## 1NC

### 1

#### Restrictions on authority prohibit- the aff is a condition

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

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

#### Vote neg limits - anything can indirectly affect war powers--also makes the topic bidirectional because conditions can enhance executive power

#### Extra-topicality- the plan text doesn’t specify the type of restriction and says USFG, which includes the possibility of the executive acting- extra T is a voter or it’s a no-risk option, proves the resolution is insufficient – hold them to the plan text

### 2

#### TPA will pass – Obama push is key

Wingfield 1/6/14 [Brian, “Business Groups Back Obama on Trade Amid Historic Debate”, Bloomberg Businessweek, <http://www.businessweek.com/news/2014-01-06/business-groups-back-obama-on-trade-as-historic-debate-begins>]

Some of the largest U.S. business groups are lining up behind President Barack Obama to pressure Congress to clear the way for a pair of trade deals that could set rules for more than half the world’s economy.¶ The agreements, with 11 Pacific Rim countries and the 28-nation European Union may also help Obama deliver on his promise to double U.S. exports above 2009 levels by the end of the year, an increasingly distant goal.¶ Standing in his way: almost 200 Democrats and Republicans who say they won’t yield to him the “fast track” authority to hammer out agreements without congressional amendments.¶ “Fast-track authority is an undemocratic seizure of power that usurps our ability to represent the American people,” Representative Louise Slaughter, a New York Democrat, said. “There’s absolutely no reason why it should be renewed.”¶ In the coming days, Senate Finance Committee leaders Max Baucus, a Montana Democrat, Orrin Hatch, a Utah Republican, and House Ways and Means Committee Chairman Dave Camp, a Michigan Republican, plan to introduce a bill to give Obama fast-track authority. The ensuing debate may produce one of the most contentious discussions of trade policy on Capitol Hill since the passage of the North American Free Trade Agreement 20 years ago.¶ Roundtable, Chamber¶ The Trade Benefits America Coalition, led by groups including the Business Roundtable, the U.S. Chamber of Commerce, the American Farm Bureau Federation and the National Association of Manufacturers, is backing Obama. The coalition -- whose approximately 160 members include Boeing Co. (BA:US), MetLife Inc. (MET:US), Pfizer Inc. and Wal-Mart Stores Inc. (WMT:US) -- has ramped up its lobbying campaign in recent months.¶ The coalition has held hundreds of meetings with federal, state and local officials to counter growing opposition to the administration’s agenda. They’ve run ads in influential papers and started a website to tout what they see as the benefits of trade-promotion authority, or TPA, as fast-track is formally known.¶ The group says the authority is constitutional and it doesn’t cede power to the president.¶ “Updated TPA legislation would provide clear guidance on Congress’ requirement for trade agreements,” Doug Oberhelman, chief executive officer of Caterpillar Inc. (CAT:US) of Peoria, Illinois, wrote in an opinion piece running in McClatchy Co. (MNI:US) newspapers. Oberhelman is also chairman of the Business Roundtable’s international engagement committee.¶ Trade Representative¶ The lobbying campaign runs parallel to a White House push for trade-promotion authority. U.S. Trade Representative Michael Froman, who is seeking to complete the Pacific-region accord this year, recently stepped up his calls for a TPA bill. Commerce Secretary Penny Pritzker made it a prominent part of her agenda for the agency that she unveiled in November.¶ Trade-promotion authority is “a congressional prerogative,” and we want to work closely with Congress to get a broad, bipartisan bill, Froman said today in an interview on Bloomberg Television’s “In the Loop with Betty Liu.” Lawmakers are “very much aware of what it is we’re negotiating,” adding that his office has had more than 1,100 meetings about the Pacific-region deal on Capitol Hill.¶ While fast-track authority allows only for an up-or-down vote on the accords, it also lets lawmakers set parameters for the agreements on issues including labor and environmental protections, digital commerce and agricultural trade.¶ Expired Authority¶ Congress last voted on a fast-track bill in 2002, and the authority expired in 2007. Supporters say it can help the U.S. strike better trade deals by assuring other nations that the accords won’t be altered at a later date. Obama asked Congress for the special privilege during a speech in Chattanooga, Tennessee on July 30. Lawmakers have been working since early last year on a bill.¶ Critics and opponents say they expect a high-profile battle on Capitol Hill this month.¶ “This is truly an historic moment in international trade policy,” said Mike Dolan a lobbyist for the International Brotherhood of Teamsters, a group that wants more protections for workers. “It’s the last time we’re going to be talking about the model” for future trade accords, he said.¶ “If it comes back looking and smelling like the old fast-track, we’d be opposed to it,” Leo Gerard, president of the United Steelworkers of America union, said in an interview. Dolan said the Teamsters would be in “lockstep solidarity” against a version of the bill that waters down U.S. regulations.¶ American Jobs¶ Opponents say a new bill must show that trade deals will create jobs for Americans and include protections for workers whose employment may be affected by such matters as outsourcing, Internet trade, currency manipulation and government competition.¶ “Flawed free-trade agreements like NAFTA have destroyed American manufacturers and American jobs for more than 20 years,” Slaughter said on a Dec. 10 conference call with reporters. “We have to stop that from happening again.”¶ In November, 151 of the House’s 201 Democrats wrote to Obama with the same complaint. A day earlier, 23 conservative Republicans said they wouldn’t approve legislation that would cede congressional powers to the president. Fourteen other lawmakers of both parties have also expressed concerns.¶ Lawmaker Attention¶ “There won’t be fast track granted if it doesn’t change,” Representative Rosa DeLauro, a Connecticut Democrat who was one of the leaders behind the House letter, said today in a telephone interview. Issues including renewal of long-term unemployment benefits, which expired last week, will compete with fast-track legislation for lawmakers’ attention in the weeks ahead, she said.¶ With the debate about to unfold this month, advocates of the measure and the Pacific trade agreement are starting to push back against opposition.¶ “On my side of the aisle, Republicans need to resist the temptation to buy the misleading narrative that TPA would simply give away the store to the Obama administration,” Senator Jeff Flake, an Arizona Republican who supports fast track, said during a Dec. 18 speech in Washington.¶ Several elements could prolong the discussion. Representative Sander Levin of Michigan, the top Democrat on the House Ways and Means Committee, has said he wants a stronger role for Congress and measures to prevent currency manipulation. Baucus, the Senate’s top trade official and co-author of the trade legislation, is also Obama’s nominee to be ambassador to China and may leave Congress in the coming months.¶ Senate’s Agenda¶ Lori Wallach, director of the Global Trade Watch program at Public Citizen, a Washington-based consumer group, said the outlook for congressional approval of fast-track legislation is uncertain ahead of November elections, and Senate Majority Leader Harry Reid probably won’t act before a House vote.¶ “Given prospects in the House for passage look so dim, I can’t imagine leader Reid would bring up a vote on something this unpopular given the many dicey Senate elections coming unless and until the House votes,” she said in a phone interview.¶ Reid’s office didn’t respond to a request for comment.¶ Ed Gresser, a former adviser in the U.S. Trade Representative’s office under President Bill Clinton, said a similar number of Republicans opposed giving the White House fast-track negotiating authority in 2002, and that Obama will be able to persuade enough Democrats to support a new bill.¶ “It actually is quite do-able for the administration,” he said in a phone interview.

#### Obama loses capital fighting the plan

Obama loses capital fighting

continual fights – even if doesn’t come first, continued fights – bigger than the thumpers

Douglas L. Kriner, Assistant Professor, Political Science, Boston University, AFTER THE RUBICON: CONGRESS, PRESIDENTS AND THE POLITICS OF WAGING WAR, 2010, p. 68-69.

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

#### TPA is crucial for leadership—but capital is key

Bryan Riley, senior analyst and Anthony B. Kim, senior policy analyst, “Advancing Trade Freedom: Key Objective of Trade Promotion Authority Renewal,” ISSUE BRIEF n. 3912, Heritage Foundation, 4—16—13, [www.heritage.org/research/reports/2013/04/advancing-trade-freedom-key-objective-of-trade-promotion-authority-renewal](http://www.heritage.org/research/reports/2013/04/advancing-trade-freedom-key-objective-of-trade-promotion-authority-renewal)

Trade Promotion Authority (TPA) has been a critical tool for advancing free trade and spreading its benefits to a greater number of Americans. TPA, also known as “fast track” authority, is the legislative power Congress grants to the President to negotiate reciprocal trade agreements. Provided the President observes certain statutory obligations under TPA, Congress agrees to consider implementing those trade pacts without amending them.¶ More than a decade has passed since TPA was last renewed in 2002, and its authority expired in 2007. Reinstituting TPA may well be the most important legislative action on trade for both Congress and the President in 2013 given the urgency of restoring America’s credibility in advancing open markets and securing greater benefits of two-way trade for Americans. As the case for timely reinstallation of an effective and practical TPA is stronger than ever, the quest for renewing TPA should be guided by principles that enhance trade freedom, a vital component of America’s economic freedom.¶ Both House Ways and Means Committee chairman David Camp (R–MI) and Senate Finance Committee chairman Max Baucus (D–MT) have announced plans to pursue TPA legislation. However, many lawmakers have correctly pointed out that a proactive push from President Obama is critical, given that trade bills have been a thorny issue for many Democrats in recent years.¶ Historically, it has been common practice, although not formally required, to have the President request that Congress provide renewed TPA. In fact, except for President Obama, every President since Franklin Roosevelt has either requested or received trade negotiating authority.[1]¶ After four years of informing Congress it would seek TPA at “the appropriate time,” early this year the Obama Administration finally indicated its interest in working with Congress to get TPA done. The President’s 2013 trade agenda offered the Administration’s most forward-leaning language yet, specifying that “to facilitate the conclusion, approval, and implementation of market-opening negotiating efforts, we will also work with Congress on Trade Promotion Authority.”[2]¶ In the 2002 Bipartisan Trade Promotion Authority Act, Congress—whose role in formulating U.S. trade policy includes defining trade negotiation objectives—made it clear that¶ [t]he expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity.… Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.

#### Heg prevents extinction

Thomas P.M. **Barnett,** chief analyst, Wikistrat, “The New Rules: Leadership Fatigue Puts U.S. and Globalization, at Crossroads,” WORLD POLITICS REVIEW, 3—7—**11**, www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads

Events in Libya are a further reminder for **Americans** that we **stand at a crossroads in our continuing evolution as the** world's sole full-service **superpower.** Unfortunately, we are increasingly seeking change without cost, and shirking from risk because we are tired of the responsibility. We don't know who we are anymore, and our president is a big part of that problem. Instead of leading us, he explains to us. Barack Obama would have us believe that he is practicing strategic patience. But many experts and ordinary citizens alike have concluded that he is actually beset by strategic incoherence -- in effect, a man overmatched by the job. It is worth first examining the larger picture: We live in a time of arguably the greatest structural change in the global order yet endured, with this historical moment's most amazing feature being its relative and absolute lack of mass violence. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our stunningly successful stewardship of global order since World War II. Let me be more blunt: **As the guardian of globalization, the U.S. military has been the greatest force for peace the world has ever known. Had America been removed from the global dynamics** that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable **there would now be no** identifiable **human civilization left, once nuclear weapons entered the killing equation. But the world did not keep sliding down** that path of **perpetual war**. Instead**, America** stepped up and **changed everything by ushering in** our now-perpetual **great-power peace. We introduced** the international liberal trade order known as **globalization** and played loyal Leviathan over its spread. **What resulted was the collapse of empires, an explosion of** **democracy**, the **persistent spread of** **human rights, the liberation of women, the doubling of life expectancy, a roughly 10-fold increase in adjusted global GDP and a profound and persistent reduction in battle deaths from state-based conflicts.** That is what American "hubris" actually delivgered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these **calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war**. We are clearly headed for a world order characterized by multipolarity, something the American-birthed system was designed to both encourage and accommodate. But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms, deeply embedded in the geometry to come. To continue the historical survey, after salvaging Western Europe from its half-century of civil war, the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism. America then successfully replicated globalization further in East Asia over the second half of the 20th century, setting the stage for the Pacific Century now unfolding.

### 3

#### The Executive branch of the United States should make necessary adjustments to its targeted killing policy to ensure compliance with relevant domestic and international law, including principles of necessity, distinction, and proportionality and publicly articulate its legal rationale for its targeted killing policy, including the process and safeguards in place for target selection. The Executive Branch should determine that the offensive use of combat drones constitutes an introduction of United States Armed Forces into hostilities and publically announce and defend this position. The United States federal government should not roll back the drone program in response to backlash.

**solves- err neg-their authors don’t understand how thorough and effective inter-executive mechanisms are**

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>

To date scholars have lacked a thorough understanding of the U.S. government’s **t**argeted **k**illing practices. As such, their commentary is oftentimes premised on easily describable issues, and fails to grapple with the multiple levels of intergovernmental accountability present in current practice. When dealing with the theoretical and normative issues associated with targeted killings, scholars have failed to specify what they mean when they aver that targeted killings are unaccountable. Both trends have impeded legal theory, and constrained scholarly discourse on a matter of public import.

This article is a necessary corrective to the public and scholarly debate. It has presented the complex web of bureaucratic, legal, professional, and political accountability mechanisms that exert influence over the targeted killing process. It has demonstrated that many of the critiques of targeted killings rest upon poorly conceived understandings of the process, unclear definitions, and unsubstantiated speculation. The article’s reform recommendations, grounded in a deep understanding of the actual process, reflect an assumption that transparency, performance criteria, and politically grounded independent review can enhance the **already robust accountability mechanisms** embedded in current practice.

### 4

#### obama circumvents-

#### 1--Targeted killing regulation is impossible

Alston 11, professor – NYU Law (Philip, 2 Harv. Nat'l Sec. J. 283)

Despite the existence of a multiplicity of techniques by which the CIA might be held to account at the domestic level, the foregoing survey demonstrates that there is no evidence to conclude that any of them has functioned effective-ly in relation to the expanding practices involving targeted killings. The CIA Inspector General's Office has been unable to exact accountability and proposals to expand or strengthen his role run counter to almost all official actions taken in relation to his work. The President's Intelligence Oversight Board and the President's Foreign Intelligence Advisory Board are lauded by some for their potential, but there is no indication that they scrutinize activities such as targeted killings policy or practice, and many indications that they view their role as being to support rather than monitor the intelligence community. The Privacy and Civil Liberties Oversight Board remains dormant. Congressional oversight has been seriously deficient and far from manifesting an appetite to scrutinize the CIA's targeted killings policies, a range of senior members of congress are on record as favoring a hands-off policy. And a combination of the political question doctrine, the state secrets privilege, and a reluctance to prosecute, ensure that the courts have indeed allowed the CIA to fall into a convenient legal grey hole. Finally, civil society has been largely stymied by the executive and the courts in their efforts to make effective use of freedom of information laws. All that remains is the media, and most of what they obtain through leaks come from government sources that are deliberately "spinning" the story in their own favor. Simi-lar conclusions have been reached in closely related contexts. Thus, for example, Kitrosser's survey of official responses to the warrantless wiretapping initiated after 9/11 led her to conclude that it was a shell [\*406] game, involving "an indefinite bi-partisan, cross-administration, cross-institutional pattern of accountability-avoidance." n450 In brief, at least in relation to targeted killings, the CIA enjoys almost complete impunity and is not subject to any form of meaningful internal or external accountability. Whether from the perspective of democratic theory or of interna-tional accountability for violations of the right to life, this is deeply problematic. One solution to this that has been sug-gested by some commentators is to follow the precedent set by Israel in its efforts to ensure legal oversight of its target killings programs. We turn now to examine the feasibility and desirability of pursuing such an option.

#### 2--drone oversight fails

Joyner 13 7/27 – managing editor of the Atlantic Council, popular political blogger

[James, “Oversight or Not, Drones Are Here to Stay”, 2013, <http://www.acus.org/new_atlanticist/oversight-or-not-drones-are-here-stay>, CMR]

In "The Imperial Presidency: Drone Power and Congressional Oversight," Michael Cohen argues persuasively that the U.S. Congress has abdicated its constitutional and statutory responsibility to reign in the executive branch in matters of national security policy. Then again, few who have been paying attention this past decade -- some would say, the past several decades -- need much convincing on that point.¶ Yet, while I agree with Cohen that we desperately need Congress to do its job here as a matter of principle, it's far from clear that it would change our policy.¶ Cohen cites the extraordinary decision to kill American citizens Anwar al-Awlaki and Samir Khan in a Predator strike in Yemen last September as particularly troubling. While Cohen and I both find risible the administration's claim that its internal deliberations over the assassination of U.S. citizens qualify as their constitutionally guaranteed right to "due process," it's pretty clear that we're in the minority.¶ In the immediate aftermath of the raid, President Barack Obama earned effusive praise across the political spectrum.¶ Rep. Peter T. King, the Republican chairman of the House Homeland Security Committee, issued a statement declaring, "The killing of al-Awlaki is a tremendous tribute to President Obama and the men and women of our intelligence community."¶ Mitt Romney, already the Republican frontrunner in the race to unseat Obama, called the killing "a major victory in our fight against Islamist terrorism and proper justice for the numerous attacks and plots [Awlaki] inspired or planned against America." ¶ Obama's fellow Democrats were similarly effusive.¶ Meanwhile, a June survey by the Pew Research Center found that these strikes were equally popular with the American public, with 62 percent approving, "including most Republicans (74 percent), independents (60 percent) and Democrats (58 percent)." And a February ABC News/Washington Post poll found even stronger support. The Post write-up drolly noted, "83 percent of Americans approve of Obama’s drone policy, which administration officials refuse to discuss, citing security concerns." ¶ Cohen, it should be noted, is fully aware of all this. In an insightful piece for Foreign Policylast month, he pointed out that all of the Obama policies that are controversial among foreign policy wonks are wildly popular with voters. Indeed, he remarks, Obama's toughest critics are in "his own liberal base." As Cohen rightly states, "It's hard to imagine that the Obama campaign in Chicago is worrying much about such criticism."¶ This is hardly surprising, as Americans rarely punish a president for taking aggressive actions in the name of their safety. Back in January 2006, when former President George W. Bush enjoyed just 37 percent support in polls, the public nonetheless backed his controversial, arguably illegal, policy of eavesdropping on the telephone calls of Americans without a warrant. A New York Times/CBS News poll found that 53 percent supported monitoring "Americans that the government is suspicious of" in connection with terrorism.A Gallup poll found the identical result a month later.¶ In his 1957 classic, “The President: Office and Powers,” Edward S. Corwin famously declared, "The Constitution is an invitation to struggle for the privilege of directing American foreign policy." While the framers clearly intended for Congress to be the predominant branch in domestic policy, both branches were given substantial power in the realm of international affairs, with no bright lines to delineate them. Most notably, Congress is granted the power to declare war, but the president, as commander-in-chief, has the power to send troops into harm's way.¶ In practice, however, presidents have been winning this struggle for more than a century. Teddy Roosevelt was famously contemptuous of Congress in matters of foreign affairs, mocking their dithering over the Panama Canal and sending the Navy halfway around the world, daring Congress not to appropriate the funds to bring it back.¶ Franklin Roosevelt permanently redefined the role of the presidency during his three-plus terms. Demanding in September 1942 that Congress amend the Emergency Price Control Act, he declared, “The president has the powers, under the Constitution and under congressional acts, to take measures necessary to avert a disaster which would interfere with the winning of the war.''¶ Roosevelt went on to submit the amendments to Congress, which acceded to his demands, so the judiciary never had a chance to rule on whether the president could so brazenly flout the law. ¶ During the Cold War, the National Security Act of 1947 further centralized national security policy in the White House, leaving Congress increasingly isolated. This was quickly followed by an undeclared war in Korea, a slow descent into an undeclared war in Vietnam and numerous military and intelligence operations of dubious legality, especially in Latin America. ¶ Historian Arthur Schlesinger dubbed this largely unchecked growth of executive power the Imperial Presidency. Congress reasserted itself with the 1973 War Powers Act and the 1975 Church Committee hearings, but the momentum of expanding executive authority was already too great. Presidents have largely treated the former with impunity, and though some of the intelligence abuses of the past have been halted, the latter has received substantial blame for the intelligence failures leading up to the Sept. 11 attacks. ¶ If the Constitution is "an invitation to struggle," it is to a struggle that presidents have been winning for decades. The modern presidency has reversed the constitutional presumption that Congress is the pre-eminent branch and the president secondary. Since Franklin Roosevelt, it has been axiomatic that "the president proposes, Congress disposes." That is especially true in foreign policy and even more so in national security matters.¶ Congress, of course, retains the theoretical power to reverse all of this. While often reckless, Senate Republicans have demonstrated during Obama's tenure just how much institutional power exists to fight back against a president. But it's almost inconceivable that any Congress would marshal its resources in the cause of "weakening" America’s national security. Which means that oversight or not, the use of drones is likely to continue for the foreseeable future.

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#### 3- Institutional incentives ensure obama will fight harder than congress

Dickinson, Middlebury college political science professor, 2011

(Matthew, “Will You End Up in Guantanamo Bay Prison?”, 12-3, <http://sites.middlebury.edu/presidentialpower/2011/12/03/will-you-end-up-in-guantanamo-bay/>,)

Despite the overwhelming Senate support for passage (the bill passed 93-7 and will be reconciled with a House version. Senators voting nay included three Democrats, three Republicans and one independent), however, President Obama is still **threatening to veto** the bill in its current form. However, if administration spokespersons are to be believed, Obama’s objection is based not so much on concern for civil liberties as it is on **preserving the president’s authority and flexibility** in fighting the war on terror. According to White House press secretary Jay Carney, “Counterterrorism officials from the Republican and Democratic administrations have said that the language in this bill would jeopardize national security by restricting flexibility in our fight against Al Qaeda.” (The administration also objects to language in the bill that would restrict any transfer of detainees out of Guantanamo Bay prison for the next year.) For these reasons, the President is still threatening to veto the bill, which now goes to the Republican-controlled House where it is unlikely to be amended in a way that satisfies the President’s concerns. If not, this sets up an interesting scenario in which the President may have to decide whether to stick by his veto threat and hope that partisan loyalties kick in to prevent a rare veto override. The debate over the authorization bill is another reminder of a point that you have heard me make before: that when it comes to national security issues and the War on Terror, President Obama’s views are much closer to his predecessor’s George W. Bush’s than they are to candidate Obama’s. The reason, of course, is that once in office, the president—as the elected official that comes closest to embodying national sovereignty—feels the **pressure of protecting the nation** from attack much more acutely than anyone else. That pressure drives them to seek **maximum flexibility** in their ability to respond to external threats, and to **resist any provision that appears to constrain their authority**. This is why Obama’s conduct of the War on Terror has followed so closely in Bush’s footsteps—both are motivated by the same **institutional incentives** and concerns. The Senate debate, however, also illustrates a second point. We often array elected officials along a single ideological line, from most conservative to most liberal. Think Bernie Sanders at one end and Jim DeMint at the other. In so doing, we are suggesting that those individuals at the farthest ends of the spectrum have the greatest divergence in ideology. But on some issues, including this authorization bill, that ideological model is misleading. Instead, it is better to think of legislators arrayed in a circle, with libertarian Republicans and progressive Democrats sitting much closer together, say, at the top of the circle, joined together in their resistance to strong government and support for civil liberties. At the “bottom” of the circle are Republicans like Graham and Democrats like Levin who share an affinity for strengthening the government’s ability to protect the nation’s security. For Obama, however, the **central issue** is not the clash of civil liberties and national security—it is the **relative authority** of the President versus Congress to conduct the War on Terror. That explains why he has **stuck by his veto threat despite the legislative compromise**. And it raises an interesting test of power. To date he has issued only two presidential vetoes, by far the lowest number of any President in the modern era. His predecessor George W. Bush issued 12, and saw Congress override four—a historically high percentage of overrides. On average, presidential vetoes are overridden about 7% of the time. These figures, however, underplay the use of veto threats as a bargaining tool. In the 110th (2007-08) Congress alone, Bush issued more than 100 veto threats. I’ve not calculated Obama’s veto threats, but it is easy enough to do by going to the White House’s website and looking under its Statements of Administrative Policy (SAP’s) listings. Those should include veto threats. Note that most veto threats are relatively less publicized and often are issued early in the legislative process. This latest veto threat, in contrast, seems to have attracted quite a bit of press attention. It will be interesting to see whether, if the current authorization language remains unchanged, Obama will stick to his guns.

#### \*\*4- WPR will never be enforced by congress and the president will ignore

Crook 12 [Fall, 2012, Case Western Reserve Journal of International Law, 45 Case W. Res. J. Int'l L., “Presidential Powers and Foreign Affairs: The War Powers Resolution at 40: Still Controversial: The War Powers Resolution--A Dim and Fading Legacy,” John R. Crook\*, arbitrator in NAFTA and other investment disputes and served on the Eritrea-Ethiopia Claims Commission, Vice-President of the American Society of International Law and former General Counsel of the Multinational Force and Observers, the peacekeeping force in the Sinai, teaches international arbitration at George Washington University Law School]

The War Powers Resolution is the product of a time when Congress was riding particularly high and the presidency was particularly weak. n6 That unusual array of circumstances has not been repeated. In the ensuing years, no administration has accepted the constitutionality of the Resolution's key provisions. n7 At the other end of Pennsylvania Avenue, Congress has not mustered the collective will to insist on full and timely compliance with the Resolution in a wide range of cases. n8 From time to time, the Resolution has offered both Republican and Democratic presidents' political opponents an avenue to attack their compliance with particular policies or actions. Nevertheless, Congress has not shown itself willing or able to perform the role it set out for itself in Section 5 of the Resolution. n9 [\*160]

#### 5- Wartime ensures-- ANDThe intractable battle creates a national diversion that impairs military wartime decisions

Lobel 8—Professor of Law @ University of Pittsburgh [Jules Lobel, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War,” Ohio State Law Journal, Vol. 69, 2008, pg. 391]

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53

The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority.

Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law.

Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary.

If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute.

Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

#### that kills wartime readiness and derails legislation

Posner and Vermeule, 8

Eric A. Posner + & Adrian Vermeule, Professor of Law, University of Chicago, Professor of Law, Harvard Law School, U Penn LR, April, lexis

The cost of a showdown is simply that the government does not act - or, more precisely, that the energy of government officials is diverted from the problem at hand to the problem of asserting authority (in the case of top officials) or the problem of ascertaining the lines of authority (in the case of subordinate officials). Top officials stop arguing about whether the war should be terminated - a question involving difficult judgments about troop strength, home-front morale, and so forth - and start arguing about who should have the authority to terminate the war - a question involving difficult judgments about relative institutional advantage in conducting wars. Subordinate officials, like generals and soldiers, must make predictions about how the argument between top officials will be resolved. If they guess wrong, they could find themselves in trouble for disobeying the institution that ends up winning the showdown, or, if they temporize, failing to be prepared when the decision is made. Subordinate officials might end up acting excessively cautiously, so as to avoid offending the different authorities, or allowing policy and military judgments to be influenced by their implications for the resolution of the conflict about [\*1012] authority, to the extent that subordinate officials have preferences regarding such resolution. And a showdown over one issue, like executive privilege, might metastasize, as each side refuses to cooperate in other policy dimensions (appointments, budgets, and other areas of substantive legislation) until the other side backs down with respect to the original source of dispute.

#### Readiness solves global war

**Spencer**, Defense and National Security Analyst at the Heritage Foundation, 9-15-**2K** (Jack, “THE FACTS ABOUT MILITARY READINESS,” Heritage Foundation Reports, N. 1394, P. 1)

Such a standard is necessary because America may confront threats from many different nations at once. America's national security requirements dictate that the armed forces must be prepared to defeat groups of adversaries in a given war. America, as the sole remaining superpower, has many enemies. Because attacking America or its interests alone would surely end in defeat for a single nation, these enemies are likely to form alliances. Therefore, basing readiness on American military superiority over any single nation has little saliency. The evidence indicates that the U.S. armed forces are not ready to support America's national security requirements. Moreover, regarding the broader capability to defeat groups of enemies, military readiness has been declining. The National Security Strategy, the U.S. official statement of national security objectives, n3 concludes that the United States "must have the capability to deter and, if deterrence fails, defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames." n4 According to some of the military's highest-ranking officials, however, the United States cannot achieve this goal. Commandant of the Marine Corps General James Jones, former Chief of Naval Operations Admiral Jay Johnson, and Air Force Chief of Staff General Michael Ryan have all expressed serious concerns about their respective services' ability to carry out a two major theater war strategy. n5 Recently retired Generals Anthony Zinni of the U.S. Marine Corps and George Joulwan of the U.S. Army have even questioned America's ability to conduct one major theater war the size of the 1991 Gulf War. n6 Military readiness is vital because declines in America's military readiness signal to the rest of the world that the United States is not prepared to defend its interests. Therefore, potentially hostile nations will be more likely to lash out against American allies and interests, inevitably leading to U.S. involvement in combat. A high state of military readiness is more likely to deter potentially hostile nations from acting aggressively in regions of vital national interest, thereby preserving peace.

#### Restricting targeted killing authority causes the Executive to shift justifications to inherent self-defense authority---that’s a huge loophole which destroys the plan’s signal and norms, and causes global instability

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A failure to reauthorize military force would lead to significant negative consequences on the international level as well. Denying the Executive Branch the authority to carry out military operations in the armed conflict against Al Qaeda would force the President to find authorization elsewhere, most likely in the international law of self defense—the jus ad bellum. 142 Finding sufficient legal authority for the United States’s ongoing counterterrorism operations in the international law of self-defense, however, is problematic for several reasons. As a preliminary matter, relying on this rationale usurps Congress’s role in regulating the contours of U.S. foreign and national security policy. If the Executive Branch can assert “self-defense against a continuing threat” to target and detain terrorists worldwide, it will almost always be able to find such a threat.143 Indeed, the Obama Administration’s broad understanding of the concept of “imminence” illustrates the danger of allowing the executive to rely on a self-defense authorization alone.144 This approach also would inevitably lead to dangerous “slippery slopes.” Once the President authorizes a targeted killing of an individual who does not pose an imminent threat in the strict law enforcement sense of “imminence,”145 there are few potential targets that would be off-limits to the Executive Branch. Overly malleable concepts are not the proper bases for the consistent use of military force in a democracy. Although the Obama Administration has disclaimed this manner of broad authority because the AUMF “does not authorize military force against anyone the Executive labels a ‘terrorist,’”146 relying solely on the international law of self defense would likely lead to precisely such a result.

The slippery slope problem, however, is not just limited to the United States’s military actions and the issue of domestic control. The creation of international norms is an iterative process, one to which the United States makes significant contributions. Because of this outsized influence, the United States should not claim international legal rights that it is not prepared to see proliferate around the globe. Scholars have observed that the Obama Administration’s “expansive and open-ended interpretation of the right to self-defence threatens to destroy the prohibition on the use of armed force . . . .”147 Indeed, “[i]f other states were to claim the broad-based authority that the United States does, to kill people anywhere, anytime, the result would be chaos.”148

Encouraging the proliferation of an expansive law of international self-defense would not only be harmful to U.S. national security and global stability, but it would also directly contravene the Obama Administration’s national security policy, sapping U.S. credibility. The Administration’s National Security Strategy emphasizes U.S. “moral leadership,” basing its approach to U.S. security in large part on “pursu[ing] a rules-based international system that can advance our own interests by serving mutual interests.”149 Defense Department General Counsel Jeh Johnson has argued that “[a]gainst an unconventional enemy that observes no borders and does not play by the rules, we must guard against aggressive interpretations of our authorities that will discredit our efforts, provoke controversy and invite challenge.”150 Cognizant of the risk of establishing unwise international legal norms, Johnson argued that the United States “must not make [legal authority] up to suit the moment.”151 The Obama Administration’s global counterterrorism strategy is to “adher[e] to a stricter interpretation of the rule of law as an essential part of the wider strategy” of “turning the page on the past [and rooting] counterterrorism efforts within a more durable, legal foundation.”152

#### This turns allies and norms

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Widely accepted legal arguments also facilitate cooperation from U.S. allies, especially from the United States’ European allies, who have been wary of expansive U.S. legal interpretations.153 Moreover, U.S. strategy vis-à-vis China focuses on binding that nation to international norms as it gains power in East Asia.154 The United States is an international “standard-bearer” that “sets norms that are mimicked by others,”155 and the Obama Administration acknowledges that its drone strikes act in a quasi-precedential fashion.156 Risking the obsolescence of the AUMF would force the United States into an “aggressive interpretation” of international legal authority,157 not just discrediting its own rationale, but facilitating that rationale’s destabilizing adoption by nations around the world.158

United States efforts to entrench stabilizing global norms and oppose destabilizing international legal interpretations—a core tenet of U.S. foreign and national security policy159—would undoubtedly be hampered by continued reliance on self defense under the jus ad bellum to authorize military operations against international terrorists. Given the presumption that the United States’s armed conflict with these terrorists will continue in its current form for at least the near term, ongoing authorization at the congressional level is a far better choice than continued reliance on the jus ad bellum. Congress should reauthorize the use of force in a manner tailored to the global conflict the United States is fighting today. Otherwise, the United States will be forced to continue to rely on a statute anchored only to the continued presence of those responsible for 9/11, a group that was small in 2001 and, due to the continued successful targeting of Al Qaeda members, is rapidly approaching zero.

### 5

#### The aff’s ontological commitment to security causes endless war and serial policy failure

**Burke 2007** (Anthony Burke, Int'l Studies @ U of New South Wales, “Ontologies of War,” in Theory & Event, Vol. 10, Iss. 2)

This tells us much about the enduring power of crude instrumental versions of strategic thought, which relate not merely to the actual use of force but to broader geopolitical strategies that see, as limited war theorists like Robert Osgood did, force as an 'instrument of policy short of war'. It was from within this strategic ontology that figures like the Nobel prize-winning economist Thomas Schelling theorised the strategic role of threats and coercive diplomacy, and spoke of strategy as 'the power to hurt'.[79](http://muse.jhu.edu.floyd.lib.umn.edu/journals/theory_and_event/v010/10.2burke.html#_edn79) In the 2006 Lebanon war we can see such thinking in the remark of a U.S. analyst, a former Ambassador to Israel and Syria, who speculated that by targeting civilians and infrastructure Israel aimed 'to create enough pain on the ground so there would be a local political reaction to Hezbollah's adventurism'.[80](http://muse.jhu.edu.floyd.lib.umn.edu/journals/theory_and_event/v010/10.2burke.html#_edn80) Similarly a retired Israeli army colonel told the Washington Post that 'Israel is attempting to create a rift between the Lebanese population and Hezbollah supporters by exacting a heavy price from the elite in Beirut. The message is: If you want your air conditioning to work and if you want to be able to fly to Paris for shopping, you must pull your head out of the sand and take action toward shutting down Hezbollah-land.'[81](http://muse.jhu.edu.floyd.lib.umn.edu/journals/theory_and_event/v010/10.2burke.html#_edn81) Conclusion: Violent Ontologies or Peaceful Choices?      I was motivated to begin the larger project from which this essay derives by a number of concerns. I felt that the available critical, interpretive or performative languages of war -- realist and liberal international relations theories, just war theories, and various Clausewitzian derivations of strategy -- failed us, because they either perform or refuse to place under suspicion the underlying political ontologies that I have sought to unmask and question here. Many realists have quite nuanced and critical attitudes to the use of force, but ultimately affirm strategic thought and remain embedded within  the existential framework of the nation-state. Both liberal internationalist and just war doctrines seek mainly to improve the accountability of decision-making in security affairs and to limit some of the worst moral enormities of war, but (apart from the more radical versions of cosmopolitanism) they fail to question the ontological claims of political community or strategic theory.[82](http://muse.jhu.edu.floyd.lib.umn.edu/journals/theory_and_event/v010/10.2burke.html#_edn82)      In the case of a theorist like Jean Bethke Elshtain, just war doctrine is in fact allied to a softer, liberalised form of the Hegelian-Schmittian ontology. She dismisses Kant'sPerpetual Peace as 'a fantasy of at-oneness...a world in which differences have all been rubbed off' and in which 'politics, which is the way human beings have devised for dealing with their differences, gets eliminated.'[83](http://muse.jhu.edu.floyd.lib.umn.edu/journals/theory_and_event/v010/10.2burke.html#_edn83) She remains a committed liberal democrat and espouses a moral community that stretches beyond the nation-state, which strongly contrasts with Schmitt's hostility to liberalism and his claustrophobic distinction between friend and enemy. However her image of politics -- which at its limits, she implies, requires the resort to war as the only existentially satisfying way of resolving deep-seated conflicts -- reflects much of Schmitt's idea of the political and Hegel's ontology of a fundamentally alienated world of nation-states, in which war is a performance of being. She categorically states that any effort to dismantle security dilemmas 'also requires the dismantling of human beings as we know them'.[84](http://muse.jhu.edu.floyd.lib.umn.edu/journals/theory_and_event/v010/10.2burke.html#_edn84) Whilst this would not be true of all just war advocates, I suspect that even as they are so concerned with the ought, moral theories of violence grant too much unquestioned power to the is. The problem here lies with the confidence in being -- of 'human beings as we know them' -- which ultimately fails to escape a Schmittian architecture and thus eternally exacerbates (indeed reifies) antagonisms. Yet we know from the work of Deleuze and especially William Connolly that exchanging an ontology of being for one ofbecoming, where the boundaries and nature of the self contain new possibilities through agonistic relation to others, provides a less destructive and violent way of acknowledging and dealing with conflict and difference.[85](http://muse.jhu.edu.floyd.lib.umn.edu/journals/theory_and_event/v010/10.2burke.html#_edn85)      My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.[86](http://muse.jhu.edu.floyd.lib.umn.edu/journals/theory_and_event/v010/10.2burke.html#_edn86) Even as I am arguing that war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy -- that it is rather the product of hegemonic forms of knowledge about political action and community -- my analysis does suggest some sobering conclusions about its power as an idea and formation. Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies I have described here in fact dominate the conceptual and policy frameworks of modern republican states and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that the enframing world view has come to stand in for being itself. Enframing, argues Heidegger, 'does not simply endanger man in his relationship to himself and to everything that is...it drives out every other possibility of revealing...the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'[87](http://muse.jhu.edu.floyd.lib.umn.edu/journals/theory_and_event/v010/10.2burke.html#_edn87)      What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence. Many of the most destructive features of contemporary modernity -- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from calculative, 'empirical' discourses of scientific and political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe, policymakers' choices become necessities, their actions become inevitabilities, and humans suffer and die. Viewed in this light, 'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then preordain militarism and violence as necessary policy responses, however ineffective, dysfunctional or chaotic.

#### Reject the aff as an instance of the violent logic of security

**Burke**, School of Political Science and International Studies, University of Queensland **2002** [Anthony, Aporias of Security, Alternatives 27]

It is perhaps easy to become despondent, but as countless struggles for freedom, justice, and social transformation have proved, a sense of seriousness can be tempered with the knowledge that many tools are already available—and where they are not, the ef­fort to create a productive new critical sensibility is well advanced. There is also a crucial political opening within the liberal problematic itself, in the sense that it assumes that power is most effec­tive when it is absorbed as truth, consented to and desired—which creates an important space for refusal. As Colin Gordon argues, Foucault thought that the very possibility of governing was condi­tional on it being credible to the governed as well as the govern­ing. This throws weight onto the question of how security works as a technology of subjectivity. It is to take up Foucault's challenge, framed as a reversal of the liberal progressive movement of being we have seen in Hegel, not to discover who or what we are so much as to refuse what we are. Just as security rules subjectivity as both a totalizing and individualizing blackmail and promise, it is at these levels that we can intervene. We can critique the machinic frame­works of possibility represented by law, policy, economic regulation, and diplomacy, while challenging the way these institutions deploy language to draw individual subjects into their consensual web. This suggests, at least provisionally, a dual strategy. The first as­serts the space for agency, both in challenging available possibilities for being and their larger socioeconomic implications. Roland Bleiker formulates an idea of agency that shifts away from the lone (male) hero overthrowing the social order in a decisive act of re­bellion to one that understands both the thickness of social power and its "fissures," "fragmentation," and "thinness." We must, he says, "observe how an individual may be able to escape the discur­sive order and influence its shifting boundaries. ... By doing so, discursive terrains of dissent all of a sudden appear where forces of domination previously seemed invincible." Pushing beyond security requires tactics that can work at many-levels—that empower individuals to recognize the larger social, cul­tural, and economic implications of the everyday forms of desire, subjection, and discipline they encounter, to challenge and rewrite them, and that in turn contribute to collective efforts to transform the larger structures of being, exchange, and power that sustain (and have been sustained by) these forms. As Derrida suggests, this is to open up aporetic possibilities that transgress and call into question the boundaries of the self, society, and the international that security seeks to imagine and police. The second seeks new ethical principles based on a critique of the rigid and repressive forms of identity that security has heretofore offered. Thus writers such as Rosalyn Diprose, William Con­nolly, and Moira Gatens have sought to imagine a new ethical rela­tionship that thinks difference not on the basis of the same but on the basis of a dialogue with the other that might, allow space for the unknown and unfamiliar, for a "debate and engagement with the other's law and the other's ethics"—an encounter that involves a transformation of the self rather than the other. Thus while the sweep and power of security must be acknowledged, it must also be refused: at the simultaneous levels of individual identity, social order, and macroeconomic possibility, it would entail another kind of work on "ourselves"—a political refusal of the One, the imagination of an other that never returns to the same. It would be to ask if there is a world after security, and what its shimmering possibilities might be.

## Modeling

### Modeling 1NC (:50

#### US action irrelevant to international norms on drones – other tech proves

**Etzioni 13** – professor of IR @ George Washington (Amitai, “The Great Drone Debate”, March/April, <http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20130430_art004.pdf>, CMR)

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 selfconstraining 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.

#### No drones arms race – multiple checks

- narrow application – diplomatic and political costs – state defenses

**Singh 12** – researcher at the Center for a New American Security (Joseph, “Betting Against a Drone Arms Race”, 8/13, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2TxEkUI37>, CMR)

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.

#### drones make conflict less likely

Goure, 12

[Daniel, vice president of the Lexington Institute, Drones and the Changing Nature of Warfare: Hold the Presses!, CATO Unbound, January 13, 2012, <http://www.cato-unbound.org/2012/01/13/daniel-goure/drones-changing-nature-warfare-hold-presses>, CMR] gender edited

Has the accelerated use of drones opened a new chapter in the history of warfare, as David Cortright asserts? If so, what is the title of that chapter? It certainly is not “Drones Make War More Likely, Indiscriminate or Bloodier.” As recent landmark studies by Goldstein and Pinker clearly document, societal violence in general and armed conflict in particular are on the decline.[1] The fact that we live in the historical shadow of the air raids on Dresden and Tokyo but are focused on a few hundred strikes by unmanned aerial systems in Pakistan underscores this dramatic change in the way air power is employed today. Drones are not new. The V-1 was a drone, but lacked a man-in-the-loop and precision guidance capabilities. Modern drones emerged from the overall revolution in precision navigation and networked communications which began more than two decades ago. This revolution centered on improvements in technologies for position location, remote sensing, automated flight controls, computer-based target designation, high bandwidth communications, high capacity computing and smart fusing. These technologies were combined to provide a capability for long-range precision strikes, as demonstrated in the first Gulf War. Most often this capability required both a platform/launcher and a “smart” weapon such as a laser-guided bomb or Joint Direct Attack Munition that would be flown to a release point, then fly to a specific target based either on laser illumination or pre-programmed GPS coordinates. Cruise missiles, which have been widely proliferated, are essentially drones. Modern drones provide many of the best features of both cruise missiles and manned aircraft. Most significantly, they provide the tactical and operational flexibility of manned platforms with the reduced risk to personnel associated with cruise missiles. Unlike the former, they allow for man-in-the-loop control and vehicle recovery. Unlike the latter, they can operate at altitudes and in environments unsuited to manned systems and, in some cases, for extended periods of time. Despite the proliferation of drones, particularly by the United States, at best it can be argued that the proliferation of unmanned aerial systems (UASs) is changing tactics, particularly with respect to operations on land. The predominant mission of drones today is to collect information, primarily electro-optical data in the form of pictures and full motion video. The overwhelming majority of drone flying hours are conducted by systems such as Aerovironment’s Wasp, Puma, and Raven; Insitu’s ScanEagle; and Textron’s Shadow for the purpose of providing overwatch for maneuvering Army and Marine Corps units. Even the vaunted Predator, a variant of which, the MQ-9 Reaper, is the platform employed for armed strikes, is predominantly employed for intelligence, surveillance, and reconnaissance missions. The larger systems such as Northrop Grumman’s Global Hawk and Lockheed Martin’s stealthy RQ-170 Sentinel are intended solely to gather intelligence. Armed drones serve a niche function. They are useful in situations where real-time tactical intelligence is required in order to launch a weapon and the operating environment is extremely benign. Because they can loiter in the area of a suspected target, waiting for positive identification and the proper time to strike with the least possibility of inflicting collateral damage, they are far less lethal than any other aerial weapons system. Attempts to connect an increased tendency to use force are supported neither by the evidence nor by logic. The frequency and intensity of conflicts has declined even as the ability to conduct remote combat has increased exponentially. There were only a handful of drones available to the U.S. military when Operations Enduring Freedom and Iraqi Freedom began. The lack of unmanned systems appears to have posed no obstacle to the decision to initiate either operation. It is difficult to accord any serious influence over the conduct of air operations in past or current conflicts to the presence of armed drones. In the era before drones, the U.S. imposed ten year long no-fly zones over northern and southern Iraq. In addition, the number of drone sorties in total is but a tiny fraction of all aerial sorties. Armed drone sorties constitute only a small fraction of total drone missions. Cortright notes that since 2009 there have been 239 drone strikes into Pakistan. However, for the month of January 2011, Coalition forces in Afghanistan flew 387 sorties in which guns were fired or munitions expended.[2] These statistics suggest a clear preference on the part of the military for manned aerial systems and not drones in the conduct of tactical air operations. Cortright also reports that 145 drone strikes were conducted during Operation Odyssey Dawn—the liberation of Libya. Actually this is an incorrect statement. While drones were used over Libya these were not armed flights, hence they were sorties and not strikes. But this is good example of the breathless quality of much of the analysis today of the implications of drones for warfare. Look at the numbers. The U.S. alone conducted some 3,500 sorties during Operation Odyssey Dawn. So drones amounted to 4% of the total. By the way, the United States and United Kingdom also launched 228 Tomahawk cruise missiles during this operation, 112 on the first night of the conflict. If we are to accord to weapon systems influence over the decision to use force then in the case of Libya, precedence must be given based simply on the number of sorties conducted to cruise missiles, aerial refueling tankers, tactical fighters, and even cargo planes before we come to the little-used drone. The availability of un[staffed]manned aerial systems in no way makes conflict more likely or more brutal. Quite the opposite, in fact, seems to be the case. The presumption that were it not for the availability of drones, the U.S. would refrain from conducting military operations against terrorists based in Pakistan is highly dubious. We have an example of an alternative military option: Operation Enduring Freedom. As Joshua Goldstein pointed out in a recent article, the use of armed drones in Pakistan may have prevented the use of far bloodier means. “Armed drones now attack targets that in the past would have required an invasion with thousands of heavily armed troops, displacing huge numbers of civilians and destroying valuable property along the way.”[3] According to Robert Woodward’s reporting on President Obama’s decision to deploy additional forces to Afghanistan in 2009, a number of senior advisors proposed a lower-cost, smaller deployment based on increased use of special operations forces and unmanned aerial vehicles. I might go even farther than Goldstein and argue that Cortright should advocate the greater use of drones, armed and otherwise, precisely due to his interest in reducing the frequency, intensity, and costs of conflicts. Just as dash cameras in police cars and cell phone cameras have led to a decrease in police brutality and the ability to bring those who violate procedures to account, the electro-optical sensors on drones can be used to increase oversight over military forces in the field. In fact, cameras can reduce what Cortright calls “the psychological distance that separates the launching of a strike from its bloody impact.” It can also help reduce the alleged isolation of the American people from the use of force in their name. Unfortunately in view of its title, the primary focus of Cortright’s article is not on drones and warfare. Rather, it centers on the subset of the role of drones in current counterterrorism operations. A number of the issues he raises are frankly much more relevant to the rather murky legal and operational circumstances surrounding the global campaign against al Qaeda. Cortright is closer to the mark when, as the title of his article suggests, he connects the nature of drones, notably the lack of a person in the cockpit, to the sense that both the George W. Bush and, most particularly, the Obama Administration saw such systems as supporting if not promoting a “license to kill.” Critics of the use of drones against unlawful combatants in Pakistan and elsewhere would be on firmer ground by connecting the disembodied features of “Nintendo warfare” to our seeming tolerance for the weakening of legal safeguards for criminal terrorists. In conclusion, I would suggest that there is nothing in the current employment of drones or in plans for future unmanned aerial systems that poses the kinds of dangers suggested by Mr. Cortright. They will not make war easier or cheaper. There is no evidence that armed drones have reduced the political inhibitions against the use of deadly force. The use of drones in no way threatens to weaken the moral presumption against the inappropriate or excessive use of force that is at the heart of the just war doctrine—the emphasis is mine, but the qualifiers have always belonged to just war theory. Mr. Cortright’s problem is not with drones but the policies of those who employ them. I almost hate to say it, but we should remember that drones don’t kill terrorists, governments do.

## Blowback

### Public Backlash 1NC (:45

#### Gov won’t shut down drones

Benjamin Wittes, editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law, 2/27/13, In Defense of the Administration on Targeted Killing of Americans, www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/

This view has currency among European allies, among advocacy groups, and in the legal academy. Unfortunately for its proponents, it has no currency among the three branches of government of the United States. The courts and the executive branch have both taken the opposite view, and the Congress passed a broad authorization for the use of force and despite many opportunities, has never revisited that document to impose limitations by geography or to preclude force on the basis of co-belligerency—much less to clarify that the AUMF does not, any longer, authorize the use of military force at all. Congress has been repeatedly briefed on U.S. targeting decisions, including those involving U.S. persons.[5] It was therefore surely empowered to either use the power of the purse to prohibit such action or to modify the AUMF in a way that undermined the President’s legal reasoning. Not only has it taken neither of these steps, but Congress has also funded the relevant programs. Moreover, as I noted above, Congress’s recent reaffirmation of the AUMF in the 2012 NDAA with respect to detention, once again contains no geographical limitation. There is, in other words, a consensus among the branches of government on the point that the United States is engaged in an armed conflict that involves co-belligerent forces and follows the enemy to the new territorial ground it stakes out. It is a consensus that rejects the particular view of the law advanced by numerous critics. And it is a consensus on which the executive branch is entitled to rely in formulating its legal views.

#### No Link between drones and AQAP – alt causes are overwhelming

**Swift 12** – adjunct professor of national security studies at the Georgetown University School of Foreign Service and a fellow at the University of Virginia's Center for National Security Law (Christopher, THE DRONE BLOWBACK FALLACY STRIKES IN YEMEN AREN'T PUSHING PEOPLE TO AL-QAEDA, July 5, <http://www.yementimes.com/en/1587/opinion/1097/The-d-rone-blowback-fallacy-Strikes-in-Yemen-aren%27t-pushing-people-to-Al-Qaeda.htm>, CMR)

Last month, I traveled to Yemen to study how AQAP operates and whether the conventional understanding of the relationship between drones and recruitment is correct. While there, I conducted 40 interviews with tribal leaders, Islamist politicians, Salafist clerics and other sources. These subjects came from 14 of Yemen's 21 provinces, most from rural regions. Many faced insurgent infiltration in their own districts. Some of them were actively fighting AQAP. Two had recently visited terrorist strongholds in Jaar and Zinjibar as guests. I conducted each of these in-depth interviews using structured questions and a skilled interpreter. I have withheld my subjects' names to protect their safety -- a necessity occasioned by the fact that some of them had survived assassination attempts and that others had recently received death threats.¶ These men had little in common with the Yemeni youth activists who capture headlines and inspire international acclaim. As a group, they were older, more conservative and more skeptical of U.S. motives. They were less urban, less wealthy, and substantially less secular. But to my astonishment, none of the individuals I interviewed drew a causal relationship between U.S. drone strikes and Al-Qaeda recruiting. Indeed, of the 40 men in this cohort, only five believed that U.S. drone strikes were helping Al-Qaeda more than they were hurting it.¶ Al-Qaeda exploits U.S. errors, to be sure. As the Yemen scholar Gregory Johnsen correctly observes, the death of some 40 civilians in the December 2009 cruise missile strike on Majala infuriated ordinary Yemenis and gave AQAP an unexpected propaganda coup. But the fury produced by such tragedies is not systemic, not sustained and, ultimately, not sufficient. As much as Al-Qaeda might play up civilian casualties and U.S. intervention in its recruiting videos, the Yemeni tribal leaders I spoke to reported that the factors driving young men into the insurgency are overwhelmingly economic. ¶ From Al-Hodeida in the west to Hadramaut in the east, AQAP is building complex webs of dependency within Yemen's rural population. It gives idle teenagers cars, qat, and rifles -- the symbols of Yemeni manhood. It pays salaries (up to $400 per month) that lift families out of poverty. It supports weak and marginalized sheikhs by digging wells, distributing patronage to tribesmen and punishing local criminals. As the leader of one Yemeni tribal confederation told me, “Al-Qaeda attracts those who can't afford to turn away.”¶ Religious figures echoed these words. Although critical of the U.S. drone campaign, none of the Islamists and Salafists I interviewed believed that drone strikes explain Al-Qaeda's burgeoning numbers. “The driving issue is development,” an Islamist parliamentarian from Hadramout province said. “Some districts are so poor that joining al Qaeda represents the best of several bad options." (Other options include criminality, migration, and even starvation.) A Salafi scholar engaged in hostage negotiations with AQAP agreed. "Those who fight do so because of the injustice in this country," he explained. "A few in the north are driven by ideology, but in the south it is mostly about poverty and corruption." 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."

#### AQAP isn’t a threat—their impacts are hype

**Gerges 12**—Prof of IR @ London School of Economics (“The Rise and Fall of Al-Qaeda: Debunking the Terrorism Narrative”, 1/3/2012, <http://www.huffingtonpost.com/fawaz-gerges/the-rise-and-fall-of-alqa_b_1182003.html>, CMR)

The popular uprisings in Tunisia, Egypt, Libya, Syria, Yemen and Bahrain have not only shaken the foundation of the authoritarian order in the Middle East, but they have also hammered a deadly nail in the coffin of a terrorism narrative which has painted Al-Qaeda as the West's greatest threat. At least, they should have. Yet despite Osama bin Laden's killing in May, the dwindling of his group to the palest shadow of its former self and the protest of millions across the Arab world for whom the group never represented, Al-Qaeda holds a grasp on the Western imagination. Few Americans and Westerners realize the degree to which their fear of terrorism is misplaced, making closure over to the costly War on Terror difficult, if not impossible. Shrouded in myth and inflated by a self-sustaining industry of so-called terrorism "experts" and a well-funded national security industrial complex whose numbers swelled to nearly one million, the power of Al-Qaeda can only be eradicated when the fantasies around the group are laid to rest. Myth 1: Al-Qaeda has been operational for more than two decades Contrary to the conventional terrorism narrative, Al-Qaeda has not been a functional organization with the goal of targeting the West for the past 20 years. By the time the American forces expelled bin Laden and his associates from their base in Afghanistan at the end of 2001, Al-Qaeda, as we know it today, was only five years old. At the end of the Afghan war in 1989, none of the leading figures -- Sheikh Abdullah Azzam, Ayman al-Zawahiri, nor bin Laden -- called for targeting the United States or the West. Even after the catalyst for change in bin Laden's thinking -- the American military intervention in the Gulf in 1990 and its permanent stationing of troops in Saudi Arabia -- the group did not translate this hostility into concrete action. Rather, it was during bin Laden's time in Sudan in the mid-1990s where he combined business practices with ideological indoctrination. Myth 2: Al-Qaeda has lots of boots on the ground At its height of its power in the late 1990s, Al-Qaeda had between 1,000 and 3,000 members. Transnational jihadism of the Al-Qaeda variety has, in fact, never had a large constituency, nor a solid base of popular support: Al-Qaeda has never been a viable social movement, but truly a fringe group without mass appeal among Muslim opinion. Contrary to received wisdom, September 11 did not turn out to be Al-Qaeda's baptism by fire, a force multiplier, a game changer. There was no river of young recruits to rise up and join the fight against the head of kufr (impiety) -- the U.S. -- as had happened with the Soviet invasion of Afghanistan in the late 1970s. Western intelligence officials believe that there are fewer than 200 surviving members of Al-Qaeda, based mainly in Pakistan and Afghanistan and mostly unskilled composed of cooks, drivers, bodyguards and food soldiers. Myth Three: Al Qaeda has the same philosophy as other militant Islamist organizations While distinctions are rarely made between domestic jihadis and transnational Al-Qaeda types, or between Al-Qaeda and politically based Islamists, such as the Muslim Brotherhood, Hamas or Hizbullah, Al-Qaeda, with deep historical roots in Muslim societies, is an ideological orphan within the military Islamist family, an ambitious venture founded and led by a small vanguard. Grouping all these organizations together glosses over a history of ideological struggles within militant Islamist groups and even among Al Qaeda's inner sanctum of leaders over the concept of transnational jihad. From its origins in the late 1950s until the mid-1990s, a period of almost forty years, the militant Islamist movement known as "jihadism" was inward-looking, obsessed with replacing "renegade" secular Muslim rulers with Qur'anic-based states or states governed by the sharia (Islamic law). In the 1990s bin Laden and Zawahiri twisted these ideologies to suit their purposes of fighting the 'far enemy' -- the U.S. and its close Western allies -- which they believed would attract enough followers to build an army and momentum enough for their nearer battles. Myth Four: While Al-Qaeda Central has suffered a defeat with the loss of bin Laden, local 'branches' of Al-Qaeda in Yemen, Iraq, Pakistan, Somalia and Indonesia will continue to try to attack the U.S. and the West The material links and connections between local branches and Al-Qaeda Central are tenuous at best: far from being an institutionally coherent social movement, Al-Qaeda is a loose collection of small groups and factions that tend to be guided by charismatic individuals and are more local than transnational in outlook. Most victims are therefore Muslim civilians. Further, these branches tend to be as much a liability for the long term strategic interests of Al-Qaeda Central as they are assets. Abu Musab Zarqawi, the emir of Al-Qaeda in Iraq, proved to be Al-Qaeda Central's worst enemy. He refused to take orders from bin Laden or Zawahiri and, in fact, acted against their wishes, according to his own desires. Like Zarqawi, local groups or franchises -- like Al-Qaeda in the Arabian Peninsula (AQAP) or Al-Qaeda of the Islamic Maghreb -- which the terrorism narrative often paints as being closely aligned and commanded by Al-Qaeda Central in fact have proven repeatedly that they run by their own local and contextualized agendas, not those set among the inner sanctum of Al-Qaeda Central. Myth Five: The War on Terror has made Americans safer and has decreased the likelihood of attacks on the country There is a clear causal link between incidences of homegrown terrorism in the West and the post-9/11 wars fought in Afghanistan and Iraq, and more recently in Pakistan and Yemen. Far from weeding out individual terrorists drone by drone to put an end to Al-Qaeda and its violence, the American offensive since 9/11 has fed into the Al-Qaeda narrative which paints the West as a Judeo-Christian crusader and, ironically, inspired a new generation of homegrown radicals. Despite their apparent tactical success, U.S. counterterrorism measures like drone attacks further fuel anti-American sentiments and calls for vengeance. Yet neither the U.S. national security apparatus nor terrorism experts acknowledge a link between the new phenomenon of bottom-up extremism and the U.S. War on Terror, particularly in Afghanistan-Pakistan. Further, despite the phenomenal expansion of the intelligence machine as part of the War on Terror, this machine has failed to detect the few serious attacks and plots against the U.S. homeland, such as the Fort Hood, Texas, shooting that left thirteen dead, the so-called underwear bomber plot, or the 2009 Christmas Day bomb attempt, which was thwarted not by one of the almost one million individuals with top-secret clearances employed to find lone terrorists but by an alert airline passenger who saw smoke coming from a seatmate. In the Times Square bombing, an alert vendor called the police after he saw smoke coming out of a parked SUV. Even when the U.S. pays more than $5 billion for 1 million employees with security clearances to hunt members of Al-Qaeda, absolutely security cannot exist. The security of the West is organically linked to that of the rest of the world. And U.S. leaders must think twice before pursuing counterterrorism measures which alienate Muslim public opinion and breed homegrown terrorists. \*\*\* The war with Al-Qaeda is over. Western leaders must level with their citizens: Al-Qaeda poses only a security irritant, not a serious threat. Terrorism cannot be eradicated with drone attacks or even massive military interventions, all of which are, in any case, costly. Rather than battling against a mythic foe, the U.S. and Western powers should expedite the withdrawal of soldiers from Muslim territories where their presence is a painful reminder of the European colonial legacy of domination and subjugation.

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

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

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

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

#### Yemen instability won’t cause full collapse or war – history shifts the burden of proof

**Caton 10** Dr. Steve C. Caton is Professor of Contemporary Arab Studies in the Department of Anthropology at Harvard University. Yemen: not on the verge of collapse Posted By Steven C. Caton Wednesday, August 11, 2010 - 2:56 PM Share http://mideast.foreignpolicy.com/posts/2010/08/11/yemen\_not\_on\_the\_verge\_of\_collapse

History may provide some perspective. There has been a state or dawlah in Yemen for thousands of years, whether the Sabaean state that built Marib Dam and was the reputed homeland of the Queen of Sheba, or the Islamic state created shortly after the advent of Islam which lasted for a thousand years, or the republican state that came into being in 1962 and has lasted until the present day, despite two bitter civil wars. To be sure, the state has waxed and waned in power and contracted or expanded in territory during this history, and it has faced formidable outside opponents, beginning with the Romans and most recently with al-Qaeda, but it has never fully collapsed or disappeared from the scene. It is unlikely to do so in the present in spite of arguments that the current regime is at a tipping point and about to fall apart because of an unprecedented number of seemingly intractable problems facing it (an ever weakening economy, unsustainable water consumption, projected diminished oil reserves, conflicts between the state and certain regional populations, rampant corruption, and let us not forget al-Qaeda).

To those who would say to me, "How do you know it is not at a tipping point?" I can only respond with, "How do you know that it is?" and remind ourselves of the longue durée of Yemeni history.

But what does it mean to be a "weak state" in contemporary Yemen? Again, some historical perspective is helpful, though thankfully we need not go back three thousand years. When the current president of Yemen, Ali Abdullah Saleh, came to power in 1978 I remember people taking bets in the country's expatriate community that he would not last a year. Not only has he expanded his own personal power, he has managed to consolidate and broaden the state's presence in the country. In 1978, there were few military checkpoints along Yemen's highways; I could go from the capital, Sana'a, to the western town of Marib and be stopped at most two times along the way by state authorities. Now there are over a dozen such stops and identity papers are checked. Military outposts can be seen on most mountain-tops. And there is an administrative system doing the state's business in even the most far-flung regions of the county. Paved roads, state-run or sponsored schools, clinics, and hospitals represent a different aspect of state power and legitimacy, and perhaps they are more effective in that they penetrate into the everyday lives of people. Usually none of this context is taken into account when the western press glibly asserts that the state can barely control the capital, let alone the hinterlands beyond it.

#### no Mideast escalation

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**Without the US presence, a** second **argument goes, nothing would prevent Sunni–Shia violence from sweeping into every country** where the religious divide exists. A Sunni bloc with centres in Riyadh and Cairo might face a Shia bloc headquartered in Tehran, both of which would face enormous pressure from their own people to fight proxy wars across the region. In addition to intra-Muslim civil war, cross-border warfare could not be ruled out. Jordan might be the first to send troops into Iraq to secure its own border; once the dam breaks, Iran, Turkey, Syria and Saudi Arabia might follow suit. **The Middle East has no shortage of rivalries, any of which might descend into direct conflict after a** destabilising **US withdrawal**. **In the worst case, Iran might emerge as the regional hegemon, able to bully** and blackmail **its neighbours** with its new nuclear arsenal. **Saudi Arabia and Egypt would soon demand suitable deterrents** of their own, and a nuclear arms race would envelop the region. Once again, **however, none of these outcomes is particularly likely**. Wider war **No matter what** the outcome in Iraq, **the region is not likely to devolve into chaos**. Although it might seem counter-intuitive, by most traditional measures the Middle East is very stable. Continuous, uninterrupted governance is the norm, not the exception; most Middle East regimes have been in power for decades. Its monarchies, from Morocco to Jordan to every Gulf state, have generally been in power since these countries gained independence. In Egypt Hosni Mubarak has ruled for almost three decades, and Muammar Gadhafi in Libya for almost four. The region's autocrats have been more likely to die quiet, natural deaths than meet the hangman or post-coup firing squads. Saddam's rather unpredictable regime, which attacked its neighbours twice, was one of the few exceptions to this pattern of stability, and he met an end unusual for the modern Middle East. Its regimes have survived potentially destabilising shocks before, and they would be likely to do so again. **The region** actually **experiences very little cross-border warfare**, and even less since the end of the Cold War. Saddam again provided an exception, as did the Israelis, with their adventures in Lebanon. Israel fought four wars with neighbouring states in the first 25 years of its existence, but none in the 34 years since. **Vicious civil wars that once engulfed Lebanon and Algeria have gone quiet, and its ethnic conflicts do not make the region particularly unique.** **The biggest risk of an American withdrawal is intensified civil war in Iraq rather than regional conflagration**. **Iraq's neighbours will likely not prove eager to fight each other** to determine who gets to be the next country to spend itself into penury propping up an unpopular puppet regime next door. **As much as the Saudis and Iranians may threaten to intervene** on behalf of their co- religionists, **they have shown no eagerness to replace** the counter-insurgency role that **American troops** play today. If the United States, with its remarkable military and unlimited resources, could not bring about its desired solutions in Iraq, why would any other country think it could do so?[17](http://www.tandfonline.com/doi/full/10.1080/00396330701733852#EN0017) 17. See Steven Simon, ‘America and Iraq: The Case for Disengagement’, Survival , vol. 49, no. 1, Spring 2007, esp. pp. 66–8. [View all notes](http://www.tandfonline.com/doi/full/10.1080/00396330701733852#inline_frontnotes) **Common interest, not the presence of the US military, provides the ultimate foundation for stability**. **All ruling regimes in the Middle East share a common** (and understandable) **fear of instability**. It is the interest of every actor – the Iraqis, their neighbours and the rest of the world – to see a stable, functioning government emerge in Iraq. **If the United States were to withdraw, increased regional cooperation to address that common interest is far more likely than outright warfare**.

#### drones key to EU relations and intel is sustainable

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When the United States and the European Union committed to cooperating more closely in the fight against terrorism in 2004, they took special care to emphasise that they would act in keeping with the rule of law and international law. Accordingly, the EU has an obligation in this engagement to examine those practices – including drone strikes – that raise serious concerns as to their compatibility with international law, and to ask the US for more information about the specifics of targeted killing.¶ Members of the European Parliament (MEPs) have reminded the European Commission of this obligation with parliamentary questions, requesting the EU to ask the US for the legal basis of this tactic. On 16 January 2012, a written declaration was issued by a group of MEPs urging the EU to commit to ensuring that states publish their criteria for combat drone operations, and in the event of unlawful killing, measures be taken against the perpetrators.¶ However, neither the European Commission in the form of the High Representative (who is also the Commission’s Vice President) nor the Council have thus far released any statements on this subject. This is striking, as the Council has been quite vocal on the matter on other occasions, notably on the targeted killings carried out by Israel in the Occupied Palestinian Territories (OPT).¶ When confronted with this discrepancy, EU officials vaguely reply that the European Council has been in an ongoing debate with the US about how to forge a durable framework to combat terrorism within the rule of law since 2004. Yet, no opinions are expressed on the legality of the practice, and no statements have been made by EU officials on future developments. Apparently questions are being asked on the lack of transparency of this tactic, but no publicly known results have so far been shown.¶ It is not only the EU institutions that have failed to make their voice heard on the issue of drone strikes. The member states have generally followed a similar pattern. Nonetheless, while very few words have been uttered by individual countries, the positions of at least some EU member states can be gauged by their actions.¶ Germany, for instance, has been refusing to provide the US with intelligence that would lead to the killing of suspected terrorists since a 2010 drone attack in Pakistan killed a German citizen, who was an Islamist but no militant. The Germans have since agreed to provide the Americans with information “for intelligence purposes only” that can be used exclusively to arrest suspects, since the German government does not want to be perceived by the public opinion as being co-responsible for US targeted killings.¶ On the opposite end to Germany, one can perhaps put the United Kingdom. Although six British nationals having been killed by US drone strikes in Pakistan, the British government has continued to provide the US military and the CIA with support and intelligence. The Foreign Office has said in the past that it was “looking into the reports” of the killings, but so far none of these deaths have been investigated by UK authorities. The UK is itself using armed drones in Afghanistan. Just like the US, the UK releases little information about the way in which these drones are used.¶ Clear-cut opinions on the US’ use of targeted killing have not been voiced by any of the member states. In spite of scant evidence, it is safe to say that member states’ sensitivity towards the issue of targeted killings varies considerably. This seems to have resulted in a sort of tacit agreement not to raise the issue, not only with the US but also within the EU. There are a number of possible reasons why the EU has kept silent on the US policy of targeted killings in Pakistan.¶ One interpretation is that it is an ”eloquent” silence, in that EU member states prefer not to bother the US by questioning a practice which, however controversial for their values, is not considered fundamentally opposed to their interests. To a certain extent, this interpretation is persuasive, and yet it does not completely explain why the EU has on other occasions expressed itself quite critically against targeted killings, most notably those operated by Israeli forces against Palestinian militants in the West Bank and Gaza Strip.¶ Another interpretation of the EU’s silence on the American use of targeted killing points to the lack of consensus among its member states. As we have seen, Germany refuses to provide any information that can lead to a targeted killing, while the UK is apparently an advocate of the use of drones for targeted killing itself (although only in Afghanistan’s territory). In such a context, where some member states are willing to consider targeted killing methods while others do not desire this evolution at all, the EU has no incentive to forge a common position on US drone strikes in Pakistan.¶ Another possible reason for the EU’s tacit approval of the US’ targeted killing in Pakistan concerns the increasing European interest in UAV’s. The ongoing struggle for the European drone market makes it difficult for European governments to criticise the US. With France and Italy attempting to arm their drones and the UK currently already using armed drones, they have no interest in criticising a tactic that they will be employing, or in the case of UK, are already employing, although in a legally less controversial manner.¶ Other EU countries have actually bought their own drones from the US, arguably a powerful disincentive to criticise the American’s use of their drones. The US government, for its part, is comfortable with providing its European allies with drones so as to ease the burden on its own forces in Afghanistan. The US is also hoping that the use of drones by the EU countries will pave the way for global standards, allowing drones to be used in all airspace.¶ Another reason why the EU is keeping its mouth shut is because it¶ wants the insurgency in the tribal region on the border between Afghanistan and Pakistan to end. Since European forces are present in Afghanistan within the framework of the NATO-led International Security Assistance Force (ISAF), EU countries have their own interest in condoning these tactics. In addition, since they are not involved in any such operation, they cannot be accused of playing any role in targeted killing (according to this view, the Europeans are content with letting the US do the “dirty work”). Even though the CIA’s use of targeted killings in Pakistan can hardly be defined as in keeping with IHL, as long as the tactic keeps balancing on the edge of illegitimacy and there is no considerable public outcry, there is no disadvantage for the EU to remain silent.¶ Does the EU’s silence thus flow from its vested interests, or is it a consequence of its lack of vigour and decisiveness? From the above, we can tell that one realistic interpretation is that EU member states have deliberately decided not to talk about targeted killings in Pakistan because of their multiple interests in condoning the tactic.¶ But it is as possible that the EU is simply reluctant to start any action on the US drone strikes out of lack of moral vigour. Were it to speak up and pose unpleasant questions to the US, then it would open a potentially acrimonious dispute with the US. The lack of consensus within the EU can also be added here. In this interpretation the Union is silent not because it has decided so, but because it is unable to forge a common position.¶ Even though the analysis of the US’ targeted killing tactic makes it clear that it is a legally and morally controversial practice, it is possible that the EU finds the advantages of avoiding the subject to be greater than those of living up to its moral obligation of urging the US to comply with international law. This choice might, at best, be defined as prudent, but it could also result in a backlash.

Cooperation inevitable --shared values, economic ties, and issue specific coop

**McCormick 6** The War on Terror and Contemporary U.S.-European Relations James M. McCormick 1 1 Iowa State University ABSTRACT AU: James M. McCormick TI: The War on Terror and Contemporary U.S.-European Relations SO: Politics & Policy VL: 34 NO: 2 PG: 426-450 YR: 2006

Even if the conceptual gap were to narrow only slightly over U.S. foreign policy generally and terrorism particularly, powerful international and domestic constraints remain, which may motivate both the United States and Europe to close the action gap. In other words, certain existing constraints may actually serve as incentives to close the action gap between these two global actors in the near term. Some of these constraints result from the common ties that already exist, but others are unique to the United States and Europe.First, of course, the United States and Europe are still bound together by a set of underlying common values and beliefs that brought them together during the Cold War after World War II, albeit no longer with the Soviet Union acting as a lone star guiding policy formulation. Those common values and beliefs § Marked 08:23 § are hardly empty notions to the vast majority of Europeans and Americans, particularly not to the new European states that have escaped communist rule since the fall of the Berlin Wall. How those values should be advanced will surely remain as a source of disagreement both within and between Europe and America, but those values will undoubtedly continue to serve as incentives for all parties to seek some policy accommodations. Second, Europe and America are fundamentally tied by the significant economic links that serve as the "sticky power" (Mead 2004, 46-53; Mead 2005, 29-36) between them. Indeed, economic ties remain very strong, despite recent political differences and lingering disputes over access to both participants' markets (Drozdiak 2005). Third, the often unspoken levels of cooperation on terrorism—for example, in the areas of law enforcement, intelligence matters, or the tracking of financial matters—remain in place, even in the face of more visible political differences over Iraq and the wider war on terrorism. Moreover, the events of 3/11/04 in Madrid and 7/7/05 in London continue to provide very powerful incentives for this kind of transatlantic cooperation. In this sense, these different kinds of "ties that bind"—and continue to bind—should not be forgotten as important sources of momentum to seek common ground between America and Europe.

## 2NC

#### , War power fights undermine deterrence and causes aggression

Newton 12—Professor of Law @ Vanderbilt University [Michael A. Newton, “Inadvertent Implications of the War Powers Resolution,” Case Western Reserve Journal of International Law, Vol. 45, No. 1, 2012]

The corollary to this modern reality, and the second of three inadvertent implications of the Resolution, is that our enemies now focus on American political will as the Achilles heel of our vast capabilities. Prior to the War Powers Resolution, President Eisenhower understood that it was necessary to "seek the cooperation of the Congress. Only with that can we give the reassurance needed to deter aggression." 62 President Clinton understood the importance of clear communication with the Congress and the American people in order to sustain the political legitimacy that is a vital element of modern military operations. Justifying his bombing of targets in Sudan, he argued that the "risks from inaction, to America and the world, would be far greater than action, for that would embolden our enemies, leaving their ability and their willingness to strike us intact."13 In his letter to Congress "consistent with the War Powers Resolution," the president reported that the strikes "were a necessary and proportionate response to the imminent threat of further terrorist attacks against U.S. personnel and facilities" and "were intended to prevent and deter additional attacks by a clearly identified terrorist threat."6 ' The following day, in a radio address to the nation, the president explained his decision to take military action, stating, "Our goals were to disrupt bin Laden's terrorist network and destroy elements of its infrastructure in Afghanistan and Sudan. And our goal was to destroy, in Sudan, the factory with which bin Laden's network gas."\*6 Citing "compelling evidence that the bin Laden network was poised to strike at us again" and was seeking to acquire chemical weapons, the president declared that we simply could not ignore the threat posed, and hence ordered the strikes. 66 Similarly, President Clinton understood that intervention in Bosnia could not be successful absent some national consensus, which had been slow to form during the long Bosnian civil war.6 1¶ Secretary of State George Schultz provided perhaps the most poignant and pointed example of this truism in his testimony to Congress regarding the deployment of US Marines into Lebanon to separate the warring factions in 1982. On September 21, 1983, he testified before the Senate Foreign Relations Committee and provided a chilling premonition of the bombing that would come only one month later and kill 241 Americans, which was the bloodiest day in the Marine Corps since the battle of Iwo Jima.6" Seeking to bolster legislative support and to better explain the strategic objectives, he explained that:¶ It is not the mission of our marines or of the [Multinational Force in Lebanon] as a whole to maintain the military balance in Lebanon by themselves. Nevertheless, their presence remains one crucial pillar of the structure of stability behind the legitimate Government of Lebanon, and an important weight in the scales.¶ To remove the marines would put both the Government and what we are trying to achieve in jeopardy. This is why our domestic controversy over the war powers has been so disturbing. Uncertainty about the American commitment can only weaken our effectiveness. Doubts about our staying power can only cause political aggressors to discount our presence or to intensify their attacks in hopes of hastening our departure.¶ An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our political hand." Pg. 189-190

### Imp: Turns Modeling (:15

#### circumvention turns modeling- president is key

Marshall 08 – Professor of Law @ University of North Carolina [ [William P.](http://www.heinonline.org.proxy.library.emory.edu/HOL/LuceneSearch?specialcollection=&terms=creator%3A%22Marshall,%20William%20P.%20%22&yearlo=&yearhi=&subject=ANY&journal=ALL&sortby=relevance&collection=journals&searchtype=advanced&submit=Search&base=js&all=true&solr=true) Marshall, “Eleven Reasons Why Presidential Power Inevitably Expands and Why It Matters,” Boston University Law Review, Vol. 88, Issue 2 (April 2008), pp. 505-522

As Justice Jackson recognized in Youngstown, the power of the Presidency has also been magnified by the nature of media coverage. This coverage, which focuses on the President as the center of national power,66 has only increased since Jackson's day as the dominance of television has increasingly identified the image of the nation with the image of the particular President holding office. 67 The effects of this image are substantial. Because the President is seen as speaking for the nation, the Presidency is imbued with a unique credibility. The President thereby holds an immediate and substantial advantage in any political confrontation. 68 Additionally, unlike the Congress or the Court, the President is uniquely able to demand the attention of the media and, in that way, can influence the Nation's political agenda to an extent that no other individual, or institution, can even approximate. Pg. 516

### Lk: Theory 2NC (1:30

#### Institutional Rational Choice Model is true and explains non-compliance--power of purse and judicial review don’t check

McGinnis, 93

John McGinnis, Assistant Professor, Benjamin N. Cardozo School of Law, 1993, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4213&context=lcp>

The president's assertion of constitutional review in this area is exemplified by OLC's opinion supporting the President's action.ss Dated three days prior to the President's statement, the opinion underscores that the President was engaged in an act of conscious constitutional review. 9 The opinion resembles a judicial opinion in its length and elaboration, proceeding in a deliberate manner with copious citation to precedent to articulate three propositions of law: (1) section 102(c) of the Foreign Relations Act was unconstitutional;' (2) the provision was severable from the rest of the act so the president could spend the authorized funds on the negotiations at the Conference on Cooperation and Security in Europe without complying with the provision;" and (3) the president had the constitutional authority to refuse to enforce laws that violate the separation of powers.92 To support its first proposition, the opinion not only cites judicial precedent, such as United States v. Curtiss-Wright Corp.,93 but similar interpretations of the Constitution by other presidents, including President Carter's refusal to allow Congress to constrain his choice of representation at U.S. missions abroad,' demonstrating the bipartisan nature of the executive's interest. The opinion's second proposition rejects absolutely the notion that Congress may use its "power of the purse" to condition the receipt of funds in a manner that would interfere with the president's constitutionally granted prerogatives.95 The authority cited for this proposition is another OLC opinion which applies the unconstitutional conditions doctrine to the separation of powers.96 Because the doctrine is ordinarily applied by the judiciary to prevent Congress from conditioning the receipt of government funds on the waiver of constitutional rights of individuals, its in terms of the comparative interests of the branches. The executive has the most interest in exercising this power with respect to separation of powers provisions, because these provisions most directly affect its interests." ° On the other hand, the judiciary would lose a measure of its most prized prerogative, the protection of individual constitutional rights, if the executive were to refuse to enforce provisions that violate individual rights as freely as it refuses to enforce provisions that violate the separation of powers.01 Thus, the effective boundary line between the president's use of his power to refuse to enforce a law and the judiciary's invocation of judicial review is largely set by the balance of interest between these branches rather than the constitutional text."l Indeed, this boundary functions as one of the most fundamental structures of accommodation in the bargaining game, because it divides invocation reminds the judiciary of the importance of retaining this boundary to its own interest in remaining the guardian of individual rights.' The opinion's third proposition, that the president can refuse to enforce laws that violate the separation of powers, is also best understood against the background of the separation of powers as an implicit set of bargains. The textual support for the refusal to enforce, deriving as it does from the president's oath98 and his authority to "take Care that the Laws be faithfully executed," 99 does not distinguish between refusing to enforce laws that violate the separation of powers and those that violate other provisions of the Constitution. However, the distinction can be easily understood up the initiative in policing constitutional boundaries between the executive and judiciary.

### Lk: Drones—Congr Oversight 2NC

#### drones overisght fails—gets rolled over by the president- empirics and electoral incentives prove – that’s Joyner

#### covert action statute and selection effects block

to get on the committee they have to have high-level security clearance- means they are part of the system

Ross 8/1/13 (Alice, writer for The Bureau of Investigative Journalism, an independent not-for-profit organization, “Is congressional drone oversight working?”, <http://www.salon.com/2013/08/01/is_congressional_drone_oversight_working_partne/singleton/>, CMR)

The challenges of oversight¶ The Bureau has previously questioned the effectiveness of the intelligence committees’ oversight of drone strikes. In February 2013. Feinstein used opening remarks at John Brennan’s nomination hearings to claim her committee had done its ‘utmost to confirm’ low civilian casualties in CIA drone strikes.¶ The Bureau contacted four fellow independent organisations which had carried out field investigations looking at civilian casualties in Pakistan. Each had published evidence of civilian casualties – yet none had ever been contacted by committee members or their staff in response to their findings, raising concerns the committee is too dependent on the intelligence community’s assessments.¶ Current committee members have complained about being blocked from robust scrutiny. At Brennan’s nomination hearings, Senator Barbara Mikulski said: ‘I’ve been on this Committee for more than 10 years, and with the exception of Mr. Panetta, I feel I’ve been jerked around by every CIA Director. I’ve either been misled, misrepresented, had to pull information out – often at the most minimal kind of way… And quite frankly, during those questions, they were evaded; they were distorted, et cetera.’¶ Such evasions are not limited to CIA directors. In June the director of national intelligence, James Clapper, admitted he had given the SSCI a ‘clearly erroneous’ response earlier in the year when he told an open hearing that the National Security Agency (NSA) did not ‘wittingly’ collect data on millions of Americans. The public retraction came only after former intelligence contractor Edward Snowden leaked documents indicating that such mass surveillance programmes were in operation.¶ Even where members can access information, Feinstein has said the committee can be blocked from acting on it. Following Brennan’s hearing, Feinstein told political blog The Hill: ‘Right now it is very hard [to oversee the drone programme] because it is regarded as a covert activity, so when you see something that is wrong and you ask to be able to address it, you are told no.’¶ The present scrutiny system evolved in the wake of the Watergate affair. A series of controversial intelligence practices emerged, including attempted assassinations of overseas political leaders and illegal intelligence-gathering on US citizens.¶ Amid a growing sense that the intelligence services had been allowed to run amok, a series of inquiries – the most well-known of which was the Church Commission, headed by Senator Frank Church – combed through the activities of the CIA, FBI and NSA, identifying multiple abuses and overreachings. The Senate and House intelligence committees were established to provide the kind of scrutiny that might prevent such abuses happening again.¶ A source with knowledge of the intelligence committees under previous administrations pointed the Bureau to the significant challenges of overseeing operations that are by their very nature secret.¶ They pointed out that the committee has the power to request access to any information it requires. But this requires members or staffers to know such information exists. ‘It’s a serious question as to how much any elected official could possibly understand about what’s going on inside,’ the source said. Politicians had to ask themselves:¶ ‘Do I know enough to ask the right questions, and how can I count on really being given the full picture?,’ they added.¶ ‘If you wanted to find out what’s really going on, you had to get really tough – you had to talk to people and say, cut the crap. If you lie to me, I will have your head on a plate,’ the source told the Bureau.¶ Regarding the current committee’s oversight of the drone programme, they said, ‘Did somebody really do a tough job there and put the necessary pressure on people to get a result?’¶ While elected members might struggle to find the time to delve into complex matters of national security, the close links between committee staffers and the intelligence community can further hamper scrutiny, the source added.¶ ‘You can’t get a job on one of these committees if you don’t have high-level security clearance – so you can’t get a job without being part of the system. This automatically puts you inside a circle of people who all can talk to each other, but in the knowledge that if they step out of line when the job’s finished, they will be finished.¶ ‘There’s a huge risk for any staff member who crosses people inside the system,’ they said.¶ ‘This is the problem of the netherworld and its interaction with democratic institutions… It really is a very difficult problem and the solution that Frank Church came up with wasn’t enough,’ said the source.

#### inexperience and lack of pork-barrel kill incentive and effectiveness

house imposes term limits- as soon as they know what they’re doing they have to leave

Zegart 13 (Amy B, senior fellow @ Hoover, faculty member at the Center for International Security and Cooperation at Stanford University, “Drones Sighted”, Research and Opinion On Public Policy, No. 3, Summer, CMR)

But don’t get used to it. The drone policy shift is the exception that¶ proves the rule: on most intelligence issues on most days, intelligence¶ oversight is feckless, and Congress knows it. “I’ve been on this committee¶ for more than ten years,” Senator Barbara Mikulski told Brennan during¶ his confirmation, “and with the exception of Mr. Panetta, I feel I’ve been¶ jerked around by every CIA director.” And that’s just what she says in¶ public.¶ It’s true that no administration lays out the CIA welcome mat for Congress.¶ But Congress lets itself get jerked around far more than it should.¶ Want to guess how many members of the current Congress have ever¶ worked in intelligence before? Two. This means that most intelligence¶ committee members have to learn on the job, which takes the one thing¶ in shortest supply: time. If legislators want to win the next election, they’re¶ better off devoting time to other committees that offer pork and other¶ benefits to folks back home and involve policy issues that they can at least¶ talk about in public. From a re-election perspective, intelligence committee¶ service is always a political loser. This is no secret. My research¶ has found that fewer of Congress’s most powerful members serve on the¶ House and Senate intelligence committees today than they did in the¶ 1980s, even though intelligence is arguably more important and challenging.¶ What’s more, the House still imposes term limits for representatives¶ serving on the House intelligence committee (almost no other committees¶ have them), ensuring that members have to rotate off just when they¶ finally know what they are doing.¶ The Senate, meanwhile, has been holding fewer and fewer public hearings.¶ As Steven Aftergood notes, the committee held only one public hearing¶ in all of 2012, “the smallest number of public hearings the committee¶ has held in at least twenty-five years and possibly ever.” To be fair, much¶ oversight is done in private. But if the drone debate is any guide, the public¶ part counts. A lot.

### Lk: A2 “Political Costs”

#### Institutional rational choice and executive review link turns political costs – prefer our evidence, best method

Executive will assert constitutional review crushing enforcement – internal link turns political costs by painting noncompliance as constitution law enforcement against congressional lawbreaking - prefer our ev – rational choice theory explains power distribution best and ensures executive will win out

McGinnis, 93

John McGinnis, Assistant Professor, Benjamin N. Cardozo School of Law, 1993, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=4213&context=lcp>

In war powers and certain other areas of foreign affairs, the executive rather than the judiciary appears to exercise the constitutional authority to declare "what the law is."1 For instance, when presidents have committed troops to foreign hostilities in the past decade, they have claimed the constitutional authority to do so without congressional authorization, essentially refusing to acknowledge that they were bound by the War Powers Resolution.2 Recently, President Bush declared that certain provisions in two bills were not legally binding because they derogated from his authority in foreign affairs despite the fact that he himself had signed them into law.3 In each of these instances, the Office of Legal Counsel ("OLC"), the central voice of executive branch legal interpretation, wrote an opinion as elaborate as a judicial opinion supporting the President's view that the provision at issue was unconstitutional. The President's apparent exercise of constitutional review in such cases is also highlighted by the judiciary's complementary tendency to avoid exercising substantive review over foreign policy or war powers disputes between the executive and legislative branches. The executive's declaration of law in these areas may at first seem anomalous given the usual understanding of constitutional review as a judicial power. In my view, however, far from being anomalous, the executive's effective exercise of constitutional review in its primary areas of interest reveals an essential truth about the separation of powers as actually practiced: the relation of the branches to the governmental powers they exercise is fluid rather than fixed. A power often does not remain in the branch in which it was initially placed, but may instead effectively be exercised elsewhere on account of the implicit bargains and accommodations that reflect the interests and capacities of the branches. Because decisions about such matters as troop commitments and the conduct of negotiations are so much more central to executive interests than to those of the judiciary or Congress, the executive and judiciary have structured the constitutional regime to allow the executive itself the opportunity to shape the law in these areas. Thus, even the power of constitutional interpretation, th

e fundamental authority in a constitutional republic, is neither indivisible nor immovable, but may be disaggregated so as to allot a portion to the branch that will gain the most utility from its exercise. This article proceeds in two parts. First, it offers a model of institutional rational choice to describe the actual practice of the separation of powers-a model in which governmental powers are often distributed by the branches themselves through bargains and accommodations that maximize their respective interests. Second, the article seeks to illuminate this model by examining the accommodation in the foreign policy and war powers area and the manner in which it reflects the balance of interests among the branches. Because this accommodation is derived from the interests of the branches rather than directly from the text of the Constitution, its legitimacy, like the legitimacy of any accommodation based on power, is always open to challenge or revision. This second part, therefore, also describes how the executive, acting through its constitutional lawyers, exercises its interpretative authority both to legitimize and entrench favorable accommodations and to trade its powers for other, higher valued, concessions.

### Lk: Courts 1NC (:25

#### Obama circumvents the courts- 4 reasons

Wheeler 9 Darren A. Wheeler, associate professor of political science at Ball State University, “Checking Presidential Detention Power in the War on Terror: What Should We Expect from the Judiciary?” Presidential Studies Quarterly 39.4 (Dec 2009): 677-700

This article argues that there are four specific reasons why those expecting the Supreme Court to be a significant check on presidential detention power in the war on terror are likely to be disappointed. The first reason is that the judiciary makes decisions in what can be referred to as "judicial time." In short, the courts are slow. The judicial decision-making process is often one that takes years to complete (Rehnquist 1998). Few political actors conceptualize the decision-making process in such an extended manner. If the president can respond more quickly to matters of policy than the courts, it might be difficult for the judiciary to act as a check on the president. The second factor that limits the judiciary's ability to check presidential detention power is the fact that courts usually answer specific narrow legal questions as opposed to larger, "big picture" policy questions (Baum 2007; Rehnquist 1998; Rosenberg 1991). As a result, even when the Court makes a decision on a matter, it is often a narrow one that addresses only a small part of the overall policy picture. This can limit the impact that the courts have on the policymaking process, as other policy makers often find different means to accomplish their desired goals regardless of the roadblocks presented by the courts on particular details. The third factor that potentially limits judicial impact on the president's desired detention policies is the fact that the judicial implementation process is fraught with uncertainty (Baum 2007; Canon and Johnson 1999; Carp, Stidham, and Manning 2004; Stumpf 1998). Even when the courts make a decision, it is possible for other political actors (including the president) to shape the implementation process in such a way as to minimize the impact that the particular decision might have on the president's preferred policies. Finally, the judiciary, especially since the second half of the twentieth century, has adopted a general posture of deference to the executive in matters of war powers and foreign affairs (Fisher 2005; Howell 2003; Rossiter and Longaker 1976). This deference might lead the Court to refuse to even hear challenges to presidential detention power. Even when the Court does hear cases, it may dispose of them in ways that illustrate this historical pattern of deference. Any combination of these factors may limit the ability of the judiciary to check presidential initiatives, especially in a policy area - the war on terror - in which the Bush administration clearly demonstrated an intense willingness and desire to exert unilateral control over matters (Fisher 2004; Goldsmith 2007; Kassop 2007; Savage 2007; Wheeler 2008).

### circum Link- Legal

#### \*\*Legal gymnastics: Obama will re-define words to skirt enforcement

Pollack, 13 -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13, mss]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to remake the laws of war by consciously violating them and then creating new legal concepts to provide juridical cover for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (Obama is hardly a novice at this game of stretching the law to suit the convenience of, shall we say, the national interest? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama redefined the meaning of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### 4- WPR will never be enforced by congress and the president will ignore

Crook 12 [Fall, 2012, Case Western Reserve Journal of International Law, 45 Case W. Res. J. Int'l L., “Presidential Powers and Foreign Affairs: The War Powers Resolution at 40: Still Controversial: The War Powers Resolution--A Dim and Fading Legacy,” John R. Crook\*, arbitrator in NAFTA and other investment disputes and served on the Eritrea-Ethiopia Claims Commission, Vice-President of the American Society of International Law and former General Counsel of the Multinational Force and Observers, the peacekeeping force in the Sinai, teaches international arbitration at George Washington University Law School]

The War Powers Resolution is the product of a time when Congress was riding particularly high and the presidency was particularly weak. n6 That unusual array of circumstances has not been repeated. In the ensuing years, no administration has accepted the constitutionality of the Resolution's key provisions. n7 At the other end of Pennsylvania Avenue, Congress has not mustered the collective will to insist on full and timely compliance with the Resolution in a wide range of cases. n8 From time to time, the Resolution has offered both Republican and Democratic presidents' political opponents an avenue to attack their compliance with particular policies or actions. Nevertheless, Congress has not shown itself willing or able to perform the role it set out for itself in Section 5 of the Resolution. n9 [\*160]

### Flex Lx: Congress 1NC

#### Congressional restrictions make the US look weak – enemies will exploit our weakness

Kahn 2k

Paul W. Kahn, Robert W. Winner Professor of Law and Humanities at Yale Law¶ School, “THE SEVENTH ANNUAL FRITZ B. BURNS LECLTURE THE WAR POWERS RESOLUTION¶ AND KOSOVO: WAR POWERS AND THE MILLENNIUM,” Loyola of Los Angeles Law Review,¶ November, 2000, pp. LN.

Domestically, Congress often works best through a process of articulation of policy differences and¶ then compromise. The parties set out widely divergent positions as an initial matter. This allows them to establish distinct¶ identities, which in turn allows appeals to different groups of constituents. Difference is then overcome through a process of¶ negotiated compromise. Compromise is often made possible by the fact that it can be multidimensional: in seeking to achieve a compromise in one area, bargains can be made in other areas. Compromise occurs not only within Congress, but¶ in the process of negotiation between the Congress and the executive. n58 To fully understand the act¶ of negotiating compromise, moreover, one must consider the role of Washington lobbyists who provide information and coordinate¶ interest group positions. n59 This process of party differentiation followed by compromise produces¶ consensus around the middle, which is generally the safest position in American politics.¶ Americans tend to distinguish between politics and government, and do not like it when government [\*29] is driven too explicitly by¶ political ends. n60 They generally expect their politicians to shed the party differentiating ideologies that get them elected and to¶ tend to the task of governance under standards of policy rationality. When this process of compromise appears too risky, when it¶ cuts too deeply into the entrenched political positions of the parties, we have seen appeals to bipartisan, expert commissions, the¶ responsibility of which is to articulate the middle ground and so to relieve the pressure on the politicians as they move toward a¶ common ground. n61 With respect to foreign affairs, however, these techniques of congressional¶ decision-making work poorly. The differentiation that marks the parties as distinct and separate, and is domestically an¶ initial step toward compromise, serves the same differentiating function in foreign policy, but there it tends to freeze party¶ positions. Treaties come before the Senate too late in the process for compromise to be an option, particularly when they are¶ multiparty covenants. n62 Moreover, compromises can look like concessions of U.S. interests to foreign states, rather than a¶ distribution among competing elements of the polity. Nor is there a great deal of pressure to compromise. Rejecting foreign policy¶ initiatives is a way of preserving the [\*30] status quo, and preserving the international status quo is rarely a policy for which one is¶ held politically accountable. It is hard to make an issue out of a failure to change the conditions that prevail internationally, when¶ the country is enjoying power, prestige, and wealth. Unable to compromise, the Senate can end up doing nothing, and then treaty¶ ratification fails. Difference leads to stalemate, rather than to negotiation. The problem is greatly exacerbated by the two-thirds¶ requirement for ratification. n63 This structural bias toward inaction accounts in part for the use of executive agreements in place of¶ treaties. n64 These agreements make use of some of the tactical advantages of presidential initiative. Many of the structural¶ problems remain, however, when executive agreements require subsequent congressional approval. If the issue involves¶ the use of force, compromise is particularly difficult. A compromise that produces a less¶ substantial response to a foreign policy crisis can look like a lack of commitment.¶ Disagreement now threatens to appear to offer an "exploitable weakness" to adversaries.¶ Congress cannot simply give the president less of what he wants, when what he wants is a military deployment. There cannot¶ easily be compromises on a range of unrelated issues in order to achieve support for a military¶ deployment. While that may happen, it has the look of disregard for the national interests and of putting politics ahead of the¶ public interest. Nor can Congress easily adopt the technique of the expert commission. n65 The timeframe of a crisis usually will not¶ allow it. More importantly, the military - particularly in the form of the Joint Chiefs of Staff - has already preempted the claim of¶ expertise, as well as the claim to be "apolitical." [\*31] Finally, there is little room for the private lobbyist with respect to these¶ decisions. Congress, in short, is not capable of acting because it only knows how to reach¶ compromise across dissensus. When disagreement looks unpatriotic, and compromise¶ appears dangerous, Congress is structurally disabled. This produces the double consequence for American¶ foreign policy of a reluctance to participate in much of the global development of international law - outside of those trade and¶ finance arrangements that are in our immediate self-interest - and a congressional abdication of use of force decisions to the¶ president. The same structural incapacities are behind these seemingly contradictory results.

### Modeling: Ext1A—US Not Key 2NC

#### All their “precedent” evidence relies on the assertion that there’s a causal link between U.S. drone doctrine and other’ countries choices---that’s not true---no tangible evidence

Kenneth Anderson 11, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday Times predicting an “arms race” in military drones. The methodology essentially looks at the US as the leader, followed by Israel – countries that have built, deployed and used drones in both surveillance and as weapons platforms. It then looks at the list of other countries that are following fast in US footsteps to both build and deploy, as well as purchase or sell the technology – noting, correctly, that the list is a long one, starting with China. The predicament is put this way:

Eventually, the United States will face a military adversary or terrorist group armed with drones, military analysts say. But what the short-run hazard experts foresee is not an attack on the United States, which faces no enemies with significant combat drone capabilities, but the political and legal challenges posed when another country follows the American example. The Bush administration, and even more aggressively the Obama administration, embraced an extraordinary principle: that the United States can send this robotic weapon over borders to kill perceived enemies, even American citizens, who are viewed as a threat.

“Is this the world we want to live in?” asks Micah Zenko, a fellow at the Council on Foreign Relations. “Because we’re creating it.”

By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it – and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?)

It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be.

Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project). UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable – and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this – the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so.

But the point is that this was happening anyway, and the technology was already available. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is not a credible understanding of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it.

Moving on from the avionics, weaponizing the craft is also not difficult. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do – but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.

#### The idea that China wouldn’t have realized it could use drones to carry out strikes internationally absent the U.S. doing so, is stupid

Kenneth Anderson 11, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

It is indeed likely that the future will see more instances of uses of force at a much smaller, often less attributable, more discrete level than conventional war. Those uses will be most easily undertaken against non-state actors, rather than states, though the difference is likely to erode. The idea that it would not have occurred to China or Russia that drones could be used to target non-state actors across borders in safe havens, or that they would not do so because the United States had not done so is far-fetched. That is so not least because the United States has long held that it, or other states threatened by terrorist non-state actors in safe havens across sovereign borders, can be targeted if the sovereign is unable or unwilling to deal with them. There’s nothing new in this as a US view of international law; it goes back decades, and the US has not thought it some special rule benefiting the US alone. So the idea that the US has somehow developed this technology and then changed the rules regarding cross-border attack on terrorists is just wrong; the US has believed this for a long time and thinks it is legally and morally right.

### Modeling: A2 “Boyle Ev”

#### Your Boyle av prove prolif is inevitable without binding international rules to govern it

Michael J Boyle 13, Assistant Professor of Political Science at La Salle University, former Lecturer in International Relations and Research Fellow at the Centre for the Study of Terrorism and Political Violence at the University of St Andrews, PhD from Cambridge University, January 2013, “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) 1–29, http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89\_1/89\_1Boyle.pdf

A final, and crucial, step towards mitigating the strategic consequences of drones¶ would be to develop internationally recognized standards and norms for their use¶ and sale. It is not realistic to suggest that the US stop using its drones altogether,¶ or to assume that other countries will accept a moratorium on buying and using¶ drones. The genie is out of the bottle: drones will be a fact of life for years to¶ come. What remains to be done is to ensure that their use and sale are transparent,¶ regulated and consistent with internationally recognized human rights¶ standards. The Obama administration has already begun to show some awareness¶ that drones are dangerous if placed in the wrong hands. A recent New York Times¶ report revealed that the Obama administration began to develop a secret drones¶ ‘rulebook’ to govern their use if Mitt Romney were to be elected president.157¶ The same logic operates on the international level. Lethal drones will eventually¶ be in the hands of those who will use them with fewer scruples than President¶ Obama has. Without a set of internationally recognized standards or norms¶ governing their sale and use, drones will proliferate without control, be misused¶ by governments and non-state actors, and become an instrument of repression¶ for the strong. One remedy might be an international convention on the sale and¶ use of drones which could establish guidelines and norms for their use, perhaps¶ along the lines of the Convention on Certain Conventional Weapons (CCW)¶ treaty, which attempted to spell out rules on the use of incendiary devices and¶ fragment-based weapons.158 While enforcement of these guidelines and adherence¶ to rules on their use will be imperfect and marked by derogations, exceptions and violations, the presence of a convention¶ may reinforce norms against the flagrant¶ misuse of drones and induce more restraint in their use than might otherwise be¶ seen. Similarly, a UN investigatory body on drones would help to hold states¶ accountable for their use of drones and begin to build a gradual consensus on the¶ types of activities for which drones can, and cannot, be used.159 As the progenitor¶ and leading user of drone technology, the US now has an opportunity to show¶ leadership in developing an international legal architecture which might avert¶ some of the worst consequences of their use.

### Modeling: Ext2—No Arms Race 2NC

#### AND, the costs outweigh the benefits – reject aff alarmism

**Singh 12** – researcher at the Center for a New American Security (Joseph, “Betting Against a Drone Arms Race”, 8/13, <http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2TxEkUI37>, CMR)

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.

### Defense: WMD Terror 1NC

#### No WMD terrorism – lack of desire and capability – empirically the threat is overblown

Mueller 11. John Mueller, Professor and Woody Hayes Chair of National Security Studies, Mershon Center for International Security Studies and Department of Political Science, “The Truth About al Qaeda”, 8/2/2011, <http://www.foreignaffairs.com/articles/68012/john-mueller/the-truth-about-al-qaeda?page=show>, CMR

The chief lesson of 9/11 should have been that small bands of terrorists, using simple methods, can exploit loopholes in existing security systems. But instead, many preferred to engage in massive extrapolation: If 19 men could hijack four airplanes simultaneously, the thinking went, then surely al Qaeda would soon make an atomic bomb. As a misguided Turkish proverb holds, "If your enemy be an ant, imagine him to be an elephant." The new information unearthed in Osama bin Laden's hideout in Abbottabad, Pakistan, suggests that the United States has been doing so for a full decade. Whatever al Qaeda's threatening rhetoric and occasional nuclear fantasies, its potential as a menace, particularly as an atomic one, has been much inflated. The public has now endured a decade of dire warnings about the imminence of a terrorist atomic attack. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." Few, it seems, found much solace in the fact that an al Qaeda computer seized in Afghanistan in 2001 indicated that the group's budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was some $2,000 to $4,000. In the wake of the killing of Osama bin Laden, officials now have more al Qaeda computers, which reportedly contain a wealth of information about the workings of the organization in the intervening decade. A multi-agency task force has completed its assessment, and according to first reports, it has found that al Qaeda members have primarily been engaged in dodging drone strikes and complaining about how cash-strapped they are. Some reports suggest they've also been looking at quite a bit of pornography. The full story is not out yet, but it seems breathtakingly unlikely that the miserable little group has had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-tech facility to fabricate a bomb. It is a process

that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew, all the while attracting no attention from outsiders. The documents also reveal that after fleeing Afghanistan, bin Laden maintained what one member of the task force calls an "obsession" with attacking the United States again, even though 9/11 was in many ways a disaster for the group. It led to a worldwide loss of support, a major attack on it and on its Taliban hosts, and a decade of furious and dedicated harassment. And indeed, bin Laden did repeatedly and publicly threaten an attack on the United States. He assured Americans in 2002 that "the youth of Islam are preparing things that will fill your hearts with fear"; and in 2006, he declared that his group had been able "to breach your security measures" and that "operations are under preparation, and you will see them on your own ground once they are finished." Al Qaeda's animated spokesman, Adam Gadahn, proclaimed in 2004 that "the streets of America shall run red with blood" and that "the next wave of attacks may come at any moment." The obsessive desire notwithstanding, such fulminations have clearly lacked substance. Although hundreds of millions of people enter the United States legally every year, and countless others illegally, no true al Qaeda cell has been found in the country since 9/11 and exceedingly few people have been uncovered who even have any sort of "link" to the organization. The closest effort at an al Qaeda operation within the country was a decidedly nonnuclear one by an Afghan-American, Najibullah Zazi, in 2009. Outraged at the U.S.-led war on his home country, Zazi attempted to join the Taliban but was persuaded by al Qaeda operatives in Pakistan to set off some bombs in the United States instead. Under surveillance from the start, he was soon arrested, and, however "radicalized," he has been talking to investigators ever since, turning traitor to his former colleagues. Whatever training Zazi received was inadequate; he repeatedly and desperately sought further instruction from his overseas instructors by phone. At one point, he purchased bomb material with a stolen credit card, guaranteeing that the purchase would attract attention and that security video recordings would be scrutinized. Apparently, his handlers were so strapped that they could not even advance him a bit of cash to purchase some hydrogen peroxide for making a bomb. For al Qaeda, then, the operation was a failure in every way -- except for the ego boost it got by inspiring the usual dire litany about the group's supposedly existential challenge to the United States, to the civilized world, to the modern state system. Indeed, no Muslim extremist has succeeded in detonating even a simple bomb in the United States in the last ten years, and except for the attacks on the London Underground in 2005, neither has any in the United Kingdom. It seems wildly unlikely that al Qaeda is remotely ready to go nuclear. Outside of war zones, the amount of killing carried out by al Qaeda and al Qaeda linkees, maybes, and wannabes throughout the entire world since 9/11 stands at perhaps a few hundred per year. That's a few hundred too many, of course, but it scarcely presents an existential, or elephantine, threat. And the likelihood that an American will be killed by a terrorist of any ilk stands at one in 3.5 million per year, even with 9/11 included. That probability will remain unchanged unless terrorists are able to increase their capabilities massively -- and obtaining nuclear weapons would allow them to do so. Although al Qaeda may have dreamed from time to time about getting such weapons, no other terrorist group has even gone so far as to indulge in such dreams, with the exception of the Japanese cult Aum Shinrikyo, which leased the mineral rights to an Australian sheep ranch that sat on uranium deposits, purchased some semi-relevant equipment, and tried to buy a finished bomb from the Russians. That experience, however, cannot be very encouraging to the would-be atomic terrorist. Even though it was flush with funds and undistracted by drone attacks (or even by much surveillance), Aum Shinrikyo abandoned its atomic efforts in frustration very early on. It then moved to biological weapons, another complete failure that inspired its leader to suggest that fears expressed in the United States of a biological attack were actually a ruse to tempt terrorist groups to pursue the weapons. The group did finally manage to release some sarin gas in a Tokyo subway that killed 13 and led to the group's terminal shutdown, as well as to 16 years (and counting) of pronouncements that WMD terrorism is the wave of the future. No elephants there, either.

## 1NR

### TPA DA: Impact Overview

#### C. Timeframe --- global trade is crumbling now—TPA is key to prevent protectionism

Joshua Kurlantzick, “Farewell to the Age of Free Trade,” BLOOMBERG BUSINESSWEEK, 12—12—13, [www.businessweek.com/articles/2013-12-12/global-trade-in-retreat-world-economys-future-depends-on-revival](http://www.businessweek.com/articles/2013-12-12/global-trade-in-retreat-world-economys-future-depends-on-revival)

Since the end of World War II and the birth of the modern global economy, business leaders have come to accept an iron law: International trade always expands faster than economic growth. Between the late 1940s and 2013, that assumption held true. Trade grew roughly twice as fast as the world economy annually, as fresh markets opened up, governments signed free-trade pacts, new industries and consumers emerged, and technological advances made international trade cheaper and faster. Now this iron law may be crumbling. Over the past two years, international trade has grown so slowly that it has fallen behind the growth of the world economy, which itself is hardly humming. Major potential trade deals, such as the proposed Transatlantic Trade and Investment Partnership between Europe and North America, are at risk of falling through. At an early December meeting in Bali, representatives of the 159 members of the World Trade Organization agreed to move forward with basic trade facilitation measures but failed to reach any consensus on what should be on the table for the next WTO round, instead just deferring action on substantial items. Despite such worrying trends, many economists and trade specialists seem unfazed. In its latest research report, HSBC (HSBC) predicted that global trade will continue expanding by about 8 percent annually for the next two decades, outstripping the world’s economic expansion. Such optimism is misplaced. Expectations that emerging markets could boom for decades haven’t come true. Advances in technology over the past five years have facilitated the rise of state capitalism and made it easier for companies to stay in their borders. And unlike at just about any time in the past six decades, the political leadership of almost every major economy is weak, making it easier for protectionism to flourish. The era of free trade as the world has known it is dangerously close to coming to an end. The belief that trade flows would inevitably increase was based on two assumptions: Emerging markets still had huge space to expand, and new technologies would make businesses more interconnected. These ideas still power reports such as HSBC’s forecast. But they appear to be wrong. Today’s technological advances don’t necessarily lead to economic integration. The latest breakthrough in manufacturing, 3D printing, makes it easier for companies to keep their design and initial production work in-house and cut out suppliers—which reduces trade, because it removes incentives to outsource later rounds of manufacturing overseas. The coming breakthrough in many science-based industries—such as synthetic biology, in which living forms are created from strands of DNA—will similarly create pressure for companies to keep operations in-house. Already, many corporations are coming home: Cross-border investment inflows fell by 18 percent in 2012 and probably will drop again in 2013. Far from creating a long tail, globalization and the Internet have instead made economies of scale more important to companies’ survival. That has prompted consolidation in industries from telecommunications to oil to mining, allowing many of these industries to become dominated by giant state-owned companies from countries such as China, Russia, and Brazil. These state-owned enterprises are hardly forces for free trade: They often crush entrepreneurs in their own societies, and they often push for protectionist barriers, not against them. As for the big emerging markets, they aren’t proving as resilient as expected, despite their huge consumer classes. China’s economy has slowed only marginally, but every other major emerging economy, from India to Brazil, has seen its growth drop precipitously the past two years. (When all the figures were finally in and calculated this summer, it turned out that Brazil’s economy grew by only 0.9 percent in 2012, far less than Brazilian leaders and economists had forecast.) Many of these, such as India, have based their hopes for growth on services, not the export-oriented manufacturing that enriched Japan and the Asian tiger economies—and before them Britain, the U.S., and other countries. As economists Amartya Sen and Jean Drèze note, services not only employ fewer people than manufacturing, but they also face far more trade barriers by developed nations than manufactured exports. These challenges might be surmountable if a stronger international consensus in favor of free trade existed. Over the past 60 years, at least one major economy was able to take the lead in advancing the global trade agenda. Today, however, every prominent trading economy is too consumed by problems at home. Weakened by the shaky rollout of health-care reform, President Obama faces a hostile Congress that has little inclination to support either the administration’s proposed free-trade agreement with Asia, called the Trans-Pacific Partnership (TPP), or a U.S.-European trade pact. China’s top leaders are still trying to consolidate power and address domestic challenges such as land reform. Britain is consumed with austerity, Japan is embarking on contentious economic reforms, and Germany is constrained by its history and Berlin’s consensual politics. Reports of U.S. spying on top European leaders have caused politicians across the European Union—already skeptical of a trans-Atlantic trade zone because of concerns that many European industries would be swamped—to call for trade negotiations with the U.S. to be cut off. As of early December, negotiations have resumed, but the prospects for a deal remain highly uncertain.

#### Protectionism turns all 1AC impacts and independently causes extinction—trade interdependence is a vital conflict dampener

Panzner 8 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.

#### TPA key to EU trade deal

TAX NEWS, “Global Trade—The Transatlantic and Investment Partnership,” 7—16—13,

<http://www.tax-news.com/features/Global_Trade__The_Transatlantic_Trade_and_Investment_Partnership__570716.html>

Crucial to a successful negotiation and ratification of the TTIP from the US side of things could be the renewal of the Trade Promotion Authority (TPA). This piece of legislation, which expired on July 1, 2007, prevents Congress from amending or filibustering trade agreements - Congress is only permitted a straight 'yes' or 'no' vote on a trade deal - allowing the President to effectively fast track free trade agreements. US lawmakers, including Baucus, believe that only with the renewal of TPA will there be a positive outcome to the TTIP negotiations.¶ President Obama's Trade Policy Agenda 2013, presented in March 2013, indicated that it will work with Congress on the renewal of TPA, but there has been little in the way of concrete action to fulfil this pledge in the meantime. The process of nominating and confirming a new US Trade Representative probably hasn't helped matters - Froman has only just stepped into the role following predecessor Ron Kirk's decision to step down in January 2013. However, at his confirmation hearing in the Senate in June 2013, Froman said that he regarded TPA as a ''critical tool'' and assured he lawmakers that he would work with them to craft a new bill to renew this authority.¶ Without TPA, there could be a repeat of the convoluted process leading to the eventual ratification by the US of free trade agreements signed with Columbia, Panama and South Korea. The agreements with Colombia and Panama were signed back in 2006 and 2007, respectively, under the presidency of George W. Bush. However, a Democratic majority in Congress refused to ratify the deals until much more stringent labour rights and environmental protection (and, in the case of Panama, tax transparency) provisions were inserted into the texts. It took until 2011 for these agreements to be ratified. In the case of the South Korean FTA, the deal was held up until new agreements more favourable to the US auto industry were signed in 2011. Given the extensive trade relationship between the EU and US, similar snags are bound arise.

#### That’s key to relations

Johannes F. **Linn**, Visiting Fellow @ the Brookings Institution, 4-28-20**04** [Trends and Prospects of Transatlantic Economic Relations: The Glue that Cements a Fraying Partnership? -- www.brookings.edu/views/papers/20040428 linn.pdf]

In sum, the world will become more multipolar in future and the demographic trends may well act to push the U.S. and Europe apart in terms of popular perceptions of and interest in each other. Moreover, there is clearly some potential for transatlantic conflict and disputes in all three areas – domestic policies, transatlantic economic relations, and global economic development. But I believe a strong case can be made that the commonality of interests by far outweighs the conflicts. In short, like Theo Sommer I believe transatlantic economic relations will be the glue that holds the partnership of America and Europe together even as conflicting interests in other areas may push them apart. The question then is, and the final question to be addressed in this paper, what is the appropriate institutional or governance framework for making sure the glue is applied for maximum benefit of the transatlantic partners and the rest of the world.

### TPA Uq: Will Pass—2NC

#### Vote coming soon, will pass, and result in swift TPP approval

Greg Hinz, “Fight Builds to Give Obama Fast-Track Trade Authority,” CRAIN’S CHICAGO BUSINESS, 1—2—14, <http://www.chicagobusiness.com/article/20140102/BLOGS02/140109985>, accessed 1-2-14.

Big Illinois exporters could get a vote very early this new year on something they've wanted for a long time: fast-track authority for President Barack Obama to negotiate new international trade deals. But the issue in the House now is "very close."¶ So says North Side congressman Mike Quigley, who unlike many Democratic House members says action is needed despite concerns from labor and some other groups.¶ Like it or not, "this is a global economy," said Mr. Quigley in an interview earlier this week. "If you're not at the bargaining table, if you don't get an agreement, someone else does," he said, referring specifically to China, which has been building ties rapidly with some of America's traditionally strong trading partners in Asia. "You'll be left in the dust."¶ Many top Illinois businesses already are lobbying to extend Trade Promotion Authority, as fast-track formally is known.¶ "From the 1930s until 2007, Congress has authorized every president to pursue trade agreements that open markets for U.S. goods and services," Caterpillar Inc. Chairman and CEO Doug Oberhelman wrote in a recent guest editorial.¶ "Today, trade supports more than one in five American jobs. U.S. exports have grown more than twice as fast as GDP since 2002, accounting for 14 percent of GDP in 2012. And workers in U.S. companies that export goods earn on average up to 18 percent more than those in similar jobs in non-exporting companies," he added. "Updated TPA legislation would provide clear guidance on Congress' requirements for trade agreements. It would also provide our trade negotiating partners with a degree of comfort that the United States is committed to the international trade negotiating process and the trade agreements we negotiate."¶ But Democrats in particular have been leery to renew the authority because of concerns that workers elsewhere are underpaid, putting Americans at a disadvantage. Many environmental groups express similar concerns stemming from low standards abroad. Even some Republicans are withholding support in highly partisan Washington.¶ But given international realities, the solution is not to ignore what competing countries are doing but "get the best deal possible" at the table for both labor and the environment. "It's tough being in the middle in this Congress . . . (But) this is important for Chicago and Illinois. We can't live in isolation."¶ Though the Obama White House has not signaled action, Mr. Quigley says he expects fast-track legislation to hit the House floor in January. And another Chicagoan, former U.S. Commerce Secretary Bill Daley, says some momentum indeed has begun to build on behalf of the measure.¶ "I think they have a compromise," Mr. Daley said. "Until the bill is on the floor, you never know for sure. But right now, they're talking as if they have a deal."¶ If so, a long-pending proposed Asian trade deal could follow shortly thereafter. Look for Penny Pritzker, commerce secretary from Chicago, to play a role too.

### Thumper Ans: Top

#### 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.

### Thumper Ans: EUB

#### Reid is the one pushing in the Senate

Daniel Horowitz, THE BLAZE, 1—6—14, http://www.theblaze.com/contributions/theyre-back-congress-reconvenes-and-is-poised-to-rob-you-blind/

In an effort to distract from the job losses due to Obamacare, Senate Democrats plan to vote on a bill to retroactively extend the unpaid-for 73 weeks of Unemployment Insurance benefits until March 31. The Senate will vote for cloture on S. 1845, which is sponsored by Sen. Jack Reed (D-R.I.), late Monday evening. As is often the case with the current membership of the Senate, every Democrat is likely to stick with their leadership on this vote. There is already one Republican co-sponsor of the bill, Sen. Dean Heller (R-Nev.). Sen. Susan Collins (R-Maine) is also likely to support the measure. Conservative Outlook If GOP leadership blithely watches Democrats pick off members of their conference, Harry Reid will easily win 60 votes for cloture. Instead, they should aggressively counterpunch by whipping against cloture unless Democrats agree to add some form of Obamacare repeal to the bill. Especially after Democrats abolished the filibuster on judicial nominees last year, no Republican should be eager to surrender the filibuster on legislative matters.

#### No extended push from White House

Reid J. Epstein, POLITICO, 1—6—14, <http://www.politico.com/story/2014/01/white-house-unemployment-benefits-101763.html>

Yet there is a question among some progressive groups of how long the White House will push for unemployment insurance if no deal with Republicans is reached soon. Progressive groups say that while they will be pressuring Republicans to pass the unemployment insurance extension, they will also be applying more subtle pressure on the White House and leading Democrats to stay focused on unemployment until legislation passes. “What we fear is people are getting used to the idea that unemployment is running out and people will move onto other issues,” said the AFL-CIO’s Bill Samuel. “Unless certain elected officials continue to talk about it, it will be hard to keep it in the news. Individual unemployed workers try, but they can’t do it themselves.”

#### House isn’t going to move on it anytime soon [that’s where the fight it]

Sahil Kapur, TALKING POINTS MEMO, 1—6—14, <http://talkingpointsmemo.com/dc/democrats-unemployment-benefits?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+tpm-news+(TPMNews)>

Speaker John Boehner (R-OH) has left some wiggle room to support a renewal of the benefits, saying he'll consider a proposal that is paid for. That's his public position, although he and other Republican leaders haven't shown any interest in getting such a bill across the finish line.

The Reed-Heller legislation does not specify a pay-for but Democrats have floated several ideas. Schumer on Sunday proposed offsetting the cost by unwinding tax loopholes for corporations that move jobs overseas. House Democrats have offered to pay for it by cutting agriculture subsidies.

#### It’s a political winner even if the Senate push fails

**The Hill 1/5**/14 [Bernie Becker, “Senate Democrats vow continued push to extend unemployment insurance”, <http://thehill.com/blogs/on-the-money/economy/194447-senate-dems-vow-continued-push-to-extend-jobless-benefits>]

Senate Democrats say they will keep pressing to extend long-term jobless insurance in the weeks to come, even if a scheduled Monday vote falls short.¶ Majority Leader Harry Reid (D-Nev.) and other Democrats say they remain optimistic – if cautiously so – that they’ll be able to pick off five GOP senators to back the three-month extension that hits the floor on Monday.¶ “It would seem to me that five Republicans in the Senate should agree with Republicans around the country,” Reid said on CBS’s “Face the Nation.”¶ But Democrats, who clearly see unemployment insurance – and income inequality in general – as a political winner this election year, say the issue will remain at the forefront, regardless.¶ “The rich are getting richer, the poor are getting poorer, and the middle class is being squeezed out of existence,” Reid added.¶ Sen. Chuck Schumer (D-N.Y.) told reporters on a conference call Sunday that if Republicans blocked an unemployment insurance extension, it would “place them far out of the mainstream.”¶ “We will come back at this issue,” said Schumer, who also repeated his assertion from ABC’s “This Week” that it was “insulting” for Republicans to say that extended jobless insurance acted as a disincentive for people to search for jobs.

### Thumper Ans: Debt Ceiling

#### No fight on debt ceiling – Boehner’s learned his lesson from the shutdown and won’t let the tea party run the House

**Tobin 1/2**/14 [Jonathan S, senior online editor of Commentary magazine, “Boehner Won’t Split GOP on Immigration”, <http://www.commentarymagazine.com/2014/01/02/boehner-wont-split-gop-on-immigration-reform/>]

The mainstream media is still reeling from House Speaker John Boehner’s telling off Heritage Action and other right-wing groups that were attempting to obstruct Rep. Paul Ryan’s budget deal last month. Having pegged Boehner as a Tea Party hostage in the wake of the disastrous government shutdown that he failed to stop, the Speaker’s willingness to talk back to conservative activists has led to expectations that the Ryan budget won’t be the last instance in which the GOP establishment gives the back of its hand to the right.¶ Thus, Boehner’s hiring of Rebecca Talent, a longtime immigration adviser to John McCain is fueling expectations that 2014 will be the year when the Republican-controlled House will take up immigration reform after thwarting efforts to change the existing broken system. Yet while those predicting some action on immigration are not wrong, the glee on the left about an impending civil war on the right over this is premature. Though after the shutdown Boehner appears to have learned his lesson about letting the Tea Party caucus run the House asylum, expectations that he will do anything to bring about a major schism even over an issue as vital as immigration are more the product of liberal wishes than conservative strategy.¶ Contrary to the spin placed on the hiring of Tallent by the New York Times and other liberal outlets, this is not the first indication of Boehner’s willingness to push forward some kind of immigration legislation. Though he has never had any affection for the comprehensive bipartisan immigration reform bill passed by the Senate, Boehner has been signaling since last spring that what he wanted to do was to break down that omnibus bill and cherry pick parts of it that he thought could pass the House.¶ Will that be enough to satisfy immigration advocates or the not-inconsiderable number of conservatives who view a more rational approach to the issue as an indispensable element of a rebranding of the GOP in advance of the next presidential election? The answer is almost certainly no. But the speculation about Boehner’s intentions tell us more about the desire of the left for a Republican meltdown than about the actual prospects of a full scale confrontation on the issue on the right.¶ It is true that Boehner is fed up with Heritage Action and a host of other conservative activist groups that have lost sight of the need for Republicans to find a way to govern rather than engage in guerrilla warfare against the Obama administration and its pet projects. The failure of the shutdown and the juxtaposition of that foolish move with the obvious political benefits of sitting back and letting the Democrats deal with the negative fallout from the president’s ill-conceived health-care law has strengthened the Speaker’s hand against those who would like to maneuver him into a similar strategy on the debt ceiling. But there is a vast difference between the debate on the right about fiscal issues and the one it is having on immigration.

### Thumper Ans: Agenda Dead / Lame Duck

#### Momentum now—december budget deal

**Pace 1/6**/14 [Julie, AP White House Correspondent, “Obama Eyes Modest Momentum on Capitol Hill in 2014”, <http://abcnews.go.com/Politics/wireStory/obama-eyes-modest-momentum-capitol-hill-2014-21430556>]

President Barack Obama gets back to work this week eager to test whether a modest budget deal passed in the waning days of 2013 can spark bipartisan momentum on Capitol Hill. As he opens his sixth year in office, he also faces legacy-defining decisions on the future of government surveillance programs and the American-led war in Afghanistan.¶ Looming over it all will be the November congressional elections, Obama's last chance to stock Capitol Hill with more Democratic lawmakers who could help him expand his presidential playing field.¶ For Republicans, those contests are an opportunity to seize control of the Senate, which would render Obama a lame duck for his final two years in the White House.¶ The wild card in 2014, for the White House and congressional Democrats facing re-election, will be the fate of the president's health care law. The website woes that tainted its launch have largely been resolved and enrollment has picked up. But the White House has been tight-lipped about who has enrolled, raising uncertainty about whether the insurance exchanges are on track to get the percentage of young and healthy people who are critical to keeping prices down.¶ The health care questions aside, Obama spokesman Josh Earnest said the White House enters the new year buoyed by the "modest amount of legislative momentum" generated by the December budget deal.¶ "We're hopeful Congress can build on it and make progress on other priorities where common ground exists," Earnest said.

### TPA Uq: Will Pass—Obama Pushing 2NC

#### TPP is a top Obama priority

Dave Boyer, “Trans-Pacific Trade Pact Hit by Hill Gridlock, Tough Talks,” WASHINGTON TIMES, 1—2—14, p. A3.

White House press secretary Jay Carney said TPP "remains a top priority of the president because of the positive economic benefits that come from it." A week before leaving for his Christmas vacation in Hawaii, Mr. Obama held a meeting on the status of the Asia trade talks with Cabinet members and other top advisers at the White House.¶ One of the topics at that meeting was Mr. Obama's desire to obtain "fast-track" trade promotion authority (TPA) from Congress, where many Democrats and some Republicans oppose such a move. The fast-track authority expired in 2007. Under fast-track authority, lawmakers cannot amend or filibuster trade deals; they can only vote to approve or reject them.

### Link

#### Restrictions tradeoff with rest of agenda—divert focus

William G. Howell, Professor, American Politics, University of Chicago, “Count on Congress,” FOREIGN AFFAIRS, 9—3—13, www.foreignaffairs.com/articles/139890/william-g-howell/count-on-congress

The first concerns Congress’ continuing relevance in military decision-making. Many analysts have long written it off. And to a certain extent, they have been right to do so. When it comes to foreign policy generally, and military action in particular, the president enjoys extraordinary power: power to unilaterally advance his own agenda; power with the public, which looks to him to chart foreign policy; and informational power, which allows the president to structure the terms and direction of any accompanying debate. Congress, meanwhile, can seem hamstrung and all but useless. The multiple veto points, partisan polarization, and pervasive gridlock predictably impede and distort even the most sober efforts to address real-world challenges. Even so, in the domestic politics of war-making, it would be unwise to count Congress out. Obama did not have to seek congressional approval for military action in retaliation for the Assad regime’s recent alleged use of chemical weapons against his own people. But he did. And that was a prudent choice. The advantages of consent will mostly matter in retrospect, not in the run-up to war. That is because, if Congress approves the military action, it cannot as easily criticize its effects. Just ask Secretary of State John Kerry, who stumbled through the 2004 campaign for the presidency trying to explain why he was for the Iraq War before he was against it. In the aftermath of a military action, members of Congress can use hearings, investigations, floor debates, and media appearances to make a case that a military venture failed outright or created new problems. In extreme cases, as occurred in the latter stages of the Vietnam War, all this may lay the groundwork for legislative action against the president. But even in the absence of a formal rebuke, congressional criticisms can turn the public against the president and his party, signal to U.S. allies and enemies a lack of resolve for continued military action, and upend congressional action on other aspects of the president’s policy agenda.

### Cred

#### detention

**--PRISM**

Jim **Arkedis**, senior fellow, Progressive Policy Institute, “PRISM is Bad for American Soft Power,” THE ATLANTIC, 6—19—**13**,

<http://www.theatlantic.com/international/archive/2013/06/prism-is-bad-for-american-soft-power/277015/>

The lack of public debate, shifting attitudes towards civil liberties, insufficient disclosure, and a decreasing terrorist threat demands that collecting Americans' phone and Internet records must meet the absolute highest bar of public consent. It's a test the Obama administration is failing.¶ This brings us back to Harry Truman and Jim Crow. Even though PRISM is technically legal, the lack of recent **public debate and support for aggressive domestic collection is hurting America's soft power**.¶ The evidence is rolling in. **The China Daily**, an English-language mouthpiece for the Communist Party, **is having a field day, pointing out America's hypocrisy** as the Soviet Union did with Jim Crow. Chinese dissident artist Ai Wei Wei made the link explicitly, saying "In the Soviet Union before, in China today, and even in the U.S., officials always think what they do is necessary... but the lesson that people should learn from history is the need to limit state power."¶ Even **America's allies are uneasy,** at best. German Chancellor Angela Merkel grew up in the East German police state and expressed diplomatic "surprise" at the NSA's activities. She vowed to raise the issue with Obama at this week's G8 meetings. The Italian data protection commissioner said the program would "not be legal" in his country. British Foreign Minister William Hague came under fire in Parliament for his government's participation.¶ If Americans supported these programs, our adversaries and allies would have no argument. As it is, **the next time the U**nited **S**tates **asks others for help in tracking terrorists, it's more likely** than not that **they will question Washington's motives**.

**Other nations will still cooperate with the U.S. even if it’s unpopular – empirically proven by Bush   
Kagan, ‘6**

[Robert Kagan, a senior associate at the Carnegie Endowment for International Peace and transatlantic fellow at the German Marshall Fund, writes a monthly column for The Post., “Still the Colossus,” The Washington Post, January 15, 2006, http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17894&prog=zgp&proj=zusr]

**The striking thing about** the present international situation **is the degree to which America remains** what Bill Clinton once called "**the indispensable nation." Despite global opinion polls registering broad hostility to** George W. **Bush's** **U**nited **S**tates, **the behavior of governments and political leaders suggests America's position in the world is not** all that **different from what it was before Sept. 11 and** the **Iraq** war.  **The much-anticipated global effort to balance against** American **hegemony** -- which the realists have been anticipating for more than 15 years now -- **has** simply **not occurred**. On the contrary, in Europe the idea has all but vanished. European Union defense budgets continue their steady decline, and even the project of creating a common foreign and defense policy has slowed if not stalled. Both trends are primarily the result of internal European politics. But if they really feared American power, Europeans would be taking more urgent steps to strengthen the European Union's hand to check it.  **Nor are Europeans refusing to cooperate, even with an administration they allegedly despise**. Western Europe will not be a strategic partner as it was during the Cold War, because Western Europeans no longer feel threatened and therefore do not seek American protection. Nevertheless, **the current trend is toward closer cooperation**. **Germany's** new **government, while still dissenting from U.S. policy in Iraq, is working hard** and ostentatiously **to improve relations**. It is bending over backward to show support for the mission in Afghanistan, most notably by continuing to supply a small but, in German terms, meaningful number of troops. It even trumpets its willingness to train Iraqi soldiers. Chancellor Angela Merkel promises to work closely with Washington on the question of the China arms embargo, indicating agreement with the American view that China is a potential strategic concern. For Eastern and Central Europe, the growing threat is Russia, not America, and the big question remains what it was in the 1990s: Who will be invited to join NATO?