# Off

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#### Restrictions are prohibitions on action --- the aff isn’t

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 authorities 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

### 1NC

#### Permanent Iran deal is coming --- it’ll solve prolif and result in real concessions

Golnaz Esfandiari 11/24/13, writer @ Radio Free Europe citing Karim Sadjadpour, an Iran expert @ the Carnegie Endowment for International Peace, and Ali Vaez, senior Iran analyst @ the International Crisis Group, “Road To Permanent Iran Deal Is Long, Time Is Short,” http://www.rferl.org/content/iran-nuclear-deal-analysis-us-obama-eu/25178532.html

...Or Building Block?¶ ¶ But at the end of the day, says Karim Sadjadpour, an Iran expert at the Carnegie Endowment for International Peace, the accord gives Obama room to maneuver. "It helps ensure Obama's two overarching goals vis-a-vis Iran -- don't allow them to get the bomb, and don't bomb them," he says.¶ ¶ Ali Vaez, a senior Iran analyst at the International Crisis Group, concurs, saying there is now separation between Iran’s peaceful and potential military nuclear capabilities. This, he says, virtually eliminates the possibility of Iran dashing to assemble a nuclear weapon without prompt detection and response by the international community.¶ ¶ "Like hurdling track and field, springing over the first obstacle does not guarantee victory," he says. "But without it the race is lost."¶ ¶ Hibbs says both sides have bought six months to deflate tensions and build some trust, although, he notes, that is not a lot of time.¶ ¶ "Iran for the first time in a decade has agreed to suspend the most provocative of its nuclear activities," Hibbs says. "And if both sides can figure out how to match Iranian cooperation with sanctions-lifting, the two sides can create enough space to settle the longer-term issues at the end of the tunnel: how much enrichment, the future of the Arak project, long-term [International Atomic Energy Agency] verification."

#### Obama will sustain sanctions veto but political capital is key

Jim Lobe 12/27, IPS News, “Iran sanctions bill: Big test of Israel lobby power”

<http://www.arabamericannews.com/news/index.php?mod=article&cat=World&article=8046>

WASHINGTON - This week’s introduction by a bipartisan group of 26 senators of a new sanctions bill against Iran could result in the biggest test of the political clout of the Israel lobby here in decades.¶ The White House, which says the bill could well derail ongoing negotiations between Iran and the U.S. and five other powers over Tehran’s nuclear program and destroy the international coalition behind the existing sanctions regime, has already warned that it will veto the bill if it passes Congress in its present form.¶ The new bill, co-sponsored by two of Congress’s biggest beneficiaries of campaign contributions by political action committees closely linked to the powerful American Israel Public Affairs Committee (AIPAC), would impose sweeping new sanctions against Tehran if it fails either to comply with the interim deal it struck last month in Geneva with the P5+1 (U.S., Britain, France, Russia, China plus Germany) or reach a comprehensive accord with the great powers within one year.¶ To be acceptable, however, such an accord, according to the bill, would require Iran to effectively dismantle virtually its entire nuclear program, including any enrichment of uranium on its own soil, as demanded by Israeli Prime Minister Benjamin Netanyahu.¶ The government of President Hassan Rouhani has warned repeatedly that such a demand is a deal-breaker, and even Secretary of State John Kerry has said that a zero-enrichment position is a non-starter.¶ The bill, the Nuclear Weapon Free Iran Act, also calls for Washington to provide military and other support to Israel if its government “is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program.”¶ The introduction of the bill last week by Republican Sen. Mark Kirk and Democratic Sen. Robert Menendez followed unsuccessful efforts by both men to get some sanctions legislation passed since the Geneva accord was signed Nov. 24.¶ Kirk at first tried to move legislation that would have imposed new sanctions immediately in direct contradiction to a pledge by the P5+1 in the Geneva accord to forgo any new sanctions for the six-month life of the agreement in exchange for, among other things, enhanced international inspections of Iran’s nuclear facilities and a freeze on most of its nuclear program.¶ Unable to make headway, Kirk then worked with Menendez to draw up the new bill which, because of its prospective application, would not, according to them, violate the agreement. They had initially planned to attach it to a defense bill before the holiday recess. But the Democratic leadership, which controls the calendar, refused to go along.¶ Their hope now is to pass it – either as a free-standing measure or as an amendment to another must-pass bill after Congress reconvenes Jan. 6.¶ To highlight its bipartisan support, the two sponsors gathered a dozen other senators from each party to co-sponsor it.¶ Republicans, many of whom reflexively oppose President Barack Obama’s positions on any issue and whose core constituencies include Christian Zionists, are almost certain to support the bill by an overwhelming margin. If the bill gets to the floor, the main battle will thus take place within the Democratic majority.¶ The latter find themselves torn between, on the one hand, their loyalty to Obama and their fear that new sanctions will indeed derail negotiations and thus make war more likely, and, on the other, their general antipathy for Iran and the influence exerted by AIPAC and associated groups as a result of the questionable perception that Israel’s security is uppermost in the minds of Jewish voters and campaign contributors (who, by some estimates, provide as much as 40 percent of political donations to Democrats in national campaigns).¶ The administration clearly hopes the Democratic leadership will prevent the bill from coming to a vote, but, if it does, persuading most of the Democrats who have already endorsed the bill to change their minds will be an uphill fight. If the bill passes, the administration will have to muster 34 senators of the 100 senators to sustain a veto – a difficult but not impossible task, according to Congressional sources.¶ That battle has already been joined. Against the 13 Democratic senators who signed onto the Kirk-Menendez bill, 10 Democratic Senate committee chairs urged Majority Leader Harry Reid, who controls the upper chamber’s calendar, to forestall any new sanctions legislation.

#### It’s a war powers fight that Obama wins --- failure commits us to Israeli strikes

Merry 1/1Robert W., political editor of the National Interest, is the author of books on American history and foreign policy “Obama may buck the Israel lobby on Iran” Washington Times, http://www.washingtontimes.com/news/2013/dec/31/merry-obama-may-buck-the-israel-lobby-on-iran/

With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto.¶ It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement.¶ However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control.¶ Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “**an appalling new low in the Israeli government’s grip on the U.S. Congress**.”¶ While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.”¶ That brings us back to Mr. Obama’s veto threat. The American people have made clear through polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars.¶ That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.

#### Obama fights the plan --- losers lose --- that drains political capital

Loomis 7 – Department of Government at Georgetown

(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>)

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, ¶ In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. ¶ Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. ¶ The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.¶ This brief review of the literature suggests how legitimacy norms enhance presidential influence in ways that structural powers cannot explain. Correspondingly, increased executive power improves the prospects for policy success. As a variety of cases indicate—from Woodrow Wilson’s failure to generate domestic support for the League of Nations to public pressure that is changing the current course of U.S. involvement in Iraq—the effective execution of foreign policy depends on public support. Public support turns on perceptions of policy legitimacy. As a result, policymakers—starting with the president—pay close attention to the receptivity that U.S. policy has with the domestic public. In this way, normative influences infiltrate policy-making processes and affect the character of policy decisions.

#### That guarantees Israel strikes

Muhammad 12/31 Askia, citing David Bositis, Vice President and Senior Research Analyst at the Joint Center for Political and Economic Studies, “Obama's burden” <http://www.finalcall.com/artman/publish/National_News_2/article_101094.shtml>

In foreign affairs, the President’s burden is made even more awkward by dug-in opposition by leaders of both parties here in this country. Despite unprecedented breakthroughs on his watch with Syria concerning its stockpile of chemical weapons, and with Iran concerning its nuclear enrichment plans, the Israel-lobby would prefer more saber-rattling **and** possible military action than any peaceful resolution. Other challenges are complicated by some of Mr. Obama’s own decisions.¶ “On the international level,” Dr. Horne explained, “it’s clear that the Obama administration wants to pivot toward Asia, which mean’s China.¶ “But, you may recall, when he first came into office that was to be accompanied by a reset with Russia, because it’s apparent that the United States confronting Russia and China together is more than a notion. And yet, the Obama administration finds itself doing both.¶ “Look at its misguided policy towards Ukraine, for example, where it’s confronting Russia head-on, and its confrontation with China off the coast of eastern China. So, I guess in the longer term, it’s probably evident that the most severe challenge for the Obama administration comes from (the) international situation because as we begin to mark the 100th anniversary of the onset of World War I in 2014, it’s evident that unfortunately the international situation today, in an eerie way, resembles some ways the international situation at the end of 1913.¶ “In the end of 1913 there was a rising Germany, just like there is a rising China. There was a declining Britain, just like there is a declining United States of America, and we all know the rather morbid consequences of World War I, so it is for that reason that I say that I would say that Mr. Obama’s most severe challenge is in the international arena,” said Dr. Horne.¶ “In terms of foreign policy, his wanting to negotiate with Iran about their stopping their nuclear program, almost immediately there were people in the Congress speaking out in public who were totally against everything he wanted to do,” said Dr. Bositis.¶ “There are people who don’t want to put any pressure on Israel about coming to terms with the Palestinians. There are people who are unhappy with what he’s done in terms of Syria,” he said. These stumbling blocks also stand in the way of the President’s ability to deliver on his pre-election promise to close the Guantanamo prison camp where hundreds are being detained, although most have been cleared for release by all U.S. intelligence agencies because they pose no threat to this country. Yet the prisoners languish, some even resorting to hunger strikes because of the hopelessness of their plight, with the U.S. turning to painful force-feeding the inmates to keep them from starving themselves to death.¶ “Change is always hard,” Ms. Jarrett said Mr. Obama told a group of youth leaders recently. “The Civil Rights Movement was hard. People sacrificed their freedom. They went to prison. They got beat up. Look through our history and then look around the world. It’s always hard. You can’t lose faith because it’s hard. It just means you have to try harder. That’s really what drives him every day,” said Ms. Jarrett.¶ And at the end of the day, Mr. Obama remains in control and holding all the “trump cards.”¶ “Remember something,” Dr. Bositis said. “These people can say or make all these claims about Obama, but the fact of the matter is that Obama is president, and he’s going to be president for three more years, and he’s going to have a lot more influence than all of these clowns,” who disparage his leadership.¶ “He’s not going to blink. He learned that lesson. With these guys, they’re like rapists. If you give them an inch, they will own you,” Dr. Bositis concluded.

#### Accesses their Reuveny Israel Strikes impact better than the aff --- faster TF and their internal is empirically denied

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#### 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."

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#### Judicial review would result in all targeted killings being ruled unconstitutional---courts would conclude they don’t satisfy the requirement of imminence for use of force in self-defense

Benjamin McKelvey 11, J.D., Vanderbilt University Law School, November 2011, “NOTE: Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, 44 Vand. J. Transnat'l L. 1353

In the alternative, and far more broadly, the DOJ argued that executive authority to conduct targeted killings is constitutionally committed power. n101 Under this interpretation, the President has the authority to defend the nation against imminent threats of attack. n102 This argument is not limited by statutory parameters or congressional authorization, such as that under the AUMF. n103 Rather, the duty to defend the nation is inherent in the President's constitutional powers and is not subject to judicial interference or review. n104

The DOJ is correct in arguing that the President is constitutionally empowered to use military force to protect the nation from imminent attack. n105 As the DOJ noted in its brief in response, the Supreme Court has held that the president has the authority to protect the nation from "imminent attack" and to decide the level of necessary force. n106 The same is true in the international context. Even though Yemen is not a warzone and al-Qaeda is not a state actor, international law accepts the position that countries may respond to specific, imminent threats of harm with lethal force. n107 [\*1367] Under these doctrines of domestic and international law, the use of lethal force against Aulaqi was valid if he presented a concrete, specific, and imminent threat of harm to the United States. n108

Therefore, the President was justified in using lethal force to protect the nation against Aulaqi, or any other American, if that individual presented a concrete threat that satisfied the "imminence" standard. n109 However, the judiciary may, as a matter of law, review the use of military force to ensure that it conforms with the limitations and conditions of statutory and constitional grants of authority. n110 In the context of targeted killing, a federal court could evaluate the targeted killing program to determine whether it satisfies the constitutional standard for the use of defensive force by the Executive Branch. Targeted killing, by its very name, suggests an entirely premeditated and offensive form of military force. n111 Moreover, the overview of the CIA's targeted killing program revealed a rigorous process involving an enormous amount of advance research, planning, and approval. n112 While the President has exclusive authority over determining whether a specific situation or individual presents an imminent threat to the nation, the judiciary has the authority to define "imminence" as a legal standard. n113 These [\*1368] are general concepts of law, not political questions, and they are subject to judicial review. n114

Under judicial review, a court would likely determine that targeted killing does not satisfy the imminence standard for the president's authority to use force in defense of the nation. Targeted killing is a premeditated assassination and the culmination of months of intelligence gathering, planning, and coordination. n115 "Imminence" would have no meaning as a standard if it were stretched to encompass such an elaborate and exhaustive process. n116 Similarly, the concept of "defensive" force is eviscerated and useless if it includes entirely premeditated and offensive forms of military action against a perceived threat. n117 Under judicial review, a court could easily and properly determine that targeted killing does not satisfy the imminence standard for the constitutional use of defensive force. n118

#### Expansive interpretation of imminence is key to win the entire war on terror---prevents bio and nuclear terrorism

John Yoo 12, Professor of Law, University of California at Berkeley, School of Law; Visiting Scholar, American Enterprise Institute, 2011/12, “Assassination or Targeted Killings After 9/11,” New York Law School Law Review, http://www.nylslawreview.com/wordpress/wp-content/uploads/2011/08/Yoo-56-1.pdf

Imminence is not a purely temporal concept. The concept traces its origins to the 1837 Caroline affair, in which British forces pursued Canadian insurgents into American territory, destroyed a vessel, and killed dozens of U.S. citizens.74 After that incident, the United States and Great Britain agreed in 1841 that a preemptive attack was justified if the “necessity of self-defense [was] instant, overwhelming, leaving no choice of means, and no moment for deliberation.”75 Imminence classically depended on timing. Only when an attack is soon to occur, and thus certain, can a nation use force in preemptive self-defense. What about the magnitude of harm posed by a threatened attack? According to conventional doctrine, a nation must wait until an attack is imminent before using force, whether the attack is launched by a small band of cross-border rebels, as in the Caroline affair, or by a terrorist organization armed with biological or chemical weapons. Terrorist groups today can launch a sudden attack with weapons of devastating magnitude. To save lives, it is now necessary to use force earlier and more selectively.

Imminence as a concept also fails to deal with covert activity. Terrorists deliberately disguise themselves as civilians. Their organizations have no territory or populations to defend, and they attack by surprise. This makes it virtually impossible to use force in self-defense once an attack is “imminent.” There is no target to attack in the form of the army of a nation-state. The best defense will be available only during a small window of opportunity when terrorist leaders become visible to the military or intelligence agencies. This can occur, as in the case of bin Laden, well before a major terrorist attack occurs. Imminence doctrine does not address cases in which an attack is likely to happen, but its timing is unpredictable. Rules of self defense need to adapt to the current terrorist threat.

In addition to imminence, the United States needs to account for the degree of expected harm, a function of the probability of attack times, the estimated casualties, and damage. There is ample justification for factoring this in, just as it ought to be a factor in ordinary acts of self-defense, as when one is attacked with a gun, as opposed to a set of fists. At the time of the Caroline decision in the early nineteenth century, the main weapons of war were single-shot weapons and artillery, cavalry, and infantry. There was an inherent technological limit on the destructiveness of armed conflict.

The speed and severity possible today mean that the right to preempt today should be greater than in the past. Weapons of mass destruction have increased the potential harm caused by a single terrorist attack from hundreds or thousands of innocent lives to hundreds of thousands, or even millions. This is not even counting the profound, long-term destruction of cities or contamination of the environment and the resulting long-term death or disease for large segments of the civilian population. WMDs can today be delivered with ease—a suicide bomber could detonate a “dirty bomb” using a truck or spread a biological agent with a small airplane. These threats are difficult to detect, as no broad mobilization and deployment of regular armed forces will be visible. Probability, magnitude, and timing are relevant factors that must be considered in determining when to use force against the enemy.

## Case

## Solvency

### Circumvention

#### No incentive for Congress to enforce—their author

Judah Druck 12, JD – Cornell Law, 98 Cornell L. Rev. 209

Of course, despite these various suits, Congress has received much of the blame for the WPR's treatment and failures. For example, Congress has been criticized for doing little to enforce the WPR in using other Article I tools, such as the "power of the purse," n76 or by closing the loopholes frequently used by presidents to avoid the WPR [\*221] in the first place. n77 Furthermore, in those situations where Congress has decided to act, it has done so in such a disjointed manner as to render any possible check on the President useless. For example, during President Reagan's invasion of Grenada, Congress failed to reach an agreement to declare the WPR's sixty-day clock operative, n78 and later faced similar "dead-lock" in deciding how best to respond to President Reagan's actions in the Persian Gulf, eventually settling for a bill that reflected congressional "ambivalence." n79 Thus, between the lack of a "backbone" to check rogue presidential action and general ineptitude when it actually decides to act, n80 Congress has demonstrated its inability to remedy WPR violations. Worse yet, much of Congress's interest in the WPR is politically motivated, leading to inconsistent review of presi-dential military decisions filled with post-hoc rationalizations. Given the political risk associated with wartime deci-sions, n81 Congress lacks any incentive to act unless and until it can gauge public reaction - a process that often occurs after the fact. n82 As a result, missions deemed successful by the public will rarely provoke "serious congressional con-cern" about presidential compliance with the WPR, while failures will draw scrutiny. n83 For example, in the case of the Mayaguez, "liberals in the Congress generally praised [President Gerald Ford's] performance" despite the constitutional questions surrounding the conflict, simply because the [\*222] public deemed it a success. n84 Thus, even if Congress was effective at checking potentially unconstitutional presidential action, **it would only act when politically safe to do so.** This result should be unsurprising: making a wartime decision provides little advantage for politicians, especially if the resulting action succeeds. n85 Consequently, Congress itself has taken a role in the continued disregard for WPR enforcement. The current WPR framework is broken: presidents avoid it, courts will not rule on it, and Congress will not enforce it. This cycle has culminated in President Obama's recent use of force in Libya, which created little, if any, controversy, n86 and it provides a clear pass to future presidents, judges, and congresspersons looking to continue the system of pas-sivity and deferment.

#### The Executive will clearly just ignore any application of the WPR to drones

Benjamin R. Farley 12, J.D. with honors, Emory University School of Law, Winter 2012, “ARTICLE: Drones and Democracy: Missing Out on Accountability?,” South Texas Law Review, 54 S. Tex. L. Rev. 385

In contrast, the War Powers Resolution (WPR) governs overt uses of force. n117 The WPR revised the postwar national security system to increase [\*405] congressional supervisory authority and control over overt use of force. n118 Specifically, the WPR was intended "to prevent future ... undeclared creeping wars that start and build before Congress or the public are fully aware" - like Vietnam. n119 The WPR attempts to accomplish this goal by demanding that the President "consult with Congress" in "every possible instance" before introducing U.S. forces into "hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." n120 The President must notify the Speaker of the House and the President pro tempore of the Senate within forty-eight hours of introducing U.S. armed forces into hostilities without a declaration of war. n121 The Resolution then directs the President to withdraw U.S. forces from hostilities sixty days after their introduction in the absence of subsequent congressional approval. n122 Thus, whereas the statutes governing covert action contemplate a regime of assumed congressional accession, the WPR imposes a regime that both presumes Congress will not accede to uses of force and demands affirmative action on the part of Congress to lawfully continue a use of force extending beyond sixty days.

However, the WPR has failed to actually constrain the President's overt use of force. Instead, every president since its enactment has refused to acknowledge its constitutionality. n123 Worse, presidents have treated the sixty-day clock as de facto authorization for the use of U.S. armed forces in hostilities for up to sixty days. When faced with U.S. armed forces engaged in hostilities and the sixty-day clock on the verge of expiration, Congress has provided express authorization for all but two military campaigns since the law's enactment. n124 Even in the two situations where Congress failed to [\*406] authorize U.S. use of force outside of the sixty-day window, the then-Presidents continued existing U.S. operations until completion of the respective campaigns. n125 Finally, President Obama has adopted a definition of "hostilities" that allows the constraints of the WPR to be evaded unless operations "involve sustained fighting or active exchanges of fire with hostile forces, ... the presence of U.S. ground troops, U.S. casualties or a serious threat thereof, or any significant chance of escalation into a conflict characterized by those factors." n126 Based on the history of the Executive Branch's relationship to the WPR, it is unlikely that a future President will adopt a more constraining definition of hostilities than that adopted by President Obama.

### Overt-Covert Double Bind---1NC

#### The WPR explicitly applies to only overt uses of force---covert force is completely legally distinct---means the plan either ends covert drone strikes, or excludes them from the scope of the plan

Benjamin R. Farley 12, J.D. with honors, Emory University School of Law, Winter 2012, “ARTICLE: Drones and Democracy: Missing Out on Accountability?,” South Texas Law Review, 54 S. Tex. L. Rev. 385

Applying this framework to the two statutory schemes governing use of force reveals a clear policy choice by Congress to separate overt use of force from covert use of force, and to exercise greater supervisory accountability for overt use of force than covert use of force. n109 These two statutory schemes - the War Powers Resolution on the one hand, and the National Security Act of 1947 and the Intelligence Authorization Act of 1991 on the other - provide specific authority for the President to use both overt and covert force. n110 They also delimit the roles played Congress and the President when using force overtly and covertly. Whereas the covert use-of-force scheme consists of a broad authorization, light reporting requirements, and limited oversight authority, the overt use-of-force scheme is one of narrow authorization, rigorous reporting requirements, and strong oversight authority. n111 Thus, Congress constructed a system that affords the President greater flexibility in covert uses of force than in overt uses of force.

Despite recent modifications, n112 covert use of force is governed primarily by amendments to the National Security Act of 1947 made by the Intelligence Authorization Act of 1991. n113 Among other requirements, n114 this statutory framework demands that covert action, including covert uses of force, be executed pursuant to a prospectively issued written "finding" determining that the covert "action is necessary to support identifiable foreign policy objectives of the United States." n115 The President must also notify Congress when using covert action. n116

In contrast, the War Powers Resolution (WPR) governs overt uses of force. n117 The WPR revised the postwar national security system to increase [\*405] congressional supervisory authority and control over overt use of force. n118 Specifically, the WPR was intended "to prevent future ... undeclared creeping wars that start and build before Congress or the public are fully aware" - like Vietnam. n119 The WPR attempts to accomplish this goal by demanding that the President "consult with Congress" in "every possible instance" before introducing U.S. forces into "hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." n120 The President must notify the Speaker of the House and the President pro tempore of the Senate within forty-eight hours of introducing U.S. armed forces into hostilities without a declaration of war. n121 The Resolution then directs the President to withdraw U.S. forces from hostilities sixty days after their introduction in the absence of subsequent congressional approval. n122 Thus, whereas the statutes governing covert action contemplate a regime of assumed congressional accession, the WPR imposes a regime that both presumes Congress will not accede to uses of force and demands affirmative action on the part of Congress to lawfully continue a use of force extending beyond sixty days.

## Adventurism

### Squo Solves---Internal/External Oversight

#### Internal and external accountability mechanisms are effective now---and they’ll stay that way as drone missions increase

Jack Goldsmith 12, Harvard Law professor and a member of the Hoover Task Force on National Security and Law, 3/19/12, “Fire When Ready,” http://www.foreignpolicy.com/articles/2012/03/19/fire\_when\_ready

In this new age of drone warfare, probing the constitutional legitimacy of targeted killings has never been more vital. The Obama administration has carried out well over 200 drone strikes in its first three years, and the practice promises to ramp up even more in the next few years as the United States decreases its footprint in Afghanistan and relies even more heavily on special operations and covert actions centered around the use of drones. There are contested legal issues surrounding drone strikes, and -- in contrast to issues like military detention and military commissions -- courts have not pushed back against the presidency on this issue. But judicial review is not the only constitutional check on the presidency, especially during war. Awlaki's killing and others like it have solid legal support and are embedded in an unprecedentedly robust system of legal and political accountability that includes courts but also includes other institutions and actors as well.

When the Obama administration made the decision to kill Awlaki, it did not rely on the president's constitutional authority as commander in chief. Rather, it relied on authority that Congress gave it, and on guidance from the courts. In September 2001, Congress authorized the president "to use all necessary and appropriate force against those nations, organizations, or persons he determines" were responsible for 9/11. Whatever else the term "force" may mean, it clearly includes authorization from Congress to kill enemy soldiers who fall within the statute. Unlike some prior authorizations of force in American history, the 2001 authorization contains no geographical limitation. Moreover, the Supreme Court, in the detention context, has ruled that the "force" authorized by Congress in the 2001 law could be applied against a U.S. citizen. Lower courts have interpreted the same law to include within its scope co-belligerent enemy forces "associated" with al Qaeda who are "engaged in hostilities against the United States."

International law is also relevant to targeting decisions. Targeted killings are lawful under the international laws of war only if they comply with basic requirements like distinguishing enemy soldiers from civilians and avoiding excessive collateral damage. And they are consistent with the U.N. Charter's ban on using force "against the territorial integrity or political independence of any state" only if the targeted nation consents or the United States properly acts in self-defense. There are reports that Yemen consented to the strike on Awlaki. But even if it did not, the strike would still have been consistent with the Charter to the extent that Yemen was "unwilling or unable" to suppress the threat he posed. This standard is not settled in international law, but it is sufficiently grounded in law and practice that no American president charged with keeping the country safe could refuse to exercise international self-defense rights when presented with a concrete security threat in this situation. The "unwilling or unable" standard was almost certainly the one the United States relied on in the Osama bin Laden raid inside Pakistan.

These legal principles are backed by a system of internal and external checks and balances that, in this context, are without equal in American wartime history. Until a few decades ago, targeting decisions were not subject to meaningful legal scrutiny. Presidents or commanders typically ordered a strike based on effectiveness and, sometimes, moral or political considerations. President Harry Truman, for example, received a great deal of advice about whether and how to drop the atomic bomb on Hiroshima and Nagasaki, but it didn't come from lawyers advising him on the laws of war. Today, all major military targets are vetted by a bevy of executive branch lawyers who can and do rule out operations and targets on legal grounds, and by commanders who are more sensitive than ever to legal considerations and collateral damage. Decisions to kill high-level terrorists outside of Afghanistan (like Awlaki) are considered and approved by lawyers and policymakers at the highest levels of the government.

### No Adventurism Impact

#### No unrestrained adventurism

Eric Posner 11, Professor of Law, The University of Chicago Law School, and Adrian Vermeule, Professor of Law, Harvard Law School, March 2011, The Executive Unbound, p. 187

The second hypothesis is that **American tyrannophobia has been a** fundamentally irrational **phenomenon** that has interfered with needed institutional development. Caesar took control of a highly militarized and hierarchical society. The seventeenth-century England of Cromwell and the Stuarts was also profoundly different from that of the United States—agrarian, poorly educated, riven by violent religious conflicts, aristocratic, and centered around a hereditary monarchy. What relevance could these examples have for the United States—relatively educated, egalitarian, and religiously peaceful from the founding, and then industrialized, highly educated, and secular over time? **We might think of tyrannophobia as** similar to other prejudices **that** perhaps **had some social function under** radically different circumstances in the distant past**, but that have** no place in modern times**, and only retard institutional change that is needed to address modern challenges**.47 Indeed, if the aim is to minimize the risk of dictatorship, or just to take optimal precautions against it, tyrannophobia might be counterproductive, for reasons we will discuss.

#### 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.

#### Drones don’t lower the threshold for war because decisions to intervene aren’t driven by technological capabilities

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

Another, more general, criticism of drones is that, by offering the absence of personal and political risk, they ‘lower the bar to war’.8 By inducing a ‘false faith in the efficacy and morality of armed attack’, unmanned systems could ‘weaken the moral presumption against the use of force’.9

These, too, are critiques that must be taken seriously. The decision to take military action must always be made heavily. If the object of war is to make a better peace, then it must be waged with due regard not just for one’s own cost in blood and treasure, but also for that of the adversary.

Yet it is a mistake to ascribe too much to technology as a dynamo of intervention itself. It is true that major Western militaries now prepare for an era of ‘light-footprint’ intervention born of budget austerity and war exhaustion from the protracted counter-insurgencies of the post-9/11 era. But the Western record of intervention has not been linear. For the Libya intervention, there is the Syria non-intervention; the West intervened firmly in Bosnia in 1995, but only after the earlier failures resulted in the worst massacre in Europe since the Second World War at Srebrenica; the withdrawal from Somalia and the shameful inaction over Rwanda sits in the historical record alongside the determined, forceful, sustained military action in Kosovo of 1999 and the preventative diplomacy in Macedonia of 2001. Technological capabilities can shape the form of intervention, but ultimately its drivers and determinants are political and moral. President Sarkozy and Prime Minister Cameron, for instance, pushed for intervention in Libya on moral grounds despite serious equipment deficiencies that meant reliance on American assets – and, in the case of Cameron, much against the counsel of his own military.10

### 1nc us/eu relations

#### Streeter is a Liberty undergrad --- reject their internal link --- zero data or warrant for why drones collapse EU/US relations

#### No EU relations impact

Mark Leonard 12, co-founder and director of the European Council on Foreign Relations, the first pan-European think tank, 7/24/12, “The End of the Affair,” http://www.foreignpolicy.com/articles/2012/07/24/the\_end\_of\_the\_affair?page=full

But Obama's stellar personal ratings in Europe hide the fact that the Western alliance has never loomed smaller in the imagination of policymakers on either side of the Atlantic.

Seen from Washington, there is not a single problem in the world to be looked at primarily through a transatlantic prism. Although the administration looks first to Europeans as partners in any of its global endeavors -- from dealing with Iran's nuclear program to stopping genocide in Syria -- it no longer sees the European theater as its core problem or seeks a partnership of equals with Europeans. It was not until the eurozone looked like it might collapse -- threatening to bring down the global economy and with it Obama's chances of reelection -- that the president became truly interested in Europe.

Conversely, Europeans have never cared less about what the United States thinks. Germany, traditionally among the most Atlanticist of European countries, has led the pack. Many German foreign-policy makers think it was simply a tactical error for Berlin to line up with Moscow and Beijing against Washington on Libya. But there is nothing accidental about the way Berlin has systematically refused even to engage with American concerns over German policy on the euro. During the Bush years, Europeans who were unable to influence the strategy of the White House would give a running commentary on American actions in lieu of a substantive policy. They had no influence in Washington, so they complained. But now, the tables are turned, with Obama passing continual judgment on German policy while Chancellor Angela Merkel stoically refuses to heed his advice. Europeans who for many years were infantilized by the transatlantic alliance, either using sycophancy and self-delusion about a "special relationship" to advance their goals or, in the case of Jacques Chirac's France, pursuing the even more futile goal of balancing American power, have finally come to realize that they can no longer outsource their security or their prosperity to Uncle Sam.

On both sides of the Atlantic, the ties that held the alliance together are weakening. On the American side, Obama's biography links him to the Pacific and Africa but not to the old continent. His personal story echoes the demographic changes in the United States that have reduced the influence of Americans of European origin. Meanwhile, on the European side, the depth of the euro crisis has crowded out almost all foreign policy from the agenda of Europe's top decision-makers. The end of the Cold War means that Europeans no longer need American protection, and the U.S. financial crisis has led to a fall in American demand for European products (although U.S. exports to Europe are at an all-time high).

What's more, Obama's lack of warmth has precluded him from establishing the sorts of human relationships with European leaders that animate alliances. When asked to name his closest allies, Obama mentions non-European leaders such as Recep Tayyip Erdogan of Turkey and Lee Myung-bak of South Korea. And his transactional nature has led to a neglect of countries that he feels will not contribute more to the relationship -- within a year of being elected, Obama had managed to alienate the leaders of most of Europe's big states, from Gordon Brown to Nicolas Sarkozy to Jose Luis Rodriguez Zapatero. Americans hardly remember, but Europe's collective nose was put out of joint by Obama's refusal to make the trip to Europe for the 2010 EU-U.S. summit. More recently, Obama has reached out to allies to counteract the impression that the only way to get a friendly reception in Washington is to be a problem nation -- but far too late to erase the sense that Europe matters little to this American president.

Underlying these superficial issues is a more fundamental divergence in the way Europe and the United States are coping with their respective declines. As the EU's role shrinks in the world, Europeans have sought to help build a multilateral, rule-based world. That is why it is they, rather than the Chinese or the Americans, that have pushed for the creation of institutionalized global responses to climate change, genocide, or various trade disputes. To the extent that today's world has not collapsed into the deadlocked chaos of a "G-zero," it is often due to European efforts to create a functioning institutional order.

To Washington's eternal frustration, however, Europeans have not put their energies into becoming a full partner on global issues. For all the existential angst of the euro crisis, Europe is not as weak as people think it is. It still has the world's largest market and represents 17 percent of world trade, compared with 12 percent for the United States. Even in military terms, the EU is the world's No. 2 military power, with 21 percent of the world's military spending, versus 5 percent for China, 3 percent for Russia, 2 percent for India, and 1.5 percent for Brazil, according to Harvard scholar Joseph Nye. But, ironically for a people who have embraced multilateralism more than any other on Earth, Europeans have not pooled their impressive economic, political, and military resources. And with the eurozone's need to resolve the euro crisis, the EU may split into two or more tiers -- making concerted action even more difficult. As a result, European power is too diffuse to be much of a help or a hindrance on many issues.

On the other hand, Obama's United States -- although equally committed to liberal values -- thinks that the best way to safeguard American interests and values is to craft a multipartner world. On the one hand, Obama continues to believe that he can transform rising powers by integrating them into existing institutions (despite much evidence to the contrary). On the other, he thinks that Europe's overrepresentation in existing institutions like the World Bank and the International Monetary Fund is a threat to the consolidation of that order. This is leading a declining America to increasingly turn against Europe on issues ranging from climate change to currencies. The most striking example came at the 2009 G-20 in Pittsburgh, when Obama worked together with the emerging powers to pressure Europeans to give up their voting power at the IMF. As Walter Russell Mead, the U.S. international relations scholar, has written, "[I]ncreasingly it will be in the American interest to help Asian powers rebalance the world power structure in ways that redistribute power from the former great powers of Europe to the rising great powers of Asia today."

But the long-term consequence of the cooling of this unique alliance could be the hollowing out of the world order that the Atlantic powers have made. The big unwritten story of the last few decades is the way that a European-inspired liberal economic and political order has been crafted in the shell of the American security order. It is an order that limits the powers of states and markets and puts the protection of individuals at its core. If the United States was the sheriff of this order, the EU was its constitutional court. And now it is being challenged by the emerging powers.

Countries like Brazil, China, and India are all relatively new states forged by movements of national liberation whose experience of globalization has been bound up with their new sense of nationhood. While globalization is destroying sovereignty for the West, these former colonies are enjoying it on a scale never experienced before. As a result, they are not about to invite their former colonial masters to interfere in their internal affairs. Just look at the dynamics of the United Nations Security Council on issues from Sudan to Syria. Even in the General Assembly, the balance of power is shifting: 10 years ago, China won 43 percent of the votes on human rights in the United Nations, far behind Europe's 78 percent. But in 2010-11, the EU won less than 50 percent to China's nearly 60 percent, according to research by the European Council on Foreign Relations. Rather than being transformed by global institutions, China's sophisticated multilateral diplomacy is changing the global order itself.

As relative power flows Eastward, it is perhaps inevitable that the Western alliance that kept liberty's flame alight during the Cold War and then sought to construct a liberal order in its aftermath is fading fast. It was perhaps inevitable that both Europeans and Americans should fail to live up to each other's expectations of their respective roles in a post-Cold War world. After all, America is still too powerful to happily commit to a multilateral world order (as evidenced by Congress's reluctance to ratify treaties). And Europe is too physically safe to be willing to match U.S. defense spending or pool its resources. What is surprising is that the passing of this alliance has not been mourned by many on either side. The legacy of Barack Obama is that the transatlantic relationship is at its most harmonious and yet least relevant in 50 years. Ironically, it may take the election of someone who is less naturally popular on the European stage for both sides to wake up and realize just what is at stake.

## Terrorism

### No Impact

#### No risk of nuclear terrorism---too many obstacles

John J. Mearsheimer 14, R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago, “America Unhinged”, January 2, nationalinterest.org/article/america-unhinged-9639?page=show

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it is a minor threat. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled.¶ What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but the chances of that happening are virtually nil. No nuclear-armed state is going to supply terrorists with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency.¶ Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, is not a serious threat. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

### AT: AQAP

#### No AQAP risk and attacks are localized

Robert Pape 8/22/13, professor of political science at the University of Chicago, and director of the Chicago Project on Security and Terrorism and David Schneyer is a research associate at the Chicago Project on Security and Terrorism, 8/22/13, "WHY WE SHOULDN’T BE AFRAID OF AL-QAEDA IN YEMEN," http://www.yementimes.com/en/1705/opinion/2782/Why-we-shouldn%E2%80%99t-be-afraid-of-Al-Qaeda-in-Yemen.htm

¶ Last week, the U.S. State Department closed and evacuated 19 of its embassies and issued a worldwide travel alert based on intelligence concerning a terrorist organization based in Yemen. Many Americans are asking what this means. Is an attack on U.S. soil imminent?¶ ¶ While nothing is certain, of course, it is unlikely that such an attack would take place in the United States, or even outside of Yemen.¶ ¶ The intelligence seems to be reliable. But individual data points can be exaggerated or ignored, depending on the domestic political environment of the time. In this case, the State Department acted due to “increased chatter” that it monitored among terrorist groups. Intelligence officials highlighted one communication in particular, in which Al-Qaeda leader Ayman Al-Zawahiri gave his blessing to an attack proposed by Nasser Al-Wuhayshi. Wuhayshi is the leader of Al-Qaeda in the Arabian Peninsula (AQAP)—a sort of “franchise affiliate” based in Yemen, not to be confused with the central Al-Qaeda organization.¶ ¶ Such information certainly warrants our attention. But talk is cheap, and it is critical that we don’t give terrorist organizations more credit than they are worth. In order to understand what a terrorist organization is truly capable of, we must look at its past behavior. In this case, Al-Qaeda in the Arabian Peninsula is a deadly organization within its own borders, but it has not demonstrated that it possesses the means to successfully carry out an attack on U.S. soil. The one known attempt (carried out by the so-called “underwear bomber”) failed due to incompetence—the device did not properly detonate.¶ ¶ Let’s look at the data: AQAP has carried out 39 suicide attacks through 2012, with only one taking place outside of Yemen (just across the border in Jeddah, Saudi Arabia). Suicide attacks represent precisely the sort of attack we would fear—they are far more deadly than any other type. Now, AQAP has certainly proven itself capable of killing foreigners within its own borders, and so we should absolutely take the intercepted communication seriously with respect to our embassy in Yemen. But this is a far cry from being able to carry out an attack on foreign soil.¶ ¶ Consider 9/11, for instance, which obviously we failed to prevent. This failure was not a tactical one, or even a failure to “connect the dots.” Rather, it was a failure to properly assess the threat. In fact, a memo stating “Bin Laden determined to attack U.S.” made it to the White House by early August, 2001—the intelligence was there, but it was simply not given its due credibility or seriousness. ¶ ¶ Clearly, Al-Qaeda proved itself capable of attacking the United States across multiple borders long before 2001. But AQAP has not demonstrated this capability, and “increased chatter” among its leaders, no matter how heavy, is simply not enough evidence to be overly-concerned, unless the government has not revealed other critical details. Even if Al-Zawahiri were directing the attack—which U.S. intelligence officials confirmed he was not—the main Al-Qaeda group (now based in Pakistan) has not carried out a successful major attack on Western soil since the London bombings in 2005. Ayman Al-Zawahiri giving his blessing to AQAP leaders only proves how weak the main Al-Qaeda group really is.

#### Drones not key

Clinton Watts 12, is a Senior Analyst with the Navanti Group and a Senior Fellow at The George Washington University Homeland Security Policy Institute (HSPI). He is also a former U.S. Army Officer and former Special Agent with the FBI. Frank J. Cilluffo is the Director of the Homeland Security Policy Institute at The George Washington University., 6/21/2012, "Drones in Yemen: Is the U.S. on Target?", www.gwumc.edu/hspi/policy/drones.pdf

AQAP’s persistence arises not only from internal instability in Yemen but even more from exogenous forces leading this al Qaeda affiliate to be bolstered above all others. Critics of drone strikes myopically focus on this tactic as the singular cause for AQAP’s ascension. Drone strikes at most provide only a peripheral and recent motivation for the growth of a terrorist affiliate that has been aggressively attempting to expand over the past five years. Several phenomena occurring outside Yemen’s borders have been the primary catalyst for AQAP’s emergence. First, foreign fighter records captured by U.S. forces in Iraq in 2007 indicated that Yemeni foreign fighters were the second most likely to choose to be “fighters” rather than “martyrs” when they arrived in Iraq. This data point signaled the intent of some Yemeni al Qaeda members in Iraq to return home should they survive Iraqi battlefields. By 2008, the U.S. “Surge” strategy took effect and foreign fighter flows slowed and largely reversed from Iraq. In turn, terrorist attack data from 2008 showed Yemen as the second highest country for terrorist attacks outside of Iraq and Afghanistan suggesting seasoned Yemeni foreign fighters from Iraq may have returned to wage jihad in their homeland.7 Second, in 2005-2006, Saudi Arabia initiated a major counterterrorism clampdown on AQAP operatives pushing many veteran, Saudi al Qaeda members into Yemen where they helped form AQAP’s second incarnation in 2009.8 Young Saudi men have long filled the ranks of al Qaeda and its affiliates, and Saudi Arabia’s persistent tamping down of internal al Qaeda threats creates terrorist bleedover in nearby Yemen. Third, prior to his death, Bin Laden began searching for a new safe haven for relocating his battered operatives in Pakistan and Afghanistan. As noted by Gabriel Koehler Derrick in recent analysis of the Abbottabad documents declassified in May 2012, Bin Laden envisioned Yemen, “either as a “safe haven” for jihadists or a “reserve” force for al-Qa`ida in Afghanistan or Iraq.” Of all al Qaeda affiliates, Yemen provided the best venue for those al Qaeda operatives (particularly those from the Arabian Peninsula) seeking shelter from U.S. counterterrorism efforts.9 Fourth, Yemen provides Bin Laden and al Qaeda a safe haven more proximate to their essential base of financial support – wealthy Persian Gulf donors. Being bled by middlemen and the endless amount of protection money needed to sustain safe harbor in Pakistan, Bin Laden likely saw Yemen as a more efficient and effective location for securing resources. With his death, financial support for al Qaeda in Pakistan has decreased substantially and many believe that the remaining stream of al Qaeda donor support now flows to AQAP in Yemen, not al Qaeda’s senior leadership in Pakistan.10Even a slight increase in donor support in the wake of Bin Laden’s death would further empower AQAP. Finally, foreign fighters that once would have flocked to Iraq (2005-2007) or Afghanistan (2008-2010) now likely see more opportunity for jihad by migrating to Yemen. While the foreign fighter flow to Yemen represents merely a trickle of what al Qaeda’s recruitment was at its height, AQAP in Yemen likely provides the most appealing option for joining an official affiliate of the al Qaeda movement – especially for those potential recruits in the Arabian Peninsula. Keep in mind that military actions, including the use of drones, have made travel to Pakistan’s Federally Administered Tribal Areas (FATA) less appealing and less hospitable to foreign fighters. These successful U.S. military activities have had significant operational effects on al Qaeda and its affiliates by disrupting pipelines, and they serve as a strong deterrent to future al Qaeda activities in the FATA.11In parallel to the many exogenous factors strengthening AQAP over the past five years, Yemen’s instability and intermittent military commitment to fighting AQAP has provided ample opportunity for the terror groups to expand over the past year. The political struggles of the Saleh regime and its replacement have undermined the country’s military capacity allowing for AQAP and its insurgent arm Ansar al-Sharia to successfully advance and hold territory. The Yemeni government’s continuing inability to provide for portions of the Yemeni population allows AQAP and Ansar al-Sharia space to fill a void in needed social services and secure local popular support. Most importantly, Yemeni incompetence breathed life into a dormant AQAP franchise allowing known al Qaeda operatives on at least two occasions to escape detention providing much of the group’s current energy.12 While some narrowly point to drones for manufacturing AQAP, many exogenous and endogenous factors propel the group’s current external terrorism campaign and internal insurgency against the Yemeni state. What do critics of drones misunderstand about drone operations in Yemen? Critics of the U.S. drone campaign in Yemen confusingly lump together disparate issues related to terminology, intelligence processes, legal authorities and terrorist propaganda to justify stopping the use of the U.S.’s most effective counterterrorism technique – all while failing to offer a viable alternative for countering AQAP’s immediate threat to the U.S. Although an imperfect tool, drone strikes suppress terrorists in otherwise denied safe havens and limit jihadists’ ability to organize, plan and carry out attacks. These strikes help shield us from harm and serve our national interests. Doing nothing is simply not an option. Media accounts of attacks in Yemen often mistakenly credit U.S. drones for every explosion in Yemen. Drones represent one of several technology platforms executing airstrikes that include cruise missiles, potentially U.S. or Yemeni fighter aircraft or even helicopter assaults. Drone critics correctly cite instances where poor intelligence leads to the killing of civilians and/or those in opposition to the Saleh regime. However, one of the instances commonly used in calls to end drone use in Yemen is actually not the result of a drone strike. Critics point to the intelligence failures of a cruise missile attack in al Majalah on December 17, 2009.13 As an example, Gregory Johnsen at Princeton University and Yemen expert writing at Waq-al-Waq led his rebuttal of current drone policy, entitled “Drones, Drift and the (New) American Way of War,” with criticisms of drone warfare by citing this December 17, 2009 cruise missile attack.14Instead of pointing to this incident as justification for halting drone strikes in Yemen, the civilian casualties created by this intelligence failure and use of a cruise missile alternatively suggest the need for the use of drones as a more surgical platform for achieving our counterterrorism objectives while minimizing civilian casualties. Cruise missiles introduce several factors that may contribute to errant targeting. The limitations of cruise missiles, in many ways, provided the impetus for developing the drone platform.15 Cruise missiles 1) require intelligence far in advance of hitting their target, 2) take a considerable amount of time to travel to their target, 3) are difficult to divert from their target once launched and 4) employ large scale and more devastating munitions such as cluster bombs which can lead to increased civilian casualties. In contrast, drones can provide their own targeting intelligence devoid of Yemeni government influence, provide real-time visual surveillance of a target, minimize the time between target engagement and target impact, and use smaller munitions able to reduce civilian casualties. While neither technology platform is a perfect engagement tool, drones vis-à-vis cruise missiles have further improved the U.S. ability to engage terrorists and minimize civilian casualties. Drone critics this past year have also challenged the legality of targeting AQAP members, specifically those members that are American citizens.16 First, drone and legal critics have challenged the legality of the drone strike killing American AQAP cleric Anwar al-Awlaki. In response, the U.S. Department of Justice released a memo in February 2012 detailing its justifications for targeting al-Awlaki in response to his planning and directing the attempted Christmas Day 2009 attempt on an airliner over Detroit.17 Even when given this evidence, these same critics continue to advocate that Awlaki should have been pursued through the U.S. legal system, charged with a federal crime, arrested and then tried in a courtroom. In addition to the obvious limitations the U.S. encounters trying to capture a terrorist residing in a volatile foreign safe haven, these arguments ignore the fact that Awlaki knowingly traveled outside the U.S. and admittedly joined an officially designated Foreign Terrorist Organization (FTO). This action alone permits Awlaki’s targeting and undercuts the claims of illegality by drone critics. These authors believe the legal argument posed by drone critics in the case of Awlaki lacks legitimacy. It is worth emphasizing furthermore that drone strikes may not always be the preferred course. Attempts to capture high value targets are riskier but that downside may be outweighed by the potential intelligence value of key individuals. A case-by-case assessment will always be needed. The second contentious legal debate related to drone targeting comes from the inadvertent killing of Anwar al-Awlaki’s son Abdulrahman al-Awlaki on October 14, 2012. Reporting suggests the intended target of the strike was AQAP’s media chief, Ibrahim al Bana.18 The death of Abdulrahaman al-Awlaki is a tragedy and has become a rallying point for those believing U.S. drone strikes create excessive civilian casualties. However, these same critics cannot explain why Abdulrahman al-Awlaki was present in the home of a suspected AQAP target, nor do they place any responsibility on Anwar al-Awlaki’s family who knowingly placed Abdulrahman in the orbit of terrorists clearly being pursued by the U.S. Third and most recently, anti-drone advocates have rallied against the Obama administration’s recent authorization to implement signature strikes against AQAP in Yemen.19 This argument against drones, above all others, may prove the most credible. The term “signature strikes” suggests the notion that the U.S. fires missiles at unknown targets for simply looking suspicious. Journalists and human rights advocates are right to draw attention to the use of this tactic as it implies the killing of unknown people for unclear reasons. The signature strike tactic, if used injudiciously, will result in the killing of innocent civilians and is certainly more inclined to radicalize local populations and inspire further AQAP recruitment. Those opposing drone use in Yemen commonly cite civilian casualties as reason for stopping drone strikes. Civilian casualties should be avoided at all costs, however drones in comparison to all other kinetic counterterrorism options, likely produce the fewest civilian casualties per engagement. Statistics and ratios remain difficult to calculate, and research has only just begun on this new counterterrorism application. But, in comparison to other forms of warfare, drone strikes may be one of the least civilian casualty producing tools in the history of warfare (See endnote).20 Large scale military intervention (i.e. regime change), broad-based counterinsurgency, backing of the Yemeni military, arming of militias – all of these counterterrorism options are far more likely to produce civilian casualties. Drones supported by intelligence provide U.S. counterterrorism efforts the most surgical and the least casualty-producing tool for engaging AQAP. In conjunction with the debate over drones creating civilian casualties, media debates ignore how al Qaeda deliberately uses civilians as human shields against attack. In documents seized during the Abbottabad raid, Bin Laden instructs his operatives to avoid drone strikes by staying out of cars noting, “We could leave the cars because they are targeting cars now, but if we leave them, they will start focusing on houses and that would increase casualties among women and children.”21 Bin Laden instructed his operatives to use women and children as human shields against drones knowing 1) the U.S. would be more reluctant to target operatives when civilian casualties would be numerous and 2) the U.S. unknowingly killing civilians during drone attacks would undermine local popular support for U.S. counterterrorism efforts providing al Qaeda ample fuel for propaganda – a lesson learned by al Qaeda in past failed jihadi campaigns where their expansive violence against innocent civilians eroded local popular support for the terror group. The U.S. should continue to avoid civilian casualties from drone strikes, but drone critics must also realize how al Qaeda uses civilians as pawns for undermining drone strikes. Some thoughtful critics of U.S. counterterrorism operations in Yemen with whom we respectfully disagree, notably Gregory Johnsen of Princeton University22 and Jeremy Scahill of The Nation (although there are others)23, cite drone strikes as increasing the number of AQAP operatives in Yemen. The logic behind this assertion appears horribly backwards. The U.S. deploys drones where terrorist go – weak and failed states providing adequate safe haven for planning and executing terrorists attacks. However, the U.S. does not deploy drones to countries for the purpose of shooting at innocent people in hopes of creating terrorists. Johnsen24, Scahill, the recent Washington Post article by Sudarsan Raghavan, “In Yemen, U.S. airstrikes breed anger, and sympathy for al-Qaeda,”25 and others (see endnote for summary)26 point to AQAP propaganda citing drones as motivation for terrorist recruitment and in turn suggest this as justification for the U. S. ceasing the tactic – essentially determining that if our terrorist enemies don’t like a tactic we should stop pursuing it. If one wants to assess which counterterrorism techniques are most effective against al Qaeda and affiliated groups, then look no further than al Qaeda’s propaganda. Al Qaeda, the Taliban and now AQAP have all focused their propaganda campaigns on eliminating the U.S. ability to employ night raids and drones. Why do they focus on these two tactics? Because night raids and drones are the most effective means for deterring these groups; Bin Laden admits this in his own internal documents captured in Abbottabad. Unable to leverage effective counter drone operations, al Qaeda, the Taliban and now AQAP seek to use propaganda to enrage local populations in hopes of interrupting this highly effective counterterrorism tool. Letting our adversaries (AQAP) dictate our tactics should never be an option.

### AT: Yemen Blowback

#### Drone strikes in Yemen don’t drive AQAP recruiting---even hardline Islamists agree

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

Al Qaeda exploits U.S. errors, to be sure. As the Yemen scholar Gregory Johnsen correctly observes, the death of some 40 civilians in the December 2009 cruise missile strike on Majala infuriated ordinary Yemenis and gave AQAP an unexpected propaganda coup. But the fury produced by such tragedies is not systemic, not sustained, and, ultimately, not sufficient. As much as al Qaeda might play up civilian casualties and U.S. intervention in its recruiting videos, the Yemeni tribal leaders I spoke to reported that the factors driving young men into the insurgency are overwhelmingly economic.

From al Hudaydah in the west to Hadhramaut in the east, AQAP is building complex webs of dependency within Yemen's rural population. It gives idle teenagers cars, khat, and rifles -- the symbols of Yemeni manhood. It pays salaries (up to $400 per month) that lift families out of poverty. It supports weak and marginalized sheikhs by digging wells, distributing patronage to tribesmen, and punishing local criminals. As the leader of one Yemeni tribal confederation told me, "Al Qaeda attracts those who can't afford to turn away."

Religious figures echoed these words. Though critical of the U.S. drone campaign, none of the Islamists and Salafists I interviewed believed that drone strikes explain al Qaeda's burgeoning numbers. "The driving issue is development," an Islamist parliamentarian from Hadramout province said. "Some districts are so poor that joining al Qaeda represents the best of several bad options." (Other options include criminality, migration, and even starvation.) A Salafi scholar engaged in hostage negotiations with AQAP agreed. "Those who fight do so because of the injustice in this country," he explained. "A few in the north are driven by ideology, but in the south it is mostly about poverty and corruption."

## Prolif

### 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.

### Restraint Fails---1NC

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

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

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

Further, the record shows that even when the United States did not develop a particular weapon, others did. Thus, China has taken the lead in the development of anti-ship missiles and seemingly cyber weapons as well. One must keep in mind that the international environment is a hostile one. Countries—and especially non-state actors— most of the time do not play by some set of self constraining rules.

Rather, they tend to employ whatever weapons they can obtain that will further their interests. The United States correctly does not assume that it can rely on some non-existent implicit gentleman’s agreements that call for the avoidance of new military technology by nation X or terrorist group Y—if the United States refrains from employing that technology.

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

### AT: Senkakus

#### The U.S. and Japan are boosting surveillance drone capabilities---obviously the plan doesn’t affect that---makes the impact inevitable

AP 10-2 – Associated Press, 10/2/13, “US, Japan to deploy new radar, drones in next year,” http://www.times-standard.com/ci\_24228434/us-japan-deploy-new-radar-drones-next-year

U.S. and Japanese officials said Thursday they will position a second early-warning radar in Japan within the next year and deploy new long-range surveillance drones to help monitor disputed islands in the East China Sea by next spring, moves that may well raise tensions again with China.

The foreign and defense ministers of the two countries also, for the first time, put a price on what Japan will contribute to the relocation of Marines out of Okinawa to Guam and other locations in the Asia-Pacific region. Japan will pay up to $3.1 billion of the move, which includes development of new facilities in Guam and the Northern Mariana Islands.

The announcements came at the close of high-level meetings between U.S. Secretary of State John Kerry and U.S. Defense Secretary Chuck Hagel with Japanese Foreign Minister Fumio Kishida and Defense Minister Itsunori Onodera. The talks, ahead of President Barack Obama's visits to Indonesia and Brunei next week, were aimed at modernizing the American-Japanese alliance that both sides maintain is a cornerstone of peace and stability in North Asia.

The new X-band radar system would boost Japan's ability to track and intercept missiles from across the Sea of Japan and will be set up on the west coast. Officials have said it is aimed at protecting the region against the threat from North Korea, and is not directed at China.

But the drones—two or three that will fly out of a U.S. base—are designed in part to help step up surveillance around the Senkaku islands, a source of heated debate between Japan and China.

#### No Sino-Japanese/Senkaku conflict

Reuters 12, “Japan, China military conflict seen unlikely despite strain,” 9/23/12, http://www.reuters.com/article/2012/09/23/us-china-japan-confrontation-idUSBRE88M0F220120923

Hawkish Chinese commentators have urged Beijing to prepare for military conflict with Japan as tensions mount over disputed islands in the East China Sea, but most experts say chances the Asian rivals will decide to go to war are slim. ¶ A bigger risk is the possibility that an unintended maritime clash results in deaths and boosts pressure for retaliation, but even then Tokyo and Beijing are expected to seek to manage the row before it becomes a full-blown military confrontation. ¶ "That's the real risk - a maritime incident leading to a loss of life. If a Japanese or Chinese were killed, there would be a huge outpouring of nationalist sentiment," said Linda Jakobson, director of the East Asia Program at the Lowy Institute for International Policy in Sydney. ¶ "But I still cannot seriously imagine it would lead to an attack on the other country. I do think rational minds would prevail," she said, adding economic retaliation was more likely. ¶ A feud over the lonely islets in the East China Sea flared this month after Japan's government bought three of the islands from a private owner, triggering violent protests in China and threatening business between Asia's two biggest economies. ¶ Adding to the tensions, China sent more than 10 government patrol vessels to waters near the islands, known as the Diaoyu in China and the Senkaku in Japan, while Japan beefed up its Coast Guard patrols. Chinese media said 1,000 fishing boats have set sail for the area, although none has been sighted close by.¶ Despite the diplomatic standoff and rising nationalist sentiment in China especially, experts agree neither Beijing nor Tokyo would intentionally escalate to a military confrontation what is already the worst crisis in bilateral ties in decades.

# Block

## S

#### Paragraph RIGHT AFTER their evidence

Saikrishna Prakash 12, professor of law at the University of Virginia and Michael Ramsey, professor of law at San Diego, “The Goldilocks Executive” Feb, SSRN

We accept that the President’s lawyers search for legal arguments to justify presidential action, that they find the President’s policy preferences legal more often than they do not, and that the President sometimes disre-gards their conclusions. But the close attention the Executive pays to legal constraints suggests that the President (who, after all, is in a good position to know) believes himself constrained by law. Perhaps Posner and Vermeule believe that the President is mistaken. But we think, to the contrary, it repre-sents the President’s recognition of the various constraints we have listed and his appreciation that attempting to operate outside the bounds of law would trigger censure from Congress, courts, and the public.

CARD ENDS

C. The Executive Unbound’s Discussion of a Bound Executive The idea that the President is generally unbound by law is mistaken. A more plausible view is that the President is relatively unbound in particular areas, such as military and national security matters. Presidents have made something like this claim, and in arguing for the Unbound Executive, Posner and Vermeule draw examples not from the ordinary times but from emergencies, specifically the war on terror and the 2008 financial crisis.

### Case---WPR

#### Overt drone use is already subject to the WPR---covert drones are PRESIDENTIAL AUTHORITY

Benjamin R. Farley 12, J.D. with honors, Emory University School of Law, Winter 2012, “ARTICLE: Drones and Democracy: Missing Out on Accountability?,” South Texas Law Review, 54 S. Tex. L. Rev. 385

Policymakers take advantage of the existing flaws in or intentional weaknesses of the supervisory accountability system governing U.S. use-of-force decisions when they choose force generally. However, using drones for overt action exacerbates the WPR's flaws in unexpected ways. Moreover, the lack of political accountability attending drone strikes undermines congressional incentives to exercise its supervisory accountability mechanisms or fix the flaws in the existing supervisory and fiscal accountability system.

As is the case for covert uses of force generally, covert drone strikes are subject to finding and reporting requirements - relatively weak accountability measures that afford Executive Branch policymakers [\*416] flexibility in covert uses of force. n180 Similarly, overt uses of drones are subject to the WPR - a regime that, although it was designed to prevent unilateral executive uses of force, has proved ineffective in constraining use-of-force decisions. n181 Although drones have operated relatively neatly within the existing framework of covert uses of force - covert drone strikes have been authorized by presidential findings and duly reported to the intelligence committees as well as congressional leadership n182 - reliance on drones for overt uses of force has unexpectedly weakened the WPR.

#### The sixty-day window built into the WPR makes it useless for constraining drone strikes

Tom Hayden 13, the Nation Institute's Carey McWilliams Fellow, 3/11/13, “The Threat of an Imperial Presidency,” http://www.thenation.com/article/173289/threat-imperial-presidency#

The immediate issue ripe for attention is the drone policy, conducted especially in Pakistan by the CIA in utter secrecy, but also spreading through Afghanistan, Yemen, Somalia, and Mali.

Drone attacks clearly are acts of war as defined by the War Powers Resolution, although the WPR was written mainly to contain the deployment of American ground forces. The drone war rests more squarely on the 2001 Authorization for Use of Military Force (AUMF), the underlying legal rationale for the “global war on terrorism.”

The challenge of reform, as opposed to emergency tinkering, will require prolonged efforts to amend and clarify both the WPR and AUMF. Allowing any president a sixty-day period before seeking congressional authorization, as the WPR does, makes no sense in drone warfare. Instead, the president should be required to seek congressional permission if he wishes to target a clearly definable “enemy,” and be required to issue public guidelines, including necessary disclosure, governing the use of force he contemplates. That means:

First, Congress should establish a special inspector general, like the SIGUR created for Iraq and Afghanistan, to define, monitor and determine civilian casualties (“collateral damage”) from drone strikes. Currently that information is collected by the CIA, which has a conflict of interest, not to mention a curtain of secrecy.

## Terror

### No Internal Link

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

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

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

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

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

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

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

\*We do not endorse gendered language

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

## Adventurism

### Accnt

#### Dear god Mcneal is just so much better than your authors

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

To date scholars have lacked a thorough understanding of the U.S. government’s targeted killing practices. As such, their commentary is oftentimes premised on easily describable issues, and fails to grapple with the multiple levels of intergovernmental accountability present in current practice. When dealing with the theoretical and normative issues associated with targeted killings, scholars have failed to specify what they mean when they aver that targeted killings are unaccountable. Both trends have impeded legal theory, and constrained scholarly discourse on a matter of public import.

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

### Threshold for War---2NC

#### Drones raise the threshold for violence because they spotlight civilian casualties

Scott Shane 12, National Security Reporter, New York Times, 7/14/12, “The Moral Case for Drones,” http://www.nytimes.com/2012/07/15/sunday-review/the-moral-case-for-drones.html?\_r=0

The drone’s promise of precision killing and perfect safety for operators is so seductive, in fact, that some scholars have raised a different moral question: Do drones threaten to lower the threshold for lethal violence?

“In the just-war tradition, there’s the notion that you only wage war as a last resort,” said Daniel R. Brunstetter, a political scientist at the University of California at Irvine who fears that drones are becoming “a default strategy to be used almost anywhere.”

With hundreds of terrorist suspects killed under President Obama and just one taken into custody overseas, some question whether drones have become not a more precise alternative to bombing but a convenient substitute for capture. If so, drones may actually be encouraging unnecessary killing.

Few imagined such debates in 2000, when American security officials first began to think about arming the Predator surveillance drone, with which they had spotted Osama bin Laden at his Afghanistan base, said Henry A. Crumpton, then deputy chief of the C.I.A.’s counterterrorism center, who tells the story in his recent memoir, “The Art of Intelligence.”

“We never said, ‘Let’s build a more humane weapon,’ ” Mr. Crumpton said. “We said, ‘Let’s be as precise as possible, because that’s our mission — to kill Bin Laden and the people right around him.’ ”

Since then, Mr. Crumpton said, the drone war has prompted an intense focus on civilian casualties, which in a YouTube world have become harder to hide. He argues that technological change is producing a growing intolerance for the routine slaughter of earlier wars.

“Look at the firebombing of Dresden, and compare what we’re doing today,” Mr. Crumpton said. “The public’s expectations have been raised dramatically around the world, and that’s good news.”

#### Drones increase the threshold for violence

Kenneth Anderson 13, Professor of International Law at American University, September 2013, “A Too Perfect Weapon?,” Commentary, Vol. 136, No. 2, p. 6-7

As to Mr. Alazar's point that drones pose so little risk to the U.S. forces operating them that they tempt political leaders to reach too quickly and easily to use force, he is correct in seeing it as the heart of the anti-drone argument. Despite its surface appeal, it is an incoherent and immoral argument. It rests upon the observation that less risk to a side's forces reduces its political and other disincentives to use force, so that political leaders resort to force too easily. Note that the argument is exactly the same if, as I stated in the article, harm to civilians is also reduced. If political leadership is even mildly responsive to the disincentives civilian deaths pose to using force, and if drones are less harmful to civilians as well as more protective of one's own forces, then the temptation to use force more frequently is increased.

But saying that drones make it "easier" to resort to force is not the same as saying that drones make it "too easy." To know whether it is "too easy" for a president to use force through drones, and not just "easier," requires an answer to the question of what the "right" or "optimal" amount of the use of force is. But there is no neutrally "optimal" value, because what the two sides want is not reducible to a common denominator under a common criterion of efficiency; quite the contrary. If there's no conceptual basis for saying what the right amount of war is, then it's not possible to say whether drones make it too easy -- or, for that matter, not easy enough.

Finally, the "solution" to the problem of political leadership's resorting to force too easily is simply immoral: a scenario whereby a side should put its soldiers at risk in order to force their own political leaders to weigh the risk as they ought. This is, as I wrote, a hostage-taking argument. It uses the soldiers as mere means, in the Kantian sense, to the ends of pressuring leaders.

### 2nc resiliency

#### 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?

#### No European drone opposition

Elsa Rassbach 11-8, Drones Campaign, 11/8/13, “How Europeans Are Opposing Drone and Robot Warfare: An Overview of the Anti-Drone Movement in Europe,” http://truth-out.org/news/item/19904-how-europeans-are-opposing-drone-and-robot-warfare-an-overview-of-the-anti-drone-movement-in-europe

So far only three countries are known to have used armed combat drones to carry out attacks: Israel, the US, and the UK. But this could soon change.

Analysts see demand for military UAVs (unmanned aerial vehicles, also known as drones) quadrupling over the next decade. Global spending on drone technology is expected to jump from an estimated $6.6 billion this year to $11.4 billion in 2022. Israeli weapons manufacturers have long been actively marketing military drones to other countries, and in the fall of 2012, the US announced that as many as 66 countries would be eligible to buy US drones under new Defense Department guidelines. However, the US Congress and State Department have final approval of drone exports on a case-by- case basis and have denied the request of NATO-partner Turkey to purchase Predator drones because of ongoing tensions between Turkey and Israel. Soon, however, countries that cannot obtain US or Israeli drones may be able to purchase them from weapons manufacturers in other countries such as China and South Africa.

European weapons manufacturers also seek a share of the drone market, not only for European military use, but also for export to other countries. Though it will likely be many years before a European-made combat drone will be operable, defense departments of several European countries are seeking to acquire for their arsenals US or Israeli combat drones capable of carrying weapons for targeted killing.

Italy requested US permission to weaponize the Italian fleet of six US Reaper two years ago. In May 2012, the Obama administration announced that it would soon notify the US Congress of plans to sell Italy "weaponization" kits, a move that, according to the Wall Street Journal, "could open the door for sales of advanced hunter-killer drone technology to other allies." But so far there have been no reports that approval to Italy has yet been granted.

In May 2013, France announced the purchase two unarmed US Reaper drones for the intervention in Mali, and the drones could later be armed. Holland is already using drones extensively for domestic police surveillance and is reportedly considering purchase of US Reaper drones for military purposes. And the German Bundeswehr, which some years ago leased three Israeli Heron drones for surveillance in Afghanistan, is now negotiating with the US and Israel to acquire armed combat drones.

Europe, Targeted Killing, and the International Rule of Law

By offering combat drones to European allies, the US seeks not only military "burden-sharing" in Afghanistan and elsewhere, but also undoubtedly hopes to gain more international acceptance and legitimacy for drone warfare. European drone opponents hope to instead bring European governments solidly behind international efforts to ban weaponized combat drones and to stop the threat of drone warfare to the international rule of law.

## Norms

### U.S. Not Key---2NC

#### No ‘global precedent’ is affected by anything the U.S. does---states will inevitably pursue drones

Robert Wright 12, “The Incoherence of a Drone-Strike Advocate,” 11/14/12, http://www.theatlantic.com/international/archive/2012/11/the-incoherence-of-a-drone-strike-advocate/265256/

Naureen Shah of Columbia Law School, a guest on the show, had raised the possibility that America is setting a dangerous precedent with drone strikes. If other people start doing what America does--fire drones into nations that house somebody they want dead--couldn't this come back to haunt us? And haunt the whole world? Shouldn't the U.S. be helping to establish a global norm against this sort of thing? Host Warren Olney asked Boot to respond.

Boot started out with this observation:

I think the precedent setting argument is overblown, because I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans be killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.

That's true--no deaths by terrorist drone strike so far. But I think a fairly undeniable premise of the question was that the arsenal of terrorists and other nations may change as time passes. So answering it by reference to their current arsenal isn't very illuminating. In 1945, if I had raised the possibility that the Soviet Union might one day have nuclear weapons, it wouldn't have made sense for you to dismiss that possibility by noting that none of the Soviet bombs dropped during World War II were nuclear, right?

As if he was reading my mind, Boot immediately went on to address the prospect of drone technology spreading. Here's what he said:

You know, drones are a pretty high tech instrument to employ and they're going to be outside the reach of most terrorist groups and even most countries. But whether we use them or not, the technology is propagating out there. We're seeing Hezbollah operate Iranian supplied drones over Israel, for example, and our giving up our use of drones is not going to prevent Iran or others from using drones on their own. So I wouldn't worry too much about the so called precedent it sets..."

### Surveillance

#### Surveillance …

Bodeen 13, Christopher, Huffington Post, “China's Drone Program Appears To Be Moving Into Overdrive”, 5/13, http://www.huffingtonpost.com/2013/05/03/china-drone-program\_n\_3207392.html

Chinese aerospace firms have developed dozens of drones, known also as unmanned aerial vehicles, or UAVs. Many have appeared at air shows and military parades, including some that bear an uncanny resemblance to the Predator, Global Hawk and Reaper models used with deadly effect by the U.S. Air Force and CIA. Analysts say that although China still trails the U.S. and Israel, the industry leaders, its technology is maturing rapidly and on the cusp of widespread use for surveillance and combat strikes. "My sense is that China is moving into large-scale deployments of UAVs," said Ian Easton, co-author of a recent report on Chinese drones for the Project 2049 Institute security think tank. China's move into large-scale drone deployment displays its military's growing sophistication and could challenge U.S. military dominance in the Asia-Pacific. It also could elevate the threat to neighbors with territorial disputes with Beijing, including Vietnam, Japan, India and the Philippines. China says its drones are capable of carrying bombs and missiles as well as conducting reconnaissance, potentially turning them into offensive weapons in a border conflict. China's increased use of drones also adds to concerns about the lack of internationally recognized standards for drone attacks. The United States has widely employed drones as a means of eliminating terror suspects in Pakistan and the Arabian Peninsula. "China is following the precedent set by the U.S. The thinking is that, `If the U.S. can do it, so can we. They're a big country with security interests and so are we'," said Siemon Wezeman, a senior fellow at the arms transfers program at the Stockholm International Peace Research Institute in Sweden, or SIPRI. "The justification for an attack would be that Beijing too has a responsibility for the safety of its citizens. There needs to be agreement on what the limits are," he said. Though China claims its military posture is entirely defensive, its navy and civilian maritime services have engaged in repeated standoffs with ships from other nations in the South China and East China seas. India, meanwhile, says Chinese troops have set up camp almost 20 kilometers (12 miles) into Indian-claimed territory. It isn't yet known exactly what China's latest drones are capable of, because, like most Chinese equipment, they remain untested in battle. The military and associated aerospace firms have offered little information, although in an interview last month with the official Xinhua News Agency, Yang Baikui, chief designer at plane maker COSIC, said Chinese drones were closing the gap but still needed to progress in half a dozen major areas, from airframe design to digital linkups. Executives at COSIC and drone makers ASN, Avic, and the 611 Institute declined to be interviewed by The Associated Press, citing their military links. The Defense Ministry's latest report on the status of the military released in mid-April made no mention of drones, and spokesman Yang Yujun made only the barest acknowledgement of their existence in response to a question. "Drones are a new high-tech form of weaponry employed and used by many militaries around the world," Yang said. "China's armed forces are developing weaponry and equipment for the purpose of upholding territorial integrity, national security and world peace. It will pose no threat to any country." Drones are already patrolling China's borders, and a navy drone was deployed to the western province of Sichuan to provide aerial surveillance following last month's deadly earthquake there. They may also soon be appearing over China's maritime claims, including Japanese-controlled East China Sea islands that China considers its own. That could sharpen tensions in an area where Chinese and Japanese patrol boats already confront each other on a regular basis and Japan frequently scrambles fighters to tail Chinese manned aircraft. Retired Maj. Gen. Peng Guoqian told state media in January that drones were already being used to photograph and conduct surveillance over the islands, called Diaoyu by China and Senkaku by Japan.

### Finishing Etz

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.

### Restraint Fails---2NC

#### Zero chance that U.S. self-restraint causes any other country to give up their plans for drones

Max Boot 11, the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations, 10/9/11, “We Cannot Afford to Stop Drone Strikes,” Commentary Magazine, <http://www.commentarymagazine.com/2011/10/09/drone-arms-race/>

The New York Times engages in some scare-mongering today about a drone ams race. Scott Shane notes correctly other nations such as China are building their own drones and in the future U.S. forces could be attacked by them–our forces will not have a monopoly on their use forever. Fair enough, but he goes further, suggesting our current use of drones to target terrorists will backfire:

If China, for instance, sends killer drones into Kazakhstan to hunt minority Uighur Muslims it accuses of plotting terrorism, what will the United States say? What if India uses remotely controlled craft to hit terrorism suspects in Kashmir, or Russia sends drones after militants in the Caucasus? American officials who protest will likely find their own example thrown back at them.

“The problem is that we’re creating an international norm” — asserting the right to strike preemptively against those we suspect of planning attacks, argues Dennis M. Gormley, a senior research fellow at the University of Pittsburgh and author of Missile Contagion, who has called for tougher export controls on American drone technology. “The copycatting is what I worry about most.”

This is a familiar trope of liberal critics who are always claiming we should forego “X” weapons system or capability, otherwise our enemies will adopt it too. We have heard this with regard to ballistic missile defense, ballistic missiles, nuclear weapons, chemical and biological weapons, land mines, exploding bullets, and other fearsome weapons. Some have even suggested the U.S. should abjure the first use of nuclear weapons–and cut down our own arsenal–to encourage similar restraint from Iran.

The argument falls apart rather quickly because it is founded on a false premise: that other nations will follow our example. In point of fact, Iran is hell-bent on getting nuclear weapons no matter what we do; China is hell-bent on getting drones; and so forth. Whether and under what circumstances they will use those weapons remains an open question–but there is little reason to think self-restraint on our part will be matched by equal self-restraint on theirs. Is Pakistan avoiding nuking India because we haven’t used nuclear weapons since 1945? Hardly. The reason is that India has a powerful nuclear deterrent to use against Pakistan. If there is one lesson of history it is a strong deterrent is a better upholder of peace than is unilateral disarmament–which is what the New York Times implicitly suggests.

Imagine if we did refrain from drone strikes against al-Qaeda–what would be the consequence? If we were to stop the strikes, would China really decide to take a softer line on Uighurs or Russia on Chechen separatists? That seems unlikely given the viciousness those states already employ in their battles against ethnic separatists–which at least in Russia’s case already includes the suspected assassination of Chechen leaders abroad. What’s the difference between sending a hit team and sending a drone?

While a decision on our part to stop drone strikes would be unlikely to alter Russian or Chinese thinking, it would have one immediate consequence: al-Qaeda would be strengthened and could regenerate the ability to attack our homeland. Drone strikes are the only effective weapon we have to combat terrorist groups in places like Pakistan or Yemen where we don’t have a lot of boots on the ground or a lot of cooperation from local authorities. We cannot afford to give them up in the vain hope it will encourage disarmament on the part of dictatorial states.

### Senkakus

#### No Sino-Japanese war [over the Senkakus]---economic ties and the US check

Richard Katz 13 Richard Katz is the editor of the semiweekly Oriental Economist Alert, a report on the Japanese economy. “Mutual Assured Production,” Foreign Affairs, July/August, Vol. 92, Issue 4, EBSCO

Why Trade Will Limit Conflict Between China and Japan¶ During the Cold War, the United States and the Soviet Union carefully avoided triggering a nuclear war because of the assumption of "mutual assured destruction": each knew that any such conflict would mean the obliteration of both countries. Today, even though tensions between China and Japan are rising, an economic version of mutual deterrence is preserving the uneasy status quo between the two sides.¶ Last fall, as the countries escalated their quarrel over an island chain that Japan has controlled for more than a century, many Chinese citizens boycotted Japanese products and took to the streets in anti-Japanese riots. This commotion, at times encouraged by the Chinese government, led the Japanese government to fear that Beijing might exploit Japan's reliance on China as an export market to squeeze Tokyo into making territorial concessions. Throughout the crisis, Japan has doubted that China would ever try to forcibly seize the islands -- barren rocks known in Chinese as the Diaoyu Islands and in Japanese as the Senkaku Islands -- if only because the United States has made it clear that it would come to Japan's defense. Japanese security experts, however, have suggested that China might try other methods of intimidation, including a prolonged economic boycott.¶ But these fears have not materialized, for one simple reason: China needs to buy Japanese products as much as Japan needs to sell them. Many of the high-tech products assembled in and exported from China, often on behalf of American and European firms, use advanced Japanese-made parts. China could not boycott Japan, let alone precipitate an actual conflict, without stymieing the export-fueled economic miracle that underpins Communist Party rule.¶ For the moment, the combination of economic interdependence and Washington's commitment to Japan's defense will likely keep the peace. Still, an accidental clash of armed ships around the islands could lead to an unintended conflict. That is why defense officials from both countries have met with an eye to reducing that particular risk. With no resolution in sight, those who fear an escalation can nonetheless take solace in the fact that China and Japan stand to gain far more from trading than from fighting.

## Politics

### AT: Negotiations Fail

#### Deal will be approved on Iran’s side---Rouhani will overcome conservative opposition

Al-Jazeera 1-7, “Iran's Rouhani defends nuclear deal,” 1/7/14, http://www.aljazeera.com/news/middleeast/2014/01/iran-rouhani-defends-nuclear-deal-201417113340152307.html

Iran's President Hassan Rouhani has defended a nuclear deal with world powers amid continued domestic criticism.

Rouhani said on Tuesday that the deal, which promises moderate sanction relief in return for temporarily curbing Iran's nuclear drive, would not be derailed by opposition in government.

"It required brave decision-making ... We should not and do not fear the fuss made by the few people or a small percentage", Rouhani said in remarks broadcast live on state television.

"The initial agreement with the six major powers on the nuclear issue was not a simple task but very difficult and complicated," he said.

Rouhani's defence came after repeated criticism by opposition in parliament and the powerful Revolutionary Guards of the deal signed in November.

The agreement requires Iran to roll back parts of its nuclear drive for six months, in exchange for modest sanctions relief and a promise by Western powers not to impose new sanctions.

Critics have primarily questioned if the Islamic Republic benefits from the deal, and if fewer concessions could have been made by the negotiating team, led by Mohammad Javad Zarif, Iran's foreign minister.

In recent weeks, elements in the conservative-dominated parliament have sought to form a committee to supervise the negotiating process but to no avail.

However, Rouhani appears to enjoy the backing of supreme leader Ayatollah Ali Khamenei, who retains control of all final decisions regarding the matter.

"In all important and sensitive steps along the way, the supreme leader has backed the government and its policies," Rouhani said.

Iran's economy has been hard hit by international sanctions, while the vital oil exports have been more than halved by US and European embargoes.

The deal - which is yet to come into force- is aimed at creating a window of diplomatic opportunity for Iran and the P5+1 group of world powers, comprising the US, Britain, France, China and Russia plus Germany, to find a lasting solution to the decade-long standoff over Iran's nuclear activities.

In Tehran, meanwhile, legislators are readying a bill that would oblige the government to enrich uranium to 60 percent if Iran is hit by new sanctions.

Talks to remove remaining obstacles before the deal is implemented will resume in Geneva, Switzerland, on Thursday.

#### Hard-liners are on board --- recent change in talk strategy

AP 12/31/13, Associated Press, “Iran Hard-Liners Join Team of Nuclear Negotiators,” ABC News, http://abcnews.go.com/International/wireStory/report-iran-deal-reached-nuclear-details-21379226

Iran has boosted its team in charge of nuclear talks with world powers, adding what are believed to be hard-liners and conservatives in an apparent effort to silence critics of the landmark interim accord reached in Geneva in November.¶ The semi-official news agencies Fars and Mehr reported on Wednesday that new members have joined the high council, which directs strategies in the talks and which is led by the country's moderate President Hassan Rouhani and Foreign Minister Mohammad Javad Zarif.¶ The agencies did not identify the new members, saying only that representatives of "all branches of power and other senior figures" are now on the council.¶ The development comes a day after Iran and Western negotiators reported they were nearing an understanding on the details of implementing the Geneva accord.¶ The deal puts strong limits on Iran's uranium enrichment program in return for an easing of some international sanctions on Tehran for six months while a permanent deal is negotiated. The United States and its allies believe Iran's nuclear program is aimed at producing a nuclear weapon, a claim that Tehran denies, saying it is intended only for peaceful purposes.¶ Over the past month, experts from Iran and the so-called "5+1" countries — the U.S., Britain, France, Russia, China and Germany — have held several rounds of talks in Geneva to work out details on carrying out the agreement. The most recent session was on Monday, and on Tuesday, both sides reported progress in the talks.¶ Rouhani has faced criticism from hard-liners at home over the Geneva deal, with many claiming the contents of the talks were kept secret and that they were excluded from the process. Some have called it a "poison chalice" for Iran.¶ Zarif has defended the process, saying Iran's top leadership had approved the Geneva deal in its entirety ahead of the signing but that the secrecy on the content was necessary to ensure the talks would not be derailed.¶ "The team advising on nuclear negotiations will be strengthened for the next round of talks," prominent hard-line lawmaker Ismaeil Kowsari was quoted by Mehr as saying. "Things were not in our favor in the previous round, as they should have been."¶ Iranian hard-liners believe Tehran has offered too many concessions in return for too little in the Geneva deal. But Supreme Leader Ayatollah Ali Khamenei, who has the final say on all state matters, has backed the nuclear negotiating team, even calling its members "sons of the Revolution."

### AT: Negotiations Won’t Solve War

#### New sanctions collapse negotiations --- they’ll solve war now

Gharib 12/18**/**13(Ali, The Cable – a Foreign Policy blog, “Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill” <http://thecable.foreignpolicy.com/posts/2013/12/18/exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sancti>)

Critics of imposing new sanctions fear that the bill will violate either the spirit or the letter of the Joint Plan of Action signed in Geneva. The interim deal allows some flexibility, mandating that "the U.S. administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions." Administration officials have mounted a so-far successful effort to stall new sanctions in the Senate. (The House overwhelmingly passed new sanctions in the summer.) Previous rumors of a bill in the Senate were said to contain a six-month delay that would prevent the legislation from taking effect while talks continued, but this iteration of the legislation doesn't contain that kind of fail-safe. Asked this month by Time what would happen if a bill, even with a delay, passed Congress, Iran's Foreign Minister Javad Zarif said, "The entire deal is dead."¶ "The law as written comes close to violating the letter [of the Geneva agreement] since the sanctions go into effect immediately unless the administration immediately waives them," said Colin Kahl, who stepped down in 2011\* as the Pentagon's top Mideast policy official. "There is no question the legislation violates the spirit of the Geneva agreement and it would undoubtedly be seen by the Iranians that way, giving ammunition to hard-liners and other spoilers looking to derail further progress."¶ Though a fact-sheet circulating with the new bill says it "does not violate the Joint Plan of Action," critics allege it would mark a defeat for the administration and the broader push for a diplomatic solution to the Iran crisis.¶ "It would kill the talks, invalidate the interim deal to freeze Iran's nuclear program, and pledge U.S. military and economic support for an Israel-led war on Iran," said Jamal Abdi, the policy director for the Washington-based National Iranian American Council, a group that supports diplomatic efforts to head off the Iranian nuclear crisis. "There is no better way to cut Iranian moderates down, empower hardliners who want to kill the talks, and ensure that this standoff ends with war instead of a deal."¶ The bill would in effect set up a direct confrontation with the White House, which is negotiating a final deal with Tehran that would allow for continued Iranian enrichment capabilities. According to the agreement, the comprehensive deal would "involve a mutually defined enrichment program" with strict curbs. In a forum this month at the Brookings Institution, Obama dismissed the possibility that Tehran would agree to a deal that eliminated Iran's entire nuclear program or its domestic enrichment capabilities.¶ "If we could create an option in which Iran eliminated every single nut and bolt of their nuclear program, and foreswore the possibility of ever having a nuclear program, and, for that matter, got rid of all its military capabilities, I would take it," Obama said. "That particular option is not available." Asked again about not allowing any Iranian enrichment, Obama quipped, to laughter from the audience, "One can envision an ideal world in which Iran said, 'We'll destroy every element and facility and you name it, it's all gone.' I can envision a world in which Congress passed every one of my bills that I put forward. I mean, there are a lot of things that I can envision that would be wonderful."¶ Alireza Nader, an Iran analyst at the RAND Corporation, agreed dismantling Iran's entire nuclear program would be "pretty unrealistic." He added such an aim would be moving "backward": "The Geneva agreement basically states that if Iran is more transparent regarding its nuclear program and intentions, then it can be met with sanctions relief. That's the goal: transparency."¶ Nader said that diplomacy required flexibility from both sides, something the legislation doesn't seem to contain. "When you have these kinds of bills, it shows that there are those in the U.S. who don't want to be flexible," he said.

#### Real concessions are on the table---negotiations can succeed

Joyner 9/20 Dan,Professor of Law at the University of Alabama School of Law, “Rouhani’s WaPo Op-ed, Trip to the UN, Major New Concession, and an Opportunity Not to be Missed” http://armscontrollaw.com/

Many will have already read Iranian President Hassan Rouhani’s op-ed published yesterday in the Washington Post. Part of an interesting trend lately, begun with Russian President Putin’s op-ed in the NYT last week, of foreign leaders trying to speak directly to the American people through leading American media outlets. Rouhani’s op-ed is just the most recent installment in a number of statements by the new Iranian president, including through a Twitter account, in which he has tried to strike a much more conciliatory and positive tone with the West and with Israel than his predecessor Mahmoud Ahmadinejad. He has said repeatedly that he is willing to negotiate on a real and meaningful basis with the West in order to resolve the dispute over Iran’s nuclear program.

It has been reported that President Obama and President Rouhani have already exchanged letters, in a very rare instance of direct communication between US and Iranian leaders. Further, in what appears to be a significant sign of goodwill, the US Treasury department has twice this year eased some provisions of its sanctions on Iran.

In the midst of these positive signs of a changed tone and willingness on the part of both sides to cooperate productively in negotiations regarding Iran’s nuclear program, President Rouhani will be traveling to the United Nations in New York next week, for his first address to the UN General Assembly.

In perhaps the most significant sign yet of Iran’s commitment to serious negotiations with the West over its nuclear program, the German magazine Der Spiegel reported a few days ago that President Rouhani is prepared to offer as a concession something that President Ahmadinejad would never have considered offering – the decommissioning of of the Fordow enrichment facility. The decommissioning of Fordow has been one of the P5+1′s longstanding demands in the negotiations. I wrote about it in one of my very first ACL posts last summer, including the explicit rejection of this idea by Iran’s IAEA representative at the time. The Der Spiegel report says that Rouhani may even make this offer publicly during his UN visit next week.

It it’s true that Rouhani is willing to put the decommissioning of Fordow on the table, then people can stop their dismissal of Rouhani’s recent statements as a charm offensive without any real substance. The decommissioning of Fordow would be a major concession by Iran to Western demands, and would, as part of a negotiated package deal, deserve a reciprocal major concession on the part of the P5+1, in the form of real and meaningful sanctions relief for Iran.

I think that the current circumstances of Rouhani’s election and mandate from the Iranian people, and his expressed willingness to negotiate productively and to put major concessions on the table, represent a historic opportunity that President Obama would be a fool to miss. I think he has a real chance here to do something that would re-earn him his Nobel Peace Prize – negotiate an accord with Iran over its nuclear program that will significantly reduce international tension surrounding this longstanding dispute, that has harmed the reputation of the US and the EU in the world, seriously damaged the perceived credibility of the IAEA, and harmed millions of Iranian civilians through international sanctions that courts in the EU have repeatedly found to be unlawful.

#### Political science bosses are on our side

Walt 9/20Stephen, Robert and Renée Belfer professor of international relations at Harvard University “Is the Iranian President Sincere in Wanting a Nuclear Deal?”

<http://walt.foreignpolicy.com/posts/2013/09/20/is_rouhani_sincere_iran_nuclear_deal>

By all indications, Iran's new president wants a deal with the United States on its nuclear program and has the authority to negotiate one. As predictably as the sunrise, hard-liners in the United States and Israel are dismissing the possibility on various grounds. Indeed, about 10 minutes after President Hasan Rouhani was elected, they began describing him as a "wolf in sheep's clothing" and suggesting that nothing had changed. Then, after Rouhani unleashed a wave of conciliatory actions, skeptics like Israeli Prime Minister Benjamin Netanyahu responded by proposing a new set of deal-breaking conditions, and other Israeli officials suggested that time had already run out and that further diplomacy was a waste of time.¶ Given that these are the same people and organizations that have been pushing for military action against Iran for some time, it is hardly surprising that they pooh-pooh the prospect of diplomacy now. But notice that their core position is fundamentally contradictory: They have been saying for years that only sustained outside pressure will get Iran to "say uncle." So the United States and the European Union have ramped up sanctions and made repeated threats to use force. Surprise, surprise: Iran's new leaders are now saying they want a deal, precisely the response that this pressure was supposed to produce. If the hawks were consistent, they would at a minimum recommend that we explore the possibility carefully. Instead, they are trying to make sure that the United States continues to demand complete Iranian capitulation (or maybe even regime change). This tells you all you need to know about their sincerity and why Barack Obama shouldn't pay them the slightest attention.¶ In fact, the United States and Iran are facing a classic problem in international relations (and other forms of bargaining): Given that an adversary could be bluffing or dissembling, how do you know when a seemingly friendly gesture is sincere? Political scientist Robert Jervis explored this issue in depth in The Logic of Images in International Relations (1970) and drew a nice distinction between "signals" (i.e., actions that contain no inherent credibility) and "indices," which he defined as "statements or actions that carry some inherent evidence that the image projected is correct."¶ More recently, this basic idea was resurrected in economics (and borrowed by IR scholars) in the notion of a "costly signal." Unlike "cheap talk," a costly signal is an action that involves some cost or risk for the sender and therefore is one that the sender would be unlikely to make if they didn't really mean it. A classic example was Anwar Sadat's 1977 offer to fly to Jerusalem and speak directly to the Israeli Knesset in search of a peace deal. Because this move was obviously a risky step for Sadat (who was condemned throughout the Arab world), his Israeli counterparts had good reason to believe that his desire for peace was genuine.¶ So should we take Rouhani's overtures seriously? I think we should. As noted above, the possibility that Iran is genuinely interested in a deal is inherently credible, because we have in fact been squeezing the Iranians quite hard. To repeat: Isn't what they are now doing exactly what we've been trying to achieve? Equally important is that Iran has taken a wide range of actions that were not cost-free. First, Rouhani and Foreign Minister Mohammad Javad Zarif have been granted enhanced authority to negotiate a deal, and Rouhani has appointed officials who favor negotiations and are familiar to their American interlocutors. Any time you pick one set of officials over another, there are political costs involved. Supreme Leader Ali Khamenei has publicly stated that Iran should show "heroic flexibility," thereby lending his own authority to this effort. And this has all been done in public view, making it harder for Iran's leaders to reverse course on a whim.¶ Equally important is that the supreme leader has also endorsed Rouhani's position that the hard-line Islamic Revolutionary Guard Corps (IRGC) stay out of political matters such as this one. This step reminds us that Rouhani (and possibly Khameini himself) faces some internal opposition to a more conciliatory stance. Paradoxically, the fact that they have to override hard-liners at home is evidence of their sincerity: Pushing the IRGC to the sidelines is a "costly signal" that they are serious.¶ Iran has also taken some physical actions that indicate openness toward a deal. The International Atomic Energy Agency reports that Iran has slowed its accumulation of 20 percent enriched uranium, in effect remaining shy of the threshold needed to produce a bomb, and that Iran is still not operating all of its installed centrifuges. And Rouhani has publicly reiterated Iran's long-standing position that it is not going to acquire nuclear weapons, thereby increasing the diplomatic price it would pay if those words proved hollow.¶ Last but not least, Iran has also taken some more symbolic gestures, such as the release of human rights lawyer Nasrin Sotoudeh, Rouhani's public greeting to world Jewry on Rosh Hashanah, the implicit repudiation of former President Mahmoud Ahmadinejad's questioning of the Holocaust, and the condemnation of chemical weapons use in Syria. Here it is also noteworthy that former President Ali Akbar Hashemi Rafsanjani, a longtime ally and associate of Rouhani, publicly blamed Syrian President Bashar al-Assad for the attacks and even compared him to Saddam Hussein. Skeptics might deride all these developments as "cheap talk," but in the context of Iranian domestic politics, they are not without consequences. Among other things, these various gestures have made Rouhani & Co. more vulnerable to a hard-line backlash in the event that their more conciliatory approach leads nowhere.

### Overview

#### Turns heg and cred

**Daremblum 11** Jaime, Hudson Institute Senior Fellow, “Iran Dangerous Now, Imagine it Nuclear,” Real Clear World, 10/25/11, <http://www.hudson.org/index.cfm?fuseaction=publication_details&id=8439>

What would it mean if such a regime went nuclear? Let's assume, for the sake of argument, that a nuclear-armed Iran would never use its atomic weapons or give them to terrorists. Even under that optimistic scenario, Tehran's acquisition of nukes would make the world an infinitely more dangerous place. For one thing, it would surely spark a wave of proliferation throughout the Greater Middle East, with the likes of Turkey, Egypt, and Saudi Arabia - all Sunni-majority Muslim countries - going nuclear to counter the threat posed by Shiite Persian Iran. For another, it would gravely weaken the credibility of U.S. security guarantees. After all, Washington has repeatedly said that the Islamic Republic will not be permitted to get nukes. If Tehran demonstrated that these warnings were utterly hollow, rival governments and rogue regimes would conclude that America is a paper tiger. Once Tehran obtained nuclear weapons, it would have the ultimate trump card, the ultimate protection against outside attack. Feeling secure behind their nuclear shield, the Iranians would almost certainly increase their support for global terrorism and anti-American dictatorships. They would no longer have to fear a U.S. or Israeli military strike. Much like nuclear-armed North Korea today, Iran would be able to flout international law with virtual impunity. If America sought to curb Iranian misbehavior through economic sanctions, Tehran might well respond by flexing its muscles in the Strait of Hormuz. As political scientist Caitlin Talmadge explained in a 2008 analysis, "Iranian closure of the Strait of Hormuz tops the list of global energy security nightmares. Roughly 90 percent of all Persian Gulf oil leaves the region on tankers that must pass through this narrow waterway opposite the Iranian coast, and land pipelines do not provide sufficient alternative export routes. Extended closure of the strait would remove roughly a quarter of the world's oil from the market, causing a supply shock of the type not seen since the glory days of OPEC." Think about that: The world's leading state sponsor of terrorism has the ability to paralyze destabilize the global economy, and, if not stopped, it may soon have nuclear weapons. As a nuclear-armed Iran steadily expanded its international terror network, the Western Hemisphere would likely witness a significant jump in terrorist activity. Tehran has established a strategic alliance with Venezuelan leader Hugo Chávez, and it has also developed warm relations with Chávez acolytes in Bolivia, Ecuador, and Nicaragua while pursuing new arrangements with Argentina as an additional beachhead in Latin America Three years ago, the U.S. Treasury Department accused the Venezuelan government of "employing and providing safe harbor to Hezbollah facilitators and fundraisers." More recently, in July 2011, Peru's former military chief of staff, Gen. Francisco Contreras, told the Jerusalem Post that "Iranian organizations" are aiding and cooperating with other terrorist groups in South America. According to Israeli intelligence, the Islamic Republic has been getting uranium from both Venezuela and Bolivia. Remember: Tehran has engaged in this provocative behavior without nuclear weapons. Imagine how much more aggressive the Iranian dictatorship might be after crossing the nuclear Rubicon. It is an ideologically driven theocracy intent on spreading a radical Islamist revolution across the globe. As the Saudi plot demonstrates, no amount of conciliatory Western diplomacy can change the fundamental nature of a regime that is defined by anti-Western hatred and religious fanaticism.

#### Walt’s wrong---Iran prolif leads to escalation and nuclear war

Jeffrey Goldberg 12, Bloomberg View columnist and a national correspondent for the Atlantic, January 23, 2012, “How Iran Could Trigger Accidental Armageddon,” online: http://www.bloomberg.com/news/2012-01-24/how-iran-may-trigger-accidental-armageddon-commentary-by-jeffrey-goldberg.html

One of the arguments often made in favor of bombing Iran to cripple its nuclear program is this: The mullahs in Tehran are madmen who believe it is their consecrated duty to destroy the perfidious Zionist entity (which is to say, Israel) and so are building nuclear weapons to launch at Tel Aviv at the first favorable moment.¶ It’s beyond a doubt that the Iranian regime would like to bring about the destruction of Israel. However, the mullahs are also cynics and men determined, more than anything, to maintain their hold on absolute power.¶ Which is why it’s unlikely that they would immediately use their new weapons against Israel. An outright attack on Israel - - a country possessing as many as 200 nuclear weapons and sophisticated delivery systems -- would lead to the obliteration of Tehran, the deaths of millions, and the destruction of Iran’s military and industrial capabilities.¶ The mullahs know this. But here’s the problem: It may not matter. The threat of a deliberate nuclear attack pales in comparison with the chance that a nuclear-armed Iran could accidentally trigger a cataclysmic exchange with Israel.¶ Warp-Speed Escalation¶ The experts who study this depressing issue seem to agree that a Middle East in which Iran has four or five nuclear weapons would be dangerously unstable and prone to warp-speed escalation.¶ Here’s one possible scenario for the not-so-distant future: Hezbollah, Iran’s Lebanese proxy, launches a cross-border attack into Israel, or kills a sizable number of Israeli civilians with conventional rockets. Israel responds by invading southern Lebanon, and promises, as it has in the past, to destroy Hezbollah. Iran, coming to the defense of its proxy, warns Israel to cease hostilities, and leaves open the question of what it will do if Israel refuses to heed its demand.¶ Dennis Ross, who until recently served as President Barack Obama’s Iran point man on the National Security Council, notes Hezbollah’s political importance to Tehran. “The only place to which the Iranian government successfully exported the revolution is to Hezbollah in Lebanon,” Ross told me. “If it looks as if the Israelis are going to destroy Hezbollah, you can see Iran threatening Israel, and they begin to change the readiness of their forces. This could set in motion a chain of events that would be like ‘Guns of August’ on steroids.”¶ Imagine that Israel detects a mobilization of Iran’s rocket force or the sudden movement of mobile missile launchers. Does Israel assume the Iranians are bluffing, or that they are not? And would Israel have time to figure this out? Or imagine the opposite: Might Iran, which will have no second-strike capability for many years -- that is, no reserve of nuclear weapons to respond with in an exchange -- feel compelled to attack Israel first, knowing that it has no second chance?¶ Bruce Blair, the co-founder of the nuclear disarmament group Global Zero and an expert on nuclear strategy, told me that in a sudden crisis Iran and Israel might each abandon traditional peacetime safeguards, making an accidental exchange more likely.¶ “A confrontation that brings the two nuclear-armed states to a boiling point would likely lead them to raise the launch- readiness of their forces -- mating warheads to delivery vehicles and preparing to fire on short notice,” he said. “Missiles put on hair-trigger alert also obviously increase the danger of their launch and release on false warning of attack -- false indications that the other side has initiated an attack.”¶ Then comes the problem of misinterpreted data, Blair said. “Intelligence failures in the midst of a nuclear crisis could readily lead to a false impression that the other side has decided to attack, and induce the other side to launch a preemptive strike.”¶ ‘Cognitive Bias’¶ Blair notes that in a crisis it isn’t irrational to expect an attack, and this expectation makes it more likely that a leader will read the worst into incomplete intelligence. “This predisposition is a cognitive bias that increases the danger that one side will jump the gun on the basis of incorrect information,” he said.¶ Ross told me that Iran’s relative proximity to Israel and the total absence of ties between the two countries -- the thought of Iran agreeing to maintain a hot line with a country whose existence it doesn’t recognize is far-fetched -- make the situation even more hazardous. “This is not the Cold War,” he said. “In this situation we don’t have any communications channels. Iran and Israel have zero communications. And even in the Cold War we nearly had a nuclear war. We were much closer than we realized.”¶ The answer to this predicament is to deny Iran nuclear weapons, but not through an attack on its nuclear facilities, at least not now. “The liabilities of preemptive attack on Iran’s nuclear program vastly outweigh the benefits,” Blair said. “But certainly Iran’s program must be stopped before it reaches fruition with a nuclear weapons delivery capability.”

#### DA turns case case – sets a precedent to delegate authority – draws us into war

**Richman, 12/29/13** (Sheldon, Counterpunch, “AIPAC's Stranglehold Congress Must Not Cede Its War Power to Israel”, <http://www.counterpunch.org/2013/12/27/congress-must-not-cede-its-war-power-to-israel/>)

The American people should know that pending right now in Congress is a bipartisan bill that would virtually commit the United States to go to war against Iran if Israel attacks the Islamic Republic. “The bill outsources any decision about resort to military action to the government of Israel,” Columbia University Iran expert Gary Sick wrote to Sen. Chuck Schumer (D-NY) in protest, one of the bill’s principal sponsors.¶ The mind boggles at the thought that Congress would let a foreign government decide when America goes to war, so here is the language (PDF):¶ If the government of Israel is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military and economic support to the Government of Israel in its defense of its territory, people and existence.¶ This section is legally nonbinding, but given the clout of the bill’s chief supporter outside of Congress — the American-Israel Public Affairs Committee (AIPAC [PDF]), leader of the pro-Israel lobby — that is a mere formality.¶ Since AIPAC wants this bill passed, it follows that so does the government of Israeli Prime Minister Benjamin Netanyahu, who opposes American negotiations with Iran and has repeatedly threatened to attack the Islamic Republic. Against all evidence, Netanyahu insists the purpose of Iran’s nuclear program is to build a weapon with which to attack Israel. Iran says its facilities, which are routinely inspected, are for peaceful civilian purposes: the generation of electricity and the production of medical isotopes.¶ The bill, whose other principal sponsors are Sen. Robert Menendez (D-NJ) and Sen. Mark Kirk (R-IL), has a total of 26 Senate cosponsors. If it passes when the Senate reconvenes in January, it could provoke a historic conflict between Congress and President Obama, whose administration is engaged in negotiations with Iran at this time. Aside from declaring that the U.S. government should assist Israel if it attacks Iran, the bill would also impose new economic sanctions on the Iranian people. Obama has asked the Senate not to impose additional sanctions while his administration and five other governments are negotiating with Iran on a permanent settlement of the nuclear issue.¶ A six-month interim agreement is now in force, one provision of which prohibits new sanctions on Iran. “The [Menendez-Schumer-Kirk] bill allows Obama to waive the new sanctions during the current talks by certifying every 30 days that Iran is complying with the Geneva deal and negotiating in good faith on a final agreement,” Ali Gharib writes at Foreign Policy magazine. That would effectively give Congress the power to undermine negotiations. As Iran’s foreign minister, Javad Zarif, told Time magazine, if Congress imposes new sanctions, even if they are delayed for six months, “The entire deal is dead. We do not like to negotiate under duress.”¶ Clearly, the bill is designed to destroy the talks with Iran, which is bending over backward to demonstrate that its nuclear program has no military aims.

#### Deal failure independently causes global conflict

PressTV 11/13“Global nuclear conflict between US, Russia, China likely if Iran talks fail,” <http://www.presstv.ir/detail/2013/11/13/334544/global-nuclear-war-likely-if-iran-talks-fail/>

A global conflict between the US, Russia, and China is likely in the coming months should the world powers fail to reach a nuclear deal with Iran, an American analyst says.¶ “If the talks fail, if the agreements being pursued are not successfully carried forward and implemented, then there would be enormous international pressure to drive towards a conflict with Iran before [US President Barack] Obama leaves office and that’s a very great danger that no one can underestimate the importance of,” senior editor at the Executive Intelligence Review Jeff Steinberg told Press TV on Wednesday. ¶ “The United States could find itself on one side and Russia and China on the other and those are the kinds of conditions that can lead to miscalculation and general roar,” Steinberg said. ¶ “So the danger in this situation is that if these talks don’t go forward, we could be facing a global conflict in the coming months and years and that’s got to be avoided at all costs when you’ve got countries like the United States, Russia, and China with” their arsenals of “nuclear weapons,” he warned.

### Link Debate

#### Plan saps political capital

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."

### Will Fight

#### Obama will attempt to block any congressional limitations

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

One problem for lawmakers, says The New York Times in an editorial, is that when it comes to drone strikes, the Obama team "utterly rejects the idea that Congress or the courts have any right to review such a decision in advance, or even after the fact." Along with citing the law authorizing broad use of force against al Qaeda, the white paper also "argues that judges and Congress don't have the right to rule on or interfere with decisions made in the heat of combat." And most troublingly, Obama won't give Congress the classified document detailing the legal justification used to kill American al Qaeda operative Anwar al-Awlaki.

#### Obama WILL fight plan---recent signing statements prove, specifically true because of Iran

Stephen Dinan 12-26, December 26th, 2013, "Obama issues signing statement objecting to restrictions on Gitmo transfer," www.washingtontimes.com/news/2013/dec/26/obama-statement-object-restrictions-gitmo-transfer/?page=all

President Obama signed the massive defense policy bill into law Thursday but used an accompanying statement to say he reserved the right to ignore part of the legislation that prevents him from transferring detainees at Guantanamo Bay, Cuba, to the U.S. mainland.¶ It’s a standard objection that Mr. Obama, who signed the measure while on family vacation in Hawaii, has raised every year as Congress passes the National Defense Authorization Act, with the president claiming the power to conduct military affairs and to determine where to try cases, and arguing that preventing detainees from being transferred into the U.S. conflicts with his powers under the Constitution.¶ “For decades, Republican and Democratic administrations have successfully prosecuted hundreds of terrorists in federal court. Those prosecutions are a legitimate, effective and powerful tool in our efforts to protect the nation,” Mr. Obama said in his signing statement. “Removing that tool from the executive branch does not serve our national security interests.”¶ Mr. Obama also signed the bipartisan budget deal that cleared Congress earlier this month, which eases some of the sequester cuts this year and next year and replaces them with fee increases and other spending cuts spread out over the next decade.¶ Even that deal’s authors admitted they made a mistake by cutting cost-of-living benefit increases for wounded veterans, and some veterans’ groups had pleaded with Mr. Obama to veto the bill and force Congress to rework it.¶ Instead, lawmakers have said they’ll come back early next year and try to patch the cuts — though they are already sparring over where to find the money to do so, and the veterans could end up finding themselves competing with the unemployed and others for scarce federal dollars.¶ The vacationing Mr. Obama signed five other bills Thursday, as he began to clear the decks of last-minute legislation Congress approved before adjourning for the year.¶ The defense bill almost didn’t pass at all, with Republicans and Democrats fighting over how much debate or amendments to allow in the Senate on the legislation. Finally, lawmakers gave up on a debate altogether, and negotiated a deal with the House, bypassing the Senate for all but a final vote of approval.¶ The bill creates new safeguards designed to make sure military sexual-assault cases get prosecuted and victims are protected, and it provides pay increases for service members.¶ It does not, however, include any new move to sanction Iran for that nation’s nuclear program. Mr. Obama had urged lawmakers not to tie his hands while he’s in the midst of international talks with Tehran.¶ The president only issued a signing statement on the defense bill.¶ Mr. Obama ran for the White House in 2008 as an opponent of then-President George W. Bush’s practice of issuing signing statements. But in his five years in office Mr. Obama has issued about two dozen of them himself.¶ This year’s statement actually contains fewer objections than previous defense policy bill statements — in part because the president won some small concessions from Congress.¶ The new legislation eases some of the tight restrictions that had made it nearly impossible to transfer detainees from Guantanamo Bay to foreign countries. After some heated fighting, Congress agreed to the changes and pushed the bill through the House earlier this month and the Senate late last week.¶ Despite the improvements, Mr. Obama said there are still too many restrictions on his ability to transfer detainees, including conditions that must be met for transfer, and said those limits still interfere with his constitutional powers.¶ “The executive branch must have the flexibility, among other things, to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers,” Mr. Obama said.¶ He assured Congress that even without any limits he himself would have made sure not to send detainees home if he wasn’t reasonably sure they would no longer pose a threat or wouldn’t be subjected to torture.¶ Mr. Obama took office vowing to close the prison at Guantanamo, but has been thwarted at every step by both Democrats and Republicans in Congress, who have said they don’t want detainees brought to the U.S. where they could enjoy more rights, and who say that transferring them to other countries could help some of them return quickly to the battlefield.

#### Obama would fight restrictions on his authority --- fiat means he loses

Scheuerman 13 (William, Professor of Political Science at Indiana University, PhD from Harvard, Barack Obama's "war on terror", Eurozine, 3/7, http://www.eurozine.com/pdf/2013-03-07-scheuerman-en.pdf)

Given dual democratic legitimacy, holders of executive power face deeply rooted institutional incentives to retain whatever power or authority has landed¶ in their laps. Fundamentally, their political fate is separate from that of the¶ legislature's. They have to prove −− on their own −− that they deserve the trust placed in them by the electorate. Unlike prime ministers in parliamentary¶ regimes, they also face strict term limits. As astute observers have noted, this¶ provides political life in presidential regimes with a particular sense of urgency¶ since the executive will only have a short span of time in which to advance his¶ or her program. Presidentialism's strict separation of powers means that the¶ executive will soon likely face potentially hostile opponents who have gained a¶ foothold in the legislature. In the US, for example, even presidents recently¶ elected with large majorities immediately need to worry about looming¶ midterm congressional elections. To be sure, even prime ministers in¶ parliamentary systems will want to get things done. But incentives to do so in a¶ high−speed fashion remain more deeply ingrained in presidential systems.¶ These familiar facts about presidentialism allow us to help make sense of¶ Obama's disappointing record. Without doubt, Obama has been personally as¶ well as ideologically committed to reining in Bush−era executive prerogative.¶ Yet he now occupies an institutional position which necessarily makes him averse to far−reaching attempts to limit his own room for effective political¶ and administrative action, especially when the stakes are high, as is manifestly¶ the case in counterterrorism. Understandably, he needs to worry that the¶ electorate will punish him −− and not the Congress or Supreme Court −− for¶ mistakes which might result in deadly terrorist attacks on US citizens. Given the institutional dynamics of a presidential system characterized by more−or−less permanent rivalry, it is hardly surprising that he has held onto so much of the prerogative power successfully claimed for the executive branch¶ by his right−wing predecessor. As Obama's own political advisors have been¶ vocally telling him since 2009, it might indeed prove politically perilous if he¶ were to go too far in abandoning the substantial discretionary powers he enjoys¶ in the war on terror. Unfortunately, their "sound" political advice −− which¶ indeed may have helped Obama get reelected −− simultaneously has had¶ deeply troublesome humanitarian and legal consequences.

### AT: Veto/Delay

#### Sanctions supports don’t have a veto-proof majority

Reuters 1/7 “Iran sanctions bill gains backers in Senate,” Israel Hayom, http://www.israelhayom.com/site/newsletter\_article.php?id=14563

The Nuclear Weapon-Free Iran Act had about 48 co-sponsors in the 100-member Senate on Monday, up from 26 when the bill was introduced on Dec. 19, an Senate aide said.¶ "Expect that number to keep growing over next couple of days as folks who were out of town and staff get back in," the aide said.¶ The bill was introduced by Robert Menendez, chairman of the Senate Foreign Relations Committee, and Mark Kirk, a Republican from Illinois.¶ "We expect several Democrats to kind of cross the picket line and come on board this week," the aide said.¶ While the bill has gained support, it remains uncertain if backers can put together the two-thirds majority in the Senate needed to override a veto by President Barack Obama.¶ The Obama administration has insisted the bill would damage delicate talks being held between Iran and world powers over the nuclear program. Iranian Foreign Minister Mohammad Zarif has said a new sanctions law would kill the interim agreement.¶ While senior Democrats in the Senate such as Menendez, from New Jersey, and Charles Schumer, from New York, support the new sanctions, there is a strong bloc of opposition in the party. Ten Democratic senators, all leaders of committees, sent a letter to Senate Majority Leader Harry Reid last month expressing their opposition to the bill.

#### Err neg on veto overrides---they’re intrinsically unlikely, but Lobe says it’s uniquely possible now---means we control uniqueness but it doesn’t overwhelm

Lindsay 11/25/13James, Senior Vice President, Director of Studies, and Maurice R. Greenberg Chair at the Council on Foreign Relations“Will Congress Overrule Obama’s Iran Nuclear Deal?” <http://blogs.cfr.org/lindsay/2013/11/25/will-congress-overrule-obamas-iran-nuclear-deal/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+jlindsay+%28James+M.+Lindsay%3A+The+Water%27s+Edge%29>

Does this mean that Congress is going to take Iran policy out of Obama’s hands? Not quite. Any sanctions bill could be vetoed, something the president presumably would do to save his signature diplomatic initiative. The odds that sanctions proponents could override a veto aren’t good. Congress hasn’t overridden one in foreign policy since it imposed anti-apartheid sanctions on South Africa over Ronald Reagan’s objections back in 1986. In that respect, Obama is in a much stronger position than he was back in September when he sought to persuade Congress to authorize a military strike on Syria. Then the difficulties of passing legislation worked against him; now they work for him.

One reason Obama should be able to make a veto stick is party loyalty. Many congressional Democrats won’t see it in their interest to help Republicans rebuke him, and he only needs thirty-four senators to stand by him. Senator Reid has already begun to soften his commitment to holding a sanction vote. As Majority Leader he has considerable freedom to slow down bills and to keep them from being attached to must-pass legislation that would be politically hard for Obama to veto.

#### Iran’s the top of the agenda

Egelko, 12/26**/13** (Bob, San Francisco Chronicle, “Feinstein, Boxer side with Obama in Iran sanctions dispute” <http://blog.sfgate.com/nov05election/2013/12/26/feinstein-boxer-side-with-obama-in-iran-sanctions-dispute/>

A showdown is looming in the Senate next month over increased U.S. sanctions on Iran that could unravel a tentative international agreement over Iranian nuclear development, with President Obama on one side and Israel on the other. And California’s senators, Democrats Dianne Feinstein and Barbara Boxer, usually staunch allies of Israel, are both siding with Obama.¶ The Nov. 24 agreement requires Iran to freeze its nuclear program, halt work on a heavy-water reactor and stop enriching uranium beyond 5 percent of purity, far below the weapons-grade level. It also provides for daily inspections by international weapons monitors. In exchange, the international community agreed to suspend some of the sanctions, to the tune of $7 billion a year, that have frozen transactions with Iranian oil, banking and other industries. The six-month deal, intended as a prelude to a long-term agreement, was approved by Iran’s new president, Hassan Rouhani, and the U.S., Great Britain, Russia, China, France and Germany.¶ The agreement was immediately denounced by Israeli President¶ Benjamin Netanyahu as a sham that would allow Iran to develop nuclear weapons. Israel, which has the only nuclear arsenal in the Middle East, has threatened a pre-emptive military strike on Iran’s nuclear facilities. Meanwhile, Israel’s U.S.-based lobbyists, led by the American Israel Public Affairs Committee, are backing a sanctions bill in the Senate that has divided the Democratic Party.¶ The bill would impose additional economic sanctions if Iran either fails to comply with the terms of the six-month agreement or, more significantly, refuses to dismantle its entire uranium enrichment program within a year. Another provision would require the United States to provide economic and military support if Israel was “compelled to take military action in legitimate self-defense” against what the bill describes as Iran’s nuclear weapons program.¶ The bipartisan measure has 26 cosponsors, led by Senate Foreign Relations Committee Chairman Robert Menedez, D-N.J., and Sen. Mark Kirk, R-Ill. Another cosponsor is the Senate’s third-ranking Democrat, Chuck Schumer of New York.¶ “A credible threat of future sanctions will require Iran to cooperate and act in good faith at the negotiating table,” Menendez said in a statement.¶ But Rouhani said the legislation, if passed, would be a deal-breaker, and Obama has promised to veto it if it reaches his desk. Last week, 10 Senate Democratic committee chairs sent a letter to Majority Leader Harry Reid, D-Nev., urging him to keep the bill from coming to a vote.¶ The signers included Feinstein, chairwoman of the Intelligence Committee, Boxer, head of Environment and Public Works, and Sen. Tim Johnson of South Dakota, whose Banking Committee would normally hear the bill. The letter cited a recent U.S. intelligence assessment that concluded new sanctions “would undermine the prospects for a successful comprehensive nuclear agreement with Iran.”¶ Reid kept the bill off the pre-holiday calendar, but Menendez and Kirk plan to bring it up once Congress reconvenes Jan. 6. With Republicans solidly in support and congressional elections looming, the measure — in addition to its international consequences — could pose political problems for the Democrats.