merely to be lax in the enforcement of legislatively impose sanctions. Besides showing disrespect for the law, this would hardly reassure the Iranians that an agreement would stick. They would understandably fear that what one U.S. president might decline to enforce the next one would. The administration will need congressional cooperation to undo sanctions that were erected supposedly to induce the Iranians to accept just such an agreement. The President can accomplish some rollback of sanctions on his own authority, and that might be sufficient for some sort of partial, interim, confidence-building deal. Even before getting to the point of striking a deal, congressional action can scuttle the prospects for one or at least make it far harder to reach an agreement. The imposition of still more sanctions, and the rattling of more sabers through legislation that refers to military force, are the sorts of congressional actions that would be a slap in the face of a new Iranian administration that has just placed a constructive proposal on the negotiating table, would feed already understandable Iranian suspicions that the United States is interested only in regime change and not in an agreement, and thereby would weaken the Iranian incentive to make still more concessions. Unfortunately legislation for more sanctions and more saber-rattling has already been introduced in Congress. Pushing back against the promoters of such legislation involves some of the same perpetrators who had to be pushed back to avoid default and to end the shutdown. All of the co-sponsors of a bill from Rep. Trent Franks, R-Arizona, that is a thinly disguised authorization for launching a war against Iran were among those who this week voted against the resolution that ended the funding and debt crisis. Mr. Obama's demonstration of backbone this month will help on the Iran issue, but there still are other reasons to question whether the administration will similarly show sufficient fortitude on behalf of an agreement to keep the Iranian nuclear program peaceful. For one thing, the President does not have the unanimous support of his own party, as he did in the standoff that just ended. A significant number of Democrats, not just Republicans, have come under the sway of those determined to prevent an agreement. Also, even those who consider the Iranian issue important have to admit that avoidance of default (and keeping the U.S. government running) is about as serious a matter as the President is likely to face, and he cannot be expected to give as much priority to every issue as he did to that one. Besides political capital, it also takes time and attention to tend directly to a foreign policy initiative, and to keep beating back unhelpful behavior in Congress that threatens to undermine the initiative. The attempt of congressional miscreants to play chicken has taken a toll here, too. The President skipped a couple of East Asian summit meetings to deal with that problem in Washington. Secretary of State Kerry subbed for him, which meant Kerry had that much less time and attention to devote to other matters that are his responsibility, such as the Israeli-Palestinian talks (remember those?) and the Iranian nuclear negotiations. That senior policymakers have only so much energy and so many hours in a day is an understandable drag on many things we expect them to do. But Obama and Kerry have to muster the time and attention for what is happening on these other issues and particularly Iran, not only at negotiating tables in the Middle East or Geneva but also on Capitol Hill.

#### Congressional debate over the plan distracts Obama from his agenda

Kriner, 10

(Douglas, Assistant professor of poly sci at Boston University, “After the

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

1, 2010)

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

#### 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.

### 3

#### Text: The United States President, through an executive order, should ban signature strikes carried out by Remotely-Piloted Vehicles. Enforcement should include a private cause of action to enforce the mandates of the order, and an accompanying Fact Sheet explaining the administration’s willingness to embrace aspects of the law of armed conflict on signature strikes.

#### 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

### 4

The plans attempt to use law to create a legitimate form of violence normalizes it

Gregory 11 (Derek, Ph.D., Prof Department of Geography, University of British Columbia, “The everywhere war,” http://www.lsa.umich.edu/UMICH/eihs/Home/Events/gregory\_everywhere\_war.pdf)

I have argued elsewhere that the American way of war has changed since 9/11, though not uniquely because of it (Gregory 2010), and there are crucial continuities as well as differences between the Bush and Obama administrations: ‘The man who many considered the peace candidate in the last election was transformed into the war president’ (Carter 2011, 4). This requires a careful telling, and I do not mean to reduce the three studies I have sketched here to a single interpretative narrative. Yet there are connections between them as well as contradictions, and I have indicated some of these en route. Others have noted them too. Pakistan’s President has remarked that the war in Afghanistan has grave consequences for his country ‘just as the Mexican drug war on US borders makes a difference to American society’, and one scholar has suggested that the United States draws legal authority to conduct military operations across the border from Afghanistan (including the killing of bin Laden, codenamed ‘Geronimo’) from its history of extra-territorial operations against non-state actors in Mexico in the 1870s and 1880s (including the capture of the real Geronimo) (Margolies 2011). Whatever one makes of this, one of the most persistent threads connecting all three cases is the question of legality, which runs like a red ribbon throughout the prosecution of late modern war. On one side, commentators claim that new wars in the global South are ‘non-political’, intrinsically predatory criminal enterprises, that cartels are morphing into insurgencies, and that the origins of cyber warfare lie in the dark networks of cyber crime; on the other side, the United States places a premium on the rule and role of law in its new counterinsurgency doctrine, accentuates the involvement of legal advisers in targeting decisions by the USAF and the CIA, and even as it refuses to conﬁrm its UAV strikes in Pakistan provides arguments for their legality. The invocation of legality works to marginalise ethics and politics by making available a seemingly neutral, objective language: disagreement and debate then become purely technical issues that involve matters of opinion, certainly, but not values. The appeal to legality – and to the quasi-judicial process it invokes – thus helps to authorise a widespread and widening militarisation of our world. While I think it is both premature and excessive to see this as a transformation from governmentality to ‘militariality’ (Marzec 2009), I do believe that Foucault’s (2003) injunction – ‘Society must be defended’ – has been transformed into an unconditional imperative since 9/11 and that this involves an intensifying triangulation of the planet by legality, security and war. We might remember that biopolitics, one of the central projects of late modern war, requires a legal armature to authorise its interventions, and that necropolitics is not always outside the law. This triangulation has become such a common place and provides such an established base-line for contemporary politics that I am reminded of an interview with Zizek soon after 9/11 – which for him marked the last war of the twentieth century – when he predicted that the ‘new wars’ of the twenty-ﬁrst century would be distinguished by a radical uncertainty: ‘it will not even be clear whether it is a war or not’ (Deichmann et al. 2002).

Their notions of causality accept violence as inevitable; accepting it as such results in extinction, breaking away from this understanding is key to condition new realities

Allen 7 (Douglas Allen Department of Philosophy, University of Maine “Mahatma Gandhi on Violence and Peace Education,” Project Muse)

Gandhi’s preventative peace-education approach shares much with this particular Buddhist orientation. Violence, terror, exploitation, and war are not independent, eternal, absolute, or inevitable. They exist within a violent phenomenal world of impermanent, interdependent relativity. Historical, psychological, economic, social, religious, and other forms of violence are caused and conditioned, and they themselves become causes and condition other violent consequences that then become new violent causal factors. The path and goal for peace education involves focusing on the means that allow you to decondition such violent causal factors and conditions and to introduce nonviolent causes and conditions; this will lead to more nonviolent results that will then become new causal factors. The means-ends relation involves mutual interaction, since the adoption of nonviolent ideals as ends will also have a causal influence on the shaping of appropriate means. In this way, peace education aims at transforming the causally connected, means-ends, interdependent whole, of which you are an integral part, from one constituted through ignorance, violence, and suffering to a more moral and spiritual relational whole. This very process of means-ends causal transformation, by which one transforms relations with others in order to serve their needs, is the very process by which one transforms one’s own self toward greater freedom and self-realization. The need for peace education to focus on the larger picture in order to formulate preventative approaches should be evident from previous formulations of Gandhi’s deeper and broader analysis of violence, including educational violence, and his analysis of means-ends relations for getting at the root causes and conditions underlying multidimensional violence. As Gandhi repeatedly warns us, if we do not understand and respond to the larger framework of complex multidimensional, interrelated structures and relations of violence, if we do not address the root causes, conditions, and dynamics of violence, then our short-term responses will not be sufficient for dealing with the escalating violence that creates such widespread suffering and threatens human survival. This is why Gandhi devotes so much time and effort to a radically different model of peace education with emphasis on character building and moral and spiritual development. This is why peace education must focus on psychological awareness and an analysis of how we constitute and must decondition ego-driven selfishness and greed and defense mechanisms responding to fear and insecurity, hatred, aggression, and other violent intentions and inner states of consciousness. This is why peace education must focus on the political, cultural, social, economic, linguistic, religious, and other aspects of overall socialization that contribute to, tolerate, and justify violence, oppression, exploitation, and war.

#### Vote negative for a politics of hospitality; the judge as an individual has an ethical responsibility consider all life as equal

Ben-Asher 10 (NOA BEN-ASHER is a Assistant Professor of Law, Pace Law School, “Legalism and Decisionism in Crisis ,” http://moritzlaw.osu.edu/lawjournal/issues/volume71/number4/ben-asher.pdf)

It is difficult to fully translate the ethical principles of friendship and hospitality into current legal and political theories. Friendship and hospitality appear utopian, naïve, unrealistic, certainly non-Schmittian, and generally inadequate as political assumptions. Nonetheless, I argue that if we were to at least consider letting these principles inform the politics of current decisionmaking, we might begin a shift away from our current Schmittian politics.256 We could start by considering a politics of friendship and hospitality alongside (if not instead of) Schmittian politics of enmity. At the very least, friendship and hospitality at the level of nations must involve responsibility towards non-violent individuals who are harmed by hostile actions undertaken by Western governments in the name of the national security of their own citizens. This may be viewed as a nondiscrimination principle at the multi-national level. A politics of friendship and hospitality treats equally the lives of all innocent people regardless of national origins or geographical boundaries. Thus, in the context of the current “war on terror,” a politics of friendship and hospitality demands responsibility toward all the innocent civilian victims of the violent “war on terror” declared by the United States. I will later offer applications of this point.

## Case

### 1NC Pakistan

#### Sig strikes good-speed and fear.

**Mudd, SouthernSun Asset Management global risk director, 2013**

(Philip, “Fear Factor”, 5-24, <http://www.foreignpolicy.com/articles/2013/05/24/fear_factor_signature_strikes>, ldg)

So-called signature strikes -- in which target selection is based not on identification of an individual but instead on patterns of behavior or unique characteristics that identify a group -- accelerated this decline for simple reasons. Targeting leadership degrades a small percentage of a diffuse terror group, but developing the tactical intelligence required to locate an individual precisely enough to stage a pinpoint strike, in a no-man's land half a world away, is time-consuming and difficult. And it's not a perfect science; the leaders of groups learn over time how to operate more securely. Furthermore, these leaders represent only a fraction of the threat: Osama bin Laden might have been the public face of al Qaeda, but he was supported by a web of document-forgers, bombmakers, couriers, trainers, ideologues, and others. They made up the bulk of al Qaeda and propelled the apparatus that planned the murder of innocents. Bin Laden was the revolutionary leader, but it was the troops who executed his vision. Signature strikes have pulled out these lower-level threads of al Qaeda's apparatus -- and that of its global affiliates -- rapidly enough that the deaths of top leaders are now more than matched by the destruction of the complex support structure below them. Western conceptions of how organizations work, with hierarchal structures driven by top-level managers, do not apply to al Qaeda and its affiliates. These groups are instead conglomerations of militants, operating independently, with rough lines of communication and fuzzy networks that cross continents and groups. They are hard to map cleanly, in other words. Signature strikes take out whole swaths of these network sub-tiers rapidly -- so rapidly that the groups cannot replicate lost players and their hard-won experience. The tempo of the strikes, in other words, adds sand to the gears of terror organizations, destroying their operational capability faster than the groups can recover. There are other rationales for these attacks, though. Part of the reason signature strikes have become so prominent in this global counterterror war is, simply put, geography. Local terrorist groups only become international threats if they have leadership that can execute a broad, globalist vision, and if that leadership has the time and space to plot without daily distractions from armies and security services -- as in safe havens like Yemen, Somalia, the Sahel, and the tribal areas of Pakistan. These are exactly the places where the United States cannot apply conventional force and where local governments lack the capability or will to counter the threat. Exactly the places where drones offer an option to eviscerate a growing terror threat that has a dispersed, diffuse hierarchy. The places where signature strikes have proven effective. With more capable security partners, the brutal destruction from drones above might come from more conventional operations on the ground. But, by definition, safe havens aren't penetrable by capable security services. There is an intangible factor that reinforces the effectiveness of signature strikes: the fear factor, coupled with the suspicions and paranoia that result from organizations searching desperately among their ranks to find out who is providing the Americans information so detailed that we can wreak such havoc over such a long period of time. Time and again, intelligence has clearly told us that the adversary dreads these operations -- lethal strikes that come anytime, anywhere, and that eliminate entire swaths of organizations. And these same organizations then turn around and further degrade their operational capability by engaging in savage hunts for leaks.

#### Alternatives to signature strikes are worse for all their advantages

**Trombly, National Security/International Affairs Analyst, 2013**

(Dan, “I Might Need You To Kill: Signatures, Patterns, and Alternatives”, 5-29, <http://www.cnas.org/blogs/abumuqawama/2013/05/i-might-need-you-kill-signatures-patterns-and-alternatives.html>, ldg)

Of course, it is important to note these violent dynamics are hardly unique to signature strikes or aerial assassinations. Though improper targeting and munitions selection can rapidly magnify the danger of collateral damage in those operations, it is important to remember the enormous potential costs of seeking to kill or capture militants with any instruments that are unable to ensure security for civilians. Night raids, such as the infamous botched Gardez raid, can easily falter on poor intelligence and the mistaken use of force against civilians. While the U.S. has learned much since Black Hawk Down, compare the amount of force the U.S. has had to bring down to ensure adequate force protection in operations on or across the border with Pakistan. In 2008, the Angor Ada raid, involving dozens of US ground troops and multiple aircraft, killed at least several civilians, and meant that the next raid provoked a major standoff that threatened to cause large-scale firefights and civilian displacement. Or take the example of 2011, NATO and Afghan forces reported fire from Pakistani positions. The result was that NATO unleashed more airpower to protect its troops in contact than MQ-1s or MQ-9s ever could. Two Apache attack helicopters, two F-15Es, and an AC-130 gunship pummeled targets on the Pakistani border, killing as many as two dozen Pakistani soldiers. Even then, a regime of raiding into territories where we are not willing to actually create a sustained military presence does nothing to mitigate the dangerous dynamics for civilian cooperation and intelligence collection. Raids that leave territorial control an open question for host governments and militants do not give civilians much incentive to provide the intelligence necessary for more precise targeting, leaving them to try their luck at the dangerous game of avoiding militant counterintelligence efforts. The solution to such a quandary, especially when providing security to positively incentivize informers, is to remove potential informers from enemy retaliation through detention or concentration, and the use of high-tempo raiding operations to generate as much actionable intelligence as possible through the raiding process itself. The face of a robust capture program is not the FBI effort which retrieved the 1993 CIA shooter, which in the relatively sanguine climate of 1997, the Pakistani government was unwilling to publicly admit its role in handing over a citizen to the US. American law enforcement wisely worked with the ISI to lure the suspect into Punjab. In today’s climate, against targets part of active militant networks, an operation that relies on relatively unsavvy suspects and highly compliant host government security and intelligence seems less than forthcoming. The face of a capture program in Pakistan’s border regions with Afghanistan, Yemen, Somalia, and similar environments, is not going to be law enforcements, but the types of programs that, past and present, we praise with intimidation or decry with disgust as “industrial-scale killing machines” or “executive assassination rings.” Wartime friction ensures that any well-intentioned capture program in denied or contested areas will live on as an assassination program. Just ask those involved in the Phoenix Program, who had even their own President thinking they were running a massive assassination machine. Of course, programs like the CIA-Vietnamese Provincial Reconnaissance Units, for all the reputation they gained as an unstoppable assassination machine, pale in comparison to the sanguinary behavior of other paramilitary efforts to dismantle insurgent infrastructure and disrupt irregular opponents. While the Anbar Awakening receives massive praise, enlisting irregular forces with relatively little opportunity to control their behavior, and far less “skin in the game” with regard to the political situation on the ground, frequently results in incredibly excessive killing and the incorporation of civilian populations into horrific, racket-like forms of extortive governance. Even relatively antiseptic terms such as extending the reach of governance and strengthening the state, in the context of civil wars or internal conflict against irregular opponents, frequently involves the tacit or explicit cooperation between host government and paramilitary forces to purge not just insurgent infrastructure, but political sympathizers and threats to elite interests. Extending the reach of the state under such conditions is frequently a nasty thing, and while it is in vogue to speak of the death or decline of counterinsurgency, the clean language of empowering local partners and expanding state capacity is still counterinsurgency, just of a much different sort than the kind wealthy liberal 3rd-party interventions might try to steer their clients towards.

#### 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

#### Plan causes a cruise missile shift-worse for all of the advantages

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

But even the most unfavorable estimates of drone casualties reveal that the ratio of civilian to militant deaths—about one to three, according to the Bureau of Investigative Journalism—is lower than it would be for other forms of strikes. Bombings by F-16s or Tomahawk cruise missile salvos, for example, pack a much more deadly payload. In December 2009, the United States fired Tomahawks at a suspected terrorist training camp in Yemen, and over 30 people were killed in the blast, most of them women and children. At the time, the Yemeni regime refused to allow the use of drones, but had this not been the case, a drone’s real-time surveillance would probably have spotted the large number of women and children, and the attack would have been aborted. Even if the strike had gone forward for some reason, the drone’s far smaller warhead would have killed fewer innocents. Civilian deaths are tragic and pose political problems. But the data show that drones are more discriminate than other types of force.¶ FOREIGN FRIENDS¶ It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program’s negative publicity: “In Pakistan, things fall out of the sky all the time,” he reportedly remarked. Yemen’s former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States’ involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that “they pinpoint the target and have zero margin of error, if you know what target you’re aiming at.”¶ As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan’s army chief, Ashfaq Parvez kayani, privately asked U.S. military leaders in 2008 for “continuous Predator coverage” over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted “goodwill kills” against Pakistani militants who tshreatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, “We’ll protest [against the drone program] in the National Assembly and then ignore it.”¶ Still, Pakistan is reluctant to make its approval public. First of all, the country’s inability to fight terrorists on its own soil is a humiliation for Pakistan’s politically powerful armed forces and intelligence service. In addition, although drones kill some of the government’s enemies, they have also targeted pro-government groups that are hostile to the United States, such as the Haqqani network and the Taliban, which Pakistan has supported since its birth in the early 1990s. Even more important, the Pakistani public is vehemently opposed to U.S. drone strikes.¶ A 2012 poll found that 74 percent of Pakistanis viewed the United States as their enemy, likely in part because of the ongoing drone campaign. Similarly, in Yemen, as the scholar Gregory Johnsen has pointed out, drone strikes can win the enmity of entire tribes. This has led critics to argue that the drone program is shortsighted: that it kills today’s enemies but creates tomorrow’s in the process.¶ Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by anti-drone organizations, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

#### Civilian casualties don’t incite more terrorism – revenge emotions don’t outweigh safety concerns

Johnston and Sarbahi, Ph.Ds in Political Science 1/3/13 (\*Patrick, associate political scientist at the Rand Corporation, Ph.D in Political Science, Northwestern University, \*Anoop, received his PhD in political science from the University of California, Los Angeles in 2011. His research interests include civil wars, counter insurgency, post-conflict transition and state rebuilding, electoral dynamics and political violence, democratization and democratic processes, and political economy of inter-group and inter-regional disparities, “The Impact of US Drone Strikes on Terrorism in Pakistan and Afghanistan” patrickjohnston.info/materials/drones.pdf)

The observed dampening effect of drone strikes on militant violence would also cast doubt on certain conventionally held views regarding how civilians respond to violence. Specifically, to the extent that Muslims, especially Pashtuns, living in the region have a strong disdain for the drones' persistent surveillance and periodic destruction, they either have less agency to mobilize as mujahideen fighters or less interest in doing so than both academic theories of emotion and violence (revenge, in particular) and military doctrine that emphasizes the importance of “hearts and minds" would predict. If this were true, it would suggest either that the militant organization in particular, the networks through which militants operate is their center-of-gravity rather than the population. Alternatively, it could mean that the population behaves more rationally than many would expect based on the narratives about popular anger stemming from drone strikes. This would imply that as angry and spiteful as parts of the population might feel as a result of drone strikes, emotions ultimately take a backseat to individuals' primary interest in their own safety, which is much higher as a civilian than as a fighter who associates with other possible targets of the drones, thus risking becoming a target himself.

#### Their ev is hyperbole---drones are effective because they disrupt activities and planning

Anderson 13 (Kenneth, professor of international law at Washington College of Law, American University, Washington, visiting fellow at Hoover “The Case for Drones,” http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548-full.html)

Other critics argue that drone warfare is ineffective because killing one operational commander merely means that another rises to take his place. This is the source of the oft-heard remark that drone warfare is a “whack-a-mole” strategy: Kill one here and another pops up there. Drone warfare is nothing more than a tactic masquerading as a strategy, it is said. Worse, it indulges one of the oldest and most seductive quests of modern military technology, the one that says you can win a war from the air alone. The whack-a-mole criticism is wildly overstated and, as a matter of terrorist leadership, simply not true. Captured terrorist communications show that qualified and experienced operational commanders are not so easy to come by. One can argue that the failure to carry off large-scale attacks in the West is the result of the defensive hardening of targets and better homeland security, which is certainly true; but culling the ranks of terrorist leaders and the resulting inability to plan another 9/11 is also critical. Drone warfare today is integrated with a much larger strategic counterterrorism target—one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Can’t solve ---reducing drone strikes causes the Pakistani government to fill in---causes worse instability

Fair, Security Studies Prof, 13 (C. Christine Fair is an assistant professor at Georgetown University's Center for Peace and Security Studies, which is part of the Edmund A. Walsh School of Foreign Service. “For Now, Drones Are the Best Option,” http://www.nytimes.com/roomfordebate/2012/09/25/do-drone-attacks-do-more-harm-than-good/for-now-drones-are-the-best-option)

It is impossible to say whether drone warfare has done more harm than good in the tribal areas of Pakistan, where I have the greatest familiarity and where most drone strikes have apparently occurred. The Central Intelligence Agency and Pakistan’s intelligence agency and military have revealed little about actual targets and outcomes, so we cannot assess whether the people they were trying to kill were “drone worthy.” Most journalism relies on dubious Pakistani reports that exaggerate innocent civilian casualties and discount terrorist fatalities. There are few efforts to independently verify “first-hand accounts,” which are always assumed to be true. Finally, no forensic experts have been employed to verify claims about injuries to discern if they comport with ballistics and weapon effects associated with drone-delivered munitions. Given that trauma, injury and death can be attributed to terrorist attacks and Pakistani conventional military operations, this form of verification is critical. But we can conclude for several reasons that drones are the best alternative, once the United States (with the collusion of Pakistan agencies in many cases) decides that a person is to be killed. The tribal areas are governed by the colonial-era Frontier Crimes Regulation rather than Pakistan’s constitution. Because of this, there are no police forces in the area, but rather militias, paramilitary and military forces. Americans could not therefore detain suspects without ground operations. Alternatives are more deadly and devastating: Pakistani military operations, which are not precise and have displaced up to 4 million people, devastate infrastructure and displace whole communities. And while Pakistan helps the United States in some operations it undermines the United States in others. For this reason, the United States cannot simply outsource such an assignment to Pakistan because there have been too many cases where the Pakistanis have alerted the targets in advance. Drones may not be desirable but they are the best option at least in the tribal areas.

#### Relations are irrelevant---they do what they want and that barely effects the US

Miller, Security Prof, 11 (Dr. Paul D. Miller is an Assistant Professor of International Security Affairs at the National Defense University in Washington “How to Exercise U.S. Leverage Over Pakistan,” http://csis.org/files/publication/twq12FallMiller.pdf)

Any one of these policy options carries risks and downsides for the United States. Pakistan is sure to respond in some fashion, but what could Islamabad do that it has not already done? The list of possible reprisals sponsor terrorism, proliferate weapons of mass destruction, meddle unhelpfully in Afghanistan, threaten India is simply the recent history of Pakistani foreign policy. Furthermore, some U.S. options, like cutting off aid to Pakistan, would actually benefit the United States by saving it money in a time of fiscal austerity. Some options may push Pakistan closer to China or reduce a small amount of U.S. trade overseas, but those are minimal consequences compared to the ongoing harm inflicted on the United States by militant groups that Pakistan supports or tolerates. Some policy options, such as cutting off intelligence cooperation or expanding unilateral operations, carry more serious consequences and should be held in reserve in case of a more serious deterioration in the U.S.— Pakistan relationship. American policymakers should not initiate every one of these policies simultaneously, and hopefully will never need to impose most of them. Rather, the United States should recognize that its current policy toward Pakistan free cash, a formal alliance, and a blind eye towards Islamabad’s failings and betrayalsh as simply failed to secure vital U.S. interests in South Asia. Pakistan is actively working to oppose American goals in Afghanistan, it has been one of the greatest proliferators of weapons of mass destruction in recent history, it supports a range of militants and terrorists, and its policy toward India is increasingly of American concern given the growing U.S.—Indian ties of the past two decades. In light of these enduring features of Pakistani foreign policy, a re-appraisal of how to use U.S. leverage toward Pakistan is long overdue.

#### No Pakistan collapse and it doesn't escalate

**Dasgupta, Brooking senior fellow, 2013**

(Sunil, “How will India respond to civil war in Pakistan?”, 2-25, <http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/>, ldg)

As it is, India and Pakistan have gone down to the nuclear edge four times — in 1986, 1990, 1999 and 2001–02. In each case, India responded in a manner that did not escalate the conflict. Any incursion into Pakistan was extremely limited. An Indian intervention in a civil war in Pakistan would be subject to the same limitations — at least so long as the Pakistani army maintains its integrity. Given the new US–India ties, the most important factor in determining the possibility and nature of Indian intervention in a possible Pakistani civil war is Washington. If the United States is able to get Kabul and Islamabad to work together against the Taliban, as it is trying to do now, then India is likely to continue its current policy or try to preserve some influence in Afghanistan, especially working with elements of the Northern Alliance. India and Afghanistan already have a strategic partnership agreement in place that creates the framework for their bilateral relationship to grow, but the degree of actual cooperation will depend on how Pakistan and the Taliban react. If Indian interests in Afghanistan come under attack, New Delhi might have to pull back. The Indian government has been quite clear about not sending troops to Afghanistan. If the United States shifts its policy to where it has to choose Kabul over Islamabad, in effect reviving the demand for an independent Pashtunistan, India is likely to be much more supportive of US and Afghan goals. The policy shift, however, carries the risk of a full-fledged proxy war with Pakistan in Afghanistan, but should not involve the prospect of a direct Indian intervention in Pakistan itself. India is not likely to initiate an intervention that causes the Pakistani state to fail. Bill Keller of the New York Times has described Pakistani president Asif Ail Zardari as overseeing ‘a ruinous kleptocracy that is spiraling deeper into economic crisis’. But in contrast to predictions of an unravelling nation, British journalist-scholar Anatol Lieven argues that the Pakistani state is likely to continue muddling through its many problems, unable to resolve them but equally predisposed against civil war and consequent state collapse. Lieven finds that the strong bonds of family, clan, tribe and the nature of South Asian Islam prevent modernist movements — propounded by the government or by the radicals — from taking control of the entire country. Lieven’s analysis is more persuasive than the widespread view that Pakistan is about to fail as a state. The formal institutions of the Pakistani state are surprisingly robust given the structural conditions in which they operate. Indian political leaders recognise Pakistan’s resilience. Given the bad choices in Pakistan, they would rather not have anything to do with it. If there is going to be a civil war, why not wait for the two sides to exhaust themselves before thinking about intervening? The 1971 war demonstrated India’s willingness to exploit conditions inside Pakistan, but to break from tradition requires strong, countervailing logic, and those elements do not yet exist. Given the current conditions and those in the foreseeable future, India is likely to sit out a Pakistani civil war while covertly coordinating policy with the United States.

#### Pakistan’s nukes are super secure-this is the most objective account

**Jaspal, South Asian Strategic Stability Institute advisor, 2013**

(Zafar, “Pakistan’s nuclear weapons safety and security”, 2-23, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/columns/23-Feb-2013/pakistan-s-nuclear-weapons-safety-and-security>, ldg)

The nature of debate; the conspiracy theories hatched against Pakistan’s nuclear programme and, above all, the fear of nuclear or radiological terrorist attacks necessitate serious analysis of the subject, i.e. the safety and security of Pakistan’s nuclear weapons. As the book reflects the biased approach that is immensely lacking scientific research, the following discussion is an attempt to present briefly the realistic-cum-objective account of the puzzle. Since the very beginning, Pakistan’s nuclear programme has been facing negligible internal and significant external opposition. In reality, the internal nuclear abolitionists have miserably failed to cultivate their viewpoint in the Pakistani society. The people of Pakistan have simply rejected their judgment about the demerits or repercussions of nuclear weapons in the strategic environment of South Asia. They have vehemently supported the nuclear programme and defied the malicious propaganda unleashed to hinder Islamabad’s pursuit to acquire indigenous nuclear weapons capability. Concurrently, the Government of Pakistan had constituted and implemented both short and long term policies to develop the country’s nuclear deterrence capability, particularly after India’s nuclear explosion in Rajasthan on May 18, 1974. Moreover, it has been intelligently addressing the security challenges to its nuclear infrastructure. Therefore, there has been no recorded incident of sabotage or theft of the Pakistani nuclear material to date. Needles to say, Pakistan has institutionalised highly-secured systems, which has been improved gradually to thwart internal and external security challenges to its nuclear infrastructure and arsenals, since the very beginning of the nuclear weapons programme. Immediately, after the nuclear weapons test in May 1998, the Government of Pakistan announced its National Command Authority (NCA), which comprises the Employment Control Committee, the Development Control Committee and Strategic Plans Division (SPD) - the secretariat of the Authority. The periodic meetings of the NCA, and briefings organised by the SPD, reveal that a range of overt and covert measures were adopted to guard the country’s nuclear programme. A few of the explicit measures are spelled out in the following paragraphs. First, the SPD works on behalf of the NCA, which increases its role in the nuclear decision-making. The Director General heads the SPD and is the focal person to ensure the safety and security of both the civilian and military component of the country’s nuclear programme. In addition, the separate strategic forces commands had been raised in all the three services. The services retain training, technical and administrative control over their strategic forces. Second, the custodians of the programme had established a Security Division, which today has more than 20,000 trained personnel to guard the arsenal. These trained soldiers are far superior to the terrorists. They are capable of guarding both nuclear weapons and sensitive nuclear facilities from terrorist syndicate sabotage attempts and external powers’ incursions into the nuclear weapons locations. Third, the NCA decided that nuclear weapons would not be stored at one place and very few people know about their locations. One can count these people on fingers who exactly know about the location of nuclear arsenals. The SPD introduced a very rigorous vetting process for the nuclear establishment, i.e. personal reliability programme for military personals and human reliability programme for the civilians to prevent insiders’ link with the terrorist groups. The officers, who are trusted with the weapons location information, ought to be under continuous surveillances by the intelligence agency, which is directly reporting to the high-ups of the secretariat. This methodology, certainly, conceals the location of the nuclear arsenals and also ensures the integrity of the employs. Fourth, the critics of Pakistan’s nuclear arsenals safety apparatus have failed to comprehend that its nukes are not maintained on a hair-trigger alert and, in times of peace, its nuclear warheads are maintained separately from their non-nuclear assemblies. This approach prevents accidental or unauthorised use of nuclear weapons. Fifth, the SPD has developed a foolproof security system such as Permissive Action Link system, which is modelled after the one used in the US. It electronically locks the nuclear weapons. The SPD also relies on a range of other measures, including dual key system. Sixth, Pakistan’s Parliament legislated an Act - the Export Control on Goods, Technologies, Material and Equipment Related to Nuclear and Biological Weapons and their Delivery Systems Act - in September 2004. The purpose of this Act is to further strengthen control on the export of sensitive technologies, particularly those related to nuclear and biological weapons and their means of delivery. Seventh, Pakistan established a Strategic Export Control Division (SECDIV), in the Ministry of Foreign Affairs, in April 2007. Its purpose is to further tighten control over exports by monitoring and implementing the Export Control Act of 2004. Eighth, to prevent the possibility of theft and sabotage during the transportation of sensitive nuclear materials, effective measures have been instituted to fulfil international obligations under the UNSCR 1540. Side by side, it has been ensured that specialist vehicles and tamper-proof containers are provided for the transportation of nuclear materials that are escorted by military personnel. Nevertheless, Islamabad is very actively participating in the international arrangements to prevent any nuclear or radiological terrorism. For instance, Pakistan was among the first countries that submitted a report to the UN to fulfil its obligations under the UNSCR 1540. Further, it joined the US sponsored Container Security Initiative (CSI) in March 2006 and the Global Initiative to Combat Nuclear Terrorism (GICNT) in 2007. Also, it is part of the Nuclear Security Summit (NSS) process - an initiative taken by President Barack Obama that has led to two successful summits in 2010 and 2012 held at Washington DC and Seoul. Pakistan participated in the two summits and made significant contributions in supporting the global efforts towards nuclear safety and security. Former Prime Minister Yousuf Raza Gilani, in his speech at the Seoul Summit in March 2012, had categorically stated: “Pakistan has taken effective measures, which are the most important part of its efforts to enhance nuclear security…….We have been implementing a nuclear security action plan in cooperation with the IAEA, which reinforces physical protection of nuclear medical centres and civilian nuclear plants. Pakistan has established nuclear security training centres to act as a regional and international hub to train people. “Pakistan had been deploying special nuclear material portals at key entry and exit points to detect, deter and prevent illicit trafficking of nuclear and radioactive materials…….Together, we have taken steps to create a secure world that will not live under the fear of nuclear terrorist attacks. We firmly believe that nuclear material must never fall into the hands of terrorists.” Islamabad, despite its reliable nuclear safety and security arrangements, unfortunately, confronts the joint opposition of its own nationalists, who do not miss a single opportunity (even today) to criticise, malign, and desist the positive developmental trajectory of the national nuclear weapons programme. They frequently spell out negative hypothetical scenarios and recommend the ruling elite to roll-back the country’s nuclear weapon programme without taking into account India’s fatting military muscle. Ironically, they deliberately or inadvertently ignore the trends in the South Asian strategic environment. In the same vein, there are numerous Western analysts, who are continuously highlighting similar unfounded fears mainly to malign Pakistan. They overlook the measures that it has taken over more than one decade to ensure the safety and security of its nuclear assets. In short, one can conclude that either these analysts have a nefarious agenda to soften the state’s defensive fence, or maybe they lack the strategic vision to understand the indispensability of nuclear weapons for the military security of Pakistan. As a final word, the national consensus on Pakistan’s nuclear programme and the institutionalised structure of the NCA and its secretariat constituted vigilant custodians of the country’s nuclear programme. These safety and security arrangements manifest that neither terrorist networks, nor any external power is capable to seize its nuclear weapons. Hence, the physical-protection systems at the Pakistani nuclear facilities are well-built. There are custodial safeguards, and thereby these facilities are not accessible to unauthorised outsiders and under constant monitoring process.

### Norms

#### No impact to miscalc

Sevastopulo, 10/28/13(Demetri, “China-Japan relations take turn for worse” Financial Times, <http://www.ft.com/intl/cms/s/0/db42ec8e-3fab-11e3-8882-00144feabdc0.html#axzz2kkvx15JT>)

Sino-Japanese ties have been very tense since Tokyo last year bought three of the Senkaku Islands – a chain in the East China Sea that Japan controls but China claims – from their private owners. At the weekend, tensions flared again as Japan scrambled fighter jets to shadow Chinese jets in the area.

Last month, China flew a drone near the Senkaku, leading Japan to say it would consider shooting down unmanned aircraft that violate its airspace. China said that would be an “act of war” and that it would take “decisive action to strike back”.

Mike Green, an Asia expert at the Center for Strategic and International Studies, said the chance of an accidental confrontation near the Senkaku, which China calls the Diaoyu, was “higher than it has ever been, but it is not August 1914”.

“The Senkaku are not Sarajevo, the fuse waiting to light a highly combustible military confrontation across northeast Asia. Even an accidental military collision would be quickly contained, but it would also be very bad for business.”

The tensions over the weekend coincided with China unveiling its first nuclear submarine force for a detailed full show for the first time, in the latest sign of its growing military confidence.

Last December, a Chinese surveillance aircraft flew over the Senkaku in what Japan described as the first official Chinese breach of its airspace since 1958. Chinese ships and aircraft have since routinely tested Japanese control of the group, prompting concern about deliberate or accidental conflict.

On the surface, the Senkaku situation had cooled somewhat before this weekend. The Japanese coast guard says Chinese vessels have entered its territorial waters or the surrounding “contiguous zone” on five separate days this month, compared with 20 to 24 days in each of the previous four months.

And while Japan scrambled fighters 149 times in the April to September period, the high number was still 88 fewer than it did in the preceding six months. Trade relations between the countries have also improved from last year.

#### No SCC drones-afraid it helps the US

Erickson and Strange 13 (ANDREW ERICKSON is an associate professor at the Naval War College and an Associate in Research at Harvard University’s Fairbank Center. Follow him on Twitter @andrewserickson. AUSTIN STRANGE is a researcher at the Naval War College’s China Maritime Studies Institute and a graduate student at Zhejiang University. “China Has Drones. Now What?,” http://www.foreignaffairs.com/articles/139405/andrew-erickson-and-austin-strange/china-has-drones-now-what?page=show)

Drones, able to dispatch death remotely, without human eyes on their targets or a pilot's life at stake, make people uncomfortable - even when they belong to democratic governments that presumably have some limits on using them for ill. (On May 23, in a major speech, US President Barack Obama laid out what some of those limits are.) An even more alarming prospect is that unmanned aircraft will be acquired and deployed by authoritarian regimes, with fewer checks on their use of lethal force.¶ Those worried about exactly that tend to point their fingers at China. In March, after details emerged that China had considered taking out a drug trafficker in Myanmar with a drone strike, a CNN blog post warned, "Today, it's Myanmar. Tomorrow, it could very well be some other place in Asia or beyond." Around the same time, a National Journal article entitled "When the Whole World Has Drones" teased out some of the consequences of Beijing's drone programme, asking, "What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea?"¶ Indeed, the time to fret about when China and other authoritarian countries will acquire drones is over: they have them. The question now is when and how they will use them. But as with its other, less exotic military capabilities, Beijing has cleared only a technological hurdle - and its behaviour will continue to be constrained by politics.¶ China has been developing a drone capacity for over half a century, starting with its reverse engineering of Soviet Lavochkin La-17C target drones that it had received from Moscow in the late 1950s. Today, Beijing's opacity makes it difficult to gauge the exact scale of the programme, but according to Ian Easton, an analyst at the Project 2049 Institute, an American think-tank devoted to Asia-Pacific security matters, by 2011 China's air force alone had over 280 combat drones. In other words, its fleet of unmanned aerial vehicles is already bigger and more sophisticated than all but the United States'; in this relatively new field Beijing is less of a newcomer and more of a fast follower. And the force will only become more effective: the Lijian ("sharp sword" in Chinese), a combat drone in the final stages of development, will make China one of the very few states that have or are building a stealth drone capacity.¶ This impressive arsenal may tempt China to pull the trigger. The fact that a Chinese official acknowledged that Beijing had considered using drones to eliminate the Myanmar drug trafficker, Naw Kham, makes clear that it would not be out of the question for China to launch a drone strike in a security operation against a non-state actor. Meanwhile, as China's territorial disputes with its neighbours have escalated, there is a chance that Beijing would introduce unmanned aircraft, especially since India, the Philippines and Vietnam distantly trail China in drone funding and capacity, and would find it difficult to compete. Beijing is already using drones to photograph the Senkaku/Diaoyu islands it disputes with Japan, as the retired Chinese major-general Peng Guangqian revealed earlier this year, and to keep an eye on movements near the North Korean border.¶ Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.

#### 1. Diplomatic and political costs constrain their use---deterrence still applies

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.

#### 2. 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.

#### 3. 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.

#### 4. Norms fail---if countries really need to use drones they will regardless of US code

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

Whatever the potential motivations for trying to codify international rules for using UAVs, such a move would be ill advised. While in theory, every nation that signs onto a treaty governing UAVs will be bound by its requirements, it is unlikely to play out this way in practice. It strains credulity to assume that China, Russia, Iran, and other non-democratic actors will not selectively apply (at best) such rules to themselves while using them as a cudgel with which to bash their rivals and score political points. The United States and its democratic allies, meanwhile, are more likely to adhere to the commitments for which they signed up. The net result: we are boxed in as far as our own self-defense, while other nations with less regard for the rule of law go use their UAVs to take out whomever, whenever, contorting said “rules” as they see fit. One need only look at China’s manipulation of the Law of the Sea Treaty to justify its vast territorial claims at the expense of its neighbors to see how this often plays out. And who would enforce the treaty’s rules — a third party tribunal? Would it be an apparatus of the United Nations, the same U.N. that assures us that it is not coming after the United States or its allies specifically, even as its investigation takes on as its “immediate focus” UAV operations recently conducted by those countries? The United States already conducts warfare under the norms of centuries of practice of customary international law in areas such as military necessity and proportionality, as well as the norms to which we committed ourselves when we became party to the 1949 Geneva Conventions and the United Nations Charter. These same rules can adequately cover the use of UAVs in the international context. But if the United States were to create or agree to a separate international regime for UAVs, we would subject ourselves to new, politicized “rules” that would needlessly hold back countries that already use UAVs responsibly, while empowering those that do not.

## 2nc

## T

### A2: We Meet

#### 2. The producers are completely different-this distinction matters

**Anderson, Washington College of law professor, 2013**

(Kenneth, “The Case for Drones”, 5-24, http://dyn.realclearpolitics.com/printpage/?url=http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548-full.html accessed 9-13-13, CMM)

Are drone technology and targeted killing really so strategically valuable? The answer depends in great part not on drone technology, but on the quality of the intelligence that leads to a particular target in the first place. The drone strike is the final kinetic act in a process of intelligence-gathering and analysis. The success—and it is remarkable success—of the CIA in disrupting al-Qaeda in Pakistan has come about not because of drones alone, but because the CIA managed to establish, over years of effort, its own ground-level, human-intelligence networks that have allowed it to identify targets independent of information fed to it by Pakistan’s intelligence services. The quality of drone-targeted killing depends fundamentally on that intelligence, for a drone is not much use unless pointed toward surveillance of a particular village, area, or person. It can be used for a different kind of targeting altogether: against groups of fighters with their weapons on trucks headed toward the Afghan border. But these so-called signature strikes are not, as sometimes represented, a relaxed form of targeted killing in which groups are crudely blown up because nothing is known about individual members. Intelligence assessments are made, including behavioral signatures such as organized groups of men carrying weapons, suggesting strongly that they are “hostile forces” (in the legal meaning of that term in the U.S. military’s Standing Rules of Engagement). That is the norm in conventional war. Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities—but much of the drone’s contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

#### 3. The government also draws a distinction between the two

**Zenko, CFR Douglas Dillon Fellow, 2012**

(Micah, “Targeted Killings and Signature Strikes”, 7-16, <http://blogs.cfr.org/zenko/2012/07/16/targeted-killings-and-signature-strikes/>, ldg)

Although signature strikes have been known as a U.S. counterterrorism tactic for over four years, no administration official has acknowledged or defended them on-the-record. Instead, officials emphasize that targeted killings with drones (the official term is “targeted strikes”) are only carried out against specific individuals, which are usually lumped with terms like “senior” and “al-Qaeda.” Harold Koh: “The United States has the authority under international law, and the responsibility to its citizens, to use force, including lethal force, to defend itself, including by targeting persons such as high-level al-Qaeda leaders who are planning attacks.” John Brennan: “This Administration’s counterterrorism efforts outside of Afghanistan and Iraq are focused on those individuals who are a threat to the United States.” Jeh Johnson: “In an armed conflict, lethal force against known, individual members of the enemy is a long-standing and long-legal practice.” Eric Holder: “Target specific senior operational leaders of al Qaeda and associated forces.” In April, Brennan was asked, “If you could address the issue of signature strikes, which I guess aren’t necessarily targeted against specific individuals?” He replied: “You make reference to signature strikes that are frequently reported in the press. I was speaking here specifically about targeted strikes against individuals who are involved.” Shortly thereafter, when the White House spokesperson was asked about drone strikes, he simply stated: “I am not going to get into the specifics of the process by which these decisions are made.”

### A2: Counter Interpretation

#### They can ban peacetime assassinations, certain enemy combatants and random criminals

**Silva, University of Montreal Master’s candidate, 2003**

(Sébastian Jose, “Death for life : a study of targeted killing by States in international law,” https://papyrus.bib.umontreal.ca/xmlui/bitstream/handle/1866/2372/11474222.PDF;jsessionid=4D1530E8E8F2DEE3B4C68BA4B7997F3B?sequence=1)

As defined by Steven R. David, targeted killing is the "intentional slaying of a specific individual or group of individuals undertaken with explicit governmental approval.,,25 Though concise, the problem with this definition is that it fails to specify the intended targets and ignores the context in which they are carried out. By failing to define targeted killings as measures of counter-terrorism, killings of all types may indiscriminately fall under its mantle with devastating consequences. As such, the killing of political leaders in peacetime, which amounts to assassination, can fall within its scope. The same can be said about the killing of specific enemy combatants in armed conflict, which amounts to targeted military strikes, and the intentional slaying of common criminals, dissidents, or opposition leaders. Actions carried-out by governments within their jurisdictions can also be interpreted as targeted killings. Although the killing of terrorists abroad may constitute lawful and proportionate self-defense in response to armed attacks, the use of such measures by states for an unspecified number of reasons renders shady their very suggestion. David's definition is essentially correct but over-inclusive.

### AT: Reasonability

#### Reasonability is impossible – it’s arbitrary and undermines research and preparation

Resnick, assistant professor of political science – Yeshiva University, ‘1

(Evan, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2)

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

## Xo

### 2NC CP Illegitimate (Agent CPs/Object Fiat)

#### E. Literature makes the counterplan germane and predictable-The Executive order counterplan is key to topic education

Rudalevige ‘12

[Rudalevige, A. (March 2012). The contemporary presidency: executive orders and presidential unilateralism.  Presidential Studies Quarterly, 42, 1. p.138(23). ETB]

In the last decade or so, students of the American presidency have renewed their interest in the formal authorities and unilateral possibilities of presidential power, driven both by methodological logic and by events. On the theoretic side, scholars working within the broad framework of the "new institutionalism," especially its rational choice variant, have made a case that the formal, legal, and organizational aspects of the presidency--and the incentives and constraints for presidential behavior these implied--had been too long neglected in favor of impressionistic accounts of the "personal presidency." A focus on the formal powers that underlay the presidential office, and the way these could be used to enhance an incumbent's influence, was needed to fill that gap (e.g., Howell 2003; Kelley 2007; Moe 1985, 1993; Moe and Howell 1999). After all, as Kenneth Mayer argued (2001, 11), "in most cases, presidents retain a broad capacity to take significant action on their own, action that is meaningful both in substantive policy terms and in the sense of protecting and furthering the president's political and strategic interests."¶ The assertive--even "imperial"--stance taken by recent presidents provided empirical grist for this mill. President George W. Bush was particularly notable in acting aggressively to expand his office's powers vis-a-vis other political actors (Cooper 2002; Goldsmith 2007; Rudalevige 2005, 2010; Savage 2007). Redressing the perceived constriction of the presidential office after the Watergate/Vietnam years provided a new rationale for unilateral command--even before the terrorist attacks of September 11, 2001. Barack Obama, while disavowing some of his predecessor's rationales, has acted in a similar manner in a number of areas. The assassination of American citizens acting with al-Qaeda in Yemen; the evasion of the War Powers Resolution in Libya; the use of the state secrets act in fending off judicial inquiry--all these suggest a continuing approach to presidential authority that overrides shifts in the incumbent's personality.¶ From either direction, the upshot has been important recent work on a presidential administrative toolkit that includes appointments (Lewis 2008), signing statements (Evans 2011; Kelley and Marshall 2010; Korzi 2011), executive agreements (Krutz and Peake 2009), proclamations (Rottinghaus and Bailey 2010; Rottinghaus and Maier 2007), rulemaking and guidance (Graham 2010; Kerwin and Furlong 2010), and especially executive orders (Gibson 2009; Howell 2003; Mayer 1999, 2001; Rodrigues 2007; Warber 2006; Wigton 1996). Indeed, at this point it is safe to say that a standard textbook in the field could not--as it did even after Watergate--exclude "executive orders" and "signing statements" from the index (Koenig 1975). The study of the contemporary presidency thus requires serious attention to that office's executive authority.

#### I. Process debate is good debate

**Elmore**, Prof. Public Affairs at University of Washington, PolySci Quarterly 79-80, p. 605, **1980**

The emergence of implementation as a subject for policy analysis coincides closely with the discovery by policy analysts that decisions are not self-executing. Analysis of policy choices matter very little if the mechanism for implementing those choices is poorly understood in answering the question, "What percentage of the work of achieving a desired governmental action is done when the preferred analytic alternative has been identified?" Allison estimated that in the normal case, it was about 10 percent, leaving the remaining 90 percent in the realm of implementation.

### AT: Cong key

#### Memo solves

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

Conclusion Neither the Order nor the accompanying Fact Sheet will have a major impact on U.S. detention operations. The Order applies only to a small group of detainees, all of whom have been subjected to similar procedures in the recent past. The Fact Sheet’s signaling of compliance with Article 75 is not technically applicable to the current conflict, and ratification of AP II is still beyond the horizon. Moreover, the procedures contained in the Order (which do not differ dramatically from the procedures they replace) arguably conform with Article 75 and APII, neither of which contain robust procedures with regard to detention, except perhaps with regard to the use of classified information (an area in which states are likely to receive considerable leeway given the vague requirements of Article 75) and the continued detention of detainees identified for release but for whom the U.S. is unable to locate an acceptable non-U.S. destination. The procedures and substantive standards contained in the Order do not dramatically change the landscape of U.S. detention policy and practice, but that does not mean that the Order and the Fact Sheet are of no moment. The U.S. has previously been careful to maintain a strong approach to the lex specialis conception of LOAC, but Article 75 and AP II represent an approach to LOAC that more closely tracks human rights protections than earlier instruments, like the GCs themselves. It is often the executive branch that argues most strongly for the U.S.- exceptionalist view of international law; if the Fact Sheet signals a shift by the executive branch, it is likely to be followed by a shift by courts as well. In many times, the content of the international law of armed conflict has been mostly a matter of academic interest in the U.S., but today, many cases applying domestic law turn directly on the content of the law of armed conflict, which means that the content of international human rights law as implicated by a shifting approach to LOAC may soon find itself in domestic law, binding by U.S. federal courts on the conduct of the current armed conflict. Even those changes are, for the moment, hypothetical. The policy announced by the Fact Sheet – the administration’s willingness to embrace aspects of the law of armed conflict closely tied with international human rights law – has the potential for substantially altering the evolution of U.S. detention law and policy by providing even more space to incorporate international legal norms into U.S. domestic law. Of course, the most important implication of the Fact Sheet’s embrace of Article 75 and AP II is one for diplomats, not lawyers—at least not yet. By finally saying in a public forum that the U.S. will apply Article 75 in IAC out of a sense of legal obligation and that the administration will pursue ratification of AP II, the Obama administration is signaling future engagement with the international community on matters relating to armed conflict. Doing so likely changes the diplomatic landscape more than it does the legal landscape in the near term, although the impact over the long term may be more profound than the recognition of any particular rule or the ratification of any particular treaty. I leave it to the diplomats to debate whether that change should be welcomed.198

But the CP’s cause of action is sufficient even if that’s not true

Ostrow-GW law review-87 55 Geo. Wash. L. Rev. 659, \*

55 Geo. Wash. L. Rev. 659

NOTE: ENFORCING EXECUTIVE ORDERS: JUDICIAL REVIEW OF AGENCY ACTION UNDER THE ADMINISTRATIVE PROCEDURE ACT. \*

Even if an executive order has the force and effect of law, courts will not recognize a private cause of action against the government under the executive order unless there is evidence of presidential intent to create a cause of action. 32 For example, in Acevedo v. Nassau County, 33 members of low-income minority groups brought a class action alleging that the General Services Administration had violated an executive order 34 by planning a federal office building without considering the adequacy of low-income housing in the area. 35 The Second Circuit affirmed the district court's dismissal on the ground, inter alia, that the executive order created no right of action, either express or implied. 36 The court found that the order did not expressly grant a cause of action and that the obligations imposed by the order were "so broad and vague" that inferring a private cause of action might engender protracted lawsuits by persons with little at stake. 37 If presidential intent is not explicit, courts frequently will look to the history of the executive order or the administrative scheme established by the order to determine whether there exists an implied right of action. Using this analysis, some courts refuse to allow a cause of action under an executive order based on an "exclusivity [\*666] of remedy" rationale. 38 The Fifth Circuit in Farkas v. Texas Instrument, 39 for example, held that there was no right of action under an executive order because the administrative remedies prescribed by the order were intended to be the exclusive mode of enforcement. 40 Plaintiff asserted that he was discharged in violation of an executive order 41 that forbade government contractors from discriminating against employees or applicants on the basis of national origin. 42 Plaintiff had unsuccessfully pursued his administrative remedies under the order by seeking relief before the President's Committee on Equal Employment Opportunity. 43 The court concluded that the Committee's refusal to grant relief was final and that the President did not contemplate a private cause of action directly under the order "[i]n light of the Order's emphasis on administrative methods of obtaining compliance with the required contractual provisions." 44 It therefore affirmed the district court's dismissal of the discrimination claim for failure to state a cause of action. 45 These decisions illustrate the formidable barriers that plaintiffs must overcome to assert a cause of action directly under an executive order. Courts have been extremely reluctant to infer rights of action when, as is frequently the case, the orders are silent on the subject of private enforcement and establish their own administrative remedial schemes. 46 Instead of looking exclusively to the executive order for a cause of action, courts should look to the APA as an alternative basis for judicial review of an agency's violation of an order.

#### The president is the focal point of American politics – everyone perceives executive action

Fitts-prof law, Penn-96 [Michael, Professor of Law @ UPenn Law School, “The Paradox Of Power In The Modern State”, University of Pennsylvania Law Review, 144 U. Pa. L. Rev. 827, Lexis]

The Presidency A. The Modern Presidency What is the nature of the presidency in the modern state? Numerous political scientists and legal academics claim that our recent chief executives have inherited a "modern presidency," [33](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n33" \t "_self) which began to develop with Franklin Roosevelt and is structurally distinct from earlier regimes. [34](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n34" \t "_self) Of course, the balance of power among the president, Congress, and the agencies is exceedingly complex, since the amount of bureaucratic activity and legislative oversight has increased greatly over the years. Nevertheless, "the resources of modern presidents [are thought by many to] dwarf those of their predecessors." [35](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n35" \t "_self) Commentators point to three related changes that centralize greater formal power in the institution and increase the informal political assets at the president's command. The first change, which is to some extent considered the most important and defining quality of the modern presidency, is the increased visibility of the president as an individual within the electoral process. Prior to the Roosevelt Administration, the president was viewed more as a member of both a party and a complicated and elite system of government. He was also relatively distant from the population. The modern presidents, in contrast, are elected increasingly as individuals in the primary and general elections on the basis of direct public exposure in the media. This [\*842] evolution, which has occurred over a number of years, is a result of social forces, such as the decline of political parties [36](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n36" \t "_self) and the rise of the media, as well as legal changes, such as the ascendancy of primaries. [37](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n37" \t "_self) Second, once in power, modern presidents have increasingly attempted to take greater formal and informal control of the executive branch, through policy expansion of the OMB and the Executive Office of the President and increased oversight of agencies under Executive Order 12,291 [38](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n38" \t "_self) and its successor orders. Indeed, every president since Roosevelt has attempted to centralize power in the White House to oversee the operations of the executive branch and to make its resources more responsive to his policy and political needs. [39](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n39" \t "_self) [\*843] Finally, and relatedly, the modern presidency has become more centralized and personalized through its public media role - that is, its "rhetorical functions." [40](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n40" \t "_self) Given changes in the press and the White House office, the president has become far more effective in setting the agenda for public debate, sometimes even dominating the public dialogue when he chooses. [41](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n41" \t "_self) Economists would probably attribute the president's ability to "transmit information" to the centralized organization of the presidency - an "economy of scale" in public debate. [42](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n42" \t "_self) At the same time, the president can establish [\*844] a "focal point" around preferred public policies. [43](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n43" \t "_self) This proposition can also be stated somewhat differently. As an institution embodied in a single individual, the president has a unique ability to "tell" a simple story that is quite personal and understandable to the public. As a number of legal academics have shown, stories can be a powerful mode for capturing the essence of a person's situated perspective, improving public comprehension of particular facts, and synthesizing complex events into accessible language. [44](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n44" \t "_self) Complex institutions, such as Congress, have difficulty [\*845] assembling and transmitting information as part of a coherent whole; they represent a diversity - some would say a babble - of voices and perspectives. In contrast, presidents have the capacity to project a coherent and empathetic message, especially if it is tied to their own life stories. In this sense, the skill of the president in telling a story about policy, while sometimes a source of pointed criticism for its necessary simplicity, [45](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n45" \t "_self) may greatly facilitate public understanding and acceptance of policy. [46](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n46" \t "_self) B. The Theory of the Unitary Presidency This picture of the modern presidency is quite consistent with those parts of the legal and political science literatures exploring the advantages of presidential (as opposed to legislative) power and advocating a more unitary or centralized presidency. According to this view, [47](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n47" \t "_self) power and accountability in government and in the executive branch should be moved more toward the top, giving the [\*846] president and his staff greater ability to make decisions themselves or to leave them, subject to oversight, in the hands of expert agency officials. In the legal literature, this position is usually associated with support for strengthening the president's directorial powers over the agencies, unfettered presidential removal authority, and Chevron deference to agency regulations [48](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n48" \t "_self) reviewed by the White House. Similarly, political scientists emphasize the plebiscitarian president's growing informal influence with the agencies and the public, as well as the association between a strong president and the "national" interest. [49](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n49" \t "_self) To be sure, legal proponents of a strong unitary presidency usually do not outline a comprehensive policy defense of the legal position but rely more on doctrinal justifications and related policy arguments. [50](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n50" \t "_self) By synthesizing and integrating the interrelated legal and policy rationales in the legal and political science literatures, however, one can sketch the outlines of a common theory. This analysis suggests that the structure of a more unitary, centralized presidency should enhance the power, legitimacy, and effectiveness of the office, especially as compared to Congress, in three different but related ways. [\*847] First, with respect to the administration of the executive branch, centralized power, or at least the opportunity for the exercise of centralized power, is thought to facilitate better development and coordination of national programs and policies. Because federal government programs interrelate in countless ways, a centralized figure or institution such as the president is seemingly in a good position to recognize and respond to the demands of the overall situation. [51](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n51" \t "_self) For similar reasons, as social and political change accelerates, the president may be well-situated to foresee and implement adaptive synoptic changes - that is, to engage in strategic planning. One of the rationales for the existence of the federal government is the national effect of its policies, which under this view can be reconciled most easily at the top. [52](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n52" \t "_self) To the extent that the president is successful in putting together such programs, he should receive political credit, which would redound to his political strength. [53](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n53" \t "_self) Second, centralized power facilitates greater political accountability by placing in one single individual the public's focus of government performance. If the public had to evaluate electorally the activities of hundreds of different officials in the executive branch, its information about the positions, actions, and effects of government behavior would be extraordinarily limited. [54](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n54" \t "_self) Only those most [\*848] interested in a particular function would be likely to have information about its behavior or attempt to influence that behavior through election, lobbying, or litigation. This is the standard concern with New Deal agencies captured by the so-called iron triangle of Washington politics. [55](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n55" \t "_self) By contrast, placing overall political responsibility in one individual is thought to facilitate broader political accountability. While this oversight can have mixed effects depending on presidential performance, it has the potential for strengthening the president's political support and influence. [56](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n56" \t "_self) Because he is more likely to approximate the views of the median voter, [57](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n57" \t "_self) a unitary president is thought to enjoy a clear majoritarian mandate, as the only elected representative of all "The People." This democratic legitimacy should be, in turn, a major source of his political strength. [58](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n58" \t "_self) As one commentator has [\*849] argued: "Every deviation from the principle of executive unitariness will necessarily undermine the national majority electoral coalition." [59](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n59" \t "_self) Finally, on an elite political level, the existence of a single powerful political actor serves a political coordination function. [60](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n60" \t "_self) A dispersed government with a decentralized political structure has a great deal of difficulty in reaching cooperative solutions on policy outcomes. Even if it does reach cooperative solutions, it has great difficulty in reaching optimal results. Today, there are simply too many groups in Washington and within the political elite to reach the necessary and optimal agreement easily. [61](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n61" \t "_self) A central and visible figure such as the president, who can take clear positions, can serve as a unique focal point for coordinating action. [62](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n62" \t "_self) With the ability to focus public attention and minimize information costs, [63](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n63" \t "_self) [\*850] a president can also be highly effective in overcoming narrow but powerful sources of opposition and in facilitating communication (that is, coordination and cooperation) between groups and branches. [64](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n64" \t "_self) In technical terms, he might be viewed as the "least cost avoider." [65](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n65" \t "_self) The budget confrontation between Clinton and Congress is only the most recent example of the president's strategic abilities. [66](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n66" \t "_self) In this regard, it is not surprising that most studies have found that the president's popularity is an important factor in his ability to effectively negotiate with Congress. [67](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n67" \t "_self)

#### --XO spills up to legislation eventually

LeRoy, Professor for the University of Illinois, 96

Michael LeRoy, Associate Professor for the Institute of Labor & Industrial Relations and College of Law, University of Illinois, “Presidential Regulation of Private Employment: Constitutionality of Executive Order 12954 Debarment of Contractors who Hire Permanent Striker Replacements”

37 B.C. L. Rev 229

Second, many of these orders served as models for legislation. As a result of their experimentation, they occasionally provided Congress with blueprints for workable and politically feasible legislation. This explains in part why Congress initially focused on race discrimination in enacting the 1964 Civil Rights Act. Presidential orders had focused on this form of discrimination since 1941 and therefore developed a lengthy track record. It is notable that every employment discrimination law regarding race, gender, age, and disability followed rather than preceded a related executive order.

### AT: Rollback

#### ---Political barriers check – new, stronger constituencies

Branum-Associate Fulbright and Jaworski- 2

Tara L, Associate, Fulbright & Jaworski L.L.P, “President or King? The Use and Abuse of Executive Orders in Modern Day America” Journal of Legislation 28 J. Legis. 1

Congressmen and private citizens besiege the President with demands  [\*58]  that action be taken on various issues. [n273](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n273) To make matters worse, once a president has signed an executive order, he often makes it impossible for a subsequent administration to undo his action without enduring the political fallout of such a reversal. For instance, President Clinton issued a slew of executive orders on environmental issues in the weeks before he left office. [n274](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n274) Many were controversial and the need for the policies he instituted was debatable. [n275](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n275) Nevertheless, President Bush found himself unable to reverse the orders without invoking the ire of environmentalists across the country. [n276](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.689002.875983458&target=results_DocumentContent&reloadEntirePage=true&rand=1220903297496&returnToKey=20_T4511783216&parent=docview" \l "n276) A policy became law by the action of one man without the healthy debate and discussion in Congress intended by the Framers. Subsequent presidents undo this policy and send the matter to Congress for such debate only at their own peril. This is not the way it is supposed to be.

### AT: Links to Politics

#### Executive action avoids politics and are fast

Sovacool-Research Fellow Public Policy, University of Singapore-9

Dr. Benjamin K. Sovacool 2009 is a Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization., Kelly E. Sovacool is a Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of SingaporeArticle: Preventing National Electricity-Water Crisis Areas in the United States, Columbia Journal of Environmental Law 2009 34 Colum. J. Envtl. L. 333,

¶ Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save ¶ ¶ presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horsetrading and compromise such legislative activity entails.¶ ¶ 292¶ ¶ Speediness of implementation can be especially important when challenges require rapid and decisive action. After the September ¶ ¶ 11, 2001 attacks on the Pentagon and World Trade Center, for ¶ ¶ instance, the Bush Administration almost immediately passed ¶ ¶ Executive Orders forcing airlines to reinforce cockpit doors and ¶ ¶ freezing the U.S. based assets of individuals and organizations ¶ ¶ involved with terrorist groups.¶ ¶ 293¶ ¶ These actions took Congress ¶ ¶ nearly four months to debate and subsequently endorse with ¶ ¶ legislation. Executive Orders therefore enable presidents to ¶ ¶ rapidly change law without having to wait for congressional action ¶ ¶ or agency regulatory rulemaking.

#### Our link is about losses and capital not popularity---critical distinction

Warshaw-prof poli sci, Gettysburg-06

(Shirley Anne, Prof of Pol. Science @ Gettysburg College, “Administrative Strategies of President George W. Bush” Extensions Journal, Spring 2006, <http://www.ou.edu/special/albertctr/extensions/spring2006/Warshaw.pdf>)

However, in recent administrations, particularly **since the Reagan administration**, **presidents have often bypassed Congress using administrative actions. They have opted for a strategy through administrative actions that is less time-consuming and clearly** less demanding of their political capital**.** Using an array of both formal and informal executive powers, **presidents have effectively directed the executive departments to implement policy without any requisite congressional authorization**. In effect, presidents have been able to govern without Congress. **The arsenal** of administrative actions available to presidents **includes the power of appointment, perhaps the most important of the arsenal, executive orders**, executive agreements, proclamations, signing statements, and a host of national security directives.1 More than any past president, George W. Bush has utilized administrative actions as his primary tool for governance.

#### Legislation is the link—has to pass too many hurdles—the president has nothing to do with it

Paul Light, Founder of the Brookings Institution Center for Public Service, 1999 (The President’s Agenda, p53-4)

Congressional Limits. Presidents face several structural limits on agenda size, but the congressional calendar involves the greatest institutional restrictions. Though Congress can act quickly during a crisis, most legislation must pass through a series of decision points en route to enactment. According to John Kennedy, the process contains a number of hurdles: It is very easy to defeat a bill in the Congress. It is much more difficult to pass one. To go through a subcommittee… and get a majority vote, the full committee and get a majority vote, go to the Rules Committee and get a rule, go to the Floor of the House and get a majority, start all over in the Senate, subcommittee and full committee, and in the Senate there is unlimited debate, so you can never bring a matter to a vote if there is enough determination on the part of the opponents, even if they are a minority, to go through the Senate with the bill. And then unanimously get a conference between the House and Senate to adjust the bill, or if one member objects, to have it go back through the Rules Committee, back through the Congress, and have this done on a controversial piece of legislation where powerful groups are opposing it, that is an extremely difficult task (transcript of television interview, in *Public Papers of The Presidents, 1963*, pp 892, 894) Kennedy’s complaint came long before the rise of subcommittee government and the increased complexity within the legislative process. Past Presidents and their staffs generally have been sensitive to the demands of the congressional process. “The liaison office always walks a tight line,” one Nixon officer suggested. “If you press too hard, you’re likely to anger the committees. They have a heavy work load and won’t take too much White House pressure. But if you don’t press hard enough , the Congress will put your agenda on the back burner.”

## 1nr

## Iran DA

### 1NR Impact OV

Secondary sanctions on Iran undermine US leadership-collapses global rules based international order and turns 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.

#### New round of sanctions would threaten broad enforcement of extraterritorial sanctions

Kahl-Director, Middle East Security Program, Center for a New American Security-11/13/13

<http://docs.house.gov/meetings/FA/FA00/20131113/101478/HHRG-113-FA00-Wstate-KahlC-20131113.pdf>

Second, and somewhat paradoxically, escalating sanctions at this moment could actually end up weakening international pressure on Iran. For better or worse, Rouhani has already succeeded in shifting international perceptions of Iran. If the United States, rather than Iran, comes across as the intransigent party, it will become much more difficult to maintain the international coalition currently isolating Tehran. In particular, if negotiations on a comprehensive framework collapse because of Washington’s unwillingness to make a deal on limited enrichment – a deal Russia and China and numerous other European and Asian nations support – it will likely become much harder to enforce sanctions. Some fence sitters in Europe and Asia will start to flirt with Iran again, leaving the United States in the untenable position of choosing between imposing extraterritorial sanctions on banks and companies in China, India, Japan, South Korea, Turkey and elsewhere, or acquiescing to the erosion of the comprehensive sanctions regime.

#### That undermines US trade leadership and Sino-US relations

Leverett-professor at Pennsylvania State University's School of International Affairs-2/25/13

Imposing secondary sanctions on non-US entities transacting with Iran could backfire on Washington if implemented.

<http://www.aljazeera.com/indepth/opinion/2013/02/201322584515426148.html>

Secondary sanctions Secondary sanctions are a legal and political house of cards. They almost certainly violate American commitments under the World Trade Organisation, which allows members to cut trade with states they deem national security threats but not to sanction other members over lawful business conducted in third countries. If challenged on the issue in the WTO's Dispute Resolution Mechanism, Washington would surely lose. India aims to cash in on Iran sanctions Consequently, US administrations have been reluctant to impose secondary sanctions on non-US entities transacting with Iran. In 1998, the Clinton administration waived sanctions against a consortium of European, Russian and Asian companies developing an Iranian gas field; over the next decade, Washington declined to make determinations whether other non-US companies' Iranian activities were sanctionable. The Obama administration now issues blanket waivers for countries continuing to buy Iranian oil, even when it is questionable they are really reducing their purchases. Still, legal and reputational risks posed by the threat of US secondary sanctions have reduced the willingness of companies and banks in many countries to transact with Iran, with negative consequences for its oil export volumes, the value of its currency and other dimensions of its economic life. Last year, the European Union - which for years had condemned America's prospective "extraterritorial" application of national trade law and warned it would go to the WTO's Dispute Resolution Mechanism if Washington ever sanctioned European firms over Iran-related business - finally subordinated its Iran policy to American preferences, banning Iranian oil and imposing close to a comprehensive economic embargo against the Islamic Republic. In recent weeks, however, Europe's General Court overturned European sanctions against two of Iran's biggest banks, ruling that the EU never substantiated its claims that the banks provided "financial services for entities procuring on behalf of Iran's nuclear and ballistic missile programmes". The European Council has two months to respond - but removing sanctions against the banks would severely weaken Europe's sanctions regime. Other major players in Iran's economy, including the Central Bank of Iran and the National Iranian Oil Company, are now challenging their own sanctioned status. On the other side of the world, America is on a collision course with China over sanctions. In recent years, Beijing has tried to accommodate US concerns about Iran. It has not developed trade and investment positions there as rapidly as it might have, and has shifted some Iran-related transactional flows into renminbito to help the Obama administration avoid sanctioning Chinese banks (similarly, India now pays for some Iranian oil imports in rupees). Whether Beijing has really lowered its aggregate imports of Iranian oil is unclear - but it clearly reduces them when the administration is deciding about six-month sanctions waivers for countries buying Iranian crude. The administration is taking its own steps to forestall a Sino-American conflict over sanctions. Besides issuing waivers for oil imports, the one Chinese bank Washington has barred from the US financial system for Iran-related transactions is a subsidiary of a Chinese energy company - a subsidiary with no business in the US. However, as Congress enacts additional layers of secondary sanctions, President Obama's room to manoeuver is being progressively reduced. Therein lies the looming policy train wreck.

#### US-Sino relations prevent nuclear war and turns their Senkaku Island advantage

Wittner 11 (Wittner, Emeritus Professor of History at the State University of New York/Albany and former editor of Peace & Change, a journal of peace research, “COMMENTARY: Is a Nuclear War with China Possible?,” November 28, <http://www.nytimes.com/2012/06/13/opinion/avoiding-a-us-china-war.html>)

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon. The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war? Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction. Moreover, in another decade the extent of this catastrophe would be far worse. The Chinese government is currently expanding its nuclear arsenal, and by the year 2020 it is expected to more than double its number of nuclear weapons that can hit the United States. The U.S. government, in turn, has plans to spend hundreds of billions of dollars “modernizing” its nuclear weapons and nuclear production facilities over the next decade. To avert the enormous disaster of a U.S.-China nuclear war, there are two obvious actions that can be taken. The first is to get rid of nuclear weapons, as the nuclear powers have agreed to do but thus far have resisted doing. The second, conducted while the nuclear disarmament process is occurring, is to improve U.S.-China relations. If the American and Chinese people are interested in ensuring their survival and that of the world, they should be working to encourage these policies.

#### Decline of US trade leadership causes WWIII

Panzner 2008

Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase “Financial Armageddon: Protect Your Future from Economic Collapse,” pg. 136-138

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

### 1NR A2: Sanctions Inevitable

#### Obama successfully avoiding sanctions now

**Abdi, National Iranian American Council policy director, 11-15-13**

(Jamal, “Tide Turns Towards Diplomacy as Key Senators Oppose New Iran Sanctions”, <http://www.huffingtonpost.com/jamal-abdi/tide-turns-towards-diplom_b_4283626.html>, ldg)

President Obama and the White House have been engaged in a battle in the Senate to block the chamber from passing new sanctions that could derail ongoing negotiations with Iran. The White House has been clear: new sanctions could kill the talks and put the U.S. on a "path to war." Groups including NIAC, FCNL, Peace Action, Americans for Peace Now, J Street, and International Campaign for Human Rights in Iran have all come out against new Senate sanctions. Groups including AIPAC and Foundation for Defense of Democracies are, as usual, advocating more sanctions. AIPAC even says they will explicitly try to kill a deal. But it looks like the pro-diplomacy side is winning. Senators Carl Levin, Christopher Murphy, and Dianne Feinstein have all now come out in opposition to new Iran sanctions, saying they will instead support the ongoing negotiations with Iran. And today, even Senator John McCain (R-AZ) told the BBC today he will not support new sanctions for now, saying, "I am skeptical of talks with Iran but willing to give the Obama administration a couple months." Here are the three Senators who are leading the charge to protect diplomacy from a new sanctions push: Senator Carl Levin (D-MI), Chairman of the Senate Armed Services Committee: "Whether it is a 10%, 40% or 60% chance [that the change is real], it should be tested and probed. We should not at this time impose additional sanctions." Senator Dianne Feinstein (D-CA), Chairwoman of the Senate Select Committee on Intelligence: "I am baffled by the insistence of some senators to undermine the P5+1 talks. I will continue to support these negotiations and oppose any new sanctions as long as we are making progress toward a genuine solution." Senator Chris Murphy (D-CT), Member of the Senate Foreign Relations Committee: "At this critical juncture in these negotiations when Iran may be on the verge of making serious concessions regarding its nuclear program, I worry it would be counterproductive for Congress to authorize a new round of sanctions, diminishing American leverage and weakening the hands of Secretary Kerry and his counterparts in the P5+1." While the House of Representatives voted in support of new sanctions just days before Rouhani's inauguration, a recent letter calling for the Senate to support new sanctions drew less than half as many supporters as a previous letter supporting diplomacy and calling for sanctions to be traded in for Iranian nuclear concessions. Now, it is now up to the Senate to decide whether to pass a sanctions bill opposed by the White House. The chamber has yet to advance their own bill despite prodding from hawks like Mark Kirk (R-IL) and Lindsey Graham (R-SC). The most likely path for the new sanctions was the National Defense Authorization Act, expected to be on the Senate floor next week. But with the two Senators who will manage the bill - Levin and McCain - now opposed to adding sanctions, U.S. negotiators are likely to have more space to conduct talks and secure a framework for a deal without Congressional interference.

#### PC deciding factor-otherwise entire sanction regime unravels

**Leverett et al., Penn St. IR professor, 11-4-13**

(Flynt, “America’s Moment of Truth on Iran”, <http://thediplomat.com/2013/11/04/americas-moment-of-truth-on-iran/>, ldg)

If Obama does not conclude a deal recognizing Iran’s nuclear rights, it will confirm suspicions already held by many Iranian elites—including Ayatollah Khamenei—and in Beijing and Moscow about America’s real agenda vis-à-vis the Islamic Republic. It will become undeniably clear that U.S. opposition to indigenous Iranian enrichment is not motivated by proliferation concerns, but by determination to preserve American hegemony—and Israeli military dominance—in the Middle East. If this is so, why should China, Russia, or rising Asian powers continue trying to help Washington—e.g., by accommodating U.S. demands to limit their own commercial interactions with Iran—obtain an outcome it does not actually want? America can also fail Iran’s test if it is unable to provide comprehensive sanctions relief as part of a negotiated nuclear settlement. The Obama administration now acknowledges what we have noted for some time—that, beyond transitory executive branch initiatives, lifting or even substantially modifying U.S. sanctions to support diplomatic progress will take congressional action. During Obama’s presidency, many U.S. sanctions initially imposed by executive order have been written into law. These bills—signed, with little heed to their long-term consequences, by Obama himself—have also greatly expanded U.S. secondary sanctions, which threaten to punish third-country entities not for anything they’ve done in America, but for perfectly lawful business they conduct in or with Iran. The bills contain conditions for removing sanctions stipulating not just the dismantling of Iran’s nuclear infrastructure, but also termination of Tehran’s ties to movements like Hizballah that Washington (foolishly) designates as terrorists and the Islamic Republic’s effective transformation into a secular liberal republic. The Obama administration may have managed to delay passage of yet another sanctions bill for a few weeks—but Congressional Democrats no less than congressional Republicans have made publicly clear that they will not relax conditions for removing existing sanctions to help Obama conclude and implement a nuclear deal. If their obstinacy holds, why should others respect Washington’s high-handed demands for compliance with its extraterritorial (hence, illegal) sanctions against Iran? Going into the next round of nuclear talks in Geneva on Thursday, it is unambiguously plain that Obama will have to spend enormous political capital to realign relations with Iran. America’s future standing as a great power depends significantly on his readiness to do so.

‘

### 1NR A2: No PC

#### Domestic issues irrelevant to foreign policy and Iran

**Hammond, Oxford Analytica geopolitical analyst, 11-14-13**

(Andrew, “Iranian diplomacy underscores Obama's search for legacy”, <http://www.cnn.com/2013/11/13/opinion/iran-obama-legacy-hammond/>, ldg)

Despite the concerns of regional U.S. allies like Israel and Saudi Arabia, and also a significant number of legislators in the U.S. Congress, it is clear that the Obama administration is pushing strongly for deal as part of its wider Middle Eastern strategy. Indeed, Kerry has now spent more time negotiating with counterpart Iranian officials than any other U.S. high-level engagement for perhaps three decades. The seriousness of negotiations was emphasized by the fact that, as well as Kerry and his Iranian counterpart Mohammad Javad Zarif, foreign ministers from Russia, the United Kingdom, Germany and France, and the Chinese deputy foreign minister, came together. If agreement can be reached, an interim deal (potentially setting the ground for a later comprehensive agreement) would reportedly see Iran's nuclear capacity capped for six months and opened up to U.N. inspections. In exchange, Iran would be given limited, sequenced relief from sanctions. Remaining disagreements reportedly include the status of the Arak heavy-water reactor, and production of highly enriched uranium -- both processes, that can potentially be used to produce nuclear weapons. A second problem to resolve is how to handle the existing Iranian stockpile of uranium that Iran enriched to 20%. Progress in nuclear diplomacy with Iran, combined with continued uncertainty in Syria and Egypt, has refocused Washington's attention towards the Middle East in a manner unanticipated by Obama only a few months ago. In addition to Syria and Egypt, the administration has spent significant political capital resuming Israeli-Palestinian peace talks. The urgency of U.S. focus there reflects growing international conviction that, 20 years after the Oslo Process began, the "window of opportunity" for securing a two-state solution may be receding. Intensified U.S. focus on the Middle East has accentuated a shift, common to many recent re-elected presidents, of increased focus on foreign policy in second terms of office. In part, this reflects the fact that presidents often see foreign policy as key to the legacy they wish to build. For instance, after the 2001 terrorist attacks, George W. Bush sought to spread his freedom agenda across the Middle East. Bill Clinton also devoted significant time to trying to secure a comprehensive Israeli-Palestinian peace deal. As important as an Iran nuclear agreement might prove to be, the Middle East is one of only two regions in which Obama is looking for legacy. Since he was elected in 2008, Asia in general, and China in particular, has assumed greater importance in U.S. policy. To this end, Obama is seeking to continue the so-called pivot towards Asia-Pacific through landmark initiatives like the Trans-Pacific Partnership. Key threats, however, remain on the horizon to securing this re-orientation. These include a dramatic, sustained escalation of tension in the Middle East (perhaps in Syria or Egypt); and/or the remaining possibility of further terrorist attacks on the U.S. homeland. As well as legacy-building, the likelihood of Obama concentrating more on foreign policy also reflects domestic U.S. politics. Particularly the intense polarization and gridlock of Washington. Since re-election, Obama has achieved little domestic policy success. His gun control bill was defeated, immigration reform faces significant opposition in the Republican-controlled House of Representatives, and the prospect of a long-term federal budgetary "grand bargain" with Congress looks unlikely. Moreover, implementation of his landmark healthcare initiative has been botched. Many re-elected presidents in the post-war era have, like Obama, found it difficult to acquire domestic policy momentum. In part, this is because the party of re-elected presidents, as with the Democrats now, often hold a weaker position in Congress. Thus Dwight Eisenhower in 1956, Richard Nixon in 1972, and Bill Clinton in 1996 were all re-elected alongside Congresses where both the House and Senate were controlled by their partisan opponents. Another factor encouraging foreign policy focus in second terms is the fact that re-elected presidents have often been impacted by domestic scandals in recent decades. Thus, Watergate ended the Nixon administration in 1974, Iran-Contra badly damaged the Reagan White House, and the Lewinsky scandal led to Clinton being impeached. Since Obama's re-election, a series of problems have hit the administration. These include revelations that the Internal Revenue Service targeted some conservative groups for special scrutiny; and the Department of Justice's secret subpoenaing of private phone records of several Associated Press reporters and editors in the wake of a terrorist plot leak. Even if Obama escapes further significant problems, he will not be able to avoid the "lame-duck" factor. That is, as a president cannot seek more than two terms, political focus will refocus elsewhere, particularly after the November 2014 congressional ballots when the 2016 presidential election campaign kicks into gear. Taken overall, Iranian diplomatic progress and wider recent events in the Middle East are therefore likely to accentuate the incentives for Obama to place increasing emphasis on foreign policy -- which Congress has less latitude over -- in his remaining period of office. And, this shift is only likely to be reinforced if, as anticipated, the U.S. economic recovery continues to build up steam in 2014.

Obama successfully juggling Iran and Health care

Ifill-PBS-11/14/

http://www.pbs.org/newshour/bb/world/july-dec13/iran\_11-14.html

GWEN IFILL: President Obama also used his news conference today to warn Congress against imposing new sanctions on Iran while diplomatic options remain. As the U.S. negotiating team prepares to return to Geneva for a third round of talks next week, administration officials say they can still force Iran to freeze its nuclear program. At the White House, the president said no new sanctions are needed. PRESIDENT BARACK OBAMA: If in fact we're serious about trying to resolve this diplomatically, because no matter how good our military is, military options are always messy, are always difficult, then there is no need for us to add new sanctions on top of the sanctions that are already very effective and that brought them to the table in the first place. GWEN IFILL: The behind-the-scenes struggle between the White House and Congress could drive the outcome of the Geneva talks. Chief foreign affairs correspondent Margaret Warner says it's been quite a vigorous one. Margaret, behind the scenes, it seem like what is the president is trying to do, as he was with health care today, is mollify the Democrats.

Obama concessions have mitigated health care backlash

New York Times 11/14/13

http://www.nytimes.com/2013/11/15/us/politics/obama-to-offer-health-care-fix-to-keep-plans-democrat-says.html?\_r=0&pagewanted=print

WASHINGTON — President Obama, trying to quell a growing furor over the rollout of his health care law, bowed to bipartisan pressure on Thursday and announced a policy reversal that would allow insurance companies to temporarily keep people on health plans that were to be canceled under the new law because they did not meet minimum standards. The decision to allow the policies to remain in effect for a year without penalties represented the Obama administration’s hurriedly developed effort to address one of the major complaints about the beleaguered health care law. It seemed for the moment to calm rising anger and fear of a political backlash among congressional Democrats who had been threatening to support various legislative solutions opposed by the White House because of their potential to undermine the law. Senate Democratic leaders said they did not see the need for an immediate legislative fix — a victory for White House officials worried that momentum was building toward consideration of a measure to force the change. The Republican-controlled House is still set to vote Friday on a bill by Representative Fred Upton, Republican of Michigan and chairman of the Energy and Commerce Committee, that would allow Americans to keep their existing health coverage through 2014 without penalties — as well as allow new people to continue to buy the plans, something the White House said would gut the Affordable Care Act. The president’s announcement on Thursday seemed to limit Democratic defections, with only two dozen or so House Democrats now expected to support Mr. Upton’s bill.

### 1NR A2: PC Not Key

#### Political capital key to momentum and sustainable deal

**Maloney, Brookings senior fellow, 11-11-13**

(Suzanne, “Washington And Tehran Find That A Nuclear Breakthrough Is Hard To Do”, <http://www.brookings.edu/blogs/iran-at-saban/posts/2013/11/11-iran-nuclear-negotiations-zarif-challenge>, ldg)

The failure should be kept in perspective. After all, the latest Geneva round still represents the most serious, sustained dialogue between leading American and Iranian officials since the revolution. And while surely the six foreign ministers who rushed to Geneva would have preferred a photo-op finish complete with a signing ceremony, the engagement of all these principals in the diplomatic grunt work of trying to hammer out mutually acceptable terms should have a salutary impact on their state's investment in an eventual outcome. Despite the doom-sayers, diplomacy will go on. The incentives that all parties see for achieving a negotiated agreement remain just as powerful as ever, and the disincentives surrounding any possible alternative course continue to loom large even for skeptics of the process. The time-out may be just what the embryonic process needs — a chance to buy time and space to work through the continuing contentious issues. The controversy among some of America’s allies over the terms proposed in the talks will help sell the deal within Iran, to the extent that it needs selling. And a protracted germination is a far more viable path to a sustainable solution than an agreement that is rushed to conclusion amidst a fragmenting political coalition.

### 1NR A2: Winners Win (/Green)

#### And the plan isn’t a win – Obama will backlash to the plan

Epps 13 (Feb 16, “Why a Secret Court Won't Solve the Drone-Strike Problem,” The Atlantic, Garrett, <http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/>)

Professor Stephen I. Vladeck of American University has offered a remedy to this problem. He proposes a statute in which Congress assigns jurisdiction to a specific judicial district, probably the District Court for the District of Columbia. Congress in the statute would strip the executive of such defenses as "state secrets" and "political question." Survivors of someone killed in a drone attack could bring a wrongful-death suit. The secret evidence would be reviewed by the judge, government lawyers, and the lawyers for the plaintiff. Those lawyers would have to have security clearance; the evidence would not be shown to the plaintiffs themselves, or to the public. After review of the evidence, the court would rule. If the plaintiffs won, they would receive only symbolic damages--but they'd also get a judgment that the dead person had been killed illegally. It's an elegant plan, and the only one I've seen that would permit us to involve the Article III courts in adjudicating drone attacks. Executive-power hawks would object that courts have no business looking into the president's use of the war power. But Vladeck points out that such after-the-fact review has taken place since at least the Adams administration. "I don't think there's any case that says that how the president uses military force--especially against a U.S. citizen--is not subject to judicial review," he said in an interview. "He may be entitled to some deference and discretion, but not complete immunity." The real problem with Vladeck's court might be political. I expect that any president would resist such a statute as a dilution of his commander in chief power, and enactment seems unlikely. Without such a statute, then, systematic review of secret drone killings must come inside the executive branch.

#### And political capital is finite

Lashof 10 Director of the Climate Center at NRDC

(Dan, “Coulda, Shoulda, Woulda: Lessons from Senate Climate Fail”, http://switchboard.nrdc.org/blogs/dlashof/coulda\_shoulda\_woulda\_lessons.html)

Lesson 2: Political capital is **not** necessarily a renewable resource. Perhaps the most fateful decision the Obama administration made early on was to move healthcare reform before energy and climate legislation. I’m sure this seemed like a good idea at the time. Healthcare reform was popular, was seen as an issue that the public cared about on a personal level, and was expected to unite Democrats from all regions. White House officials and Congressional leaders reassured environmentalists with their theory that success breeds success. A quick victory on healthcare reform would renew Obama’s political capital, some of which had to be spent early on to push the economic stimulus bill through Congress with no Republican help. Healthcare reform was eventually enacted, but only after an exhausting battle that eroded public support, drained political capital and created the Tea Party movement. Public support for healthcare reform is slowly rebounding as some of the early benefits kick in and people realize that the forecasted Armageddon is not happening. But this is occurring **too slowly to rebuild** Obama’s political capital in time to help push climate legislation across the finish line.

### 1NR A2: Plan Pop (Herb)

#### The plan emboldens hardliners in Congress which causes sanctions against Iran

Buchanan 11/12/13 (Patrick, Political commentator, “A Deal With Iran – or War With Iran?,” http://www.realclearpolitics.com/articles/2013/11/12/a\_deal\_with\_iran\_--\_or\_war\_with\_iran\_120633.html)

To abort Obama's Iran initiative, Bibi is moving on four tracks. First, get Congress to accept Israel's nonnegotiable demand -- Iran must give up all enrichment, shut down all nuclear facilities and ship all enriched uranium abroad -- before any sanctions are lifted. This is an ultimatum masquerading as a negotiating position. Acceptance would entail an Iranian surrender Rouhani could never take home. It is a deal killer. Everyone knows it, even the Republicans now embracing the Israeli position as their own. Second, persuade Israel's collaborators in Congress to impose harsh new sanctions, rub Iran's nose in them, and scuttle the talks. Third, arouse Jewish communities worldwide to pressure home governments to block any deal. Sunday, Bibi told the General Assembly of Jewish Federations of North America that what Kerry was prepared to sign was a "bad and dangerous deal" that threatened Jewish survival, and, "on matters of Jewish survival, I will not be silenced." Bibi intends to use the explosive issue of imperiled Jewish survival to break Obama and Kerry and force them to abandon their Iranian initiative. Finally, the Israeli lobby is behind the push by Lindsay Graham and Rep. Trent Franks to have Congress preemptively surrender its war powers, by authorizing Obama to launch a war on Iran at a time of his own choosing, without any further consultation with Congress. Remarkable. Self-proclaimed constitutional Republicans are about to vote Barack Obama a blank check for war. What the GOP fears is another episode like the one last summer where America rose as one and told Congress not to authorize any war on Syria. A panicked Congress capitulated, and there was no war. Today, though Obama and Kerry insist “all options are on the table,” Obama has no more authority to attack Iran today than he did Syria last summer. Hill Republicans seek to remedy that by a preemptive congressional surrender of their war power.

#### And the plan saps political capital and spills over

Vladeck 13 (Steve – professor of law and the associate dean for scholarship at American University Washington College of Law, “Drones, Domestic Detention, and the Costs of Libertarian Hijacking”, 3/14, http://www.lawfareblog.com/2013/03/drones-domestic-detention-and-the-costs-of-libertarian-hijacking/)

The same thing appears to be happening with targeted killings. Whether or not Attorney General Holder’s second letter to Senator Paul actually answered the relevant question, it certainly appeared to mollify the junior Senator from Kentucky, who declared victory and withdrew his opposition to the Brennan nomination immediately upon receiving it. Thus, as with the Feinstein Amendment 15 months ago, the second Holder letter appears to have taken wind out of most of the libertarian critics’ sails, many of whom (including the Twitterverse) have now returned to their regularly scheduled programming. It seems to me that both of these episodes represent examples of what might be called “libertarian hijacking”–wherein libertarians form a short-term coalition with progressive Democrats on national security issues, only to pack up and basically go home once they have extracted concessions that don’t actually resolve the real issues. Even worse, in both cases, such efforts appeared to consume most (if not all) of the available oxygen and political capital, obfuscating, if not downright suppressing, the far more problematic elements of the relevant national security policy. Thus, even where progressives sought to continue the debate and/or pursue further legislation on the relevant questions (for an example from the detention context, consider Senator Feinstein’s Due Process Guarantee Act), the putative satisfaction of the libertarian objections necessarily arrested any remaining political inertia (as Wells cogently explained in this post on Senator Paul and the DPGA from November).

#### The plan is a lose for Obama

**O’Neil, Fordham law professor, 2007**

(David, “The Political Safeguards of Executive Privilege”, Vanderbilt Law Review, lexis, ldg)

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

#### Only Congressional moves to reclaim war power authority triggers the DA

**Howell, Chicago American politics professor, 9-3-13**

(William, “All Syria Policy Is Local”, [www.foreignpolicy.com/articles/2013/09/03/all\_syria\_policy\_is\_local\_obama\_congress?page=full](http://www.foreignpolicy.com/articles/2013/09/03/all_syria_policy_is_local_obama_congress?page=full), ldg)

From a political standpoint, seeking congressional approval for a limited military strike against the Syrian regime, as President Barack Obama on Saturday announced he would do, made lots of sense. And let's be clear, this call has everything to do with political considerations, and close to nothing to do with a newfound commitment to constitutional fidelity. The first reason is eminently local. Obama has proved perfectly willing to exercise military force without an express authorization, as he did in Libya -just as he has expanded and drawn down military forces in Afghanistan, withdrawn from Iraq, significantly expanded the use of drone strikes, and waged a largely clandestine war on terrorism with little congressional involvement. The totality of Obama's record, which future presidents may selectively cite as precedent, hardly aligns with a plain reading of the war powers described in the first two articles of the constitution. Obama isn't new in this regard. Not since World War II has Congress declared a formal war. And since at least the Korean War, which President Harry Truman conveniently called a "police action," commanders-in-chief have waged all sorts of wars -small and large -without Congress's prior approval. Contemporary debates about Congress's constitutional obligations on matters involving war have lost a good deal of their luster. Constitutional law professors continue to rail against the gross imbalances of power that characterize our politics, and members of whichever party happens to be in opposition can be counted on to decry the abuses of war powers propagated by the president. But these criticisms -no matter their interpretative validity -rarely gain serious political traction. Too often they appear as arguments of convenience, duly cited in the lead-up to war, but serving primarily as footnotes rather than banner headlines in the larger case against military action. Obama's recent decision to seek congressional approval is not going to upend a half-century of practice that has shifted the grounds of military decision-making decisively in the president's favor, any more than it is going to imbue the ample war powers outlined in Article I with newfound relevance and meaning. For that to happen, Congress itself must claim for itself its constitutional powers regarding war. Obama did not seek Congress's approval because on that Friday stroll on the White House lawn he suddenly remembered his Con Law teaching notes from his University of Chicago days. He did so for political reasons. Or more exactly, he did so to force members of Congress to go on the record today in order to mute their criticisms tomorrow. And let's be clear, Congress -for all its dysfunction and gridlock -still has the capacity to kick up a good dust storm over the human and financial costs of military operations. Constitutional musings from Capitol Hill -of the sort a handful of Democrats and Republicans engaged in this past week -rarely back the president into a political corner. The mere prospect of members of Congress casting a bright light on the human tolls of war, however, will catch any president's attention. Through hearings, public speeches, investigations, and floor debates, members of Congress can fix the media's attention -and with it, the public's -on the costs of war, which can have political repercussions both at home and abroad. Think, then, about the stated reasons for some kind of military action in Syria. No one is under the illusion that a short, targeted strike is going to overturn the Assad regime and promptly restore some semblance of peace in the region. In the short term, the strike might actually exacerbate and prolong the conflict, making the eventual outcome even more uncertain. And even the best-planned, most-considered military action won't go exactly according to plan. Mishaps can occur, innocent lives may be lost, terrorists may be emboldened, and anti-American protests in the region will likely flare even hotter than they currently are. The core argument for a military strike, however, centers on the importance of strengthening international norms and laws on chemical and biological weapons, with the hope of deterring their future deployment. The Assad regime must be punished for having used chemical weapons, the argument goes, lest the next autocrat in power considering a similar course of action think he can do so with impunity. But herein lies the quandary. The most significant reasons for military action are abstract, largely hidden, and temporally distant. The potential downsides, though, are tangible, visible, and immediate. And in a domestic political world driven by visual imagery and the shortest of time horizons, it is reckless to pursue this sort of military action without some kind of political cover. Were Obama to proceed without congressional authorization, he would invite House Republicans to make all sorts of hay about his misguided, reckless foreign policy. But by putting the issue before Congress, these same Republicans either must explain why the use of chemical weapons against one's people does not warrant some kind of military intervention; or they must concede that some form of exacting punishment is needed. Both options present many of the same risks for members of Congress as they do for the president. But crucially, if they come around to supporting some form of military action -and they just might -members of Congress will have an awfully difficult time criticizing the president for the fallout. Will the decision on Saturday hamstring the president in the final few years of his term? I doubt it. Having gone to Congress on this crisis, must he do so on every future one? No. Consistency is hardly the hallmark of modern presidents in any policy domain, and certainly not military affairs. Sometimes presidents seek Congress's approval for military action, other times they request support for a military action that is already up and running, and occasionally they reject the need for any congressional consent at all. And for good or ill, it is virtually impossible to discern any clear principle that justifies their choices. The particulars of every specific crisis -its urgency, perceived threat to national interests, connection to related foreign policy developments, and what not -can be expected to furnish the president with ample justification for pursuing whichever route he would like. Like jurists who find in the facts of a particular dispute all the reasons they need for ignoring inconvenient prior case law, presidents can characterize contemporary military challenges in ways that render past ones largely irrelevant. Partisans and political commentators will point out the inconsistencies, but their objections are likely to be drowned out in rush to war. Obama's decision does not usher in a new era of presidential power, nor does it permanently remake the way we as a nation go to war. It reflects a temporary political calculation -and in my view, the right one -of a president in a particularly tough spot. Faced with a larger war he doesn't want, an immediate crisis with few good options, and yet a moral responsibility to act, he is justifiably expanding the circle of decision-makers. But don't count on it to remain open for especially long.

### 1NR A2: No Impact TO Prolif

#### And yes escalation and nuclear war

Kahl, Senior Fellow, the Center for a New American Security, 12 (Colin, former Deputy Assistant Secretary of Defense for the Middle East and Senior Fellow, the Center for a New American Security, Iran and the Bomb, Foreign Affairs; Sep/Oct2012, Vol. 91 Issue 5, p157-162)

Waltz writes that "policymakers and citizens in the Arab world, Europe, Israel, and the United States should take comfort from the fact that history has shown that where nuclear capabilities emerge, so, too, does stability." In fact, the historical record suggests that competition between a nuclear-armed Iran and its principal adversaries would likely follow the pattern known as "the stability-instability paradox," in which the supposed stability created by mutually assured destruction generates greater instability by making provocations, disputes, and conflict below the nuclear threshold seem safe. During the Cold War, for example, nuclear deterrence prevented large-scale conventional or nuclear war between the United States and the Soviet Union. At the same time, however, the superpowers experienced several direct crises and faced off in a series of bloody proxy wars in Korea, Vietnam, Afghanistan, Angola, Nicaragua, El Salvador, and elsewhere. A recent statistical analysis by the political scientist Michael Horowitz demonstrated that inexperienced nuclear powers tend to be more crisis-prone than other types of states, and research by another political scientist, Robert Rauchhaus, has found that nuclear states are more likely to engage in low-level militarized disputes with one another, even if they are less likely to engage in full-scale war. If deterrence operates the way Waltz expects it to, a nuclear-armed Iran might reduce the risk of a major conventional war among Middle Eastern states. But history suggests that Tehran's development of nuclear weapons would encourage Iranian adventurism, leading to more frequent and intense crises in the Middle East. Such crises would entail some inherent risk of a nuclear exchange resulting from a miscalculation, an accident, or an unauthorized use -- a risk that currently does not exist at all. The threat would be particularly high in the initial period after Iran joined the nuclear club. Once the superpowers reached rough nuclear parity during the Cold War, for example, the number of direct crises decreased, and the associated risks of nuclear escalation abated. But during the early years of the Cold War, the superpowers were involved in several crises, and on at least one occasion -- the 1962 Cuban missile crisis -- they came perilously close to nuclear war. Similarly, a stable deterrent relationship between Iran, on the one hand, and the United States and Israel, on the other, would likely emerge over time, but the initial crisis-prone years would be hair-raising. Although all sides would have a profound interest in not allowing events to spiral out of control, the residual risk of inadvertent escalation stemming from decades of distrust and hostility, the absence of direct lines of communication, and organizational mistakes would be nontrivial -- and the consequences of even a low-probability outcome could be devastating.

#### And high risk of miscalculation and strikes

Wall Street Journal 2011

If Iran Gets the Bomb, http://online.wsj.com/article/SB10001424052970204224604577027842025797760.html

Advocates of a "containment" strategy toward a nuclear Iran argue that its behavior would differ little from what it is today. By this logic, the U.S. and its allies would warn Iran that it would face nuclear annihilation if it crossed certain red lines, such as passing a bomb to terrorists, and Iran wouldn't dare breach them. But those red lines would be hard to credit once the U.S. squandered its credibility by allowing Iran to go nuclear after spending a decade warning that such an outcome was "unacceptable." Would the U.S. really risk nuclear war with a fanatical regime for the sake of, say, Bahrain, or even Israel? We doubt it, and so would every power in the region. One certain result would thus be a nuclear proliferation spiral in the Middle East, in which Saudi Arabia, Turkey and probably Egypt would acquire nuclear arsenals of their own. That would be an odd outcome for an Administration that has made nuclear arms control a cornerstone of its foreign policy. Then again, not every country in the region would have the will or wherewithal to stand up to Iran. Some could no doubt be bullied or induced to cooperate with it, especially as the U.S. presence in the region diminishes after withdrawals from Iraq and Afghanistan. Those Iranian neighbors could fall into its orbit, thereby extending Tehran's strategic reach from Kabul to Beirut. Containment advocates also assert that Iran would never use its nuclear weapons, since it would invite devastating reprisals. But the power of nuclear weapons lies in the fact of their possession even if they are never used. Iran could use ambiguous threats or work through proxies to both provoke and deter its adversaries in the region, including the U.S. Iran's prestige would also be immensely bolstered, both at home and abroad, by developing nuclear weapons in the teeth of international opposition. It is perilous, in any case, to assume that Iran is a "normal" regime that wouldn't dare use nuclear weapons. Iran's regime was born in revolutionary religious fervor and routinely vows to annihilate Israel and its "Great Satan" protector, the U.S. Iran is also a regime shaped by a messianic cult of martyrdom, one that sent thousands of children to clear mine fields during the Iran-Iraq war. Sometimes such governments mean what they say even if the rest of the world won't believe it. The Nazis did. In the case of the assassination plot against the Saudi ambassador, one plausible explanation is that the strike was ordered by a faction within the regime trying to undermine its internal rivals. What does that say about the unity of command needed to secure a nuclear arsenal? Another argument for containment is that the Iranian regime is destined to collapse and so we can afford to wait it out. But tyrannical regimes with a fanatical will to power have a way of holding on against the odds: Look at the Kim dynasty in North Korea. Nuclear weapons would not save the mullahs from an internal uprising in the Libyan mold, though it's worth noting that Gadhafi would still be in power had he not abandoned his nuclear programs. It's also worth wondering what a regime faced with such an uprising would do with its nuclear weapons if it believed it was on the verge of collapse. All of this adds up to far more dangerous world—in which Iran becomes a regional hegemon, Israel faces a threat to its very existence, the Middle East embarks on a nuclear arms race, America's freedom of action is curtailed, and the dangers of a nuclear exchange rise to levels above what they were even during the early Cold War. \*\*\* The question for the world, and especially for the Obama Administration, is whether those dire consequences are worse than the risks of a pre-emptive strike. We think we know what the Israelis will decide, especially if they conclude that President Obama stays on his current course. Opponents of a pre-emptive strike say it would do no more than delay Iran's programs by a few years. But something similar was said after Israel's strike on Iraq's Osirak reactor in 1981, without which the U.S. could never have stood up to Saddam after his invasion of Kuwait. In life as in politics, nothing is forever. But a strike that sets Iran's nuclear programs back by several years at least offers the opportunity for Iran's democratic forces to topple the regime without risking a wider conflagration. No U.S. President could undertake a strike on Iran except as a last resort, and Mr. Obama can fairly say that he has given every resort short of war an honest try. At the same time, no U.S. President should leave his successor with the catastrophe that would be a nuclear Iran. A nuclear Iran on Mr. Obama's watch would be fatal to more than his legacy.

## 2nr

## Presumption

### TK=Not just drones

Usimaki 13 (Maxime Usimaki

“The legitimacy of government targeted killings,” http://fermun.org/wp-content/ TK’s are more than just drones

uploads/2013/01/GA4reportEN.pdf)

Targeted Killings: Targeted killings are premeditated acts of lethal force employed by

states in times of peace or during armed conflict to eliminate specific individuals outside

their custody whom they may consider an "unlawful combatant". The target is a person

who is allegedly taking part in an armed conflict or terrorism, whether by bearing arms or

otherwise, who has allegedly lost the immunity from being targeted that he would

otherwise have under the Third Geneva Convention. "Targeted killing" is not a term

distinctly defined under international law, but gained currency in 2000 after Israel made

public a policy of targeting alleged terrorists in the Palestinian territories. The particular

act of lethal force, usually undertaken by a nation's intelligence or armed services, can

vary widely--from cruise missiles to drone strikes to special operations raids.

## PC key

### Empirics

#### Empirical studies and expert consensus proves political capital is key to the agenda

**Wang 10** (Yuhua Wang Department of Political Science University of Michigan, he is also a member of the Wo Wang Clan, a group of poli sci profs who are also ill rappers. “Congressional Weakness, Political Capital, and the Politics of Presidential Agency Design” <http://sitemaker.umich.edu/wangyh/files/presidential_agency_design_yuhua_wang.pdf>)

Presidents’ popularity with the public is a resource that may influence members of Congress (Neustadt 1960). Some **recent studies have noticed the “political capital”** the president possesses (Light 1999; Johnson and Roberts 2005). Several scholars demonstrate that popular presidents are able to win more often in Congress (Brace and Hinckley 1992; Edwards and Wood 1999;Ostrom and Simon 1985; Rivers and Rose 1985). Krutz, Fleisher, and Bond (1998) argue that, “Washingtonians widely accept the view that Congress is more inclined to give presidents what they want when public support is high rather than low” (873). For Light, presidents’ strength includes their public approval ratings and their margin of victory in the most recent election (Light 1999: 32). When these factors increase, presidents gain political capital and are therefore more likely to garner Congressional support for their domestic agenda in Congress. Although some studies identify methodological and theoretical reasons to question the importance of presidential capital (Bond and Fleisher 1990; Collier and Sullivan 1995), it is worthwhile to test this in models of agency design. This paper predicts that when Congress is strong and united, “weak” presidents enjoy less discretion creating agencies by executive orders; in contrast, popular presidents are not constrained by Congress in agency design1.

## Thumpers

### Healthcare

#### The impact to health care is approval ratings – Obama will bounce back

**Levy, Newsweek, 11-15-13**

(Pema, “Can He Rebound?”, <http://mag.newsweek.com/2013/11/15/rebound.html>, ldg)

If Obama is looking for good omens, it's that Democrats bristle at the suggestion that he is a lame duck; it means they are not ready to throw him under the bus just yet. Representative Gerry Connolly, D-Va., took issue with idea that Obama has had a terrible year, listing a number of successes he had at the start, including two fiscal deals, passage of the Violence Against Women Act and an aid package for victims of Hurricane Sandy. "He's having a little bit of difficulty unrolling his legacy legislation, but it's hardly the end of the world," he said. "Presidents have ups and downs." There's a good bit of finger-wagging at the media, too. "It's too early for obituaries," said Senator Tom Harkin, D-Iowa. "You've got to feed this 24-hour news cycle, and it's got to be something exciting and contentious." They have a point. Politics is a fast-moving game, with almost unpredictable ups and downs. "There are things that can happen that can turn this around," Ornstein said. It's possible, for example, that the current budget negotiations in Congress could render a popular deal; it's possible the economy could grow stronger - especially if a budget deal eased the sequester spending cuts; there could be some foreign policy achievements on the horizon. And then there's the possibility that Republicans could turn the media's spotlight back on them by forcing another government shutdown. "If there's one thing you can set your watch by in Washington, D.C., it's that Republicans will overplay their hand," Woodhouse said. There is also a hint of injustice in writing off Obama's presidency already since his approval rating - high or low - has never had more than a small effect on Congress. Even with the full weight of his 2008 mandate behind him, for example, not a single Republican voted for health-care reform. Ninety percent of Americans supported universal background checks for gun ownership, but the bill still failed. "If the president had a 65 percent approval right now, it's not going to have an impact on House Republicans' strategy about whether they will bring up a comprehensive immigration bill," Ornstein said. "The impact there is only on the margins." Nevertheless, the stakes for Obama over the next few months are high. His poll numbers themselves may not move mountains, but they are essential to what has been his greatest legislative advantage: party unity. "Your own party members who are up in the midterm elections grow more and more nervous about being identified with you, and they begin to vote in ways that undermine your policies," Ornstein said.

Obama putting healthcare issues behind him

New York Times 11/14/13

http://www.nytimes.com/2013/11/15/us/politics/parallels-to-bush-in-toxic-political-mix-threatening-obama.html?pagewanted=2

Some Democrats are warning their colleagues against a rush to count Mr. Obama out prematurely. Steve Elmendorf, who was an influential Democratic aide on Capitol Hill in President Bill Clinton’s second term, insisted that Mr. Obama would recover and thrive, much as Mr. Clinton did. That message was echoed in a memo that Representative Steve Israel, Democrat of New York, distributed to his colleagues during a caucus meeting on Wednesday. In the memo, Mr. Israel, who is the head of the Democratic Congressional Campaign Committee, said coming clashes with Republicans over the budget and the debt would once again play to the strengths of Democratic candidates. In an interview, Mr. Israel said that he was confident that the administration would be able to put Mr. Obama’s current troubles behind it. “The website will get fixed,” Mr. Israel said. “The issue with insurance policies has been addressed.”