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## Offcase

### DA

#### Immigration reform will pass --- it’s Obama’s top priority

Eleanor Clift, 10-25-2013, “Obama, Congress Get Back to the Immigration Fight,” Daily Beast, http://www.thedailybeast.com/articles/2013/10/25/obama-congress-get-back-to-the-immigration-fight.html

But now with the shutdown behind them and Republicans on the defensive, Obama saw an opening to get back in the game. His message, says Sharry: “‘Hey, I’m flexible,’ which after the shutdown politics was important, and he implied ‘if you don’t do it, I’m coming after you.’” For Obama and the Democrats, immigration reform is a win-win issue. They want an overhaul for the country and their constituents. If they don’t get it, they will hammer Republicans in demographically changing districts in California, Nevada, and Florida, where they could likely pick up seats—not enough to win control of the House, but, paired with what Sharry calls “the shutdown narrative,” Democratic operatives are salivating at the prospect of waging that campaign. Some Republicans understand the stakes, and former vice-presidential candidate and budget maven Paul Ryan is at the center of a newly energized backroom effort to craft legislation that would deal with the thorniest aspect of immigration reform for Republicans: the disposition of 11 million people in the country illegally. Rep. Raul Labrador (R-ID), an early advocate of reform who abandoned the effort some months ago, argues that Obama’s tough bargaining during the shutdown means Republicans can’t trust him on immigration. “When have they ever trusted him?” asks Sharry. “Nobody is asking them to do this for Obama. They should do this for the country and for themselves.... We’re not talking about tax increases or gun violence. This is something the pillars of the Republican coalition are strongly in favor of.” Among those pillars is Chamber of Commerce President Tom Donahue, who on Monday noted the generally good feelings about immigration reform among disparate groups, among them business and labor. He expressed optimism that the House could pass something, go to conference and resolve differences with the Senate, get a bill and have the president sign it “and guess what, government works! Everybody is looking for something positive to take home.” The Wall Street Journal reported Thursday that GOP donors are withholding contributions to lawmakers blocking reform, and that Republicans for Immigration Reform, headed by former Bush Cabinet official, Carlos Gutierrez, is running an Internet ad urging action. Next week, evangelical Christians affiliated with the Evangelical Immigration Table will be in Washington to press Congress to act with charity toward people in the country without documentation, treating them as they would Jesus. The law-enforcement community has also stepped forward repeatedly to embrace an overhaul. House Speaker John Boehner says he wants legislation, but not the “massive” bill that the Senate passed and that Obama supports. The House seems inclined to act—if it acts at all—on a series of smaller bills starting with “Kids Out,” a form of the Dream Act that grants a path to citizenship for young people brought to the U.S. as children; then agriculture-worker and high-tech visas, accompanied by tougher border security. The sticking point is the 11 million people in the country illegally, and finding a compromise between Democrats’ insistence that reform include a path to citizenship, and Republicans’ belief that offering any kind of relief constitutes amnesty and would reward people for breaking the law. The details matter hugely, but what a handful of Republicans, led by Ryan, appear to be crafting is legalization for most of the 11 million but without any mention of citizenship. It wouldn’t create a new or direct or special path for people who came to the U.S. illegally or overstayed their visa. It would allow them to earn legal status through some yet-to-be-determined steps, and once they get it, they go to the end of a very long line that could have people waiting for decades. The Senate bill contains a 13-year wait. However daunting that sounds, the potential for meaningful reform is tantalizingly close with Republicans actively engaged in preparing their proposal, pressure building from the business community and religious leaders, and a short window before the end of the year to redeem the reputation of Congress and the Republican Party after a bruising takedown. The pieces are all there for long-sought immigration reform. We could be a few weeks away from an historic House vote, or headed for a midterm election where Republicans once again are on the wrong side of history and demography.

#### Obama’s fresh political capital is vital to reignite momentum for immigration

Reid Epstein 10/17/13, writer at Politico, “Obama’s latest push features a familiar strategy,” http://www.politico.com/story/2013/10/barack-obama-latest-push-features-familiar-strategy-98512.html

President Barack Obama made his plans for his newly won political capital official — he’s going to hammer House Republicans on immigration.¶ And it’s evident from his public and private statements that Obama’s latest immigration push is, in at least one respect, similar to his fiscal showdown strategy: yet again, the goal is to boost public pressure on House Republican leadership to call a vote on a Senate-passed measure.¶ “The majority of Americans think this is the right thing to do,” Obama said Thursday at the White House. “And it’s sitting there waiting for the House to pass it. 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. This can and should get done by the end of this year.”¶ (WATCH: Assessing the government shutdown's damage)¶ And yet Obama spent the bulk of his 20-minute address taking whack after whack at the same House Republicans he’ll need to pass that agenda, culminating in a jab at the GOP over the results of the 2012 election — and a dare to do better next time.¶ “You don’t like a particular policy or a particular president? Then argue for your position,” Obama said. “Go out there and win an election. Push to change it. But don’t break it. Don’t break what our predecessors spent over two centuries building. That’s not being faithful to what this country’s about.”¶ Before the shutdown, the White House had planned a major immigration push for the first week in October. But with the shutdown and looming debt default dominating the discussion during the last month, immigration reform received little attention on the Hill.¶ (PHOTOS: Immigration reform rally on the National Mall)¶ Immigration reform allies, including Obama’s political arm, Organizing for Action, conducted a series of events for the weekend of Oct. 5, most of which received little attention in Washington due to the the shutdown drama. But activists remained engaged, with Dream Act supporters staging a march up Constitution Avenue, past the Capitol to the Supreme Court Tuesday, to little notice of the Congress inside.¶ Obama first personally signaled his intention to re-emerge in the immigration debate during an interview Tuesday with the Los Angeles Univision affiliate, conducted four hours before his meeting that day with House Democrats.¶ Speaking of the week’s fiscal landmines, Obama said: “Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform.”¶ (Also on POLITICO: GOP blame game: Who lost the government shutdown?)¶ When he met that afternoon in the Oval Office with the House Democratic leadership, Obama said that he planned to be personally engaged in selling the reform package he first introduced in a Las Vegas speech in January.¶ Still, during that meeting, Obama knew so little about immigration reform’s status in the House that he had to ask Rep. Xavier Becerra (D-Calif.) how many members of his own party would back a comprehensive reform bill, according to a senior Democrat who attended.¶ The White House doesn’t have plans yet for Obama to participate in any new immigration reform events or rallies — that sort of advance work has been hamstrung by the 16-day government shutdown.¶ But the president emerged on Thursday to tout a “broad coalition across America” that supports immigration reform. He also invited House Republicans to add their input specifically to the Senate bill — an approach diametrically different than the House GOP’s announced strategy of breaking the reform into several smaller bills.¶ White House press secretary Jay Carney echoed Obama’s remarks Thursday, again using for the same language on immigration the White House used to press Republicans on the budget during the shutdown standoff: the claim that there are enough votes in the House to pass the Senate’s bill now, if only it could come to a vote.¶ “When it comes to immigration reform … we’re confident that if that bill that passed the Senate were put on the floor of the House today, it would win a majority of the House,” Carney said. “And I think that it would win significant Republican votes.”

#### Obama would expend political capital fighting the plan

Laurie R. Blank 12, Director, International Humanitarian Law Clinic, Emory Law School, 2012, “NATIONAL SECURITY: PART II: ARTICLE: TARGETED STRIKES: THE CONSEQUENCES OF BLURRING THE ARMED CONFLICT AND SELF-DEFENSE JUSTIFICATIONS,” William Mitchell Law Review, 38 Wm. Mitchell L. Rev. 1655

Using both the armed conflict and self-defense justifications for all targeted strikes, whether in Pakistan, Yemen, Somalia, or elsewhere, may be an easy way to communicate to the public that the state is using force to eliminate "bad guys." It certainly adds a great degree of flexibility to policy-making and decision-making, which is highly valuable from the perspective of political leaders. The costs of allowing the lines between legal regimes and paradigms to become blurred, however, are far too great.

#### CIR’s critical to economic growth---multiple internals

Klein 13 Ezra is a columnist for The Washington Post. “To Fix the U.S. Economy, Fix Immigration,” 1/29, http://www.bloomberg.com/news/2013-01-29/to-fix-the-u-s-economy-fix-immigration.html

Washington tends to have a narrow view of what counts as “economic policy.” Anything we do to the tax code is in. So is any stimulus we pass, or any deficit reduction we try. Most of this mistakes the federal budget for the economy.¶ The truth is, the most important piece of economic policy we pass -- or don’t pass -- in 2013 may be something we don’t think of as economic policy at all: immigration reform.¶ Congress certainly doesn’t consider it economic policy, at least not officially. Immigration laws go through the House and Senate judiciary committees. But consider a few facts about immigrants in the American economy: About a tenth of the U.S. population is foreign-born. More than a quarter of U.S. technology and engineering businesses started from 1995 to 2005 had a foreign-born owner. In Silicon Valley, half of all tech startups had a foreign-born founder.¶ Immigrants begin businesses and file patents at a much higher rate than their native-born counterparts, and while there are disputes about the effect immigrants have on the wages of low-income Americans, there’s little dispute about their effect on wages overall: They lift them.¶ The economic case for immigration is best made by way of analogy. Everyone agrees that aging economies with low birth rates are in trouble; this, for example, is a thoroughly conventional view of Japan. It’s even conventional wisdom about the U.S. The retirement of the baby boomers is correctly understood as an economic challenge. The ratio of working Americans to retirees will fall from 5-to-1 today to 3-to-1 in 2050. Fewer workers and more retirees is tough on any economy.¶ Importing Workers¶ There’s nothing controversial about that analysis. But if that’s not controversial, then immigration shouldn’t be, either. Immigration is essentially the importation of new workers. It’s akin to raising the birth rate, only easier, because most of the newcomers are old enough to work. And because living in the U.S. is considered such a blessing that even very skilled, very industrious workers are willing to leave their home countries and come to ours, the U.S. has an unusual amount to gain from immigration. When it comes to the global draft for talent, we almost always get the first-round picks -- at least, if we want them, and if we make it relatively easy for them to come here.¶ From the vantage of naked self-interest, the wonder isn’t that we might fix our broken immigration system in 2013. It’s that we might not.¶ Few economic problems wouldn’t be improved by more immigration. If you’re worried about deficits, more young, healthy workers paying into Social Security and Medicare are an obvious boon. If you’re concerned about the slowdown in new company formation and its attendant effects on economic growth, more immigrant entrepreneurs should cheer you. If you’re worried about the dearth of science and engineering majors in our universities, an influx of foreign-born students is the most obvious solution you’ll find.

#### Economic crisis causes global nuclear war

Cesare Merlini 11, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs, May 2011, “A Post-Secular World?”, Survival, Vol. 53, No. 2

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism**.**

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#### Restrictions are prohibitions on action --- the aff is oversight

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

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

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

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

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

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

#### Restrictions on authority are distinct from conditions

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

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

#### Vote neg---

#### Neg ground---only prohibitions on particular actions guarantee links to every core argument like flexibility and deference

#### Precision---only our interpretation defines “restrictions on authority”---that’s key to adequate preparation and policy analysis

#### Limits---there are an infinite number of small hoops they could require the president to jump through---overstretches our research burden

### CP

#### The Executive branch should publicly articulate the legal rationale for its targeted killing policy, including the process and safeguards in place for target selection.

#### The United States Congress should enact a resolution and issue a white paper stating that, in the conduct of its oversight it has reviewed ongoing targeted killing operations and determined that the United States government is conducting such operations in full compliance with relevant laws, including but not limited to the Authorization to Use Military Force of 2001, covert action findings, and the President’s inherent powers under the Constitution.

#### The CP’s the best middle ground---preserves the vital counter-terror role of targeted killings while resolving all their downsides

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

Despite President Barack Obama's recent call to reduce the United States' reliance on drones, they will likely remain his administration's weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused.

Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage.

So drone warfare is here to stay, and it is likely to expand in the years to come as other countries' capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid.

#### The CP’s combination of executive disclosure and Congressional support boosts accountability and legitimacy

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

Perhaps the most obvious way to add accountability to the targeted killing process is for someone in government to describe the process the way this article has, and from there, defend the process. The task of describing the government’s policies in detail should not fall to anonymous sources, confidential interviews, and selective leaks. Government’s failure to defend policies is not a phenomenon that is unique to post 9/11 targeted killings. In fact, James Baker once noted

"In my experience, the United States does a better job at incorporating intelligence into its targeting decisions than it does in using intelligence to explain those decisions after the fact. This in part reflects the inherent difficulty in articulating a basis for targets derived from ongoing intelligence sources and methods. Moreover, it is hard to pause during ongoing operations to work through issues of disclosure…But articulation is an important part of the targeting process that must be incorporated into the decision cycle for that subset of targets raising the hardest issues…"519

Publicly defending the process is a natural fit for public accountability mechanisms. It provides information to voters and other external actors who can choose to exercise a degree of control over the process. However, a detailed public defense of the process also bolsters bureaucratic and professional accountability by demonstrating to those within government that they are involved in activities that their government is willing to publicly describe and defend (subject to the limits of necessary national security secrecy). However, the Executive branch, while wanting to reveal information to defend the process, similarly recognizes that by revealing too much information they may face legal accountability mechanisms that they may be unable to control, thus their caution is understandable (albeit self-serving).520

It’s not just the Executive branch that can benefit from a healthier defense of the process. Congress too can bolster the legitimacy of the program by specifying how they have conducted their oversight activities. The best mechanism by which they can do this is through a white paper. That paper could include:

A statement about why the committees believe the U.S. government's use of force is lawful. If the U.S. government is employing armed force it's likely that it is only doing so pursuant to the AUMF, a covert action finding, or relying on the President's inherent powers under the Constitution. Congress could clear up a substantial amount of ambiguity by specifying that in the conduct of its oversight it has reviewed past and ongoing targeted killing operations and is satisfied that in the conduct of its operations the U.S. government is acting consistent with those sources of law. Moreover, Congress could also specify certain legal red lines that if crossed would cause members to cease believing the program was lawful. For example, if members do not believe the President may engage in targeted killings acting only pursuant to his Article II powers, they could say so in this white paper, and also articulate what the consequences of crossing that red line might be. To bolster their credibility, Congress could specifically articulate their powers and how they would exercise them if they believed the program was being conducted in an unlawful manner. Perhaps stating: "The undersigned members affirm that if the President were to conduct operations not authorized by the AUMF or a covert action finding, we would consider that action to be unlawful and would publicly withdraw our support for the program, and terminate funding for it."

A statement detailing the breadth and depth of Congressional oversight activities. When Senator Feinstein released her statement regarding the nature and degree of Senate Intelligence Committee oversight of targeted killing operations it went a long way toward bolstering the argument that the program was being conducted in a responsible and lawful manner. An oversight white paper could add more details about the oversight being conducted by the intelligence and armed services committees, explaining in as much detail as possible the formal and informal activities that have been conducted by the relevant committees. How many briefings have members attended? Have members reviewed targeting criteria? Have members had an opportunity to question the robustness of the internal kill-list creation process and target vetting and validation processes? Have members been briefed on and had an opportunity to question how civilian casualties are counted and how battle damage assessments are conducted? Have members been informed of the internal disciplinary procedures for the DoD and CIA in the event a strike goes awry, and have they been informed of whether any individuals have been disciplined for improper targeting? Are the members satisfied that internal disciplinary procedures are adequate?

3) Congressional assessment of the foreign relations implications of the program. The Constitution divides some foreign policy powers between the President and Congress, and the oversight white paper should articulate whether members have assessed the diplomatic and foreign relations implications of the targeted killing program. While the white paper would likely not be able to address sensitive diplomatic matters such as whether Pakistan has privately consented to the use of force in their territory, the white paper could set forth the red lines that would cause Congress to withdraw support for the program. The white paper could specifically address whether the members have considered potential blow-back, whether the program has jeopardized alliances, whether it is creating more terrorists than it kills, etc. In specifying each of these and other factors, Congress could note the types of developments, that if witnessed would cause them to withdraw support for the program. For example, Congress could state "In the countries where strikes are conducted, we have not seen the types of formal objections to the activities that would normally be associated with a violation of state's sovereignty. Specifically, no nation has formally asked that the issue of strikes in their territory be added to the Security Council's agenda for resolution. No nation has shot down or threatened to shoot down our aircraft, severed diplomatic relations, expelled our personnel from their country, or refused foreign aid. If we were to witness such actions it would cause us to question the wisdom and perhaps even the legality of the program."

### DA

#### Accepting legal constraints on the use of force outside strictly-defined conflict zones destroys legal and operational flexibility necessary to address future threats of terrorism and directly contributes to the development of customary international law that seeks to ban TKs overall

Kenneth Anderson 9, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University, 5/11/09, “Targeted Killing in U.S. Counterterrorism Strategy and Law,” <http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511_counterterrorism_anderson.pdf>

Obama was right as a candidate and is correct as president to insist on the propriety of targeted killings—that is, the targeting of a specific individual to be killed, increasingly often by means of high technology, remote-controlled Predator drone aircraft wielding missiles from a stand-off position. The strategic logic that presses toward targeted standoff killing as a necessary, available and technologically advancing part of counterterrorism is overpowering. So too is the moral and humanitarian logic behind its use. Just as crucial programs of Predator-centered targeted killing are underway now in Afghanistan and, with increasing international controversy, Pakistan, over the long term these programs of stand-off targeted killing will be an essential element in United States counterterrorism into the future—and with targets having little or nothing to do with today’s iteration of the war on terror.6 Future administrations, even if they naturally prefer to couch the matter in softer terms, will likely follow the same path. Even if the whole notion seems to some disturbingly close to arbitrary killing, not open combat, it is often the most expedient—and, despite civilian casualties that do occur, most discriminatingly humanitarian—manner to neutralize a terrorist without unduly jeopardizing either civilians or American forces.

But there’s a paradox in Obama’s embrace of targeted killing: Even as the strategic and humanitarian logic for it increases in persuasiveness, the legal space for it and the legal rationales on which it has been traditionally justified are in danger of shrinking. They are at risk of shrinking in ways that might surprise members of Congress and the Obama Administration. And they are at risk of shrinking through seemingly innocuous, unrelated legal policy actions that the Obama Administration and Congress might be inclined to take in support of various political constituencies, usually related to broadly admirable goals of human rights and international law.

American domestic law—the law codifying the existence of the CIA and defining its functions—has long accepted implicitly at least some uses of force, including targeted killing, as self-defense toward ends of vital national security that do not necessarily fall within the strict terms of armed conflict in the sense meant by the Geneva Conventions and other international treaties on the conduct of armed conflict. Categories of the use of force short of armed conflict or war in a juridical sense—by intelligence services such as the CIA, for example—or by military agents in furtherance of national self defense and vital security interests, yet outside of the legal condition of armed conflict, date back in codified law to the founding of the CIA and, in state practice by the United States and other sovereigns, far further still. Yet as a matter of legal justification, successive administrations have already begun to cede this ground. Even the Bush Administration, with its unrivaled enthusiasm for executive power, always sought to cast its killing targets as the killing of combatants in what it legally characterized as armed conflicts, governed by the laws of war on the conduct of hostilities, known as “international humanitarian law” (IHL). This concession, however, if followed by the Obama Administration and beyond, will likely reduce the practical utility of a policy and security tool of both longstanding provenance and proven current value. It will likely reduce the flexibility of the United States to respond to emerging threats before they ripen into yet another war with non-state terrorists, and it will reduce the ability of the United Sates to address terrorist threats in the most discriminating fashion advancing technology permits.

At this moment in which many policymakers, members of Congress and serious observers see primarily a need to roll back policies and assertions of authority made by the Bush Administration, any call for the Obama Administration and Congress to insist upon powers of unilateral targeted killing and to claim a zone of authority outside of armed conflict governed by IHL that even the Bush Administration did not claim must seem at once atavistic, eccentric, myopic and perverse. Many will not much care that such legal authority already exists in international and U.S. domestic law. Yet the purpose of this chapter is to suggest that, on the contrary, the uses to which the Obama Administration seeks to put targeted killing are proper, but they will require that it carefully preserve and defend legal authorities it should not be taking for granted and that its predecessors, including the Bush Administration, have not adequately preserved for their present day uses.

People who threaten serious harm to the United States will not always be al Qaeda, after all. Nor will they forever be those persons who, in the words of the Authorization for the Use of Military Force (AUMF), “planned, authorized, committed or aided” the attacks of September 11.7 As I will explain, it would have been better had the Bush and Clinton Administrations, for their parts, formulated their legal justifications for the targeted uses of force around the legal powers traditionally asserted by the United States: the right of self-defense, including the right to use force even in circumstances not rising to the level of an “armed conflict” in order to have firmly fixed in place the clear legal ability of the United States to respond as it traditionally has. Although the United States still has a long way to go to dismember al Qaeda, its affiliates and subsidiaries, although Osama bin Laden and key al Qaeda terrorist leaders remain at large, and although the President of the United States still exercises sweeping powers both inherent and granted by Congress to use all national power against the perpetrators of September 11, time moves on. New threats will emerge, some of them from states and others from non-state actors, including terrorist organizations. Some of those new threats will be new forms of jihadist terrorism; others will champion new and different causes. Even now, Islamist terror appears to be fragmenting into loose networks of shared ideology and aspiration rather than tightly vertical organizations linked by command and control.8 It will take successive feats of intellectual jujitsu to cast all of the targets such developments will reasonably put in the cross hairs as, legally speaking, combatants.

Yet the problem is still deeper and more immediate than that, for the accepted space for targeted killings is eroding even within what a reasonable American might understand as the four corners of our conflict with al Qaeda. In many situations in which any American president, Obama certainly included, would want to use a targeted killing, it is unclear to some important actors—at the United Nations, among our allies, among international law scholars, and among NGO activists—as a matter of international law that a state of armed conflict actually exists or that a targeted killing can qualify as an act of self-defense. The legal situation, therefore, threatens to become one in which, on the one hand, targeted killing outside of a juridical armed conflict is legally impermissible and, on the other hand, as a practical matter, no targeted killing even within the context of a “war” with al Qaeda is legally permissible, either.

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.

#### Geographic limits on where targeted killings can be the first resort create terrorist safe havens that enable continued attacks---collapses the usefulness of TKs

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 ramifications of including areas within the zone of combat, such as the accompanying authority to use lethal force as a first resort, raise a variety of policy considerations. The two primary considerations weigh directly against each other and perhaps, as a result, lend credence to the need for a middle ground in defining the zone of combat. First, some argue that creating geographic limits to the battlefield has the problematic effect of granting terrorists a safe haven. For example, a member of al Qaeda can be a legitimate target as a result of continuous participation in hostilities, thus losing any immunity from attack he might have had by dint of being a civilian.105 If the zone of combat is limited geographically to certain areas, then this member of al Qaeda can avoid being targeted—and thus regain civilian immunity, in essence—simply by crossing an international border even while remaining active in a terrorist organization engaged in a conflict with the U.S.106 Geographic limits designed to curtail the use of governmental military force thus effectively grant terrorists a safe haven and extend the conflict by enabling them to regroup and continue their attacks.

#### The plan’s precedent causes further constraint --- undermines overall war powers

Paul 8 Christopher, Senior Social Scientist; Professor, Pardee RAND Graduate School Pittsburgh Office Education Ph.D., M.A., and B.A. in sociology, University of California, Los Angeles, “US Presidential War Powers: Legacy Chains in Military Intervention Decisionmaking\* ,” Journal of Peace Research, Vol. 45, No. 5 (Sep., 2008), pp. 665-679

Legacy Chains

Finegold & Skocpol (1995: 222) describe policy legacies: Past and present policies are connected in at least three different ways. First, past policies give rise to analogies that affect how public officials think about contemporary policy issues. Second, past policies suggest lessons that help us to understand the processes by which contemporary policies are formulated and implemented and by which the conse quences of contemporary policies will be determined. Third, past policies impose limitations that reduce the range of policy choices available as responses to contemporary problems. All three of the ways in which they connect past policy to present policy can be viewed as changes in the institutional context in which policy is made. These legacies are institutionalized in two different ways: first, through changes in formal rules or procedures, and second, in the 'taken for granteds', 'schemas', and accepted wisdom of policy makers and ordinary citizens alike (Sewell, 1992: 1-29). While a policy or event can leave multiple legacies, it often leaves a single major legacy. For example, the War Powers Resolution for mally changed the relationship between the president and the congress with regard to war-making and the deployment of troops. Subsequent military interventions were influenced by this change and have, in turn, left their own legacy (legal scholars might call it precedent) as a link in that chain. Legacy chains can be modified, trans formed, or reinforced as they step through each 'link' in the chain. As another example, US involvement in Vietnam left a legacy in the sphere of press/military relations which affected the intervention in Grenada in 1983 (the press was completely excluded for the first 48 hours of the operation). The press legacy chain begun in Vietnam also affected the Panama invasion of 1989 (a press pool was activated, in country, but excluded from the action), but the legacy had been trans formed slightly by the Grenada invasion (the press pool system itself grew out of complaint regarding press exclusion in Grenada) (Paul & Kim, 2004). Because of the different ways in which policy legacies are institutionalized, some legacies have unintended institutional cons quences. The War Powers Resolution was intended to curtail presidential war-making powers and return some authority to the con gress. In practice, the joint resolution failed to force presidents to include congressional participation in their intervention decision making, but it had the unintended conse quence of forcing them to change the way they planned interventions to comply with the letter of the law (see the extended ex ample presented later in the article).1

#### Extinction

Weinberger 9 [Seth Weinberger, Assistant Professor in the Department of Politics and Government at the University of Puget Sound, M.A. and Ph.D. in Political Science from Duke University, "Balancing War Powers in an Age of Terror", The Good Society, 18(2), <http://muse.jhu.edu/journals/good_society/v018/18.2.weinberger.html>]

**In wartime**, however, **it may be** neither expedient nor strategically sound **for the president to be forced to come before Congress for permission for each and every legislative action deemed necessary** for the war effort. C**ircumstances in war are** fluid and unpredictable**, and legislation passed at one time may quickly become irrelevant or obsolete. The deliberation and compromise that are the hallmarks of congressional legislation may be ill-suited to war, which demands** swift and decisive action **to keep on top of rapidly shifting military situations**. As one scholar puts it, "**Congress at war is not a pretty sight. The legislative branch can be questioning and judgmental, impatient for victories yet free with inexpert advice, slow to provide the men and materiel for combat, reluctant to vote the taxes needed to pay for the war, critical of generals, and careless with secrets**."25 **In times in which the country faces an** existential, or otherwise exceedingly dangerous, threat**, it may not behoove the president, the military, or the nation as a whole to require the president to ask Congress time and time again to enact laws to advance the war effort.**

### DA

#### The AUMF provides broad targeted killing authority now---new restrictions cause the Executive to shift justifications and accelerate strikes based on self-defense---that destroys solvency and triggers global instability

Beau D. Barnes 12, J.D., Boston University School of Law, M.A. in Law and Diplomacy, The Fletcher School of Law and Diplomacy at Tufts University, 2012, “Reauthorizing the 'War on Terror': The Legal and Policy Implications of the AUMF's Coming Obsolescence,” Military Law Review, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2150874&download=yes>

In a world without a valid AUMF, the United States could base its continued worldwide counterterrorism operations on various alternative domestic legal authorities. All of these alternative bases, however, carry with them significant costs—detrimental to U.S. security and democracy. The foreign and national security policy of the United States should rest on “a comprehensive legal regime to support its actions, one that [has] the blessings of Congress and to which a court would defer as the collective judgment of the American political system about a novel set of problems.”141 Only then can the President’s efforts be sustained and legitimate.

2. Effect on the International Law of Self-Defense

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

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

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

## Allies Advantage

### Circumvention

#### Targeted killing regulation is impossible --- plenty of avenues for circumvention

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

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

#### The exec will redefine the law to get around the plan

Norman Pollack 13, Prof of History @ MSU and PhD in History from Harvard, “Drones, Israel, and the Eclipse of Democracy, Counterpunch, 2/5, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/

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

### Sig Strikes Turn

#### The plan specifically and narrowly creates restrictions on targeted killings---those killings are legally and operationally distinct from “signature strikes”

David Hastings Dunn 13, Reader in International Politics and Head of Department in the Department of Political Science and International Studies at the University of Birmingham, UK, and Stefan Wolff, Professor of International Security at the University of Birmingham in the UK, March 2013, “Drone Use in Counter-Insurgency and Counter-Terrorism: Policy or Policy Component?,” in Hitting the Target?: How New Capabilities are Shaping International Intervention, ed. Aaronson & Johnson, http://www.rusi.org/downloads/assets/Hitting\_the\_Target.pdf

Yet an important distinction needs to be drawn here between acting on operational intelligence that corroborates existing intelligence and confirms the presence of a specific pre-determined target and its elimination – so-called ‘targeted strikes’ (or less euphemistically, ‘targeted killings’) – and acting on an algorithmic analysis of operational intelligence alone, determining on the spot whether a development on the ground suggests terrorist activity or association and thus fulfils certain (albeit, to date, publicly not disclosed) criteria for triggering an armed response by the remote pilot of a drone – so-called ‘signature strikes’.6

Targeted strikes rely on corroborating pre-existing intelligence: they serve the particular purpose of eliminating specific individuals that are deemed crucial to enemy capabilities and are meant to diminish opponents’ operational, tactical and strategic capabilities, primarily by killing mid- and top-level leadership cadres. To the extent that evidence is available, it suggests that targeted strikes are highly effective in achieving these objectives, while simultaneously generating relatively little blowback, precisely because they target individual (terrorist) leaders and cause few, if any, civilian casualties. This explains, to a significant degree, why the blowback effect in Yemen – where the overwhelming majority of drone strikes have been targeted strikes – has been less pronounced than in Pakistan and Afghanistan.7

Signature strikes, in contrast, can still be effective in diminishing operational, tactical and strategic enemy capabilities, but they do so to a certain degree by chance and also have a much higher probability of causing civilian casualties. Using drones for signature strikes decreases the dependence on pre-existing intelligence about particular leaders and their movements and more fully utilises their potential to carry out effective surveillance and respond to the conclusions drawn from it immediately. Signature strikes have been the predominant approach to drone usage in Pakistan and Afghanistan.8 Such strikes have had the effect of decimating the rank and file of the Taliban and their associates – but they have also caused large numbers of civilian casualties and, at a minimum, weakened the respective host governments’ legitimacy and forced them to condemn publicly, and in no uncertain terms, the infringement of their states’ sovereignty by the US. In turn, this has strained already difficult relations between countries which have more common than divergent interests when it comes to regional stability and the fight against international terrorist networks. That signature strikes have a high probability of going wrong and that such failures prove extremely counterproductive is also illustrated by a widely reported case from Yemen, in which twelve civilians were killed in the proximity of a car identified as belonging to an Al-Qa’ida member.9

The kind of persistent and intimidating presence of a drone policy geared towards signature strikes, and the obvious risks and consequences involved in repeatedly making wrong decisions, are both counterproductive in themselves and corrosive of efforts that seek to undercut the local support enjoyed by insurgent and terrorist networks, as well as the mutual assistance that they can offer each other. Put differently, signature strikes, in contrast to targeted killings, do anything but help to disentangle the links between insurgents and terrorists.

#### Establishing new restrictions that only apply to targeted killings causes a shift to signature strikes

Jeh Johnson 13, former Pentagon General Counsel, 3/18/13, “Keynote address at the Center on National Security at Fordham Law School: A “Drone Court”: Some Pros and Cons,” <http://www.lawfareblog.com/2013/03/jeh-johnson-speech-on-a-drone-court-some-pros-and-cons/>

Also, beware of creating the wrong set of incentives for those who must conduct these operations. A lawful military objective may include an individual, whether his name or his citizenship are known; it may also include a location (like a terrorist training camp) or an object (like a truck filled with explosives). By creating a separate legal regime with additional requirements for an objective if his name or citizenship becomes known, what disincentives do we create for an operator to know for certain the identity of those likely to be present at a terrorist training camp or behind the wheel of the truck bomb? Or, must the government refrain from an attack on what it knows to be an active and dangerous training camp if an al Qaeda terrorist who might be a U.S. citizen wanders in?

#### Signature strikes are far worse for all of their impacts---this turns the case on a grand scale

David Hastings Dunn 13, Reader in International Politics and Head of Department in the Department of Political Science and International Studies at the University of Birmingham, UK, and Stefan Wolff, Professor of International Security at the University of Birmingham in the UK, March 2013, “Drone Use in Counter-Insurgency and Counter-Terrorism: Policy or Policy Component?,” in Hitting the Target?: How New Capabilities are Shaping International Intervention, ed. Aaronson & Johnson, http://www.rusi.org/downloads/assets/Hitting\_the\_Target.pdf

Yet an important distinction needs to be drawn here between acting on operational intelligence that corroborates existing intelligence and confirms the presence of a specific pre-determined target and its elimination – so-called ‘targeted strikes’ (or less euphemistically, ‘targeted killings’) – and acting on an algorithmic analysis of operational intelligence alone, determining on the spot whether a development on the ground suggests terrorist activity or association and thus fulfils certain (albeit, to date, publicly not disclosed) criteria for triggering an armed response by the remote pilot of a drone – so-called ‘signature strikes’.6¶ Targeted strikes rely on corroborating pre-existing intelligence: they serve the particular purpose of eliminating specific individuals that are deemed crucial to enemy capabilities and are meant to diminish opponents’ operational, tactical and strategic capabilities, primarily by killing mid- and top-level leadership cadres. To the extent that evidence is available, it suggests that targeted strikes are highly effective in achieving these objectives, while simultaneously generating relatively little blowback, precisely because they target individual (terrorist) leaders and cause few, if any, civilian casualties. This explains, to a significant degree, why the blowback effect in Yemen – where the overwhelming majority of drone strikes have been targeted strikes – has been less pronounced than in Pakistan and Afghanistan.7¶ Signature strikes, in contrast, can still be effective in diminishing operational, tactical and strategic enemy capabilities, but they do so to a certain degree by chance and also have a much higher probability of causing civilian casualties. Using drones for signature strikes decreases the dependence on pre-existing intelligence about particular leaders and their movements and more fully utilises their potential to carry out effective surveillance and respond to the conclusions drawn from it immediately. Signature strikes have been the predominant approach to drone usage in Pakistan and Afghanistan.8 Such strikes have had the effect of decimating the rank and file of the Taliban and their associates – but they have also caused large numbers of civilian casualties and, at a minimum, weakened the respective host governments’ legitimacy and forced them to condemn publicly, and in no uncertain terms, the infringement of their states’ sovereignty by the US. In turn, this has strained already difficult relations between countries which have more common than divergent interests when it comes to regional stability and the fight against international terrorist networks. That signature strikes have a high probability of going wrong and that such failures prove extremely counterproductive is also illustrated by a widely reported case from Yemen, in which twelve civilians were killed in the proximity of a car identified as belonging to an Al-Qa’ida member.9¶ The kind of persistent and intimidating presence of a drone policy geared towards signature strikes, and the obvious risks and consequences involved in repeatedly making wrong decisions, are both counterproductive in themselves and corrosive of efforts that seek to undercut the local support enjoyed by insurgent and terrorist networks, as well as the mutual assistance that they can offer each other. Put differently, signature strikes, in contrast to targeted killings, do anything but help to disentangle the links between insurgents and terrorists.¶ Counter-insurgency as a strategy works best by providing security on the ground (deploying soldiers amongst the community that they are intended to protect) and establishing and sustaining a sufficiently effective local footprint of the state and its institutions providing public goods and services beyond just security (water, food, sanitation, healthcare, education and so forth). This strategy is often encapsulated in the formula ‘clear, hold, build’,10 and it needs to go hand-in-hand with pursuing a viable political settlement that addresses what are the, in many cases, legitimate concerns of those fighting, and supporting, an insurgency. By living among the communities they seek to secure, soldiers can win their trust, stem support for the insurgents, and understand who their enemies are, what their demands and objectives are, and how best to single out those who represent an irreconcilable threat to the community. In other words, in a context in which the objective is to protect innocent civilians, win over reconcilable insurgents and their supporters, and eliminate those who are irreconcilable, drones can deliver specific contributions to an overall counter-insurgency policy. Yet this can only happen if drones target individuals for a reason, rather than being used, and perceived, as a blanket approach against an entire community.

### AT: Allied Cooperation

#### Allies increasingly agree that TKs are appropriate as a first resort even outside of hot 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

#### 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.

#### 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.

### AT: NATO

#### NATO is resilient

Kupchan5/10/12Charles,Whitney Shepardson Senior Fellow Council on Foreign Relations & Professor of International Relations Georgetown University, “NATO: Chicago and Beyond” http://www.foreign.senate.gov/imo/media/doc/Charles\_Kupchan\_Testimony1.pdf

NATO has demonstrated impressive resilience and solidarity since the Cold War’s end. Indeed, it has defied history; alliances usually disband when the collective threat that brought them into being disappears. Instead, NATO has not only survived, but markedly expanded its membership and undertaken major missions in the Balkans, Afghanistan, and Libya. As the Cold War came to a close, few observers could have predicted that NATO, twenty years later, would be in the midst of an extended operation in Afghanistan while simultaneously carrying out a successful air campaign to topple the Libyan government. The durability of NATO stems from the reality that the United States and Europe remain one another’s best partner. To be sure, differing perspectives and priorities regularly test transatlantic solidarity. But teamwork between the United States and Europe remains vital to addressing most international challenges. As President Obama affirmed prior to the 2010 NATO Summit in Lisbon, “our relationship with our European allies and partners is the cornerstone of our engagement with the world, and a catalyst for global cooperation. With no other region does the United States have such a close alignment of values,

interests, capabilities, and goals.”

#### No NATO impact

Kaplan & Kaplan 11 – Robert D., senior fellow at the Center for a New American Security in Washington and a member of the Pentagon’s Defense Policy Board, and Stephen S., former vice chairman of the National Intelligence Council as well as a longtime daily White House briefer and director of the president’s daily briefing, March/April 2011, “America Primed,” <http://nationalinterest.org/print/article/america-primed-4892>

OF COURSE even this set of assets is not enough to ensure American primacy—nor its sway over the West. And not all alliances are created equal. For example, Washington can less and less rely on NATO to serve as its linchpin in Europe. NATO is of limited help in Afghanistan, was irrelevant in Iraq and simply does not matter in the larger Middle East. The defense budgets of member states in Western Europe are generally below the NATO standard of 2 percent of GDP, even as these same countries now brace for the steepest cuts in military spending since the end of the Cold War. U.S. Defense Secretary Robert Gates, as prudent and low-key a public speaker as one can imagine, has publicly chided Europeans for being too reluctant to use military force. Nor does NATO, whatever the fine print of its documents, really guarantee the territorial integrity of its new member states in Eastern Europe against potential Russian aggression. The United States does that, and the Balts, Poles, Romanians and others know it. Plainly, the Poles and Romanians sent troops to Iraq and Afghanistan (and any number of various African countries where the United States has had military missions) not because they necessarily approved of these deployments or were enthusiastic about them, but as a quid pro quo for this implicit security guarantee.

### AT: Pakistan Collapse

#### Pakistan’s stabilizing---drone strikes are declining as precision increases---the status quo resolves their whole advantage

Cameron Munter 9-30, professor of practice in international relations at Pomona College, served as a U.S. Foreign Service Officer for nearly three decades, was Ambassador to Pakistan 2010-2012, 9/30/13, “Guest Post: A New Face in the U.S.-Pakistani Relationship,” http://justsecurity.org/2013/09/30/cameron-munter-pakistan-relations/

In doing so, however, we have made the image of a soldier or a drone the image of America’s strategic vision for Pakistan and the region. As 2014 approaches, and American troops end their combat mission in Afghanistan; as drone strikes in the Pakistani tribal areas appear to be fewer in number and more precise in targeting; as the general trends of the U.S. “pivot toward Asia” become clear, the soldier and the drone will be less common. Even though the President’s commitment to U.S. security does not waver, the reminders of his commitment will be fewer and far between – at least it would seem, seen from the street in Pakistan. ¶ Will that face of America – the M-16 and flak jacket, the film of a predator strike – remain, or can we replace it with something else? A different face of commitment, one that Americans have supported throughout the last decade but which has, in the Pakistani media (fairly or not) been shoved aside by the violence in the tribal areas and unrest throughout the country? That other commitment has been enormous expenditure by the U.S. government in support of economic growth, building schools, replacing crops destroyed by floods, refurbishing power plants, and improving health delivery services, to name just a few achievements. But few Pakistanis believe this aid has made a difference. Instead, they associate us only with the manifestations of the war on terror. ¶ In the coming month this can change. No, it should not just be a PR campaign to convince Pakistanis of our commitment to what they care about (not just what we care about). Certainly, PR is necessary, but lacking a new face, it won’t be sufficient. It will require two things. ¶ First, on the policy level, we must use the changes in 2014 to wrest U.S. policy toward Pakistan from its current status as derivative of the war in Afghanistan. Of course, Pakistan has an enormous role to play in security arrangements of the region in years to come. Its relationship to India, to China, to Iran, and of course to Afghanistan are very important as the international community seeks to find a just and equitable peace in the region. But we should make every effort to consider Pakistan’s needs. Not just the needs of the Pakistani military and intelligence leadership, important as they are. Rather, the needs of a country of nearly 200 million people whose stability and prosperity will be essential to the long-term stability and prosperity of the entire region. Pakistan’s success is not a guarantee of regional peace; but Pakistani failure is certainly a guarantee of regional strife. ¶ Second, on a practical level, we should provide a face of American commitment that we know, through decades of effort, is welcome. Polling shows consistently that while most Pakistanis are angry at America (citing security policies as the reason), most Pakistanis – across the political spectrum, rural and urban, young and old – want a better relationship with us. Why? Because despite all the searing problems of the last decade, they admire us: they admire our educational institutions, our business acumen, our commitment to philanthropy. And here, I believe, they can find the practical partners to renew Pakistani understanding of American commitment to the relationship. Universities, businesses, foundations. Students and teachers, businesspeople and investors, donors and grassroots workers. These are the faces of the relationship in which America can play to its strengths, and in doing so, help build a successful Pakistan that is so necessary for us to achieve our own strategic interests in South Asia and beyond. ¶ Recent press articles highlight just how worried we’ve been about Pakistan’s nuclear arsenal. And we should be worried. We need to know if that arsenal can be misused or fall into the wrong hands. But even a massive surveillance effort, while necessary, will be insufficient. We need to take modest but purposeful measures to help Pakistan remain stable. That’s not the same as focusing so overwhelmingly on immediate security concerns. We also need to engage in Pakistani politics, economics, society, where we have a much stronger hand to play than we perhaps realize. ¶ Certainly, such changes cannot take place overnight. After all, the main reason that we see so few American university professors or businesspeople in Pakistan is that it’s still considered too dangerous. Yes, Pakistan’s government must take on the terrorist challenge, and it is enormous. And when Pakistan’s new Interior Minister propose plans to make the best use of Pakistan’s internal security forces, we should engage with him and take seriously any requests for help. But I believe we have a chance to do so, a chance afforded by the potential change in the face of America in Pakistan: difficult as it is, painful as our experiences in Pakistan have been, let’s listen to them and see if their plans to tackle terrorism have a place for our help. It’s certainly in our interest and theirs. Who knows? If Pakistan’s new leadership is able to make real progress against terrorism, there may be another new face – a face of a Pakistan that is not the negative image so common in recent years, but a Pakistan where people of good will are determined to succeed, and ask the help of an old friend in doing so.

#### No Pakistan collapse impact

Tepperman 9—Deputy Editor at Newsweek. Frmr Deputy Managing Editor, Foreign Affairs. LLM, i-law, NYU. MA, jurisprudence, Oxford. (Jonathan, Why Obama Should Learn to Love the Bomb, http://jonathantepperman.com/Welcome\_files/nukes\_Final.pdf)

Note – Michael Desch = prof, polsci, Notre Dame

As for Pakistan, it has taken numerous precautions to ensure that its own weapons are insulated from the country’s chaos, installing complicated firing mechanisms to prevent a launch by lone radicals, for example, and instituting special training and screening for its nuclear personnel to ensure they’re not infiltrated by extremists. Even if the Pakistani state did collapse entirely—the nightmare scenario— the chance of a Taliban bomb would still be remote. Desch argues that the idea that terrorists “could use these weapons radically underestimates the difficulty of actually operating a modern nuclear arsenal. These things need constant maintenance and they’re very easy to disable. So the idea that these things could be stuffed into a gunnysack and smuggled across the Rio Grande is preposterous.”

### AT: India First Strike

#### No Indian intervention

Sunil Dasgupta '13 Ph.D. in political science and the director of UMBC's Political Science Program and a senior fellow at Brookings, 2/25/13, "How will India respond to civil war in Pakistan," East Asia Forum, http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/

In 2013, prospects of another [civil war in Pakistan](http://tribune.com.pk/story/487017/the-2013-jitters/) — this time one that pits radical Islamists against the secular but authoritarian military — have led once again to questions about what India would do. What would trigger Indian intervention, and who would India support?¶ **In the context of a civil war between Islamists and the army in Pakistan**, **it is hard to imagine Pakistani refugees streaming into India and triggering intervention as the Bengalis did in 1971**. **Muslim Pakistanis do not see India as a refuge**, and Taliban fighters are likely to seek refuge in Afghanistan, especially if the United States leaves the region.¶ A more selective spillover, such as the increased threat of terrorism, is possible. **But a civil war inside Pakistan is more likely to** [**train radical attention on Pakistan itself**](http://www.eastasiaforum.org/2012/12/12/extremism-in-pakistan-the-more-things-change/) **than on India.**¶In fact, the real problem for India would be in Afghanistan. India has already staked a claim in the Afghan endgame, so if Islamists seek an alliance with an Afghan government favoured by India, New Delhi’s best option might be to side covertly with the Islamists against the Pakistani army. But this is unlikely, because for India to actually side with Islamists, US policy in Pakistan and Afghanistan would have to change dramatically.¶ Conversely, for India to back the Pakistani army over the Islamists, Indian leaders would need to see a full and verifiable settlement of all bilateral disputes with India, including Kashmir, and/or the imminent fall of Pakistani nuclear weapons into the hands of Islamists.¶ In the first case, [a Kashmir resolution is not only unrealistic](http://www.eastasiaforum.org/2012/09/14/india-and-pakistan-a-decade-since-operation-parakram/), but also likely to weaken the legitimacy of the Pakistani army itself, jeopardising the army’s prospects in the civil war. In the second case, Indian leaders would need to have independent (non-US/UK) intelligence, or alternatively see US action (such as a military raid on Pakistani nuclear facilities) that convinces them that nuclear weapons are about to pass into terrorist hands. Neither of those triggers is likely to exist in the near future.¶ As it is, India and Pakistan have gone down to the nuclear edge four times — in 1986, 1990, 1999 and 2001–02. In each case, India responded in a manner that did not escalate the conflict. Any incursion into Pakistan was extremely limited. An Indian intervention in a civil war in Pakistan would be subject to the same limitations — at least so long as the Pakistani army maintains its integrity.¶ Given the new US–India ties, the most important factor in determining the possibility and nature of Indian intervention in a possible Pakistani civil war is Washington. If the United States is able to get Kabul and Islamabad to work together against the Taliban, as it is trying to do now, then India is likely to continue its current policy or try to preserve some influence in Afghanistan, especially working with elements of the Northern Alliance.¶ India and Afghanistan already have a strategic partnership agreement in place that creates the framework for their bilateral relationship to grow, but the degree of actual cooperation will depend on how Pakistan and the Taliban react. If Indian interests in Afghanistan come under attack, New Delhi might have to pull back. The Indian government has been quite clear about not sending troops to Afghanistan.¶ If the United States shifts its policy to where it has to choose Kabul over Islamabad, in effect reviving the demand for an independent Pashtunistan, India is likely to be much more supportive of US and Afghan goals. The policy shift, however, carries the risk of a full-fledged proxy war with Pakistan in Afghanistan, but should not involve the prospect of a direct Indian intervention in Pakistan itself.¶ India is not likely to initiate an intervention that causes the Pakistani state to fail.

## Norms Advantage

### U.S. Not Key---1NC

#### No causal link between U.S. drone doctrine and other’ countries choices---means can’t set a precedent

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

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

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

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

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

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

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

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

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

### U.S. Won’t Pursue---1NC

#### Obama won’t pursue drone norms internationally---not even with allies

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>

Obama promised in his 2013 State of the Union to increase the drone program’s transparency. “In the months ahead, I will continue to engage Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world,” the president said on Feb. 12. Since then, the administration, under pressure from allies on Senate Intelligence, agreed to release all of the legal memos the Justice Department drafted in support of targeted killing.

But, beyond that, it’s not certain Obama will do anything more to shine light on this program. Except in situations where leaks help it tell a politically expedient story of its skill at killing bad guys, the administration has done little to make a case to the public and the world at large for its use of armed drones.

Already, what’s become apparent is that the White House is not interested in changing much about the way it communicates strike policy. (It took Sen. Rand Paul’s 13-hour filibuster of CIA Director John Brennan’s nomination to force the administration to concede that it doesn’t have the right to use drones to kill noncombatant Americans on U.S. soil.) And government officials, as well as their surrogates on security issues, are actively trying to squash expectations that the administration would agree to bring the judicial branch into the oversight mix. Indeed, judicial review of any piece of the program is largely off the table now, according to intelligence officials and committee members.

Under discussion within the administration and on Capitol Hill is a potential program takeover by the Pentagon, removing the CIA from its post-9/11 role of executing military-like strikes. Ostensibly, that shift could help lift the secret-by-association-with-CIA attribute of the program that some officials say has kept them from more freely talking about the legitimate military use of drones for counterterrorism operations. But such a fix would provide no guarantee of greater transparency for the public, or even Congress.

And if the administration is not willing to share with lawmakers who are security-cleared to know, it certainly is not prepared to engage in a sensitive discussion, even among allies, that might begin to set the rules on use for a technology that could upend stability in already fragile and strategically significant places around the globe. Time is running out to do so.

### China---No Impact to Drones

#### No impact to Chinese drones---their ev is irrational media hype

Trefor Moss 13, journalist for The Diplomat covering Asian politics, defense and security, formerly Asia-Pacific Editor at Jane’s Defence Weekly, 3/2/13, “Here Come…China’s Drones,” The Diplomat, http://thediplomat.com/2013/03/02/here-comes-chinas-drones/?print=yes

Unmanned systems have become the legal and ethical problem child of the global defense industry and the governments they supply, rewriting the rules of military engagement in ways that many find disturbing. And this sense of unease about where we’re headed is hardly unfamiliar. Much like the emergence of drone technology, the rise of China and its reshaping of the geopolitical landscape has stirred up a sometimes understandable, sometimes irrational, fear of the unknown.

It’s safe to say, then, that Chinese drones conjure up a particularly intense sense of alarm that the media has begun to embrace as a license to panic. China is indeed developing a range of unmanned aerial vehicles/systems (UAVs/UASs) at a time when relations with Japan are tense, and when those with the U.S. are delicate. But that hardly justifies claims that “drones have taken center stage in an escalating arms race between China and Japan,” or that the “China drone threat highlights [a] new global arms race,” as some observers would have it. This hyperbole was perhaps fed by a 2012 U.S. Department of Defense report which described China’s development of UAVs as "alarming."

That’s quite unreasonable. All of the world’s advanced militaries are adopting drones, not just the PLA. That isn’t an arms race, or a reason to fear China, it’s just the direction in which defense technology is naturally progressing. Secondly, while China may be demonstrating impressive advances, Israel and the U.S. retain a substantial lead in the UAV field, with China—alongside Europe, India and Russia— still in the second tier. And thirdly, China is modernizing in all areas of military technology – unmanned systems being no exception.

### AT: South China Seas

#### US will always deter China---even if they acted it would only cause a diplomatic fuss

Vu Duc ‘13 "Khanh Vu Duc is a Vietnamese-Canadian lawyer who researches on Vietnamese politics, international relations and international law. He is a frequent contributor to Asia Sentinel and BBC Vietnamese Service, "Who's Bluffing Whom in the South China Sea?" www.asiasentinel.com/index.php?option=com\_content&task=view&id=5237&Itemid=171

Conversely, China would find an increased American presence unacceptable and a nuisance. Of course, **neither country is likely to find itself staring down the barrel of the other's gu**n. China's plans for the region would undoubtedly be under greater American scrutiny if Washington decides to allocate more assets to Asia-Pacific.

For the US, returning in force to Asia-Pacific would prove to be a costly endeavour, resources the country may or may not be able to muster. Yet, even if this is true, Washington's calculations may determine that the security risk posed by China in the region outweighs whatever investment required by the US.

China's dispute with Japan over the Senkaku/Diaoyu Island, however heated, will prove to be a peripheral issue with respect to China's dispute with the several claimant states over the Spratlys. Ultimately, it is not improbable that China would seize one or several of the Spratlys under foreign control as a means to demonstrate its resolve in the disputes and the region; but to do so is to engage in unnecessary risk. The consequences stemming from such action are too great for Beijing to ignore.

**Although it is unlikely that China's neighbors would be able to mount more than a diplomatic protest**, the fuss deriving from such an incident could prove more burdensome for China than it is willing to risk. The real consequence for China of any and all conflict in the region is and has always been an American intervention. As is, it would benefit Beijing to seek a peaceful, mutually agreed upon resolution, rather than brute force.

# 2NC

## Self-Defense DA

### Turns the Case General---2NC

#### Actually using self-defense as the sole justification for killings outside conflict zones would be a massive expansion of Article II authority

Jack Goldsmith 13, the Henry L. Shattuck Professor at Harvard Law School, 5/28/13, “Eight Thoughts on the Broad Reading of Article II Inherent in Bobby’s Conjecture,” http://www.lawfareblog.com/2013/05/eight-thoughts-on-the-broad-reading-of-article-ii-inherent-in-bobbys-conjecture/

First, I agree with Bobby’s implication that we are on the road toward post-AUMF uses of military force around the globe justified entirely on the basis of self-defense and the President’s Article II powers. Self-defensive military actions based on Article II are (I think) what Jeh Johnson was talking about when he referred to “military assets available in reserve to address continuing and imminent [extra-AUMF] terrorist threats” and what Harold Koh meant when he said “I see no proof that the U.S. lacks legal authority to defend itself against those [beyond the AUMF] . . . who pose to us a genuine and imminent threat,” and what the President probably had in mind when he said that “[o]ur systematic effort to dismantle terrorist organizations must continue” even after the AUMF-war ends.

Second, it would be an unprecedented expansion of Article II authority if the scope and scale of current military and paramilitary operations outside Afghanistan today were justified under Article II. I agree with Bobby that these actions, considered individually, have the same form as the Article II actions under Clinton and Reagan. But as Bobby suggests, organizational and technological innovations, and the global expansion of the threat, mean that the scope and scale of these operations are different in kind from the pre-9/11 context. It would be quite a formalism to say that war on the scale now being waged by the USG is justified on the basis of the same power that President Clinton exercised in 1998. Put another way: In substance it would take a different and broader conception of Article II to justify continuous war on this scale.

#### This is net offense---it makes the plan look like a disingenuous legal trick, and self-defense would justify a more expansive global battlefield than current doctrine because of the administration’s expansive definition of ‘imminent threat’

Jack Goldsmith 13, the Henry L. Shattuck Professor at Harvard Law School, 5/28/13, “Eight Thoughts on the Broad Reading of Article II Inherent in Bobby’s Conjecture,” http://www.lawfareblog.com/2013/05/eight-thoughts-on-the-broad-reading-of-article-ii-inherent-in-bobbys-conjecture/

Third, Ben asks: “[H]ow do we feel about what we might term a militarily active peace—that is, a peace in which drone strikes and special forces operations take place regularly, a peace that is so minimally different from warfare that nobody (except Bobby) even noticed that we had transitioned from wartime to peacetime?” As Ben implies, if Bobby is right, the Obama administration’s post-AUMF “peace” or “no more war” trope should not be taken too seriously. It would be little more than a (domestic law) legalistic trick to say that we are not at “war” if we are regularly exercising the use of force around the globe, albeit in pinpoint fashion, just because the President would be acting in self-defense under Article II rather than pursuant to an AUMF. We are currently engaged in numerous and manifold military and paramilitary and intelligence operations in many countries outside Afghanistan (see Mark Mazzetti’s book for a recent description). The scale and persistence of the operations means that many of them would amount to “armed conflicts” even if they were justified as self-defense. And with some caveats about Obama administration practice below, they should (when conducted by DOD) at a minimum trigger at least the reporting provisions (and perhaps more) under the War Powers Resolution.

Fourth, the stealth self-defensive war that Bobby describes and that I think the administration envisions in a post-AUMF world is even less bounded than the AUMF-war in this sense: force can be used wherever a threatening group meets the (slippery-at-best and auto-interpreted) “imminent threat” threshold, as long as the nation in question consents or is unwilling or unable to prevent the threat. The Article II war, unlike the AUMF war, requires no nexus to al Qaeda or its associates.

#### The availability of self-defense as a justification means the plan legally precludes zero targeted killings outside zones of hostilities

Jack Goldsmith 13, the Henry L. Shattuck Professor at Harvard Law School, 5/28/13, “Eight Thoughts on the Broad Reading of Article II Inherent in Bobby’s Conjecture,” http://www.lawfareblog.com/2013/05/eight-thoughts-on-the-broad-reading-of-article-ii-inherent-in-bobbys-conjecture/

Bobby’s post from Friday argued that “the current shadow war approach to counterterrorism doesn’t really require an armed-conflict predicate–or an AUMF, for that matter.” Bobby’s point is that most if not all of the USG’s current uses of force outside Afghanistan could in theory continue even if the armed conflict against al Qaeda ended. This is because, as Bobby says, the administration’s “imminent threat” constraint outside hot battlefields – which has allowed quite a lot of lethal force to be used in many nations – “is at least as restrictive as the boundaries of the self-defense model developed during the Reagan and Clinton years.” When these factors are combined with technological innovations (drones and the like) and the global dispersion of the threat, Bobby concludes:

In short, the practical constraints on using force in self-defense have been removed, and if we find ourselves once more without a claim of armed conflict to support uses of force, we may well discover as a result that the pre-9/11 legal model is much less constraining than commonly assumed. Indeed, one might conclude that there is nothing currently done outside of Afghanistan by way of targeting under the color of the law of armed conflict that could not be done under color of the pre-9/11 self-defense model.

### Turns Drone Norms---2NC

#### That turns drone norms---crushes sovereignty and enables every repressive state to cite it as precedent and continue their aggressive drone practices

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

Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice.¶ Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder.¶ Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter, 43 or in self-defense "in the event of an armed attack."¶ The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. ¶ It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem.¶ This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an illdefined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

### Turns Congress---2NC

#### This also turns all their arguments about Congress being key to a clear signal---self-defense authority’s even more lacking in oversight and transparency

Jack Goldsmith 13, the Henry L. Shattuck Professor at Harvard Law School, 5/28/13, “Eight Thoughts on the Broad Reading of Article II Inherent in Bobby’s Conjecture,” http://www.lawfareblog.com/2013/05/eight-thoughts-on-the-broad-reading-of-article-ii-inherent-in-bobbys-conjecture/

Fifth, if it continues at anything like its current scale in a post-AUMF world, war based on Article II would be in even more need of congressional oversight and transparency than the AUMF war – especially in light the unboundedness described above, the Armed Services Committee’s apparent cluelessness about how DOD interprets its authorities today, and the Obama-era innovations of classified annexes to War Powers Resolution reports and the potential exclusion of many drone attacks from the WPR framework altogether. The revised AUMF that Bobby, Ben, Matt, and I proposed was designed precisely to bring accountability and oversight to such an extra-AUMF war. We have been criticized for wanting to expand the “war.” That was not our intention, for we assumed that the “war” would continue beyond the AUMF in any event and aimed to bring more accountability and oversight to it. Whether one likes our proposal or not, the nation must find some framework that interjects Congress into reviewing and approving the forthcoming self-defensive extra-AUMF Article II war. (A good place to begin, and indeed a book devoted in large part to establishing a congressional legal framework to check unilateral self-defensive presidential uses of force, and excessive reliance on covert action, is Harold Koh’s The National Security Constitution.)

Sixth, between the Obama administration’s very expansive conception of “associated forces” (on display in the Armed Services Committee a few weeks ago) and its broad conception of an “imminent threat” that would justify the exercise of Article II uses of force, one can understand why the Executive branch is comfortable with its current authorities and does not want to change them, especially since the administration is allergic to military detention that a revised AUMF might (but needn’t) entail.

### Turns Europe

#### Invoking self-defense destroys solvency---it’s a strong point of contention and backlash against US TKs

Afsheen John Radsan 12, Professor, William Mitchell College of Law, Assistant General Counsel at the Central Intelligence Agency from 2002 to 2004; and Richard Murphy, the AT&T Professor of Law, Texas Tech University School of Law, 2012, “The Evolution of Law and Policy for CIA Targeted Killing,” Journal of National Security Law & Policy, Vol. 5, p. 439-463

Suppose, following bin Laden's death, that the American conflict with al Qaeda becomes sporadic and is no longer plausibly characterized as an armed conflict. To address threats in the absence of armed conflict, Kenneth Anderson contends that the United States may strike terrorists based on a "self-defense" paradigm. In apparent opposition, Article 2(4) of the U.N. Charter declares that Member States must "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." This language seems to bar the use of force in self-defense. To avoid this absurdity, Article 51 adds that nothing in the Charter shall "impair the inherent right of . . . self-defense if an armed attack occurs against a Member of the United Nations." As Anderson is quick to note, "self-defense is one of the most contested issues in public international law.""1 Still, he observes that the United States has long taken the view that it may resort to interstate force to respond to a hostile act, to preempt imminent use of force, or to respond to a continuing threat." Self-defense is not, of course, a license to unlimited violence; it could not justify dropping a nuclear bomb on bin Laden's compound. Rather, customary law insists on "necessity and proportionality," and, in applying these standards, decisionmakers should regard IHL's parallel standards as "highly persuasive."33

As Anderson surely expected, his argument for self-defense outside armed conflict has elicited strong criticism. Critics have called his self-defense justification, at least in its more aggressive form, "convoluted and hard to sustain." 4 These critics emphasize the requirement of an imminent threat. Alston, for example, describes the claim that states may strike preemptively to block uncertain, non-imminent attacks as "deeply contested and lackfing] any basis in international law."35 Alston further contends that Anderson’s views “reflect an unlawful and disturbing tendency” to permit violations of international law and “impermissibly conflate jus ad bellum and jus ad bello.”36 Alston opposes anything that tends toward illegal reprisals.

### AT: It’s Policy Now

#### There’s a difference between POLICY and LEGALITY --- even if the plan is being done now, codifying it as law is a huge distinction --- Obama would fear it could disrupt the WOT --- proves he shifts

Geoffrey Corn 9-30, The Presidential Research Professor of Law at South Texas College of Law, Lieutenant Colonel (Retired), U.S. Army, was formerly the Army’s senior law of war expert advisor, 9/30/13, “Debate (Round 1): The Military Component of Counter-Terror Operations,” <http://justsecurity.org/2013/09/30/military-component-counter-terror-operations/>

Twelve years after the September 11th terrorist attacks, however, highly informed experts both within and outside the government call into question the continuing validity of this characterization. Within the U.S. government, the debate has largely shifted from if the struggle against al Qaeda may properly be classified as an armed conflict, to whether that classification remains factually supportable. The President’s own statements that al Qaeda ‘core’ has been decimated and that U.S. actions have disabled its capacity to conduct large scale attacks on U.S. interests have fueled this debate. Additional uncertainty has resulted from administration statements regarding its policy towards executing future operations against al Qaeda. Some argue that recent administration statements regarding operations conducted beyond the geography of the ongoing hostilities in Afghanistan indicate a transition from conduct of hostilities to law enforcement norms: limiting attacks to high ranking al Qaeda officials based on a determination of imminent threat and employing deadly combat power only after exhausting less hostile means. However, these arguments misconstrue statements of policy restraint for declarations of a shift in legal interpretation. ¶ The imposition of policy-based constraints on LOAC authorities is certainly unremarkable. This is a routine process that occurs at every level of military operations – strategic, operational, and tactical – normally reflected in mission specific rules of engagement. However, the President and his administration have not always been clear on the basis for the self-imposed limitations on attack authority. This has only served to fuel arguments that continuing to classify counter-terror military operations against al Qaeda is simply invalid. ¶ But beyond the interesting debate over whether transnational armed conflict is or is not consistent with the 1949 law triggering articles of the Conventions, it is equally important to assess the pragmatic merit of treating the struggle with al Qaeda as an armed conflict. This assessment must begin with a candid acknowledgment of the binary legal authority framework applicable to any government response to a terrorist threat. Outside the context of armed conflict, government forces – to include military forces – must conduct operations pursuant to rules that comply with a pure human rights based response framework. This means that the methods and means used to disable the transnational terrorist threat must mirror those utilized in normal peacetime law enforcement operations: deadly force may only be employed in response to an imminent threat of death or grievous bodily harm, deadly force may employed only as a measure of last resort, and captured terrorist operatives must be promptly charged and brought to trial before a civilian criminal court, and released if prosecution is not feasible or trial results in acquittal. As noted above, LOAC based response authority is far more robust. ¶ This binary operational response framework arguably reveals why the United States has and continues to characterize the struggle against al Qaeda as an armed conflict: the nature of the threat—an organized, militarily armed and trained force under the direction and control of hostile leadership that had engaged in a series of escalating deadly attacks—cannot be efficiently and effectively addressed pursuant to a pure law enforcement legal framework. According to both Presidents Bush and Obama (and perhaps even Clinton, although not nearly as the result of overt evidence), al Qaeda was and remains a threat at a level of organization, capability, and magnitude justifying this conclusion. Both the legislative and judicial branches have endorsed this conclusion. Furthermore, the transnational nature of the threat and its process of ‘metastycizing’ by expanding to affiliates in areas beyond it’s original safe haven in Afghanistan necessitate an expansive geographic scope of operations in order to ‘take the fight’ to the enemy and deny the enemy functional geographic safe haven. ¶ Reverting back to a pure law enforcement response will therefore seriously undermine the efficacy of U.S. counter-terror operations, and is not, at this juncture, legally compelled. While it is almost certainly true that an enemy like al Qaeda will never be brought to total submission in the way a more conventional enemy can be, it is also clear that the meaning of ‘defeat’ in the context of counter-terror operations – the ultimate military objective when fighting any enemy – is not analogous to the meaning of that term when fighting a conventional enemy. Defeat of a terrorist threats, like that posed by al Qaeda, is normally achieved by disrupting and disabling the efficacy of their operations, not be destruction of all capability. Indeed, a disruptive effect is likely the only feasible operational and strategic objective a state can hope to achieve against such a threat (consider the Israeli experience as an example). ¶ Maximizing operational and tactical flexibility to strike high value terrorist targets – command, control, and communications; logistics; training centers; access to weapons – is essential to achieving this disruptive effect. Limiting response authority to law enforcement norms would undermine the ability of the United States to achieve this strategic objective, and would cede the initiative to the terrorist enemy by providing them functional immunity unless and until their efforts to attack the United States and our interests reach a point of law enforcement imminence. While the overall effectiveness of Article III prosecutions for terrorist related offenses indicates that abandoning the armed conflict characterization would be less significant with regard to post capture incapacitation than for pre-capture disruption, there always remains the possibility that a captured terrorist operative cannot be effectively prosecuted. In such cases, should the government possess compelling evidence that the individual represents an ongoing threat of terrorist activities – even if that evidence is incompetent for use at trial – release seems illogical. This, however, would be the result outside the context of armed conflict. ¶ None of this is intended to suggest that the armed conflict characterization makes executing counter-terror operations ‘easier.’ There are and will remain highly complex issues even within this framework, to include how to define terrorist belligerent operative, the permissible geographic scope of counter-terror military operations, when captured operatives should be subjected to trial by civilian courts, where such captives should be detained, and if, when, and why the expanded scope of LOAC attack authority should be restricted as a matter of policy. In our view, the limitations on LOAC authority implemented to date by President Obama do not indicate an inherent invalidity of the armed conflict response framework, but that this response authority must always be adjusted in response to policy, diplomatic, and political considerations. In contrast, a total abandonment of LOAC authority would produce a significant disruptive effect on our counter-terror operations, not on the enemy.

#### Obama would use self-defense in world of the plan

Beau D. Barnes 12, J.D., Boston University School of Law, M.A. in Law and Diplomacy, The Fletcher School of Law and Diplomacy at Tufts University, 2012, “Reauthorizing the 'War on Terror': The Legal and Policy Implications of the AUMF's Coming Obsolescence,” Military Law Review, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2150874&download=yes>

Therefore, the more likely result is that the Executive Branch, grappling with the absence of explicit legal authority for a critical policy, would need to make increasingly strained legal arguments to support its actions.121 Thus, the Obama Administration will soon be forced to rationalize ongoing operations under existing legal authorities, which, I argue below, will have significant harmful consequences for the United States. Indeed, the administration faces a Catch-22—its efforts to destroy Al Qaeda as a functioning organization will lead directly to the vitiation of the AUMF. The administration is “starting with a result and finding the legal and policy justifications for it,” which often leads to poor policy formulation.122 Potential legal rationales would perforce rest on exceedingly strained legal arguments based on the AUMF itself, the President’s Commander in Chief powers, or the international law of self-defense.123 Besides the inherent damage to U.S. credibility attendant to unconvincing legal rationales, each alternative option would prove legally fragile, destabilizing to the international political order, or both.

### General Link---2NC

#### Self-defense justifications would be used on a massive scale in response to the signal that AUMF authority is being constrained

Jack Goldsmith 13, the Henry L. Shattuck Professor at Harvard Law School, 5/28/13, “Eight Thoughts on the Broad Reading of Article II Inherent in Bobby’s Conjecture,” http://www.lawfareblog.com/2013/05/eight-thoughts-on-the-broad-reading-of-article-ii-inherent-in-bobbys-conjecture/

Eighth, perhaps I am overreacting because any post-AUMF self-defensive war would be significantly reduced in scale from the current AUMF-war, perhaps back to the pre-9/11 era scale of rare lethal action combined with criminal process, rendition, and the like. I am pretty sure that commentators who are normally concerned about unilateral Article II power yet who support Article II-based extra-AUMF uses of force envision such force on a very small scale. I envision something on a much broader scale because I envision a persistent threat that requires something longer-term, global, and extensive, and because I have seen no indication that JSOC’s secret global activities – whether base d on the AUMF or on Article II, and whether involving drones, other forms of force, or simply a broadly conceived “preparation of the battlefield” – will wind down anytime soon. In the end, the legitimacy of Article II self-defensive war depends on its scope and scale, and so on this important future fact rests the legitimacy of the approach we seem headed for.

## Drones Adv

### Circumvention

#### Congressional signal alone solves nothing

Douglas Kriner 10, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 81-2

First, in many cases congressional signals will likely **have** only a modest influence on the calculations of the target state at the conflict conduct phase. Uses of force involving the United States are different from most other uses of force occurring in the international system because of the tremendous asymmetric advantages in military capabilities that the United States enjoys over almost every adversary. By the time that the military policymaking process enters the conflict conduct phase, the target state's leader has already decided that his or her interests are best served by refusing to capitulate to American demands, even at the risk of almost certain tactical defeat at the hands of a superior military force. Having made this cost-benefit calculation, congressional signals during the course of a conflict should have only a modest impact on the target state leader's subsequent behavior at the conflict conduct phase." Moreover, the types of states whose leaders are most likely to make this calculation—weak states (including those harboring non-state actors who are the true target of a proposed use of force), failed states, and vulnerable dictatorships—are in many cases very different from most other members of the international community. For these actors, the costs of capitulating to American demands are so high that their cost-benefit calculations should be more impervious to congressional signals.

#### Their comply ev is about the squo --- our Barnes ev on other flow proves he’s complying with AUMF because it is so broad --- doesn’t assume plan.

#### The quantum of information/sliding scale standard solves nothing---it explicitly fails to comply with IHL obligations---nobody thinks it’s a serious constraint---doesn’t establish a clear rule or norm which their ev says is key

Adil Ahmad Haque 12, Associate Professor of Law, Rutgers School of Law, November 2012, “ARTICLE: KILLING IN THE FOG OF WAR,” Southern California Law Review, 86 S. Cal. L. Rev. 63

In his 2012 article, Lieutenant Colonel Geoffrey Corn proposes that a soldier may intentionally kill an individual if the soldier (1) reasonably suspects that the individual is a member of an opposing regular armed force; (2) believes, based on a preponderance of the evidence, that the individual is a civilian directly participating in hostilities; or, (3) believes, beyond reasonable doubt, that the individual is located outside an area of active hostilities but performs a continuous combat function in an organized armed group.110 At first glance, Corn’s proposal seems to resemble my own. In fact, our views are dramatically different.

First, Corn is wrong to think that the required level of certainty that an individual is liable to attack varies with the different legal bases of liability to attack (membership in an armed force, direct participation in hostilities, and continuous combat function). Of course, generally it will prove easier to satisfy the required level of certainty while fighting a uniformed enemy than while fighting a nonuniformed enemy or while targeting individuals based on their present conduct rather than their organizational role. But the required level of certainty remains the same for each category of liability.

Second, the reasonable suspicion and preponderance of the evidence standards that Corn endorses are inadequate. For example, if you are fighting a uniformed enemy but cannot tell whether a particular individual is wearing a uniform (because it is too dark, or the individual is too far, or your view is obstructed) it would be wrong to kill that individual merely because you reasonably suspect that the individual is a uniformed soldier. If you reasonably suspect that individual is liable to attack then you should investigate further. But, if you cannot reasonably conclude or believe the individual is liable to attack, then you must hold your fire.

Similarly, if your unit takes small-arms fire and you see an individual running away, it would be wrong to kill that individual even if it is slightly more probable that the individual fired at you and is retreating from the engagement (activities which would constitute participation in hostilities) than it is that the individual did nothing and is simply fleeing to relative safety. As we saw in Part IV.C, above the minimum threshold of reasonable belief, the required level of certainty must vary with the magnitude of the threat and reflect the moral asymmetry between killing and letting die.

Finally, Corn writes that international law does not clearly permit the use of armed force outside an area of active hostilities or against members of organized armed groups who perform a continuous combat function but are not currently directly participating in hostilities.111 Strangely, Corn does not conclude that states should refrain from such attacks until their legality is clearly established, but instead concludes that such attacks may be carried out if it is beyond reasonable doubt that the targeted individuals perform a continuous combat function.112 Conceptually, Corn is wrong to think that factual certainty can compensate for legal uncertainty. Substantively, Corn offers the wrong argument for the right conclusion. Individuals outside an area of active hostilities generally pose no immediate threat. Based on the arguments of the previous section, we can conclude that such individuals generally may be attacked only if there is conclusive reason to believe that they are liable to be killed. Contrary to Corn’s view, the same high standard applies both inside and outside areas of active hostilities. In particular, this high standard applies to targeted killing operations directed at all low-level and most mid-level insurgents.

#### Obama will fight hard against the plan---their evidence underestimates incentives to preserve power

Dickinson 11—Professor of political science @ Middlebury College. [Dr. Matthew Dickinson (Expert on presidential powers with a PhD from Harvard), “Will You End Up in Guantanamo Bay Prison?,” Presidential Power, December 3, 2011 pg. http://sites.middlebury.edu/presidentialpower/2011/12/03/will-you-end-up-in-guantanamo-bay/

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

#### No chance of enforcement --- delegation, emergencies, info-deficits, and loopholes all prove

Eric Posner 11, the Kirkland and Ellis Professor of Law @ U-Chicago, and Adrian Vermeule, the John H. Watson, Jr. Professor of Law @ Harvard, “The Executive Unbound: After the Madisonian Republic,” Oxford U Press, Feb 16, p. 7-10

Having defined our terms as far as possible, our main critical thesis is that liberal legalism has proven unable to generate meaningful constraints on the executive. Two problems bedevil liberal legalism: delegation and emergencies. The first arises when legislatures enact statutes that grant the executive authority to regulate or otherwise determine policy, the second when external shocks require new policies to be adopted and executed with great speed. Both situations undermine the simplest version of liberal legalism, in which legislatures themselves create rules that the executive enforces, subject to review by the courts. Delegation suggests that the legislature has ceded lawmaking authority to the executive, de facto if not de jure,14 while in emergencies, only the executive can supply new policies and real-world action with sufficient speed to manage events. The two problems are related in practice. When emergencies occur, legislatures acting under real constraints of time, expertise, and institutional energy typically face the choice between doing nothing at all or delegating new powers to the executive to manage the crisis. As we will see, legislatures often manage to do both things; they stand aside passively while the executive handles the first wave of the crisis, and then come on the scene only later, to expand the executive's de jure powers, sometimes matching or even expanding the de facto powers the executive has already assumed. A great deal of liberal legal theory is devoted to squaring delegation and emergencies with liberal commitments to legislative governance. Well before World War I, the Madisonian framework of separated powers began to creak under the strain of the growing administrative state, typically thought to have been inaugurated by the creation of the Interstate Commerce Commission in 1887. For Madisonian theorists, delegation threatened the separation of powers by effectively combining lawmaking and law-execution in the same hands, and emergencies threatened legislative primacy by requiring the executive to take necessary measures without clear legal authorization, and in some cases in defiance of existing law. (We refer to the Madisonian tradition as it has developed over time and as it exists today, not to Madison himself, whose views before the founding were less legalistic than they would become during the Washington and Adams administrations.) As to both delegation and emergencies, Madisonian liberals have repeatedly attempted to compromise with the administrative state, retreating from one position to another and attempting at every step to limit the damage. In one prominent strand of liberal legal theory and doctrine, which has nominally governed since the early twentieth century, delegation is acceptable as long as the legislature supplies an "intelligible principle"15 to guide executive policymaking ex ante; this is the so-called "nondelegation doctrine." This verbal formulation, however, proved too spongy to contain the administrative state. During and after the New Deal, under strong pressure to allow executive policymaking in an increasingly complex economy, courts read the intelligible principle test so capaciously as to allow statutes delegating to the president and agencies the power to act in the "public interest," nowhere defined.'6 Before 1935, the U.S. Supreme Court mentioned nondelegation in dictum but never actually applied it to invalidate any statutes; in 1935, the Court invalidated two parts of the National Industrial Recovery Act on nondelegation grounds;" since then, the Court has upheld every challenged delegation. Subsequently, liberal legal theorists turned to the hope that legislatures could create administrative procedures and mechanisms of legislative and judicial oversight that would enforce legal constraints on the executive ex post, as a second-best substitute for the Madisonian ideal. In American administrative law, a standard account of the Administrative Procedure Act (APA), the framework statute for the administrative state, sees it as an attempt to translate liberal legalism into a world of large-scale delegation to the executive, substituting procedural controls and judicial review for legislative specification of policies. The APA applies to administrative action in a broad range of substantive areas, but does not apply to presidential action, so Congress has also enacted a group of framework statutes that attempt to constrain executive action in particular areas. Examples are the War Powers Resolution, which regulates the presidential commitment of armed forces abroad, the National Intelligence Act, which structures the intelligence agencies and attempts to require executive disclosure of certain intelligence matters to key congressional committees, and the Inspector General Act, which installs powerful inspectors general throughout the executive branch. As to emergencies, starting at least with John Locke's discussion of executive "prerogative," liberal political and constitutional theorists have struggled to reconcile executive primacy in crises with the separation of powers or the rule of law or both. Such questions have become all the more pressing in the twentieth and twenty-first centuries, when a series of wars, economic emergencies, and other crises have multiplied examples in which the executive proceeded with dubious legal authority or simply ignored the laws. Here too, the response has been a series of legal constraints, such as the APA's restrictions on emergency administrative action, and framework statutes such as the National Emergencies Act, which regulates the president's ability to invoke grants of emergency powers granted under other laws. One of our main claims is that these approaches are palliatives that have proven largely ineffective, and that fail to cure the underlying ills of liberal legalism. The same institutional and economic forces that produce the problems of delegation and emergencies also work to undermine legalistic constraints on the executive. The complexity of policy problems, especially in economic domains, the need for secrecy in many matters of security and foreign affairs, and the sheer speed of policy response necessary in crises combine to make meaningful legislative and judicial oversight of delegated authority difficult in the best of circumstances. In emergencies, the difficulties become insuperable—even under the most favorable constellation of political forces, in which the independently elected executive is from a different party than the majority of the Congress. Liberal legalism, in short, has proven unable to reconcile the administrative state with the Madisonian origins of American government. The constitutional framework and the separation-of-powers system generate only weak and defeasible constraints on executive action. Madisonian oversight has largely failed, and it has failed for institutional reasons. Both Congress and the judiciary labor under an informational deficit that oversight cannot remedy, especially in matters of national security and foreign policy, and both institutions experience problems of collective action and internal coordination that the relatively more hierarchical executive can better avoid. Moreover, political parties, uniting officeholders within different institutions, often hobble the institutional competition on which Madisonian theorizing relies.'8 Congressional oversight does sometimes serve purely political functions—legislators, particularly legislators from opposing parties, can thwart presidential initiatives that are unpopular—but as a legal mechanism for ensuring that the executive remains within the bounds of law, oversight is largely a failure. The same holds for statutory constraints on the executive—unsurprisingly, as these constraints are the product of the very Madisonian system whose failure is apparent at the constitutional level. In the terms of the legal theorist David Dyzenhaus, the APA creates a series of legal "black holes" and "grey holes" that either de jure or de facto exempt presidential and administrative action from ordinary legal requirements, and hence from (one conception of) the rule of law.19 The scope of these exemptions waxes and wanes with circumstances, expanding during emergencies and contracting during normal times, but it is never trivial, and the administrative state has never been brought wholly under the rule of law; periodically the shackles slip off altogether.

#### Their ev presupposes that Congress has a mindset favoring restrictions --- they don’t and fiat can’t solve this

Gene Healy 9 (vice president at the Cato Institute) “Reclaiming the War Power” http://object.cato.org/sites/cato.org/files/serials/files/cato-handbook-policymakers/2009/9/hb111-10.pdf

Each of these proposals has the merit of demanding that Congress carry the burden the Constitution places upon it: responsibility for the decision to go to war. The Gelb-Slaughter plan shows particular promise. Although Congress hasn’t declared war since 1942, reviving the formal declaration would make it harder for legislators to punt that decision to the president, as they did in Vietnam and Iraq. Hawks should see merit in making declarations mandatory, since a declaration commits those who voted for it to support the president and provide the resources he needs to prosecute the war successfully. Doves too should find much to applaud in the idea: forcing Congress to take a stand might concentrate the mind wonderfully and reduce the chances that we will find ourselves spending blood and treasure in conflicts that were not carefully examined at the outset. But we should be clear about the difficulties that comprehensive war powers reform entails. Each of these reforms presupposes a Congress eager to be held accountable for its decisions, a judiciary with a stomach for interbranch struggles, and a voting public that rewards political actors who fight to put the presidency in its place. Representative Jones’s Consti- tutional War Powers Resolution, which seeks to draw the judiciary into the struggle to constrain executive war making, ignores the Court’s resistance to congressional standing, as well as the 30-year history of litigation under the War Powers Resolution, a history that shows how adept the federal judiciary is at constructing rationales that allow it to avoid picking sides in battles between Congress and the president. Even if Jones’s Constitutional War Powers Resolution or Ely’s Combat Authorization Act could be passed today, and even if the courts, defying most past practice, grew bold enough to rule on whether hostilities were imminent, there would be still another difficulty; as Ely put it: ‘‘When we got down to cases and a court remanded the issue to Congress, would Congress actually be able to follow through and face the issue whether the war in question should be permitted to proceed? Admittedly, the matter is not entirely free from doubt.’’ It’s worth thinking about how best to tie Ulysses to the mast. But the problem with legislative schemes designed to force Congress to ‘‘do the right thing’’ is that Congress seems always to have one hand free. Statutory schemes designed to precommit legislators to particular procedures do not have a terribly promising track record. Historically, many such schemes have proved little more effective than a dieter’s note on the refrigerator. No mere statute can truly bind a future Congress, and in areas ranging from agricultural policy to balanced budgets, Congress has rarely hesitated to undo past agreements in the pursuit of short-term political advantage. A : 14431$CH10 11-11-08 14:18:58 Page 113 Layout: 14431 : Odd 113 C ATO H ANDBOOK FOR P OLICYMAKERS If checks on executive power are to be restored, we will need far less Red Team–Blue Team politicking—and many more legislators than we currently have who are willing to put the Constitution ahead of party loyalty. That in turn will depend on a public willing to hold legislators accountable for ducking war powers fights and ceding vast authority to the president. Congressional courage of the kind needed to reclaim the war power will not be forthcoming unless and until American citizens demand it.

### Allies Like Drones

#### U.S.-EU anti-terror coop’s locked in, inevitable, and resilient

Sally McNamara 11, Senior Policy Analyst in European Affairs in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation, 3/8/11, “The EU–U.S. Counterterrorism Relationship: An Agenda for Cooperation,” http://www.heritage.org/research/reports/2011/03/the-eu-us-counterterrorism-relationship-an-agenda-for-cooperation

America needs allies to win the war on terrorism. The EU equally accepts that third-party cooperation is necessary to successfully counter Islamist terrorism. A number of EU–U.S. counterterrorism agreements have been reached since 9/11, especially in the areas of information-sharing and terrorist-financing.[28] Two EU–U.S. Declarations on Combating Terrorism have been concluded,[29] and in February 2010, two new treaties entered into force on the central issues of extradition and mutual legal assistance.[30]

But despite an unprecedented display of transatlantic solidarity following the 9/11 terrorist attacks, the EU–U.S. counterterrorism relationship has been marked as much by confrontation as cooperation. The Lisbon Treaty, introduced on December 1, 2009, formally abolished the EU’s pillar structure, which had previously reserved “justice and home affairs” as a purely intergovernmental competence. Post Lisbon, the EU now formally enjoys shared competency with the member states in JHA, and the EU’s role in counterterror policymaking has become truly supra-nationalized. In particular, the European Parliament has enjoyed a huge boost in powers—and it has not been afraid to flex its legislative muscle.

### AT: US-EU

#### EU/US relations resilient

Joyner 11—editor of the Atlantic Council. PhD in pol sci (James, Death of Transatlantic Relationship Wildly Exaggerated, 14 June 2011, www.acus.org/new\_atlanticist/death-transatlantic-relationship-wildly-exaggerated)

The blistering farewell speech to NATO by U.S. defense secretary Robert Gates warning of a "dim, if not dismal" future for the Alliance drew the Western public's attention to a longstanding debate about the state of the transatlantic relationship. With prominent commenters voicing concern about much more than just a two-tiered defensive alliance, questioning whether the U.S.-Europe relationship itself is past its prime, doubts that the Western alliance that has dominated the post-Cold War world are reaching a new high.¶ But those **fears are overblown, and may be mistaking short-term bumps in the relationship for proof of a long-term decline that isn't there.** Gates' frustration with the fact that only five of the 28 NATO allies are living up to their commitment to devote 2 percent of GDP to defense, which has hindered their ability to take on even the likes of Muammar Qaddafi's puny force without American assistance is certainly legitimate and worrying.¶ Though the U.S.-Europe partnership may not be living up to its potential, it is not worthless, and that relationship continues to be one of the **strongest** and most important **in the world**. Gates is an Atlanticist whose speech was, as he put it, "in the spirit of solidarity and friendship, with the understanding that true friends occasionally must speak bluntly with one another for the sake of those greater interests and values that bind us together." He wants the Europeans, Germany in particular, to understand what a tragedy it would be if NATO were to go away.¶ Most Europeans don't see their security as being in jeopardy and political leaders are hard pressed to divert scarce resources away from social spending -- especially in the current economic climate -- a dynamic that has weakened NATO but**, despite fears to the contrary, not the greater Transatlantic partnership.¶** It would obviously have been a great relief to the U.S. if European governments had shouldered more of the burden in Afghanistan. This disparity, which has only increased as the war has dragged on and the European economies suffered, is driving both Gates' warning and broader fears about the declining relationship. But it was our fight, not theirs; they were there, in most cases against the strong wishes of the people who elected them to office, because we asked. We'd have fought it exactly the same way in their absence. In that light, every European and Canadian soldier was a bonus.¶ Libya, however, is a different story. The Obama administration clearly had limited interest in entering that fight - Gates himself warned against it -- and our involvement is due in part to coaxing by our French and British allies. The hope was to take the lead in the early days, providing "unique assets" at America's disposal, and then turn the fight over to the Europeans. But, as Gates' predecessor noted not long after the ill-fated 2003 invasion of Iraq, you go to war with the army you have, not the one you wish you had.¶ The diminished capabilities of European militaries, spent by nearly a decade in Afghanistan, should be of no surprise. NATO entered into Libya with no real plan for an end game beyond hoping the rebels would somehow win or that Qaddafi would somehow fall. That failure, to be fair, is a collective responsibility, not the fault of European militaries alone.¶ But the concern goes deeper than different defensive priorities. Many Europeans worry that the United States takes the relationship for granted, and that the Obama administration in particular puts a much higher priority on the Pacific and on the emerging BRICS (Brazil, Russia, India, China, and South Africa) economies.¶ New York Times columist Roger Cohen recently wrote that this is as it should be: "In so far as the United States is interested in Europe it is interested in what can be done together in the rest of the world." In Der Spiegel, Roland Nelles and Gregor Peter Schmitz lamented, "we live in a G-20 world instead of one led by a G-2."¶ It's certainly true that, if it ever existed, the Unipolar Moment that Charles Krauthammer and others saw in the aftermath of the Soviet collapse is over. But that multipolar dynamic actually makes transatlantic cooperation more, not less, important. A hegemon needs much less help than one of many great powers, even if it remains the biggest.¶ Take the G-20. Seven of the members are NATO Allies: the US, Canada, France, Germany, Italy, the UK, and Turkey. Toss in the EU, and you have 40 percent of the delegation. If they can form a united front at G-20 summits, they are much more powerful than if each stands alone. Add in four NATO Partner countries (Russia, Japan, Australia, and South Korea) and you're up to 60 percent of the delegation -- a comfortable majority for the U.S.-European partnership and its circle of closest allies.¶ Granted, it's unlikely that we'll achieve consensus among all 12 states on any one issue, let alone most issues. But constantly working together toward shared goals and values expands a sense of commonality.¶ And, like so many things, projects end. Indeed, that's generally the goal. The transatlantic military alliance that formed to defeat fascism remained intact after victory; indeed, it expanded to include its former German and Italian adversaries. NATO outlasted the demise of its raison d'être, the Soviet threat, and went on to fight together --along with many of its former adversaries -- in Bosnia, Kosovo, Afghanistan, and Libya. Is there seriously any doubt that other challenges will emerge in the future in which the Americans and its European allies might benefit from working together?

## Norms Adv

### Restraint Fails---2NC

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

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

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

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

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

# 1NR

## Politics

### Turns Case

#### Turns India intervention---collapses economic ties key to India-Pakistan deterrence

#### Turns NATO---econ collapse means EU can’t fund military commitments

#### Turns norms

#### econ collapse increases risk taking because countries have nothing to lose---they’ll lashout aggressively---undermines multilateral institutions and the liberal order that props up norms in the first place---best statistics

1. 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. 213-215
2. 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 a 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. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Feaver, 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). Separately, Pollins (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 behaviour 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 expectations 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.4¶ 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 fabricate external military conflicts to create a 'rally around 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 Kisangani 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.¶ In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.¶ This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

#### Guts credibility of the US---that’s Klein---we can’t influence norms if we’re not the global leader

#### Turns South and East China Seas---creates an incentive to claim the islands for RESOURCES

### Impact

#### Yes econ impact---increases nationalism---their ev doesn’t assume MISCALCULATION AND ACCIDENTS due to increased aggression---that’s Merlini---doesn’t go neg, just an assertion

#### Diverts attention from other issues---compounds their effect on stability---means we don’t have to win collapse directly leads to war

Rothkopf 9 – David Rothkopf, Visiting Scholar at the Carnegie Endowment for International Peace, 3-11, 2009, “Security and the Financial Crisis,” Testimony Before the House Armed Services Committee, CQ Congressional Testimony, lexis

--Threats associated with opportunity costs of the current crisis. In other words if we are directing resources and attention to the current problem, we may be ignoring other important issues. In the case of the U.S., for example, this may be failing to bring our fiscal house in order or address the long- term debilitating costs of an inefficient health care system, or it may mean (as it may in many other countries) failing to devote sufficient attention to issues like global warming which in turn may **have devastating long-term consequences**. Similarly, funds for addressing issues like global poverty, development, or the containment of disease will dry up and the long-term consequences of an erosion of programs in these areas **may be prolonged poverty, stalled growth, a generation without education, and consequent impacts on stability**.

#### Turns terrorism---causes backsliding and protectionism---causes nuclear war

Harris & Burrows 9 Mathew, PhD European History @ Cambridge, counselor of the U.S. 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

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.

### Internal Link

#### Klein is great and reverse causal---without immigration, heg will collapse and growth is impossible because of declining birth rates and lack of innovation

#### Their Wadwha ev is only a snapshot survey of a few people

#### Brink is now---immigration key to reversing brain drain---turns their heg add-on

Guzzi 1/8 Paul, Boston Globe. “Immigration reforms are key to winning the global race for talent,” 2013, http://bostonglobe.com/opinion/2013/01/08/podium-education/FOH9rk3bsRWETK9zXJZnYJ/story.html

US immigration policy has proven inadequate to address the needs of companies competing in a globalized, 21st century economy. There have been numerous failed efforts by both congressional Democrats and Republicans to address the shared goal of reversing the international “brain drain.” This inaction has sent a message to tens of thousands of highly-skilled foreign workers, graduates and entrepreneurs that the United States is closed for business. However, a path forward for such immigration reform has begun to unfold in recent weeks.

### AT: Berman

#### It’ll pass---Clift says the GOP is more likely to compromise because they’re bruised from the shutdown---Obama’s exploiting this opportunity---independently conceded MOMENTUM warrant, that only PC builds---that’s Epstein

#### Their Berman evidence is quoting a Republican, who obviously has incentive to say it won’t pass---it only cites Cantor’s agenda, not Obama’s

#### There IS a window

Byron York, chief political correspondent for Washington Examiner, 10-25-2013, “Next on Obama's agenda,” Trib Live, http://triblive.com/opinion/featuredcommentary/4924091-74/reformers-immigration-bill

But that doesn't keep immigration reformers from trying — and hoping. “There is still a window,” says one House GOP aide involved in crafting a reform proposal. “The leadership has said keep working on it and see what you can do.” Republican immigration proponents have been quietly talking to GOP members throughout even the craziest days of the shutdown and default fights. They report some progress. Yes, the most conservative House Republicans are mostly against them. But those with a libertarian bent are more open to the cause. The aide says reformers have had good meetings “with a few of those guys who were with Ted Cruz at Tortilla Coast,” referring to the House conservatives who met with the Texas senator at a Washington, D.C., restaurant and ended up holding out longest against a deal to end the shutdown. But the problem for reformers is not the fractiousness of House Republicans, although that doesn't help. The problem is that the reformers have never found a way to balance the border security demands of conservatives with the reformers' demand for quick legalization of the 11 million-plus immigrants currently in the United States illegally. The conservatives must have security first, and then legalization (and even then, some won't ever support reform). The reformers won't wait until security is in place before starting legalization. The Senate papered over the problem by throwing billions of dollars at border security in the final rush to pass the Gang of Eight bill. But that didn't make the Gang's solution any more attractive to House conservatives. “I think there would be overwhelming opposition from within the ranks to going to conference with the Gang of Eight bill,” one conservative House member said in an email. But the reformers, led by Obama, are still trying. They have the Senate bill in their pocket. They have nearly unanimous Democrat support plus a significant number of Republicans. They have the support of powerful interest groups. And they have money. At a recent Congressional Hispanic Conference meeting, Democrat Rep. John Yarmuth of Kentucky noted that the forces of comprehensive immigration reform include vastly wealthy businesses willing to spend big to win. And the other side? “There is no money on the other side of the issue,” Yarmuth said. An initiative with that much money and that much clout behind it can never be dismissed.

#### GOP is weak and pressure is building --- reject their evidence

David Leopold 10/24/13, immigration attorney and past general council at the American Immigration Lawyers Association, “Immigration Reform Is Alive and Kicking on Capitol Hill,” Huffington Post, <http://www.huffingtonpost.com/david-leopold/immigration-reform-is-alive_b_4136478.html>

As it turns out, reports of the death of immigration reform were greatly exaggerated. Rep. Mario Diaz-Balart (R-Fla.), Rep. Darrell Issa (R-Calif.) and other House Republicans and Democrats are reportedly working on various immigration plans, some of which, including a bill to be released next week by Issa, deal with the toughest issue of all -- what to do about the nation's 11.7 million undocumented immigrants. And Speaker John Boehner (R-Ohio) says that immigration reform could get to the floor of the House before the end of the year.¶ Is common sense breaking out on Capitol Hill? That might be too much to ask for. But at least the GOP leadership seems to be taking a hard look at political reality.¶ Here are four big reasons why an immigration overhaul is likely to happen by the end of the year:¶ 1. Immigration reform is a political win-win for Democrats and Republicans.¶ I can't say that either the Democrats or Republicans came out of last week's shutdown and debt limit brinksmanship looking good to the American people, but the whole debacle hurt the Republicans much more. A recent NBCNews/Wall Street Journal poll found that the public blames the GOP more than President Obama by 53 percent to 31 percent, a 21 point margin. And approval ratings for the Republican party are at an all-time low -- never before in the history of polling have the numbers shown such blatant disappointment.¶ Immigration reform gives the Republicans a unique opportunity to do something big, to reach across the aisle and work with House Democrats to pass real immigration reform either in a comprehensive package or as a series of bills that ultimately have a chance to fix what's wrong with our immigration system. It would be a colossal mistake for the House GOP not to seize the chance to lead on immigration reform. The American people want it, the country needs it, and it's a pathway to political redemption for the badly bruised Republican party.¶ 2. The immigration reform coalition is unified and ready to make the final push.¶ A broad coalition of business, labor, faith-based and ethnic groups are full of energy and ready to finish the job the Senate started in the spring. In the midst of the combined "shutdown and debt ceiling" crisis, thousands of Americans descended on Washington to join the "March for Dignity and Respect." Eight members of Congress, including civil rights icon John Lewis (D-Ga.), joined together in an historic act of civil disobedience and were arrested near the steps of the Capitol in a show of solidarity with the immigration reform movement. As Rep. Charles Rangel (D-N.Y.) wrote recently in his The Huffington Post column "Why I Went To Jail":

#### Tea Party’s weakened---empowers GOP moderates who’re open to reform

Robert Creamer 10-25, political organizer and Partner, Democracy Partners, 10/25/13, “Four Reasons Why Shutdown Battle Increases Odds of Passing Immigration Reform,” http://www.huffingtonpost.com/robert-creamer/four-reasons-why-shutdown\_b\_4162829.html

Yesterday, President Obama renewed his own push for passage of comprehensive immigration reform with a pathway to citizenship.

Portions of the pundit class continue to believe the immigration reform is barely hanging on life support. In fact, in the post-shutdown political environment, there are four major reasons to believe that the odds of Congressional passage of immigration reform have actually substantially increased:

Reason #1. The extreme Tea Party wing of the Republican Party has been marginalized. That is particularly true when it comes to the efficacy of their political judgment. For those Republicans who want to keep the Republican Party in the majority - or who occupy marginal seats and hope to be reelected -- it's a safe bet that fewer and fewer are taking political advice from the likes of Ted Cruz.

The Republican Party brand has sunk to all-time lows. In a post-shutdown Washington Post-ABC News poll, the percentage of voters holding unfavorable views of the Republican Party jumped to 67 percent. Fifty-two percent of the voters hold the GOP responsible for the shutdown, compared with only 31 percent who hold President Obama responsible.

And, of course, far from achieving their stated goal of defunding ObamaCare, they basically got nothing in exchange for spending massive amounts of the Party's political capital.

Increasingly, many Republicans have come to the view that taking political advice from the Tea Party crowd is like taking investment advice from Bernie Madoff.

And many Republicans are coming to realize that hard-core opponents of immigration reform like Congressmen Steve King and Louie Gohmert are just not attractive to swing voters - especially not to suburban women. The fear of being tainted by the Tea Party has grown among moderate Republicans and those in marginal districts.

All of that has lessened the extremist clout within the GOP House caucus.

And it should also be acknowledged that the "shutdown the government - to hell with the debt ceiling" crowd is not entirely the same as the "round up all the immigrants" gang. Immigration reform has a good deal of support among Evangelical activists that might share Tea Party tendencies on other issues. That's also true among a growing group of economic libertarians.

The business community provides most of the money to fuel the Republican political machine. And the business community - which very much wants comprehensive immigration reform (along with the Labor movement) - is furious with the Tea Party wing and is more ready than ever to challenge them - especially on immigration.

Yesterday's Wall Street Journal reports that:

Some big-money Republican donors, frustrated by their party's handling of the standoff over the debt ceiling and government shutdown, are stepping up their warnings to GOP leaders that they risk long-term damage to the party if they fail to pass immigration legislation.

Some donors say they are withholding political contributions from members of Congress who don't support action on immigration, and many are calling top House leaders. Their hope is that the party can gain ground with Hispanic voters, make needed changes in immigration policy and offset some of the damage that polls show it is taking for the shutdown.

#### None of this means uniqueness overwhelms---the GOP could still screw it up

Robert Creamer 10-25, political organizer and Partner, Democracy Partners, 10/25/13, “Four Reasons Why Shutdown Battle Increases Odds of Passing Immigration Reform,” http://www.huffingtonpost.com/robert-creamer/four-reasons-why-shutdown\_b\_4162829.html

Bottom line: there is every reason for the GOP leadership to make the decision that it needs to give a comprehensive immigration bill with a path to citizenship an up or down vote on the House floor. If they do, the bill will pass. That would provide Republicans with a good example of bipartisan problem-solving for independent voters, avoid the political risks of mobilizing an incensed, increasingly Democratic Hispanic voting block, please GOP business supporters and -- according to independent economists -- boost economic output over the next two decades by about a 1.4 trillion dollars while reducing the federal deficit by almost a trillion.

You'd think this would be a no-brainer for the GOP. Could they be so stupid? Given the events of the last month, who knows? But even a mouse figures out how to find its way out of a maze after it has banged its head into the wall enough times. Now let's see if that's true of elephants.

### AT: Boehner

#### The shutdown damaged the GOP brand; Boehner is vulnerable to pressure that the GOP is obstructionist – and he’ll allow a vote to restore the party’s image, which is crucial before midterm elections

#### Here’s ev

**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.

#### Boehner will compromise because of Obama’s political strength – even if this means a series of piecemeal bills, the final package will be similar enough to CIR

**MacGillis, 10/24/13** - New Republic senior editor (Alec, “Seven Reasons To Stop Being Fatalistic About Immigration Reform” The New Republic, <http://www.newrepublic.com/article/115341/immigration-reform-may-actually-pass>)

But the natural optimist in me thinks that the odds for some sort of serious immigration reform happening in the months ahead are better than many realize. A few reasons why, in no particular order:

Boehner has space. To the extent that there was any logic to the Speaker’s letting the government shutdown and debt-ceiling brinkmanship drag out as long as he did, it was that he had strengthened his position with his caucus’s hard-right flank and thereby created some room to maneuver on other fronts. “Boehner’s hold is a little stronger than it was” a few months ago, his near-predecessor as speaker, the lobbyist supreme Bob Livingston, told me when I ran into him at a function Wednesday night.

Well, there is no better opportunity for Boehner to show that this is the case – to retroactively justify a gambit that cost the country billions of dollars – than to press forward with immigration reform. To do that will require more than just casual comments like the one he tossed off Wednesday – it will require making clear that the leadership is serious about this and setting aside time on the calendar for it.

But wouldn’t pushing the issue forward mean once again breaking the not-so-hallowed Hastert Rule, which requires leadership to bring up for a vote only measures supported a majority of the caucus? Well, yes and no. There is increasing talk of taking a piecemeal route in the House – with, among others, one Dream Act-style measure to legalize those who came into the country as minors, one to stiffen border enforcement, one to expand visas for skilled foreign workers, and, yes, one to provide some sort of eventual path to citizenship for illegal immigrants beyond the Dreamers. The latter would not get a majority of House GOP support, but perhaps if brought through in a stream of other measures would not set off the Hastert Rule alarms as loudly. There would remain the question of how to reconcile whatever passed with the comprehensive reform bill already passed by the Senate – House conservatives say they are wary of a conference committee. But the fact remains that there is a conceivable path forward – if Boehner wants to pursue it. “He’s in a much stronger place for himself job-security-wise all around,” says one House Democratic aide.

It’s in the Republicans’ interest. Why would the cautious, conflict-averse Boehner want to put himself through the hassle, even if he does have a path forward? Because, of course, he and so many other leaders of his party and the conservative movement – Paul Ryan, Karl Rove, Grover Norquist – grasp that the party cannot continue be seen as obstructing immigration reform by the country’s growing legions of Hispanic and Asian-American voters. Yes, many of the same leaders were warning the hard-liners in the House and Senate off of the defund-Obamacare government-shutdown path to no avail, but those warnings were highly ambivalent, a matter of tactical disagreement after years in which the leaders had been banging the same anti-Obamacare drum. Whereas in this case the leaders are truly in favor of immigration reform, even if just for reasons of self-preservation.

It’s not Obamacare. This is the other reason why Boehner might be able to push forward on this front: as incendiary an issue as immigration reform has been for many Republican voters in recent years, it’s actually less threatening than the two-headed beast of Obamacare and government spending. For one thing, it predates Obama as an issue – it was fellow Republicans George W. Bush and John McCain who were most identified with the 2007 push. For another, some of the most ardent anti-Obamacare soldiers are in favor of immigration reform to varying degrees, from Idaho Rep. Raul Labrador to border congressmen like New Mexico's Steve Pearce to the evangelical groups that have come out for reform. “In the grand scheme of Republican issues, it just doesn’t match up to Obamacare – that’s health care and Obama. That’s partly because they haven’t yet made it about Obama,” said the House Democratic aide.

Follow the money. Put simply: the pro-reform side has lots of it, the opponents not so much. Again, this is a crucial contrast with the battles over Obamacare, where the Club for Growth, Koch Brothers and the like are spending heavily to thwart the reformers, even to the point of punishing Republican state legislators who dare to contemplate embracing federal funds for Medicaid expansion. In the immigration realm, the big bucks are coming from these guys.

The pro-reform side isn’t giving up. This is the element too often discounted in drawn-out legislative battles: the energy and resolve of the footsoldiers. And it has not abated as much on the pro-reform side as much as the pessimistic Beltway take on the issue would have one think. There are millions of people in this country with a huge stake in this fight, and plenty others who have taken up arms in their support, and not just in the usual places: I was amazed to see several dozen people agitating for reform at the annual Fancy Farm political picnic in far western Kentucky, in August. Advocates have gotten further than ever before – they’ve gotten a bipartisan vote in their favor in the Senate, and they’ve gotten key agreements between the AFL-CIO and Chamber of Commerce and growers and farmworkers in California, among others. They’re not about to give up now. “This is the absolute best opportunity we have to pass reform,” says Angelica Salas, executive director of the Coalition for Humane Immigrant Rights of Los Angeles. “If we were going to leave it to the national pundits, this issue would have died a long time ago, but the reality is that it’s in the hands of the immigration rights movement and people are not going to end the fight until there’s a fix to this cruel situation that we’re living in.”

Obama wants to make it happen. One might think this would be the biggest obstacle for reform, in that Republicans would be unwilling to grant the president a legislative triumph. In fact, Democrats are having to contend with the reverse, a suspicion among many House Republicans that Obama and the Democrats secretly want reform to fail, so that they can keep bludgeoning Republicans with the issue among Hispanic voters. This is hogwash, as far as Obama is concerned: he desperately wants a major achievement in his second term, not least given the troubles that have arisen in implementing his main first-term one. As for the Republicans’ suspicion, there’s an easy way to keep Democrats from using immigration as a wedge issue: voting for a reform package. “It’s a self-fulfilling prophecy,” says the Democratic House aide.

### AT: Intrinsicness

#### Intrinsicness is a voting issue

#### Proves the resolution is insufficient which means they haven’t met their aff burden

#### Kills neg ground because the USFG could take action to solve any disad

### Link

#### Politically valuable---that’s Blank

#### 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).

#### TK restrictions would decimate Obama’s domestic agenda

HUGHES 2/6/13 White House Correspondent—The Washington Examiner [Brian Hughes, Obama's base increasingly wary of drone program, http://washingtonexaminer.com/obamas-base-increasingly-wary-of-drone-program/article/2520787]

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

### AT: Fiat

#### The aff should defend political ramifications from passing the plan in the real world:

#### Key to holistic cost-benefit analysis and most real world

#### Politics disads are good --- they’re key neg ground especially on a broad topic with 4 areas and tons of new affs --- also key to current events education that promotes political engagement

### 2NC---PC Key

#### Political Capital is key to immigration – overcomes barriers to passage

Richard Andrew, 10-25-2013, “Will the GOP Accept Obama’s Peace Offering?” Ring of Fire, http://www.ringoffireradio.com/2013/10/will-gop-accept-obamas-peace-offering/

President Obama is pushing for immigration reform now while the GOP has been knocked on their heels from the government shutdown. Obama is trying to give them a way out by moving a bill that a majority in both congressional chambers can agree to. The operative word here is compromise. Frank Sharry, executive director of America’s Voice, an immigration advocacy group, told NPR “If they want to take advantage of the get-out-of-jail card Democrats have offered them, this would be the perfect opportunity to do it.” There have been huge rallies around immigration since way before the last presidential election. Groups like America’s Voice are going to step up their rallies regardless of what Congress does. Sharry continues with a determined outcry, “We’re going to throw down until they either say ‘yes’ or they make it clear they’re not going to get to yes and then we’ll pivot to try to un-elect them.” That sounds like a determined group. These advocacy groups believe that, after the shutdown debacle , the GOP is ready to show the country that they can govern. NPR reported that after successfully staring down congressional Republicans in the shutdown-debt ceiling fight, President Obama has pivoted to immigration in a move with almost no downside. I have found the enemy and it is us. If President Obama is trying to push for immigration reform, the Tea Partiers will find a way to turn it against him. Sen. Rubio (R-FL), has already begun to turn the blame towards Obama. Rubio said that “The president has undermined this effort, absolutely, because of the way he has behaved over the last three weeks.” Like Rubio, Rep. Raul Labrador (R-ID), also has immigrant parents. The American Prospect reported him as saying, “After the way the president acted over the last two or three weeks where he would refuse to talk to the Speaker of the House … they’re not going to get immigration reform. That’s done.” The President will have to show some strong leadership skills that can drive a wedge between the Tea Party caucus in both Houses and the more moderate Republicans. What would happen if we have a debate about immigration? That would bring the GOP out of the darkness and into the public light and hold the Tea Party’s feet to the fire. That should be the first thing Congress should do to bring about change on the subject of immigration. The president has already alluded to the second point of attack. In a comment he made on Univision last week, he said, “We had a very strong Democratic and Republican vote in the Senate. 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.”

### Norms Adv

#### No risk of drone wars

Joseph Singh 12, researcher at the Center for a New American Security, 8/13/12, “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2eSvaZnfQ

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.

Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the same principles of deterrence, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.

Drones may make waging war more domestically palatable, but they don’t change the very serious risks of retaliation for an attacking state. Any state otherwise deterred from using force abroad will not significantly increase its power projection on account of acquiring drones.

What’s more, the very states whose use of drones could threaten U.S. security – countries like China – are not democratic, which means that the possible political ramifications of the low risk of casualties resulting from drone use are irrelevant. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.

Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.

Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.

Yet, the past decade’s experience with drones bears no evidence of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains fundamentally unaltered despite their arrival in large numbers.

#### No Central Asia war---great powers are cooperating

Gresh 12 (Dr. Geoffrey F., Assistant Professor of International Security Studies at National Defense University, “Russia, China, and stabilizing South Asia”, 3/12, http://afpak.foreignpolicy.com/posts/2012/03/12/russia\_china\_and\_stabilizing\_south\_asia)

As the U.S. begins to withdraw troops from Afghanistan, Russia and China have both declared a desire to increase their military presence throughout Central and South Asia. This new regional alignment, however, should not be viewed as a threat to U.S. strategic national interests but seen rather as concurrent with strategic and regional interests of the United States: regional peace, stability and the prevention of future terrorist safe havens in ungoverned territories. As China and Russia begin to flex their military muscles, the U.S. military should harness their expanded regional influence to promote proactively a new period of responsible multilateral support for Afghanistan and Pakistan. This past December it became clearer that Russia had begun to re-assert its regional presence when the Collective Security Treaty Organization (CSTO) granted Russia the veto power over any member state's future decision to host a foreign military. CSTO members, including Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, have become increasingly valuable U.S. partners in the Northern Distribution Network after Pakistan shut down U.S. military supply routes running from the south into Afghanistan when NATO troops killed 24 Pakistani soldiers last November in the border area of Salala. Though it appears the route may soon open again, the United States must still adopt a new strategy that works more closely with Russia and the CSTO to maintain the Northern Distribution Network long into the future, which currently accounts for about 60 percent of all cargo transiting Central Asia en route to Afghanistan. Certainly, the U.S. risks being unable to control many aspects of the Northern Distribution Network as it withdraws from the region, and this may in turn adversely affect Afghanistan's future success. However, if the United States remains concerned about leaving the region to a historically obdurate regional rival like Russia, it should also bear in mind that Russia has a vital strategic interest in the future stability of the region. Russia has approximately 15 million Muslims living within its borders, with an estimated 2 million Muslims in Moscow. Russia is fearful of what occurs on its periphery and wants to minimize the spread of Muslim extremism that may originate from an unstable Afghanistan or Pakistan. In addition, Russia does not want regional instability that threatens its oil and gas investments. In particular, Russia wants to ensure that it continues to influence the planning and implementation of the potentially lucrative natural gas pipeline that may one day traverse Turkmenistan, Afghanistan, Pakistan, and India. In a recent meeting with Pakistani Foreign Minister Hina Rabbani Khar, Russian Foreign Minister Sergey Lavrov discussed Russia's commitment to preserving peace and stability throughout the AfPak region, and rejected the use of violence by al-Qaeda and its affiliates that aim to undermine the current Afghan government. Furthermore, he pledged to bolster bilateral ties and work cooperatively with Pakistan to achieve stability in Afghanistan. A newly-elected President Vladimir Putin also recently wrote in a campaign brief that "Russia will help Afghanistan develop its economy and strengthen its military to fight terrorism and drug production." It is not lost on the U.S. government that Russia is proposing to succeed where the U.S. has struggled. However, if Russia does succeed in helping establish a secure Afghanistan and Pakistan that can prevent the spread of bases for terrorism then it is a victory for everyone. Aside from Pakistan, and in line with promoting security throughout the region, Russia announced recently that it will provide $16 million to Kyrgyzstan to assist with border security in the south. Russia also agreed recently to pay $15 million in back rent for its four military facilities across the country, including an air base, a torpedo test center on Lake Issyk-Kul, and a communications center in the south. Further, Russia signed a security pact with Tajikistan last fall to extend its basing lease for 49 years, in addition to a bilateral agreement that will enable Russia to become more integrated into Tajikistan's border security forces that oversee an 830-mile border with Afghanistan. Providing similar types of U.S. aid and security support will also help ensure that the valuable Northern Distribution Network remains open and secure for supply lines into Afghanistan. If the northern trade routes are shut down it would adversely affect aid arriving to Afghanistan and therefore jeopardize the stability of Afghanistan and the region. It would also be in opposition to Russia's regional interests. Rather than citing these examples in Kyrgyzstan and Tajikistan as a demonstration of how the U.S. will soon lose out in the region to a resurgent Russia, policymakers can view them as an indication of how Russian interests align with the U.S. to help maintain regional security. More importantly, if Russia wants to take a more active future role in Central Asia, the U.S. should address this shift and work directly with Russia and other CSTO members to ensure that the Northern Distribution Network remains operational in the distant future. Certainly, the U.S. should not be naïve to think that Russia will not at times oppose U.S. regional interests and that there will not be significant areas of conflict. In 2009, Russia tried to convince then President of Kyrgyzstan Kurmanbek Bakiyev to terminate the U.S. contract for its base in Manas. In this case, the U.S. fended off the threat of expulsion successfully through promises of increased U.S. military and economic aid. Continuing to maintain significant amounts of aid to the Central Asia Republics will therefore provide additional incentives to ensure the U.S. is less vulnerable to Russian whims, while at the same time remaining present and active for the benefit of regional security and the maintenance of the Northern Distribution Network. Another powerful regional player, China, also has a vested interest in the stability of the AfPak region, and has already begun to play a more active security role. It was reported this past January, for example, that China intends to establish one or more bases in Pakistan's Federally Administered Tribal Areas. Subsequently, at the end of February, Beijing played host to the first China-Afghanistan-Pakistan trilateral dialogue to discuss regional cooperation and stability. Due to China's shared borders and vibrant trade with both Afghanistan and Pakistan -- not to mention China's estimated 8 million Turkic-speaking Muslim Uyghurs living in western Xinjiang Province -- it has a direct interest in ensuring that both Afghanistan and Pakistan remain stable long into the future. Bilateral trade between China and Pakistan, for example, increased 28 percent in the past year to approximately $8.7 billion. China also signed an oil agreement with Afghanistan in December that could be worth $7 billion over the next two decades. Additionally, China is concerned about the rise of its Uyghur separatist movement that maintains safe havens in both countries, in addition to the spread of radical Islam. The United States should push China to become more actively engaged in Pakistan's security affairs as China has a direct interest in moderating radicalism in Pakistan and keeping it stable. Indicative of Pakistan's strategic value to China, since 2002 China has financed the construction and development of Pakistan's Gwadar deep water port project. China has contributed more than $1.6 billion toward the port's development as a major shipping and soon-to-be naval hub, which is located just 250 miles from the opening of the Persian Gulf. A Pakistan Supreme Court decision in 2011 enabled China to take full control of Gwadar from a Singapore management company further establishing China's firm position in the Pakistani port city. The creation of a new Chinese military network in Pakistan between Gwadar and the FATA would enable China to oversee the transit and protection of Chinese goods and investments that travel from both the coast and interior through the Karakorum corridor to China's Xinjiang Province. China already has an estimated 4,000 troops in Gilgit Baltistan, part of the larger and disputed Kashmir, and just recently it was reported after a January 2012 trip by Pakistani Army Chief General Ashfaq Kayani to China that Pakistan is considering leasing Gilgit Baltistan to China for the next 50 years. Such a move would indeed escalate tensions with India to the south, but from a Pakistani perspective, China would be positioned better than it already is to assist with any future Pakistani national security concerns. And from a Chinese perspective, it would improve their ability to monitor any illicit Uyghur activities aimed at inciting further rebellion in western China. With interest comes responsibility, and in the wake of the recent reports predicting the establishment of a more robust Chinese military network across Pakistan, it is time that China begins to supplement its increased involvement in Pakistan by helping to maintain peace and stability throughout the entire AfPak region. Certainly after fighting two long wars, the United States can no longer be the sole world power responsible for the region, and both China and Russia have been U.S. security free-riders for too long. They have benefited financially while NATO continues to lose soldiers and accrue a massive war debt. After 11 years of war, it is time the United States work more proactively with Russia, China, Pakistan and the Central Asian Republics to create solutions for the future stability and collective security of the region. Indeed, we may not have a choice, and the United States should embrace the transformation of a new era in Eurasia's heartland.

#### Hegemony isn’t key to peace

Fettweis 11 Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the U**nited** S**tates** cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

#### No US-Sino war

Rosecrance et al 10 (Richard, Political Science Professor @ Cal and Senior Fellow @ Harvard’s Belfer Center and Former Director @ Burkle Center of IR @ UCLA, and Jia Qingguo, PhD Cornell, Professor and Associate Dean of School of International Studies @ Peking University, “Delicately Poised: Are China and the US Heading for Conflict?” Global Asia 4.4, <http://www.globalasia.org/l.php?c=e251>)

Will China and the US Go to War? If one accepts the previous analysis, the answer is “no,” or at least not likely. Why? First, despite its revolutionary past, China has gradually accepted the US-led world order and become a status quo power. It has joined most of the important inter-governmental international organizations. It has subscribed to most of the important international laws and regimes. It has not only accepted the current world order, it has become a strong supporter and defender of it. China has repeatedly argued that the authority of the United Nations and international law should be respected in the handling of international security crises. China has become an ardent advocate of multilateralism in managing international problems. And China has repeatedly defended the principle of free trade in the global effort to fight the current economic crisis, despite efforts by some countries, including the US, to resort to protectionism. To be sure, there are some aspects of the US world order that China does not like and wants to reform. However, it wishes to improve that world order rather than to destroy it. Second, China has clearly rejected the option of territorial expansion. It argues that territorial expansion is both immoral and counterproductive: immoral because it is imperialistic and counterproductive because it does not advance one’s interests. China’s behavior shows that instead of trying to expand its territories, it has been trying to settle its border disputes through negotiation. Through persistent efforts, China has concluded quite a number of border agreements in recent years. As a result, most of its land borders are now clearly drawn and marked under agreements with its neighbors. In addition, China is engaging in negotiations to resolve its remaining border disputes and making arrangements for peaceful settlement of disputed islands and territorial waters. Finally, even on the question of Taiwan, which China believes is an indisputable part of its territory, it has adopted a policy of peaceful reunification. A country that handles territorial issues in such a manner is by no means expansionist. Third, China has relied on trade and investment for national welfare and prestige, instead of military conquest. And like the US, Japan and Germany, China has been very successful in this regard. In fact, so successful that it really sees no other option than to continue on this path to prosperity. Finally, after years of reforms, China increasingly finds itself sharing certain basic values with the US, such as a commitment to the free market, rule of law, human rights and democracy. Of course, there are still significant differences in terms of how China understands and practices these values. However, at a conceptual level, Beijing agrees that these are good values that it should strive to realize in practice. A Different World It is also important to note that certain changes in international relations since the end of World War II have made the peaceful rise of a great power more likely. To begin with, the emergence of nuclear weapons has drastically reduced the usefulness of war as a way to settle great power rivalry. By now, all great powers either have nuclear weapons or are under a nuclear umbrella. If the objective of great power rivalry is to enhance one’s interests or prestige, the sheer destructiveness of nuclear weapons means that these goals can no longer be achieved through military confrontation. Under these circumstances, countries have to find other ways to accommodate each other — something that China and the US have been doing and are likely to continue to do. Also, globalization has made it easier for great powers to increase their national welfare and prestige through international trade and investment rather than territorial expansion. In conducting its foreign relations, the US relied more on trade and investment than territorial expansion during its rise, while Japan and Germany relied almost exclusively on international trade and investment. China, too, has found that its interests are best served by adopting the same approach. Finally, the development of relative pacifism in the industrialized world, and indeed throughout the world since World War II, has discouraged any country from engaging in territorial expansion. There is less and less popular support for using force to address even legitimate concerns on the part of nation states. Against this background, efforts to engage in territorial expansion are likely to rally international resistance and condemnation. Given all this, is the rise of China likely to lead to territorial expansion and war with the US? The answer is no.

# 2NR

### UQ

#### All three branches are united in a broad reading of the AUMF’s granted authority

Beau D. Barnes 12, J.D., Boston University School of Law, M.A. in Law and Diplomacy, The Fletcher School of Law and Diplomacy at Tufts University, 2012, “Reauthorizing the 'War on Terror': The Legal and Policy Implications of the AUMF's Coming Obsolescence,” Military Law Review, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2150874&download=yes>

Understanding the reach of the AUMF requires analyzing not just the statute itself, but also its subsequent reception by the other branches of government. In interpreting the statute’s parsimonious language, the executive and judicial branches have engaged in an iterative process which has resulted in the currently accepted broad understanding of those who may be targeted pursuant to the AUMF.

The Bush Administration initially construed broadly membership in the “organizations” that planned the September 11, 2001, attacks. An “enemy combatant,”75 according to the Executive Branch in 2004,

shall mean an individual who was part of or supporting Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces.76

Courts noted that “[u]se of the word ‘includes’ indicates that the government interprets the AUMF to permit the indefinite detention of individuals who never committed a belligerent act or who never directly supported hostilities against the U.S. or its allies.”77 The Supreme Court’s initial tepid response to the Bush Administration’s broad construction came in Hamdi v. Rumsfeld, where the Court held that the AUMF applied to “individuals who fought against the United States in Afghanistan as part of the Taliban, an organization known to have supported the al Qaeda terrorist network responsible for [the September 11, 2001] attacks.”78 The Court specifically acknowledged the AUMF’s nexus requirement, recognizing that it covers only “‘nations, organizations, or persons’ associated with the September 11, 2001, terrorist attacks.”79 Finally, the Court recognized that the detention of AUMF-eligible individuals “for the duration of the particular conflict in which they were captured . . . is so fundamental and accepted an incident of war as to be an exercise of the ‘necessary and appropriate force’” authorized in the AUMF.80 The Court’s decision, however, did not determine the full extent of the AUMF’s scope.81

The Court addressed the AUMF twice more—in Hamdan v. Rumsfeld82 and Boumediene v. Bush83—but neither case fully resolved the issue of the AUMF’s scope. Hamdan held only that the AUMF did not provide a sufficiently clear statement to override Congress’s previous authorization of military commissions through Article 21 of the Uniform Code of Military Justice.84 The AUMF, therefore, did not extend to executive actions that were not specifically included, either in the statute’s text or legislative history. Although some characterized the Court’s ruling as rejecting the Bush Administration’s supposed “blank check” construction of the AUMF,85 the Court actually held the AUMF inapplicable to the case, and therefore the AUMF’s scope was not affected.86 Boumediene similarly elided directly grappling with the AUMF, deciding on jurisdictional grounds only that “§ 7 of the Military Commissions Act of 2006 . . . operate[d] as an unconstitutional suspension of the writ” of habeas corpus.87 Thus, the Supreme Court effectively delegated the task of judicially interpreting the AUMF to the lower courts.

Although the Obama Administration has attempted to rhetorically distance itself from the Bush Administration’s approach—forcibly rejecting, for example, the Bush Administration’s notion of a “global war on terror”88—it has “continued to defend a broad authority to detain suspected al Qaeda and affiliated terrorists based on the law of war.”89 The Obama Administration’s conception of AUMF-covered individuals is persons who were part of, or substantially supported, Taliban or Al Qaeda forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy forces.90

#### The question of legal justification for targeted killings is unique---the administration explicitly locates authority in the AUMF now, and doesn’t employ an inherent Commander-in-Chief justification

Beau D. Barnes 12, J.D., Boston University School of Law, M.A. in Law and Diplomacy, The Fletcher School of Law and Diplomacy at Tufts University, 2012, “Reauthorizing the 'War on Terror': The Legal and Policy Implications of the AUMF's Coming Obsolescence,” Military Law Review, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2150874&download=yes>

Furthermore, the Vesting Clause thesis and all-powerful views of the Commander in Chief Clause have been rejected in large part by the judiciary19 and the current administration.20 Indeed, one significant reason for considering the AUMF to be an actual limit on Presidential power, and a relevant subject for legal analysis, is because that is how the Obama Administration understands the statute. State Department Legal Adviser Harold Koh, in his March 25, 2010, speech to the American Society of International Law, clarified that “as a matter of domestic law” the Obama Administration relies on the AUMF for its authority to detain and use force against terrorist organizations.21 Furthermore, Koh specifically disclaimed the previous administration’s reliance on an expansive reading of the Constitution’s Commander in Chief Clause.22 Roughly stated, the AUMF matters, at least in part, because the Obama Administration says it matters.