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#### 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.

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#### Text: The United States President, through an executive order, should restrict targets of targeted killing operations using remotely piloted aircraft outside declared zones of conflict to individuals identified as leaders of transnational organizations with direct involvement in past or ongoing violent operations against the United States.

#### 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

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#### **Technical solutions to war powers are a** shell game which locks in exceptionalism their reaction is shrouded in a mythos of insecurity that hyper inflates threats to justify itself even though the US is in no danger. The violence they recreate is a blind spot in the western mind which is exactly why we must ask prior to debate about the plan what our national security interests are who is served by those goals

Williams 7 (Daniel, associate professor of law at Northeastern University School of Law. He received a J.D. from Harvard, “NORTHEASTERN UNIVERSITY SCHOOL OF LAW.” NORTHEASTERN PUBLIC LAW AND THEORY FACULTY WORKING PAPERS SERIES

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

#### Questioning the affirmatives ontology is a prior question to the advantages; the form of social relations their advocacy embodies rests on faulty epistemology and makes extinction inevitable---vote negative as a form of noncooperation with their political economy

Willson 13 (Brain, is a Ph.D New College San Fransisco, Humanities, JD, American University, “Developing Nonviolent Bioregional Revolutionary Strategies,” http://www.brianwillson.com/developing-nonviolent-bioregional-revolutionary-strategies/)

I. Industrial civilization is on a collision course with life itself. Facilitating its collapse is a deserved and welcomed correction, long overdue. Collapse is inevitable whether we seek to facilitate it or not. Nonetheless, whatever we do, industrial civilization, based as it is on mining and burning finite and polluting fossil fuels, cannot last because it is destroying the ecosystem and the basis of local, cooperative life itself. It knows no limits in a physically finite world and thus is unsustainable. And the numbers of our human species on earth, which have proliferated from 1.6 billion in 1900 to 7 billion today, is the consequence of mindlessly eating oil – tractors, fertilizers, pesticides, herbicides – while destroying human culture in the process. Our food system itself is not sustainable. Dramatic die-off is part of the inevitable correction in the very near future, whether we like it or not. Human and political culture has become totally subservient to a near religion of economics and market forces. Technologies are never neutral, with some being seriously detrimental. Technologies come with an intrinsic character representing the purposes and values of the prevailing political economy that births it. The Industrialism process itself is traumatic. It is likely that only when we experience an apprenticeship in nature can we be trusted with machines, especially when they capital intensive & complicated. The nation-state, intertwined more than ever with corporate industrialism, will always come to its aid and rescue. Withdrawal of popular support enables new imagination and energy for re-creating local human food sufficient communities conforming with bioregional limits. II. The United States of America is irredeemable and unreformable, a Pretend Society. The USA as a nation state, as a recent culture, is irredeemable, unreformable, an anti-democratic, vertical, over-sized imperial unmanageable monster, sustained by the obedience and cooperation, even if reluctant, of the vast majority of its non-autonomous population. Virtually all of us are complicit in this imperial plunder even as many of us are increasingly repulsed by it and speak out against it. Lofty rhetoric has conditioned us to believe in our national exceptionalism, despite it being dramatically at odds with the empirically revealed pattern of our plundering cultural behavior totally dependent upon outsourcing the pain and suffering elsewhere. We cling to living a life based on the social myth of US America being committed to justice for all, even as we increasingly know this has always served as a cover for the social secret that the US is committed to prosperity for a minority thru expansion at ANY cost. Our Eurocentric origins have been built on an extraordinary and forceful but rationalized dispossession of hundreds of Indigenous nations (a genocide) assuring acquisition of free land, murdering millions with total impunity. This still unaddressed crime against humanity assured that our eyes themselves are the wool. Our addiction to the comfort and convenience brought to us by centuries of forceful theft of land, labor, and resources is very difficult to break, as with any addiction. However, our survival, and healing, requires a commitment to recovery of our humanity, ceasing our obedience to the national state. This is the (r)evolution begging us. Original wool is in our eyes: Eurocentric values were established with the invasion by Columbus: Cruelty never before seen, nor heard of, nor read of – Bartolome de las Casas describing the behavior of the Spaniards inflicted on the Indigenous of the West Indies in the 1500s. In fact the Indigenous had no vocabulary words to describe the behavior inflicted on them (A Short Account of the Destruction of the Indies, 1552). Eurocentric racism (hatred driven by fear) and arrogant religious ethnocentrism (self-righteous superiority) have never been honestly addressed or overcome. Thus, our foundational values and behaviors, if not radically transformed from arrogance to caring, will prove fatal to our modern species. Wool has remained uncleansed from our eyes: I personally discovered the continued vigorous U.S. application of the “Columbus Enterprise” in Viet Nam, discovering that Viet Nam was no aberration after learning of more than 500 previous US military interventions beginning in the late 1790s. Our business is killing, and business is good was a slogan painted on the front of a 9th Infantry Division helicopter in Viet Nam’s Mekong Delta in 1969. We, not the Indigenous, were and remain the savages. The US has been built on three genocides: violent and arrogant dispossession of hundreds of Indigenous nations in North America (Genocide #1), and in Africa (Genocide #2), stealing land and labor, respectively, with total impunity, murdering and maiming millions, amounting to genocide. It is morally unsustainable, now ecologically, politically, economically, and socially unsustainable as well. Further, in the 20th Century, the Republic of the US intervened several hundred times in well over a hundred nations stealing resources and labor, while imposing US-friendly markets, killing millions, impoverishing perhaps billions (Genocide #3). Since 1798, the US military forces have militarily intervened over 560 times in dozens of nations, nearly 400 of which have occurred since World War II. And since WWII, the US has bombed 28 countries, while covertly intervening thousands of times in the majority of nations on the earth. It is not helpful to continue believing in the social myth that the USA is a society committed to justice for all , in fact a convenient mask (since our origins) of our social secret being a society committed to prosperity for a few through expansion at ANY cost. (See William Appleman Williams). Always possessing oligarchic tendencies, it is now an outright corrupt corporatocracy owned lock stock and barrel by big money made obscenely rich from war making with our consent, even if reluctant. The Cold War and its nuclear and conventional arms race with the exaggerated “red menace”, was an insidious cover for a war preserving the Haves from the Have-Nots, in effect, ironically preserving a western, consumptive way of life that itself is killing us. Pretty amazing! Our way of life has produced so much carbon in the water, soil, and atmosphere, that it may in the end be equivalent to having caused nuclear winter. The war OF wholesale terror on retail terror has replaced the “red menace” as the rhetorical justification for the continued imperial plunder of the earth and the riches it brings to the military-industrial-intelligence-congressional-executive-information complex. Our cooperation with and addiction to the American Way Of Life provides the political energy that guarantees continuation of U.S. polices of imperial plunder. III. The American Way Of Life (AWOL), and the Western Way of Life in general, is the most dangerous force that exists on the earth. Our insatiable consumption patterns on a finite earth, enabled by but a one-century blip in burning energy efficient liquid fossil fuels, have made virtually all of us addicted to our way of life as we have been conditioned to be in denial about the egregious consequences outsourced outside our view or feeling fields. Of course, this trend began 2 centuries earlier with the advent of the industrial revolution. With 4.6% of the world’s population, we consume anywhere from 25% to nearly half the world’s resources. This kind of theft can only occur by force or its threat, justifying it with noble sounding rhetoric, over and over and over. Our insatiable individual and collective human demands for energy inputs originating from outside our bioregions, furnish the political-economic profit motives for the energy extractors, which in turn own the political process obsessed with preserving “national (in)security”, e.g., maintaining a very class-based life of affluence and comfort for a minority of the world’s people. This, in turn, requires a huge military to assure control of resources for our use, protecting corporate plunder, and to eliminate perceived threats from competing political agendas. The U.S. War department’s policy of “full spectrum dominance” is intended to control the world’s seas, airspaces, land bases, outer spaces, our “inner” mental spaces, and cyberspaces. Resources everywhere are constantly needed to supply our delusional modern life demands on a finite planet as the system seeks to dumb us down ever more. Thus, we are terribly complicit in the current severe dilemmas coming to a head due to (1) climate instability largely caused by mindless human activities; (2) from our dependence upon national currencies; and (3) dependence upon rapidly depleting finite resources. We have become addicts in a classical sense. Recovery requires a deep psychological, spiritual, and physical commitment to break our addiction to materialism, as we embark on a radical healing journey, individually and collectively, where less and local becomes a mantra, as does sharing and caring, I call it the Neolithic or Indigenous model. Sharing and caring replace individualism and competition. Therefore, A Radical Prescription Understanding these facts requires a radical paradigmatic shift in our thinking and behavior, equivalent to an evolutionary shift in our epistemology where our knowledge/thinking framework shifts: arrogant separateness from and domination over nature (ending a post-Ice Age 10,000 year cycle of thought structure among moderns) morphs to integration with nature, i.e., an eco-consciousness felt deeply in the viscera, more powerful than a cognitive idea. Thus, we re-discover ancient, archetypal Indigenous thought patterns. It requires creative disobedience to and strategic noncooperation with the prevailing political economy, while re-constructing locally reliant communities patterned on instructive models of historic Indigenous and Neolithic villages.

### 1NC

#### Fast Track fight is on the top of the agenda-Strong push from Obama is key-Failure collapses global trade momentum

Good-Farm Policy-12/31/13

The FarmPolicy.com News Summary

HEADLINE: Farm Bill; Ag Economy; and, Biofuels- Tuesday

And with respect to trade, the Chicago Tribune editorial board[18] noted yesterday that, 'President Barack Obama wants the power to negotiate free-trade treaties on a fast track. With Trade Promotion Authority, he would have a good chance of clinching huge trade pacts now being hammered out with Europe and Asia. Yet Congress may not give him that authority — for all the wrong reasons.' The Tribune opinion item stated that, 'Within months the White House hopes to finish talks on a proposed Trans-Pacific Partnership with a group of Asia-Pacific nations. Talks with the European Union on the planned Transatlantic Trade and Investment Partnership are progressing too. Those deals would eliminate barriers and promote economic activity between the U.S. and key allies. The upside is huge: Billions of dollars in new business would be generated if these pacts come to pass. 'Yet given the special interests that oppose free trade, neither deal stands much of a chance in Congress without TPA. Consider farm tariffs, one of the most frustrating roadblocks to any free-trade pact with Europe or Asia. The agriculture lobby here and abroad has long succeeded in imposing some of the least competitive public policies of any industry. Although farm protectionism hurts the vast majority of the world's citizens, standing up to clout-heavy constituencies such as U.S. sugar magnates requires extraordinary political courage. TPA is essential for overcoming the inevitable fight against vested interests that are determined to advance themselves at the expense of the nation's good. 'Federal lawmakers and the president have to make their case with much more gusto than we have seen so far. Congress could OK a Trade Promotion Authority bill in the first few months of 2014. But that won't happen without leadership on Capitol Hill and, especially, from the White House. Now's the time.'

#### Congressional debate over the plan tanks 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.

#### Free trade prevents multiple scenarios for world war and WMD Terrorism

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.

## Norms

### No Drone Prolif – 1NC

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

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

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

### No Drone Wars – 1NC

#### 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.

### Norms fail

#### 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.

#### Authoritarian states don’t follow norms — their “US justifies others” arg is naive

John O. McGinnis 7, Professor of Law, Northwestern University School of Law. \*\* Ilya Somin \*\* Assistant Professor of Law, George Mason University School of Law. GLOBAL CONSTITUTIONALISM: GLOBAL INFLUENCE ON U.S. JURISPRUDENCE: Should International Law Be Part of Our Law? 59 Stan. L. Rev. 1175

The second benefit to foreigners of distinctive U.S. legal norms is information. The costs and benefits of our norms will be visible for all to see. n268 Particularly in an era of increased empirical social science testing, over time we will be able to analyze and identify the effects of differences in norms between the United States and other nations. n269 Such diversity benefits foreigners as foreign nations can decide to adopt our good norms and avoid our bad ones.

The only noteworthy counterargument is the claim that U.S. norms will have more harmful effects than those of raw international law, yet other nations will still copy them. But both parts of this proposition seem doubtful. First, U.S. law emerges from a democratic process that creates a likelihood that it will cause less harm than rules that emerge from the nondemocratic processes [\*1235] that create international law. Second, other democratic nations can use their own political processes to screen out American norms that might cause harm if copied.

Of course, many nations remain authoritarian. n270 But our norms are not likely to have much influence on their choice of norms. Authoritarian states are likely to select norms that serve the interests of those in power, regardless of the norms we adopt. It is true that sometimes they might cite our norms as cover for their decisions. But the crucial word here is "cover." They would have adopted the same rules, anyway. The cover may bamboozle some and thus be counted a cost. But this would seem marginal compared to the harm of allowing raw international law to trump domestic law.

### SCS

#### No South China conflict-engagement will check miscalc and mistrust

**Thayer, New South Wales emeritus professor, 2013**

(Carlyle, “Why China and the US won’t go to war over the South China Sea”, 5-13, <http://www.eastasiaforum.org/2013/05/13/why-china-and-the-us-wont-go-to-war-over-the-south-china-sea/>, ldg)

China’s increasing assertiveness in the South China Sea is challenging US primacy in the Asia Pacific. Even before Washington announced its official policy of rebalancing its force posture to the Asia Pacific, the United States had undertaken steps to strengthen its military posture by deploying more nuclear attack submarines to the region and negotiating arrangements with Australia to rotate Marines through Darwin.Since then, the United States has deployed Combat Littoral Ships to Singapore and is negotiating new arrangements for greater military access to the Philippines. But these developments do not presage armed conflict between China and the United States. The People’s Liberation Army Navy has been circumspect in its involvement in South China Sea territorial disputes, and the United States has been careful to avoid being entrapped by regional allies in their territorial disputes with China. Armed conflict between China and the United States in the South China Sea appears unlikely. Another, more probable, scenario is that both countries will find a modus vivendi enabling them to collaborate to maintain security in the South China Sea. The Obama administration has repeatedly emphasised that its policy of rebalancing to Asia is not directed at containing China. For example, Admiral Samuel J. Locklear III, Commander of the US Pacific Command, recently stated, ‘there has also been criticism that the Rebalance is a strategy of containment. This is not the case … it is a strategy of collaboration and cooperation’. However, a review of past US–China military-to-military interaction indicates that an agreement to jointly manage security in the South China Sea is unlikely because of continuing strategic mistrust between the two countries. This is also because the currents of regionalism are growing stronger. As such, a third scenario is more likely than the previous two: that China and the United States will maintain a relationship of cooperation and friction. In this scenario, both countries work separately to secure their interests through multilateral institutions such as the East Asia Summit, the ASEAN Defence Ministers’ Meeting Plus and the Enlarged ASEAN Maritime Forum. But they also continue to engage each other on points of mutual interest. The Pentagon has consistently sought to keep channels of communication open with China through three established bilateral mechanisms: Defense Consultative Talks, the Military Maritime Consultative Agreement (MMCA), and the Defense Policy Coordination Talks. On the one hand, these multilateral mechanisms reveal very little about US–China military relations. Military-to-military contacts between the two countries have gone through repeated cycles of cooperation and suspension, meaning that it has not been possible to isolate purely military-to-military contacts from their political and strategic settings. On the other hand, the channels have accomplished the following: continuing exchange visits by high-level defence officials; regular Defense Consultation Talks; continuing working-level discussions under the MMCA; agreement on the ‘7-point consensus’; and no serious naval incidents since the 2009 USNS Impeccable affair. They have also helped to ensure continuing exchange visits by senior military officers; the initiation of a Strategic Security Dialogue as part of the ministerial-level Strategic & Economic Dialogue process; agreement to hold meetings between coast guards; and agreement on a new working group to draft principles to establish a framework for military-to-military cooperation. So the bottom line is that, despite ongoing frictions in their relationship, the United States and China will continue engaging with each other. Both sides understand that military-to-military contacts are a critical component of bilateral engagement. Without such interaction there is a risk that mistrust between the two militaries could spill over and have a major negative impact on bilateral relations in general. But strategic mistrust will probably persist in the absence of greater transparency in military-to-military relations. In sum, Sino-American relations in the South China Sea are more likely to be characterised by cooperation and friction than a modus vivendi of collaboration or, a worst-case scenario, armed conflict.

## Pakistan

### Central

#### Great power cooperation is high and checks instability

**Chang, Chinese Academy of Social Sciences, 2013**

(Su, “Great powers help keep Central Asia stable”, 8-6, <http://www.globaltimes.cn/content/801950.shtml#.Uiffr8bENSI>, ldg)

As Central Asian leaders constantly call for the support of big powers given numerous threats and challenges the region faces, these countries need to find the partners that can benefit themselves most in terms of politics, economy and security. Economic cooperation between China and Central Asia has been deepening, which has become a powerful engine for the region's economic development. Meanwhile, Russia has been playing a key role in the region's development and stability. For example, a customs union between Russia, Kazakhstan and Belarus has been introduced to promote regional economic integration. Russia also helps to maintain the security situation through the framework of the Collective Security Treaty Organization, especially in maintaining Kyrgyzstan's stability. For the US, Central Asia is the most important channel to withdraw troops from Afghanistan, making it powerfully invested in regional stability European countries have been dedicated to helping the region's economic growth, scholarship and cultural heritage, as well as coordinating disputes of water resources among member states. Due to the complexity of the international situation, a win-win mode has been accepted by all. And only with this mode can challenges be met.

### No Indo

#### No Indo-Pak war-neither one can afford it.

**Hameed, CSIS Crisis, Conflict and Cooperation program fellow,**

(Sadika, “Kashmir Violence Strains India-Pakistan Dialogue”, 9-4, <http://www.worldpoliticsreview.com/articles/13191/kashmir-violence-strains-india-pakistan-dialogue>, ldg)

Regardless of what happens in Afghanistan, there have been positive indicators that neither India nor Pakistan wants to escalate tensions on the Kashmir border. Pakistan and India have made efforts to normalize relations and increase cooperation despite the outstanding disputes in Kashmir, Siachen and Sir Creek. In a recent speech, Pakistani Prime Minister Nawaz Sharif proclaimed his determination to create peace with India, saying that the two countries had for too long wasted their scarce resources on war and large militaries. Sharif is viewed favorably in India and has a long history of reaching out to his Indian counterparts for greater cooperation. Given Pakistan’s grave energy crisis, economic problems and the threat from terrorism, Pakistan can no longer afford antagonism with India. Both countries would benefit from moving forward on trade and economic cooperation despite the occasional cross-border violence. The Pakistani army has made it clear that its most pressing concern is internal security. Some have argued that as the threat from terrorism grows, the Pakistani military could see a renewed Kashmir conflict as a way to funnel extremists away from targeting Pakistani military establishments and cities. This is unlikely for a number of reasons. First, the groups that Pakistan needs to tackle internally challenge the state of Pakistan and not India. They cannot be diverted. Second, the Pakistani security establishment would not likely risk escalating conflicts on multiple fronts by channeling those groups that have historically been used in Kashmir, given India’s clear military superiority and the internal security threats Pakistan faces. India also has an interest in promoting regional security, which will allow its economy to continue to grow. The current round of harsh rhetoric by Indian politicians may be due a desire to avoid being seen as “soft” on Pakistan as Indian elections approach. India is also concerned about the possibility of spillover effects from regional conflicts, in particular on India’s large Muslim population. Perhaps the source of the most tension is that India does not believe that Pakistan is doing enough to curb terrorism—particularly with regard to the Lashkar-e-Taiba (LeT), a group that has historically conducted attacks in India. Although Pakistan has for the first time put together a counterterrorism strategy, it only addresses domestic terrorism and not those groups that attack other countries. But it seems to be in the civilian government’s interest to rein in groups such as LeT. Historically the Pakistani security establishment has had control over LeT, and could direct it as a wing of its foreign policy. If this is still the case, the interests of the Pakistani Inter-Services Intelligence (ISI) and military will determine the group’s future. Since dealing with internal security issues is the main part of their doctrine now, it goes against their interests to actively engage with groups like LeT in Kashmir. However, the splintering of LeT and lack of effective chain of command in the ISI means that the Pakistani security establishment may find it more difficult to control LeT operations than it has in the past. Managing this challenge will require a concerted effort from both the civilian and military apparatus, cooperation that has been scarce in the past but may now be possible due to aligned civilian and military interests in internal stability. While exogenous events could derail the ongoing India-Pakistan peace process, there is hope that after 2014 India and Pakistan will continue to engage cautiously, especially regarding Kashmir. While there may not be much progress in resolving the dispute in the near future, maintaining the status quo remains in both countries’ interests.

### A2: Sig Strikes Bad

#### 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.

### A2: Civilian Casualtiies

#### Current checks against civilian casualties are so effective that we divert missiles in the air if there’s a risk they’ll kill civilians

**McNeal, Pepperdine law professor, 2013**

(Gregory, “Targeted Killing and Accountability”, 3-5, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>, ldg)

In contemporary operations, the government has repeatedly emphasized that their planned target lists are frequently updated and vetted against the most up-to-date intelligence.261 This vetting is likely aimed at ensuring that individuals targeted are still members of an organized armed group.262 Moreover, in targeted killing operations that utilize UAVs, the intelligence supporting the attack will oftentimes come from the same UAV combat platform (Predators or Reapers) that may ultimately serve as the launch vehicle for weapons used in the targeted killing operation.263 Government officials even claim they have diverted missiles off target after launching but before impact in an effort to avoid harm to collateral persons within the blast radius of a weapon.264 To further illustrate the point, prior to the targeting operation that killed al Aulaqi, the government suggested that if Anwar al Aulaqi chose to renounce his membership in al Qaeda he would cease to be on the U.S. target list (likely because he would no longer have the status of a member of an organized armed group and, if he truly renounced his affiliation with al Qaeda, he could not be directly participating in hostilities).265 This statement illustrates the dynamic nature of the positive identification process as practiced by the U.S. military.266 The CIA’s process, extensively reviewed by operational lawyers who are oftentimes forwardly deployed in theaters of conflict and co-located with drone operators, would similarly require positive identification and a reassessment of available intelligence prior to a strike.267 Of course, if al Aulaqi chose to surrender, then he would automatically be rendered hors de combat and could not be targeted—though whether an individual could surrender to an aircraft remains an open question.268 Taken together, what this means is that if positive identification of a target fails, and the target is no longer a lawful one, no operation will take place.269 Moreover, when doubt arises as to whether a person is a civilian, there exists a presumption that he is, hence the requirement of positive identification in U.S. operations.270 The military objective requirement of the law of armed conflict as implemented in U.S. practice reflects the fact that the drafters of these standards intended them to be a binding set of rules that could simultaneously guide decision-making in warfare when bright line rules and fixed borderlines between civilian and military objectives may be murky.271 The burden is on military commanders to exercise discretion and caution; however, the standards by which those commanders are judged are reasonableness and honesty in the exercise of those responsibilities.272 [Italics in original]

#### Casualties are way down and drones are far more precise than alternatives---our ev uses the best data

**Cohen, Century Foundation fellow, 2013**

(Michael, “Give President Obama a chance: there is a role for drones”, 5-23, <http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified>, ldg)

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels". I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed – and dramatically so. This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy. Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates. There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones. When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year – far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there." While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage. Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen. These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year. Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits". Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates. Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

#### Tech advances and tighter rules of engagement are substantially reducing civilian casualties---alternatives to drones are worse

Rosa Brooks 13, Professor of Law, Georgetown University Law Center and Bernard L. Schwartz Senior Fellow, New America Foundation, 4/23/13, “The Constitutional and Counterterrorism Implications of Targeted Killing,” <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>

\*We do not endorse gendered language

First, critics often assert that US drone strikes are morally wrong because the kill innocent civilians. This is undoubtedly both true and tragic -- but it is not really an argument against drone strikes as such. War kills innocent civilians, period. But the best available evidence suggests that US drone strikes kill civilians at no higher a rate, and almost certainly at a lower rate, than most other common means of warfare. ¶ Much of the time, the use of drones actually permits far greater precision in targeting than most traditional manned aircraft. Today's unmanned aerial vehicles (UAVs) can carry very small bombs that do less widespread damage, and UAVs have no human pilot whose fatigue might limit flight time. Their low profile and relative fuel efficiency combines with this to permit them to spend more time on target than any manned aircraft. Equipped with imaging technologies that enable operators even thousands of miles away to see details as fine as individual faces, modern drone technologies allow their operators to distinguish between civilians and combatants far more effectively than most other weapons systems.¶ That does not mean civilians never get killed in drone strikes. Inevitably, they do, although the covert nature of most US strikes and the contested environment in which they occur makes it impossible to get precise data on civilian deaths. This lack of transparency inevitably fuels rumors and misinformation. However, several credible organizations have sought to track and analyze deaths due to US drone strikes. The British Bureau of Investigative Journalism analyzed examined reports by "government, military and intelligence officials, and by credible media, academic and other sources," for instance, and came up with a range, suggesting that the 344 known drone strikes in Pakistan between 2004 and 2012 killed between 2,562 and 3,325 people, of whom between 474 and 881 were likely civilians.1 (The numbers for Yemen and Somalia are more difficult to obtain.) The New America Foundation, with which I am affiliated, came up with slightly lower numbers, estimating that US drone strikes killed somewhere between 1,873 and 3,171 people overall in Pakistan, of whom between 282 and 459 were civilians. 2¶ Whether drones strikes cause "a lot" or "relatively few" civilian casualties depends what we regard as the right point of comparison. Should we compare the civilian deaths caused by drone strikes to the civilian deaths caused by large-scale armed conflicts? One study by the International Committee for the Red Cross found that on average, 10 civilians died for every combatant killed during the armed conflicts of the 20th century.3 For the Iraq War, estimates vary widely; different studies place the ratio of civilian deaths to combatant deaths anywhere between 10 to 1 and 2 to 1.4¶ The most meaningful point of comparison for drones is probably manned aircraft. It's extraordinarily difficult to get solid numbers here, but one analysis published in the Small Wars Journal suggested that in 2007 the ratio of civilian to combatant deaths due to coalition air attacks in Afghanistan may have been as high as 15 to 1.5 More recent UN figures suggest a far lower rate, with as few as one civilian killed for every ten airstrikes in Afghanistan.6 But drone strikes have also gotten far less lethal for civilians in the last few years: the New America Foundation concludes that only three to nine civilians were killed during 72 U.S. drone strikes in Pakistan in 2011, and the 2012 numbers were also low.7 In part, this is due to technological advances over the last decade, but it's also due to far more stringent rules for when drones can release weapons.¶ Few details are known about the precise targeting procedures followed by either US armed forces or the Central Intelligence Agency with regard to drone strikes. The Obama Administration is reportedly finalizing a targeted killing “playbook,”8 outlining in great detail the procedures and substantive criteria to be applied. I believe an unclassified version of this should be should be made public, as it may help to diminish concerns reckless or negligent targeting decisions. Even in the absence of specific details, however, I believe we can have confidence in the commitment of both military and intelligence personnel to avoiding civilian casualties to the greatest extent possible. The Obama Administration has stated that it regards both the military and the CIA as bound by the law of war when force is used for the purpose of targeted killing. 9 (I will discuss the applicable law of war principles in section IV of this statement). What is more, the military is bound by the Uniform Code of Military Justice. ¶ Concern about civilian casualties is appropriate, and our targeting decisions, however thoughtfully made, are only as good as our intelligence—and only as wise as our overall strategy. Nevertheless, there is no evidence supporting the view that drone strikes cause disproportionate civilian casualties relative to other commonly used means or methods of warfare. On the contrary, the evidence suggests that if the number of civilian casualties is our metric, drone strikes do a better job of discriminating between civilians and combatants than close air support or other tactics that receive less attention.

## 2nc

## CP

### 2NC Perm-Do Both-Statutory-Flexibility

#### The perm still links to the D/A, only unilateral executive action solves the DA.

Moe and Howell, Fellow for the Hoover Institution and Harvard Professor, 99

Terry M. Moe and William G. Howell, senior fellow for the Hoover Institution and Associate Professor for the Government Department at Harvard University, “Unilateral Action and Presidential Power: A theory”, LexisNexus.com 12-99

If the president had the power to act unilaterally in this same situation, as depicted in Figure 1B, things would turn out much more favorably. He would not have to accept Congress's shift in policy from [SQ.sub.2] to [SQ.sub.2\*] and could take action on his own to move the status quo from [SQ.sub.2\*] to V--using his veto to prevent any movement away from this point. V would be the equilibrium outcome (as it was in the earlier case of unilateral action). And although the president would still lose some ground as policy moves from the original [SQ.sub.2] to V, unilateral action allows him to keep policy much closer to his ideal point--and farther from Congress's ideal point--than would otherwise have been the case. He clearly has more power over outcomes when he can act unilaterally.

The permutation weakens presidential powers

Bellia, Law Professor at Notre Dame, 02

Patricia L Bellia, Associate Law Professor for Notre Dame Law School, “Executive power in Youngstown’s shadows”, LexisNexus.com, 02

Justice Jackson suggested that presidential powers "are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." (59) He offered the following grouping of presidential actions and their legal consequences: 1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. 2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law. 3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. (60)

**Doesn’t solve prez powers - congressional silence is key**

Bellia-prof law Notre Dame-2

[Patricia, Professor of Law @ Notre Dame, “Executive Power in Youngstown’s Shadows” Constitutional Commentary, , 19 Const. Commentary 87, Spring, Lexis]

To see the problems in giving dispositive weight to inferences from congressional action (or inaction), we need only examine the similarities between courts' approach to executive power questions and courts' approach to federal-state preemption questions. If a state law conflicts with a specific federal enactment, n287 or if Congress displaces the state law by occupying the field, n288 a court cannot give the state law effect. Similarly, if executive action conflicts with a specific congressional policy (reflected in a statute or, as Youngstown suggests, legislative history), or if Congress passes related measures not authorizing the presidential conduct, courts cannot give the executive action effect. n289 When Congress is silent, however, the state law will stand; when Congress is silent, the executive action will stand. This analysis makes much sense with respect to state governments with reserved powers, but it makes little sense with respect to an Executive Branch lacking such powers. **The combination of** congressional silence **and judicial inaction** has the **practical** effect of creating power. Courts' reluctance to face questions about the scope of the President's constitutional powers - express and implied - creates three other problems. First, **the implied** presidential power given **effect** by virtue ofcongressional silence **and judicial inaction** can solidify into a broader claim**. When the Executive exercises an "initiating"** or "concurrent" **power, it will tie that power to a textual provision or to a claim about the structure of the Constitution.** Congress's silence **as a practical matter** tends to validate theexecutive rationale, and the Executive **Branch** maythen claim a power not only to exercise the **disputed** authority in the face of congressional silence, but also **to exercise the disputed authority** inthe face of congressional opposition. In other words, a power that the Executive Branch claims is "implied" in the Constitution may soon become an "implied" and "plenary" one. Questions about presidential power to terminate treaties provide a  [\*151]  ready example. The Executive's claim that the President has the power to terminate a treaty - the power in controversy in Goldwater v. Carter, where Congress was silent - now takes a stronger form: that congressional efforts to curb the power are themselves unconstitutional. n290

**Simultaneous legislative and executive action creates a mixed precedent, undermining presidential authority**

**Bellia-prof law Notre Dame-2**

[Patricia, Professor of Law @ Notre Dame, “Executive Power in Youngstown’s Shadows” Constitutional Commentary, , 19 Const. Commentary 87, Spring, Lexis]

Second, **courts' failure to resolve the contours of the President's** constitutional **powers** **creates uncertainty** **about** whether some forms of constitutionally based **executive action** have the same legal force as a federal statute. Returning to Dames & Moore, **t**he fact that the Court rested the President's authority on grounds of congressional approval rather than implied constitutional authority avoided the difficult question of how the President could by his sole authority displace the application of the federal statutes that had provided the basis for Dames & Moore's original cause of action against the Iranian enterprises. [291](https://www.lexis.com/research/retrieve?_m=f19618c70694bf3d339be1d061d942b7&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVtz-zSkAW&_md5=1b7b7f45414d178a7293c7eabf182ff3" \l "n291#n291" \t "_self) Similar questions arise with respect to the displacement of state law by operation of sole executive agreements. The result is confusion about whether **sole** executive agreements are the "supreme Law of the Land**,"** [292](https://www.lexis.com/research/retrieve?_m=f19618c70694bf3d339be1d061d942b7&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVtz-zSkAW&_md5=1b7b7f45414d178a7293c7eabf182ff3" \l "n292#n292" \t "_self) with the available precedents suggesting that they are [293](https://www.lexis.com/research/retrieve?_m=f19618c70694bf3d339be1d061d942b7&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVtz-zSkAW&_md5=1b7b7f45414d178a7293c7eabf182ff3" \l "n293#n293" \t "_self) and the weight of recent commentary suggesting that they are not.

### AT: Perm CP-USFG Plan

#### A. Interpretation-There is a distinction between exercise and restrict.

DANIEL MCFADDEN, 2008 (Boston College Law Review, 49 B.C. L. Rev 1131, Retrieved 6/1/2013 from Lexis/Nexis)

("Whether or not the President has independent power, absent congressional authorization, to convene military commissions, he may not disregard limitations that Congress has, in proper exercise of its own war powers, placed on his powers." (citing Steel Seizure, 343 U.S. at 637 ( Jackson, J., concurring))); Chevron, U.S.A., Inc. v. Natural Res. Def. Council, 467 U.S. 837, 842-43 (1984) (stating that, in an administrative law context, "the [C]ourt, as well as the agency, must give effect to the unambiguously expressed intent of Congress"); Little v. Barreme, 6 U.S. (2 Cranch) 170, 177-78 (1804) (declaring unlawful a military order authorizing captures on the high seas because the order exceeded authority granted by Congress). But see David J. Barron & Martin S. Lederman, The Commander in Chief at the Lowest Ebb--Framing the Problem, Doctrine, and Original Understanding, 121 HARV. L. REV. 689, 766 (2008) (concluding that, although the Court has accepted the proposition that Congress may restrict executive military activity, the Court has not ruled out the possibility that the executive retains some inherent and inviolable military authority).

#### ---Congress enacts “statutory restrictions” the court imposes “judicial restrictions”

Peterson 91 (Todd D. Peterson, Associate Professor of Law, The George Washington University, National Law Center; B.A. 1973, Brown University; J.D. 1976, University of Michigan, Book Review: The Law And Politics Of Shared National Security Power -- A Review Of The National Security Constitution: Sharing Power After The Iran-Contra Affair by Harold Hongju Koh, New Haven, Conn.: Yale University Press. 1990. Pp. x, 330, March, 1991 59 Geo. Wash. L. Rev. 747)

Based on both case law and custom, it is hard to argue that Congress does not have substantial power to control the President's authority, even in the area of national security law. From the time of Little v. Barreme, n77 the Supreme Court has recognized Congress's power to regulate, through legislation, national security and foreign affairs. No Supreme Court case has struck down or limited Congress's ability to limit the President's national security power by passing a statute. n78 Although there may be some areas where the Court might not permit statutory regulation to interfere with the President's national security powers, these are relatively insignificant when compared to the broad authority granted to Congress by express provisions of the Constitution and the decisions of the Supreme Court. n79

Even in cases in which the Court has given the President a wide berth because of national security concerns, the Court has noted the absence of express statutory limitations. For example, in Department of the Navy v. Egan, n80 the Court refused to review the denial of a security clearance, but it concluded that "unless Congress specifically has provided otherwise, courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security [\*762] affairs." n81 In other cases, of course, such as Youngstown, n82 the Supreme Court has clearly stated that Congress may restrict the President's authority to act in matters related to national security.

Not even Koh's bete noire, the Curtiss-Wright case, n83 could reasonably be interpreted as a significant restriction on Congress's authority to limit the President's authority by statute. First, as Koh himself forcefully demonstrates, Curtiss-Wright involved the issue whether the President could act pursuant to a congressional delegation of authority that under the case law existing at the time of the decision might have been deemed excessively broad. n84 Thus, the question presented in Curtiss-Wright was the extent to which Congress could increase the President's authority, not decrease it. At most, the broad dicta of Curtiss-Wright could be used to restrict the scope of mandatory power sharing on the ground that the President's inherent power in the area of international relations "does not require as a basis for its exercise an act of Congress." n85

Even the dicta of Curtiss-Wright, however, give little support to those who would restrict permissive power sharing on the ground that Congress may not impose statutory restrictions on the President in the area of national security and foreign affairs. Justice Sutherland's claims with respect to exclusive presidential authority are comparatively modest when compared with his sweeping statements about the President's ability to act in the absence of any congressional prohibition. n86 He asserts that the President alone may speak for the United States, that the President alone negotiates treaties and that "[i]nto the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it." n87 It is in this context of the President's power to be the communicator for the nation that Justice Sutherland cites John Marshall's famous statement that the President is the "sole organ of the nation" in relations with other nations. n88 This area of exclusive authority in which even permissive sharing is inappropriate is limited indeed. When he writes of the [\*763] need to "accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved," n89 Justice Sutherland refers to the permissibility of a broad delegation, not the constitutional impermissibility of a statutory restriction. Indeed, the Court specifically recognized that Congress could withdraw the authority of the President to act and prohibit him from taking the actions that were the subject of the case. n90

To be fair to Koh, he would not necessarily disagree with this reading of Curtiss-Wright; he clearly believes that Congress does have the authority to restrict the President's national security power. Nevertheless, Koh's emphasis on Curtiss-Wright still gives the case too much import. Oliver North's protestations to the contrary notwithstanding, there is no Supreme Court authority, including the dicta in Curtiss-Wright, that significantly restricts the power of Congress to participate by statutory edict in the national security area. Thus, contrary to Koh's model, Curtiss-Wright and Youngstown do not stand as polar extremes on a similar question of constitutional law. To be sure, they differ significantly in tone and in the attitude they take to presidential power, but the cases simply do not address the same issue. Therefore, it does Koh's own thesis a disservice to suggest that the cases represent different views on the scope of permissive power sharing. There simply is no Supreme Court precedent that substantially restricts Congress's authority to act if it can summon the political will.

The absence of judicial restrictions on permissive power sharing is particularly important because it means that the question of statutory restrictions on the President's national security powers should for the most part be a political one, not a constitutional one. Congress has broad power to act, and the Court has not restrained it from doing so. n91 The problem is that Congress has refused to take effective action.

#### ---And, violates authority which explicitly requires one branch acting upon another

Google Dictionary

<https://www.google.com/search?q=define+authoeiry&oq=define+authoeiry&aqs=chrome.0.69i57j0j69i60l2j0l2.3485j0&sourceid=chrome&ie=UTF-8#sa=X&q=authority&tbs=dfn:1&tbo=u&ei=OqXqUfzgO-WSyAGNg4HIBg&ved=0CCwQkQ4&bav=on.2,or.r_cp.r_qf.&bvm=bv.49478099%2Cd.aWc%2Cpv.xjs.s.en_US.c75bKy5EQ0A.O&fp=963b67ef37c3a9d&biw=1168&bih=715>

au·thor·i·ty

noun /əˈTHôritē/  /ôˈTHär-/

authorities, plural

The power or right to give orders, make decisions, and enforce obedience

- he had absolute authority over his subordinates

- positions of authority

- they acted under the authority of the UN Security Council

- a rebellion against those in authority

The right to act in a specified way, delegated from one person or organization to another

- military forces have the legal authority to arrest drug traffickers

Official permission; sanction

- the money was spent without congressional authority

A person or organization having power or control in a particular, typically political or administrative, sphere

- the health authorities

- the Chicago Transit Authority

- the authorities ordered all foreign embassies to close

- she wasn't used to dealing with authority

#### B. Voting issue-Their interpretation guts core negative ground by flipping the topic on its head. Core disads like deference and politics depend on the affirmative imposing an external restriction on the executive.

### YES Exec Cause of Action

#### Their evidence doesn’t assume the counterplan that creates an explicit cause of action for private enforcement

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.

### AT: Congress K

He is neg

Zenko 13 (Micah Zenko Douglas Dillon Fellow @ CFR in the Center for Preventive Action, “Reforming U.S. Drone Strike Policies,” download link- http://www.cfr.org/wars-and-warfare/reforming-us-drone-strike-policies/p29736)

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

#### Cant access the Harvard card, says congress needs to subena Obama and set up a framework of reporting exec conduct publically, plan doesn’t do that, only the cp creates transparency, this is only a cp solvency card

#### Executive transparency solves blowback; restores credibility

Byman 13 (Daniel L. Byman Research Director, 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)

The spread of drones cannot be stopped, but the United States can still influence how they are used. The coming proliferation means that Washington needs to set forth a clear policy now on extrajudicial and extraterritorial killings of terrorists—and stick to it. Fortunately, Obama has begun to discuss what constitutes a legitimate drone strike. But the definition remains murky, and this murkiness will undermine the president’s ability to denounce other countries’ behavior should they start using drones or other means to hunt down enemies. By keeping its policy secret, Washington also makes it easier for critics to claim that the United States is wantonly slaughtering innocents. More transparency would make it harder for countries such as Pakistan to make outlandish claims about what the United States is doing. Drones actually protect many Pakistanis, and Washington should emphasize this fact. By being more open, the administration could also show that it carefully considers the law and the risks to civilians before ordering a strike. Washington needs to be especially open about its use of signature strikes. According to the Obama administration, signature strikes have eliminated not only low-level al Qaeda and Taliban figures but also a surprising number of higher-level officials whose presence at the scenes of the strikes was unexpected. Signature strikes are in keeping with traditional military practice; for the most part, U.S. soldiers have been trained to strike enemies at large, such as German soldiers or Vietcong guerrillas, and not specific individuals. The rise of unconventional warfare, however, has made this usual strategy more difficult because the battlefield is no longer clearly defined and enemies no longer wear identifiable uniforms, making combatants harder to distinguish from civilians. In the case of drones, where there is little on-the-ground knowledge of who is who, signature strikes raise legitimate concerns, especially because the Obama administration has not made clear what its rules and procedures for such strikes are. Washington should exercise particular care with regard to signature strikes because mistakes risk tarnishing the entire drone program. In the absence of other information, the argument that drones are wantonly killing innocents is gaining traction in the United States and abroad. More transparency could help calm these fears that Washington is acting recklessly. The U.S. government also needs to guard against another kind of danger: that the relative ease of using drones will make U.S. intervention abroad too common. The scholars Daniel Brunstetter and Megan Braun have argued that drones provide “a way to avoid deploying troops or conducting an intensive bombing campaign” and that this “may encourage countries to act on just cause with an ease that is potentially worrisome.” Although al Qaeda remains a threat, it has been substantially defanged since 9/11, thanks to the destruction of its haven in Afghanistan and effective global police, intelligence, and drone campaigns against its cells. In addition, the U.S. government needs to remember that many of the world’s jihadist organizations are focused first and foremost on local regimes and that although the United States has an interest in helping its allies fight extremists, Washington cannot and should not directly involve itself in every fight. The Obama administration should spell out those cases in which the AUMF does not apply and recognize the risks of carrying out so-called goodwill kills on behalf of foreign governments. Helping French and Malian forces defeat jihadists in Mali by providing logistical support, for example, is smart policy, but sending U.S. drones there is not.

#### CP creates precedent against unrestrained drone usage—that is their only internal link

Twomey 13 (Laura Twomey, Trinity College, Dublin. “Setting a Global Precedent: President Obama's Codification of Drone Warfare,” http://www.cjicl.org.uk/index.php/cjicl-blog/setting-a-global-precedent-president-obamas-codification-of-drone-warfare)

It is clear that, as the first State to deploy remote targeting technology in a non international armed conflict, the legal framework forged by the US during President Obama's second term will set significant precedent for the future practice of the estimated 40 States developing their own drone technology. On 7 March 2013, members of the European Parliament expressed deep concern about the “unwelcome precedent” the programme sets, citing its “destabilising effect on the international legal framework” that “destroys ... our common legal heritage.” This 'destabilising effect' arises from the classified and seemingly amorphous substantive legal basis for the programme and the apparent lack of procedural standards in place. It remains to be seen if the classified 'rulebook' will be released for public scrutiny, and allay these concerns. Reliance on international law in world order is based on consent, consensus, good faith and, crucially in this instance, reciprocity. The US programme may harbour short term gains in the pursuit of al-Qaeda operatives, however, if the aforementioned substantive legal justifications continue to be invoked, it risks engendering long term disadvantages. Pursuing this policy encourages other States to adopt similar policies. Administration officials have cited particular concern about setting precedent for Russia, Iran and China, all of which are developing their own remote targeting technology. It is therefore suggested that the Administration should take this opportunity to codify the rules, clarify terms where ambiguity may currently allow for broader interpretations, and to bring its regulations in line with the existing framework of international law. This legal framework should then be made available to the public, with covert operational necessities redacted. This could set a valuable legal precedent, of particular importance at this turning point wherein international law must adapt to the 21st century model of warfare, a model which lacks a clear enemy and a demarcated battlefield.

#### Executive order incorporation of international law has massive symbolic and legal importance for future policy and court action-solves better than the plan

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

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

Nachbar-prof law Virginia-11

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

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

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

#### Executive Order can tie US policy to International law commitments

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

On March 7, 2011, President Obama issued Executive Order 13567 (the “Order”),1 which established revised detention review procedures for the detainees currently being held at the U.S. Naval Station Guantanamo Bay. The press-release “Fact Sheet”2 that accompanied the Order expanded upon the topic of the Order, not only touching upon the detention regulated by the Order itself, but also stating the Obama administration’s position that it would apply Article 75 of Additional Protocol I of the Geneva Conventions of 19493 (respectively “Article 75” and “AP I”) “out of a sense of legal obligation” and that that the U.S. “expects all other nations to adhere to these principals as well”.4 Additionally, the President urged the Senate to ratify Additional Protocol II of the Geneva Conventions of 19495 (“AP II”). In this paper, I consider the effect of the combined revision of binding detention procedures and potentially binding statements of administration policy regarding both Article 75 and AP II in the Order and the accompanying Fact Sheet. Although Article 75 and AP II contain provisions potentially impacting the full range of detainee-related issues (such as conditions of confinement and the trial and punishment of detainees for criminal offenses), the Order itself applies only to detention determinations, and so my detailed analysis of the Order is correspondingly limited. The broader impact of the policy shift that the Order and Fact Sheet represent, though, reaches far beyond questions of detention determinations, and the topics covered by my analysis expands accordingly

### 2NC Rollback

#### ---Executive Orders are difficult to challenge and rarely overturned-that’s Cooper

#### ---durable fiat

#### ---Fiat Solves-The Counterplan fiats implementation. Circumvention is a should/would question that would reciprocally undermine affirmative solvency.

#### ---Executive prone to self-restraint in national security issues-public choice theory supports

Sales-prof law GMU-12 JOURNAL OF NATIONAL SECURITY LAW &POLICY [Vol. 6:227

Self-Restraint and National Security

http://jnslp.com/wp-content/uploads/2012/08/08\_\_Sales\_Master\_6-28-12-NS.pdf

Much of the case law and scholarship concerning national security rests ¶ on the assumption that the executive branch is institutionally prone to ¶ overreach – that, left to its own devices, it will inch ever closer to the line ¶ that separates illegal from legal, and sometimes enthusiastically leap across ¶ it. The obvious conclusion is that external, principally judicial, checks are ¶ needed to keep the Executive in line.2¶ In many cases the Executive does ¶ indeed push the envelope. But not always.3¶ The government often has ¶ powerful incentives to stay its own hand – to forbear from military and ¶ intelligence operations that it believes are perfectly legal. Officials may ¶ conclude that a proposed mission – a decapitation strike on al Qaeda’s ¶ leadership, say, or the use of mildly coercive interrogation techniques on a ¶ captured terrorist – is entirely permissible under domestic and international ¶ law. Yet they nevertheless might rule it out. In other words, the ¶

government sometimes adopts self-restraints that limit its ability to conduct operations it regards as legally justified; it “fight[s] with one hand behind its back,” to borrow Aharon Barak’s memorable phrase.4 This article tries to explain these restraints by consulting public choice ¶ theory – in particular, the notion that government officials are rationally self ¶ interested actors who seek to maximize their respective welfare. Part I ¶ develops an analytical framework. Part II identifies four examples of selfrestraint. Parts III and IV offer hypotheses for why the government adopts ¶ them. ¶ One example of self-restraint is Executive Order 13,491, which limits ¶ counterterrorism interrogations, including those conducted by the CIA, to ¶ the techniques listed in the Army Field Manual. The AFM prohibits or ¶ severely restricts a number of fairly mild interrogation methods such as ¶ low-grade threats, the “good cop, bad cop” routine, and other staples of ¶ garden-variety law enforcement investigations. A second example, ¶ sketched above, is the White House’s onetime reluctance to use targeted ¶ killings against Osama bin Laden, despite its belief that doing so would be ¶ consistent with domestic and international laws against assassination. ¶ Third, lawyers in the Judge Advocate General corps sometimes reject ¶ military strikes that would be permissible under the law of war, but that ¶ they regard as problematic for moral, economic, social, or political reasons. ¶ A fourth example is the Justice Department’s erection of a “wall” that ¶ restricted information sharing between intelligence officials and criminal ¶ investigators, despite the fact that the applicable statute (the Foreign ¶ Intelligence Surveillance Act of 1978) contained no such limits, and despite ¶ the fact that the governing DOJ guidelines established mechanisms for swapping such data. ¶ The question then becomes why officials adopt these restraints even ¶ when they believe them to be legally unnecessary. Public choice theory ¶ suggests two possible explanations. ¶ First, self-restraint might result from systematic asymmetries in military ¶ and intelligence officials’ expected value calculations. The expected costs ¶ of a given national security operation often dwarf the expected benefits; ¶ officials have more to lose from being aggressive than they have to gain. In ¶ particular, operations – even concededly lawful ones – can inspire ¶ adversaries to launch demoralizing propaganda campaigns accusing the ¶ United States of war crimes, can sap the willingness of allies to assist this ¶ country, and can even result in criminal prosecutions or private lawsuits ¶ against the responsible officials. In addition, the resulting costs can be ¶ internalized onto the responsible officials more easily than the resulting ¶ benefits. While all national security players experience a degree of costbenefit asymmetry, some experience more than others. In particular, the ¶ senior policymakers who approve operations, and the lawyers who review ¶ them, seem even more cautious than the operators who actually carry them ¶ out. This may be because policymakers and lawyers discount some of the ¶ benefits that operators expect to gain (e.g., certain forms of psychic ¶ income), and also account for certain costs that operators overlook (e.g., ¶ ramifications for the country’s broader strategic priorities). Policymakers ¶ and lawyers therefore will veto proposed missions when they calculate – as ¶ they often will – that their costs exceed their benefits. ¶ Second, self-restraint might result from bureaucratic “empire ¶ building,”5¶ as lawyers and other officials seek to magnify their clout by ¶ rejecting operations planned by their inter- and intra-agency competitors. ¶ Military and intelligence figures seek to maximize, among other values, the ¶ influence they hold over senior policymakers as well as autonomy to pursue ¶ the priorities they deem important. One way for an official to do that is to ¶ interfere with a rival’s plans. A bureaucratic player typically gains no ¶ power by serving as a competitor’s yes man. Often, it gains by saying no, ¶ because its obstruction forces the rival to be responsive to its concerns. ¶ Reviewers in the government’s national security apparatus therefore will ¶ veto operations planned by other entities when doing so will enhance their ¶ welfare.

#### ---Strong presumption against Congressional or Judicial interference-no rollback

Mayer-prof political science, Wisconsin-1

Kenneth, “With the Stroke of a Pen: Executive Orders and Presidential Power”, p. 26, http://www.questiaschool.com/read/103282967?title=With%20the%20Stroke%20of%20a%20Pen%3a%20Executive%20Orders%20and%20Presidential%20Power) CBC

Similarly, the judiciary can overturn executive actions but must wait for controversies to come to it, and definitive resolution can take years. Moreover, even after the judicial decision, enforcement is a matter for the president. The president's ability to win by default is, like his residual authority, reinforced by judicial doctrines that make it more difficult to challenge presidential action. The so-called Chevron rule determines how judges referee presidential-legislative disputes over statutory interpretation, and the rule provides clear advantages to the president. In Chevron U.S. A v. National Resources Defense Council, 467 U.S. 837 (1984), the Supreme Court ruled that an agency interpretation of a statute is “controlling unless Congress has spoken to the ‘precise question at issue.’” [119](http://www.questiaschool.com/read/103283206) Once the president, through the executive branch, has interpreted a statute, Congress can only override that determination through narrow, explicit legislation on the exact point in question. This requirement places a heavy burden on Congress in confronting unilateral presidential action, given that body's collective nature and inherent bias toward not changing the status quo.

#### 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]

I. 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)

#### Executive orders can give momentum to legislation, while avoiding spending capital fighting over policy – civil rights orders prove

NYT 7/5/2K Marc Lacey Blocked by Congress, Clinton Wields a Pen

Congress appears intent on denying President Clinton major legislative victories in his final months of office, but White House officials say they will continue drafting and carrying out policies, Congress or no Congress, until Mr. Clinton's final day. Through executive orders, memorandums, proclamations, regulations and other flexing of presidential power, Mr. Clinton has already put in effect a host of measures concerning the environment, health care and civil rights. And with the presidential campaign in high gear, and the Republican-controlled Congress not inclined to give Democrats any boost, Mr. Clinton's aides intend to continue making policy by decree -- putting federal land off limits to development, reorganizing government agencies, tightening pollution control rules and pushing other measures that would otherwise stand little chance of congressional passage. Mr. Clinton has been especially frustrated that many of his nominees for judgeships, ambassadorships and other posts have failed to be confirmed by the Senate. But he is not surrendering in that area either. If Congress fails to act on some of the nominations later this month, White House aides say they expect the president to make recess appointments in August that would require no Congressional approval. "This president will be signing executive orders right up until the morning of Jan. 20, 2001," said Bruce N. Reed, the president's domestic policy adviser. "In our experience, when the administration takes executive action, it not only leads to results while the political process is stuck in neutral, but it often spurs Congress to follow suit."

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

#### ---The Executive Counterplan is good

#### A. Negative Ground-Executive fiat is a key check on affirmative explosion. Their interpretation encourages the Ban X Weapon or intervention that would unlimit the topic.

#### B. Topic Focus-the executive counterplan encourages substantive debate about the scope of the powers of the different branches in foreign policy. The affirmative can still make principled arguments that Congress, not the President, should play the leading role in foreign policy. The counterplan focuses attention on core separation of powers issues and this may be more important ultimately than policy particulars. This is especially true given that this is a legal topic.

#### C. Test Authority which is the core resolutional question-affirmative advantages should be based on the restriction of authority, not the existence of bad policy.

#### D. Optimal Policy-The purpose of policy debate is to find the best policy. The affirmative has unlimited time to devise the best plan it can. If it’s proven not to be the best, it should be rejected.

#### 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.

#### <Optional F-K>

#### F. Reciprocity-The counterplan is a reasonable response to the affirmatives ability to specify congressional or judicial action. Alternative wordings like passive voice prove this topic did not intend to protect the affirmative for executive counterplan debates.

#### G. Less fiat than the plan-executive orders are far more common than congressional or judicial action over war powers.

#### H. Not Topical-The counterplan doesn’t restrict authority. Non-Topical counterplans are traditionally considered to be an important standard for negative ground.

#### 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.

#### J. Real World-Actual policy debate often centers around small differences between policies, not radically different alternatives. The art of political compromise is the art of finding common ground.

#### K. Preserves parity. Plan inclusive counterplans are a key tool in the negative arsenal that maintains the modern balance between affirmative and negative.

#### ---Counter-interpretation-United States Federal Government-reasons to prefer

#### A. Limits-The topic specifies United States Federal Government-Limiting negative fiat to the agent in the resolution is one of the most restrictive standards of negative fiat.

#### B. Affirmative Ground-The Unitary Actor Model preserves room for the affirmative to make solvency arguments based on external branch action like rollback.

#### ---Subject/Object standard is flawed

#### A. No Link-Restriction not the President is the object of the resolution. The Direct object follows a transitive verb. Subject + Verb + What or who = direct object.

#### B. the subject/object standard for negative fiat doesn't fit well into an overall theory of negative fiat. For example, if one's overall theory of fiat is based on opportunity costs, then losing the net benefits of executive action is an opportunity cost of Congressional or judicial action. If one adopts an endorsement model of fiat, obviously one can logically endorse the superiority of executive action. If one limits negative fiat to domestic public actors, then executive action is clearly acceptable. In classic policy making, where the purpose of the debate is to find the best policy, one should be able to endorse executive action if that is the best policy.

#### C. the real argument for the subject/object standard seems to be that the negative should not be allowed to imagine away the policy context that gave rise to the topic in the first place. But all counterplans do this to some extent. On most domestic topics, federal action is called for because of state inaction, so the state counterplan fiats away the political context of the resolution. On foreign policy topics, the actions of other international actors create the context in which misuse of presidential power is encouraged, so foreign and international counterplans also imagine away part of the context that gave rise to the resolution.

#### ---Punishment doesn’t fit the crime-The judge should evaluate theory like extra-topicality. The counterplan should be judged outside their jurisdiction and a lost option for the negative to advocate.

### 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.”

### 2NC Conditionality

---Real World-Policy makers do consider multiple options at once. Their argument guts one of the core elements of policy discussion.

---Best policy justifies-Multiple options make it more likeley that the best policy will be found. The role of the judge is to endorse the best policy at the end of the round. If a conditional counterplan has been proven to be the best policy, it’s perverse not to allow it to be endorsed.

---Education-Argument breadth has benefits. If depth were the only value, teams wouldn’t be allowed to debate more than one advantage or disadvanatge per round. Exploring the range of issues on a subject is also intellectualy important.

#### ---Time limits aren’t an answer

A. Time is finite in debate. Running one argument inherently trades off with another.

B. Other arguments make this non-unique. Multipe topicality arguments, two card disads, or kritiks equally distort time.

C. Creating time pressure and making time based decisions is an inherent part of debate strategy. It’s an acceptable part of all other debate arguments.

---Counterplans don’t introduce unique complexity into the round. The counterplan may just be a minor alteration of the plan. Disadvantage s also raise multiple issues.

---Permutations justify-Retaining the status quo as an option is reciprocal to the affirmative’s ability to advocate the plan or permutation.

---Conditionality is reciprocal to the affirmative’s ability to select a case. Since the affirmative selects the ground for the debate they enjoy a huge preparation advantage. Allowing hypothetical negative arguments helps to defeat this edge.

---Advocacy concerns aren’t decisive.

A. In the real world, policies are attacked from avariety of perspectives. In debate there is only one negative team, so to encompass the true range of potential counter-affirmative advocacy, multiple positions must be allowed.

B. Most debate practice isn’t consistent with the advocacy paradigm. Strategic concessions by the affirmative and permutations allow the affirmative to advocate multiple positions.

---Not a voting issue. Emphasis on punishment incentivizes a race to bottom discouraging substsantive debates.

## Norms

### No Drone Wars – 2NC

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

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

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

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

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

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

#### Drones will only ever be used in highly permissive environments that lack air defense

**Lewis, Ohio Northern law professor, 2012**

(Michael, “ARTICLE: SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield”, Texas International Law Journal, Spring, lexis, ldg)

Like any weapons system drones have significant limitations in what they can achieve. Drones are extremely vulnerable to any type of sophisticated air defense system. They are slow. Even the jet-powered Avenger recently purchased by the Air Force only has a top speed of around 460 miles per hour, n20 meaning that it cannot escape from any manned fighter aircraft, not even the outmoded 1970s-era fighters that are still used by a number of nations. n21 Not only are drones unable to escape manned fighter aircraft, they also cannot hope to successfully fight them. Their air-to-air weapons systems are not as sophisticated as those of manned fighter aircraft, n22 and in the dynamic environment of an air-to-air engagement, the drone operator could not hope to match the situational awareness n23 of the pilot of manned fighter aircraft. As a result, the outcome of any air-to-air engagement between drones and manned fighters is a foregone conclusion. Further, drones are not only vulnerable to manned fighter aircraft, they are also vulnerable to jamming. Remotely piloted aircraft are dependent upon a continuous signal from their operators to keep them flying, and this signal is vulnerable to disruption and jamming. n24 If drones were [\*299] perceived to be a serious threat to an advanced military, a serious investment in signal jamming or disruption technology could severely degrade drone operations if it did not defeat them entirely. n25 These twin vulnerabilities to manned aircraft and signal disruption could be mitigated with massive expenditures on drone development and signal delivery and encryption technology, n26 but these vulnerabilities could never be completely eliminated. Meanwhile, one of the principal advantages that drones provide - their low cost compared with manned aircraft n27 - would be swallowed up by any attempt to make these aircraft survivable against a sophisticated air defense system. As a result, drones will be limited, for the foreseeable future, n28 to use in "permissive" environments in which air defense systems are primitive n29 or non-existent. While it is possible to find (or create) such a permissive environment in an inter-state conflict, n30 permissive environments that will allow for drone use will most often be found in counterinsurgency or counterterrorism operations.

#### Syria proves no drone wars---they’re useless against any adversary with an air defense system

**Cronin, GMU public policy professor, 9-2-13**

(Audrey, “Drones over Damascus”, <http://www.foreignaffairs.com/articles/139889/audrey-kurth-cronin/drones-over-damascus>, ldg)

For the past four years, Americans have been preoccupied with drone technology as a cheap, low-risk, and discriminate way to eliminate emerging global threats without getting entangled in protracted conflicts. The U.S. government has even dramatically changed its military force structure to make armed drones a lynchpin of U.S. power projection. Yet these weapons have been virtually useless in the last two conflicts that the United States has faced, first in Libya and now in Syria. Why is that? Broadly speaking, the United States has used armed drone strikes overseas in two ways: during war and to prevent war. Battlefield use of weaponized drones is not new (it dates back to World War I), and is fairly ubiquitous. A spring 2013 report by the U.S. Air Force estimated that unmanned aircraft fired about a quarter of all missiles used in coalition air strikes in Afghanistan in the early part of this year. Drones have proved remarkably effective at providing reconnaissance to U.S. troops on the ground, protecting them from enemy attacks, and reducing civilian casualties. When used within a war, in other words, drones are a great way to give U.S. soldiers an edge. Armed drones have a preventive role to play, as well. They can keep terrorist threats at bay, and thus reduce the chance that Washington will need to send troops to battle insurgents in faraway places. Since 2009, U.S. counterterrorism efforts have involved hundreds of remote-controlled strikes by unmanned aerial vehicles. These were meant to prevent attacks on the United States and its allies by al Qaeda, the Taliban, and other groups. In these cases, the argument goes, discriminate targeting to prevent such attacks beats invading countries after them. Prevention has thus become a watchword of U.S. policy, but its logic has rarely been applied to belligerent states. The international community had plenty of warning that the Syrian government might use chemical weapons, and now Syrian President Bashar al-Assad has apparently employed sarin gas to kill thousands of civilians. Photographs of rows of children left dead and videos of civilians running in fear have shocked the world. The last time the gas was used -- in Japan by Aum Shinrikyo, a terrorist group, to kill 13 people on the Tokyo subway -- pales in comparison with the recent slaughter in Syria. Could the United States have deployed its drone fleet to destroy Syrian arsenals or to kill those planning to make use of them before this happened? The answer is no. Armed drones have serious limitations, and the situation in Syria lays them bare. They are only useful where the United States has unfettered access to airspace, a well-defined target, and a clear objective. In Syria, the United States lacks all three. First, the airspace. So far, armed drones have been used either over countries that do not control their own airspace (Somalia, Mali, Afghanistan) or where the government has given the United States some degree of permission (Yemen, Pakistan). Those circumstances are rare. When the foe can actually defend itself, the use of armed drones is extraordinarily difficult and could constitute an act of war -- one that could easily draw the United States into the heart of a conflict. Drones are slow and noisy; they fly at a low altitude; and they require time to hover over a potential target before being used. They are basically sitting ducks. Syria has an air force and air defenses that could easily pick American drones out of the sky. The only real way for the United States to use them would be to first destroy Syrian planes and anti-aircraft batteries. But that would be no different from a full-scale intervention and would negate the tactical advantage of remote strikes. In other words, the conditions under which armed drones are effective as preventive weapons are limited. And the more drones are used for prevention and during war, the more state belligerents will take note of that fact, and will make sure that those conditions are never met on their own territory.

#### Lack of GPS means no one uses them for waging war

Noreika 10 (J., Matt, Assistant @ Science Department – American Geophysical Union, “TOWARD UNMANNED POWER How a Revolution in Military Affairs i s Transforming the Way We Understand Warfare in the Twenty-First Century” <http://aladinrc.wrlc.org/bitstream/handle/1961/9388/Noreika%2c%20J%20Matt%20-%20Spring%20%2710.pdf?sequence=1>)

Meanwhile, the United States had recently perfected the technological capacity to control UAS from greater distances than ever before using its Global Positioning System (GPS). This network of orbiting satellites allows American mili tary units to relay positional information at near-instantaneous speeds from anywhere on the plan et with pinpoint accuracy. Thus, by the late 1990s UAS could be flown from locations safe within the United States while observing territory half a world away. The United States continues to m aintain a monopoly on its GPS although competing navigation systems including China’s Beidou , Europe’s Galilleo , and Russia’s GLONASS are scheduled to be online within the next few yea rs. Until then, the United States will continue to be the only nation in the world with a military infrastructure truly capable of wielding global unmanned power.

#### Drones don’t change war

**Malandrino et al., Navy Fighter Weapons School, 10-31-13**

(Gred, “The Unmanned Wingman”, <http://www.foreignpolicy.com/articles/2013/10/31/why_drones_will_never_replace_fighter_pilots?page=0,1>, ldg)

Drones have proven their utility as surveillance assets with a limited precision-strike capability, but to operate effectively, they require a completely permissive air environment devoid of any threats. Aloft in uncontested skies, their slow speed and endurance are invaluable. They loiter over targets for hours and then strike at the perfect moment. America's complete air dominance made UAVs a perfect fit over Afghanistan and Pakistan. Flying in contested skies, however, these very attributes render them completely defenseless targets for the most basic air defense systems, as evidenced by their limited presence in the skies over Libya during the 2011 conflict. Recently, the far more lethal Syrian air defense systems have removed the use of UAVs from serious consideration. As such, assuming the success of contemporary drones in future wars, based on the last decade of impunity with which UAVs have loitered over foreign territory, is a strategic error. Any future conventional conflict will likely occur over areas that are highly protected by sophisticated air defense systems, creating a hazardous environment for all aircraft. In deadlier skies, manned aircraft are uniquely equipped to defend themselves due to the one attribute that not even the most advanced unmanned aircraft will ever possess: a human being in the cockpit. Manned fighter aircraft can instantly adapt, maneuver, and defend themselves. In considering an air war, an advanced aerial threat environment increases the likelihood of within-visual-range air combat, often referred to as "dog-fighting." The ever-persistent fog of war, coupled with complex target identification requirements, hinders the effective use of beyond-visual-range capabilities. As such, close-range dog-fighting may be the only way to complete particular future missions.

### Restraint Fails – 1NC

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

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

Other critics contend that by the United States using drones, it leads other countries into making and using them. For example, Medea Benjamin, the cofounder of the anti-war activist group CODEPINK and author of a book about drones argues that, “The proliferation of drones should evoke reﬂection on the precedent that the United States is setting by killing anyone it wants, anywhere it wants, on the basis of secret information. Other nations and non-state entities are watching—and are bound to start acting in a similar fashion.”60 Indeed scores of countries are now manufacturing or purchasing drones. There can be little doubt that the fact that drones have served the United States well has helped to popularize them. However, it does not follow that United States should not have employed drones in the hope that such a show of restraint would deter others. First of all, this would have meant that either the United States would have had to allow terrorists in hardto-reach places, say North Waziristan, to either roam and rest freely—or it would have had to use bombs that would have caused much greater collateral damage.

Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of self constraining rules. Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

I am not arguing that there are no natural norms that restrain behavior. There are certainly some that exist, particularly in situations where all parties beneﬁt from the norms (e.g., the granting of diplomatic immunity) or where particularly horrifying weapons are involved (e.g., weapons of mass destruction). However drones are but one step—following bombers and missiles—in the development of distant battleﬁeld technologies. (Robotic soldiers—or future ﬁghting machines— are next in line). In such circumstances, the role of norms is much more limited.

### A2: China 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.

#### Burma proves they are fear backlash too much and don’t have the tech confidence

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)

What about using drones outside of Chinese-claimed areas? That China did not, in fact, launch a drone strike on the Burmese drug criminal underscores its caution. According to Liu Yuejin, the director of the antidrug bureau in China’s Ministry of Public Security, Beijing considered using a drone carrying a 20-kilogram TNT payload to bomb Kham’s mountain redoubt in northeast Myanmar. Kham had already evaded capture three times, so a drone strike may have seemed to be the best option. The authorities apparently had at least two plans for capturing Kham. The method they ultimately chose was to send Chinese police forces to lead a transnational investigation that ended in April 2012 with Kham’s capture near the Myanmar-Laos border. The ultimate decision to refrain from the strike may reflect both a fear of political reproach and a lack of confidence in untested drones, systems, and operators.

#### They respect sovereignty way to much

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)

The restrictive position that Beijing takes on sovereignty in international forums will further constrain its use of drones. China is not likely to publicly deploy drones for precision strikes or in other military assignments without first having been granted a credible mandate to do so. The gold standard of such an authorization is a resolution passed by the UN Security Council, the stamp of approval that has permitted Chinese humanitarian interventions in Africa and antipiracy operations in the Gulf of Aden. China might consider using drones abroad with some sort of regional authorization, such as a country giving Beijing explicit permission to launch a drone strike within its territory. But even with the endorsement of the international community or specific states, China would have to weigh any benefits of a drone strike abroad against the potential for mishaps and perceptions that it was infringing on other countries’ sovereignty -- something Beijing regularly decries when others do it.

#### Their research is not directed at military use

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)

The limitations on China’s drone use are reflected in the country’s academic literature on the topic. The bulk of Chinese drone research is dedicated to scientific and technological topics related to design and performance. The articles that do discuss potential applications primarily point to major combat scenarios -- such as a conflagration with Taiwan or the need to attack a U.S. aircraft carrier -- which would presumably involve far more than just drones. Chinese researchers have thought a great deal about the utility of drones for domestic surveillance and law enforcement, as well as for non-combat-related tasks near China’s contentious borders. Few scholars, however, have publicly considered the use of drone strikes overseas.

## Pakistan

### A2: relations

#### Pakistan has to act like they’re kicking us out---but if they were going to, they would have already

Gregory McNeal 13, Associate Professor of Law, Pepperdine University, 3/5/13, “Targeted Killing and Accountability,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>

Granted, “lawyers at the State Department, including top legal adviser Harold Koh, believe this rationale veers near the edge of what can be considered permission” and are concerned because “[c]onducting drone strikes in a country against its will could be seen as an act of war.”62 Nevertheless, the notion of consent is one that is hotly debated by opponents of targeted killings. The Bureau of Investigative Journalism reports that Pakistan “categorically rejects” the claim that it tacitly allows drone strikes in its territory63 and in the same New York

Times article discussed above an official with Pakistani intelligence “said any suggestion of Pakistani cooperation was ‘hogwash.’”64 However, these protests lack credibility as Pakistan has not exercised its rights under international law to prevent strikes by asking the U.S. to stop, intercepting American aircraft, targeting U.S. operators on the ground, or lodging a formal protest with the UN General Assembly or the Security Council. If the strikes are truly without consent, are a violation of Pakistani sovereignty, and are akin to acts of war, one would expect something more from the Pakistani government. With regard to Yemen, the question of consent is far clearer as Yemeni officials have gone on the record specifically noting their approval of U.S. strikes.65

#### Pakistan supports aggressive U.S. drone strikes---they just can’t admit it publicly for domestic political reasons

Daniel Byman 13, Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution, July/August 2013, “Why Drones Work,” Foreign Affairs, Vol. 92, No. 4

It is also telling that drones have earned the backing, albeit secret, of foreign governments. In order to maintain popular support, politicians in Pakistan and Yemen routinely rail against the U.S. drone campaign. In reality, however, the governments of both countries have supported it. During the Bush and Obama administrations, Pakistan has even periodically hosted U.S. drone facilities and has been told about strikes in advance. Pervez Musharraf, president of Pakistan until 2008, was not worried about the drone program's negative publicity: "In Pakistan, things fall out of the sky all the time," he reportedly remarked. Yemen's former president, Ali Abdullah Saleh, also at times allowed drone strikes in his country and even covered for them by telling the public that they were conducted by the Yemeni air force. When the United States' involvement was leaked in 2002, however, relations between the two countries soured. Still, Saleh later let the drone program resume in Yemen, and his replacement, Abdu Rabbu Mansour Hadi, has publicly praised drones, saying that "they pinpoint the target and have zero margin of error, if you know what target you're aiming at."

As officials in both Pakistan and Yemen realize, U.S. drone strikes help their governments by targeting common enemies. A memo released by the antisecrecy website WikiLeaks revealed that Pakistan's army chief, Ashfaq Parvez Kayani, privately asked U.S. military leaders in 2008 for "continuous Predator coverage" over antigovernment militants, and the journalist Mark Mazzetti has reported that the United States has conducted "goodwill kills" against Pakistani militants who threatened Pakistan far more than the United States. Thus, in private, Pakistan supports the drone program. As then Prime Minister Yousaf Raza Gilani told Anne Patterson, then the U.S. ambassador to Pakistan, in 2008, "We'll protest [against the drone program] in the National Assembly and then ignore it."

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.

#### Drones aren’t a huge sticking point---just a political device to gain concessions on bigger issues

Khattak 11 (Daud Khattak is a Pashtun journalist currently working for the Radio Free Europe/Radio Liberty's Pashto-language station Radio Mashaal. “Drone strikes aren't the real issue in U.S.-Pakistan relations,” http://afpak.foreignpolicy.com/posts/2011/04/18/drone\_strikes\_arent\_the\_real\_issue\_in\_us\_pakistan\_relations)

Earlier today, the provincial assembly of Khyber-Pakhtunkhwa province passed a resolution asking for an end to drone strikes in Pakistan's tribal areas. The resolution was presented by Bashir Ahmad Bilour, the province's Senior Minister, a member of the secular Awami National Party (ANP) and one of Pakistan's strongest voices against the Taliban. As recently as a few months ago, the ANP leaders privately supported the drone strikes, arguing that drones are the best available means against al-Qaeda and Taliban and even describing them as "ababeel" a term used to describe small birds who came to the rescue of Mecca during a Sixth-Century siege. This change of heart follows the explosion in the past two months of official criticism of the drone strikes, first initiated by army chief Gen. Ashfaq Pervez Kayani's public condemnation March 17 after a strike allegedly killed up to 40 tribesmen (though the United States disputes this claim), and which erupted again last week after two strikes were carried out just days after a meeting in which Pakistani intelligence chief Lt. Gen. Ahmad Shuja Pasha is believed to have asked CIA director Leon Panetta to curtail the strikes. Yet the dramatic escalation in rhetoric is not just about political posturing, but rather demonstrates the extent to which both the civilian government and the army see the need to shore up their credibility in reaction to events in Pakistan and elsewhere. Between 2004 and 2010, both the relatively weak Pakistani government and the country's powerful army opted for silence, often considered consent in legal terms, over the strikes. Despite the chorus of public disapproval from some religious parties and public commentators over those years, neither the army generals, nor the civilian governments, both the previous and present, showed any signs of resistance to the strikes. Instead, they kept their focus on gaining more aid for their own counterterrorism programs even as their U.S. and NATO allies regularly insisted that Pakistan "do more" to confront the growing terrorist threat within its borders. The government's actions only began to change late last year, with the cutting off the supply route to Afghanistan in response to a cross-border helicopter strike that killed three Pakistani Frontier Corps members. The blockade was followed by attacks on fuel tankers and trucks carrying oil and goods for NATO troops in Afghanistan, which gutted scores of vehicles and goods worth millions of dollars, before the crossing was opened. It is clear that the recent uptick in aggressive rhetoric is prelude to broader Pakistani attempts to renegotiate the relationship with the United States. One area of the relationship that Pakistan would like to revise is the ongoing secret (or not-so-secret) talks with the Taliban. President Asif Ali Zardari's recent trip to Turkey, believed to be a facilitator in the talks, followed by the visit of Prime Minister Yousuf Raza Gilani, along with General Kayani and ISI Chief General Ahmad Shuja Pasha to Kabul, indicate that the Pakistani government is attempting to insert itself into the talks with or without U.S. consent. Members of Karzai's inner circle have indicated privately that the conversations were fruitful, and both sides expressed satisfaction with the meeting, in which both sides agreed to set up a "joint peace commission" to help end the Taliban insurgency. The Pakistani army also wants to continue working to decrease the substantial Indian leverage with the Afghan leadership; the army is the key force handling the country's Afghan, India and U.S. policies in addition to several other key areas of "national interests," and the generals will likely not accept a solution in Afghanistan that does not keep India at bay. And while the presence of a "large number" of CIA operatives in Pakistan may bother the country's intelligence services, as evidenced by the objections raised during meeting with Panetta last week, the real issue with the CIA's presence in the country is the specific intelligence gathering operations related to the militant group Lashkar-e-Taiba (LeT), a key concern for America's military and intelligence services, as well as Pakistan's nuclear program. According to Pakistani electronic media and various reports, CIA contractor Raymond Davis was gathering intelligence on the Pakistani nuclear program and the LeT operations inside and outside Pakistan when he allegedly shot and killed two men in Lahore in January. As part of a new deal, Pakistan will likely push for guarantees for its nuclear program and a reduction in U.S. efforts against LeT, both considered key strategic pillars for the country's security establishment, and both part of efforts to constrain Indian influence in what Pakistan considers its backyard.

#### 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.

#### Sig strikes are not key to relations

Dilanian 12/23/11 (Ken, Intelligence and national security reporter for the Los Angeles Times in Washington, “CIA has suspended drone attacks in Pakistan, U.S. officials say” <http://articles.latimes.com/2011/dec/23/world/la-fg-pakistan-cia-drone-20111224/2>)

Shamila Chaudhary, who was Pakistan director in the National Security Council until July, said U.S. counter-terrorism operations were "one reason, though not the only reason, that the U.S.-Pakistan relationship has disintegrated. Until the conflicts over that policy are resolved, the two countries will continue to go from crisis to crisis." CIA officials argue that the drones have helped save American lives by eliminating militants who have engaged in cross-border attacks or are supplying bomb-making networks. In some cases, they say, Al Qaeda leaders were killed in airstrikes on groups of militants, although their presence was not discovered until later.

#### Pakistan has to act like they’re kicking us out---but if they were going to, they would have already

**McNeal, Pepperdine law professor, 2013**

(Gregory, “Targeted Killing and Accountability”, 3-5, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1819583>, ldg)

Granted, “lawyers at the State Department, including top legal adviser Harold Koh, believe this rationale veers near the edge of what can be considered permission” and are concerned because “[c]onducting drone strikes in a country against its will could be seen as an act of war.”62 Nevertheless, the notion of consent is one that is hotly debated by opponents of targeted killings. The Bureau of Investigative Journalism reports that Pakistan “categorically rejects” the claim that it tacitly allows drone strikes in its territory63 and in the same New York Times article discussed above an official with Pakistani intelligence “said any suggestion of Pakistani cooperation was ‘hogwash.’”64 However, these protests lack credibility as Pakistan has not exercised its rights under international law to prevent strikes by asking the U.S. to stop, intercepting American aircraft, targeting U.S. operators on the ground, or lodging a formal protest with the UN General Assembly or the Security Council. If the strikes are truly without consent, are a violation of Pakistani sovereignty, and are akin to acts of war, one would expect something more from the Pakistani government. With regard to Yemen, the question of consent is far clearer as Yemeni officials have gone on the record specifically noting their approval of U.S. strikes.65

### Alts worse

#### Turn---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.

#### The alternative to drones in Pakistan is full-scale military operations takes out all impacts

**Llenza, Atlantic Council senior navy fellow, 2011**

(Michael, “Targeted Killings in Pakistan: A Defense”, <http://globalsecuritystudies.com/Targeted%20Killings.pdf>, ldg)

Regardless of the possibility of civilian deaths, if the United States continues its policy of targeted killings, which by all signs it appears to, then the humanitarian benefits of drone strikes far outweigh their costs of the alternative. Predator strikes introduce greater discrimination in targeting than full-scale military assault or large-scale warfare would permit (Anderson, 2009, p.8). They allow the United States to seek out those who mean it harm without having to launch a full-scale invasion or placing U.S. forces at risk. Without placing U.S. and coalition forces at risk, the government can go after the terrorist without the fear of a counterassault that might increase the use of force and cause more collateral damage (Anderson, 2009, pp.7-8). Although some may see military action on the ground more palatable than a standoff killing, invading a hostile area that is predominantly civilian would inevitably result in the death and injury of far more innocent people than those caused by targeted drone strikes. In addition, this measure is more commensurate with the conditions of self-defense, that those killed be responsible for the threat being posed (Statman). Furthermore, as a strategic option, drone strikes are a prudent alternative to what may otherwise result in a larger, costlier and undesirable conflict (Anderson, 2010, p.32). Some critics of the drone operations would rather see Pakistan go after these terrorists, but from a humanitarian standpoint, one need only consider the political unreliability of their government along with the ineffectiveness of the Pakistani army and its penchant for long range artillery barrages over counterinsurgency (The Daily Times, 2010; Anderson, 2009, pp.8-9). Pakistani researchers’ state that attacks by the Pakistani military have caused far more collateral deaths than those by drones with relatively no success (Rodriguez & Zucchino).

#### Limiting targeted killings in Pakistan causes a shift to ground assaults---turns the case and collapses the Pakistani government

**Weitz, Hudson Institute senior fellow, 2011**

(Richard, “Why Uavs Have Become The Anti-Terror Weapon Of Choice In The Afghan-Pak Border”, 1-2, <http://www.sldinfo.com/why-uavs-have-become-the-anti-terror-weapon-of-choice-in-the-afghan-pak-border/>, ldg)

Perhaps the most important argument in favor of using UAV strikes in northwest Pakistan and other terrorist havens is that alternative options are typically worse. The Pakistani military has made clear that it is neither willing nor capable of repressing the terrorists in the tribal regions. Although the controversial ceasefire accords Islamabad earlier negotiated with tribal leaders have formally collapsed, the Pakistani Army has repeatedly postponed announced plans to occupy North Waziristan, which is where the Afghan insurgents and the foreign fighters supporting them and al-Qaeda are concentrated. Such a move that would meet fierce resistance from the region’s population, which has traditionally enjoyed extensive autonomy. The recent massive floods have also forced the military to divert its assets to humanitarian purposes, especially helping the more than ten million displaced people driven from their homes. But the main reason for their not attacking the Afghan Taliban or its foreign allies based in Pakistan’s tribal areas is that doing so would result in their joining the Pakistani Taliban in its vicious fight with the Islamabad government. Yet, sending in U.S. combat troops on recurring raids or a protracted occupation of Pakistani territory would provoke widespread outrage in Pakistan and perhaps in other countries as well since the UN Security Council mandate for the NATO-led International Security Assistance Force (ISAF) in Afghanistan only authorizes military operations in Pakistan. On the one known occasion when U.S. Special Forces actually conducted a ground assault in the tribal areas in 2008, the Pakistanis reacted furiously. On September 3, 2008, a U.S. Special Forces team attacked a suspected terrorist base in Pakistan’s South Waziristan region, killing over a dozen people. These actions evoked strong Pakistani protests. Army Chief of Staff Gen. Ashfaq Kayani, who before November 2007 had led Pakistan’s Inter-Services Intelligence (ISI), issued a written statement denying that “any agreement or understanding [existed] with the coalition forces” [in Afghanistan] allowing them to strike inside Pakistan.” The general pledged to defend Pakistan’s sovereignty and territorial integrity “at all cost.” Prime Minister Yousaf Raza Gilani and President Asif Ali Zardari also criticized the U.S. ground operation on Pakistani territory. On September 16, 2008, the Pakistani army announced it would shoot any U.S. forces attempting to cross the Afghan-Pakistan border. On several occasions since then, Pakistani troops and militia have fired at what they believed to be American helicopters flying from Afghanistan to deploy Special Forces on their territory, though there is no conclusive evidence that the U.S. military has ever attempted another large-scale commando raid in Pakistan after the September 2008 incident. Further large-scale U.S. military operations into Pakistan could easily rally popular support behind the Taliban and al-Qaeda. It might even precipitate the collapse of the Islambad government and its replacement by a regime in nuclear-armed Pakistan that is less friendly to Washington. Given these alternatives, continuing the drone strikes appears to be the best of the limited options available to deal with a core problem, giving sanctuary to terrorists striking US and coalition forces in Afghanistan and beyond.

### A2: Yemen

#### Yemenis don’t backlash against the drone program any more---they know it’s gotten far more discriminate

Christopher Swift 12, fellow at the University of Virginia's Center for National Security Law, 7/1/12, “The Drone Blowback Fallacy,” http://www.foreignaffairs.com/articles/137760/christopher-swift/the-drone-blowback-fallacy

Despite Yemenis' antipathy toward drones, my conversations also revealed a surprising degree of pragmatism. Those living in active conflict zones drew clear distinctions between earlier U.S. operations, such as the Majala bombing, and more recent strikes on senior al Qaeda figures. "Things were very bad in 2009," a tribal militia commander from Abyan province told me, "but now the drones are seen as helping us." He explained that Yemenis could "accept [drones] as long as there are no more civilian casualties." An Islamist member of the separatist al-Harak movement offered a similar assessment. "Ordinary people have become very practical about drones," he said. "If the United States focuses on the leaders and civilians aren't killed, then drone strikes will hurt al Qaeda more than they help them."

Some of the men I interviewed admitted that they had changed their minds about drone strikes. Separatists in Aden who openly derided AQAP as a proxy of Yemen's recently deposed president, Ali Abdullah Saleh, privately acknowledged the utility of the U.S. drone campaign. "Saleh created this crisis in order to steal from America and stay in power," a former official from the now-defunct People's Democratic Republic of Yemen told me. "Now it is our crisis, and we need every tool to solve it."

Yemeni journalists, particularly those with firsthand exposure to AQAP, shared this view: "I opposed the drone campaign until I saw what al Qaeda was doing in Jaar and Zinjibar," an independent reporter in Aden said. "Al Qaeda hates the drones, they're absolutely terrified of the drones ... and that is why we need them."

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

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

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

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

#### Drones decapitate key leadership responsible for AQAP’s soft power strat. Yemen supports the strikes and they outweigh blowback.

**Emker, Whitehead School of Diplomacy and International Relations, 2013**

(Stacey, “Analyzing the US Counterterrorism Strategy in Yemen”, 1-14, <http://blogs.shu.edu/diplomacy/2013/01/analyzing-the-us-counterterrorism-strategy-in-yemen/>, ldg)

Three distinct forms of blowback are heavily cited as the cost of U.S. drones strikes in Yemen. Foremost, it has been asserted that U.S. drones cause purposeful retaliation by AQAP against the government of Yemen. Purposeful retaliation is most often demonstrated through public statements made by AQAP after an attack. Hours after a U.S. drone strike killed five suspected Al-Qaeda militants in southern Yemen in March 2012, militants blew up a liquid-natural gas pipeline in Shabwah which transports gas to a facility whose leading stakeholder is the French oil company, Total. The second form of blowback centers on collateral damage, the unintended death or injury of Yemen civilians, unrelated to AQAP targets. Al-Qaeda exploits U.S. errors in drone strikes, giving it ample material for propaganda. In effect, AQAP has a higher likelihood of recruiting new members and can increase sympathy for Al-Qaeda linked militants. Anger over collateral damage in this type of scenario has been demonstrated quite a few times since the U.S. began its drone campaign against AQAP. In 2010, AQAP’s sharpest gains domestically began with the botched Yemeni counterterrorism raid on ‘A’yd al-Shabwani and a U.S. drone strike that killed Marib’s deputy governor, Jabir al-Shabwani who was also known as a prominent sheik. Since al-Shabwani was a pro-government leader and had been asked to negotiate with tribes purportedly hiding Al-Qaeda militants on behalf of Sana’a, the news of the drone strike sparked outrage throughout Marib and resulted in a series of retaliatory attacks against military bases, oil pipelines, and electrical grids by Al Shabwan tribesmen. The collateral damage involved with this strike was a gift to the Al-Qaeda narrative, which cited the casualties as evidence of the incompetency of President Saleh and U.S. callousness. The third form of blowback typically identified asserts that drones strikes help to further destabilize Yemen instead of providing more security. When state power is essentially exercised from above through both strikes and surveillance, it undermines the weak central government and leaves a security vacuum to be filled on the ground. Given the central government’s limited state capacity, the ground is more easily controlled by insurgent groups. From this standpoint, drone strikes in Yemen indirectly caused the Ansar-Al Sharia movement to take control of the Southern Provinces. Partially due to the Arab Spring, the central government under President Saleh was unable to deliver any form of governance, law enforcement, or social services in the Shabwah and Abyan provinces throughout 2011. Conversely, the Southern provinces experienced a sharp increase in the number of U.S. drone strikes. Although the purpose was to provide security, the strikes intensified anti-regime sentiment and helped create a movement focused on the near enemy, the Saleh regime. Ansar al-Sharia represented itself as the means for expressing grievances with the government, and by providing rule of law and social services as a functioning state apparatus. As a result, Ansar al-Sharia was able to fill the void and win supporters within society while providing AQAP a safe-haven. On the other hand, drone strikes in Yemen have been beneficial in the fight against AQAP. As previously stated, AQAP is plotting terrorist attacks against U.S. targets and maintains the capability to attack within U.S. borders. Compared to other military objectives in the “war on terror,” there are no troops on the ground in Yemen, reducing the cost of military intervention and anti-American resentment through occupation. In addition, military pressure on AQAP through occupation would likely inflict far more civilian casualties on the Yemeni population than collateral damage from drone strikes. From this standpoint, drones are seen as an efficient tool to gather intelligence and target AQAP members. When direct action is taken, drone strikes are conducted in concert with the Yemeni government to avoid civilian casualty. President Hadi publicly endorsed U.S. drone strikes in September 2012, making Yemen a reliable counterterrorism partner. This factor is crucial when assessing the effectiveness of drones in Yemen under former President Saleh compared to President Hadi. While former President Saleh pledged Yemen’s support to the U.S. in the “war on terror,” U.S. officials and Yemeni experts questioned Saleh’s commitment and saw him as an unreliable partner and source of intelligence. John Brennan, President Obama’s chief counterterrorism advisor, has made frequent public visits to Yemen over the past year. When speaking of President Hadi’s counterterrorism efforts, Brennan has stated that “the cooperation has been more consistent, more reliable and with a more committed and determined focus.” With this, the information provided by the Yemeni government under President Hadi has greatly improved the efficacy of the drone campaign,

and helped in avoiding catastrophic mistakes. The conventional understanding of drones and collateral damage is not a sufficient or systematic explanation of recruitment within the domestic context of Yemen. Christopher Swifts’ interviews with tribal leaders, Islamic Politicians, Salafist clerics, and other sources all revealed that AQAP recruitment is not motivated solely by U.S. drone strikes, but driven by economic desperation. AQAP insurgents lure young Yemeni men with the promise of a rifle, a car, and a salary of four-hundred dollars a month, which is a fortune when half the population is living on less than two dollars a day. AQAP has employed a soft power approach by fulfilling social needs in order to build networks of mutual dependency. Despite the general antipathy for drone strikes, a majority of the Yemeni’s interviewed expressed that AQAP posed a serious threat to their country and had a pragmatic view of the U.S. drone campaign. As long as drones target legitimate terrorists, Yemenis grudgingly acknowledge their utility. With this, it is important to note Yemen’s religious majority and nationalism. The population of Yemen is almost entirely Muslim, made up of Zaydis and Shaf’is. Zaydis are found mostly in North and Northwest Yemen and belong to a branch of Shi’a Islam. Zaydis form the the Huthi insurgent movement, and AQAP statements in Inspire have connected the movement to threats posed by Shi’a in eastern Saudi Arabia, Iran and Iraq. Since AQAP has attacked two Huthi processions in 2010 and threatened supporters, Zaydi Yemenis do not represent practical recruitment options for AQAP. On the hand, the majority of Yemenis are Shafi’is making up the South and East. The Shafi’is school follows one of the four Sunni schools of Islamic jurisprudence and is considered a relatively moderate form of Islam. While Islamic radicalism is prevalent within the country, Shafi’is is culturally very different and is not exactly fertile breeding grounds for extremist ideology. As a result, the Al-Qaeda ideology does not go hand-in-hand with the majority of the Yemeni people. Analysis of AQAP’s history suggests that the group’s resiliency within Yemen is due to a group of local Yemeni leaders who understand the local language, tribal customs, and developed relationships with prominent sheiks. Unlike predecessor jihadist groups in Yemen, AQAP has exercised strategic discipline in creating coherent, but nuanced propaganda. The group assimilates broadly popular grievances into a single narrative proposing international jihad as the only solution. The group exploits common malcontent with the Yemeni government over injustices including corruption, the absence of public services and political reform, and unequal distribution of profits from oil. In addition, AQAP has not explicitly called for the outright dissolution of tribal identity like AQAM in Afghanistan Somalia, Iraq, and Pakistan. Within Yemen, AQAP targets Western interests, Yemeni security officials, and economic sectors such as oil and tourism. The group has specifically avoided Yemeni civilian casualties in bombings and suicide attacks. Also, AQAP has avoided potentially divisive American and European targets, such as the many Western-language students, foreign aid, and medical workers who remained in Yemen until 2010. With this, AQAP leaders recognized the importance of managing perceptions in order to sustain legitimacy and have even denied responsibility for terrorist attacks that did not fit with its narrative. The most direct way to reduce AQAP’s viability in Yemen, while simultaneously limiting its capacity to attack the US, requires the removal of its local leadership through drone strikes who are responsible for the group’s strategic guidance. With this, it important to note that drone strikes represent only one tool in the U.S.’s comprehensive policy towards Yemen. The costs of U.S. drone strikes correspond with three distinct forms of blowback that have helped to strengthen AQAP’s narrative and increased recruitment and sympathy for Al-Qaeda linked militants. However, the costs do not outweigh the utility of drone strikes against AQAP within the domestic context. While the U.S. acted more unilaterally in Yemen under President Saleh, the Obama Administration is now working in concert with the transitional government of President Hadi. With this, the relationship between the U.S. and Yemen has transformed into a working partnership in the fight against AQAP. As a partnership, this counterterrorism policy is beneficial for both Yemeni and international support.

#### No wars over oil

**Tertrais, Foundation for Strategic Research senior research fellow, 2012**

(Bruno, “The Demise of Ares: The End of War as We Know It?”, Summer, <http://csis.org/files/publication/twq12SummerTertrais.pdf>, ldg)

**Future resource wars are unlikely**. There are fewer and fewer conquest wars. Between the Westphalia peace and the end of World War II, nearly half of conflicts were fought over territory. Since the end of the Cold War, it has been less than 30 percent.61 The invasion of Kuwait a nationwide bank robbery may go down in history as being the last great resource war. The U.S.-led intervention of 1991 was partly driven by the need to maintain the free flow of oil, but not by the temptation to capture it. (Nor was the 2003 war against Iraq motivated by oil.) As for the current tensions between the two Sudans over oil, they are the remnants of a civil war and an offshoot of a botched secession process, not a desire to control new resources. China’s and India’s energy needs are sometimes seen with apprehension: in light of growing oil and gas scarcity, is there not a risk of military clashes over the control of such resources? This seemingly consensual idea rests on two fallacies. One is that there is such a thing as oil and gas scarcity, a notion challenged by many energy experts.62 As prices rise, previously untapped reserves and non-conventional hydrocarbons become economically attractive. **The other is that spilling blood is a rational way to access resources**. As shown by the work of historians and political scientists such as QuincyWright, the economic rationale for war has always been overstated. And because of globalization, it has become cheaper to buy than to steal. We no longer live in the world of 1941, when fear of lacking oil and raw materials was a key motivation for Japan’s decision to go to war. In an era of liberalizing trade, many natural resources are fungible goods. (Here, Beijing behaves as any other actor: 90 percent of the oil its companies produce outside of China goes to the global market, not to the domestic one.)63 There may be clashes or conflicts in regions in maritime resource-rich areas such as the South China and East China seas or the Mediterranean, but they will be driven by nationalist passions, not the desperate hunger for hydrocarbons. Only in civil wars does the question of resources such as oil, diamonds, minerals, and the like play a significant role; this was especially true as ColdWar superpowers stopped their financial patronage of local actors.64 Indeed, as Mueller puts it in his appropriately titled The Remnants of War, ‘‘Many [existing wars] have been labeled ‘new war,’ ‘ethnic conflict,’ or, most grandly ‘clashes of civilization.’ But in fact, most. . .are more nearly opportunistic predation by packs, often remarkably small ones, of criminals, bandits, and thugs.’’65 It is the abundance of resources, not their scarcity, which fuels such conflicts. The risk is particularly high when the export of natural resources represents at least a third of the country’s GDP.66

## 1nr

### 1NR Impact Overview

#### Trade collapse is the controlling impact – all of their conflicts are deescalated quickly when there is a framework for economic interdependence and a reduction of it breaks out into nuclear great power conflict – that’s Panzer

#### Trade collapse turns Indo-Pak and Central Asian conflict

Daalder, Senior Fellow of the Foreign Policy Studies Program at the Brookings Institution, and Lindsay, Senior Fellow of the Foreign Policy Studies Program at the Brookings Institution, ‘3 (Ivo and James, Winter, “The Globalization of Politics: American Foreign Policy for a New Century” Brookings Review, Vol 21 No 1, http://www.brook.edu/press/review/winter2003/daalder.htm)

The prophets of globalization have trumpeted its benefits, particularly how the increased flow of goods, services, and capital across borders can boost economic activity and enhance prosperity. During the 1990s the more globalized economies grew an average of 5 percent a year, while the less globalized economies contracted by an average of 1 percent a year. The spread of ideas and information across the Internet and other global media has broadened cultural horizons and empowered people around the world to challenge autocratic rulers and advance the cause of human rights and democracy. Globalization can even lessen the chance of war. Fearing that war with Pakistan would disrupt their ties to U.S.-based multinationals, India's powerful electronic sector successfully pressed New Delhi in mid-2002 to deescalate its conflict with Pakistan.

#### And Pakistan instability

Patrick 2009

Stewart, senior fellow and director of the Program on International Institutions and Global Governance at the Council on Foreign Relations, Protecting free trade, March 13th 2009, The National Interest, http://nationalinterest.org/article/protecting-free-trade-3060?page=show

Beyond generating great power antagonism, misguided protectionism could also exacerbate political upheaval in the developing world. As Director of National Intelligence Dennis Blair recently testified, the downturn has already aggravated political instability in a quarter of the world's nations. In many emerging countries, including important players like South Africa, Ukraine and Mexico, political stability rests on a precarious balance. Protectionist policies could well push developing economies and emerging market exporters over the edge. In Pakistan, a protracted economic crisis could precipitate the collapse of the regime and fragmentation of the state. No surprise, then, that President Obama is the first U.S. president to receive a daily economic intelligence briefing, distilling the security implications of the global crisis.

#### Trade turns Asia war

Weede 2010

Erich, Professor of Sociology University of Bonn, The Capitalist Peace and the Rise of China: Establishing Global Harmony by Economic Interdependence International Interactions. Apr-Jun2010, Vol. 36 Issue 2, p206-213

Historically, the rise and fall of great powers has been related to great wars. Both world wars of the twentieth century would not have been possible without the previous industrialization and rise of Germany. World War II, which in Asia was a war between the Japanese on the one hand and the Western powers and China on the other hand, would not have been conceivable without the previous rise of Japan. The early phase of the Vietnam War has to be understood against the background of a declining France. If the rise and fall of great powers indicate great dangers, then one should question whether the world can peacefully accommodate a rising China. Here it is argued that the capitalist peace offers the best way to manage the coming power transition between China and the West. 1 China is rising. In the thirty years after Deng Xiaoping began economic reforms the Chinese economy grew nearly by a factor of ten. Recently, the West suffered from negative growth rates whereas China grows by about 8 percent a year. The difference in growth rates between China and the West has been about 10 percent. A power transition of such speed is without historical precedent. Given its size China is a “natural” great power— unlike Britain, France, or Germany. Even the combined population of the United States and the European Union does not approach the population size of China. If China outgrows poverty, then it must become a world power. Although war in the nuclear age threatens to be much worse than any previous world war, fear of nuclear war itself might exert some pacifying impact. Such fear, however, need not be our only protection against future wars. Economic interdependence itself makes war less likely. One finding of quantitative research is that military conflict becomes less likely if a pair of nations—say China and the United States, or China and India, or China and Japan—trade a lot with each other (Hegre 2009; Oneal and Russett 2005; Russett and Oneal 2001). Fortunately, all of them do. One may label this effect “peace by free trade”. Foreign investment has some beneficial impact, too (Souva and Prins 2006). Moreover, economic freedom reduces nvolvement in military conflict, and financial market openness reduces the risk of war, too (Gartzke 2005, 2007, 2009). Quantitative research has demonstrated that there is something like a capitalist peace. Until a few years ago it looked as if the democratic peace were solid and robust whereas the capitalist peace between free traders was less so. Now, however, the democratic peace looks more conditional: It is not only restricted to relations between democracies, but might also be restricted to developed or market democracies (Mousseau 2005, 2009). It has been doubted whether it applies to the poorest democracies. Moreover, the less mature or perfect the democracies are, the weaker the democratic peace is. By contrast, peace by free trade or economic freedom looks more robust. Pacifying effects are not restricted to relationships between free traders on both sides of a dispute (Russett 2009:19). Moreover, the trade to GDP ratio is no longer the only or even the best way to document the pacifying effects of economic freedom or the invisible hand. By applying innovative measures of free markets, such as avoidance of too much public property ownership and protectionism, one may argue in favor of much more robustly pacifying effects of economic freedom than of political freedom (McDonald 2009). The occurrence of World War I is the standard argument against peace by trade or economic interdependence because there was substantial economic interdependence between the Western powers and the Central European powers. Certainly, World War I serves as a useful reminder that commerce makes war less likely without making it impossible. But World War I is not as much of a problem for capitalist peace theory as frequently assumed. Moreover, there was no democratic contribution to pacification because the Central European powers were, at best, imperfect democracies. By contemporary standards, even the democratic character of the United Kingdom was not beyond suspicion because of franchise limitations. As far as trade linkages were concerned they were strongest where least needed— between Britain and France, between Britain and the United States, between Germany and Austria-Hungary. These pairs ended up on the same side in the war. Whereas strong trade links between Germany on the one hand and Britain or Russia on the other hand did not prevent them from fighting each other, Germany and France exemplify weak trade ties where strong ties were needed most in order to avoid hostilities (Russett and Oneal 2001:175). Skeptics rightly observe that increasing trade did not prevent World War I, but they overlook that trade volumes rose not because of free trade policies, but in spite of mounting protectionism. Trade increased because of falling transportation costs, but in spite of protectionist policies. Finally, capitalist or commercial peace theory is an admittedly incomplete theory. It says only how risks of war may be reduced but it says nothing about what generates them in the first place. But commercial peace theory is certainly compatible with World War II, which was even bloodier than the previous world war as well as with the later reconciliation between the former Axis powers and the West. There was little trade between the Western powers and the Axis powers. Since the Axis powers were not democracies, the democratic peace could also not apply between the Axis and the West. The different long-term effects of the settlements of both world wars may be explained by differences in application of a capitalist peace strategy toward the losers of the wars. After World War I France influenced the settlement more than anyone else. It did not even think of a commercial peace strategy. Misery and desperation within Germany contributed to Hitler’s empowerment and indirectly to World War II. After World War II, the United States, however, pursued a capitalist peace strategy toward the vanquished. It promoted global free trade and subsidized even the recovery of the losers of the war. Germany and Japan became prosperous and allies of the United States.

#### Protectionism undermines norms

Blatt, Book Reviewer for Futurecast, ‘2 (Dan, Book Review of Joseph S. Nye’s “The Paradox of American Power”, http://www.futurecasts.com/book%20review%204-02.htm )

Coalitions against particular U.S. international interests have occurred and are made more likely by unilateralist, arrogant, and parochial U.S. conduct. Protectionism is undoubtedly the most dangerous and divisive form of such conduct. "The United States must resist protectionism at home and support international economic institutions" that facilitate international commerce. Trade disputes must not be permitted to explode into disastrous trade wars (such as the trade war during the 1920s and 1930s that played a major role in the Great Depression). U.S. economic and cultural supremacy may indeed erode as Asian and European markets prosper and grow. They may ultimately "loom larger than the American market." In several particular areas - such as international trade, antitrust regulation, the establishment of technical standards, and protection of intellectual property - Europe already shares predominance with the U.S. Defining our national interest broadly to include global interests will be crucial to the longevity of our power and whether others see hegemony as benign or not. The various aspects of soft power must be a part of any effective foreign policy - and multilateralism is essential for the development and maintenance of the attributes of soft power.

### 1NR A2: No Push – 1,2

#### Our Good evidence says that Obama is now pushing TPA because he sees it as necessary to get his trade agenda working to satiate concerns of trading partners

#### Obama stepping up effort-TPA is top of the docket---will be debated this month

Inside U.S. Trade 12/20/13

HEADLINE: Jarrett Predicts Obama Will Succeed In Getting TPA; NAM Rallies Members

The leaders of the trade committees, with the exception of House Ways and Means Ranking Member Sander Levin (D-MI), are planning to introduce a new fast-track bill, also known as Trade Promotion Authority (TPA) early in January (see related story). Little is know about the substance of the bill, but the National Association of Manufacturers (NAM) this week informally called its members to help the fight for TPA, according to an internal e-mail sent to companies. "Opponents of opening trade opportunities are already sending a loud message to lawmakers," the e-mail says."Washington needs to hear from manufacturers TODAY." The e-mail says that a fast-track bill will "likely be introduced and debated in Congress" in January. "Make sure that you and your company are talking about the importance of TPA, and are gearing up to send a strong message to lawmakers on behalf of manufacturers worldwide," the e-mail says. The e-mail then provides a link to contact senators and House members saying "The Time Is Now For Trade Promotion Authority." It also tells members that NAM will issue an official "call to action" once TPA legislation is introduced. After this week's cabinet-level meeting, a senior administration official told reporters the administration plans to step up its outreach to Congress in an effort to build support for fast-track. The outreach will seek to clear up misconceptions by lawmakers, many of whom have never taken such a trade vote because they were elected after the 2002 fast-track renewal, according to the official.

#### Obama is spending political capital on TPA

Country Forecast Select 1/1/14

HEADLINE: Regional summaries: North America

SERIES: Country Forecast World January 2014 - Part 4 of 14

The government's positive stance towards trade liberalisation has been amplified since Mr Obama was re-elected president in late 2012. The administration announced in early 2013, for example, that it would pursue a wide-ranging trade and investment pact with the EU. In addition, US negotiators have been working hard to strike a trade deal with Canada and ten countries in Asia and Latin America this year. The Trans-Pacific Partnership (TPP), which would cover 800m people and around 40% of the world's economy, is a priority for Mr Obama, as hopes for progress on multilateral negotiations under the World Trade Organisation have foundered amid differences between large trading nations. It is still unclear whether an agreement will emerge in the coming weeks. In the best-case scenario, negotiators will reach a handshake deal by the end of the year, before spending the early months of 2014 drafting the formal agreement. The main obstacle will be the same one that has bedevilled Mr Obama during his second term: Congress. A mechanism for expediting congressional approval of trade deals, known as Trade Promotion Authority (TPA), lapsed in 2007 and Mr Obama is struggling to win political support to bring it back. This means that individual lawmakers may seek to carve out exemptions for parochial interests, which would bog down the process and could sink the entire agreement.

#### Obama is pushing TPA

Welna-NPR-12/30/13 National Public Radio

HEADLINE: If The NAFTA Vote Were Held Today How Would It Fare?

DAVID WELNA: CAFTA, the Central American Free Trade Agreement, and the others all got hammered out during the Republican administration of George W. Bush. While he was still in the White House, Congress allowed the fast-track authority under which those deals were negotiated to lapse. That meant lawmakers were no longer limited to voting only yes or no on trade pacts - they could amend them as well. There's now a push underway by pro-trade lawmakers and the Obama White House to renew fast-track. But nearly a third of House members have signed letters opposing it. Among them are some who voted for NAFTA.

Obama focused on Fast Track approval---will require massive political capital

Public Citizen 11/13/13

http://www.citizen.org/pressroom/pressroomredirect.cfm?ID=4021

Opposition to Fast Track has been growing in Congress since the time of NAFTA and the WTO. The 1991 Fast Track grant passed in the House by a 27-vote margin. President Bill Clinton never was able to obtain Fast Track again after that grant expired. Clinton had Fast Track authority for only two of his eight years in office, and in 1998, the House explicitly rejected his request, with 171 Democratic and 71 GOP opposing Fast Track. President George W. Bush then spent two years and enormous political capital to pass Fast Track in 2002 by two votes. That delegation of Fast Track expired in 2007, and Congress rebuffed Bush’s request for an extension. In 2008, candidate Obama promised to replace Fast Track with a more inclusive process. Historically, a new system of trade authority delegation has been created every few decades since 1890. But in recent months, Obama has ramped up his demand that Congress once again cede its constitutional trade authority via Fast Track.

### 1NR A2: Debt Ceiling 3

#### Fast Track fight will come first---its top of the docket---next few weeks key

Inside U.S. Trade 12/20/13

HEADLINE: Fast-Track Bill Faces Uncertainty After Baucus Tapped To Be China Envoy

Baucus, Finance Committee Ranking Member Orrin Hatch (R-UT) and Ways and Means Committee Chairman Dave Camp (R-MI) have made clear they want to introduce a bill to renew fast-track authority they have worked out as soon as Congress returns in early January. Sources said the lawmakers plan to introduce the bill the week of Jan. 6. One informed source said there is enough time in January to introduce the bill, hold a hearing and complete the markup, but acknowledged that this is an ambitious goal. Pro-fast-track sources this week predicted that the bill as introduced will win enough bipartisan votes on the Finance Committee and sufficient Republican votes on the Ways and Means Committee to be approved in a markup. But they also said it may be better to work longer to get a stronger vote to create momentum for the floor vote.

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

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

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

Debt ceiling won’t sap capital – Recent budget deal signals new momentum for bipartisanship

Lederman, Associated Press-12/27/13

http://www.pbs.org/newshour/rundown/2013/12/obamas-2014-agenda-could-be-a-race-against-the-clock.html

HONOLULU -- The last vestiges of 2013's political wrangling officially behind him, President Barack Obama is setting his sights on the coming year, when a number of unfinished tasks will increasingly compete for attention with the 2014 midterm elections. Vacationing in Hawaii, Obama on Thursday signed into law a bipartisan budget deal softening the blow from scheduled spending cuts and a military bill cracking down on sexual assault. The two bills, passed by Congress with broad bipartisan support, constituted a modest step away from gridlock, and both parties cautiously hoped that spirit of cooperation might linger after New Year's Day. "This law is proof that both parties can work together. We can put aside our differences and find common ground," House Budget Committee Chairman Paul Ryan of Wisconsin, who negotiated the budget deal for Republicans, said in a statement.

### 1NR A2: No PC 4

#### This evidence is in the context of the GOP never getting on board with what Obama wants to do – that’s because they ideologically opposed other policies that had nothing to do with trade – the GOP will get onboard with trade and fast track because they historically vote for it – Obama needs PC more for his democratic base

Inside U.S. Trade 12/20/13

HEADLINE: Froman Engaging With New Democrats To Explore Strategy For Fast Track

U.S. Trade Representative Michael Froman has been working with House Democrats who plan to support a new fast-track bill on a strategy to avoid a partisan fight, according to informed sources. For example, he met last week with members of the New Democrat Coalition to discuss complaints from labor representatives that Trans-Pacific Partnership (TPP) negotiations are not transparent, according to a Democratic aide. House critics of the fast track have argued that the administration has not provided meaningful information about the TPP negotiations, and should therefore not get fast-track authority, which bans amendments and limits Congress to an up or down vote. In addition, several New Democrats, including coalition Chairman Ron Kind (D-WI), have scheduled meetings with labor representatives over the next few weeks to discuss trade, this aide said. The aide made the point that union leaders in the Labor Advisory Committee have the same amount of access to the TPP text as members of Congress. But a labor source dismissed that argument by saying that seeing the U.S. negotiating proposals provides little information since cleared advisers cannot see revisions, side-by-side comparisons or counterproposals by trading partners. As a result, they know little more than the opening U.S. position and have little information about the actual negotiations. In meeting with labor representatives this week, administration officials conveyed the message that they are seeking to cooperate and engage them on trade issues, sources said. One pro-TPA lobbyist speculated that the number of Democrats that would support an eventual fast-track bill will fall between the number of Democratic votes for the U.S.-Colombia free trade agreement, which was 31, and the U.S.-Korea FTA, which attracted 59 Democrats. He and others said that more Democrats than otherwise will likely vote for fast track because it is for a Democratic president, and fewer Republicans than otherwise would will vote for it because it is for the same reason. Nevertheless, fast-track supporters expect a strong majority of the Republican caucus to vote for the bill. However, the Republican leadership will demand a certain number of votes from Democrats to pass the bill in order to create the "maximum discomfort" to the Democratic caucus, a fast-track opponent said.

#### Yes PC – their chait evidence doesn’t assume the relative weakness of the GOP

Wall Street Journal 12/30/13

Obama Seeks Way to Right His Ship

Exiting 2013 in His Weakest Political Position, the President Faces a Basic Strategic Choice

http://online.wsj.com/news/articles/SB10001424052702304361604579290264084633016

Mr. Obama's main consolation is that Republicans continue to fare even worse in public estimation. Indeed, his political high point in 2013 came when congressional Republicans shot themselves in the foot by allowing the government to shut down in October in a dispute over funding the president's health law. Republican leaders were so singed by the experience that they moved swiftly this month to strike the compromise budget plan that will keep the government funded through next year. Then, House Speaker John Boehner (R., Ohio) forcefully quashed complaints by the party's tea-party wing that the new deal didn't cut spending sufficiently. The emergence of a large bloc of House Republicans who voted in favor of that compromise has created the possibility that Mr. Obama may be able to work out at least a few deals on other issues.

#### Obama approval ratings bouncing back

Bloomberg 12/30/13

http://go.bloomberg.com/political-capital/2013-12-30/obama-gains-five-points-on-vacation-will-republicans-work-it-off/

Obama Gains Five Points on Vacation — Will Republicans Work it Off?

U.S. President Barack Obama and first lady Michelle Obama during their annual visit with U.S. military families on Christmas Day at Marine Corps Base Hawaii on Dec. 25, 2013 Call it holiday cheer. Call it a standard deviation. Or a case of absence making hearts grow fonder. Whatever it is, President Barack Obama has picked up five points in public approval since he’s gone away to Hawaii for a year-end family vacation. The president’s public approval rating was hanging at 39 percent in the days before Christmas, by the Gallup Poll’s average of daily tracking surveys. Today, in the surveys Dec. 26-28, his approval has risen to 44 percent. His disapproval rating, 54 percent pre-Christmas, is down to 49 percent. Much of the news from Kailua, where the president has taken his family, has read like these dispatches, this morning, in the press pool reports: “The sun was not even close to up, but at approximately 6:50 a.m. local, President Obama arrived at the Marine Corps Base Hawaii for his usual morning workout. The pool is making a quick Starbucks run, and then holding at McDonald’s. … At 7:47 a.m. local, President Obama arrived back at his vacation residence. Pool now holding at the pool house.” Of course, the weekend also brought news of more than 1 million people enrolled in the president’s federal health-care insurance exchanges, following two months of relentlessly bad news about “Obamacare” that helped drive the president’s job approval ratings to their lowest point in Gallup’s and many other’s opinion polls. And Obama remains admirable in the eyes of many Americans — ranking among men as highly as Hillary Clinton ranks among women, above the Pope, above Oprah. Then again, the polls do fluctuate. Or, the vacationing president could be breaking even in the opinion polls at the close of a politically tumultuous year. Still, there’s plenty of time before the State of the Union address on Jan. 28 for the House’s Republicans to work some of those points off the president’s ratings.

#### And political capital works and is key to the agenda

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

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

### 1NR Link Wall

#### The plan saps capital – 1NC Kriner says that Obama would spend capital because the plan allows Congress to infringe on his authority which forces him to be on the defensive

#### 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.

Adding a vote over the plan derails the domestic agenda

Politico 9/4/13

http://www.politico.com/story/2013/09/obamas-political-capital-spreads-thin-96306.html

President Obama’s political capital spreads thin

By CARRIE BUDOFF BROWN and JAKE SHERMAN | 9/4/13 8:59 PM EDT

President Barack Obama faced a heavy lift in Congress this fall when his agenda included only budget issues and immigration reform.

No matter how it plays out, the sudden emergence of a fight over Syria presents both political and logistical challenges for Congress and the White House. House Republicans were already grumbling about the prospect of several perilous votes this fall — first on raising the debt limit and extending government funding, then on a package of reforms to the immigration system. White House aides began hearing skepticism from Republican leaders that they could force a debt limit hike through the chamber and then press for passage of even a pared-back immigration bill. Adding a vote on military intervention in Syria could create even more friction between the Obama administration and House Republicans, as lawmakers are being put in a position of potentially voting against their party leaders. House Speaker John Boehner (R-Ohio) and Majority Leader Eric Cantor (R-Va.) are backing Obama, but the vast majority of the conference appears to oppose the resolution, at least at this point. And even before Syria took over the headlines, there was very little time on the congressional calendar to address those issues — as well as the confirmation of the yet-to-be-nominated Federal Reserve chairman. As much as Obama likes to say the White House and Congress should “be able to walk and chew gum at the same time,” often they cannot.

Fast Track is vulnerable to short legislative session-supercharges the link

Inside U.S. Trade 12/20/13

HEADLINE: Fast-Track Bill Faces Uncertainty After Baucus Tapped To Be China Envoy

U.S. Trade Representative Michael Froman has been engaged in the process of developing the fast-track bill, which means the final bill will likely be acceptable to the administration, supporters said. President Obama this week held a cabinet meeting on trade issues, including fast-track renewal (see related story). Informed sources said Froman worked hard to bring about the Dec. 16 cabinet meeting because it conveys the presidential commitment to passing a new fast-track bill, both for a domestic and international audience. On the international side, it could provide a signal to countries engaged in the TPP negotiations that they must move the negotiations along, sources said. In a related development, a January meeting of TPP ministers is now unlikely to occur over what sources said are scheduling conflicts. A USTR official would only say this week that no time or location has been set for the next meeting of TPP ministers. After the cabinet meeting, a senior administration official told reporters that the administration as a whole plans to step up its outreach to Congress to make the case for fast track. "We'll all be working together to try and get it done and get done in a way that's as quickly as possible but has as broad bipartisan support as possible," the official said. Supporters of fast track say they want an early vote by Easter recess next year, which has mid-term elections and therefore a short legislative session. But business sources said this week that final passage may not come until a lame-duck session following the election, especially because it will involve a drawn-out debate given the pent-up demand on trade issues (Inside U.S. Trade, Dec. 6).

### 1NR A2: No Impact 5

#### Yes impact – Panzer and Weeden cite qualitiative and quantitative evidence that show that trade stifles conflict to a significant degree.

Trade expansion makes all war and escalation less likely---defer negative because the DA structurally controls the case impacts

Griswold, 7 (Daniel, director of the Center for Trade Policy Studies, 4/20/2007, Trade, Democracy and Peace, HYPERLINK "<http://www.freetrade.org/node/681>" <http://www.freetrade.org/node/681>)  
A little-noticed headline on an Associated Press story a while back reported, "War declining worldwide, studies say." In 2006, a survey by the Stockholm International Peace Research Institute found that the number of armed conflicts around the world has been in decline for the past half-century. Since the early 1990s, ongoing conflicts have dropped from 33 to 17, with all of them now civil conflicts within countries. The Institute's latest report found that 2005 marked the second year in a row that no two nations were at war with one another. What a remarkable and wonderful fact. The death toll from war has also been falling. According to the Associated Press report, "The number killed in battle has fallen to its lowest point in the post-World War II period, dipping below 20,000 a year by one measure. Peacemaking missions, meanwhile, are growing in number." Current estimates of people killed by war are down sharply from annual tolls ranging from 40,000 to 100,000 in the 1990s, and from a peak of 700,000 in 1951 during the Korean War. Many causes lie behind the good news--the end of the Cold War and the spread of democracy, among them--but expanding trade and globalization appear to be playing a major role in promoting world peace. Far from stoking a "World on Fire," as one misguided American author argued in a forgettable book, growing commercial ties between nations have had a dampening effect on armed conflict and war. I would argue that free trade and globalization have promoted peace in three main ways. First, as I argued a moment ago, trade and globalization have reinforced the trend toward democracy, and democracies tend not to pick fights with each other. Thanks in part to globalization, almost two thirds of the world's countries today are democracies--a record high. Some studies have cast doubt on the idea that democracies are less likely to fight wars. While it's true that democracies rarely if ever war with each other, it is not such a rare occurrence for democracies to engage in wars with non-democracies. We can still hope that as more countries turn to democracy, there will be fewer provocations for war by non-democracies. A second and even more potent way that trade has promoted peace is by promoting more economic integration. As national economies become more intertwined with each other, those nations have more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also ruptured trade and investment ties that impose lasting damage on the economy. In short, globalization has dramatically raised the economic cost of war.

#### Deglobalization is net worse – domestic politics.

Hillebrand 2010

Evan E., Visiting Professor at the Patterson School of Diplomacy – University of Kentucky (go cats), Deglobalization Scenarios: Who Wins? Who Loses? Global Economy Journal, Vol. 10 [2010], Iss. 2, Art. 3 http://83.143.248.39/students/MCA100/Senior%20Thesis/who%20wins%20who%20loses.pdf

Deglobalization in the form of reduced trade interdependence, reduced capital flows, and reduced migration has few positive effects, based on this analysis with the International Futures Model. Economic growth is cut in all but a handful of countries, and is cut more in the non-OECD countries than in the OECD countries. Deglobalization has a mixed impact on equality. In many non-OECD countries, the cut in imports from the rest of the world increases the share of manufacturing and in 61 countries raises the share of income going to the poor. But since average productivity goes down in almost all countries, this gain in equality comes at the expense of reduced incomes and increased poverty in almost all countries. The only winners are a small number of countries that were small and poor and not well integrated in the global economy to begin with—and the gains from deglobalization even for them are very small. Politically, deglobalization makes for less stable domestic politics and a greater likelihood of war. The likelihood of state failure through internal war, projected to diminish through 2035 with increasing globalization, rises in the deglobalization scenario particularly among the non-OECD democracies. Similarly, deglobalization makes for more fractious relations among states and the probability for interstate war rises. These are dramatic results and have strong implications for policy. For the United States and other OECD countries, deglobalization might economically benefit a small fraction of citizens and companies, but it would cut overall economic growth and reduce average living standards. It would seem far better to deal with the negative aspects of globalization directly by improving trade adjustment assistance, providing more secure access to health care, by upgrading the skills of the workforce, and by refocusing academic research toward areas that will spur productivity growth. For the non-OECD countries, deglobalization has even worse results, suggesting that those countries need to reengage in global trade negotiations and seek compromises that can benefit all participants.

#### And trade causes WMD use by terrorists because economic decline from a lack of trade causes terrorist organizations to flourish – that’s Panzer