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#### The war power authority of the president is activated by Congressional authorization- that’s key to set a limit on what the term means

Bejesky 2013 [Robert Bejesky M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law ¶ (Georgetown). The author has taught international law courses for Cooley Law School and the ¶ Department of Political Science at the University of Michigan, American government and ¶ constitutional law courses for Alma College, and business law courses at Central Michigan University ¶ and the University of Miami. 1/23/2013 “WAR POWERS PURSUANT TO FALSE PERCEPTIONS AND ASYMMETRIC INFORMATION IN THE “ZONE OF TWILIGHT”” St Mary’s Law Journal http://www.stmaryslawjournal.org/pdfs/Bejesky\_Step12.pdf]

Congressional war powers include the prerogatives to “declare War;” ¶ “grant Letters of Marque and Reprisal,” which were operations that fell ¶ short of “war”; “make Rules for the Government and Regulation of the ¶ land and naval Forces;” “to provide for organizing, arming, and ¶ disciplining, the Militia;” “make Rules concerning Captures on Land and ¶ Water;” “raise and support Armies;” and “provide and maintain a ¶ Navy.”¶ 46¶ Alternatively, the President is endowed with one war power, ¶ that of “Commander in Chief of the Army and Navy.”¶ 47¶ Numerical ¶ comparison indicates that the intended dominant branch in war powers ¶ decisions is Congress. The Commander in Chief authority is a core preclusive power that ¶ designates the President as the head of the military command chain once ¶ Congress activates the power.¶ 48¶ Moreover, peripheral Commander in ¶ Chief powers are bridled by both statutory and treaty restrictions.¶ 49¶ The ¶ media lore of using “Commander in Chief” coterminous with “President” ¶ might occasionally be a misnomer outside of war, perhaps abetting ¶ presidential expansionism when combined with commentators employing ¶ terms such as “inherent authority.” Clearly, if Congress has not activated ¶ war powers, the President still possesses inherent authority to react ¶ expeditiously and unilaterally to defend the nation when confronted with ¶ imminent peril.¶ 50¶ However, the Framers drew a precise distinction when ¶ they specifically empowered the President “to repel and not to commence ¶ war.”¶ 51¶ Alexander Hamilton explained that latitude was required “because ¶ it is impossible to foresee or to define the extent and variety of national ¶ exigencies, and the correspondent extent and variety of the means which ¶ may be necessary to satisfy them.”¶ 52

#### Prefer this interp based on limits- presidents assert they have the authority to do almost anything- they have huge institutional incentives to continue that trend- the negative cannot be expected to have a case neg to every assertion the OLC has ever made about what authority the president has

#### Our interpretation is also the best historically- prefer the legal grounding of our interpretation

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The Framers selected a unitary executive model in as much as the term ¶ denotes situating executive power within the dominion of one individual, ¶ rather than a plurality of executive officials.¶ 122¶ Accordingly, the President ¶ is elected “by the people or by an electoral college,”¶ 123¶ as differentiated ¶ from parliamentary systems in which members select executive officials to ¶ administer bureaucracies on behalf of the lawmakers.¶ 124¶ The Founders’ ¶ use of “unitary” did not appertain to initiating hostilities or to expanding ¶ executive authority relative to the legislature.¶ 125¶ Unfortunately, the term ¶ “unitary” has recently been appropriated to maintain that the Framers ¶ intended to grant the Executive expansive war power authority to the ¶ point that legislative encroachment was impermissible. ¶ Professor Robert Spitzer remarked, “The phrase ‘unitary executive’ was ¶ derived from references in the Federalist Papers to ‘unity’ in the ¶ executive.”¶ 126¶ Spitzer further explicated that the contorted, contemporary ¶ unitary executive theory aspires to expand executive power, “cherry-picks ¶ its evidence, often misrepresents the historical record, . . . ignores ¶ pertinent literature,” and “is an honest reading of the Constitution only if ¶ the reader is standing on his or her head at the time.”¶ 127¶ Inverted ¶ advocates would be accurate in contending the Framers strove to guard ¶ against legislative encroachments of presidential power,¶ 128¶ but the ¶ Framers also reasoned that unity in the Executive would auspiciously ¶ constrict presidential power because anything other than a single President ¶ might lead to responsibility shirking. Alexander Hamilton wrote that “one ¶ of the weightiest objections to a plurality in the Executive . . . is that it ¶ tends to conceal faults and destroy responsibility . . . . [T]he multiplication ¶ of the Executive adds to the difficulty of detection in either case.”¶ 129¶ The Framers did address a unitary executive within the lexicon of war ¶ powers, but did so to accentuate that a single leader would foster efficient ¶ military action during a congressionally authorized war and that he or she ¶ could swiftly defend the nation in the event of an attack.¶ 130¶ The preexisting system governed by the Articles of Confederation did not ¶ establish any executive authority,¶ 131¶ which made conducting war ¶ unwieldy.¶ 132¶ The Continental Congress appointed a military command, ¶ removed dissatisfactory commanders in chief, and directed military ¶ activities.¶ 133¶ Congress was not an efficient decision-maker for ¶ prosecuting war;¶ 134¶ therefore, the Framers discerned that one authority ¶ should conceive military strategy and issue directives.¶ 135¶ At the North ¶ Carolina debates, James Iredell explained, “[T]he command of armies ¶ ought to be delegated to one person only. The secrecy, [dispatch], and ¶ decision, which are necessary in military operations, can only be expected ¶ from one person.”¶ 136¶ Hamilton further expressed: ¶ Of all the cares or concerns of government, the direction of war most ¶ peculiarly demands those qualities which distinguish the exercise of power ¶ by a single hand. The direction of war implies the direction of the common ¶ strength; and the power of directing and employing the common strength ¶ forms a usual and essential part in the definition of the executive ¶ authority.¶ 137

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#### The United States Congress should pass a new Authorization for Use of Military Force that authorizes military use of force against an organization with sufficient capability and planning that it presents an imminent threat to the United States. The Executive branch should be required to submit a list of groups it believes to be covered by this authorization to Congress for approval and review including the intelligence and factual basis that led to the groups’ inclusion in the list. The statute should also include retroactive listing for groups the executive deems to be an imminent threat. The criteria for an imminent threat should be based in international self-defense law.

#### The CP creates a new AUMF that targets terrorist groups no matter what geographic location they inhabit- that solves their legitimacy arguments while preserving flexibility of the executive to make quick decisions

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Based on current trends and the lessons from the past decade, we recommend ¶ a third approach: Congress sets forth general statutory criteria for presidential ¶ uses of force against new terrorist threats but requires the executive branch, ¶ through a robust administrative process, to identify particular groups that are ¶ covered by that authorization of force. One model to draw on, with modifications, ¶ is the State Department’s Foreign Terrorist Organization designation process. ¶ Under this process, the Secretary of State—pursuant to specific statutory ¶ standards, in consultation with other departments, and following a notification ¶ period to Congress—designates particular groups as terrorist organizations ¶ and thereby triggers statutory consequences for those groups and their members. ¶ We believe that a listing system modeled on this approach best cabins ¶ presidential power while at the same time giving the president the flexibility he ¶ needs to address emerging threats. Such a listing scheme will also render more ¶ transparent and regularized the now very murky process by which organizations ¶ and their members are deemed to fall within the September 2001 AUMF.¶ The listing approach is not without significant challenges, however. Some will ¶ claim that such a delegation to the president to identify the entities against ¶ whom force can be deployed would be unconstitutional. However, Congress has¶ often authorized the president to use force in ways that leave the president ¶ significant discretion in determining the precise enemy.9¶ In light of this history, ¶ the waning of the non-delegation doctrine in other contexts, the congressional ¶ specification of the general criteria for the use of force, and the administrative, ¶ reporting, and timing limitations on the listing process described below, the ¶ constitutional objections can be overcome.¶ A more serious challenge is that the listing approach will appear to codify ¶ permanent war, and to diminish the degree of congressional involvement and ¶ inter-branch deliberation compared to the second approach. These concerns ¶ can be mitigated in several ways. First, the substantive statutory criteria ¶ governing this listing process should be as specific as possible. For example, ¶ a new AUMF might authorize force against “an organization with sufficient ¶ capability and planning that it presents an imminent threat to the United ¶ States.” Or it might authorize force against “any group or person that has ¶ committed a belligerent act against the U.S. or imminently threatens to do so.” ¶ In setting out such criteria, Congress could make clear precisely what it means ¶ by key terms such as “imminent” and “belligerent act.” The criteria should, ¶ moreover, be expressly linked to international self-defense law. Compliance ¶ with that law is an obligation of the United States. And from a diplomatic and ¶ international legal-policy standpoint it is important that the United States ¶ government as a whole make clear that this is not an open-ended “global war ¶ on terror” but a cabined application of traditional self-defense to the new ¶ realities of non-state threats.¶ Second, at the front end of the listing process, the administrative, consultative, ¶ and notification procedures should be sufficiently robust to ensure careful ¶ deliberation and strong accountability. At the same time, the statute should ¶ provide for emergency exercises of Article II power (which the Constitution ¶ arguably compels in any event), followed by a process for retroactive listing, ¶ to deal with rapidly moving crises while providing strong incentive for the ¶ president to fold his actions into the statutory scheme.¶ Finally, a listing scheme should include thorough ex post reporting and ¶ auditing as well. At a minimum the president should have a duty to report to ¶ Congress in detail on the intelligence and other factual bases that led to the ¶ inclusion of particular groups on the list. The president should also have a duty ¶ to file detailed reports with Congress—in a more robust form than the usually ¶ conclusory War Powers Resolution reports—about how the statutory ¶ authorization of force is being implemented. As has become typical in the ¶ exercise of its oversight of modern national security delegations, Congress ¶ would also likely deploy inspectors general to perform audits on elements ¶ of the listing process. Finally, once a group is listed, there will be tremendous ¶ political incentive not to de-list it. So to ensure continual reassessment of ¶ the need for authorized force against particular groups, all listing should be ¶ subject to a review and renewal process (say, every two years) with an ¶ automatic sunset if not affirmatively renewed. (We discuss the role of sunset ¶ provisions as a general feature of all three proposed authorizations in the ¶ next Part.)

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#### Immigration reform will pass --- political capital is key

Matthews, 10/16 (Laura, 10/16/2013, “2013 Immigration Reform Bill: 'I'm Going To Push To Call A Vote,' Says Obama,” <http://www.ibtimes.com/2013-immigration-reform-bill-im-going-push-call-vote-says-obama-1429220)>)

When Congress finally passes a bipartisan bill that kicks the fiscal battles over to early next year, the spotlight could return to comprehensive immigration reform before 2013 ends.¶ At least that’s the hope of President Barack Obama and his fellow Chicagoan Rep. Luis Gutierrez, D-Ill., chairman of the Immigration Task Force of the Congressional Hispanic Caucus and one of the most vocal advocates for immigration reform in the House of Representatives.¶ “When we emerge from this crazy partisan eruption from the Republicans, there will be a huge incentive for sensible Republicans who want to repair some of the damage they have done to themselves,” Gutierrez said in a statement. “Immigration reform remains the one issue popular with both Democratic and Republican voters on which the two parties can work together to deliver real, substantive solutions in the Congress this year.”¶ Reforming the status quo has consistently been favored by a majority of Americans. Earlier this year, at least two-thirds of Americans supported several major steps to make the system work better, according to a Gallup poll. Those steps include implementing an E-verify system for employers to check electronically the immigration status of would-be employees (85 percent), a path to citizenship for undocumented immigrants, (72 percent), an entry-exit check system to make sure people who enter the country then leave it (71 percent), more high-skilled visas (71 percent) and increased border security (68 percent).¶ The Senate passed its version of a 2013 immigration reform bill in June that includes, but is not limited to, a pathway to citizenship for immigrants without documentation and doubling security on the southern border. But that measure has stalled in the House, where Republicans are adamant they will take a piecemeal approach.¶ The momentum that lawmakers showed for reform has been sapped by the stalemate that that has shut down the government for 16 days and brought the U.S. to the brink of default. The Senate has agreed on Wednesday to a bipartisan solution to break the gridlock.¶ When the shutdown and default threat is resolved (for a time), that’s when Obama will renew his push to get Congress to move on immigration reform. On Tuesday the president said reform will become his top priority.¶“Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform,” Obama told Univision affiliate KMEX-TV in Los Angeles. “And if I have to join with other advocates and continue to speak out on that, and keep pushing, I’m going to do so because I think it’s really important for the country. And now is the time to do it.”¶ The president pointed the finger at House Speaker John Boehner, R-Ohio, for not allowing the bill to be brought to the floor for a vote. Boehner had promised that the Senate’s bill would not be voted on unless a majority of the majority in the House supports it -- the same principle he was holding out for on the government shutdown before he gave in.¶ “We had a very strong Democratic and Republican vote in the Senate,” Obama said. “The only thing right now that’s holding it back is, again, Speaker Boehner not willing to call the bill on the floor of the House of Representatives. So we’re going to have to get through this crisis that was unnecessary, that was created because of the obsession of a small faction of the Republican Party on the Affordable Care Act.”¶ Republicans are opposing the Democratic view of immigration reform because of its inclusion of a 13-year path to citizenship for undocumented immigrants. They said this amounted to “amnesty.” Some Republicans prefer to give them legal resident status instead.¶ Immigration advocates have also been urging Obama to use his executive authority to halt the more than 1,000 deportations taking place daily. Like the activists, Gutierrez said the government shutdown didn’t do anything to slow the number of daily deportations.¶ Some Republicans who welcomed Sen. Ted Cruz’s filibuster over Obamacare because it shifted the focus from immigration.¶ “If Ted [didn’t] spin the filibuster, if we don’t make this the focus, we had already heard what was coming,” Rep. Louie Gohmert, R-Texas, told Fox News on Tuesday. “As soon as we got beyond this summer, we were going to have an amnesty bill come to the floor. That’s what we would have been talking about. And that’s where the pivot would have been if we had not focused America on Obamacare.”¶ Still, pro-immigration advocates are hopeful they can attain their goal soon. “With more prodding from the president and the American people,” Gutierrez said, “we can get immigration reform legislation passed in the House and signed into law.”

#### Having to defend authority derails the current agenda

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 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.

#### Consistent pressure and unity are key to make Boehner allow a vote

**Sullivan, 10/24/13** (Sean, “John Boehner's next big test: Immigration” Washington Post Blogs, The Fix, lexis)

President Obama delivered remarks Thursday morning to renew his call for Congress to pass sweeping immigration reform. The prevailing sentiment in Washington is that it’s not going to happen this year, and may not even happen next year.

But because of the last few weeks, it just might get done by early next year. It’s all up to House Speaker John A. Boehner (R-Ohio), who by political necessity, must now at least consider leaning in more on immigration.

“Let’s see if we can get this done. And let’s see if we can get it done this year,” Obama said at the White House.

Fresh off a decisive defeat in the budget and debt ceiling showdown that cost the GOP big and won the party no major policy concessions from Democrats, Boehner was asked Wednesday about whether he plans to bring up immigration legislation during the limited time left on the 2013 legislative calendar. He didn’t rule it out.

“I still think immigration reform is an important subject that needs to be addressed. And I’m hopeful,” said Boehner.

The big question is whether the speaker’s hopefulness spurs him to press the matter legislatively or whether the cast-iron conservative members who oppose even limited reforms will dissuade him and extinguish his cautiously optimistic if noncommittal outlook.

Months ago, as House Republicans were slow-walking immigration after the Senate passed a broad bill, the latter possibility appeared the likelier bet. But times have changed. The position House Republicans adopted in the fiscal standoff badly damaged the party's brand. The GOP is reeling, searching desperately for a way to turn things around. That means Boehner, too, must look for ways to repair the damage.

And that's where immigration comes in. Even before the government shutdown showdown, a vocal part of the GOP (think Sen. John McCain) had been talking up the urgent need to do immigration reform or risk further alienating Hispanic voters. Now, amid hard times for the party driven by deeper skepticism from Democrats, independents and even some Republicans following the fiscal standoff, the political imperative is arguably even stronger.

The policy imperative already exists for some House Republicans -- perhaps enough of them that if Boehner allowed a vote, reform of some type could pass with a majority of House Democrats and a minority of House Republicans, as did last week's deal to end the government shutdown and raise the debt ceiling. (What specifically could pass and whether Obama could accept it is another question.)

What's not clear is whether Boehner would be willing to chart a path with less than majority GOP support again so soon after the last time and without his back against the wall as it was in the fiscal standoff.

This much we know: The White House and Senate Democrats will keep applying pressure on Boehner to act on immigration. Obama's planned remarks are the latest example of his plan. The speaker will be feeling external and internal pressure to move ahead on immigration.

But he will also feel pressure from conservatives to oppose it. Here's the thing, though: Boehner listened to the right flank of his conference in the fiscal fight, and that path was politically destructive for his party. That's enough to believe he will at least entertain the possibility of tuning the hard-liners out a bit more this time around.

#### Reform key to the economy – immigrants are key to several critical sectors

West, ‘09 – Director of Governance Studies at the Brookings Institution (7/22/09, Darrell M., “The Path to a New Immigration Reform,” http://www.brookings.edu/opinions/2009/0721\_immigration\_reform\_west.aspx)

Skeptics need to understand how important a new immigration policy is to American competitiveness and long-term economic development. High-skill businesses require a sufficient number of scientists and engineers. Many industries such as construction, landscaping, health care and hospitality services are reliant on immigrant labor. Farmers need seasonal workers for agricultural productivity. Critics who worry about resource drains must understand that immigrants spend money on goods and services, pay taxes and perform jobs and start businesses vital to our economy. Beyond the economy, immigration reform prospects improve considerably across a fresh political landscape that features a popular Democratic president armed with substantial Democratic majorities in the House and Senate, many who appear receptive to comprehensive reform. Obama has called repeatedly for big ideas and bold policy actions. The country needs new policies that emphasize the importance of immigrant workers \_ across the skills spectrum \_ to our country's long-term financial future. Our universities invest millions in training foreign students but then send them home without any U.S. job opportunities that would take advantage of their new skills. And investing in the children of middle- and lower-skilled immigrants is wise as we recognize their majority role in our workforce as the next generation rises.

#### Extinction

Burrows and Harris, 2009 [Mathew, PhD European History at Cambridge, counselor in the National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” <http://www.ciaonet.org/journals/twq/v32i2/f_0016178_13952.pdf>]

Increased Potential for Global Conflict Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks\_and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### Norms

#### Other countries aren’t drone threats

Zenko 2013 (Micah Zenko, Douglas Dillon fellow in the Center for Preventive Action at CFR, previously worked at Harvard Kennedy School and State Department, January 2013, “Reforming U.S. Drone Strike Policies,” CFR Special Report No 56)

Based on current trends, it is unlikely that most states will have, within ten years, the complete system architecture required to carry out distant drone strikes that would be harmful to U.S. national interests. However, those candidates able to obtain this technology will most likely be states with the financial resources to purchase or the industrial base to manufacture tactical short-range armed drones with limited firepower that lack the precision of U.S. laser-guided munitions; the intelligence collection and military command-and-control capabilities needed to deploy drones via line-of-sight communications; and cross- border adversaries who currently face attacks or the threat of attacks by manned aircraft, such as Israel into Lebanon, Egypt, or Syria; Russia into Georgia or Azerbaijan; Turkey into Iraq; and Saudi Arabia into Yemen. When compared to distant U.S. drone strikes, these contingen- cies do not require system-wide infrastructure and host-state support. Given the costs to conduct manned-aircraft strikes with minimal threat to pilots, it is questionable whether states will undertake the significant investment required for armed drones in the near term.

#### Aff can’t stop drone prolif

Metz 2013 [Steven Metz is a defense analyst and the author of "Iraq and the Evolution of American Strategy." His weekly WPR column, Strategic Horizons, appears every Wednesday 27 Feb 2013 World Politics Review “Strategic Horizons: The Strategy Behind U.S. Drone Strikes” http://www.worldpoliticsreview.com/articles/12747/strategic-horizons-the-strategy-behind-u-s-drone-strikes]

Both of these arguments are shaky. There is little or no evidence that nations facing a serious enemy base their response on U.S. actions. States do what they feel they have to do. The implication that if the United States did not use drones against insurgents other nations would not simply defies common sense. On the second point, there is no doubt that drone strikes create anger. Unfortunately, this does tend to be directed at the United States rather than at the extremists who elected to use human shields in the first place. But again there is no evidence that a significant number of potential terrorists or terrorist supporters were motivated exclusively or primarily by American drone strikes.

#### Other countries cannot export drones

Zenko 2013 [Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Wash- ington, DC, at the Brookings Institution, Congressional Research Ser- vice, and State Department’s Office of Policy Planning January 2013 Council on Foreign Relations Special Report no. 65 “Reforming U.S. Drone Strike Policies”]

There are also few examples of armed drone sales by other countries. After the United States, Israel has the most developed and varied drone capabilities; according to the Stockholm International Peace Research Institute (SIPRI), Israel was responsible for 41 percent of drones exported between 2001 and 2011.57 While Israel has used armed drones in the Palestinian territories and is not a member of the MTCR, it has pre- dominantly sold surveillance drones that lack hard points and electri- cal engineering. Israel reportedly sold the Harop, a short-range attack drone, to France, Germany, Turkey, and India. Furthermore, Israel allows the United States to veto transfers of weapons with U.S.-origin technology to select states, including China.58 Other states invested in developing and selling surveillance drones have reportedly refrained from selling fully armed versions. For example, the UAE spent five years building the armed United-40 drone with an associated Namrod missile, but there have been no reported deliveries.59 A March 2011 analysis by the mar- keting research firm Lucintel projected that a “fully developed [armed drone] product will take another decade.”60

#### The impact is a decade away and not likely

Zenko 2013 [Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Wash- ington, DC, at the Brookings Institution, Congressional Research Ser- vice, and State Department’s Office of Policy Planning January 2013 Council on Foreign Relations Special Report no. 65 “Reforming U.S. Drone Strike Policies”]

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#### No China war over territorial claims

Carlson 2-21 [Allen Carlson Associate Professor in the Government Department of Cornell University 2-21-2013 Foreign Affairs “China Keeps the Peace at Sea” http://www.foreignaffairs.com/articles/139024/allen-carlson/china-keeps-the-peace-at-sea]

The nuclear test, though, is a red herring in terms of the conflict over the disputed islands. In truth, the roots of the conflict -- and the reasons it has not yet exploded -- are much deeper. Put simply, China cannot afford military conflict with any of its Asian neighbors. ¶ It is not that China believes it would lose such a spat; the country increasingly enjoys strategic superiority over the entire region, and it is difficult to imagine that its forces would be beaten in a direct engagement over the islands, in the South China Sea or in the disputed regions along the Sino-Indian border. However, Chinese officials see that even the most pronounced victory would be outweighed by the collateral damage that such a use of force would cause to Beijing's two most fundamental national interests -- economic growth and preventing the escalation of radical nationalist sentiment at home. These constraints, rather than any external deterrent, will keep Xi Jinping, China's new leader, from authorizing the use of deadly force in the Diaoyu Islands theater. ¶ For over three decades, Beijing has promoted peace and stability in Asia to facilitate conditions amenable to China's economic development. The origins of the policy can be traced back to the late 1970s, when Deng Xiaoping repeatedly contended that to move beyond the economically debilitating Maoist period, China would have to seek a common ground with its neighbors. Promoting cooperation in the region would allow China to spend less on military preparedness, focus on making the country a more welcoming destination for foreign investment, and foster better trade relations. All of this would strengthen the Chinese economy. Deng was right. Today, China's economy is second only to that of the United States. ¶ The fundamentals of Deng's grand economic strategy are still revered in Beijing. But any war in the region would erode the hard-won, and precariously held, political capital that China has gained in the last several decades. It would also disrupt trade relations, complicate efforts to promote the yuan as an international currency, and send shock waves through the country's economic system at a time when it can ill afford them. There is thus little reason to think that China is readying for war with Japan. ¶ At the same time, the specter of rising Chinese nationalism, although often seen as a promoter of conflict, further limits the prospects for armed engagement. This is because Beijing will try to discourage nationalism if it fears it may lose control or be forced by popular sentiment to take an action it deems unwise. Ever since the Tiananmen Square massacre put questions about the Chinese Communist Party's right to govern before the population, successive generations of Chinese leaders have carefully negotiated a balance between promoting nationalist sentiment and preventing it from boiling over. In the process, they cemented the legitimacy of their rule. A war with Japan could easily upset that balance by inflaming nationalism that could blow back against China's leaders. Consider a hypothetical scenario in which a uniformed Chinese military member is killed during a firefight with Japanese soldiers. Regardless of the specific circumstances, the casualty would create a new martyr in China and, almost as quickly, catalyze popular protests against Japan. ¶ Demonstrators would call for blood, and if the government (fearing economic instability) did not extract enough, citizens would agitate against Beijing itself. Those in Zhongnanhai, the Chinese leadership compound in Beijing, would find themselves between a rock and a hard place. ¶ It is possible that Xi lost track of these basic facts during the fanfare of his rise to power and in the face of renewed Japanese assertiveness. It is also possible that the Chinese state is more rotten at the core than is understood. That is, party elites believe that a diversionary war is the only way to hold on to power -- damn the economic and social consequences. ¶ But Xi does not seem blind to the principles that have served Beijing so well over the last few decades. Indeed, although he recently warned unnamed others about infringing upon China's "national core interests" during a foreign policy speech to members of the Politburo, he also underscored China's commitment to "never pursue development at the cost of sacrificing other country's interests" and to never "benefit ourselves at others' expense or do harm to any neighbor." ¶ Of course, wars do happen -- and still could in the East China Sea. Should either side draw first blood through accident or an unexpected move, Sino-Japanese relations would be pushed into terrain that has not been charted since the middle of the last century. ¶ However, understanding that war would be a no-win situation, China has avoided rushing over the brink. This relative restraint seems to have surprised everyone. But it shouldn't. Beijing will continue to disagree with Tokyo over the sovereign status of the islands, and will not budge in its negotiating position over disputed territory. However, it cannot take the risk of going to war over a few rocks in the sea. On the contrary, in the coming months it will quietly seek a way to shelve the dispute in return for securing regional stability, facilitating economic development, and keeping a lid on the Pandora's box of rising nationalist sentiment. The ensuing peace, while unlikely to be deep, or especially conducive to improving Sino-Japanese relations, will be enduring.

#### Drones ensure moderation in those conflicts- key to make sure inevitable overflight incidents don’t escalate

Foust 10-21 [Joshua Foust is a fellow at the American Security Project and the author of Afghanistan Journal: Selections from Registan.net. He is also a member of the Young Atlanticist Working Group. 10-21- 2013 “Drones: Scary, but Good for Peace” https://medium.com/war-is-boring/4b34e1826a76]

Looking more broadly, it’s clear that remotely piloted aircraft like the BZK-005, the Global Hawk, and the dozens of other models being developed by most advanced militaries will come to dominate military overflights — the ancient sabre-rattling that seems to accompany any two advanced militaries operating nearby to each other.¶ Though relatively expensive to develop and operate, drones allow for a much longer flight time over sensitive areas, and the lack of a pilot inside the aircraft makes it expendable should something bad happen and it gets shot down or crashes.¶ So should Japan start swatting Chinese drones out of the sky, it will matter — tensions will almost certainly get worse. But it also won’t involve the lives of pilots being put at risk, which lowers the chance of another Hainan Island incident (when a U.S. EP-3 spy plane collided with a Chinese F-8 interceptor).¶ And maybe, that’s something to look forward to: conflict with the stakes lowered so much they don’t compel both sides to outright war.

#### US norms cannot solve Caucus conflict-we already tried to broker this one

By Zulfugar Agayev - Oct 1, 2013

http://www.bloomberg.com/news/2013-10-01/azeri-armenia-conflict-may-soon-escalate-icg-official-warns.html Azeri-Armenia Conflict May Soon Escalate, ICG Official Warns

The territorial dispute between oil-exporting Azerbaijan and neighboring Armenia may soon escalate amid rising violence and weapons buildup, according to a non-profit group dedicated to resolving global conflicts. Until the 2011 breakdown in peace talks, “there was a process,” Lawrence Scott Sheets, project director for the South Caucasus at the International Crisis Group, said today by phone from Tbilisi, the Georgian capital. “It was not a successful process but just the existence of a process acted as a restraining factor.” Armenia seized Nagorno-Karabakh, a mountainous enclave about the size of Rhode Island with a population of more than 100,000, and seven adjacent districts from Azerbaijan in a war after the Soviet Union’s collapse in 1991. Although major fighting ended with a cease-fire in May 1994, the two countries haven’t reached a peace agreement and clashes are common along the heavily militarized cease-fire line. Peace talks mediated by France, Russia and the U.S. since a 1994 cease-fire broke down at the end of 2010. Azerbaijan, the third largest oil producer in the former Soviet Union, also has used oil revenue to boost military spending almost 30-fold in the past decade to $3.7 billion this year. Possible political unrest in both countries has added to the risk of an escalation, Sheets said. Azeri President Ilham Aliyev will seek a third term in office in elections next week, while Armenia faces possible political turbulence as a result of planned opposition protests this autumn, he said.

**No Caucus war- cooperation more likely**

Olga **Oliker** (Senior International Policy Analyst RAND) and Thomas S. Szayna. (Associate Director, Strategy, Doctrine, and Resource Program at the RAND Arroyo Center). "Faultllines of Conflict in Central Asia and the South Caucasus." Rand. **2005**. http://www.rand.org/pubs/monograph\_reports/2005/RAND\_MR1598.pdf

**It is** therefore highly **likely that coming years will see continued competition** among outside powers over the region and its resources and allegiances. **This does not** necessarily **mean**, however, **that great power conflict will result.** In fact, as the exploration of the interests and motivations of various actors undertaken in this chapter willshow, competition is moderated by the many shared interests of the outside powers in question. But **strategic and economic interests will** also **cause** foreign **states to be increasingly active in the region diplomatically, economically, and militarily.** This means that if other factors spur conflict in the region, as analysis elsewhere in this report suggests is likely, there is significant potential for outside powers to get involved—even if their interests are not themselves the reason that conflict emerges. Because there is room for many states to gain from the region’s potential and because regional stability is a shared goal as well, **there will be high incentives to cooperate** as well as compete. Strategic reasons to maintain good ties among interested third parties will also temper the likelihood of conflict.

### Terrorism

#### Allies agree that TKs are appropriate as a first resort even outside of conflict zones

Geoffrey S. Corn 12, Professor of Law and Presidential Research Professor, South Texas College of Law, 2012, “Blurring the Line Between the Jus ad Bellum and the Jus in Bello,” in Non-International Armed Conflict in the Twenty-First Century, p. 75-76

The statement by Legal Advisor Koh following the Bin Laden raid addressing U.S. legal authority for the mission and for killing Bin Laden is perhaps as clear an articulation of a legal basis for a military action ever provided by the Department of State.175 Indeed, the fact that Koh articulated an official U.S. interpretation of both the jus ad helium and jus in bello makes his use of a website titled Opinio Juris176 especially significant (as such a statement by a government official in Koh's position is clear evidence of opinio juris). Unlike his earlier statement at a meeting of the American Society of International Law,'77 Koh did not restrict his invocation of law to the jus ad helium. Instead, he asserted the U.S. position that the mission was justified pursuant to the inherent right of self-defense, but also that Bin Laden's killing was lawful pursuant to the jus in bello. Koh properly noted that as a mission executed in the context of the armed conflict with al Qaeda, the LOAC imposed no obligation on U.S. forces to employ minimum necessary force. Instead, Bin Laden's status as an enemy belligerent justified the use of deadly force as a measure of first resort, and Bin Laden bore the burden of manifesting his surrender in order to terminate that authority. Hence, U.S. forces were in no way obligated to attempt to capture Bin Laden before resorting to deadly force.178

A recent statement made by John Brennan, Deputy National Security Advisor for Homeland Security and Counterterrorism, further clarifies the current administration's justification for using deadly force as a first resort against al Qaeda operatives:

The United States does not view our authority to use military force against al-Qa'ida as being restricted solely to "hot" battlefields like Afghanistan. Because we are engaged in an armed conflict with al-Qa'ida, the United States takes the legal position that... we have the authority to take action against al-Qa'ida and its associated forces without doing a separate self-defense analysis each time----

This Administration's counterterrorism efforts outside of Afghanistan and Iraq are focused on those individuals who are a threat to the United States, whose removal would cause a significant—even if only temporary—disruption of the plans and capabilities of al-Qa'ida and its associated forces. Practically speaking, then, the question turns principally on how you define "imminence."

We are finding increasing recognition in the international community that a more flexible understanding of "imminence" may be appropriate when dealing with terrorist groups, in part because threats posed by non-state actors do not present themselves in the ways that evidenced imminence in more traditional conflicts… Over time, an increasing number of our international counterterrorism partners have begun to recognize that the traditional conception of what constitutes an "imminent" attack should be broadened in light of the modern-day capabilities, techniques, and technological innovations of terrorist organizations.1'9

#### Drone program sustainable

Robert Chesney 12, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, 8/29/12, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2138623>

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas.

The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a mend-it-don’t-end-it approach culminating in passage of the Military Commissions Act of 2009, which addressed a number of key objections to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but the system as a whole is far more stable today than at any point in the past decade.51

There have been strong elements of cross-party continuity between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, the legality of using lethal force not just in contexts of overt combat deployments but also in areas physically remote from the “hot battlefield.” Indeed, the Obama administration quickly outstripped the Bush administration in terms of the quantity and location of its airstrikes outside of Afghanistan,52 and it also greatly surpassed the Bush administration in its efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also succeeded in fending off a lawsuit challenging the legality of the drone strike program (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54

The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. Far from it; a steady drumbeat of criticism persists, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, this criticism no longer seemed likely to spill over in the form of disruptive judicial rulings, newly-restrictive legislation, or significant spikes in diplomatic or domestic political pressure, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an extended period of cross-branch and cross-party consensus, and this in turn left the impression that the underlying legal architecture had reached a stage of stability that was good enough for the time being.

#### Plan causes a shift from IHL that allows drones to IHRL which does not

Michael W. Lewis 12, Associate Professor of Law at Ohio Northern University Pettit College of Law, Spring 2012, “ARTICLE: SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield,” Texas International Law Journal, p. lexis

The legal determination of what constitutes "the battlefield" has particular significance for the use of drones, particularly armed drones. This is because "the battlefield" is used to effectively define the scope of IHL's application. n31 In situations outside the scope of IHL, international human rights law (IHRL) n32 applies. ¶ For the [\*300] purposes of this Article, the salient difference between these two bodies of law lies in their disparate provisions regarding the use of lethal force. IHL allows for lethal force to be employed based upon the status of the target. n33 A member of the enemy's forces may be targeted with lethal force based purely on his status as a member of those forces. n34 That individual does not have to pose a current threat to friendly forces or civilians at the time of targeting. n35 In contrast, IHRL permits lethal force only after a showing of dangerousness. n36 Under IHRL (the law enforcement model), lethal force may only be employed if the individual poses an imminent threat to law enforcement officers attempting arrest or to other individuals. n37 Further, IHRL requires that an opportunity to surrender be offered before lethal force is employed. n38¶ Because drones are incapable of offering surrender before utilizing lethal force, armed drones may not be legally employed in situations governed by IHRL. n39 This absolute prohibition does not apply to other forces commonly used in counterinsurgency or counterterrorism operations, such as special forces units, because it is possible for them to operate within the parameters of IHRL. Although the use of special forces in law enforcement operations has the potential to be legally problematic, n40 appropriately clear and restrictive rules of engagement that include the requirement of a surrender offer can allow special forces to operate under an IHRL regime. n41 Similarly, almost any other part of the armed forces, from regular army units to military police to Coast Guard and naval forces, can adapt their operating procedures to comply with IHRL's requirements. Armed drones cannot.¶ [\*301] As a result, the debate about what constitutes the legal boundaries of the battlefield has a particularly significant impact on the use and development of drones. Because their operational limitations prevent drones from being employed outside of the permissive environments found in counterterrorism or counterinsurgency operations, their usefulness as a weapons system is strongly tied to the scope of IHL's application. If the strict geographic approach to defining IHL's scope (described in more detail below) is accepted, then drone use would be considered illegal everywhere outside Afghanistan.

#### Uniqueness---there’s currently no legal consensus over how to define the battlefield in the war on terror---but clearly conflict takes place outside traditional battlefields

Laurie R. Blank 10, Director, International Humanitarian Law Clinic, Emory Law School, 9/16/10, “DEFINING THE BATTLEFIELD IN CONTEMPORARY CONFLICT AND COUNTERTERRORISM: UNDERSTANDING THE PARAMETERS OF THE ZONE OF COMBAT,” Georgia Journal of International and Comparative Law, Vol. 39, No. 1, 2010, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1677965>

The English language and traditional military discourse contain numerous terms to describe wartime areas. A battlefield is “a place where a battle is fought”; a combat area is a military area where combat forces operate.1 A theater of operations is a region in which active combat operations are in progress, and a theater of war refers to “the entire land, sea, and air area that is or may become involved directly in war operations.”2 These common terms provide generally clear descriptions of physical areas during traditional armed conflicts. United States Civil War enthusiasts thus visit battlefields at Antietam, Gettysburg, Chancellorsville, and elsewhere. World War II historians have the beaches at Normandy. We can identify the major battles of the Vietnam War, Operation Desert Storm, and even Operation Iraqi Freedom. Moreover, with the exception of the second Gulf War, we can also identify—often to the day—when each of these conflicts began and ended.

We cannot say the same for the current struggle against terrorism, often called the “global war on terror.” Many contemporary conflicts, in which states fight against non-state actors and terrorist groups unbounded by sovereign territorial boundaries and preferring tactics aimed at civilians often far from any traditionally understood battlefield,3 can easily confound attempts to use these existing terms effectively. In particular, the present conflict between the United States and al Qaeda and affiliated terrorist groups poses significant yet seemingly fundamental questions about not only the law applicable to operations against terrorists but also about where the conflict is taking place and where that law applies. Beyond the obvious areas of Afghanistan, Iraq, and the border areas of Pakistan, there is, at present, little agreement on where the battlefield is—i.e., where this conflict is taking place—and an equal measure of uncertainty regarding when it started and how it might end. “A war against groups of transnational terrorists, by its very nature, lacks a well-delineated timeline or a traditional battlefield context . . . .”4 In addition to the clear political challenges these uncertainties produce, they also lead to complex legal conundrums regarding the application of the law to military and counterterrorism operations.

#### The plan’s standard would prohibit targeted killings as first resort anywhere that lacks large-scale military presence or consistent aerial attacks---their author concedes that would cover most future conflicts

Jennifer C. Daskal 13, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April 2013, “ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE,” University of Pennsylvania Law Review, 161 U. Pa. L. Rev. 1165

This Article has assumed the existence of one or more zones of active hostilities, involving either a large-scale military presence or consistent aerial attacks. But what happens when no such center of gravity exists? Professor Anne-Marie Slaughter predicts that future conflicts are unlikely to resemble those in Afghanistan and Iraq, which involved the large-scale ground invasion of one state by others. n204 Rather, they are more likely to involve targeted operations conducted by special forces and intelligence operatives without any active zone of hostilities. n205 In fact, this description may fit the situation in Afghanistan once the United States and NATO remove their troops. n206

#### Aff recreates safe havens- ensures that if they don’t fight the government they can do whatever they want

Geoffrey Corn 13, Professor of Law and Presidential Research Professor, South Texas College of Law, 5/16/13, Statement before the Senate Armed Services Committee, CQ Congressional Testimony, lexis

3. What is the geographic scope of the AUMF and under what circumstances may the United States attack belligerent targets in the territory of another country?¶ In my opinion, there is no need to amend the AUMF to define the geographic scope of military operations it authorizes. On the contrary, I believe doing so would fundamentally undermine the efficacy of U.S. counter-terror military operations by overtly signaling to the enemy exactly where to pursue safe-haven and de facto immunity from the reach of U.S. power. This concern is similar to that associated with explicitly defining co- belligerents subject to the AUMF, although I believe it is substantially more significant. It is an operational and tactical axiom that insurgent and non-state threats rarely seek the proverbial "toe to toe" confrontation § Marked 07:26 § with clearly superior military forces. Al Qaeda is no different. Indeed, their attempts to engage in such tactics in the initial phases of Operation Enduring Freedom proved disastrous, and ostensibly caused the dispersion of operational capabilities that then necessitated the co-belligerent assessment. Imposing an arbitrary geographic limitation of the scope of military operations against this threat would therefore be inconsistent with the strategic objective of preventing future terrorist attacks against the United States.¶ I believe much of the momentum for asserting some arbitrary geographic limitation on the scope of operations conducted to disrupt or disable al Qaeda belligerent capabilities is the result of the commonly used term "hot battlefield." This notion of a "hot" battlefield is, in my opinion, an operational and legal fiction. Nothing in the law of armed conflict or military doctrine defines the meaning of "battlefield." Contrary to the erroneous assertions that the use of combat power is restricted to defined geographic locations such as Afghanistan (and previously Iraq), the geographic scope of armed conflict must be dictated by a totality assessment of a variety of factors, ultimately driven by the strategic end state the nation seeks to achieve. The nature and dynamics of the threat -including key vulnerabilities - is a vital factor in this analysis. These threat dynamics properly influence the assessment of enemy capabilities and vulnerabilities, which in turn drive the formulation of national strategy, which includes determining when, where, and how to leverage national power (including military power) to achieve desired operational effects. Thus, threat dynamics, and not some geographic "box", have historically driven and must continue to drive the scope of armed hostilities. The logic of this premise is validated by (in my opinion) the inability to identify an armed conflict in modern history where the scope of operations was legally restricted by a conception of a "hot" battlefield. Instead, threat dynamics coupled with policy, diplomatic considerations and, in certain armed conflicts the international law of neutrality, dictate such scope. Ultimately, battlefields become "hot" when persons, places, or things assessed as lawful military objectives pursuant to the law of armed conflict are subjected to attack.¶ I do not, however, intend to suggest that it is proper to view the entire globe as a battlefield in the military component of our struggle against al Qaeda, or that threat dynamics are the only considerations in assessing the scope of military operations. Instead, complex considerations of policy and diplomacy have and must continue to influence this assessment. However, suggesting that the proper scope of combat operations is dictated by a legal conception of "hot" battlefield is operationally irrational and legally unsound. Accordingly, placing policy limits on the scope of combat operations conducted pursuant to the legal authority provided by the AUMF is both logical and appropriate, and in my view has been a cornerstone of U.S. use of force policy since the enactment of the AUMF. In contrast, interpreting the law of armed conflict to place legal limits on the scope of such operations to "hot" battlefields, or imposing such a legal limitation in the terms of the AUMF, creates a perverse incentive for the belligerent enemy by allowing him to dictate when and where he will be subject to lawful attack.

# 2NC

## CP

### Solves---Allies

#### Transparency solves allied perception, blowback, and drone norms while maintaining the counter-terror benefits of targeted killings

Michael Aaronson 13, Professorial Research Fellow and Executive Director of cii – the Centre for International Intervention – at the University of Surrey, and Adrian Johnson, Director of Publications at RUSI, the book reviews editor for the RUSI Journal, and chair of the RUSI Editorial Board, “Conclusion,” in Hitting the Target?: How New Capabilities are Shaping International Intervention, ed. Aaronson & Johnson, http://www.rusi.org/downloads/assets/Hitting\_the\_Target.pdf

The Obama administration faces some tough dilemmas, and analysts should be careful not to downplay the security challenges it faces. It must balance the principles of justice and accountability with a very real terrorist threat; and reconcile the need to demonstrate a credibly tough security policy with the ending of a long occupation of Afghanistan while Al-Qa’ida still remains active in the region. Nevertheless, more transparency would provide demonstrable oversight and accountability without sacrificing the necessary operational secrecy of counter-terrorism. It might also help assuage the concern of allies and their publics who worry about what use the intelligence they provide might be put to. A wise long-term vision can balance the short-term demands to disrupt and disable terrorist groups with a longer-term focus to resolve the grievances that give rise to radicalism, and also preclude inadvertently developing norms of drone use that sit uneasily with the civilised conduct of war. Drones are but one kinetic element of a solution to terrorism that is, ultimately, political.

### 2NC Solves Terrorism

#### Correctly defining the enemy is a prerequisite to effective counterterrorism strategy

Zimmerman 2013 (Katherine Zimmerman, senior analyst and the al Qaeda and Associated Movements Team Lead for the American Enterprise Institute’s Critical Threats Project, has testified in front of Congress and briefed Members and congressional staff, as well as members of the defense community, written analyses of U.S. national security interests related to the threat from the al Qaeda network for the Weekly Standard, National Review Online, and the Huffington Post, among others, September 2013, “The al Qaeda Network: A New Framework for Defining the Enemy,” pdf)

Al Qaeda has always been more than Osama bin Laden.¶ The wealthy Saudi sheikh founded the group in 1988¶ and led it until his death in 2011. He became famous¶ as the man who declared war on the United States in¶ 1996, even before the most spectacular mass murder of¶ 2001. A cult of personality formed around him within¶ his movement and beyond. His name and face were,¶ for many years, virtually the only symbol of America’s¶ most active enemy.¶ But he never operated alone. Supporters helped him¶ in Afghanistan. Like-minded violent Islamists sought¶ to join him from across the Arab world and South Asia.¶ By September 2001, his brothers in Islamist terrorism¶ already had groups in Egypt, Libya, Algeria, the¶ Philippines, Uzbekistan, and Yemen—not to mention¶ Afghanistan and Pakistan. President George W. Bush¶ was therefore wise to eschew making America’s response¶ to 9/11 a manhunt for bin Laden and to recognize the¶ global nature of the threat. He failed to define that¶ global threat precisely, however, and muddied the issue¶ by declaring a “war on terror” rather than on a clearly¶ delineated enemy. And that failure to define al Qaeda¶ properly in 2001 (or before) has bedeviled American¶ policy and strategy ever since.¶ Confusion has created notions of an enemy ranging¶ from all 1.5 billion Muslims in the world to the single¶ man shot by a U.S. Navy Seal in a house in Abbottabad.¶ Bin Laden’s death and the succession of Ayman al¶ Zawahiri should have been a clarifying moment driving¶ the American policy community and, especially,¶ the counterterrorism community to look hard at what¶ was left of the group bin Laden had founded, as well¶ as its affiliates and associates around the world. But his¶ death has caused only more confusion. Is al Qaeda “on¶ the run,” as President Barack Obama and other key¶ administration officials declare? How do the franchises¶ relate to the “core”? How is al Qaeda operating today¶ not only in Pakistan, but around the world? Until these¶ questions receive detailed and well-supported answers,¶ there can be no sound American strategy for dealing¶ with this threat—or even for evaluating its magnitude.¶ The absence of any such strategy is itself a major threat¶ to the United States.¶ Al Qaeda is still an active enemy. Bin Laden’s group¶ and its affiliates have sustained attacks on the United¶ States and Americans, as well as our closest allies, for 20¶ years. Al Qaeda operatives trained Somalis in the 1990s¶ and claim involvement in killing American troops¶ during the Battle of Mogadishu in October 1993. Al¶ Qaeda’s cell in East Africa masterminded the 1998¶ American embassy bombings in Kenya and Tanzania¶ that killed 12 Americans and over 200 locals. Al Qaeda¶ operatives in Yemen bombed the USS Cole in Aden,¶ killing 17 American troops in 2000.

### Solves Norms

#### Executive-branch transparency and bringing U.S. practice in line with policy builds the international diplomatic capital to press for drone norms

Kristin Roberts 13, News Editor, National Journal, 3/22/13, “When the Whole World Has Drones,” <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>

But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions.

A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs.

Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists.

The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

### 2NC Constitutional

#### Its constitutional

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The listing approach is not without significant challenges, however. Some will ¶ claim that such a delegation to the president to identify the entities against ¶ whom force can be deployed would be unconstitutional. However, Congress has ¶ often authorized the president to use force in ways that leave the president ¶ significant discretion in determining the precise enemy.¶ 9¶ In light of this history, ¶ the waning of the non-delegation doctrine in other contexts, the congressional ¶ specification of the general criteria for the use of force, and the administrative, ¶ reporting, and timing limitations on the listing process described below, the ¶ constitutional objections can be overcome.

### A2: You Don’t Restrict the President

#### Review part of the CP has a deterrent effect-ensures it would only be imminent threats

Vladeck 2013 [Written Testimony of Stephen I. Vladeck ¶ Professor of Law and Associate Dean for Scholarship, ¶ American University Washington College of Law “DRONES AND THE WAR ON TERROR:¶ WHEN CAN THE U.S. TARGET ALLEGED AMERICAN TERRORISTS OVERSEAS?”¶ Hearing Before the House Committee on the Judiciary¶ Wednesday, February 27, 2013 http://www.lawfareblog.com/wp-content/uploads/2013/02/Vladeck-02272013.pdf]

First, if nothing else, the specter of damages, even nominal damages, should ¶ have a deterrent effect on future government officers, such that, if a targeted killing ¶ operation ever was carried out in a way that violated the relevant legal rules, there ¶ would be liability—and, as importantly, precedent—such that the next government ¶ official in a similar context might think twice, and might make sure that he’s that ¶ much more convinced that the individual in question is who the government claims, ¶ and that there’s no alternative to the use of lethal force.

## Norms Adv

### China Seas D

#### China’s strategy prevents escalation- they use police boats not the navy

Fravel 2012 [M. Taylor Fravel is associate professor of Political Science and member of the Security Studies Program at the Massachusetts Institute of Technology 6-26-2012 “How to Defuse South China Sea Conflicts” http://online.wsj.com/article/SB10001424052702304870304577490332845083476.html]

The second lesson from Scarborough is that using civilian maritime law enforcement instead of its navy to assert claims is a key part of China's strategy.¶ These vessels, most of which don't appear to have any mounted weapons, are for establishing a presence, not fighting. They also limit the potential for escalation.

### Caucuses D

#### Shared interest in cooperation.

Olga Oliker (Senior International Policy Analyst RAND) and Thomas S. Szayna. (Associate Director, Strategy, Doctrine, and Resource Program at the RAND Arroyo Center). "Faultllines of Conflict in Central Asia and the South Caucasus." Rand. 2005. http://www.rand.org/pubs/monograph\_reports/2005/RAND\_MR1598.pdf

The incentive structure in place for the major outside actors in the CASC region includes shared interests in economic (especially energy) development, political stability, and counterterror, countercrime, and counterproliferation efforts. These combine with the greater importance that most of these states attach to relations with each other over and above relations with the Caspian states, to exert a moderating influence on the propensity for competition between them to evolve into armed conflict. This will continue to be the case for as long as current incentive structures hold.

## Terrorism Adv

### Coop Inevitable – Self-Interest

#### EU cooperation on terrorism intel high and inevitable – in their self interest

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

As part of its drive to bolster its counterterrorism capabilities, the EU has also made promoting law enforcement and intelligence cooperation with the United States a top priority. Washington has largely welcomed these efforts, recognizing that they may help root out terrorist cells both in Europe and elsewhere, and prevent future attacks against the United States or its interests abroad. U.S.-EU cooperation against terrorism has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions. Contacts between U.S. and EU officials on police, judicial, and border control policy matters have increased substantially since 2001. A number of new U.S.-EU agreements have also been reached; these include information-sharing arrangements between the United States and EU police and judicial bodies, two new U.S.-EU treaties on extradition and mutual legal assistance, and accords on container security and airline passenger data. In addition, the United States and the EU have been working together to curb terrorist financing and to strengthen transport security.

### Allies not key

#### US anti-terror intel is fine on its own – outstrips everybody else

Barton Gellman and Greg Miller, 8-29-2013, “Top secret ‘black budget’ reveals US spy agencies’ spending,” LA Daily News, http://www.dailynews.com/government-and-politics/20130829/top-secret-black-budget-reveals-us-spy-agencies-spending

“The United States has made a considerable investment in the Intelligence Community since the terror attacks of 9/11, a time which includes wars in Iraq and Afghanistan, the Arab Spring, the proliferation of weapons of mass destruction technology, and asymmetric threats in such areas as cyber-warfare,” Director of National Intelligence James Clapper said in response to inquiries from The Post. “Our budgets are classified as they could provide insight for foreign intelligence services to discern our top national priorities, capabilities and sources and methods that allow us to obtain information to counter threats,” he said. Among the notable revelations in the budget summary: Spending by the CIA has surged past that of every other spy agency, with $14.7 billion in requested funding for 2013. The figure vastly exceeds outside estimates and is nearly 50 percent above that of the National Security Agency, which conducts eavesdropping operations and has long been considered the behemoth of the community. The CIA and NSA have launched aggressive new efforts to hack into foreign computer networks to steal information or sabotage enemy systems, embracing what the budget refers to as “offensive cyber operations.” The NSA planned to investigate at least 4,000 possible insider threats in 2013, cases in which the agency suspected sensitive information may have been compromised by one of its own. The budget documents show that the U.S. intelligence community has sought to strengthen its ability to detect what it calls “anomalous behavior” by personnel with access to highly classified material. U.S. intelligence officials take an active interest in foes as well as friends. Pakistan is described in detail as an “intractable target,” and counterintelligence operations “are strategically focused against [the] priority targets of China, Russia, Iran, Cuba and Israel.” In words, deeds and dollars, intelligence agencies remain fixed on terrorism as the gravest threat to national security, which is listed first among five “mission objectives.” Counterterrorism programs employ one in four members of the intelligence workforce and account for one-third of all spending. The governments of Iran, China and Russia are difficult to penetrate, but North Korea’s may be the most opaque. There are five “critical” gaps in U.S. intelligence about Pyongyang’s nuclear and missile programs, and analysts know virtually nothing about the intentions of North Korean leader Kim Jong Un. Formally known as the Congressional Budget Justification for the National Intelligence Program, the “Top Secret” blueprint represents spending levels proposed to the House and Senate intelligence committees in February 2012. Congress may have made changes before the fiscal year began on Oct 1. Clapper is expected to release the actual total spending figure after the fiscal year ends on Sept. 30. The document describes a constellation of spy agencies that track millions of individual surveillance targets and carry out operations that include hundreds of lethal strikes. They are organized around five priorities: combating terrorism, stopping the spread of nuclear and other unconventional weapons, warning U.S. leaders about critical events overseas, defending against foreign espionage and conducting cyber operations. In an introduction to the summary, Clapper said the threats now facing the United States “virtually defy rank-ordering.” He warned of “hard choices” as the intelligence community — sometimes referred to as the “IC” — seeks to rein in spending after a decade of often double-digit budget increases. This year’s budget proposal envisions that spending will remain roughly level through 2017 and amounts to a case against substantial cuts. “Never before has the IC been called upon to master such complexity and so many issues in such a resource-constrained environment,” Clapper wrote. The summary provides a detailed look at how the U.S. intelligence community has been reconfigured by the massive infusion of resources that followed the Sept. 11 attacks. The United States has spent more than $500 billion on intelligence during that period, an outlay that U.S. officials say has succeeded in its main objective: preventing another catastrophic terrorist attack in the United States. The result is an espionage empire with resources and reach beyond those of any adversary, sustained even now by spending that rivals or exceeds the levels reached at the height of the Cold War.

#### Allied coop on law enforcement is unnecessary and has lots of barriers

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

Despite these growing U.S.-EU ties and agreements in the law enforcement area, some U.S. critics continue to doubt the utility of collaborating with EU-wide bodies given good existing bilateral relations between the FBI and CIA (among other agencies) and national police and intelligence services in EU member states. Many note that Europol lacks enforcement capabilities, and that its effectiveness to assess and analyze terrorist threats and other criminal activity largely depends on the willingness of national services to provide it with information. Meanwhile, European officials complain that the United States expects intelligence from others, but does not readily share its own. Others contend that European opposition to the U.S. death penalty or resistance to handing over their own nationals may still slow or prevent the timely provision of legal assistance and the extradition of terrorist suspects in some cases.

### Allied Coop Now

#### Allied terror coop is high now, despite frictions

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

As part of the EU’s efforts to combat terrorism since September 11, 2001, the EU made improving law enforcement and intelligence cooperation with the United States a top priority. The previous George W. Bush Administration and many Members of Congress largely welcomed this EU initiative in the hopes that it would help root out terrorist cells in Europe and beyond that could be planning other attacks against the United States or its interests. Such growing U.S.-EU cooperation was in line with the 9/11 Commission’s recommendations that the United States should develop a “comprehensive coalition strategy” against Islamist terrorism, “exchange terrorist information with trusted allies,” and improve border security through better international cooperation. Some measures in the resulting Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) and in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) mirrored these sentiments and were consistent with U.S.-EU counterterrorism efforts, especially those aimed at improving border controls and transport security. U.S.-EU cooperation against terrorism has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions. Despite some frictions, most U.S. policymakers and analysts view the developing partnership in these areas as positive. Like its predecessor, the Obama Administration has supported U.S. cooperation with the EU in the areas of counterterrorism, border controls, and transport security. At the November 2009 U.S.-EU Summit in Washington, DC, the two sides reaffirmed their commitment to work together to combat terrorism and enhance cooperation in the broader JHA field. In June 2010, the United States and the EU adopted a new “Declaration on Counterterrorism” aimed at deepening the already close U.S.-EU counterterrorism relationship and highlighting the commitment of both sides to combat terrorism within the rule of law. In June 2011, President Obama’s National Strategy for Counterterrorism asserted that in addition to working with European allies bilaterally, “the United States will continue to partner with the European Parliament and European Union to maintain and advance CT efforts that provide mutual security and protection to citizens of all nations while also upholding individual rights.”

### 2NC No Hostilities

#### There wont be an active zone of hostilities in the near future

Chesney 2012 [Robert M. Chesney Charles I. Francis Professor in Law, University of Texas School of Law August 29, 2012 “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism” THE UNIVERSITY OF TEXAS SCHOOL OF LAW Public Law and Legal Theory Research Paper No. 227 http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2138623]

In Part III, I demonstrate that both of these stabilizing factors are rapidly eroding in the face of larger strategic trends concerning both al Qaeda and the United States. First, the United States for a host of reasons (fiscal constraints, diplomatic pressure, and a growing sense of policy futility) is accelerating its withdrawal from Afghanistan. Second, the United States simultaneously is shifting to a low-visibility “shadow war” strategy that will rely on Special Operations Forces, CIA paramilitary forces, drones operated by both, proxy forces, and quiet partnerships with foreign security services.12 Meanwhile, al Qaeda itself has fractured and diffused, both in pursuit of the security that comes from geographic dispersal of personnel into new regions and also in pursuit of a strategic vision that embraces decentralization in the form of relationships with quasi-independent regional organizations that may have independent origins and agendas. As a result, it grows increasingly difficult to speak coherently of “al Qaeda”; the senior leadership of the original network has been decimated, and so-called franchises with uncertain (or no) ties to that leadership not only are proliferating but are rapidly emerging as more significant threats to U.S. national security. The upshot of all this is that there soon will be no undisputed hot battlefield in existence anywhere, while the center of gravity with respect to the use of lethal force will continue to shift to locations like Yemen, Pakistan, and Somalia. Already these unorthodox scenarios are the primary focus for the use of lethal force, and they will similarly be the focus should the United States resume the practice of long-term military detention for new detainees (a distinct possibility in the event of a Romney presidency).

#### Zones of hostilities as defined by your author requires a quantity of US fighting forces and actual engagement- the plan would basically limit drones to only Afghanistan

Jennifer C. Daskal 13, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April 2013, “ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE,” University of Pennsylvania Law Review, 161 U. Pa. L. Rev. 1165

In a variety of contexts, U.S. courts also have opined on whether certain ¶ activities fall within or outside of a zone of active hostilities, indicating that ¶ the existence and quantity of fighting forces are key. In Hamdi v. Rumsfeld, ¶ for example, the Supreme Court observed that the large number of troops ¶ on the ground in Afghanistan supported the finding that the United States ¶ was involved in “[a]ctive combat” there.¶ 122¶ A panel of the D.C. Circuit ¶ subsequently noted that the ongoing military campaign by U.S. forces, the ¶ attacks against U.S. forces by the Taliban and al Qaeda, the casualties U.S. ¶ personnel incurred, and the presence of other non-U.S. troops under ¶ NATO command supported its finding that Afghanistan was “a theater of ¶ active military combat.”¶ 123¶ Previous cases have similarly used the presence ¶ of fighting forces, the actual engagement of opposing forces, and casualty ¶ counts to identify a theater of active conlict.¶ 124

### Soft Law

#### Limiting to zones of hostilities causes soft law fill in- that crushes terrorism operations

Anderson 2009 [Kenneth Anderson Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover ¶ Institution, Stanford University and Member of its Task Force on National Security and the Law May 11, 2009 “Targeted Killing in U.S. Counterterrorism Strategy and Law” ¶ A Working Paper of the Series on Counterterrorism and American Statutory Law, a joint ¶ project of the Brookings Institution, the Georgetown University Law Center, and the ¶ Hoover Institution http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511\_counterterrorism\_anderson.pdf]

¶ Congress’s role in this area is admittedly a peculiar one. It is mostly—though not ¶ ¶ entirely—politically defensive in nature. After all, the domestic legal authorities to ¶ ¶ conduct targeted killings and other “intelligence” uses of force have existed in statutory ¶ ¶ form at least since the legislation that established the Central Intelligence Agency in 1947 ¶ ¶ and in other forms long pre-dating that.¶ ¶ 9¶ ¶ The problem is that although domestic legal ¶ ¶ authority exists for the use of force against terrorists abroad, currents are stirring in ¶ ¶ international law and elsewhere that move to undermine that authority. Powerful trend ¶ ¶ and opinion-setting—so-called “soft law”—currents are developing in ways that, over ¶ ¶ time, promise to make the exercise of this activity ever more difficult and to create a ¶ ¶ presumption, difficult to overcome, that targeted killing is in fact both illegitimate and, ¶ ¶ indeed, per se illegal except in the narrowest of war-like conditions. The role of Congress ¶ ¶ is therefore to reassert, reaffirm, and reinvigorate the category as a matter of domestic ¶ ¶ law and policy, and as the considered, official view of the United States as a matter of ¶ ¶ international law.

#### Plan causes a shift from IHL that allows drones to IHRL which does not

Michael W. Lewis 12, Associate Professor of Law at Ohio Northern University Pettit College of Law, Spring 2012, “ARTICLE: SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield,” Texas International Law Journal, p. lexis

The legal determination of what constitutes "the battlefield" has particular significance for the use of drones, particularly armed drones. This is because "the battlefield" is used to effectively define the scope of IHL's application. n31 In situations outside the scope of IHL, international human rights law (IHRL) n32 applies. ¶ For the [\*300] purposes of this Article, the salient difference between these two bodies of law lies in their disparate provisions regarding the use of lethal force. IHL allows for lethal force to be employed based upon the status of the target. n33 A member of the enemy's forces may be targeted with lethal force based purely on his status as a member of those forces. n34 That individual does not have to pose a current threat to friendly forces or civilians at the time of targeting. n35 In contrast, IHRL permits lethal force only after a showing of dangerousness. n36 Under IHRL (the law enforcement model), lethal force may only be employed if the individual poses an imminent threat to law enforcement officers attempting arrest or to other individuals. n37 Further, IHRL requires that an opportunity to surrender be offered before lethal force is employed. n38¶ Because drones are incapable of offering surrender before utilizing lethal force, armed drones may not be legally employed in situations governed by IHRL. n39 This absolute prohibition does not apply to other forces commonly used in counterinsurgency or counterterrorism operations, such as special forces units, because it is possible for them to operate within the parameters of IHRL. Although the use of special forces in law enforcement operations has the potential to be legally problematic, n40 appropriately clear and restrictive rules of engagement that include the requirement of a surrender offer can allow special forces to operate under an IHRL regime. n41 Similarly, almost any other part of the armed forces, from regular army units to military police to Coast Guard and naval forces, can adapt their operating procedures to comply with IHRL's requirements. Armed drones cannot.¶ [\*301] As a result, the debate about what constitutes the legal boundaries of the battlefield has a particularly significant impact on the use and development of drones. Because their operational limitations prevent drones from being employed outside of the permissive environments found in counterterrorism or counterinsurgency operations, their usefulness as a weapons system is strongly tied to the scope of IHL's application. If the strict geographic approach to defining IHL's scope (described in more detail below) is accepted, then drone use would be considered illegal everywhere outside Afghanistan.

#### International human rights law eliminates targeted killings

Mallette-Piasecki 2013 [Michelle Mallette-Piasecki Albany Law Review¶ ¶ 2012 / 2013¶ ¶ Albany Law Review¶ ¶ 76 Alb. L. Rev. 262¶ “COMMENT: MISSING THE TARGET: WHERE THE GENEVA CONVENTIONS FALL SHORT IN THE CONTEXT OF TARGETED KILLING” lexis]

IHL does not govern incidents that occur outside the context of armed conflict. 104 Instead, International Human Rights Law (IHRL) controls in these circumstances. 105 Accordingly, a State can resort to lethal force against an individual only if it is "absolutely [\*276] necessary" to protect life. 106 Targeted killing will almost never be legal in this context. 107 "The necessity requirement imposes an obligation to minimize the level of force used," 108 but the primary objective of targeted killing is the maximization of force through the intentional and premeditated killing of an individual. 109 When States adopt a kill-first policy, instead of resorting to lethal targeting only after all other measures are exhausted, IHRL is violated. 110 Instead, less-than-lethal measures, including capture and conviction through the judicial process, are advocated under the law enforcement paradigm. 111 For actors within a State's own province, this might not present a problem, but how does a State respond when the target is not within their geographical reach? "Terrorists operate in countries all over the world; ... in failed states, states that are unable [or unwilling] to adequately secure their borders, or states with insufficient resources to combat terrorists." 112 Countries can attempt to extradite a suspected terrorist for prosecution, 113 but what happens when that proves unsuccessful? In those situations, any resort to targeted killing in another State's territory requires compliance with inter-State use of force.

### 2NC A2: Standard Self Corrects

#### Where we drone strike someone is not in an active zone of hostilities- the distinction has been recognized in detention cases

Jennifer C. Daskal 13, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April 2013, “ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE,” University of Pennsylvania Law Review, 161 U. Pa. L. Rev. 1165

Conversely, U.S. courts have often assumed that areas in which there is ¶ no active fighting between armed entities fall outside of the zone of active ¶ hostilities. Thus, the Al-Marri and Padilla litigations were premised on the ¶ notion that the two men were outside of the zone of active hostilities when taken into custody in the United States.¶ 125¶ The central issue in those cases ¶ was how much this distinction mattered.¶ 126¶ The D.C. Circuit in Al Maqaleh¶ similarly distinguished Afghanistan—defined as part of “the theater of ¶ active military combat”—from Guantanamo—described as outside of this ¶ “theater of war”—presumably because of the absence of active fighting ¶ there.¶ 127¶ In the context of the Guantanamo habeas litigation, D.C. District ¶ Court judges have at various times also described Saudi Arabia, Gambia, ¶ Zambia, Bosnia, Pakistan, and Thailand as outside an active battle zone.¶ 128

# 1NR

### Turns Case

**Outweighs and turns the case--- Economic growth is a prerequisite to US engagement and credibility--- B + H--- decline causes immediate ext, theirs is indeterminate and solved by interdependence**

**Turns US norms--- Burrows and Harris = we’d lose our ability to project a model and engage effectively**

#### China adventurism

Mead 09 (Walter Russell, Senior Fellow in U.S. Foreign Policy at the Council on Foreign Relations, New Republic, February 4, http://www.tnr.com/politics/story.html?id=571cbbb9-2887-4d81-8542-92e83915f5f8&p=2)

The damage to China's position is more subtle. The crisis has not--yet--led to the nightmare scenario that China-watchers fear: a recession or slowdown producing the kind of social unrest that could challenge the government. That may still come to pass--the recent economic news from China has been consistently worse than most experts predicted--but, even if the worst case is avoided, the financial crisis has nevertheless had significant effects. For one thing, it has reminded China that its growth remains dependent on the health of the U.S. economy. For another, it has shown that China's modernization is likely to be long, dangerous, and complex rather than fast and sweet, as some assumed. In the lead-up to last summer's Beijing Olympics, talk of a Chinese bid to challenge America's global position reached fever pitch, and the inexorable rise of China is one reason why so many commentators are fretting about the "post-American era." But suggestions that China could grow at, say, 10 percent annually for the next 30 years were already looking premature before the economic downturn. (In late 2007, the World Bank slashed its estimate of China's GDP by 40 percent, citing inaccuracies in the methods used to calculate purchasing power parity.) And the financial crisis makes it certain that China's growth is likely to be much slower during some of those years. Already exports are falling, unemployment is rising, and the Shanghai stock market is down about 60 percent. At the same time, Beijing will have to devote more resources and more attention to stabilizing Chinese society, building a national health care system, providing a social security net, and caring for an aging population, which, thanks to the one-child policy, will need massive help from the government to support itself in old age. Doing so will leave China fewer resources for military build-ups and foreign adventures. As the crisis has forcefully reminded Americans, creating and regulating a functional and flexible financial system is difficult. Every other country in the world has experienced significant financial crises while building such systems, and China is unlikely to be an exception. All this means that China's rise looks increasingly like a gradual process. A deceleration in China's long-term growth rate would postpone indefinitely the date when China could emerge as a peer competitor to the United States. The present global distribution of power could be changing slowly, if at all. The greatest danger both to U.S.-China relations and to American power itself is probably not that China will rise too far, too fast; it is that the current crisis might end China's growth miracle. In the worst-case scenario, the turmoil in the international economy will plunge China into a major economic downturn. The Chinese financial system will implode as loans to both state and private enterprises go bad. Millions or even tens of millions of Chinese will be unemployed in a country without an effective social safety net. The collapse of asset bubbles in the stock and property markets will wipe out the savings of a generation of the Chinese middle class. The political consequences could include dangerous unrest--and a bitter climate of anti-foreign feeling that blames others for China's woes. (Think of Weimar Germany, when both Nazi and communist politicians blamed the West for Germany's economic travails.) Worse, instability could lead to a vicious cycle, as nervous investors moved their money out of the country, further slowing growth and, in turn, fomenting ever-greater bitterness. Thanks to a generation of rapid economic growth, China has so far been able to manage the stresses and conflicts of modernization and change; nobody knows what will happen if the growth stops.

### Uniqueness

#### There’s a crucial framing argument for uniqueness – only moderate GOP members matter. Conservatives won’t vote for immigration no matter what and affirmative evidence quoting them is irrelevant. The only evidence that matters is how moderates react – and Obama can work with them now, and capital is key

**Balz, 10/17/13** (Dan, Washington Post, “Can Obama seize the moment and make Washington work?” <http://www.washingtonpost.com/politics/can-obama-seize-the-moment-to-make-washington-work/2013/10/17/d84c1934-3753-11e3-80c6-7e6dd8d22d8f_story_1.html>)

Obama will continue to face unyielding opposition from the tea party Republicans in the House and the Senate. Sen. Ted Cruz (R-Tex.) made that clear Wednesday when he denounced the Senate compromise and praised those in the House whose opposition to the health-care law triggered the crisis.

The key now is whether the president has a strategy to govern around them by winning support from what he called the responsible Republicans.

Obama’s agenda

On Thursday, Obama called on Congress to focus on three priorities. But he offered few specifics about what he will ask and what he will give. Nor is it clear whether he has a strategy to win the support of some Republicans.

The first priority he talked about was the economy and the budget. Budget negotiations will resume with the goal of reaching an agreement by mid-December, lest the country face a repeat of what just happened.

Obama wants to replace the across-the-board spending reductions that have cut indiscriminately with more sensible spending priorities. He also says he is willing to negotiate over entitlements programs. He wants any agreement to include more revenue, although Republicans say he got his revenue package at the end of 2012. Republicans who opposed the shutdown (but quietly went along with it) are skeptical that Obama is truly willing to make concessions to get a satisfactory deal.

The two other legislative priorities the president cited were immigration reform and passage of the farm bill. No one can say what the prospects are for passage of an immigration bill. Much of that still depends on how House GOP leaders decide whether it is in the party’s long-term interest to pass it. Obama did not mention what should be his other major priority, the health-care law, whose implementation has gotten off to a stumbling start, to put it mildly.

All of that is on the table. Meanwhile, there is a question of how engaged Obama will be in the grinding work of trying to produce compromise with potentially willing Republicans.

#### Will pass with pressure – claims otherwise are just posturing.

GREG SARGENT October 25 at 12:00 pm Immigration reform is dead. Or maybe it isn’t.

This morning, Politico stirred the immigration reform pot with this: House Republican leadership has no plans to vote on any immigration reform legislation before the end the year. The House has just 19 days in session before the end of 2013, and there are a number of reasons why immigration reform is stalled this year. Following the fiscal battles last month, the internal political dynamics are tenuous within the House Republican Conference. A growing chorus of GOP lawmakers and aides are intensely skeptical that any of the party’s preferred piecemeal immigration bills can garner the support 217 Republicans — they would need that if Democrats didn’t lend their votes. Republican leadership doesn’t see anyone coalescing around a single plan, according to sources across GOP leadership. Leadership also says skepticism of President Barack Obama within the House Republican Conference is at a high, and that’s fueled a desire to stay out of a negotiating process with the Senate. Republicans fear getting jammed. Distrust of Obama is at a high, after the GOP defeat in the ill conceived shutdown fight, so we can’t vote on anything involving immigration reform? This is akin to saying: ”Obama didn’t give us what we demanded last time, so we ended up having to shoot ourselves in the foot. This time, Obama is offering us what we need to avoid shooting ourselves in the foot, but we can’t trust him, so let’s go ahead and pull the trigger, anyway.” Politico is far better sourced with the House GOP leadership than this blog is, so maybe there won’t be any vote this year. However, one House GOP leadership aide, asked to confirm the story, emailed me this: “We hope to move something before year’s end, but there’s no specific timetable right now.” Either GOP leaders are leaking that there will be no vote, in order to quiet fears on the right while they decide what to vote on. Or they are letting it be known that they “hope” to have a vote, to defer any political fallout that might come from killing reform, in the full intention of doing just that. Take your pick. For what it’s worth, Democratic aides and immigration reform advocates don’t believe House GOP leaders have made any decision to kill reform or on whether to hold votes this year. They think leaks are meant to buy maneuvering room while the various proposals – Eric Cantor’s Kids Act, which only gives citizenship to the DREAMers, or the piecemeal legalization proposal being worked on — take shape. This maneuvering room would also allow pro-reform Republicans time to bring other GOP lawmakers who are open to reform but are still steamed by the shutdown defeat — such as Raul Labrador — back into the fold. The optimistic — or perhaps naively hopeful – endgame being talked about by Dems and reform advocates looks like this. The premise is that — with business, evangelical, and pro-reform conservative groups set to mount major pressure campaigns — it isn’t as easy for House GOP leaders to avoid voting on reform as many claim it is. House Republicans end up holding piecemeal votes before the end of the year on border security and E-Verify, and on, say, the Kids Act, which could perhaps get a majority of House Republicans. Those pass, but there’s no vote on any politically difficult proposal to legalize the 11 million.

#### Votes

The Hill, 10-23-2013 <http://thehill.com/homenews/administration/330295-obama-to-ramp-up-pressure-on-immigration-reform>

President Obama will look to ramp up pressure on the House to begin deliberations on a comprehensive immigration reform bill with a speech Thursday morning from the White House.¶ The president will urge Congress to take up a reform effort in a "bipartisan way," a White House official told Reuters.¶ The president identified immigration as one of three legislative priorities — in addition to a budget and farm bill — he hoped Congress would tackle by the end of the legislative year during a speech shortly after the end of the government shutdown.¶ "The majority of Americans think this is the right thing to do, and it's sitting there waiting for the House to pass it," he said. "Now if the House has ideas on how to improve the Senate bill, let's hear them. Let's start the negotiations. But let's not leave this problem to keep festering for another year, or two years, or three years."¶ White House press secretary Jay Carney said Wednesday that the White House had been consulting with congressional staff about how to best move forward.¶ Republicans have said that they do not favor a comprehensive bill, instead favoring a piecemeal approach to immigration reform. They argue a single bill would be too unwieldy and difficult to implement. But Democrats believe Republicans intend to pass new border security measures without also including a pathway to citizenship.¶ On Wednesday, House Speaker John Boehner (R-Ohio) said he was "hopeful" the House would address the "important subject" of immigration reform.¶ Democratic lawmakers echoed the president's call to pass a bill by the end of the year in a press conference outside the Capitol.¶ “I think the only group that is not saying ‘let’s get immigration reform done’ seems to be the Republican majority in the House of Representatives,” House Minority Whip Steny Hoyer (D-Md.) said.¶ “Bring this bill to the floor. Bring an immigration reform bill to the floor. We will pass it,” he added.

Focus on immigration reform necessary – chances of passage decrease with each day that it is pushed away

Sioux City Journal 10-25 Why President Obama racing against clock on immigration <http://siouxcityjournal.com/ap/lee/why-president-obama-racing-against-clock-on-immigration/article_d8139615-6712-5419-8622-9db8b9680920.html>

President Barack Obama used a very urgent tone Thursday in remarks designed to press House Republicans to pass immigration reform, calling on them at least twice to try to get it done “this year.”

“Let’s not wait,” the president said. “It doesn’t get easier to just put it off. Let’s do it now.” Politically speaking, the president is right. The longer the immigration debate drags on, the lower the odds it will culminate in a bill on his desk. Here’s why. Every day that goes by is a day closer to the 2014 midterm elections. And the months leading up to Election Day are a time for lawmakers to campaign, raise money, and do everything they can to hold on to their jobs. It’s not a time for a contentious legislative debate that could complicate the fall campaign. That’s why history has shown that little gets done legislatively right before the election. Members are in their districts and states more and more often and less and less willing to take risks in Congress. And immigration reform is a risky proposition for many House Republicans. Despite national polls showing the public largely in favor of overhauling the nation’s laws, the calculus is often different back home. This is in large part why months after the Senate passed a sweeping bipartisan immigration bill, the House has yet to act. But that doesn’t mean it won’t. Republicans have already moved ahead on some piecemeal measures. And House Speaker John Boehner, R-Ohio, said Wednesday that he was “hopeful” something could get done by the end of the year. Coming off a fiscal battle that badly damaged the Republican brand, there is, arguably, more political incentive for Boehner to act on immigration than there has been in the past. Republicans need to repair their image. Helping pass broadly popular reforms is one way to do that. But there isn’t much time left on the legislative calendar this year, and it’s not clear whether Boehner will bring immigration to a vote before the year is up. But this much we do know: Every day that goes by makes it increasingly difficult to pass new immigration laws.

### A2 Executive Action

#### Concludes neg--- he’s done all he can

Jeff **Mason**, Reuters, **10/19**/13, Analysis: Despite budget win, Obama has weak hand with Congress , health.yahoo.net/news/s/nm/analysis-despite-budget-win-obama-has-weak-hand-with-congress

A White House official said Obama's options for using executive action to advance immigration reform were largely exhausted. Last year, his administration relaxed deportation rules for children who came to the United States illegally with their parents. The move helped boost his support among Hispanics, a key voting bloc, in last November's election.

### A2: Intrinsicness

#### Politics is intrinsic – inherent barriers and links prove the disad is intrinsic cost of action

#### Our interpretation is that the judge is a policy analyst deciding whether or not the plan is a good idea or not based on the current political climate

#### Intrinsicness is bad -

#### Infinitely regressive - no disad is intrinsic- cuts off all stable negative link ground- there is no logical limit to intrinsicness tests

#### Politics education is good – allows us to learn about political climate which is a prerequisite to political activism.

#### I’m gonna go ahead and answer their fiat solves the link arg here too:

#### Defer to link specificity – the opponents of the plan are enough to trigger ground.

#### Our interpretation is that they can fiat the outcome, not the process –

#### That is key to ground because they justify no-linking all perception disads – that makes them a moving target – that crushes core neg ground and the basis for education.

#### Politics education is good – allows us to learn about political climate which is a prerequisite to political activism.

### 2NC/1NR Drones link extension

#### Targeted killing restrictions sap political capital – spills over to other issues

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

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

#### It’s the authority that matters—Obama believes he needs discretion for how he uses drones

Radsan and Murphy 12 (Afsheen John – Professor, William Mitchell College of Law; Assistant General Counsel at the Central Intelligence Agency from 2002 to 2004, and Richard – AT&T Professor of Law, Texas Tech University School of Law, “The Evolution of Law and Policy for CIA Targeted Killing”, 2012, 5 J. Nat'l Security L. & Pol'y 439, lexis)

This scenario emphasizes a simple point: President Obama, a Harvard Law School graduate, a former teacher of constitutional law at the University of Chicago and a Nobel Peace Laureate, must believe that he has the authority to order the CIA to fire missiles from drones to kill suspected terrorists. Not everyone agrees with him, though. For almost a decade now, the United States has been firing missiles from unmanned drones to kill people identified as leaders of al Qaeda and the Taliban. This "targeted killing" has engendered controversy in policymaking and legal circles, spilling into law review articles, op-ed pieces, congressional hearings, and television programs. n2 On one level, this [\*441] controversy is curious. A state has considerable authority in war to kill enemy combatants - whether by gun, bomb, or cruise missile - so long as those attacks obey basic, often vague, rules (e.g., avoidance of "disproportionate" collateral damage). So what is so different about targeted killing by drone? Some of the concerns about a CIA drone campaign relate to the personalized nature of targeted killing. All attacks in an armed conflict must, as a matter of basic law and common sense, be targeted. To attack something, whether by shooting a gun at a person or dropping a bomb on a building, is to target it. "Targeted killing," however, refers to a premeditated attack on a specific person. President Franklin D. Roosevelt, for instance, ordered Admiral Yamamoto killed not because he was any Japanese sailor, but because he was the author of "tora, tora, tora" on Pearl Harbor. President Obama, more recently, ordered Osama bin Laden killed not because the Saudi was any member of al Qaeda, but because he was the author of 9/11 who continued to command the terrorist organization. Targeted killing is psychologically disturbing because it is individualized. It is easier for a U.S. operator to kill a faceless soldier in a uniform than someone whom the operator has been tracking with photographs, videos, voice samples, and biographical information in an intelligence file. There is also concern that drones will attack improperly identified targets or cause excessive collateral damage. Targets who hide among peaceful civilians heighten these dangers. Of course, drone strikes should be far more precise than bombs dropped from a piloted aircraft. The lower [\*442] "costs" of drone strikes, however, encourage governments to resort to deadly force more quickly - a trend that may accelerate as drone technology rapidly improves and perhaps becomes fully automated through advances in artificial intelligence. Paradoxically, improved precision could lead to an increase in deadly mistakes. Another concern relates to granting an intelligence agency trigger authority. Entrusting drones to the CIA, an intelligence agency with a checkered history as to the use of force whose activities are largely conducted in secret, heightens concerns in some quarters that strikes may sometimes kill the wrong people for the wrong reasons. If applied sloppily or maliciously, targeted killing by drones could amount to nothing more than advanced death squads. For these and related reasons, the use of killer drones merits serious thought and criticism. Along these lines, many opponents of the reported CIA program have decried it as illegal. Without questioning their sincerity, one can acknowledge the soundness of their tactics. "Law talk" offers them a strong weapon. How could anyone, without shame or worse, support an illegal killing campaign? Illegality is for gangsters, drug dealers, and other outlaws - not the Oval Office.

#### Obama would veto drone restrictions – kills his political capital

Newman 13 (Alex, writer for The New American, March 28th, <http://www.thenewamerican.com/usnews/constitution/item/14936-gop-lawmakers-seek-to-restrain-obama-on-killing-americans>) CC

Critics of the administration’s extra-judicial assassination program have been winning the battle for public opinion by a landslide. In fact, a Gallup poll released this week revealed that about 80 percent of Americans were opposed to using drones to attack U.S. citizens suspected of terrorism in the “Homeland.” Just 13 percent supported the idea, while seven percent were undecided. Killing American “suspected terrorists” in other countries is also opposed by a majority of citizens — not that constitutionally guaranteed rights could be infringed upon based on public sentiment anyway. ¶ Even the most ruthless Third World despots would never dare to claim openly that they have the authority to murder anyone, anywhere, anytime, without trial or even charging the target with a crime. The “establishment” wing of both the Democrat Party and the GOP, however, despite swearing an oath to uphold the Constitution, has come out swinging to support Obama’s lawlessness on the issue. ¶ Among Democrats, even House Minority Leader Nancy Pelosi — who duped voters into believing she opposed war and supported civil liberties — announced her support of the president’s extrajudicial killing spree last month. Speaking to a liberal reporter, Rep. Pelosi of California said she was not even sure whether the Obama administration should tell the public after it executes an American without due process. "Maybe,” she responded. “It just depends."¶ In the Republican Party, two of the most prominent so-called RINOs – Republicans In Name Only — have also admitted they support Obama’s murder-by-drone machinations. Sen. Lindsey Graham of South Carolina even proposed a resolution to commend the president for his extra-judicial assassination program. Sen. John McCain from Arizona, meanwhile, rightly opposed torture, yet for some reason claimed to believe that opposition to execution of Americans without charge or trial is a hallmark of what he childishly called “wacko birds” before publicly apologizing. ¶ Obama claims his invented authority to murder or indefinitely detain anyone applies only to suspected “al-Qaeda” terrorists, their supporters, or vaguely defined “associated forces.” However, with indisputable evidence that the administration has itself been supporting self-styled al-Qaeda leaders in both Libya and Syria, the question of who might be labeled a suspected terrorist becomes crucial. If al-Qaeda is getting U.S. weapons, funding, and training from Obama to overthrow certain Middle Eastern regimes, whom does the president really consider to be a terrorist? ¶ According to official documents released by multiple federal agencies and departments in recent years, the real terror threat to the “Homeland” is actually regular Americans: pro-life activists, gun owners, conservatives, constitutionalists, Ron Paul supporters, libertarians, veterans, opponents of illegal immigration, and others. Even a U.S. military “think tank” recently put out a shoddy “study” claiming that conservatives were the real danger. The Justice Department, meanwhile, was exposed last year training state and local police to consider mundane political bumper stickers as possible indicators of domestic terrorism.¶ The legislation to prohibit the assassination of Americans on U.S. soil was filed last week and has now been referred to the House Judiciary, Armed Services, and Intelligence committees. No hearings have been scheduled yet, according to legislative staffers. If the bill eventually reaches the president’s desk, Obama may well try to veto it, of course — though doing so would likely be an albatross around his neck even among his most ardent supporters. ¶ Still, lawmakers could override a potential veto. With 80 percent of Americans opposed to drone strikes targeting Americans on U.S. soil, members of Congress from both parties would probably have a very tough time explaining their opposition to the legislation to constituents. Activists are already rallying to support “Life, Liberty, and Justice for All Americans.” Whether more lawmakers will follow suit remains to be seen.

Even if there is some support for the plan, it is massively hyped.

**Weber 13** (Peter, The Week, degree from Northwestern, “Will Congress curb Obama's drone strikes? “, February 6, 2013, <http://theweek.com/article/index/239716/will-congress-curb-obamas-drone-strikes>, ZBurdette)

It's interesting to watch conservatives show (or at least feign) outrage over a policy that "would have been met with right-wing hosannas under Bush/Cheney," says Steve M. at No More Mister Nice Blog. But even with the grumbling from the Left and Right, "I don't think any of this is going to stop the drone strikes."

I can't really see righties and lefties banding together to do something upliftingly democratic and bipartisan like forcing a reconsideration of the policy via combined public pressure (when was the last time something like that happened in America?) — there are too many people in office, from both parties, who like what's being done by the administration. [No More Mister Nice Blog]

"Outrage is being dutifully ginned up" not just by politicians and pundits — straight reporting on the white paper "clearly assumes that we are supposed to be outraged," too, says Eric Posner at Slate. "But the memo is utterly conventional as legal analysis," and the only thing you need to understand about it, really, is that "Obama administration lawyers have enthusiastically endorsed the once-vilified Bush administration decision to classify security operations against al Qaeda as 'war' rather than as 'law enforcement.'" Congress allowed that by authorizing "war" not just with Afghanistan but with al Qaeda and its affiliates in 2001, and if we are at war with the terrorists, they can be killed on sight. "And it doesn't matter if you're an al Qaeda member who happens to be a U.S. citizen, just as it didn't matter if you were a German soldier who happened to be an American citizen during World War II."

Obama and Bush administration lawyers have stretched the Constitution and traditional rules of international law to accommodate the threat posed by terrorism. Some people will say they violated the law. But given the political consensus supporting these moves within the U.S., it is more accurate to say that the law has evolved. It gives the president the discretion he needs, or at least wants, to address an amorphous threat. Let's hope he uses that discretion wisely. [Slate]

### PC high

#### Yes PC – despite issues

[Mike Littwin, 10-11-13 http://www.coloradoindependent.com/144401/shutdown-strategy-report-obamacare-popularity-boosted-house-gop-popularity-tanked](file:///C:\Users\Heather\Dropbox\My%20War%20Powers%20files\Mike%20Littwin,%2010-11-13%20http:\www.coloradoindependent.com\144401\shutdown-strategy-report-obamacare-popularity-boosted-house-gop-popularity-tanked)

I’ll give you just a few of the headline NBC/WSJ poll numbers. We’ll start with this: Obamacare is now more popular than when the shutdown began. Yes, more popular. Obama’s approval ratings are also edging . . . up. Yes, up.

Meanwhile, Republican congressional approval ratings are at 24 percent, the lowest in the poll’s history. And even more damaging: 70 percent think Republicans are in the battle only to further their own agenda. That’s not a bad number. That’s a catastrophic number. House Republicans are not only risking the full faith and credit of the country. They’re also risking the full faith and credit of their party. (And, for the record, the respected NBC/WSJ poll is conducted jointly by Democratic and Republican pollsters. Just sayin’.)

#### Obama resolve key- debt ceiling proves

US News, 10-18-2013 <http://www.usnews.com/news/blogs/Ken-Walshs-Washington/2013/10/18/obama-strengthened-for-now>

President Obama emerges from his budget victory this week with a stronger hand as he heads into the next round of political fights in Washington.¶ What's helping Obama in particular is the new perception that he is willing to stick to his guns. He demonstrated the ability to take a tough stand against his adversaries even when he was under enormous pressure to cave in. And this image of resolve is expected to help him in future showdowns with the Republicans regarding immigration, farm legislation, climate change regulations, health care and economic policy. Up to now, many legislators considered Obama a weak bargainer and a vacillating leader; now they have clear evidence that he isn't a pushover, Democratic strategists say.¶ After accepting a congressional deal that ended Washington's embarrassing economic crisis for now, and largely on his own terms, Obama blamed the mess on Republican conservatives allied with the tea party. He said they stubbornly forced a partial government shutdown and threatened to allow a government default unless Obama weakened his signature health care law, known as Obamacare.¶ Using his presidential bully pulpit to good effect, Obama declined to give in, and blasted the GOP day after day. In the end, the Republicans blinked.

### Econ Collapse =War

#### Global economic crisis causes war---strong statistical support

Royal 10 – Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-214

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson’s (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin, 10981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Seperately, Polllins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium, and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland’s (1996,2000) theory of trade expectations suggests that ‘future expectation of trade’ is a significant variable in understanding economic conditions and security behavior of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectation of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases , as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002, p.89). Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. ‘Diversionary theory’ suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to create a ‘rally round the flag’ effect. Wang (1996), DeRouen (1995), and Blomberg, Hess and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997) Miller (1999) and Kisanganie and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak presidential popularity, are statistically linked to an increase in the use of force.

#### Double-dip now causes depression - overwhelms their D

Isidore 11 (Financial Correspondent-CNN Money, 8/10, http://money.cnn.com/2011/08/10/news/economy/double\_dip\_recession\_economy/index.htm

Another recession could be even worse than the last one for a few reasons. For starters, the economy is more vulnerable than it was in 2007 when the Great Recession began. In fact, the economy would enter the new recession much weaker than the start of any other downturn since the end of World War II. Unemployment currently stands at 9.1%. In November 2007, the month before the start of the Great Recession, it was just 4.7%. And the large number of Americans who have stopped looking for work in the last few years has left the percentage of the population with a job at a 28-year low. Various parts of the economy also have yet to recover from the last recession and would be at serious risk of lasting damage in a new downturn. Home values continue to lose ground and are projected to continue their fall. While manufacturing has had a nice rebound in the last two years, industrial production is still 18% below pre-recession levels. There are nearly 900 banks on the FDIC's list of troubled institutions, the highest number since 1993. Only 76 banks were at risk as the Great Recession took hold. But what has economists particularly worried is that the tools generally used to try to jumpstart an economy teetering on the edge of recession aren't available this time around. "The reason we didn't go into a depression three years ago is the policy response by Congress and the Fed," said Dan Seiver, a finance professor at San Diego State University. "We won't see that this time." Three times between 2008 and 2010, Congress approved massive spending or temporary tax cuts to try to stimulate the economy. But fresh from the bruising debt ceiling battle and credit rating downgrade, and with elections looming, the federal government has shown little inclination to move in that direction. So this new recession would likely have virtually no policy effort to counteract it.

### Food Wars Scenario

#### Ag industry’s collapsing now---immigration’s key

Alfonso Serrano 12, Bitter Harvest: U.S. Farmers Blame Billion-Dollar Losses on Immigration Laws, Time, 9-21-12, http://business.time.com/2012/09/21/bitter-harvest-u-s-farmers-blame-billion-dollar-losses-on-immigration-laws/

The Broetjes and an increasing number of farmers across the country say that a complex web of local and state anti-immigration laws account for acute labor shortages. With the harvest season in full bloom, stringent immigration laws have forced waves of undocumented immigrants to flee certain states for more-hospitable areas. In their wake, thousands of acres of crops have been left to rot in the fields, as farmers have struggled to compensate for labor shortages with domestic help.¶ “The enforcement of immigration policy has devastated the skilled-labor source that we’ve depended on for 20 or 30 years,” said Ralph Broetje during a recent teleconference organized by the National Immigration Forum, adding that last year Washington farmers — part of an $8 billion agriculture industry — were forced to leave 10% of their crops rotting on vines and trees. “It’s getting worse each year,” says Broetje, “and it’s going to end up putting some growers out of business if Congress doesn’t step up and do immigration reform.”¶ (MORE: Why Undocumented Workers Are Good for the Economy)¶ Roughly 70% of the 1.2 million people employed by the agriculture industry are undocumented. No U.S. industry is more dependent on undocumented immigrants. But acute labor shortages brought on by anti-immigration measures threaten to heap record losses on an industry emerging from years of stiff foreign competition. Nationwide, labor shortages will result in losses of up to $9 billion, according to the American Farm Bureau Federation.

#### Extinction

Lugar 2k | Chairman of the Senator Foreign Relations Committee and Member/Former Chair of the Senate Agriculture Committee (Richard, a US Senator from Indiana, is Chairman of the Senate Foreign Relations Committee, and a member and former chairman of the Senate Agriculture Committee. “calls for a new green revolution to combat global warming and reduce world instability,” pg online @ http://www.unep.org/OurPlanet/imgversn/143/lugar.html)

In a world confronted by global terrorism, turmoil in the Middle East, burgeoning nuclear threats and other crises, it is easy to lose sight of the long-range challenges. But we do so at our peril. One of the most daunting of them is meeting the world’s need for food and energy in this century. At stake is not only preventing starvation and saving the environment, but also world peace and security. History tells us that states may go to war over access to resources, and that poverty and famine have often bred fanaticism and terrorism. Working to feed the world will minimize factors that contribute to global instability and the proliferation of [WMDs] weapons of mass destruction. With the world population expected to grow from 6 billion people today to 9 billion by mid-century, the demand for affordable food will increase well beyond current international production levels. People in rapidly developing nations will have the means greatly to improve their standard of living and caloric intake. Inevitably, that means eating more meat. This will raise demand for feed grain at the same time that the growing world population will need vastly more basic food to eat. Complicating a solution to this problem is a dynamic that must be better understood in the West: developing countries often use limited arable land to expand cities to house their growing populations. As good land disappears, people destroy timber resources and even rainforests as they try to create more arable land to feed themselves. The long-term environmental consequences could be disastrous for the entire globe. Productivity revolution To meet the expected demand for food over the next 50 years, we in the United States will have to grow roughly three times more food on the land we have. That’s a tall order. My farm in Marion County, Indiana, for example, yields on average 8.3 to 8.6 tonnes of corn per hectare – typical for a farm in central Indiana. To triple our production by 2050, we will have to produce an annual average of 25 tonnes per hectare. Can we possibly boost output that much? Well, it’s been done before. Advances in the use of fertilizer and water, improved machinery and better tilling techniques combined to generate a threefold increase in yields since 1935 – on our farm back then, my dad produced 2.8 to 3 tonnes per hectare. Much US agriculture has seen similar increases. But of course there is no guarantee that we can achieve those results again. Given the urgency of expanding food production to meet world demand, we must invest much more in scientific research and target that money toward projects that promise to have significant national and global impact. For the United States, that will mean a major shift in the way we conduct and fund agricultural science. Fundamental research will generate the innovations that will be necessary to feed the world. The United States can take a leading position in a productivity revolution. And our success at increasing food production may play a decisive humanitarian role in the survival of billions of people and the health of our planet.

### India Relations Scenario

#### Solves US-India relations

**LA Times**, 11/9/**20**12 (Other countries eagerly await U.S. immigration reform, p. http://latimesblogs.latimes.com/world\_now/2012/11/us-immigration-reform-eagerly-awaited-by-source-countries.html)

"Comprehensive immigration reform will see expansion of skilled labor visas," predicted B. Lindsay Lowell, director of policy studies for the Institute for the Study of International Migration at Georgetown University. A former research chief for the congressionally appointed Commission on Immigration Reform, Lowell said he expects to see at least a fivefold increase in the number of highly skilled labor visas that would provide "a significant shot in the arm for India and China." § Marked 08:13 § There is widespread consensus among economists and academics that skilled migration fosters new trade and business relationships between countries and enhances links to the global economy, Lowell said. "Countries like India and China weigh the opportunities of business abroad from their expats with the possibility of brain drain, and I think they still see the immigration opportunity as a bigger plus than not," he said.

#### US/India relations averts South Asian nuclear war

Schaffer, Spring 2002 (Teresita – Director of the South Asia Program at the Center for Strategic and International Security, Washington Quarterly, p. Lexis)

Washington's increased interest in India since the late 1990s reflects India's economic expansion and position as Asia's newest rising power. New Delhi, for its part, is adjusting to the end of the Cold War. As a result, both giant democracies see that they can benefit by closer cooperation. For Washington, the advantages include a wider network of friends in Asia at a time when the region is changing rapidly, as well as a stronger position from which to help calm possible future nuclear tensions § Marked 08:13 § in the region. Enhanced trade and investment benefit both countries and are a prerequisite for improved U.S. relations with India. For India, the country's ambition to assume a stronger leadership role in the world and to maintain an economy that lifts its people out of poverty depends critically on good relations with the United States.

### Latin America Scenario

#### Immigration reform key to Latin American stability

**Gittelson ‘9** (Citation: 23 Notre Dame J.L. Ethics & Pub. Pol'y 115 2009 THE CENTRISTS AGAINST THE IDEOLOGUES: WHAT ARE THE FALSEHOODS THAT DIVIDE AMERICANS ON THE ISSUE OF COMPREHENSIVE IMMIGRATION REFORM Robert Gittelson has been a garment manufacturer in the Los Angeles area for over twenty-five years. His wife, Patricia Gittelson, is an immigration attorney with offices in Van Nuys and Oxnard, California. Robert also works closely with Patricia on the administrative side of her immigration practice. Throughout his career, Mr. Gittelson has developed practical, first-hand experience in dealing with the immigration issues that are challenging our country today.

In the alternative, should we fail to pass CIR, and instead opt to deport or force attrition on these millions of economic refugees through an enforcement-only approach to our current undocumented immigrant difficulties, what would be the net result? Forgetting for now the devastating effect on our own economy, and the worldwide reproach and loss of moral authority that we would frankly deserve should we act so callously and thoughtlessly, there is another important political imperative to our passing CIR that affects our national security, and the security and political stability of our neighbors in our hemisphere. That is the very real threat of communism and/or socialism. First of all, the primary reason why millions of undocumented economic refugees migrated to the United States is because the economies of their home countries were unable to support them. They escaped extreme poverty and oppression, and risked literally everything they had, including their lives and their freedom, to come to this country to try to work hard and support themselves and their families. Deporting our illegal immigrant population back to primarily Latin America would boost the communist and socialist movements in that part of our hemisphere, and if the anti-immigrationists only understood that fact, they might rethink their "line in the sand" position on what they insist on calling 'amnesty. Communism thrives where hope is lost. The economies of Latin American nations are struggling to barely reach a level of meager subsistence for the population that has remained at home; Mexico, for example, has already lost 14% of their able-bodied workers to U.S. migration.3" Without the billions of dollars in remissions from these nations' expatriates working in the United States that go back to help support their remaining family members, the economies of many of these countries, most of whom are in fact our allies, would certainly collapse, or at least deteriorate to dangerously unstable levels. The addition of millions of unemployed and frustrated deported people who would go to the end of the theoretical unemployment lines of these already devastated economies would surely cause massive unrest and anti-American sentiment. The issue of Comprehensive Immigration Reform is not simply a domestic issue. In our modern global economy, everything that we do, as the leaders of that global economy, affects the entire world, and most especially our region of the world. If we were to naively initiate actions that would lead to the destabilization of the Mexican and many Central and South American governments, while at the same time causing serious harm to our own economy (but I digress ... ), it would most assuredly lead to disastrous economic and political consequences. By the way, I'm not simply theorizing here. In point of fact, over the past few years, eight countries in Latin America have elected leftist leaders. Just last year, Guatemala swore in their first leftist president in more than fifty years, Alvaro Colom.3" He joins a growing list. Additional countries besides Guatemala, Venezuela,32 and Nicaragua33 that have sworn in extreme left wing leaders in Latin America recently include Brazil,34 Argentina,3 5 Bolivia,36 Ecuador,37 and Uruguay.3s This phenomenon is not simply a coincidence; it is a trend. The political infrastructure of Mexico is under extreme pressure from the left.39 Do we really want a leftist movement on our southern border? If our political enemies such as the communists Chavez in Venezuela and Ortega in Nicaragua are calling the shots in Latin America, what kind of cooperation can we expect in our battle to secure our southern border?

#### Extinction

**Manwaring ‘5** (Max G., Retired U.S. Army colonel and an Adjunct Professor of International Politics at Dickinson College, venezuela’s hugo chávez, bolivarian socialism, and asymmetric warfare, October 2005, pg. PUB628.pdf)

President Chávez also understands that the process leading to state failure is the most dangerous long-term security challenge facing the global community today. The argument in general is that failing and failed state status is the breeding ground for instability, criminality, insurgency, regional conflict, and terrorism. These conditions breed massive humanitarian disasters and major refugee flows. They can host “evil” networks of all kinds, whether they involve criminal business enterprise, narco-trafficking, or some form of ideological crusade such as *Bolivarianismo.* More specifically, these conditions spawn all kinds of things people in general do not like such as murder, kidnapping, corruption, intimidation, and destruction of infrastructure. These means of coercion and persuasion can spawn further human rights violations, torture, poverty, starvation, disease, the recruitment and use of child soldiers, trafficking in women and body parts, trafficking and proliferation of conventional weapons systems and WMD, genocide, ethnic cleansing, warlordism, and criminal anarchy. At the same time, these actions are usually unconfined and spill over into regional syndromes of poverty, destabilization, and conflict.62 Peru’s *Sendero Luminoso* calls violent and destructive activities that facilitate the processes of state failure “armed propaganda.” Drug cartels operating throughout the Andean Ridge of South America and elsewhere call these activities “business incentives.” Chávez considers these actions to be steps that must be taken to bring about the political conditions necessary to establish Latin American socialism for the 21st century.63 Thus, in addition to helping to provide wider latitude to further their tactical and operational objectives, state and nonstate actors’ strategic efforts are aimed at progressively lessening a targeted regime’s credibility and capability in terms of its ability and willingness to govern and develop its national territory and society. Chávez’s intent is to focus his primary attack politically and psychologically on selected Latin American governments’ ability and right to govern. In that context, he understands that popular perceptions of corruption, disenfranchisement, poverty, and lack of upward mobility limit the right and the ability of a given regime to conduct the business of the state. Until a given populace generally perceives that its government is dealing with these and other basic issues of political, economic, and social injustice fairly and effectively, instability and the threat of subverting or destroying such a government are real.64 But failing and failed states simply do not go away. Virtually anyone can take advantage of such an unstable situation. The tendency is that the best motivated and best armed organization on the scene will control that instability. As a consequence, failing and failed states become dysfunctional states, rogue states, criminal states, narco-states, or new people’s democracies. In connection with the creation of new people’s democracies, one can rest assured that Chávez and his Bolivarian populist allies will be available to provide money, arms, and leadership at any given opportunity. And, of course, the longer dysfunctional, rogue, criminal, and narco-states and people’s democracies persist, the more they and their associated problems endanger global security, peace, and prosperity.65

### BioTerrorism Scenario

#### Immigration reform key to STEM leadership and biotech innovation

Scullion ’13 (Christine, “Manufacturers Take the Lead In STEM Education”, January 8, <http://www.shopfloor.org/2013/01/manufacturers-take-the-lead-in-stem-education/27254>, CMR)

The U.S. the leading producer of cutting-edge products such as those on display at the Consumer Electronics Show. Whether it’s in IT, biotech, aerospace, medical devices or heavy machinery, US companies will be the ones to constantly and consistently create new and better things. This future promises to be bright, but only if we have the workforce capable of pushing that leading-edge. And right now, that doesn’t look like a very good bet. The lack of a skilled workforce is a constant threat to manufacturing growth. In fact in a recent survey 82% of manufacturers reported a moderate-to-serious shortage in skilled production labor. Worker shortages abound not only among machinists and welders but also in occupations requiring expertise in the fields of science, technology, engineering and math (STEM), where the unemployment rate today lies well below 4%.¶ The US needs to refocus our workforce training resources and reform our immigration system to continue to grow and innovate. Immigration reform is a serious issue for Manufacturers not only in the High-tech arena but across manufacturing sectors. Without a skilled workforce – from the PhDs to production labor, the nation’s economy will suffer and jobs will be moved overseas. Access to the right individual with the right skills at the right time will ensure that the US remains a global innovation leader.

#### The impact is bioterror

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[Christopher & Alex Greninger, “Biotechnology and Bioterrorism: An Unprecedented World” Survival, 46:2, Summer 2004]

In the absence of a comprehensive and effective system of global review of potential high-consequence research, we are instead trapped in a kind of offence–defence arms race. Even as legitimate biomedical researchers develop defences against biological pathogens, bad actors could in turn engineer countermeasures in a kind of directed version of the way natural pathogens evolve resistance to anti-microbial drugs. The mousepox case provides a harbinger of what is to come: just as the United States was stockpiling 300m doses of smallpox vaccine as a defence against a terrorist smallpox attack, experimental modification of the mousepox virus showed how the vaccine could possibly be circumvented. The United States is now funding research on antiviral drugs and other ways of combating smallpox that might be effective against the engineered organism. Yet there are indications that smallpox can be made resistant to one of the few known antiviral drugs. **The future has the appearance of an** eternal arms race of measures and countermeasures. The ‘arms race’ metaphor should be used with caution; it too is in danger of calling up misleading analogies to the nuclear arms race of the Cold War. First, the biological arms race is an offence–defence race, rather than a competition between offensive means. Under the BWC, only defensive research is legitimate. But more fundamentally, the driver of de facto offensive capabilities in this arms race is not primarily a particular adversary, but rather the ongoing global advance of microbiological and biomedical research. Defensive measures **are in** a race with nefarious applications of basic research, much of which is itself undertaken for protection against natural disease. In a sense, we are in an arms race with ourselves. It is hard to see how this arms race is stable – an offence granted comparable resources would seem to be necessarily favoured. As with ballistic missile defence, particular defensive measures may be defeated by offensive countermeasures. **In the biological case, implementing defensive measures will** require not only research but drug development and distribution plans. Offensive measures need not exercise this care, although fortunately they will likely face comparative resource constraints (especially if not associated with a state programme), and may find that some approaches (for example, to confer antibiotic resistance) have the simultaneous effect of inadvertently reducing a pathogen’s virulence. The defence must always guard against committing the fallacy of the last move, whereas the offence may embrace the view of the Irish Republican Army after it failed to assassinate the British cabinet in the 1984 Brighton bombing: ‘Today we were unlucky, but remember we have only to be lucky once – you will have to be lucky always’.40 At the very least, the defence will have to be vigilant and collectively smarter than the offence. **The only way for the defence to win** convincingly in the biological arms race **would** seem to **be to succeed in discovering and implementing** certain de facto last-move defences, at least on an organism-by-organism basis. Perhaps there are defences, or a web of defences, that will prove too difficult for any plausible non-state actor to engineer around. Whether **such defences** exist is unclear at this time, but their exploration **should be a long-term research goal of US biodefence** efforts. Progress might also have an important impact on international public health. One of the ‘Grand Challenges’ identified by the Bill and Melinda Gates Foundation in its $200m initiative to improve global health calls for the discovery of drugs that minimise the emergence of drug resistance – a kind of ‘last move’ defence against the evolutionary countermeasures of natural microbes.41 **Should** a collection of such **defensive moves prove possible**, **bioterrorism might ultimately succumb to** a kind of globalised dissuasion by denial:42 non-state groups would calculate that they could not hope to achieve dramatic results through biological programmes and would choose to direct their efforts elsewhere.

#### Extinction

Steinbruner 97 John D. Steinbruner, Brookings senior fellow and chair in international security, vice chair of the committee on international security and arms control of the National Academy of Sciences, Winter 1997, Foreign Policy, “Biological weapons: a plague upon all houses,” n109 p85(12), infotrac

Although human pathogens are often lumped with nuclear explosives and lethal chemicals as potential weapons of mass destruction, there is an obvious, fundamentally important difference: Pathogens are alive, weapons are not. Nuclear and chemical weapons do not reproduce themselves and do not independently engage in adaptive behavior; pathogens do both of these things. That deceptively simple observation has immense implications. The use of a manufactured weapon is a singular event. Most of the damage occurs immediately. The aftereffects, whatever they may be, decay rapidly over time and distance in a reasonably predictable manner. Even before a nuclear warhead is detonated, for instance, it is possible to estimate the extent of the subsequent damage and the likely level of radioactive fallout. Such predictability is an essential component for tactical military planning. The use of a pathogen, by contrast, is an extended process whose scope and timing cannot be precisely controlled. For most potential biological agents, the predominant drawback is that they would not act swiftly or decisively enough to be an effective weapon. But for a few pathogens - ones most likely to have a decisive effect and therefore the ones most likely to be contemplated for deliberately hostile use - the risk runs in the other direction. A lethal pathogen that could efficiently spread from one victim to another would be capable of initiating an intensifying cascade of disease that might ultimately threaten the entire world population. The 1918 influenza epidemic demonstrated the potential for a global contagion of this sort but not necessarily its outer limit.